

**WCO-UNESCAP 3rd UNNExT Masterclass: Digital Customs and Single Windows  
in the Context of WTO TFA**

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# **Framework Agreement on the Facilitation of Cross-Border Paperless Trade in Asia and the Pacific**

**19-28 April 2017**

**Customs Border Control Training Institute**

**Cheon-an, Republic of Korea**

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**United Nations ESCAP**



# Furthering Single Window and Paperless Trade Beyond Borders

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*Initiatives for facilitating cross-border trade data exchange in the region and beyond*

*Legal and technical barriers in information exchange (across borders)*

*Increased implementation of (national) single window and paperless trade systems, but...*

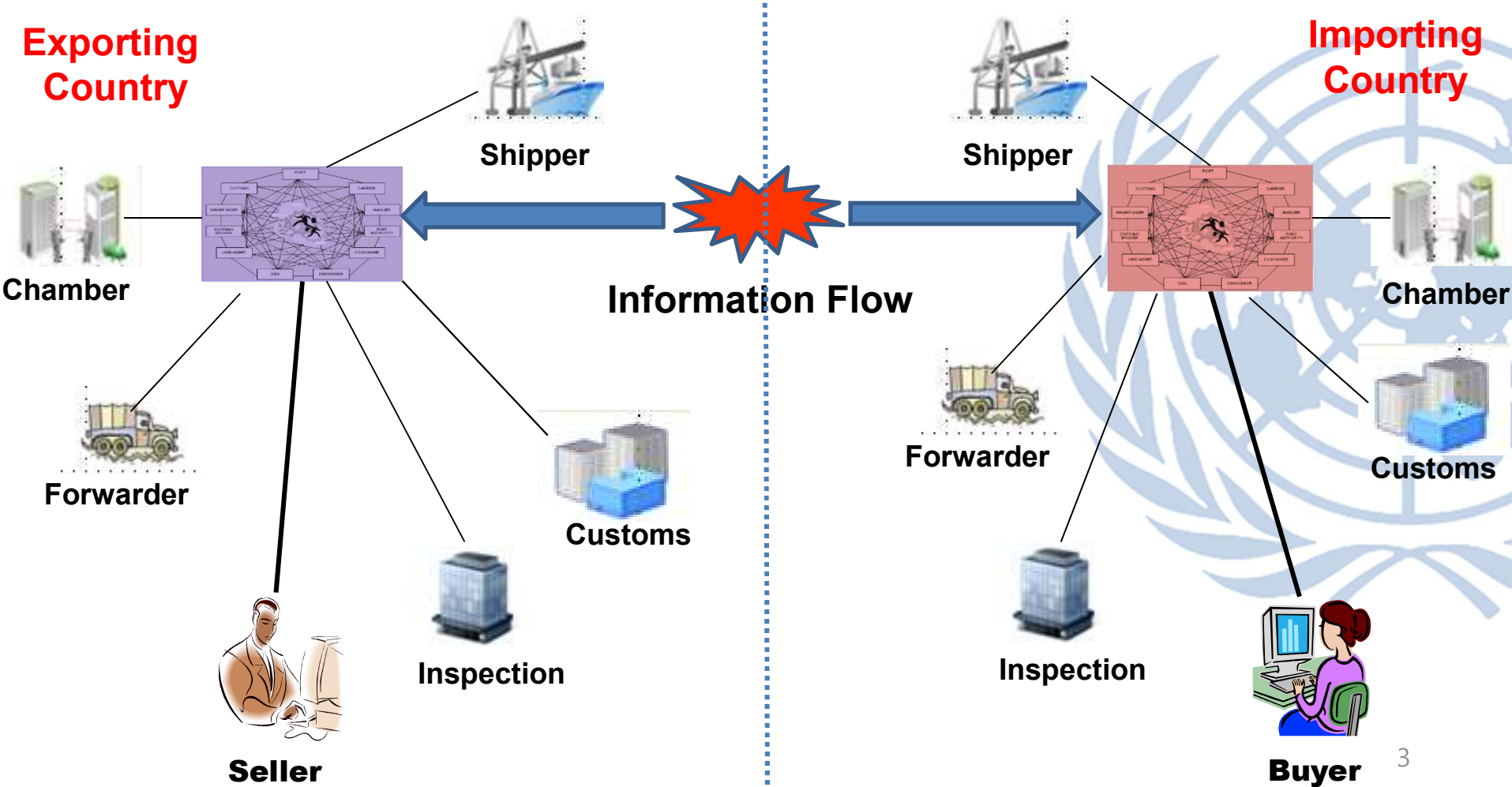
Rise of regional and global production networks

