Progress Made by the Legal and Technical Working Groups

21 - 22 March 2017
Bangkok, Thailand

Trade, Investment and Innovation Division
United Nations Economic and Social Commission for Asia and the Pacific

Background

- **Terms of Reference of the Legal and Technical Working Group:**
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3.   Functions
The Legal Working Group and Technical Working Group shall:
(1) further improve the draft text of the regional arrangement as a potential intergovernmental agreement, **[Done]**
(2) **prepare a draft road map for the implementation of substantive provisions in the draft text** and
(3) perform any other tasks directed by the Steering Group.

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- **Primary responsibility for development of the draft road map is with the Technical Working Group (TWG)**
  - 8 virtual TWG meetings held between April 2016 and February 2017
    - Supported by UNNExT experts and ESCAP Secretariat

Progress Made since Last Meeting (Cont'd)

(1) Draft road map

❑ Builds on earlier deliberations of the Interim Intergovernmental Steering Group (IISG), including background documents

❑ **Purpose**: *To better inform Member States of the individual and joint actions they may take after they become Parties to the Framework Agreement*

  ❑ The draft road map specifies actions related to each of the articles 6 to 14, tasks, implementation ownership and timeline.

  ❑ No specific timeline is provided for actions and tasks to be performed by individual Parties since each Party is expected to set its implementation timeline based on its own readiness assessment and national priorities - as well as resource availability

❑ A number of supporting documents are listed in the annex with indication of their delivery status

Progress Made since Last Meeting (Cont'd)

Draft road map: Example

Article Number	Actions	Tasks	Implementation Ownership	Timeline
14	Cooperate in providing technical support and assistance	**Objective** To cooperate among the parties in extending technical support and assistance for facilitating transition to cross-border paperless trade		
		Define different options and mechanisms for capacity-building, including a customization strategy for national, subregional and regional levels[31]	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a guide on how to make a request for technical support and assistance and how to provide technical support and assistance	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a plan for engaging development partners in capacity-building activities	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Request or offer technical assistance using agreed mechanisms	Party	As determined by each Party

Progress Made since Last Meeting (Cont'd)

(3) Supporting documents to the draft roadmap

❑ List of available supporting documents

1) Draft TORs and rules of procedure of the Council and Standing Committee
2) Draft template for individual action plan
3) Draft capacity building strategy
4) Mutual recognition: background document on TTE*
5) Draft legal gap checklist
6) Draft technical gap checklist
7) Draft international standards implementation strategy/framework
8) Draft list of relevant international legal instruments (for Article 10)
9) Draft cross-border paperless trade reference map

*Individual submission by a UNNExT expert entitled *"Methodology of formation of transboundary trust environment (TTE) and the requirements for its creation, functioning and development"*

Progress Made since Last Meeting (Cont'd)

(3) Supporting documents: Example 1
Draft Legal Gap Checklist

FA Art	Legal matters	Explanation	Response
5, 6, 7	1. Electronic transactions legal issues, including: a) Legal issues related to identification, authorization and authentication in an electronic transactions environment, including electronic signatures; b) Legal requirements for electronic documents and messages; c) Need for development of legislation or other regulations dealing with electronic transactions for the SW consistent with the FA;	Do laws give functional equivalence to electronic transactions and electronic documents? Are there laws which inhibit technological neutrality? Do laws address how identification, authorization and authentication are satisfied in an electronic environment? Do laws promote interoperability and trust in the cross-border trading environment?	

Progress Made since Last Meeting (Cont'd)

(3) Supporting documents: Example 2
Draft Technical Gap Checklist

No.	Questions	(Y=Yes, N=No H=High, M=Medium, L=Low)	Elaboration on status/issues/ Future plan	Timeline (if relevant) for future plan
	If not, what is your country's future plan and targeted timeline to develop a business continuity plan?			
4.	**Security**			
4.1	Is there any IT security policy for your country? If yes, please specify.			
4.2	What kind of security measures undertaken to protect system(s) mentioned in 2.1 (if any of them is implemented) from unauthorized access?			