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Implementation of Commission resolution 68/3 and consideration of draft resolutions and decisions for submission to the Commission at its seventieth session

Implementation of Commission resolution 68/3

Note by the secretariat

Summary

The present document reports progress made in the implementation of ESCAP resolution 68/3 on enabling paperless trade and cross-border recognition of electronic data and documents for inclusive and sustainable intraregional trade facilitation, which was adopted by the Commission at its sixty-eighth session on 23 May 2012. It contains an overview of the resolution and progress made in implementing it, in particular conducting studies, developing potential options, and organizing expert review and member consultations, as well in supporting capacity-building activities. The present document also provides a list of issues to be considered by the Committee for further moving forward the implementation of the resolution, in particular the readiness of a draft agreement text on cross-border paperless trade facilitation to be submitted to the forthcoming Commission session.

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* E/ESCAP/CTI(3)/L.1.

I. Introduction

1. The Commission, at its sixty-eighth session in May 2012, adopted resolution 68/3 on enabling paperless trade and cross-border recognition of electronic data and documents for inclusive and sustainable intraregional trade facilitation. In the resolution, the Commission invited member States to work towards the development of regional arrangements on the facilitation of cross-border paperless trade. It also requested the Executive Secretary, among other things, to support and facilitate the process for the development of regional arrangements on the facilitation of cross-border paperless trade and present its results to the Committee on Trade and Investment at its third session. The present document includes a report on progress made in implementing the resolution and a list of issues to be considered by the Committee for moving forward.

II. Overview of Commission resolution 68/3

2. Commission resolution 68/3, which was adopted at its sixty-eighth session on 23 May 2012, intends to enable paperless trade and cross-border recognition of electronic data and documents for inclusive and sustainable intraregional trade facilitation. In the resolution, the Commission invited member States to work towards the development of regional arrangements on the facilitation of cross-border paperless trade and encouraged all members and associate members:

(a) To support and participate in the knowledge-sharing and capacity-building activities of the United Nations Network of Experts for Paperless Trade in Asia and the Pacific;

(b) To initiate or accelerate the implementation of national paperless trade systems;

(c) To take into account, and whenever possible adopt, available international standards made by relevant United Nations bodies and other international organizations;

(d) To participate in the development of new international standards;

(e) To share lessons learned and the outcomes of existing bilateral and subregional pilot projects on the recognition and exchange of trade-related electronic data and documents with other members and associate members, and to initiate new ones;

(f) To consider entering into bilateral and subregional agreements on the cross-border recognition and exchange of trade-related documents.

3. In the resolution, the Commission also requested the Executive Secretary:

(a) To support and facilitate the process for the development of regional arrangements on the facilitation of cross-border paperless trade, including by conducting studies, developing potential options, and organizing expert review and member consultations, and in this regard to

present its results to the Committee on Trade and Investment at its third session;

(b) To ensure that the regional arrangements take into account and are consistent with the existing international and regional agreements, mechanisms, and undertakings as well as build on existing international standards and conventions and are developed in consultation with the United Nations Commission on International Trade Law, the World Customs Organization and other relevant international bodies;

(c) To continue and further strengthen the secretariat's support for capacity-building activities related to trade facilitation and paperless trade, including transit facilitation, particularly with regard to least developed and landlocked developing countries and for the preparation, in consultation with member States, of such regional arrangements;

(d) To report to the Commission at its seventieth session on the progress made in the implementation of the resolution.

III. Progress made in the implementation of the resolution

4. Since the adoption of the resolution, the secretariat has undertaken many activities in support of its implementation, in particular supporting and facilitating the process for the development of regional arrangements on the facilitation of cross-border paperless trade by conducting studies, developing potential options, and organizing expert review and member consultations, as well as continuing and further strengthening support for capacity-building activities related to trade facilitation and paperless trade, including transit facilitation.

5. As a first step, the secretariat sought the nomination of national focal points for the implementation of the resolution from the seats of government of ESCAP members for effective communication with relevant agencies throughout the process of implementation. As of 1 September 2013, a total of 33 ESCAP members and associate members nominated their national focal points.

6. The secretariat also created a designated web page¹ to make available implementation outcomes and ensure transparency in the process. Relevant information and documents produced as part of the resolution implementation process, including the most updated draft text and explanatory note, are available on that page.

A. Conducting a study and developing potential options

7. Two regional experts with extensive work experience in customs and trade negotiations conducted a regional study and developed potential options. The consultants carried out an extensive review of related literature and activities, including national paperless trade systems and single windows in place, existing cross-border paperless trade initiatives, paperless trade provisions in free trade agreements and paperless trade initiatives in multilateral bodies, as well as legal issues in paperless trade. To verify certain information, they also engaged in face-to-face interviews with relevant stakeholders.

¹ See www.unescap.org/tid/reso683.asp.

