



Document title: Draft TORs and Rules of Procedures for the Paperless Trade Council and the Standing Committee¹

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Legal and Technical Working Group (LTWG) of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation

1. PAPERLESS TRADE COUNCIL

1. The Paperless Trade Council (hereinafter referred to as the Council) shall comprise of one (1) high-level nominee from each state Party to the Framework Agreement and of the Executive Secretary of ESCAP. [One high-level nominee from each member state of ESCAP, other than Parties to the present Framework Agreement, has an open invitation to join the Council as observers.]
2. The Council shall make final decisions on all matters related to the implementation of the Framework Agreement.
3. The work of the Council will be conducted in accordance with the rules of procedures reproduced in the Annex. The Council may adopt additional rules of procedures for matters not settled under the rules of procedures.
4. In accordance with article 11, paragraph 5 of the Framework Agreement, the Council shall, by a majority vote of the Parties present and voting, adopt such decisions as may be required for the performance of its functions, provided that at least two thirds of the Parties are present to cast votes.
5. The Council shall supervise a standing committee and be supported by it in implementing the Framework Agreement.
6. The Council shall adopt the rules of procedures for itself and for the standing committee.
7. The ESCAP secretariat shall serve as the secretariat of the Council.

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2. STANDING COMMITTEE

- 1) The Standing Committee (hereinafter referred to as the Committee) shall be composed of senior representatives of each Party.
- 2) [rules of procedure]
- 3) The Committee shall, by a majority vote of the Parties present and voting, adopt such decisions as may be required for the performance of its functions, provided that at least two thirds of the Parties are present to cast votes.
- 4) The Committee shall be responsible for undertaking measures required to ensure the adequate implementation of the Framework Agreement, including preparation and implementation of the [action plan].
- 5) The Committee may establish working groups under it [, with the endorsement by the Council,] in carrying out preparation and implementation of action plan under the Framework Agreement. Working groups shall report to the Committee on the implementation of the related action plan under the Framework Agreement.
- 6) The Committee shall make recommendations to the Council for its decision on matters needing policy decision in implementing the Framework Agreement. For routine and operational matters, the Committee may take decisions by itself as necessary and just report its decisions to the Council for its note.
- 7) The ESCAP secretariat shall serve as the secretariat of the Committee.

RULES OF PROCEDURE OF THE PAPERLESS TRADE COUNCIL AND STANDING COMMITTEE

Rule 1 **Sessions**

The following principles shall apply as regards the convening of sessions of the Paperless Trade Council (hereinafter “ the Council”) and of the Standing Committee (hereinafter “ the Committee”):

- 1.1. Sessions of the Council and of the Committee shall be held at least annually and as otherwise appropriate.
- 1.2. Regular annual sessions shall be convened by the secretariat of the United Nations Economic and Social Commission for Asia and the Pacific (hereinafter “ESCAP”).
- 1.3. The ESCAP secretariat may also convene ad hoc sessions of the Council and of the Committee, if requested by more than half of the members of the Council or of the Committee.
- 1.4. The ESCAP secretariat shall transmit a written invitation to each regular session of the Council and of the Committee, together with a provisional agenda, at least sixty work days in advance of the start of the session, and, whenever practicable, a written invitation to each ad hoc session, together with a provisional agenda, at least thirty work days before the start of each session.
- 1.5. An invitation to a session shall be sent to the national focal point appointed by each Party to the Framework Agreement at the correspondence address conveyed to the ESCAP secretariat for official correspondence. Responses to invitations shall be sent via electronic mail to the ESCAP secretariat within the requested time frame, that is, no later than thirty work days before a regular session and fifteen work days before an ad hoc session.
- 1.6. All formal correspondence addressed to government members of the Council and of the Committee shall be copied to the permanent representatives of member States that are members of the Council and of the Committee, in accordance with existing rules and procedures of ESCAP, through official channels of communication. Furthermore, formal correspondence shall be addressed to the functional titles, and not to the personal names, of those designated to serve as standing members of the Council and the Committee.

Rule 2

Venue

- 2.1 The sessions of the Council and of the Committee shall ordinarily be held at the Headquarters of ESCAP in Bangkok.
- 2.2 Members of the Council and of the Committee may make known at a session their offers to host subsequent sessions at an alternate venue.

Rule 3

Secretariat

The ESCAP secretariat shall serve as the Secretariat of the Council and of the Committee.

Rule 4

Participation

Members of the Council and the Committee shall participate in its sessions on a self-financing basis.

Rule 5

Conduct of business

- 5.1 The Council shall at each regular session elect a Chairperson who would serve until the next regular session.
- 5.2 The Committee shall at each regular session elect a Chairperson who would serve until the next regular session.

Rule 6

Voting

- 6.1 Each Council and the Committee member shall have one vote.
- 6.2 The Council and the Committee shall normally vote by a show of hands.
- 6.3 If the Chairperson requests a roll-call, it shall be taken in the English language alphabetical order of the names of the member States

Rule 7
Agenda

7.1 The provisional agenda for each regular session of the Council and the Committee shall be drawn up by the ESCAP secretariat. The Council and the Committee members may suggest amendments to the agenda in writing in advance of the session or orally and in writing at the start of the session itself.

7.2 The provisional agenda for the regular session shall include:

- (1) Opening of the session and adoption of the agenda.
- (2) Election of the Chairperson.
- (3) Review of the implementation of decisions emanating from the previous session of the Council and the Committee.
- (4) Review of resource mobilization.
- (5) Date and venue of the next regular session.
- (6) Any other matter.

7.3 The provisional agenda for ad hoc sessions of the Council and of the Committee shall be drawn up by the ESCAP secretariat, as required.

Rule 8
Language

8.1 The sessions of the Council shall be conducted in English² and documentation shall be issued in Chinese, English and Russian.

8.2 The sessions of the Committee shall be conducted in English and documentation shall be issued in English.

Rule 9
Report on the sessions of the Council

9.1 The draft report on each session of the Council shall be prepared by the ESCAP secretariat and adopted by the Council members at the end of the session.

² For secretariat - Chinese and Russian interpretation may be made available subject to resource availability.

Rule 10

National Focal Point and other observers

- 10.1 Each state Party to the Framework Agreement shall inform the ESCAP secretariat in writing of the name of its senior representative, and confirm the address, including electronic mail address, to which official correspondence concerning the national focal point should be sent.
- 10.2 Subregional intergovernmental agencies, United Nations agencies, development cooperation agencies and development banks may be invited to attend the Council and the Committee sessions in an observer capacity.

Rule 11

Entry into force and amendments to these Rules of Procedure

- 11.1 These Rules of Procedure shall enter into force on the date of their adoption by the Council.
- 11.2 Any aspect of these Rules of Procedure may be amended or overridden during a session by the Council by a two-third majority vote of its members present and voting.
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