

行政院所屬各機關因公出國人員出國報告書
(出國類別：出席國際會議)

出席 2018 年 APEC 關務程序次級委員會
第 1 次會議及相關會議報告

服務機關：財政部關務署
姓名職稱：吳勝楠簡任稽核/李駿勳科員
派赴國家：巴布亞紐幾內亞
出國期間：107 年 2 月 23 日至 3 月 3 日
報告日期：107 年 5 月 21 日

行政院暨所屬各機關出國報告提要

出國報告名稱：出席 2018 年 APEC 關務程序次級委員會第 1 次會議及相關會議報告

出國計畫主辦機關：財政部關務署

出國人：財政部關務署高雄關 簡任稽核 吳勝楠
財政部關務署 科員 李駿勳

出國類別：1 考察 2 進修 3 研究 4 實習 5 其他（出席國際會議）

出國期間：107 年 2 月 23 日至 3 月 3 日

出國地區：巴布亞紐幾內亞摩勒斯比港

報告日期：107 年月日

關鍵詞：APEC、SCCP、Customs、WTO TFA、Single Window、AEO、e-Commerce、IPR、Supply Chain Connectivity、Rules of Origin、GDS、關務程序次級委員會、海關、世界貿易組織貿易便捷化協定、單一窗口、優質企業、跨境電子商務、智慧財產權、供應鏈連結、原產地規則、全球資料標準。

內容摘要：本次會議期間出席 APEC 關務程序次級委員會（Sub-Committee on Customs Procedures, SCCP）第 1 次會議及智慧財產權研討會（Workshop on Trademark-Infringement Determinations in a Border-Enforcement Context）等會議。各會員經濟體持續關注 WTO 貿易便捷化協定、跨境電子商務、優質企業、單一窗口及智慧財產權等議題，其中以提升貿易便捷化協定實施成效為熱門討論主題，包括促進公私部門參與，或是運用國際組織提供之工具與各會員經濟體的技术協助及能力建構等方法，以強化該協定執行成效。

出席 2018 年 APEC 關務程序次級委員會第 1 次會議及相關會議報告

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壹、會議時間

106年2月25日至3月1日

貳、會議地點

巴布亞紐幾內亞摩勒斯比港

參、我方與會代表

關務署高雄關 簡任稽核 吳勝楠

關務署關務查緝組 科員 李駿勳

肆、APEC 關務程序次級委員會（APEC Sub-Committee on Customs Procedures, SCCP）會議

一、會議主席

The Commissioner for Trade and Corporate Services of Papua New Guinea, Mr.
James Kombuk Bire

二、出席代表

澳洲、汶萊、智利、香港、印尼、日本、韓國、馬來西亞、紐西蘭、巴布亞紐幾內亞、秘魯、菲律賓、新加坡、我國、泰國、美國、越南、貿易投資委員會（Committee on Trade and Investment, CTI）主席、SCCP 計畫總監、APEC 秘書處政策支援小組（Policy Support Unit, PSU）、巴布亞紐幾內亞海關總局長與該國資深官員(SOM)及世界關務組織（World Customs Organization, WCO）代表。

三、會議紀要

（一）巴布亞紐幾內亞海關致開幕詞

巴布亞紐幾內亞海關總局長首先歡迎全體與會代表，並向先前舉辦 APEC 之經濟體對巴布亞紐幾內亞代表團的盛情款待特別致謝。其簡要說明巴布亞紐幾內亞海關的核心職責，強調善用現代科技以及引入最佳範例(best practices)之重要性。

SCCP 主席期許本次會議成果豐碩，並鼓勵會員間彼此合作，以實現本次會議所作成之結論。

（二）議程採認

主席逐項確認會議草案議程項目，全體與會代表均無異議採認議程（附

件 1)。

(三) 2018 年 APEC 優先議題

巴布亞紐幾內亞資深官員 Mr. Lahui Ako，簡報 2018 年該國之優先議題「掌握包容性機會，擁抱數位未來」(Harness Inclusive Opportunities, Embracing the Digital Future，附件 2)，並且希望所有經濟體共同努力，以追求成長。

CTI 主席強調持續推動多邊貿易系統、區域經濟整合、貿易便捷化與連結、創新，及以具廣度之方式，回應 APEC 各種議題的重要性。其提及 APEC 之管理現正進行改革，包含次級論壇最低出席代表人數、日落條款，以及針對主席之友設置準則。CTI 主席呼籲 SCCP 繼續支持以實現 CTI 之目標(附件 3)。

紐西蘭代表就主席之提議表示歡迎，並表示 SCCP 之任務與 CTI 之目標契合。

(四) SCCP 2017 年成果

2017 年 SCCP 主席(越南)提交 2017 年 SCCP 會議成果，其包含：世界貿易組織(World Trade Organization, WTO)貿易便捷化協定(Trade Facilitation Agreement, TFA)、供應鏈連結架構(Supply Chain Connectivity Framework)、單一窗口(Single Window)、優質認證企業(Authorized Economic Operator, AEO)、資訊科技與風險管理(Information Technology and Risk Management)、智慧財產權(Intellectual Property Rights, IPR)、跨境電子商務(Cross border E-Commerce)、海關間之合作，與跨論壇及利害關係者之夥伴關係(附件 4)。

日本、紐西蘭及美國恭賀越南成功舉辦 2017 年 SCCP 會議，同時感謝巴布亞紐幾內亞本次的盛情款待，並期望於會中達成進展。美國並感謝越南於 2017 年支持舉辦單一窗口研討會。

APEC 秘書處提供最新的方案，包括預算申請、預算標準及 2018 年第一次方案會議的重要發展。APEC 秘書處也宣布成立女性與經濟新基金、新版 APEC 評分樣式標準及方案的同意流程，並告知將於第一次資深官員會議期間，辦理訓練研討會，此研討會介紹 APEC 審核、批准方案之流程及判斷標準。該研討會將使與會者知悉如何改善其提案，並發展高品質之概念文件(concept note)及計畫提案(附件 5)。

越南向 APEC 秘書處致謝，並希望於 2018 年 SCCP 會議及上開研討會繼續得到 APEC 秘書處的支持。

(五) WTO 貿易便捷化協定執行現況

WCO 秘書處代表報告 WCO 工作小組有關 WTO 貿易便捷化協定及麥卡托(Mercator)計畫的最新情況，並指出 WCO 在執行 WTO-TFA 所扮演的角色的重要性及益處(附件 6)。

韓國報告執行 TFA 及能力建構活動的經驗，強調能力建構的重要性與益處，各會員經濟體間之合作，強化最佳範例 (附件 7)。

我國代表指出原產地認證對海關而言，一向是極富挑戰性之任務，就韓國海關在原產地預審所依憑之資料、該原產地預審結果對於海關之拘束力，以及如何確認其他國家簽發之原產地證明為真實等問題，向韓國代表提問；並表示進口人可透過電子傳輸形式，向我國海關申請稅則預審，我國海關亦鼓勵進口人善加利用此制度，以促進通關便捷化並節省交易成本。

日本及越南就此報告向韓國致謝。日本表示其由衷感激 WCO 就促進貿易便捷化所做的努力，並指出其現有 4 位經 WCO 認證之麥卡托計畫專家，該國強烈支持 WCO 之能力建構活動。

越南報告辦理提升利害關係人參與執行 WTO-TFA 的研討會之後有關問卷調查的評估結果。該報告顯示執行 WTO-TFA 之現況，以及利害關係人之參與如何於會員經濟體中，促進 WTO-TFA 之實踐，越南將遞交方最後報告，並隨時更新有關利害關係人參與執行 WTO-TFA 之資訊(附件 8)。日本及美國對越南辦理此項研討會表示感謝。

SCCP 主席報告會員經濟體執行 WTO-TFA 的進展，其目前持續由 CTI 監管中。

澳洲說明該國已成立貿易便捷化國家委員會，惟此節未於會議前所發放之 APEC 經濟體實施 WTO-TFA 進展一覽表(Table on APEC economies'

implementing the WTO agreement on Trade Facilitation)。智利說明其執行 FTA 之最新進展。

新加坡表示，其於上次 SCCP 會議中，提議建立表單(template)以控管 WTO-TFA 中 B 類及 C 類措施之履行情形，該提議為 CTI 採納，並於去年 11 月在峴港 (Danang)舉行的 APEC 部長級會議得到支持，其自此與其他經濟體合作將最新資訊登錄於該表中，並感謝其他經濟體之貢獻(附件 9)。

新加坡向已依 TFA 第 16 條規定，通知承諾之類別措施及確切履行日期之經濟體表達謝意，並期許未為此通知之經濟體能從速為之，以使 WTO-FTA 之效益最大化，並促進其目標之實現。

美國提供其推行 TFA 最新進展，包含於 TFA 有關之能力建構計畫中，任命專家以協助該計畫之推展。

巴布亞紐幾內亞提及該國之貿易便捷化國家委員會第二次會議，將於 2018 年 3 月召開。

紐西蘭強調能力建構對於履行 TFA 的重要性，並建議於現有之表單增列欄位，以彰顯在 APEC 中，就能力建構部分需要協助之經濟體。

新加坡感謝紐西蘭之提議，並表示將就此議題與 CTI 合作。

香港表示其為第一個批准 TFA 之 WTO 的會員，並遵守 TFA 所課予之義務。至於依照 TFA 第 23 條規定所應設立之貿易便捷化國家委員會，其已有以政府工商部門首長為主席之協調機制，討論並促進 TFA 之執行。

(六) 供應鏈連結架構 (Supply Chain Connectivity Framework)

秘魯針對所其於 2017 年 10 月在利馬舉辦之「影響微中小型企業 (Micro, Small and Medium Enterprises, MSMEs) 進出口通關程序之因素」研討會，提出報告，該研討會由澳洲、智利、中國及美國共同贊助(附件 10)。

該研討會旨在辨認於進出口時，微中小型企業所面對的程序、供應鏈中

進出口的流程、提供經濟體分享經驗的平台－尤其是針對微中小型企業之流程有特別處理者，並就所發現之問題，進行研究並提出解決方案。

日本表示將持續鼓勵微中小型企業參與供應鏈。越南就祕魯的報告及其為微中小型企業於電子商務中遭受之挑戰做出的努力表示謝意；其並建議 APEC 秘書處政策支援小組就微中小型企業所遭遇的難題進行研究，以促進微中小型企業之發展及競爭力。

菲律賓感謝祕魯舉辦此研討會，以響應「長灘島行動計畫」，並指出此研討會有助於辨認影響微中小型企業之重要因素，以提供企業經營者適應其需求的關注焦點，並提出最佳範例的實踐。

主席告知因於此次會議前無法確認該議案，原預定由越南貿易投資委員會所提出之「2017 至 2020 年供應鏈架構行動計畫第二階段」簡報，移至下次資深官員會議為之。

菲律賓報告有關 APEC 執行長灘島行動計畫之執行情形及 2018 年期中檢視，其表示該文件與執行長灘島行動計畫目的之一，促進微中小型企業全球化相符。菲律賓亦表示其樂意分享經修正的 2017 SAABA 年度盤點，其中包含數項長灘島行動計畫之倡議，以執行由 APEC 秘書處政策支援小組所領導之研究，並更新其最新進展，此研究將可支持電子商務融入微中小型企業全球化及工業倡議。菲律賓告知在 2018 年 APEC 將進行盤點會議，檢視各經濟體執行長灘島行動計畫的進展(附件 11)。

菲律賓與其他經濟體合作，至今已有良好基礎以利進行 2016 至 2017 年的年度盤點。其亦提到 APEC 為促進微中小型企業融入貿易協定與區域貿易協定、合理化關務相關法規，以及適時提供進出口程序及規範之資訊給微中小型企業，以協助其遵守法規所做的努力。

APEC 秘書處政策支援小組就「全球資訊標準適用於 APEC 供應鏈連結」之研究成果提出報告(附件 12)。該研究報告可見。
(<https://www.apec.org/Publications/2017/11/Study-on-the-Application-of-GDS-for-Supply-Chain-Connectivity-Phase-2>)

該小組亦對 2017 年第三次貿易暨投資委員會中舉辦之全球資訊標準研討會提出報告。該研討會探討如何依 2016 年部長級會議之指示，擴展全球資訊標準於 APEC 區域中之應用。該研討會之重要結論有：1、擴

展全球資訊標準之應用，以加強邊界管理及查緝。2、擴展全球資訊標準之應用至其他成果。3、理解公私部門合作的重要性。

智利報告 APEC 海關轉口建置指南 (Implementation of the Guidelines for APEC Customs Transit) 研討會將在 2018 年 9 月於智利舉行。該計畫之共同贊助者有中國、巴布亞紐幾內亞、祕魯及美國。此計畫研討會前的意見調查、研討會及最佳範例指南(附件 13)。

美國感謝此議程中之各報告者，並概述其於促進貿易便捷化所做的努力，包含推行供應鏈連結架構第二階段之進展，並提及 APEC 供應鏈連結聯盟(APEC Alliance for Supply Chain Connectivity,A2C2)會議可能於第二次資深官員會議期之前後舉行。其正尋求志願者及有興趣的經濟體參與能力建構及技術協助計畫。

(七) 單一窗口 (Single Window)

美國分享於 2017 年 8 月第二次資深官員會議中舉辦之單一窗口研討會。該研討會分享單一窗口最佳範例，以及於此領域中能力之進展，其亦提及該國單一窗口「自動商業環境」(Automated Commercial Environment, ACE)之進展。

澳洲提及該國於尋求可能之方案以擴大單一窗口適用之近況，其亦考慮透過貿易暨投資委員會，將此嘗試建立於關務程序次級委員會以及 APEC 秘書處政策支援小組之工作成果上。澳洲並歡迎各經濟體就此一議題提供意見。

紐西蘭感謝美國舉辦上開研討會，並指出現今貿易日趨數位化，供應鏈上之各方使用共通語言至關重要，一套可與時俱進之單一窗口系統亦同等重要。

新加坡分享該國的國家貿易平台(National Trade Platform；NTP)系統，該系統係貿易與物流之資訊科技系統，連結業者、社群系統與平台，以及政府系統。此 NTP 系統將取代貿易網(TradeNet)作為國家單一窗口以供申報。