8. The study report went through two rounds of peer reviews in which contributions from regional experts and nominated national focal points were incorporated into it. In the first round, the Expert Review Meeting on Regional Arrangements for the Facilitation of Cross-border Paperless Trade was held in Colombo on 1 November 2012, to which all ESCAP member seats of governments were invited to nominate participants. The second round of review was arranged as an online review of the report, which was revised on the basis of comments made in the first round, during the period of 4 to 15 February 2013.

9. The study report comprises: (a) an explanation of the need for regional arrangements on paperless trade in the Asia-Pacific region; (b) a review of existing arrangements for the facilitation of paperless trade; (c) the proposed contents and features of a regional arrangement; (d) a conclusion and a discussion of the way forward; and (e) a proposed draft text of a regional arrangement on facilitation of cross-border paperless trade for the Asia-Pacific region. The study offers potential options for regional arrangements and recommends a regional agreement that each ESCAP member may join voluntarily and that provides for a flexible trade data exchange mechanism to be developed jointly by parties to the agreement as the best option for the Asia-Pacific region.²

B. Expert review

10. After the delivery of the final study report in February 2013, expert reviews were organized during the period March 2013 to May 2013 to review the findings of the study and refine the draft text of the regional arrangement proposed in the study.

11. The Expert Group Meeting on Enhancing Regional Connectivity through Trade and Investment: Towards Regional Arrangements for the Facilitation of Cross-border Paperless Trade was organized in Bangkok on 13 and 14 March 2013 with the participation of members of the United Nations Network of Experts for Paperless Trade in Asia and the Pacific (UNNExT) Advisory Group on Implementation of ESCAP resolution 68/3 and other regional experts. In line with paragraph 3(b) of the resolution, representatives from the United Nations Commission on International Trade Law (UNCITRAL) and the World Customs Organization (WCO) also participated in the meeting.

12. At the meeting, the findings of the study were reviewed and the proposed draft text of the regional arrangement was revised. Considering the technical and legal nature of some provisions, the meeting proposed to develop an explanatory note for the benefit of members in their review of the draft text at a later stage. A follow-up expert group meeting was therefore organized on 2 and 3 May 2013 in Bangkok, resulting in a further refined draft text and an explanatory note.

C. Member consultation

13. In order to maximize input from member States, the secretariat organized a series of consultations on the draft text of the regional arrangement and accompanying explanatory note. In July 2013, the secretariat organized three subregional consultations with national focal

² The full report is available from www.unescap.org/tid/reso683.asp.

points and official nominees. An additional regional consultation was also held on 12 September 2013 in Beijing back-to-back with the Asia-Pacific Trade Facilitation Forum 2013, mainly for those countries that could not join one of the three subregional meetings.

14. The secretariat organized a subregional meeting for South-East Asia for facilitation of cross-border paperless trade in Bangkok on 9 July 2013, which was co-hosted by the Ministry of Commerce of Thailand. The meeting was attended by national focal points or official nominees from the following ESCAP member countries: Cambodia; Lao People's Democratic Republic; Myanmar; Thailand; and Viet Nam, as well as experts from Indonesia; Malaysia; Philippines; and Singapore. The meeting expressed its appreciation for the quality of this first draft text, finding the provisions of the draft text generally acceptable given the non-binding nature of most of the provisions.

15. A subregional meeting for South and South-West Asia was organized in Bangkok on 12 July 2013. The meeting was attended by national focal points or official nominees from the following ESCAP member countries: Bangladesh; Bhutan; India; Iran (Islamic Republic of); Nepal; Pakistan; and Sri Lanka, and experts from India. The meeting achieved a general consensus on the acceptability of the draft text, finding it to be consistent with the direction of national initiatives.

16. A subregional meeting for East and North-East Asia was organized in Incheon, Republic of Korea, on 24 July 2013. The meeting was attended by national focal points or official nominees from the following ESCAP member countries: Mongolia; and the Republic of Korea and experts from China; Japan; and Mongolia. The meeting found the draft text workable and well-aligned with international approaches.

17. Based on inputs from the three subregional meetings, the secretariat revised the draft text of the regional arrangement and accompanying explanatory note in August 2013.

18. A regional meeting was organized in Beijing on 12 September 2013. The meeting was attended by national focal points or official nominees from the following ESCAP member countries: Afghanistan; China; Japan; Kyrgyzstan; Malaysia; Maldives; Philippines; Republic of Korea; Samoa; Turkey; Uzbekistan; and Viet Nam, as well as experts from Azerbaijan; China; India; Malaysia; and Tajikistan. The national focal point from Indonesia provided his comments separately for integration. Representatives of UNCITRAL and WCO also attended the meeting, which recognized acceptability of the text and pointed out the need for moving the text to a decision-making level.

19. Additional comments and suggestions received during the regional meeting were integrated in the text in a further revision as part of the effort to build a broader consensus.

