



UNITED NATIONS
ESCAP

Economic and Social Commission for Asia and the Pacific

**Capacity Building Workshop on Facilitation
of Cross-border Paperless Trade**

Paperless Trade Provisions in Trade Agreements

22-24 April 2014

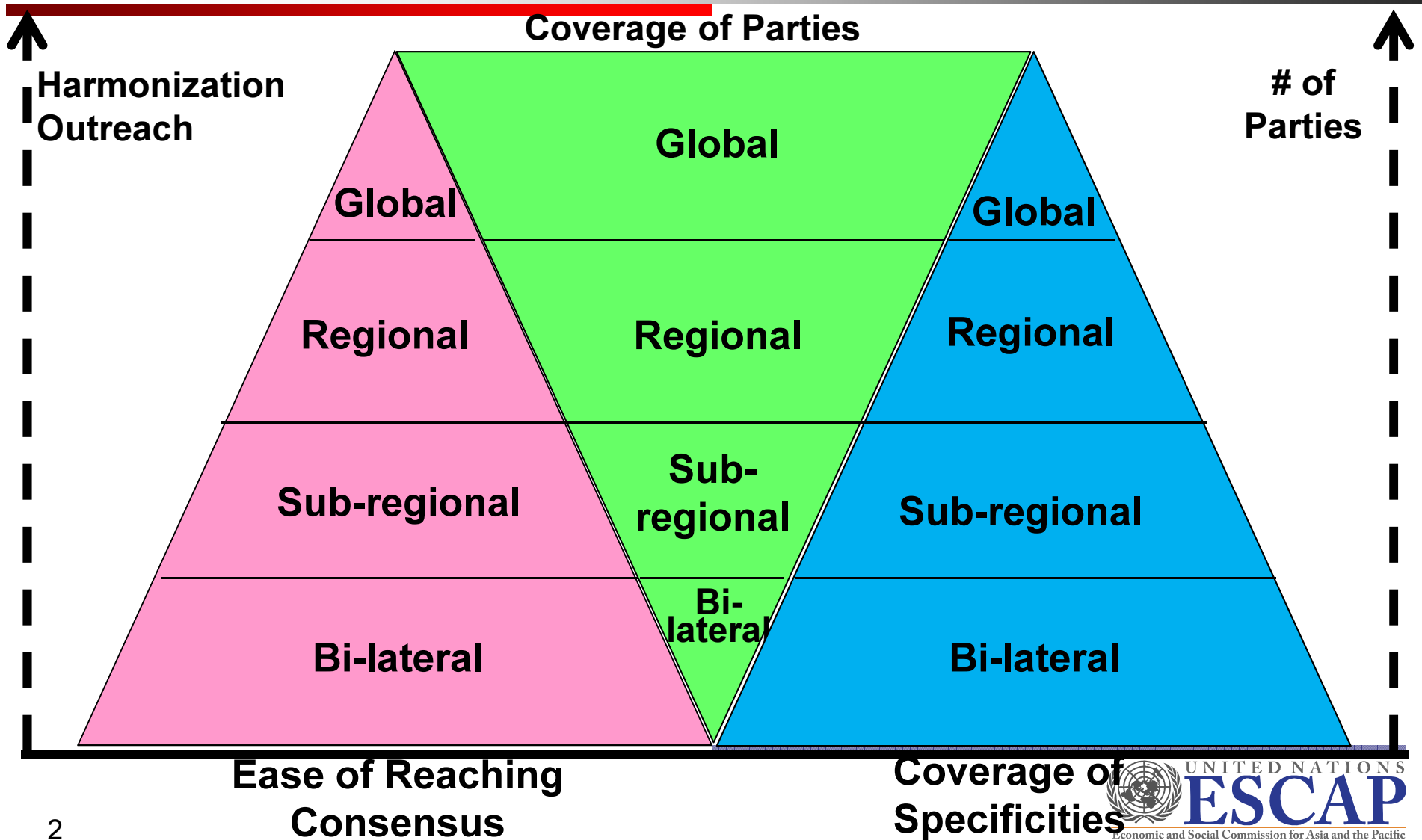
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General Comparative Framework