新加坡同時分享東南亞國家協會(ASEAN)單一窗口的實際運作情形，其自 2018 年 1 月 1 日起生效。新加坡、印尼、馬來西亞、泰國及越南也開始透過該單一窗口，以電子資訊之形式，交換於東協貨物貿易協定

(ASEAN Trade in Goods Agreement, ATIGA) 下之優惠關稅原產地證明。東南亞國家協會目前正在討論，透過該單一窗口跨境交換其他資訊。

越南感謝美國舉辦上開研討會，並支持美國日後就單一窗口之議題舉辦相關活動。

(八) 優質企業 (Authorized Economic Operator, AEO)

日本就該國 AEO 制度所涵蓋的供應鏈業者之種類進行簡報(附件 14)。

我國代表感謝日本簡報，並指出 AEO 制度於反恐、杜絕違禁品走私，以及減低國際貿易成本上扮演重要的角色。我國目前已與韓國、新加坡、美國及以色列簽屬相互承認協議(Mutual Recognition Agreement, MRA)，並期待將來可與其他 APEC 經濟體進行更進一步的合作。

越南向日本提問其目前簽屬之互相承認協議之數目，以及其於簽署互相承認協議時，是否面臨任何困難？

日本回應其目前共簽署了 8 個經濟體簽署互相承認協議。其日後於簽署協議前，將先處理經濟體間資訊分享之法律基礎等議題。

紐西蘭向日本提問其是否嘗試評估 AEO 制度為具備該資格的出口廠商及相關服務提供者帶來多少效益？日本回應，如同其他經濟體，日本亦難以評估相關效益，惟貨物放行時間似可作為指標之一。

印尼響應越南的提問，指出 AEO 認證之條件相當嚴格，有時微中小型企業難以從中獲得利益。印尼希望 WTO-TFA 中有關於認證企業之規定，可促使本土業者更廣泛地參與，指出該國現有之優良業者計畫(reputable trader program)可做為 AEO 之替代方案，其願與感興趣之經濟體洽談雙邊協議。

智利指出 AEO 制度已經納入其關稅法(Customs Law)，目前有公開程序供出口業者及報關業者取得 AEO 認證。

巴布亞紐幾內亞就其仿效 AEO 制度所建立之「優良進口業者計畫(Import Trusted Trader Program, ITTR)進行簡報。該簡報概述其行動之重點、作為修正版京都公約之締約國對於該履行該公約所應盡之義務，以及上開計畫之目的及其效益，其同時說明該國業者依該計畫取得認證的過程，以及該國目前面臨之挑戰(附件 15)。

香港指出由 APEC 各經濟體所發展之 AEO 計畫與 WCO 之標準一致，所簽署之雙邊互相承認協議亦與 WCO 互相承認協議指南(WCO MRA Guideline)相符，故下一步是要加速 APEC 經濟體間簽署互相承認協議，已受其中之一經濟體認證之優質企業，於其他經濟體亦可取得優惠。目前香港已與 8 個經濟體簽署互相承認協議，其預計於本年與墨西哥及紐西蘭簽署互相承認協議。

韓國表示將繼續處理 AEO 計畫採認之議題，並解決在實踐 AEO 計畫所遭遇的困難，屆時可將討論的主題擴及到多邊互相承認協議。韓國與澳洲同為第二階段供應鏈連結架構行動計畫(SCFAPID)中，有關 AEO 所遭遇瓶頸之協調者，其希望有對 AEO 有興趣的經濟體亦能加入。

美國表示其已有 6 個聯合工作計畫，其中有 3 個係與 APEC 經濟體－中國、秘魯及澳洲－所簽署。其就巴布亞紐幾內亞開始實行前開計畫表示祝賀，同時提及該計畫之全面性的措施，包含對於符合資格之業者進行分級。

巴布亞紐幾內亞針對韓國先前就如何將 ITTR 融入 AEO 所進行之計畫表示感謝，並指出將與美國討論有關把「優良進口業者計畫」納入 AEO 之能力建構議題。

澳洲提供其「可信賴業者計畫」(Australian Trusted Trader Program)之最新進展，其目前已與包含中國、加拿大、香港、韓國及紐西蘭等 5 個 APEC 經濟體簽署互相承認協議，且目前正與我國、新加坡、美國、日本等其他 APEC 經濟體進行協商。其概述數項針對可信賴業者最新施行之進口通關便捷優惠措施，包含對於集運貨物(consolidated cargo)通關所給予之優惠。澳洲亦表示其正在考慮新的優惠措施，包含與紐西蘭間之安全貿易通道(Secure Trade Lane)，並希望在關務程序次級委員會第 2 次會議中提出最新進展。

(九) 資訊科技及風險管理 (Information Technology and Risk Management)

巴布亞紐幾內亞就該國利用海關資料自動化系統(ASYCUDA World System)之進展提出報告。自從 1993 年導入該自動化系統後，於風險辨識(risk profiling)、人員培訓(talent)、貨物通關的優化、稅賦課徵與會計系統、貿易數據及經濟資料等各層面之改善，均符合國際間之最佳範例。上開自動化系統，將使電腦資訊處理系統取代書面作業(附件 16)。

美國強調經濟體間互相合作，並分享資訊工具及科技之重要性。其與世界海關組織目前正共同發展全球旅客評估系統(Global Travel Assessment System)，該系統可供無償利用，美國建議世界海關組織就有關進展，於本年度之第二次資深官員會議中提出報告。

(十) 智慧財產權 (Intellectual Property Rights, IPRs)

巴布亞紐幾內亞就其智慧財產權邊境執法之現況以及其就此議題所為之努力提出報告(附件 17)。

我國代表感謝巴布亞紐幾內亞的簡報，並向各與會者表示我國目前有提示保護制度供商標權人使用，並指出該制度對於商標權之邊境執法成效卓著。除此，並告知我國密切與權利人及其他國家合作，本署於今年一月與日本台灣交流協會共同舉辦真仿品辨識講習，邀請日本企業向關員分享查緝仿品之技巧，並期望日後在此議題可以深化與其他 APEC 成員合作。

日本就巴布亞紐幾內亞所提出之與權利人以及其他智慧財產權執法相關之公部門建立緊密合作關係之倡議，表示感謝，並指出邀請智慧財產權領域之專家參與研討會或訓練課程，對於海關關員之能力建構至關重要。

美國就其針對仿冒商標電子產品之聯合查緝行動提出簡報，該查緝行動將於本年 4 月 16 日至 5 月 25 日間任選 10 日進行，以促進參與之會員經濟體間分享有關智慧財產權執法之資訊。其並建議於本年度第 3 次資深官員會議中提出該查緝計畫之執行成果(附件 18)。

智利、越南及菲律賓均表示願參與此聯合查緝行動。日本感謝美國之提案，並詢問美國於此聯合查緝行動中，是否可利用稅則為判準，鎖定欲查緝之特定種類電子產品。美國肯定日本利用稅則鎖定查緝特定種類電子產品之效益。

香港支持美國提案，並分享其利用自動監控系統(automated monitoring system)打擊透過網路侵害智慧財產權之犯罪。藉著大數據技術的發展，香港目前已利用第五代之自動化系統，執行自動化跨平台網路偵查、資

訊分析及蒐集。

(十一) 跨境電子商務 (Cross-border E-Commerce)

印尼針對數位商品(digital goods)課徵關稅所可能之利益及挑戰提出報告。印尼指出於 2014 至 2015 年間，電子商務交易成長了 19.9%，依據 2017 年 12 月舉辦之 WTO 部長級會議之結論，應就透過電子傳輸之交易暫緩課徵關稅二年；然而，釐清何謂「電子傳輸」至關重要。該暫緩課徵之措施，只適用於傳輸數位商品之費用，而不及於該數位商品之本身價值。針對數位商品課徵關稅所可能之利益，包含創造公平競爭環境、打擊虛偽不實之詐欺交易，並增加國家稅收。數位商品交易於亞太地區成長最為顯著，惟針對是類產品課徵關稅可能遭遇以下挑戰：辨認交易是否已發生、何時課徵關稅以及徵收稅費之權責機關為何、如何界定出口國、何人有申報義務，以及徵稅處分發生爭議時，其解決機制何在等難題。印尼願意與就此議題有興趣的經濟體做更深入的探討(附件 19)。

韓國表示就此議題或許可運用大數據、資料分析、區塊鏈及人工智慧等技術。

世界海關組織代表簡要報告近期由世界海關組織及中國海關共同舉辦之國際跨境電子商務會議(Global Cross-border E-Commerce Conference)之經過，該會議之與會者有近 2000 人。其指出世界海關組織已擬妥世界海關組織國際跨境電子商務架構準則草案(The Draft WCO Cross-Border E-Commerce Framework of Standards)，預計今年四月在會後一次世界海關組織工作小組審議後，於六月由世界海關組織大會採認(附件 20)。

日本表示其關務署長出席上開會議，並指出其透過利用人工智慧等科技，並與業者密切合作，在電子商務脈絡下，取得貨物通關便捷與安全兩者間之平衡。

美國感謝世界海關組織及中國共同舉辦上開會議，並鼓勵 APEC 成員經濟體密切關注世界海關組織中與電子商務有關議題之進展。美國表示電子商務架構之發展現正快速進行當中，此文件內容極為詳盡，故確保利害關係人得在此過程中表達其觀點並反映於此架構準則中，更顯重要。其亦指出，日後該架構準則或許尚有改善的空間，惟世界海關組織電子商務工作小組就此正在發展且多元之議題，已投入諸多努力並取得重要的成就。

(十二) 共同行動計畫(Collective Action Plan)

APEC 秘書處提供 SCCP 共同行動計畫之最新狀況，並感謝各會員經濟體對於更新此份資料所提供之評論及貢獻(附件 21)。

紐西蘭提及其將於 APEC 成員經濟體間，繼續推動優惠性自我認證之原產地證明制度(self - certification of origin for preferential purpose)，目前正與新加坡著手進行提案，並歡迎感興趣的會員經濟體加入(附件 22)。澳洲針對紐西蘭所作的努力表示感謝，並指出該制度於共同行動計畫中之重要性。

日本表示將於 2018 年第 1 次 SCCP 會議後，發放有關於 WCO 即時放行指南(WCO Immediate Release Guidelines)之問卷，並希望於本年 3 月 31 日前回收問卷，以利於第 2 次 SCCP 會議中與菲律賓共同就調查之結果發表報告(附件 23)。

智利針對其於 2017 年 8 月有關國際法律文件(international legal instrument)所做的問卷提供最新進展。智利就調查結果簡報，並要求 APEC 秘書處於休會期間將此份調查結果發送各會員經濟體，以利其評論。其並建議將「加強 APEC 經濟體間之海關合作(Enhancing Customs to Customs Cooperation between APEC Economies)」納入 SCCP 之議程，以持續改進 APEC 成員經濟體間情資交流之情形(附件 24)。

美國感謝智利及俄羅斯的報告，並支持將海關間合作納入議程。香港支持加強 APEC 經濟體間之海關合作，並希望將此議題納入議程中。越南亦持相同看法，希望 2018 年第 2 次 SCCP 會議議程可納入此議題。

(十三) 與 APEC 其他委員會、次級論壇及工作小組合作

美國更新化學對話工作報告 (Chemical Dialogue work)，並指出先前進行之調查所得結果尚待評估。若該評估工作可於關務程序次級委員會第 2 次會議前完成，評估結果將發表於該次會議。

(十四) 其他事項

APEC 秘書處簡介修正 SCCP 規約(Terms of Reference)背景，並提及在 2017 年第 2 次資深官員會議中，採納了澳洲之提案，其中包含了改進 APEC 治理之措施。該提案包含於所有 APEC 論壇規約中，引入日落條款(sunset clause)以及最低法定出席人數條款(quorum clause)。APEC 秘書處建議，該修正規約應於 SCCP 會議中得到同意，並交由 2018 年 CTI

會議及第 1 次資深官員會議審議(附件 25)。日本就該國之反恐措施提出簡報(附件 26)。

(十五) 2018 年 SCCP 工作計畫最新進展

此次討論由 APEC 秘書處主導。有關於供應鏈連結之議題，APEC 秘書處與菲律賓合作，由秘書處報告長灘島計畫有關於使微中小型企業全球化部分之最新執行情形，並提出於 2018 年間將檢討其執行成果(附件 27)。有關於優質認證企業議題，菲律賓稱其將於 3 月第 2 個禮拜前，透過 APEC 秘書處提出修正後之時程表及其相應之行動，以供各 APEC 會員經濟體評論。

祕魯指出其於 2017 年舉辦研討會，以辨認微中小企業於進出口程序中，所面臨影響通關之因素。祕魯將製作並提供給各會員經濟體最佳範例手冊，作為該次研討會之成果。

紐西蘭提出其於 APEC 會員經濟體間推動優惠性自我認證之原產地證明制度，作為其工作進展。

(十六) 2018 年 SCCP1 會議紀錄採認

會員經濟體採認 2018 年 SCCP1 會議紀錄(附件 28)。

(十七) 主席致閉幕詞

主席感謝各會員經濟體之參與及討論，並向參與本次 SCCP 周邊會議(side events)者致謝。

伍、邊境執法下之商標侵權研討會 (Workshop on Trademark-Infringement Determinations in a Border-Enforcement Context)

(一) 背景說明

鑒於電子商務日漸興盛，仿冒品交易亦隨之日漸猖獗，為有效貫徹智慧財產權的邊境執法，並保護消費者之生命、健康、財產等權益免於仿冒商品危害，提升各國海關邊境執行仿冒品查緝能力將至關重要。