Need for cross-border paperless trade

*International Supply Chain Integration*

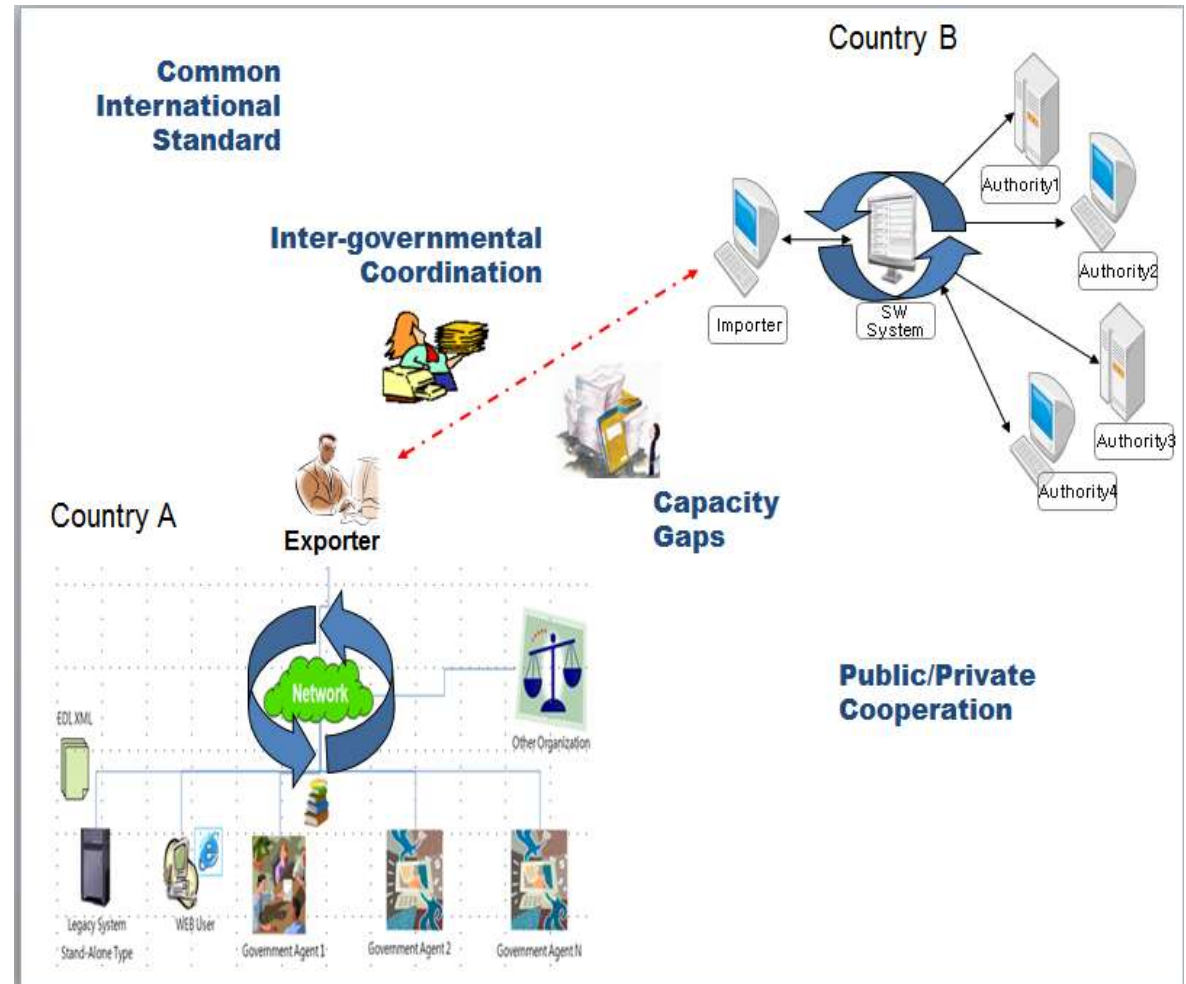


# Cross-border flow of information in need of further facilitation



# Challenges to moving forward on cross-border paperless trade

- Adoption of common International Standards
- Harmonization of legal frameworks
- Capacity gaps among the parties (infrastructure & HR)
- Cooperation between public and private sectors
- Lack of intergovernmental coordination mechanism