Gaps in Current Approaches (Provisions)

- **Mostly, rather part of other chapter such as e-Commerce, Customs, etc. than a standalone chapter by itself**
- **More of declaratory nature than implementation/action-oriented commitment**

Example: Australia-US FTA

Chapter 16 Electronic Commerce Article 16.7: Paperless Trade Administration

1. Each Party shall endeavour to make all trade administration documents available to the public in electronic form.
2. Each Party shall endeavour to accept trade administration documents submitted electronically as the legal equivalent of the paper version of such documents.

Current Approaches (Provisions) in Trade Agreements

WTO Trade Facilitation Agreement

4 Single Window

4.1. Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.

4.2. In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.

4.3. Members shall notify to the Committee the details of operation of the single window.

4.4. Members shall, to the extent possible and practical, use information technology to support the single window.

ESCAP Regional Arrangement for the Facilitation of Cross-border Paperless Trade

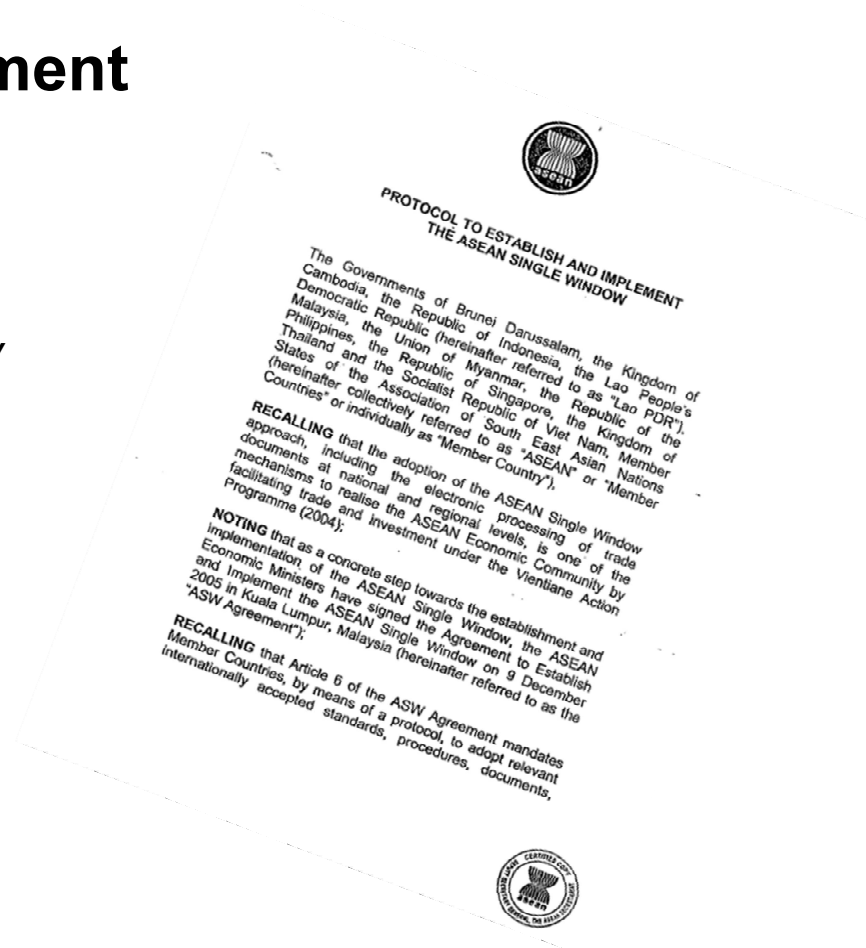
Article 1: Objective
Article 2: Scope
Article 3: Definitions
Article 4: Interpretation
Article 5: General principles
Article 6: National Policy Framework, Enabling Domestic Legal Environment and Paperless Trade Committee
Article 7: Facilitation of Cross-border Paperless Trade and Development of national Single Window(s)
Article 8: Cross-border Mutual Recognition of Trade-related Data and Documents in Electronic Form
Article 9: International Standards for Exchange of Trade-related Data and Documents in Electronic Form
Article 10: Relation with Other Legal Instruments Enabling Cross-Border Paperless Trade
Article 11: Legal Liability Framework
Article 12: Institutional Arrangements
Article 13: Action Plan
Article 14: Pilot Projects and Sharing of Lessons Learned
Article 15: Capacity Building
Article 16: Implementation of Agreement [Framework Agreement]
Article 17: Dispute Resolution
Article 18: Procedure for Signing and Becoming a Party
Article 19: Entry into Force
Article 20: Procedures for Amending the Agreement [Framework Agreement]
Article 21: Reservations
Article 22: Withdrawal
Article 23: Suspension of validity
Article 24: Limits to the application
Article 25: Depositary