本研討會出席對象包括各會員經濟體之海關、商標主管機構，以及其他相關查緝單位機關代表，分享商標侵權議題之概況與最新趨勢(附件 29)。

(二) 會議內容

研討會分成 6 段進行。

第 1 段議題為政府處理商標不當使用及侵權的角色(Role of Government in Addressing Trademark Misappropriation and Infringement)，首先由秘魯代表簡介該國智慧財產權的邊境管制措施以及與權利人合作破獲侵權或仿冒品之經驗(附件 30)。美國專利商標局(PTO)代表簡介權利人向海關登錄專利商標權的相關規定以及該局提供相關執法人員的能力建構及訓練(附件 31)。韓國智財局(IPO)代表簡介該局負責 IPR 的單位(Special Judicial Police, SJP)，及與其他公私部門共 62 個機構共同打擊仿冒品的措施及分享該國 2013 至 2017 年的執法績效(附件 32)。我國關務署代表向美方報告者提問，如何認定商標申請註冊權人為商標所有人？對於惡意搶先註冊者(bad faith filer)證明其為權利人之舉證責任是否提高？司法實務上，法院對於惡意搶先註冊者是否有拒絕保護的先例？美方回應官方最主要是依據申請人的陳述判斷其是否為真正權利人，以及申請註冊之商標是否為周知之著名商標亦為審查重點之一。

第 2 段議題就查緝機關如何與權利人間建立夥伴關係(Building Relationships with Brand Owners)進行探討。泰國代表簡介該國仿冒品調查程序及轄下所設的智財權協調中心負責協調海關與私部門合作交換資訊、與其他國家共同辦理研討會分享經驗，以及辦理國內相關智慧財產權邊境執法訓練(附件 33)。巴布亞紐幾內亞代表介紹該國智慧財產局之成立目的，乃在提升該國經濟成長與競爭力。海關建立智慧財產權邊境

執法之標準作業流程，辦理執法訓練及參與國際研討會，但因內外部挑戰因素造成執法成效不如預期，但有關之建置仍具備極高之發展潛力(附件 34)。美國代表簡介海關與權利人合作的重要性，由權利人協助海關認定仿冒品，惟海關不得將認定仿冒品之權責，授權由權利人決定之；其並介紹與權利人合作對於智慧財產權邊境執法之助益、辦理執法人員相關訓練之機制以及提供權利人透過網路系統通報貿易違規案件(E-Allegation)(附件 35)。我國關務署代表分享本署各關皆利用與報關業及進出口業者座談之機會，介紹我國保護智慧財產權之邊境管制措施，並宣導商標權人可善加利用保護制度，使我國中小企業主亦可有效利用有關制度保障其合法權利。關務署代表並說明海關發現疑似仿冒品時，皆會通知權利人到場辨認，使權利人提出其認為系爭貨物為仿冒品之具體事證，商標權人不能廣泛指稱該貨物為仿冒品，即要求海關將案件移送刑事司法機關偵辦。

第 3 段議題為跨國執法及邊境執法策略(Transnational Law Enforcement and Border Enforcement Strategies)。美國代表簡介因為少量貨物便於流通以及電子商務與科技的進步，造成犯罪組織更容易形成與連結。為因應此快速變遷的趨勢，需針對最新之議題與趨勢評估現行法律不足之處，並加強會員經濟體間分享最佳範例以提升執法效果(附件 36)。

第 4 段議題就如何海關及邊境執法緝獲案件轉為刑事案件(Turning Customs and Border Enforcement Violations into Criminal Cases)進行討論。智利代表簡介該國公部門與國際相關組織合作調查國內外非法走私智慧財產權物品，並作案例分享(附件 37)。美國代表簡介智財權協調中心(Coordination Center)，其功能在於蒐集違反智財權所需要的資料及辦理程序，確保司法機關可就案件順利起訴，保護國家免於跨國犯罪的威脅(附件 38)。我國關務署代表稱，我方目前正面臨仿冒品大量地透過快遞、郵包之方式，密集進入我國國境。因是類案件涉案物品數量甚微，移送司法機關偵辦後通常未能定罪。故關務署代表向美方報告者提問，其是否有成功將微量進出口仿冒品刑事起訴之經驗。美方報告者稱，是類案件之刑事偵查、起訴具有相當難度，惟有部分國家實務上會將曾經進出口仿冒品者之姓名、地址等資料登錄控管，於日後刑事調查時，或許可以成功證明其為有計畫性地進出口仿冒貨物，而於刑事上成功追訴。

第 5 段議題為目前邊境執法的發展、倡議及趨勢(Current Developments, Initiatives, and Trends in Border Enforcement)。澳洲海關分享該國的 IP 資料庫，如何蒐集情資、分析及傳送，及與私部門合作達成緝案(附件 39)。我國關務署代表簡介執行商標權邊境管制措施及其立法目的，分享我國目前之執法現況，並擇重要查緝案例 3 則，說明如何於具體個案中實踐有關規範(附件 40)。日本海關代表分享該國智慧財產權邊境執法，執法人員配置與訓練方式(附件 41)。

研討會最末進行案例研討，美國代表援引 Cisco 產品查扣案例，介紹侵害商標權犯罪不同態樣，如侵權人針對真品加以改造，並宣稱其為商標權人生產之產品行銷之。並透過該案例說明美國商標法認定是否涉及仿冒、啟動犯罪調查，以及第四巡迴上訴法庭處理本案之標準(附件 42)。

陸、心得與建議事項

- 一、因海關業務主要涉及國際間貨物以及人員流動之管制，故與各國海關能有充分合作益顯重要。各國海關目前透過 WTO、WCO、APEC 等國際會議平台，就該國海關所遭遇邊境執法、稅捐課徵、國際條約適用等議題進行討論，為充分了解他國海關於執法所遭遇之挑戰，以及其提出之應對方式，我國宜積極參加此類國際會議，並與各國與會者代表充分交流，以強化海關之執法效能。又參與國際會議，除須對於目前國際會議所使用之共通語言-即英文-有相當之掌握外，對於會議進行之模式及規則亦應有相當程度之了解。故鼓勵海關關員利用公餘時間增強外語能力，並使其能夠透過模擬國際會議等場合，熟悉國際會議之模式，並能適切地發表對各種議題的看法，對於我國出席國際會議是否能達到預期成效，即屬當務之急。
- 二、有關於智慧財產權之保護，向為國際間高度關注之議題。因科技進步，商品推陳出新以及不法業者盜版仿冒的速度常使執法單位應接不暇，又智慧財產權屬私權利，更需權利人積極協助，政府機關方能營造具備實效性之執法環境，妥適保護智慧財產權不受不肖業者侵害。依此，海關宜向權利人宣導我國智慧財產權邊境執法程序，以及權利人可資使用之保護措施，並可邀請權利人向邊境執法關員講授查緝仿冒品之技巧。除此，因行政機關執法仍受法律拘束，而應踐行正當之行政程序，故宜定期向關員宣導有

關規定，以確保其能確實依法執行智慧財產權邊境保護措施。

三、歷年 SCCP 會議所討論議題相當廣泛，出席代表未必就各領域均有深入之認識。如可及早指派出席人選，並由各單位針對其職掌業務所涉議題提供資料，擬定我國就該議題之立場，將加深出席代表就有關議題之認識，有助其於會場中與其他與會者深入交流

柒、附件

1. Draft Agenda of the First Meeting of the Sub-Committee on Customs Procedures
2. Harness Inclusive Opportunities, Embracing the Digital Future
3. 2018 Work Program, Briefing for CTI sub-for a
4. Highlights of the SCCP 2017 Outcomes
5. Project Upgrade
6. Update on the WCO Working Group on the WTO Trade Facilitation Agreement and Mercator Programme
7. Korea's Experience of TFA Implementation and Capacity Building Activity
8. The Evaluation Questionnaire
9. Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA)
10. Report on the Workshop to Identify Factors Affecting Import and Export Clearance Process Made by MSMEs
11. Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017
12. Study on the Global Data Standards for Supply Chain Connectivity- Phase 2
13. Challenges and Opportunities of Regional Customs Transit Agreements
14. AEO Program in Japan
15. PNG Customs Import Trusted Trader Programme
16. A Presentation on Customs Automation in PNG
17. COMBATING COUNTERFEIT SMUGGLING: PNG EXPERIENCE
18. U.S. Customs and Border Protection Operation Proposal on Counterfeit Electronic Items in E-Commerce
19. IMPOSING CUSTOMS DUTIES ON DIGITAL GOODS :
OPPORTUNITIES AND CHALLENGES

20. Outcome of the First Global Cross-Border E-Commerce Conference
21. SCCP Collective Action Plan (CAP)
22. Promoting self-certification of origin for preferential purposes
23. APEC: Stock-Take Survey on Implementation along with the WCO Immediate Release Guideline
24. Present updates on survey of the international legal instruments, which will ensure the effective interaction between Customs Administrations of APEC economies
25. SCCP Terms of Reference
26. Japan's counter-terrorism measures
27. SCCP 2018 Work Program
28. Summary Report of The First Meeting of SCCP
29. Trademark Infringement Determinations in A Border Enforcement Context – Program
30. Border Measure – The Peruvian Experience
31. Role of Government in Addressing Trademark Misappropriation and Infringement
32. The Republic of Korea's Institutional Arrangements to Address Trademark Misappropriation and Infringement
33. Building Relationship with Brand Owners – Thailand
34. Building Relationship with Brand Owners – Papua New Guinea
35. Building Relationship with Brand Owners – the United States of America
36. Transnational Law Enforcement & Border Enforcement Strategies
37. Investigative Brigade of Crime against Intellectual and Industrial Property
38. Homeland Security Investigations
39. Australian Border Enforcement of Intellectual Property Rights
40. The Practice of Trademark Protection at Border Enforcement Level
41. Human Resources Development
42. U.S. v. Con – A Case Study on Inter-Agency



**Draft Agenda of the First Meeting
Of the Sub-Committee on Customs Procedures**

27 February – 1 March, 2018
Port Moresby, Papua New Guinea

(As of 27 February 2018)

DAY 1 - TUESDAY, FEBRUARY 27, 2018		
08:30 – 09:00	Registration of the participants	Gateway Hotel, Rooms 5-7
OPENING REMARKS		
09:00 - 09:20	Delivery of the welcome address	Chief Commissioner of PNG Customs Service
09:20 – 09:30	Welcome to delegates and official opening of the meeting	SCCP Chair 2018
PHOTO SESSION		
09:30 – 09:45	Official photo	
AGENDA ITEM 1: ADOPTION OF THE AGENDA		
09:45 – 09:55	Presentation of draft annotated agenda and call upon members for adoption	SCCP Chair2018
AGENDA ITEM 2: BUSINESS ARRANGEMENTS		
09:55 – 10:00	Brief on the program and administrative arrangements, including side-events	Papua New Guinea
AGENDA ITEM 3: APEC 2018 THEMES AND PRIORITIES		
10:00 – 10:20	Address to the SCCP members on the progress within CTI and SOM, and CTI priorities for 2018	CTI Chair 2018
10:20 – 10:40	Brief on APEC 2018 themes and priorities	SOM Papua New Guinea 2018
10:40–11:00	Coffee Break	

AGENDA ITEM 4: SCCP 2017 OUTCOMES		
11:00– 11:15	Presentation of highlighted outcomes of the SCCP 2017 meetings	Viet Nam
11:15– 11:30	Key developments and updates on projects, including budget and funding criteria for APEC projects	APEC Secretariat
11:30– 11:45	Provide comments or share information	Member Economies
AGENDA ITEM 5: IMPLEMENTATION OF THE WTO AGREEMENT ON TRADE FACILITATION		
11:45 – 12:00	Update on the WCO Working Group on the WTO Agreement on Trade Facilitation and Mercator Programme	WCO
12:00 – 12:15	Korea’s experience of TFA implementation & capacity building activities	Korea
12:15 – 12:30	Provide the evaluation result after the Workshop on Enhancement of Stakeholder Engagement in the Implementation of the WTO TFA	Viet Nam
12:30 – 12:40	Table on APEC economies’ progress in implementing the WTO Agreement on Trade Facilitation (TFA)	SCCP Chair
12:40-12:50	Comments or information sharing	Member Economies
12:50 – 14:30	Lunch Break	
AGENDA ITEM 6: SUPPLY CHAIN CONNECTIVITY FRAMEWORK		
14:30 – 14:45	Report on Workshop to Identify Factors Affecting Clearance in Import and Export Processes made by MSMEs	Peru
14:45 – 15:00	Information on Phase Two of the Supply Chain Framework Action Plan (SCFAP) 2017-2020	CTI Viet Nam
15:00–15:15	APEC’s Continued Implementation of the Boracay Action Agenda and the 2018 Mid-Term Review	Philippines
15:15-15:30	Report on outcomes of PSU Study on Application of Global Data Standards on APEC Supply Chain Connectivity	APEC Secretariat PSU
15:30 – 15:45	Challenges and Opportunities of Regional Customs-Transit Arrangements	Chile
15:45-16:00	Comments or information sharing	Member Economies

16:00– 16:20	Coffee Break	
AGENDA ITEM 7: SINGLE WINDOW		
16:20-16:40	Comments or information sharing	Member Economies
19:00-21:00	WELCOME DINNER	

DAY 2 – WEDNESDAY, FEBRUARY 28, 2018		
AGENDA ITEM 8: AUTHORIZED ECONOMIC OPERATOR		
09:00 – 09:15	AEO Program in Japan	Japan
09:15 – 09:30	Report on PNG’s Trusted Trader Program	Papua New Guinea
09:30 – 09:45	Comments or information sharing	Member Economies
AGENDA ITEM 9: INFORMATION TECHNOLOGY AND RISK MANAGEMENT		
09:45 – 10:00	Presentation on the development of PNG ASYCUDA World System	Papua New Guinea
AGENDA ITEM 10: INTELLECTUAL PROPERTY RIGHTS		
10:00 – 10:15	Combating counterfeit smuggling: PNG Experience	Papua New Guinea
10:15 – 10:30	IPR/E-Commerce Operation Proposal	United States
10:30 – 10:40	Comments or information sharing	Member Economies
10:40- 11:00	Coffee Break	
AGENDA ITEM 11: CROSS-BORDER E-COMMERCE		
11:00 – 11:15	Imposing Customs Duties On Digital Goods: Opportunities and Challenges	Indonesia
11:15 – 11:30	Outcome of the First Global Cross-Border E-Commerce Conference	WCO/China
11:30 – 11:45	Members to share experiences on cross border e-commerce	Member Economies
AGENDA ITEM 12: COLLECTIVE ACTION PLAN		

11:45 – 12:00	Updates regarding the SCCP Collective Action Plan	CAP Coordinators/Lead economies
12:00 – 12:15	Promoting self-certification of the origin for preferential purposes – next steps	New Zealand
12:15 – 12:30	Proposals of Immediate Release Guidelines survey	Japan, Philippines
12:30 – 12:45	Present updates on survey of the international legal instruments, which will ensure the effective interaction between Customs Administrations of APEC economies	Russia and Chile
12:45 – 12:55	Comments or information sharing	Member Economies
AGENDA ITEM 13: COLLABORATION WITH APEC COMMITTEES, SUB-FORA, AND WORKING GROUPS		
12:55 – 13:10	Update on carrying out the APEC Chemical Dialogue Customs proposal	United States
13:10– 14:30	Lunch Break	
AGENDA ITEM 14: OTHER MATTERS		
14:30 – 14:45	Review of SCCP TOR	SCCP Chair 2018
14:45 – 15:00	Presentation on the counter-terrorism measures	Japan
AGENDA ITEM 15: UPDATE OF THE 2018 SCCP WORK PROGRAM		
15:00 – 15:15	Update of SCCP 2018 Work Program	SCCP Chair
15:15 – 15:30	Comments or information sharing	Member Economies
18:30 – 21:00	FAREWELL DINNER	

DAY 3 - THURSDAY, MARCH 1, 2018		
AGENDA ITEM 16: ADOPTION OF THE 2018 FIRST SCCP MEETING REPORT		
09:00 – 09:30	Review and adoption of the summary report of the 1 st meeting of SCCP 2018	Member Economies
09:30 – 09:45	Coffee Break	
DOCUMENT ACCESS		
09:45 – 10:00	Determining the confidentiality of meeting documents and reports	Member Economies
CLOSING REMARKS		

10:00 – 10:15	Conclusion of the SCCP 1 Plenary Session	SCCP Chair2018
12:00 – 13:15	Lunch Break	
13:30 – 17:00	Tour - Papua New Guinea National Parliament House	

DRAFT



RELEVANCE



In 2018 PNG seeks to:

- continue to promote the notion of **quality growth** and advance the APEC Leaders' Growth Strategy.
- Harness a conversation around the **digital economy**, and how APEC can seize opportunities and respond to challenges associated with it.