# Framework Agreement on the Facilitation of Cross-Border Paperless Trade in Asia and the Pacific - Overview

## ❑ A new UN Treaty

- Open to interested (53) ESCAP member states (voluntary) to become parties
- Opened for signature on **1 October 2016** at UN Headquarters, New York

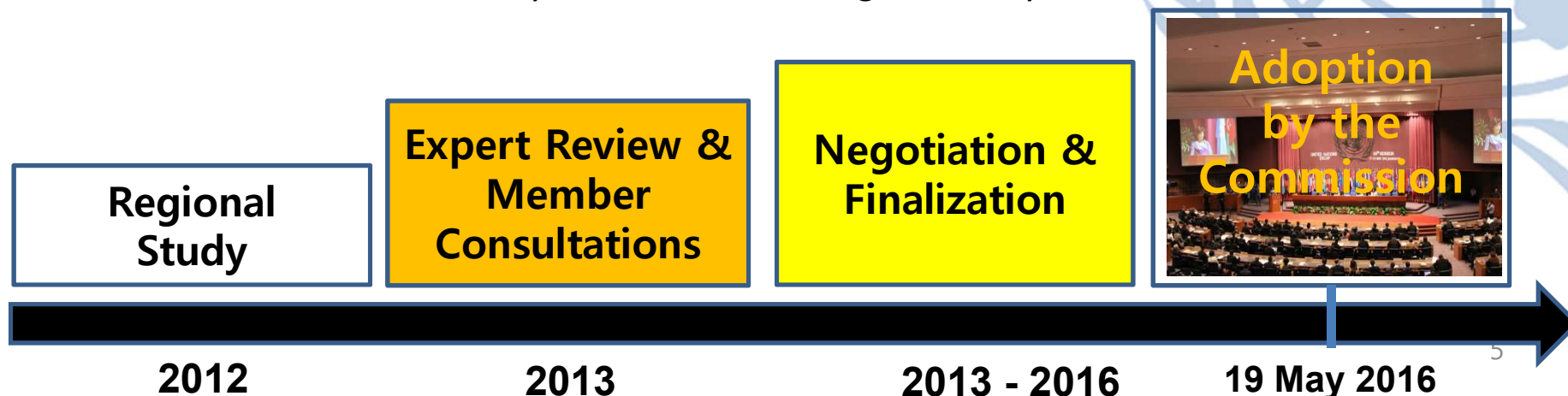
## ❑ Objective

To facilitate cross-border paperless trade (data exchange) among willing ESCAP member states by providing a dedicated intergovernmental framework to develop legal and technical solutions

- ❑ Complementary to the WTO Trade Facilitation Agreement as well as (sub)regional efforts

## ❑ 4 year step-by-step development process (ESCAP resolutions 68/3,70/6,72/4)

- ❑ Over 30 countries directly involved in finalizing the treaty text in March 2016





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CHAPTER X | 20.

STATUS AS AT : 23-11-2016 07:37:20 EDT

CHAPTER X

INTERNATIONAL TRADE AND DEVELOPMENT

20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific

Bangkok, 19 May 2016

**Not yet in force** : in accordance with article 19, the Agreement shall enter into force ninety (90) days after the date on which the Governments of at least five (5) ESCAP member States have deposited their instruments of ratification, acceptance, approval or accession to the present Agreement pursuant to article 18, paragraphs 2 and 3.

**Text** : [Certified true copy](#)  
[CN.597.2016.TREATIES-X.20](#) of 23 August 2016 (Opening for signature) and [CN.598.2016.TREATIES-X.20](#) of 23 August 2016 (Issuance of Certified True Copies).

