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on Cross-border Paperless Trade Facilitation

Bangkok, 23-25 March 2016

Item 2 of the provisional agenda*

**Report on progress made by the Legal and Technical
Working Groups in their mandated tasks****Report on progress made by the Legal and Technical
Working Groups in their mandated tasks****Note by the secretariat***Summary*

The present report has been prepared by the secretariat to update the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation on progress made by the Legal and Technical Working Groups in carrying out their mandated tasks of further improving the draft text of the regional arrangement for the facilitation of cross-border paperless trade as a potential intergovernmental agreement and preparing a draft road map for its implementation.

I. Progress made

1. The Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation, at its 1st meeting in April 2015, decided to create two working groups, the Legal Working Group and the Technical Working Group, to effectively deliver its mandated tasks of further improving the draft text of the regional arrangement for the facilitation of cross-border paperless trade as a potential intergovernmental agreement and preparing a draft road map for its implementation. The secretariat invited Governments of members and associate members of the Economic and Social Commission for Asia and the Pacific (ESCAP) to officially nominate participants to the two Working Groups. As a result, more than 60 officials and experts from 24 member States were nominated as participants to the Legal Working Group and the Technical Working Group. The secretariat created a designated community web page¹ for the working groups and also created group e-mails to support effective virtual collaborative work among the members.

2. In accordance with their terms of reference,² when the two Working Groups organized physical meetings, they held joint sessions, to coordinate their work. The combined physical meetings were held as shown in table 1.

* E/ESCAP/PTA/IISG(2)/L.1.

¹ <http://communities.unescap.org/cross-border-paperless-trade-facilitation>.

² E/ESCAP/71/41, sect. I.A.

For each meeting, the two Working Groups started with a combined session, followed by breakout sessions, and then ended with a combined session.

Table 1
Meetings of the Legal and Technical Working Groups

<i>Meetings</i>	<i>Dates</i>	<i>Venue</i>
1st meeting	9-11 September 2015	Bangkok
2nd meeting	5-6 November 2015	Bangkok
3rd meeting	21-23 March 2016	Bangkok

3. The physical meetings of the Working Groups were well attended with at least 30 members attending and 17 member States represented in the discussions, including 7 from countries with special needs. Regional experts on legal and technical issues in paperless trade were invited, which made discussions very rich and active. All physical meetings were held in conjunction with capacity-building activities to build the awareness and capacity of Working Group members regarding good practices related to the implementation of cross-border paperless trade. The 1st meeting was held back to back with the Expert Group Meeting on Integrated Use of Single Windows for Trade Facilitation.³ This provided an opportunity for participants to discuss issues and challenges with regard to successfully implementing and operating a single window system, including better integration of transport and logistics requirements into such a system and enabling it for cross-border data exchange. The 2nd meeting was held back to back with the capacity-building workshop on cross-border paperless trade facilitation focusing on lessons from on-going initiatives and the way forward,⁴ which provided an opportunity to share lessons learned from implementing major initiatives on cross-border paperless trade data exchange in the region and beyond, including certificates of origin at the bilateral level, and to discuss issues and potential work areas for further advancing cross-border data exchange.

II. Legal Working Group

4. The Legal Working Group, as mandated in its terms of reference, has focused on improving the draft text of the regional arrangement. The Working Group elected one Chair and one Vice-Chair. In consideration of the difficulty of negotiating a treaty text virtually, the Working Group has primarily met physically to carry out its tasks, while using the group e-mail to share opinions and comments.

5. In addition to the three joint physical meetings of the two Working Groups, the Legal Working Group held an additional meeting from 19 to 21 January 2016 to expedite the negotiation of pending provisions in the draft text. The meeting was organized to accommodate members, who could attend either physically or virtually, depending on their circumstances, and to facilitate the participation of as many members as possible.

³ See www.unescap.org/events/expert-group-meeting-integrated-use-single-windows-trade-facilitation.

⁴ See www.unescap.org/events/capacity-building-workshop-cross-border-paperless-trade-facilitation-lessons-going.

6. A major achievement of the Legal Working Group has been to increase consensus on the title and substantive provisions of the text. The improved draft text of the regional arrangement, which reflects the discussions of the January 2016 Working Group meeting, can be found in a separate meeting document entitled “Draft text of the regional arrangement for the facilitation of cross-border paperless trade” (E/ESCAP/PTA/IISG(2)/2).

III. Technical Working Group

7. The Technical Working Group, as mandated in its terms of reference, has focused on preparing a draft road map for the implementation of the substantive provisions of the draft text of the regional arrangement. The Working Group elected one Chair and four Vice-Chairs. The Working Group elected multiple Vice-Chairs in consideration of the numerous tasks it must deliver as part of preparing a draft road map. For effective coordination, tasks were assigned among the four Vice-Chairs. The Technical Working Group also designated one of its Vice-Chairs as the liaison officer to the Legal Working Group to effectively coordinate work.

8. The Technical Working Group held both physical and virtual meetings to carry out its mandated tasks. In addition to the three joint physical meetings of the two Working Groups, the Technical Working Group held eight virtual meetings using the online conference facility supported by the secretariat, as shown in table 2.

Table 2

Virtual meetings of the Technical Working Group

<i>Virtual meetings</i>	<i>Dates</i>
1st meeting	14 October 2015
2nd meeting	28 October 2015
3rd meeting	25 November 2015
4th meeting	9 December 2015
5th meeting	6 January 2016
6th meeting	27 January 2016
7th meeting	17 February 2016
8th meeting	9 March 2016

9. Based on the background document on the preparation of a draft road map prepared by the secretariat,⁵ the Technical Working Group designed a structure for a draft road map, defined and prioritized tasks, and listed supporting documents for the implementation of those tasks. A major achievement of the Working Group has been the preparation of several draft documents, shared among the members on the designated community web page, to be used for supporting the implementation of the regional arrangement upon its entry into force. The results of the Working Group’s work preparing a draft road map, as of its 5th virtual meeting in January 2016, can be found in a document entitled “Preparation of a draft road map for the implementation of substantive provisions in the draft text of the regional arrangement for the facilitation of cross-border paperless trade” (E/ESCAP/PTA/IISG(2)/3).

⁵ E/ESCAP/PTA/IISG(1)/2.

10. Progress made by the Working Groups during the 3rd physical meeting from 21 to 23 March 2016 will be reported at the 2nd meeting of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation.

IV. Consideration by the Steering Group

11. The Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation may consider taking the following actions:

(a) To take note of the progress made by the Legal Working Group in further improving the draft text of the regional arrangement as an intergovernmental agreement;

(b) To take note of the progress made by the Technical Working Group in preparing a draft road map for the implementation of the substantive provisions of the draft text of the regional arrangement;

(c) To further guide the Legal and Technical Working Groups in carrying out their mandated tasks.