APEC 2018

Presentation by Papua New Guinea



APEC 2018 POLICY PRIORITIES



THEME



“Harnessing Inclusive Opportunities, Embracing the Digital Future”

The theme seeks to drive APEC's collective work on growth and connectivity, and brings to the fore discussions on the digital future that APEC beyond 2020 can embrace.



Policy Priority 3: Strengthening Inclusive Economic Growth through Structural reform



Relevance

Further ongoing work under EC and also stimulate discussions that will advance APEC's ongoing discussions and initiatives on digital age.

Key Areas

- Invigorating RAASR
- Progressing Mark II on EoDB;
- Progress work on Good Regulatory Practices
- AEPR 2018.

Outcomes

- Best Practices on how RAASR can best support reform efforts
- 11th GRP Conference
- Concluding Second Action Plan (Mark II) on EoDB
- Jointly developing 2018 APEC Economic Policy Report



Policy Priority 1: Improving Digital Connectivity, deepening Regional Economic Integration



Relevance

Advance APEC discussions on connectivity and REI

Key Areas

- FTAAP
- reviewing the Individual Action Plans (IAPs) for 2020
- post-Bogor configurations
- breaking barriers for REI through infrastructure investment issues and connectivity
- Multi-lateral Trading System

Output

- 1) Bogor Goals Discussion Paper
- 2) Gap Analysis of the Connectivity Blueprint
- 3) Launch of AVG process



2018 Notional Calendar



SOM1 and related meetings:	24 February – 9 March
SOM2, related meetings and MRT:	11 - 26 May
SOM3 and related meetings:	04- 20 August
Closing SOM, AMM, AELM:	12-18 November

Sectoral Ministerial meetings in PNG:

Tourism Week & Tourism Ministers' Meeting:	28 May – 01 June
Mining Week & Mining Ministers' Meeting:	17 - 25 August
Women and the Economy Forum:	3 – 7 September



Policy Priority 2: Promoting Inclusive and Sustainable Growth



Relevance

Promoting economic and social inclusion, and driving sustainable growth.

Key Areas

- Harnessing Growth in the Resource Sectors
- Promote Food Security in the region
- Gender Inclusion and Women's Economic Empowerment

Outcome

- APEC Guidance on Harnessing Growth in the Resource Sectors



THANK YOU

Multilateral Trading System



- **Responding to Leaders and Ministers instructions from 2017, including outcomes of MC11 in Buenos Aires last December**
 - Discussion to be held at CTI1 in Port Moresby, including proposals on e-commerce at the WTO and improved use of SPS notifications
- **Activities to support implementation of the WTO Trade Facilitation Agreement (TFA)**
 - Practical steps and targeted capacity building to support implementation of the TFA
 - PNG-led Trade Policy Dialogue on the TFA Category B and C commitments
 - *NB: almost every APEC economy has ratified the TFA*
- **Initiative to support the implementation of the MC10 decision on export subsidies**

APEC Committee on Trade and Investment



2018 Work Program Briefing for CTI sub-fora

Justin Allen
CTI Chair

Advancing Free Trade for Asia-Pacific Prosperity

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Regional Economic Integration



- **Bogor Goals**
 - 2018 Bogor Goals Review and Individual Action Plans
 - Accelerated effort towards the 2020 target?
- **FTAAP**
 - Initiatives to implement the Lima Declaration: tariffs; non-tariff measures; rules of origin; services; investment; MSMEs; NGeTI.
 - Discussion of new ideas that could contribute to FTAAP: digital trade and e-commerce; state-owned enterprises; remanufactured goods; technology choice.
- **Internet and digital economy / e-commerce**
 - Implementation of the Roadmap on the Internet and Digital Economy, including the role of ECSG
 - Work Plan to Identify Building Blocks to Facilitate Digital Trade
 - Proposals on: e-commerce; the role of IPR in digital trade content.

Work Program outline



Broadly speaking, the CTI work program fits within **four key areas**:

1. Support for the **multilateral trading system**;
2. Deepening **regional economic integration**, including through implementation of the Lima Declaration on FTAAP;
3. Strengthening **trade facilitation and connectivity**, including through regulatory cooperation and convergence; and
4. Promoting **innovative and inclusive responses to APEC-wide issues**, including through engagement with the private sector.

Trade Facilitation and Connectivity



- **Trade facilitation**
 - Support for implementation of the WTO TFA
- **Supply chain connectivity**
 - Implementation of the Supply Chain Connectivity Framework Action Plan Phase II
 - On-going work on: single window systems; Asia-Pacific Model E-Port Network
- **Other connectivity**
 - On-going work on infrastructure development and investment, including for quality infrastructure
- **Regulatory cooperation and convergence**
 - On-going work on electric vehicles, advertising, sustainable materials management, and logistics.

REI cont'd



- **Next Generation Trade and Investment Issues**
 - Deeply connected to FTAAP work
 - On-going work: manufacturing-related services trade
 - Proposed new work: investment aspects of NGeTI; transparency
- **Global Value Chains**
 - Measurement of Trade in Value Added terms under GVCs
 - APEC Global Value Chain Partnership Platform
- **MSMEs internationalization**
 - Further work to implement the Boracay Action Agenda
 - Various initiatives to support MSMEs integration into GVCs and the internationalization of MSMEs.
 - APEC Strategy on Green, Sustainable, and Innovative MSMEs

Innovative and inclusive work



- **Working with business**
 - Joint industry/officials' dialogues: Chemical Dialogue, Automotive Dialogue, Life Sciences Innovation Forum
 - PPDs, A2C2
 - Involving ABAC in the CTI work program
- **Cross-Fora Collaboration**
 - Strengthening and streamlining work across CTI sub-fora
 - Working with the Economic Committee and SOM Committee on ECOTECH
- **CTI's response to the Action Agenda on Economic, Financial and Social Inclusion?**
- **CTI's response to PNG's cross-cutting theme on the digital future?**

REI cont'd



- **Environmental goods and services / Green Growth**
 - On-going work: Environmental Services Action Plan; APEC Green Supply Chain Network
- **Services**
 - CTI's contribution to the Services Competitiveness Roadmap
 - On-going work: non-binding principles for domestic regulation of the services sector; APEC index to measure the regulatory environment in services trade.
- **Investment**
 - FTAAP work and investment aspects of NGeTI
- **Intellectual Property**
 - New proposal related to digital content

CTI contact points



- CTI Chair – Justin Allen
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- APEC Secretariat – Joji Koike
jk14@apec.org



WTO-TFA (conts)

- ✓ Introduced a new subject in the 2017 Work Program on “TFA”,
 - (i) ‘Enhancement of ‘C2C’ Cooperation’ (new agenda item);
 - (ii) ‘To promote effective cooperation between relevant stakeholders from public and private sector regarding the WTO TFA in APEC’.

附件4



The Meeting of the Sub-Committee on Customs Procedures

Port Moresby, Feb 27 – Mar 1, 2018

HIGHLIGHTS OF THE SCCP 2017 OUTCOMES

APEC 2017 SCCP Chair



2. Supply chain connectivity framework

- ✓ CTI updated the progress of the SCFAP II 2017-2020 and reiterated its 5 chokepoints.
- ✓ A Workshop to identify factors affecting clearance in import and export processes made by MSMEs hold by Peru.
- ✓ Concept Note proposed by Chile on implementation of the Guilines for APEC Customs Transit.



1. Implementation of WTO-TFA

- ✓ Endorsed A Concept Note from Viet Nam on hosting a Workshop on “Enhancing stakeholder engagement in the implementation of WTO TFA” and funded by APEC Secretariat.



- ✓ The Workshop was held on 16 August and its results was provided in SCCP 2.



5. Information technology and risk management

- ◆ Provided the report on the use of Passenger Name Record in risk management by Japan.
- ◆ Endorsed Japan's proposal to circulate the survey report to other relevant APEC sub-fora and meetings.
- ◆ Sharing information about applications and techniques for implementing risk management in APEC members.

附件4



3. Single Window

- ✓ Discussed on the CTI initiative of Single Window system with international interoperability (presented by PSU).
- ✓ To identify certain economies for case studies.
- ✓ Endorsed the Concept Note of the United States on hosting a 'Single Window Workshop' in the margins of SOM3 and the Workshop was held on 17 August.



6. Intellectual Property Rights

- ◆ The United States proposed leading inter-sessional work to capture best practices and presented the IPR Guidelines document.
- ◆ Develop a guideline manual for future capacity building activities.
- ◆ Sharing information about conducting IPR in APEC members.



4. Authorized Economic Operators

- ✓ Discussed and shared their experiences on implementing AEO Programs.
- ✓ Supported the concept paper from the Philippines on "AEO Programs proposal to provide specific technical assistance based on economies' specific capacity building needs".
- ✓ Discussed on AEP proposed by Korea.
- ✓ To continue working on implementations according the AEO Action Plan.



8. Cross Fora Collaboration and with external stakeholders

- ✓ Virtual Working Group to be absorbed by the A2C2 in order to improve public-private sector dialogue and engagement.
- ✓ Chemical Dialogue analysis.
- ✓ Workshop on Customs Best Practices to identify Timber and Wood Products.



7. Cross-border E-commerce

附件4

- ◆ Provided challenges and opportunities with the growth in e-commerce by WCO ;
- ◆ Encouraged members to continue following WCO's guidance.



Thank you!



8. Customs to Customs cooperation

- ◆ Chile and Russia gave updates on responses to a survey of international legal instruments for the effective interaction between Customs Administrations of APEC economies.
- ◆ Russia presented the TOR on granting to the Russian Customs Academy the status of APEC Training Centre.

PROJECT SESSION 1, 2018 Available Funds



Project Fund	Project Session 1, 2018
General Project Account (GPA)	\$1,170,000
Trade & Investment Liberalisation and Facilitation Account (TILF)	\$788,312
APEC Support Fund (ASF) General Fund	\$1,307,561
ASF Sub-funds	
Human Security	\$129,596
Health & Emergency Preparedness	\$115,675
Energy Efficiency and Low Carbon Measures	\$1,384,553
Supply Chain Connectivity	\$742,914
Mining	TBC
Free Trade Area of the Asia-Pacific and Global Value Chains	\$550,509
Innovative Development, Economic Reform and Growth	\$323,082
Connectivity	\$199,998
Micro, Small and Medium Enterprises	\$148,189
Renewed APEC Agenda on Structural Reform (RAASR)	\$951,790
Women and the Economy	\$350,400
Total Amount Available (GPA+TILF+ASF+Sub-Funds)	\$8,162,579

***A new Sub-Fund!**
The Women and the Economy sub-fund will open for Project Session 1 in 2018. Specific eligibility criteria and application processes for all sub-funds are available on the APEC Website: <http://www.apec.org/Projects/Funding-Sources.aspx>

附件5



Advancing
Free Trade for Asia-Pacific
Prosperity

Project Update

February – March 2018, SOM 1 & Related Meetings

Presented by
Denisse Hurtado M.
Program Director for ACTWG & SCCP
APEC Secretariat

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PROJECT SESSION 1, 2018 Key Dates



1. Concept Note Stage	Submission Date	Notification Date of BMC Decision
Internal Submission Deadline (Submit to Program Director)	21 March	N/A
Final Submission Deadline (Submit to PMU)	28 March	27 April

2. Project Proposal Stage	Submission Date	Notification Date of BMC Decision
Submission Deadline	25 May	23 July*

*Project Proposals which require a BMC decision before the date advertised here should be submitted to the Secretariat prior the Submission Deadline where possible. PMU will seek earlier BMC decisions where required by project timelines, but Project Proposals must be endorsed by the proposing forum, and must achieve a satisfactory rating across the Quality Criteria for Assessing APEC Projects, before they will be submitted by PMU to BMC for earlier approval

What does this mean? If your approved project needs to start as soon as possible (for example, workshops planned for SOM3) then get your first draft Project Proposal to your PD as early as possible and in advance of 25 May. Depending on the time required to get time-sensitive Project Proposals to the appropriate quality level, the Secretariat will submit these Project Proposals to BMC for approval in advance of 23 July. Don't forget the QAF is no longer required. The Secretariat will otherwise work to have all quality-assured/endorsed Project Proposals approved by 23 July.