ASEAN Trade In Goods Agreement

Article 49

Establishment of the ASEAN Single Window

Member States shall undertake necessary measures to establish and operate their respective National Single Windows and the ASEAN Single Window in accordance with the provisions of the Agreement to Establish and Implement the ASEAN Single Window and the Protocol to Establish and Implement the ASEAN Single Window.



Australia-Thailand FTA

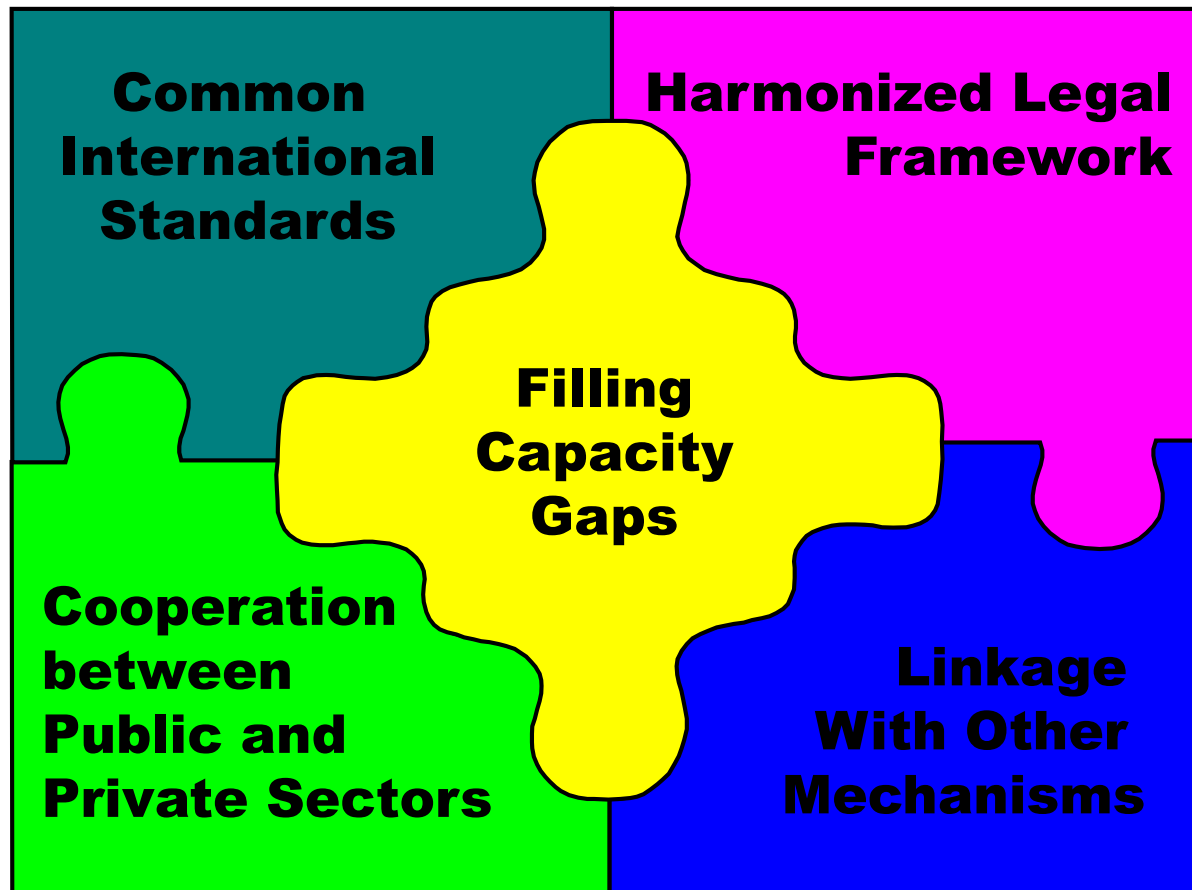
<p>Chapter 3 Customs procedures</p>	<p>ARTICLE 309 Paperless Trading and Use of Automated Systems</p>	<p>1. The customs administrations of both Parties, in implementing initiatives which provide for the use of paperless trading, shall take into account the methods agreed in APEC and the World Customs Organization.</p> <p>2. The customs administration of each Party shall work towards having electronic means for all its customs reporting requirements as soon as practicable.</p> <p>3. The introduction of information technology shall, to the greatest extent possible, be carried out in consultation with all relevant parties directly affected.</p>
<p>Chapter 11 Electronic Commerce</p>	<p>ARTICLE 1107 Paperless Trading</p>	<p>1. Each Party shall accept the electronic format of trade administration documents as the legal equivalent of paper documents except where: (a) there is a domestic or international legal requirement to the contrary; or (b) doing so would reduce the effectiveness of the trade administration process.</p> <p>2. The Parties shall cooperate bilaterally and in international forums to enhance acceptance of electronic versions of trade administration documents.</p>