D. Support to capacity-building activities

20. In accordance with the paragraph 3(c) of the resolution, the secretariat has continued to support capacity-building activities related to trade facilitation in general, and paperless trade facilitation in particular. The capacity-building activities organized with the support of UNNExT since the adoption of resolution 68/3 are listed below.

No.	Capacity-building activities	Date and venue
1	ESCAP-ECO Joint Trade Facilitation Forum on Paperless Trade and Single Window	24-25 May 2012, Kish Island, Islamic Republic of Iran
2	ESCAP-ADB Capacity Building Workshop on Sub-regional Trade and Transit Cooperation for SASEC Countries	21-26 June 2012, Kathmandu
3	UNNExT Training Workshop on Business Process Analysis for Paperless Trade	10-11 September 2012, Bangkok
4	UNNExT High-level Business Process Analysis Workshop for South Asian Logistics and Connectivity	16 October 2012, Bangkok
5	SASEC Stakeholders Workshop on Sub-regional Trade and Transit Collaboration	29 October 2012, Colombo
6	Asia-Pacific Trade Facilitation Forum 2012	30 October – 2 November 2012, Colombo
7	Global Facilitation Partnership for Transportation and Trade (GPF) Meeting	1 November 2012, Colombo
8	UNNExT Capacity-Building Workshop for Tajikistan Single Window Implementation	18-19 November 2012, Bangkok
9	UNNExT Capacity Building Workshop for Cambodia Single Window Implementation	28-29 March 2013, Bangkok
10	ESCAP Workshop on Business Process Analysis Introduction and National Trade Facilitation Strategy of Kyrgyzstan	14 June 2013, Bishkek
11	Capacity Building Workshop on Facilitating Cross-border Paperless Supply Chain	10-11 July 2013, Bangkok
12	Subregional Capacity Building Workshop on Facilitating Cross-border Paperless Supply Chain	22-23 July 2013, Incheon, Republic of Korea
13	Asia-Pacific Trade Facilitation Forum 2013	10-11 September 2013, Beijing
14	APTF Capacity Building Workshop on Designing and Implementing Trade Facilitation in Asia and the Pacific	12 September 2013, Beijing
15	South Asia Regional Training on Electronic Traceability and Market Access for Agricultural Trade Facilitation	24-26 September 2013, New Delhi
16	Regional Conference for Trade Facilitation and eBusiness	2-3 October 2013, Tabriz, Islamic Republic of Iran
17	UNNExT Masterclass 2013: Implementing Single Window and Paperless Trade	7-18 October 2013, Cheon-an, Republic of Korea
18	Workshop on Business Process Analysis for Trade Facilitation in Central Asia	12-14 November 2013, Almaty
19	Global Trade Facilitation Conference 2013	18-19 November 2013, Bangkok
20	Regional Training Workshop on Global Supply Chain and Trade Facilitation Implementation Guide	19-22 November 2013, Bangkok

21. Most of the capacity-building activities have been implemented in close partnership with other regional and global organizations involved in trade facilitation, including the Asian Development Bank, UNCITRAL, the United Nations Economic Commission for Europe and WCO. This partnership has been very effective in enhancing the number of participants benefiting from the activities, in particular least developed and landlocked developing countries. Some of the activities listed above have also been supported by a trust fund, established by the Republic of Korea in May 2013, in support of trade facilitation and paperless trade in the region.

22. The secretariat has also continued to develop knowledge products to support its capacity-building and technical assistance activities in trade facilitation, including the UNNExT toolkit on single window implementation for trade facilitation (October 2012), the ESCAP-World Bank Trade Cost Database (January 2013) and an updated version of the ADB-ESCAP handbook entitled “Designing and Implementing Trade Facilitation in Asia and the Pacific” (September 2013). The online repository of legal and other instruments relevant to cross-border paperless trade available on the UNNExT website has also been expanded. Finally, the development of a database of transit facilitation provisions and transit agreements is ongoing, building on the existing Asia-Pacific Trade and Investment Agreements Database, in an effort to address trade and transit facilitation in an integrated manner.

23. In line with paragraph 3(c) of the resolution, the secretariat has organized the consultation meetings back-to-back with capacity-building events to maximize opportunities for members to build relevant capacities in paperless trade. The subregional meetings for South-East Asia and for South and South-West Asia were held back-to-back with a capacity-building workshop on facilitating cross-border paperless supply chain in Bangkok on 10 and 11 July 2013 while the one for East and North-East Asia was organized back-to-back with a similar workshop, which was held in Incheon, Republic of Korea, on 22 and 23 July 2013. The regional meeting that was held on 12 September 2013 was organized back-to-back with the Asia-Pacific Trade Facilitation Forum 2013.

IV. Issues for consideration by the Committee

24. The Committee is invited to deliberate on the following issues:

(a) Readiness of the draft text of the regional arrangement for submission to the forthcoming session of the Commission;

(b) Necessity for further intergovernmental consultations prior to the Commission;

(c) Ensuring continuing delivery of capacity-building and technical assistance for trade facilitation and paperless trade.