PROJECT SESSION 2, 2017 Outcomes



Number of Projects Requesting Funding	123
Number of Projects Approved	59
Overall Approval Rate (Session 2, 2017)	48%
(Overall Approval Rate - 5 Year Average)	42%

APPROVAL PROCESS

The New Model (2018) – Responsible APEC Fora



Fund	Fora	Funding Criteria
General Project Account	SOM	Incoming and outgoing host priority themes
ASF General Fund	SOM	The Manila Framework on ECOTECH
TILF	CTI	The Osaka Action Agenda
Connectivity Sub-Fund	SCE*	Specific sub-fund eligibility
Energy Efficiency Sub-Fund	EWG	As above
FTAAP and GVCs Sub-Fund	CTI*	As above
Health and Emergency Preparedness Sub-Fund	SCE	As above
Human Security Sub-Fund	SCE	As above
IERG Sub-Fund	SCE*	As above
Mining Sub-Fund	MTF*	As above
MSME Sub-Fund	SMEWG*	As above
RAASR Sub-Fund	EC*	As above
Supply Chain Connectivity Sub-Fund	CTI*	As above
Women and the Economy Sub-Fund	PPWE	As above (new sub-fund for 2018)

*Already decide eligibility for these funds under 2017 process

APPROVAL PROCESS

The New Model (2018)



The new process starts in Project Session 1, 2018. Some key new things to remember:

- Review all the information on the Projects pages of www.apec.org
- Ensure you are using the current Concept Note (CN) template.
- Consider the new APEC Scoring Template when preparing your CN (see upcoming slide)
- After the Internal Submission Deadline, the proposing forum is only required to endorse CNs, they no longer score.
- After the Final Submission Deadline, endorsed CNs will be submitted to the applicable Responsible APEC Forum (RAFTs - see upcoming slide)
- Each economy on the RAF will assess the eligibility of each CN, and will score each eligible CN. If any economy finds a CN ineligible, reasons should be given – *but the CN cannot proceed further* (but can reapply next Project Session).
- Understand the eligibility of the funding source in question. If you need support, please contact your Program Director, or PMU@apec.org.

APPROVAL PROCESS

The New Model (2018) – the APEC Scoring Template criteria



Supports the Priorities of the APEC Fund to which it is applying

Please give a score out of **20** based on your assessment of how well the project addresses the priorities of the fund to which it is applying.

Quality Appears Strong

Please give a score out of **15** for project quality. APEC considers project quality against the following five criteria:

- *Relevance: this considers why the project is proposed;*
- *Impact: this considers what the project seeks to change;*
- *Effectiveness: this considers how a project will reach its objectives;*
- *Sustainability: this considers whether the benefits are likely to continue after the project is completed;*
- *Efficiency: this considers how a project will be implemented, particularly measuring the outputs (services, goods) against the inputs (cost of resources).*

Supports My Economy's Priorities

Please give a score out of **10** based on how well the project aligns with the APEC priorities of your economy.

Supports Capacity Building

Please give a score out of **10** based on how well the project supports APEC's Capacity Building Objectives, Goals and Operational Principles, which are listed in the APEC Project Guidebook.

Supports Cross Fora Collaboration and Benefits to Multiple Economies

Please give a score out of **5** based on whether there is broad support for the project, including cross fora collaboration. Please consider how well the project will benefit multiple members and the region as a whole.

APPROVAL PROCESS

The New Model (2018)



- Meet the 2 submission deadlines – & the Final Submission Deadline is *final!*
- 3-pages maximum.
- Specify the exact funding source ('ASF' alone is not a project fund description).
- Address the eligibility criteria for the funding source you apply for.
- Capacity building is central to *all* APEC projects – and you *must show* how your project will support capacity building needs for APEC developing economies, **for all** ASF General and ASF sub-fund projects.
- Write clearly and succinctly for an audience of non-experts.
- Secure at least 2 co-sponsoring economies (some groups expect more).
- Ensure project end date is by December of the following year.
- Use most current form, found on APEC website, project link.

Monitoring and Completion Reports



Monitoring Reports (MRs):

- MRs for projects approved in 2017 and before are due every 6 months on 1 February and 1 August; those approved in 2018 and after will have only be required once a year (1 April or as advised)

Completion Reports (CRs):

- Completion reports are due within 2 months of the project's completion.

Failure to submit MRs or CRs:

- POs with outstanding MRs are ineligible to submit new Concept Notes or have any proposal approved until all overdue reports are submitted.
- Any APEC forum whose project has not submitted a CR is ineligible to submit new Concept Notes or have any full proposal approved until all overdue reports are submitted.

Report templates can be found on the APEC Website:

<http://www.apec.org/Projects/Forms-and-Resources.aspx>

APPROVAL PROCESS

The New Model (2018) – in a flow diagram



After the *Internal Submission Deadline*: Fora endorse Concept Notes (CNs). Some fora do this earlier.



After the *Final Submission Deadline*: Endorsed CNs are sent to the APEC forum responsible for the APEC funding source, to assess against the specific eligibility requirements of the funding source, and then score eligible CNs. Each economy in the forum uses the APEC Scoring Template.



All the Scoring Templates are returned to the Secretariat by the deadline provided. The Secretariat averages the scores provided by each economy for each eligible CN. Ineligible concepts can re-apply next round.



The Secretariat recommends to BMC which CNs can be funded, based on order of scores (highest to lowest) and with consideration to the total amount that is available in the fund.



CNs that are approved 'in-principle' by BMC are developed into Project Proposals.

Key Advice for Project Implementation



How to have a successful workshop:

- Give at least sufficient notice to members of workshops, nomination requests
- Do your research and use your networks to find the right participants and speakers – don't just rely on members to find them for you
- Involve relevant International Experts and organizations as speakers, ensuring you follow the Guidelines on Managing Cooperation With Non-members
- Invite a representative(s) of other APEC working groups if relevant
- Work closely with your Secretariat Program Executive on travelers approvals and acquittals

Capacity Building in APEC Projects



Capacity Building in Projects

- Capacity building is central to APEC Projects. In 2015, SCE approved a Capacity Building Policy for APEC. The Policy aims to strengthen the focus of APEC projects towards capacity building outcomes.
- From 2018, 'Supports Capacity Building' will be part of the Concept Note Scoring Template (10 points /60 points).
- The current edition of the Guidebook on APEC Projects (Ed.12) expresses the Policy through changes to the Concept Note template; new appendix which addresses APEC's Capacity Building Goals, Objectives and Principles.

Project Resources:

<https://www.apec.org/Projects/Forms-and-Resources>



Project Guidebook

- [Guidebook on APEC Projects \(12th Edition\)](#)
- [Edition 12: Edit Summary](#)

Forms for Applicants

- [Concept Note Template](#)
- [Project Proposal Template](#)
- [APEC Self-Funded Project Proposal Coversheet](#)

Resources for Applicants

- [APEC SCE Guidelines for Cross-Fora Collaboration](#)
- [Project Session 1, 2018: An Overview of Changes](#)
- [2015 SCE Capacity Building Policy](#)
- [APEC Scoring Template](#)
- [Project Quality Training Materials](#)
- [Concept Note Development Materials](#)
- [Project Proposal Development Materials](#)
- [Quality Criteria for Assessing APEC Projects](#)
- [Guide on Gender Criteria](#)
- [Applying for APEC Funds Overview](#)
- [APEC Guidelines on Conducting Capacity Building](#)

Key Advice for Project Implementation



Be familiar with and follow APEC procurement rules:

- *Guidebook* Chapter 12 on Contracting
- Different requirements for contracts below USD 5,000; 20,000; 50,000; 50,001 and above
- For over USD 50,001 get your proposal assessment panel together early and remember **only members of your forum officials (or their nominated delegates) can be assessors!**
- Use the RFP timeline and correct templates <http://www.apec.org/Projects/Forms-and-Resources.aspx>

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www.linkedin.com/company/asia-pacific-economic-cooperation-apec-secretariat

Self-funded APEC Projects

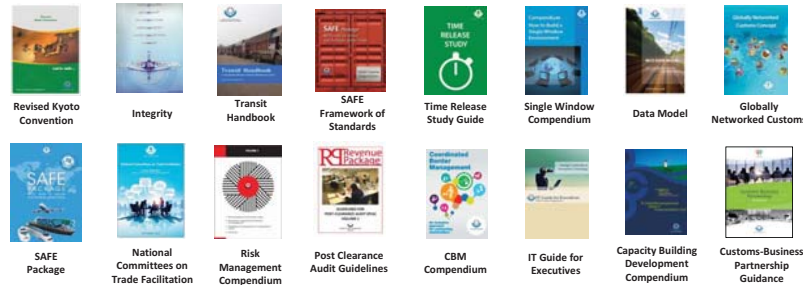


- Can be put forward at any time
- Must be approved by the group
- Must comply with **APEC guidelines and practices** (hosting, publications, logo use, non-member participation)
- Project Overseer must submit **Self-Funded Project Proposal Coversheet** (*Guidebook on APEC Projects*, Appendix C) to the Secretariat before commencement of the project
- Project Overseer is strongly encouraged to submit **Completion Report** (*Guidebook on APEC Projects*, Appendix G)

WCO tools to implement TFA

The WCO has developed a number of instruments and tools, which also respond to Members' needs as regards TFA implementation. The WCO is continuing to develop and fine-tune the related instruments and tools to help Trade Facilitation.

Examples of WCO tools



Update on the WCO Working Group on the WTO Agreement on Trade Facilitation and Mercator Programme

World Customs Organization

WCO role in implementing the WTO TFA

- WCO represents 182 Customs administrations dealing with 98% of international trade.
- WCO is the only inter-governmental organization as the global centre of Customs expertise.
- WTO TFA deals almost entirely with Customs-related topics but foresees cooperation with other agencies. Customs is a central government agency for the implementation of the TFA in cooperation with other border agencies. Accordingly, WCO role becomes more crucial.
- WCO has developed various tools and instruments to support the implementation of TFA. (RKC, SW, SAFE, RM, ... etc.)

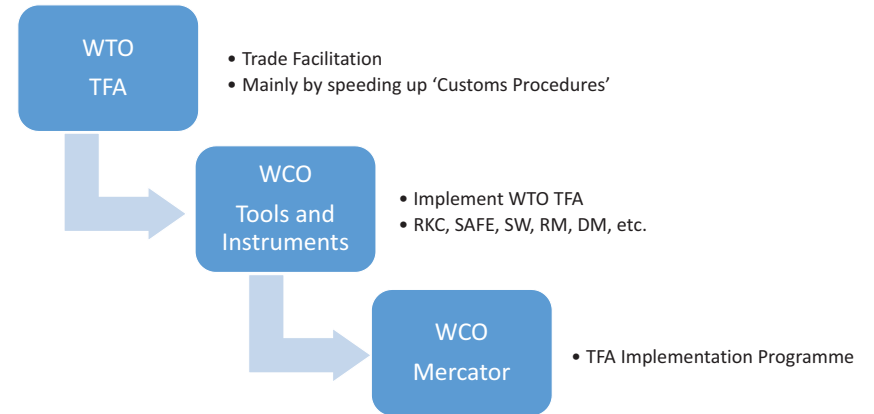
WTO TFA and WCO – Key Developments



Mercator Programme: Navigational Map for Trade Facilitation



The WCO **Mercator Programme** was endorsed at the WCO Council in June 2014.

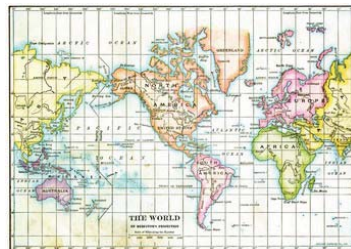


Mercator Projection

- Cylindrical map projection presented by the Flemish geographer and cartographer Gerardus Mercator in 1569.
- The Mercator projection enabled mariners to plot straight courses and take correct compass readings, thus supporting trade. It became fundamental to understanding the world and ultimately led to increased interconnectivity.



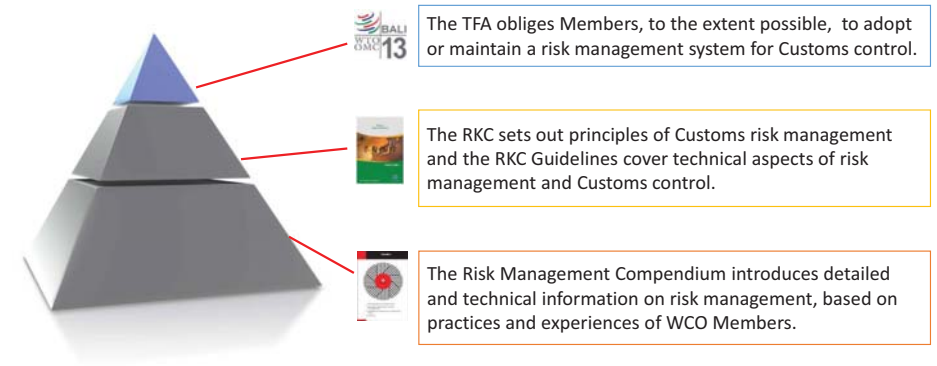
Gerardus Mercator



Mercator Projection

WCO tools to implement TFA

Example – Risk Management



Capacity Building and Technical Assistance

The WCO will provide Members with practical assistance to implement the TFA through its network of Customs experts.



The WCO Database has more than **400 accredited experts** from Members.