FTAs Covering Paperless Trade and Nature of Their Commitment (Examples)

FTA	Nature
ASEAN-Australia-New Zealand FTA	Best Endeavour
Australia-Chile FTA	Best Endeavour
Australia-Thailand FTA	Best Endeavour + Some Binding
Australia – US FTA	Best Endeavour
China – Peru FTA	Best Endeavour
India – Singapore CECA	Some Binding
Japan – Philippines EPA	Best Endeavour
Japan – Singapore New Age Economic Partnership	Some Binding
Japan – Switzerland FTA	Best Endeavour
Japan – Thailand EPA	Some Binding + Best Endeavour
Korea – Peru FTA	Best Endeavour
Korea – Singapore FTA	Best Endeavour
New Zealand – China FTA	Best Endeavour
New Zealand – Hong Kong Closer EPA	Best Endeavour
New Zealand – Singapore Closer EPA	Binding
New Zealand – Thailand Closer EPA	Best Endeavour + Binding
Trans-Pacific SEP (Brunei, New Zealand, Chile Singapore)	Best Endeavour

*Modified from ESCAP Report “Study on Regional Arrangements for facilitation of cross-border paperless trade in Asia and the Pacific”

Need to Harmonize/Align Approaches Among Different Trade Agreements



ESCAP Study on Model Provisions for Paperless Trade in FTAs/RTAs

To develop and provide a model provisions on paperless trade to be used in FTAs/RTAs by countries as a benchmarking reference

I. Introduction

- 1. Paperless trade: definition and its benefits**
- 2. Paperless trade implementation in Asia and the Pacific**
- 3. Need for model provisions on paperless trade in FTAs/RTAs**

II. Analysis of paperless trade provisions in current FTAs and RTAs in Asia and the Pacific

III. Gaps of paperless trade provisions in current FTAs and RTAs in Asia and the Pacific

IV. Design approach for and components of model provisions

References

Annex 1. Model Provisions on Paperless Trade in FTAs and RTAs

Thank you

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