**Note** : The above Agreement was adopted on 19 May 2016 by resolution [72/4](#) during the seventy-second session of the United Nations Economic and Social Commission for Asia and the Pacific. In

# Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific: **Contents**

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## Preamble

## Articles 1 to 16: Substantive clauses

**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: Institutional Arrangements**

**Article 12: Action Plan**

**Article 13: Pilot Projects and Sharing of Lessons Learned**

**Article 14: Capacity Building**

**Article 15: Implementation of the present Framework Agreement**

**Article 16: Other agreements in force**

Articles 17 to 25: Final clauses



# Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific: **Benefits**

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## **Region-wide multilateral intergovernmental platform**

Builds upon existing bilateral/subregional initiatives; Supports WTO TFA implementation; Forster harmonization and minimize necessity for numerous bilateral/subregional intergovernmental approach;

## **Strong capacity building programme**

Inclusive imitative, open to Asia-Pacific countries at all levels of development; Strong emphasis on knowledge sharing and CB/TA among parties

## **Pilot projects**

Allow parties to adjust their systems before engaging in actual cross-border trade data exchange

## **Action Plan**

Allow parties with different implementation level to set actions based on their respective readiness

## **Mutual recognition**

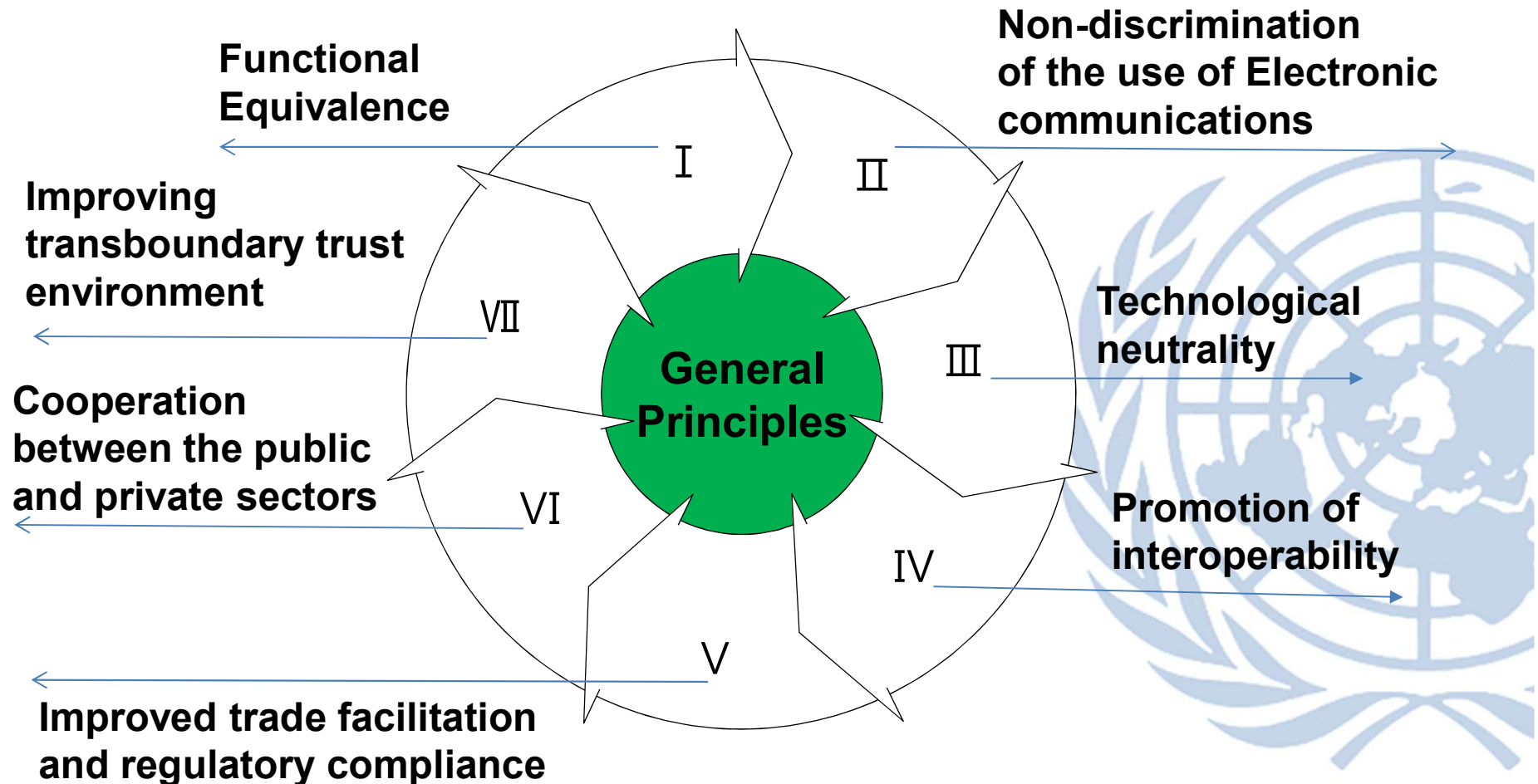
Commit to the goal, while allowing flexibility in how to materialize the goal