WCO Mercator Programme – Key Objectives



Tailor-made technical assistance and capacity building



Harmonized implementation based on WCO's global standards



Effective coordination among all stakeholders

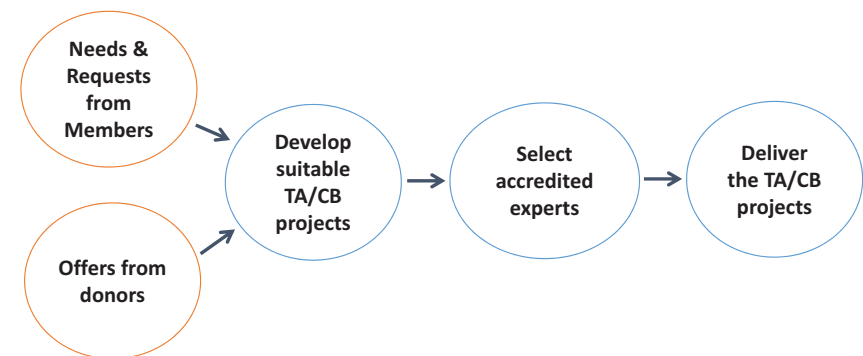


Beneficial for developing and least developed countries, all government agencies, donor institutions and private sector

New developments for Mercator Programme

- Two e-learning courses based on the TFA Implementation Guidance and the WCO Transit handbook
- Accredited Experts of Mercator Programme Advisors (MPAs) since 2015 ; technical and operational advisors (TOA) and training experts
- New source for funding from the WCO reserve and donors (China, Finland, Germany, Japan, Korea, Norway, Sweden, UK)

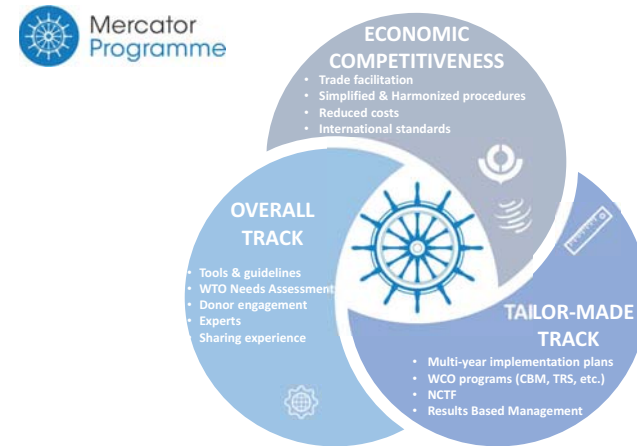
Tailor-made Assistance



Achievements under the Mercator Programme

- WCO organized regional awareness-raising workshops -

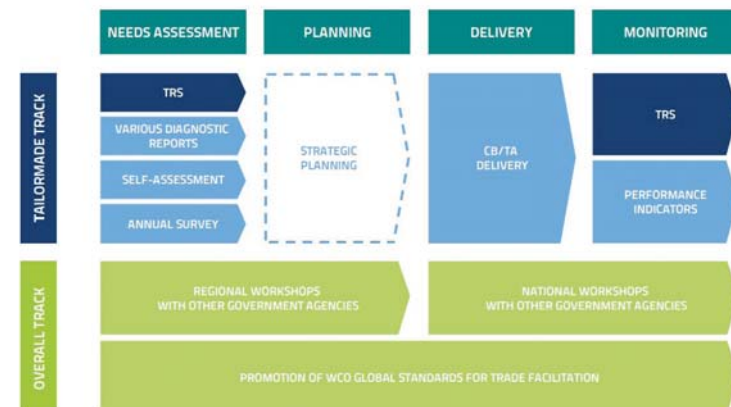
- For its 6 regions that cover all of its 182 Members,
- Inviting Customs, trade ministries, the private sector and international organizations (governmental and non-governmental)
- To raise awareness of the TFA and the need of its implementation through WCO tools.
- It has also enhanced partnership with international organizations, including sanitary, phyto-sanitary and transport sectors.
- A second round of regional workshops, more focused on technical implementation issues, is under way.



Achievements under the Mercator Programme

- As part of the Overall Track, the WCO had developed the TFA Implementation Guidance, enhancing and updating the WCO standards, instruments and tools.
- As of Dec. 2017, more than 377 missions had been delivered in all six WCO regions under the Mercator Programme, with the assistance of Mercator Programme Advisors (MPAs) and other accredited experts.

Mercator Programme Framework

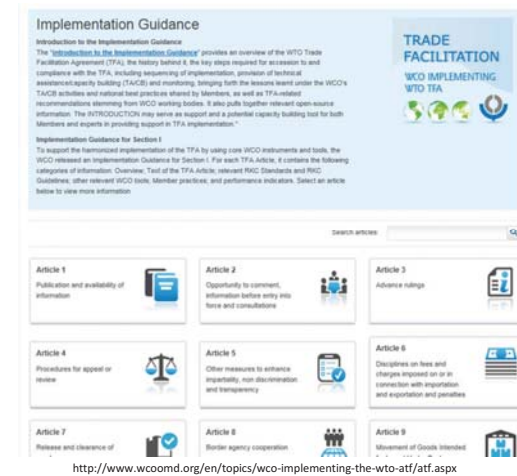


8th WCO WG on the WTO TFA on Oct. 2017

Keynote speech by Daniel Blockert, Swedish Ambassador to WTO and Chairperson of the WTO Trade Facilitation Committee (TFC)

- Importance of WCO's involvement in the work of the WTO TFC because of its technical expertise and capacity building efforts.
- Regarding TFA implementation, National Committees on Trade Facilitation (NCTF) is highly required
- Adoption of the Rules of Procedure adopted and sharing of best practices

WCO TFA Implementation Guidance



9th WCO WG on the WTO TFA on Feb. 2018

- Monitoring Function
- The promotion of the importance of CBM, Public-Private Sector dialogue and relevant WCO tools in the context of NCTFs
- Enhanced coordination with other governmental agencies such as sanitary authorities for the purpose of implementation of the TFA and coordination for prioritizing TA/CB
- The Mercator Programme

Effective Coordination - Working Group

The TFAWG is the **platform** for Members to **share** experiences regarding the implementation of the TFA among the WCO's 182 Members, **coordinate** with the donor community, **engage** with other international organizations and bodies, as well as with the private sector.

- Analyse TFA and prepare relevant actions
- Set new standards or modify existing tools
- Discuss technical assistance activities
- Donor information
- Report to PTC/CBC/Policy Commission/Council

- 1st WG, March 2014; 2nd WG, Sept. 2014
- 3rd WG, Feb. 2015; 4th WG, Oct. 2015
- 5th WG, Feb. 2016; 6th WG, Oct. 2016
- 7th WG, March 2017; 8th WG, Oct. 2017
- **9th WG, Feb. 2018**

WTO Trade Facilitation Agreement (TFA)

- TFA contains 12 Articles regarding Trade Facilitation and Customs cooperation in Section I
- It deals almost entirely with Customs-related topics but foresees cooperation amongst border agencies (CBM). 22 out of 32 measures apply to multiple agencies, not only to Customs.

<p>Section I</p> <p>Art.1 Publication and availability of information Art.2 Consultations Art.3 Advance ruling Art.4 Appeal/Review procedures Art.5 Other measures for transparency etc. Art.6 Fee, Charges and penalty Art.7 Release and Clearance of goods Art.8 Border Agency Cooperation Art.9 Movement of goods intended for import Art.10 Formalities Art.11 Transit Art.12 Customs cooperation</p>	<p>Section II</p> <p>Special and Differential Treatment for Developing Countries and Least Developed Countries</p> <ul style="list-style-type: none"> ○ Rules about Categories A, B and C ○ Assistance for Capacity Building ○ Information to be submitted to the TF Committee
	<p>Section III</p> <p>Institutional Arrangements and Final Provisions</p> <ul style="list-style-type: none"> ○ Committee on Trade Facilitation ○ National Committee on Trade Facilitation ○ Final provisions

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WCO Revised Kyoto Convention - General Annex

- **Chap 1 General Principles**
- **Chap 2 Definition**
- **Chap 3 Clearance & Customs Formalities**
 - The Declarant -- Responsibilities of the declarant
 - The Goods Declaration -- Goods declaration format and contents, supporting documents
 - Lodgement, registration and checking of the declaration
 - Special procedures for authorized persons
 - Examination of Goods -- Time required for examination of goods
 - Release of Goods
- **Chap 4 Duties & Taxes**
 - Assessment, collection and payment of Duties & Taxes
 - Deferred payment of Duties and Taxes
- **Chap 5 Security**
- **Chap 6 Customs Control**
- **Chap 7 Application of Information Technology**
- **Chap 8 Relationship between Customs & Third Parties**
- **Chap 9 Information, Decisions & Rulings supplied by Customs**
 - Information of General application
 - Decisions and Rulings
- **Chap 10 Appeals in Customs Matters**

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Thank you very much !

- Min.Han@wcoomd.org



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Analysis of TFA Section I based on the WCO tools and instruments

TFA section I	WCO tools and instruments
ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW	RKC, Revised Arusha Declaration
ARTICLE 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NONDISCRIMINATION AND TRANSPARENCY	RKC, SAFE, RM Compendium, SW, Customs Compendium on Operational Practices and Seizures (COPEs), Customs Laboratory Guide
ARTICLE 6: DISCIPLINES ON FEES AND CHARGES IMPOSED ON OR IN CONNECTION WITH IMPORTATION AND EXPORTATION AND PENALTIES	RKC, Revised Arusha Declaration
.....
ARTICLE 11: FREEDOM OF TRANSIT	RKC, Customs Compendium on Secure and Efficient Transit System, Istanbul Convention
ARTICLE 12: CUSTOMS COOPERATION	RKC, SAFE, GNC, CEN, nCEN, CENcomm, Nairobi Convention, Guide to the Exchange of Valuation Information, Johannesburg Convention, Guidelines on ISCM (Advance Electronic Cargo Information), etc.

WCO Revised Kyoto Convention - Special Annexes

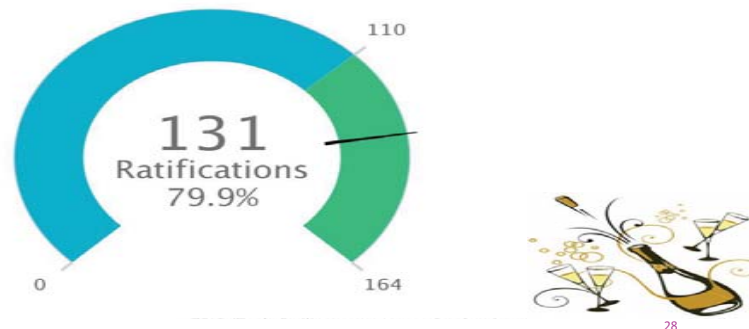
- SA -A Arrival of goods in a Customs territory
- SA -B Importation
- SA -C Exportation
- SA-D Customs warehouse & Free Zone
- SA-E Transit (Customs transit & transhipment)
- SA -F Processing
- SA- G Temporary admission
- SA- H Offences
- SA- J Special procedures (Travellers, Postal traffic, Means of transport for commercial use, Stores, Relief consignment)
- SA -K Origin



situation

Ratifications


The Trade Facilitation Agreement (TFA) entered into force on 22 February 2017 when the WTO obtained the two-thirds acceptance from its 164 Members.



Analysis of TFA Section I based on the WCO tools and instruments

TFA section I	WCO tools and instruments
ARTICLE 1: PUBLICATION AND AVAILABILITY OF INFORMATION	RKC, SAFE, SW Compendium, Customs Valuation Compendium, Recommendation on the application of HS Committee Decisions, Revised Arusha Declaration
ARTICLE 2: OPPORTUNITY TO COMMENT, INFORMATION BEFORE ENTRY INTO FORCE AND CONSULTATIONS	RKC, SAFE, Revised Arusha Declaration
ARTICLE 3: ADVANCE RULINGS	RKC, DM, Recommendation on the introduction of programmes for binding pre-entry classification information, Recommendation on the improvement of Tariff Classification work and related infrastructure, Technical Guidelines on Binding Origin Information, Practical Guidelines for Valuation Controls

ABC Notification

 WORLD TRADE ORGANIZATION		WT/PCTF/N/1	
(00-0000)		2016	
Preparatory Committee on Trade Facilitation		Page: 1/1	
		Original: English	

NOTIFICATION OF CATEGORY [A,] B AND C COMMITMENTS UNDER THE AGREEMENT ON TRADE FACILITATION

COMMUNICATION FROM: [MEMBER]

The following communication, dated: [date submitted: 2016], is being circulated on behalf of: [WTO Member] for Members' information.

The Government of: [Member] hereby makes the following notifications in accordance with Articles 15 and 16 of the Trade Facilitation Agreement: (WT/L/931):

Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
Article 1.1	Publication	B	January 1, 2018	To be determined	
Article 1.2	Information Available through Internet	C	July 1, 2020	To be determined	1. → Develop and implement policy guidelines on publication of trade related information. 2. → Ensure timely review and update of trade related information on internet by the relevant agencies. 3. → Ministry of Trade to set up a dedicated website for trade related information. 4. → Provide capacity building institutions.

Current situation



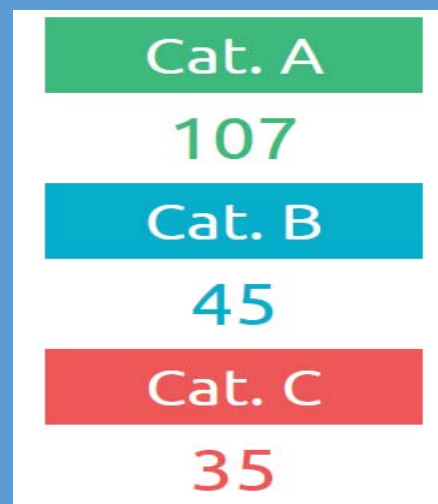
131 Ratifications received



Definitive Dates

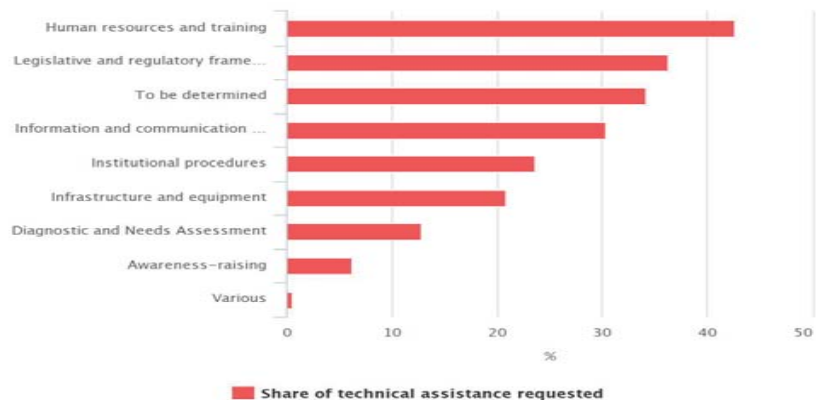
Provision	Heading/Description	Category	Indicative date for implementation (for categories B and C)	Definitive date for implementation (for categories B and C)	Assistance and Support for Capacity Building Required for Implementation (for category C)
Article 7.9	Perishable Goods	A	-	-	-
Article 8	Border Agency Cooperation	B	31 December 2018	31 December 2020	-
Article 9	Movement of Goods Intended for Import under Customs Control	A	-	-	-
Article 10	Formalities Connected with Importation, Exportation and Transit	C	31 December 2018	31 December 2020	Assistance needed:
Article 10.1	Formalities and Documentation Requirements	A	-	-	1. Training and other forms of technical assistance to build the capacity of the human resources of each government agency and other relevant sectors that shall form part of the National Single Window Program.
Article 10.2	Acceptance of Copies	A	-	-	2. Funding for the development of a program or software that will be used as the operating system for the National Single Window.
Article 10.3	Use of International Standards	A	-	-	3. Funding for the upgrade of the current IT equipment that will be used for the implementation of the National Single Window in all parts of entry and at the facilities of participating sectors and government agencies.
Article 10.4	Single Window	C	31 December 2018	31 December 2020	
Article 10.5	Pre-shipment Inspection	A	-	-	
Article 10.6	Use of Customs Brokers	A	-	-	
Article 10.7	Common Border Procedures and Uniform Documentation Requirements	A	-	-	
Article 10.8	Rejected Goods	B	31 December 2018	31 December 2019	

CATEGORY ABC TOTALS



Current situation

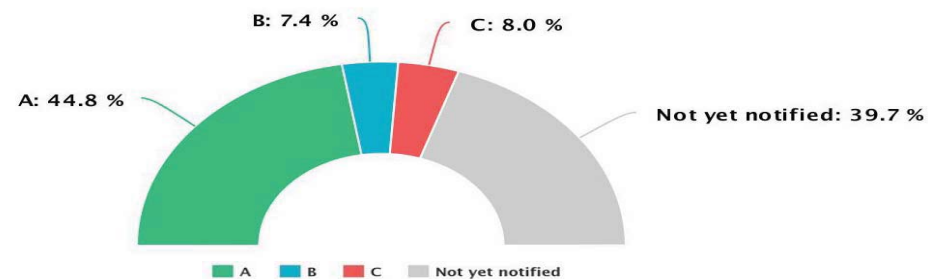
Type of technical assistance requested



Current situation

Share of Categories A, B, C

Based on % of all notifiable article items – Global

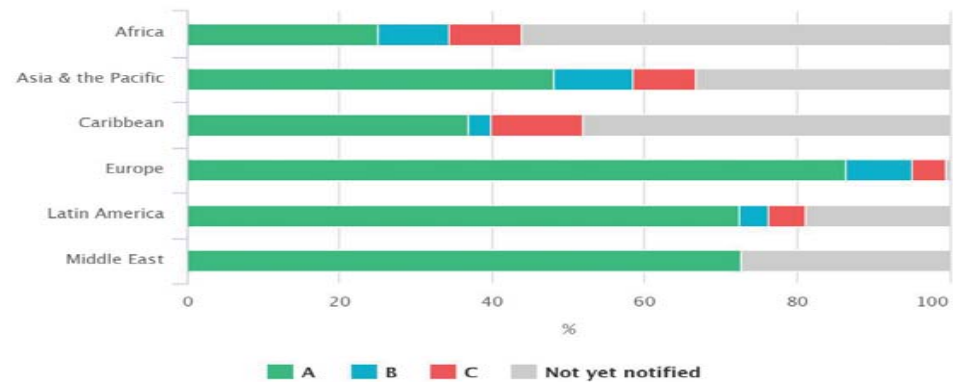


<https://www.tfadatabase.org/notifications/implementation>

Current situation

Share of Categories A, B, C by region

Based on % of all notifiable article items





01 Background

附件7

Korea's Experience of TFA Implementation And Capacity Building Activities



KOREA CUSTOMS SERVICE

01 Background

Challenges – Changing environment

- WTO TFA entered into force on Feb. 22, 2017
- Sharing TFA implementation experiences and reflecting best practices
- Cooperative activities among Economies for the implementation of TFA



INDEX

- 01 Background
- 02 TFA Implementation
- 03 Capacity Building Activities

02 Korea's TFA Implementation - by Article

Article 3 - Advance Ruling

Relevant Legislation

- Advance Ruling of Classification (1981)
- " Origin (2006)

Challenges and difficulties

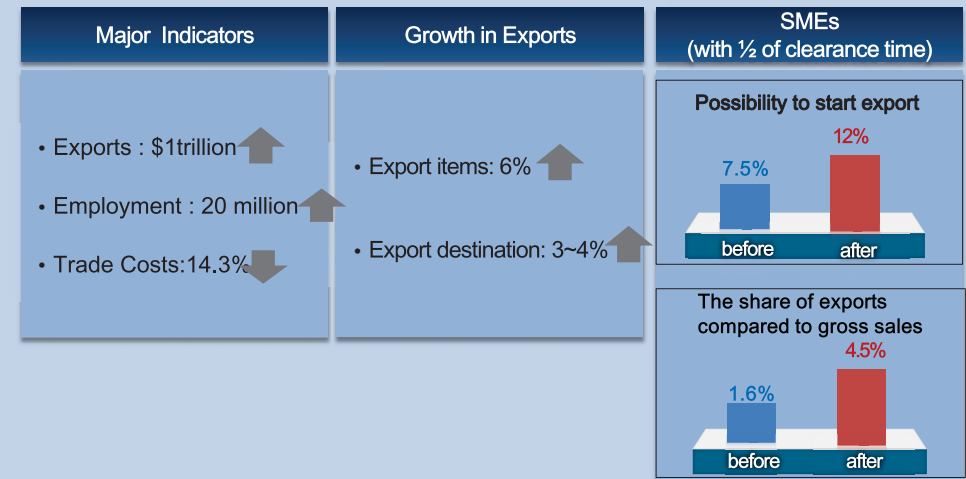
- ① Absence of a functional unit & Insufficient training for nurturing qualified officers
- ② Disclosure of information on the ruling decision (only to Applicants vs to the Public)

附件7

01 Background

Benefits - Export·Employment Increase, Trade cost Decrease

(source: OECD, ICC)



02 Korea's TFA Implementation - by Article

Article 3 - Advance Ruling

Effort to overcome challenges

①	Headquarter	Customs Valuation & Classification Institute	Central Customs Laboratory	Training Center
	management	advance ruling	laboratory work	training

- ② Publication of information except biz secret
(: Transparency and predictability, <http://www.customs.go.kr/>)

- ▶ Annual requests on Classification : 8,000 cases
- " Origin : 65 cases
- ▶ Adoption on Customs Valuation (2007)



02

Korea's TFA Implementation

- i Implementation Experiences by Articles
- ii Self-Assessment

Article 7.7 – Trade Facilitation Measures for Authorized Operators

Relevant Legislation

- Customs Act (2007),
- KCS Notification (2009)

Challenges and difficulties

- Internal
 - ① Lack of understanding (benefits, qualification criteria)
 - ② " institutional framework and qualified personnel
- External
 - ① Resistance to new system, Lack of awareness
 - ② Unfavorable environment for SMEs (strict criteria, financial insolvency)

Article 7.6 – Establishment and Publication of Average Release Time

Relevant Legislation

- No specified legal framework for TRS
- System established in 1997

Challenges and difficulties

- Internal
 - ① Delays in clearance procedure
 - ② Complicated clearance documents of OGAs
- External
 - ① Lack of awareness on the necessity
 - ② Low utilization (: Insufficient promotion)

Article 7.7 – Trade Facilitation Measures for Authorized Operators

Effort to overcome challenges

- Internal
 - ① AEO roadmap, Benchmarking best practices (WCO, the U.S. , Japan)
 - ②

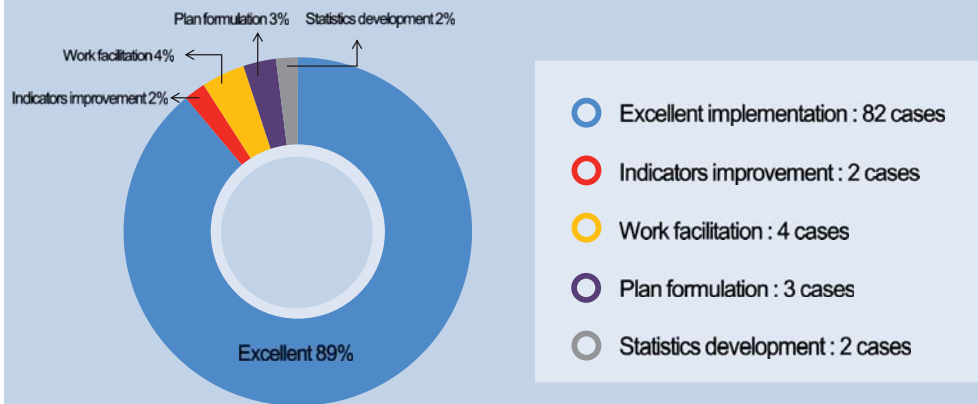
Headquarter	Customs Valuation & Classification Institute	Customs houses
management	documentary / on-side audit	comprehensive audit
- External
 - ① Pilot Projects (Samsung Electronics, Korean Air. etc), AEO Contest
 - ② SMEs: lenient authorization criteria and financial support for accreditation prep.

Article 7.6 – Establishment and Publication of Average Release Time

Effort to overcome challenges

- Internal
 - ① Flexible declaration system, Paperless customs clearance, System modernization with 3 stages (TRS, Client-oriented Logistics Information System, Updated CLIS)
 - ② Single Window (55 government agency, operated starting from 2006)
 - External
 - ① Trade environment ↑⇒ Trade volume ↑ ⇒ General benefit ↑
Trade cost. ↓⇒ Competitiveness ↑ ⇒ Exports ↑
 - ② Distribution of quarterly trade statistics by exports/imports, ports, items
- ▶ Automatic publication of TRS through UNI-PASS (1.69 day)

Pie-chart of the result



Based on 93 performance indicators

Overview

Background

- Examine KCS's TFA implementation & identify rooms for improvement
- Use the result to provide support to other economies

Research Methods

- Analysis Tool : 93 WCO TFA performance indicators
- Methodology : Circulation of a survey to division concerned → Analyze the survey result

Result

- General Evaluation : Excellent implementation (89%)
- Future developments : Complimentary measures in consultation with relevant divisions

Examples of future tasks

	Article 2.1	Article 6.3
Content	Opportunity to comment, information before entry into force and consultations	Penalty Disciplines
Performance indicator	No. of comments received per year	No. of cases involving voluntary disclosure per year
Assessment result	No Comprehensive Statistics	
Future tasks	Statistics development and Public promotion in close consultation with relevant divisions	

WCO Homepage

[World Customs Organization](#) • [Topics](#) • [WCO implementing the WTO TFA](#) • [Implementation Guidance for Section I](#) • [Publication and availability of information](#)

PERFORMANCE INDICATORS

Yes/No Question

Do you publish Customs Laws regulations, procedures (including all associated regulatory documents), fee and charges imposed prior to implementation?

Quantitative indicators

- % of information stipulated in Article 1.1 of TFA publicly available
- No. of visits to the Webpage

03 Capacity Building Activities

Capacity Building Activities to support TFA Implementation

OCO	SASEC
MOU btw KCS – OCO ('17.3)	Consultation with ADB ('16.11)
Participation to OCO Conference & Discussion on capacity building and technical support ('17.5)	Participation to SASEC Customs meeting & Introduction to Korea's ODA program('17.6)
KCS-OCO-WB TFA Workshop('17.6)	KCS-SASEC-ADB TFA Workshop & 3 year Action Plan ('17.11)
OCO TFA Workshop for High-level officials ('18.11)	KCS-OCO-ADB National Workshop for WTO TFA Implenment ('18.6)

附件7



03 Capacity Building Activities



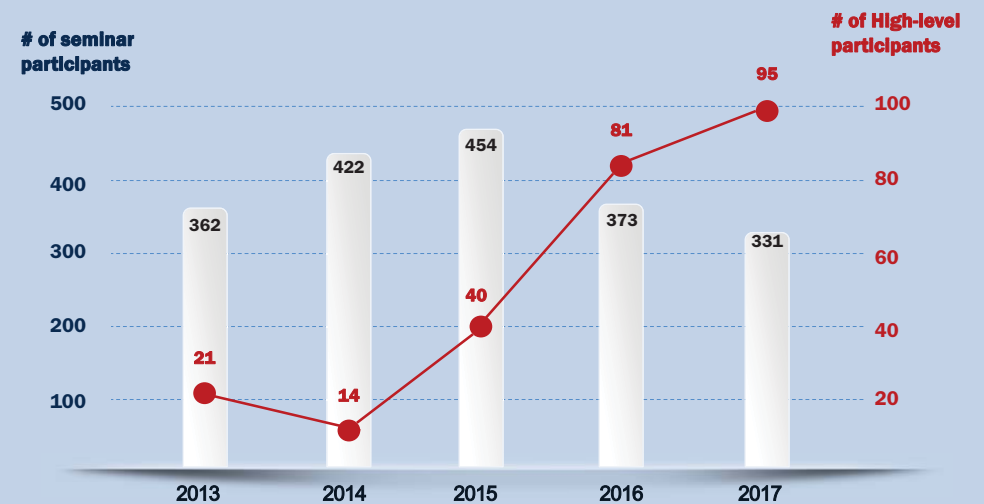
Thank you!