# Overview of provisions: **General Principles**

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# Overview of provisions: **Key provisions**

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Cross-border Mutual Recognition

**Article 8**

**Article 14**

**Article 11**

**Key Provisions**

Capacity Building

Institutional Arrangements

**Article 13**

**Article 12**

Pilot Projects and Sharing of Lessons Learned

Action Plan

# Overview of provisions: **Cross-border mutual recognition**

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## **Article 8**

### **Cross-border mutual recognition of trade-related data and documents in electronic form**

1. The Parties shall provide for mutual recognition of trade-related data and documents in electronic form originating from other Parties on the basis of a substantially equivalent level of reliability.
2. The substantially equivalent level of reliability would be mutually agreed upon among the Parties through the institutional arrangement established under the present Framework Agreement.
3. The Parties may enter into bilateral and multilateral arrangements to operationalize cross-border mutual recognition of trade-related data and documents in electronic form, in a manner consistent with the principle of the transboundary trust environment and all the other general principles, provided that the provisions of these bilateral and multilateral arrangements do not contradict the present Framework Agreement.

# Overview of provisions: Pilot projects and sharing of lessons learned

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## Article 13

### Pilot projects and sharing of lessons learned

1. The Parties shall endeavour to initiate and launch pilot projects on cross-border exchange of trade-related data and documents in electronic form, in particular among customs and other regulatory agencies. The Parties shall collaborate on such pilot projects through the institutional arrangements established under the present Framework Agreement.
2. The Parties shall report to the Standing Committee on the progress of pilot projects to facilitate the sharing of experience and lessons learned and to establish a collection of best practices for interoperability of cross-border exchange of trade-related data and documents in electronic form. The exchange of experience and lessons learned would extend beyond the Parties to the present Framework Agreement, to the extent possible and as appropriate, in an effort to promote paperless trade implementation throughout the region and beyond.

# Overview of provisions: Capacity building

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## Article 14

### Capacity-building

1. The Parties may cooperate to provide technical support and assistance to each other in order to facilitate the implementation of the present Framework Agreement.
2. The Parties may collaborate on capacity-building through the institutional arrangements established under the present Framework Agreement.
3. The Parties shall give special consideration to requests from least developed and landlocked developing countries for technical assistance and cooperation arrangements designed to assist them in developing their paperless trade capacity and in taking full advantage of the potential benefits of the present Framework Agreement.
4. The Parties may invite development partners for more effective technical and financial assistance in the implementation of the present Framework Agreement.



# How ESCAP FA facilitates interoperability in cross-border paperless trade



# More information: Webpage on the FA

<http://www.unescap.org/resources/framework-agreement-facilitation-cross-border-paperless-trade-asia-and-pacific>

The screenshot shows a web browser window displaying the ESCAP website. The page title is "Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific". The page content includes:

- Date:** Tuesday, June 28, 2016
- Type:** Public information and advocacy materials
- ABSTRACT:** The Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific was adopted by the 72nd Session of the ESCAP as resolution E/ESCAP/RES/72/4. [中文][English][Français][pyccckий]
- Text of the Framework Agreement:** Electronic Certified True Copies of the Agreement in Chinese, English and Russian languages are available here on the website of the Treaty Section of the UN Office of Legal Affairs.
- Becoming a Party to the Framework Agreement:** Interested ESCAP member States may become Parties to the Framework Agreement by:
  - Signature, followed by ratification, acceptance or approval; or
  - Accession
- Background Information on the Framework Agreement:**
  - Explanatory Note to the Framework Agreement
  - Frequently Asked Questions (FAQ) on the Framework Agreement
  - Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation
  - Latest News

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# Thank you

[www.unescap.org/our-work/trade-investment/trade-facilitation](http://www.unescap.org/our-work/trade-investment/trade-facilitation)

[unnex.unescap.org](http://unnex.unescap.org)