KOREA CUSTOMS SERVICE

03 Capacity Building Activities

Statistics of invitational seminar for the last 5 years





A/ Implementation of the WTO-TFA

1. Amendment/adjustment of legal framework to implement the WTO-TFA : 19/21 APEC members ratified.

NO	YES
<ul style="list-style-type: none"> - Japan - Australia - Hong Kong, China - New Zealand - The United States 	<ul style="list-style-type: none"> - Thailand - Viet Nam - The Philippines - Malaysia - Brunei Darussalam - Chinese Taipei - Indonesia - China - Korea - Peru

2. Key challenges/obstacles

- **Engagement of Customs Administration and other Border Agencies:** Poor legal framework ; Limited resources in terms of human sources and finance supports; Poor coordination among agencies; Lack of an integrated approach to risk management and compliance management across agencies
- **Participation of private sector:** Poor coordination between government agencies and private sector; High level of support for WTO-TFA measures by private sector - but their potential contribution to mobilizing political support for reform is not always fully exploited.
- **Technical Assistance and Capacity Building:** Carrying out workshops/ programs requires nurturing the pool of WTO-TFA experts; More advanced diagnostic methods are necessary to better identify beneficiary countries' WTO-TFA implementation status



The Meeting of the Sub-Committee on Customs Procedures

Port Moresby, Feb 27–Mar 1, 2018

THE WORKSHOP ON ENHANCEMENT OF STAKEHOLDER ENGAGEMENT IN THE IMPLEMENTATION OF THE WTO-TFA

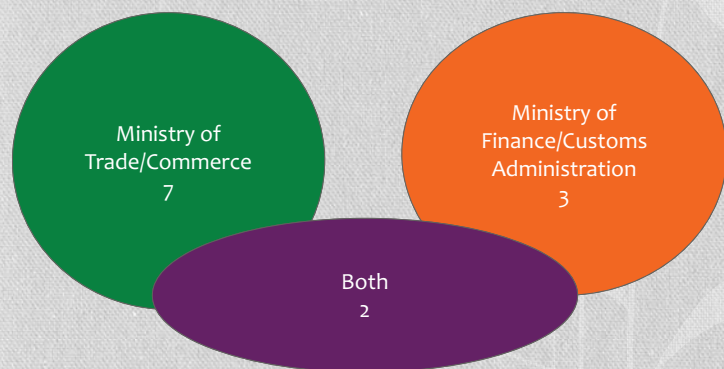
THE EVALUATION QUESTIONNAIRE

VIET NAM CUSTOMS

Evaluation Questionnaire

- Circulated on Nov 6, 2017 to SCCP members.
- 15/21 responses.
- 19 questions
- 2 main parts: (i) implementation of WTO-TFA in SCCP members; and (ii) stakeholder engagement in implementing WTO-TFA in SCCP members.

2. Leading agency and its role:

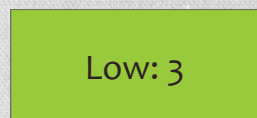
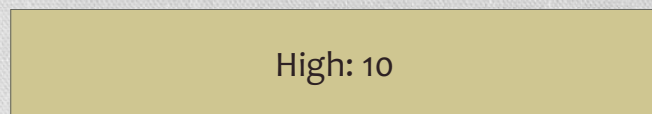


3. NTFC establishment

12 members: The Philippines, Thailand, Malaysia, Korea, China, Brunei, Chinese Taipei, Viet Nam, The United States, New Zealand, Australia, Hong Kong, China, Japan.

Relevant governmental ministries/agencies	Governmental Ministries/agencies + private sector
The United States: 11 Hong Kong, China: 10 Korea: 7 Japan: 5 Brunei: 4 Viet Nam: 4	Australia Malaysia Thailand

Rate of engagement: government agencies and private



B/ Stakeholder engagement

- Agencies involved: all related government agencies and private sector
 - The United States: 47
 - Malaysia: 38
 - Chinese Taipei: 36
 - Indonesia: 18
 - China: 16
 - The Philippines: 14
 - Brunei: 11
 - Viet Nam: 11
 - Peru: 7

4. Recommendation on how to engage stakeholders: from members' views:

- Raise awareness of all relevant stakeholders on the importance of WTO-TFA.
- Engagement can be further supported by making use of relevant industry, advisory and working groups that can assist in the implementation of the TFA articles.
- The use of expert advisory / working groups under the auspices of the NCTF can assist countries and their administrations in implementing TFA articles as the subsidiary working groups can focus on particular areas relevant to WTO-TFA implementation
- Move forward from the engagement of the private sector by the appointment in the NTFC to regularly reflecting opinions of many stakeholders by hosting private sector joint workshop with relevant agencies, briefing sessions and listening to opinions and feedbacks.

2. Private sector role: indispensable part in implementing the WTO-FTA. From members views:

- Support government by highlighting issues and providing suggestion to improve trade and investment facilitation towards the industry
- Deliver technical expertise and resources to support targeted reform efforts.
- Examine emerging strategic issues in the international trade environment.
- Co-host seminars and fora with relevant agencies to discuss the direction of the TFA implementation and provide education and consulting to the private sector.
- Cascade and disseminate all policies and insurance relating to the TFA to the relevant sectors.

5. Recommendation on how to develop customs-customs: from members' views

- Customs-customs cooperation continues to be underpinned by bilateral / multilateral agreements and, where the promotion of WTO-TFA article/s is desired, agreements should canvass, and include, provisions that support the implementation or advancement of the WTO-TFA articles.
- Customs-customs cooperation between least developed countries, developing and developed countries should not be considered in isolation of non-TFA factors (e.g. Transport security, supporting infrastructure and Systems (physical and ICT, etc.) that may directly, or indirectly, impact on the overall success in achieving full compliance with the TFA.
- After identifying the needs of each customs administration in capacity building, customized capacity building projects can be carried out. Sharing knowhow by presenting best practices of the TFA implementation of each Customs in international conference on Customs.

3. International organization support and technical assistance

- Provide trainings to government officers involved in border protection, consultation.
- Organize multilateral seminars, workshops, meetings.
- Technical assistance from WCO, WB, ADB, WTO, UNCTAD
- Members have technical assistance and capacity building to support WTO-TFA implementation: the United States, Japan, Australia, New Zealand, Brunei, Korea, Malaysia, China



Thank You

Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA) as of 23 Feb 2018

Economy	Has economy set up its National Committee on Trade Facilitation? Where possible, pls provide a contact point and email address(es)	Category A	Category B		Category C	
			Indicative Implementation Date (to be notified by 22 Feb 2017)	Definitive Date for Implementation (to be notified by 22 Feb 2018)	Indicative Implementation Date (to be notified by 22 Feb 2017)	Definitive Date for Implementation (to be notified by 22 Feb 2018)
Australia						
Brunei Darussalam WT/PCTF/N/BRN/1; G/TFA/N/BRN/1; G/TFA/N/BRN/1/Add.1		<i>All provisions designated as Cat A except:</i> Art 4.4 Procedures for Appeal or Review Art 7.7 Trade Facilitation Measures for Authorized Operators	22 Feb 2022 22 Feb 2022			
Canada						
Chile WT/PCTF/N/CHL/1 G/TFA/N/CHL/1		<i>All provisions designated as Cat A except:</i> Art 7.7 Authorized Operators	Pending notification	7.7 moved to Cat A	Pending notification	
China WT/PCTF/N/CHN/1 & G/TFA/N/CHN/1 G/TFA/N/CHN/1/Add.1 G/TFA/N/CHN/1/Add.2		<i>All provisions designated as Cat A except:</i> Art 7.6 Establishment and Publication of Average Release Times Art 10.4 Single Window Art 12.2 Exchange of Information Art 12.6.1 Provision of Information	22 Feb 2020 22 Feb 2020 22 Feb 2020 22 Feb 2020	22 Feb 2020 22 Feb 2020 22 Feb 2020 22 Feb 2020		
Hong Kong, China WT/PCTF/N/HKG/1		All provisions designated as Cat A A Coordinating Mechanism for the implementation of the TFA has been set up; Contact point: Trade and Industry Department; tfa@tid.gov.hk				
Indonesia WT/PCTF/N/IDN/1 *Accepted TFA on 3 Dec 2017		<i>The following provisions have been designated as Cat A:</i> Art 6.3 Penalty Disciplines Art 7.1 Pre-arrival Processing Art 10.6 Use of Customs Brokers	Pending notification		Pending notification	

Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA) as of 23 Feb 2018

Japan	"Liaison Conference on Trade Facilitation" as NCTF was set up in April 2015					
Korea WT/PCTF/N/KOR/1		All provisions designated as Cat A The NCTF was established by law (Enforcement Decree of Customs Decree Article 245-2). Contact Point: Multilateral Trade Cooperation Division, Ministry of Trade, Industry and Energy, mtrade@korea.kr				
Malaysia WT/PCTF/N/MYS/1 G/TFA/N/MYS/1		<i>All provisions designated as Cat A except:</i> Art 7.8 Expedited Shipments Art 11.9 Advanced filing & processing of transit documentation & data prior to arrival of goods	22 Feb 2022 22 Feb 2022		Nil	Nil
Mexico WT/PCTF/N/MEX/1		All provisions designated as Cat A				
New Zealand	New Zealand will use an "existing mechanism" as permitted under TFA					
Papua New Guinea* WT/PCTF/N/PNG/1 * denotes pending acceptance of TF Agreement Papua New Guinea: Approval given by National Executive Council (NEC) to be tabled in Parliament for ratification.		<i>The following provisions have been designated as Cat A:</i> Art 3.1 Advanced Rulings Art 5.3 Test Procedures Art 6.2 Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation Art 6.3 Penalty Disciplines Art 7.3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees & Charges Art 7.8 Expedited Shipments Art 10.5 Pre-shipment Inspection Art 10.6 Use of Customs Brokers Art 10.7 Common Border Procedures & Uniform Documentation	Pending notification		Pending notification	

Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA) as of 23 Feb 2018

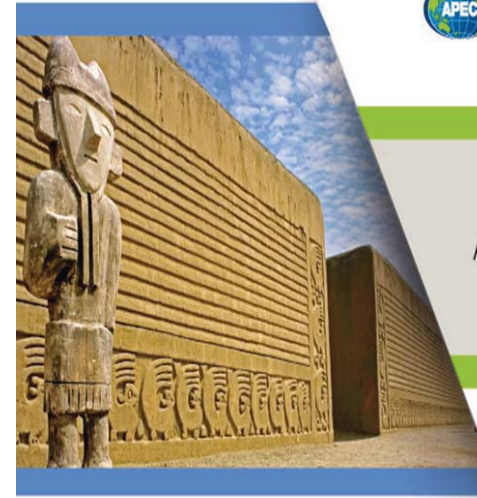
		Art 10.8 Rejected Goods Art 10.9 Temporary Admission of Goods/Inward & Outward Processing				
Peru WT/PCTF/N/PER/1	The National Commission on Trade Facilitation was created on Dec. 21st, 2017, through Supreme Decree DS N°122-2017-PCM. Contact point: Mrs. Ingrid Huapaya Trade Facilitation Specialist Ministry of Foreign Trade and Tourism ihuapaya@mincetur.gob.pe	<i>All provisions designated as Cat A except:</i> Art 3 Advance Rulings Art 5.1 Notifications for Enhanced Controls or Inspections Art 5.3 Test Procedures Art 6.3 Penalty Disciplines Art 8 Border Agency Cooperation Art 10.4 Single Window Art 12 Customs Cooperation	Pending notification		Pending notification	
Philippines WT/PCTF/N/PHL/1 G/TFA/N/PHL/1		<i>All provisions designated as Cat A except:</i> Art 5.1 Notification for Enhanced Controls or Inspections Art 8 Border Agency Cooperation Art 10.4 Single Window Art 10.8 Rejected Goods	31 Dec 2019 31 Dec 2018 31 Dec 2018 31 Dec 2018	31 Dec 2020 31 Dec 2020	31 Dec 2018 31 Dec 2020	
Russia						
Singapore WT/PCTF/N/SGP/1	All provisions designated as Cat A Singapore NCTF MTI_Trade_Facilitation@mti.gov.sg					
Chinese Taipei WT/PCTF/N/TPKM/1	All provisions designated as Cat A The "Trade Facilitation Working Group" was assigned to serve as the NCTF in August 2016 Contact point 1: Multilateral Trade Affairs Division, Bureau of Foreign Trade, Ministry of Economic Affairs E-mail: mt-dept@trade.gov.tw Contact point 2: International Affairs Section, Dept of Planning, Customs Administration, Ministry of Finance E-mail: international@customs.gov.tw					

Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA) as of 23 Feb 2018

Thailand WT/PCTF/N/THA/1/ Add.1 G/TFA/N/THA/1 G/TFA/N/THA/1/Add.1		<i>All provisions designated as Cat A except:</i> Art 4.4 Procedures for appeal or review Art 5.3 Other measures: Test procedures Art 6.3.4 Disciplines on fees and charges Art 7.1.1 Release and clearance of goods: Pre-arrival processing Arts 11.1; 11.8; 11.9 Freedom of transit: Arts 12.2 & 12.6.1 Customs cooperation: exchange of information, & Provision of information	5 years 7 years 5 years 5 years 5 years 3 years	22 Feb 2018 22 Feb 2024 22 Feb 2018 22 Feb 2019 22 Feb 2022 22 Feb 2020		
United States						
Vietnam WT/PCTF/N/VNM/1		<i>The following provisions have been designated as Cat A:</i> Art. 1.3 Enquiry Points Art. 1.4 Notification Art. 2.1 Opportunity to Comment and Information before Entry into Force Art. 2.2 Consultations Art. 4.1 Right to Appeal or Review Art. 6.1 General Disciplines on Fees & Charges Imposed on or in Connection with Importation and Exportation Art. 6.2 Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation Art. 7.8 Expedited Shipments	Pending notification		Pending notification	

Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation (TFA)
as of 23 Feb 2018

		Art. 9	Movement of Goods under Customs Control intended for Import				
		Art 10.1	Formalities & Documentation Requirements				
		Art 10.2	Acceptance of Copies				
		Art 10.6	Use of Customs Brokers				
		Art 10.7	Common Border Procedures & Uniform Documentation Requirements				
		Art 11.1-3	Transit Charges, Regulations, & Formalities				
		Art 11.4	Transit Strengthened Non-Discrimination				



Report on the:
Workshop to Identify Factors
Affecting Import and Export Clearance
Processes made by MSMEs

AN CHAN - LA LIBERTAD - PERU



GENERAL INFORMATION

- ▶ **Co-sponsoring economies:** Chile, China, Australia, the United States
- ▶ **Place and date:** 23-25 October 2017, Lima, Peru
- ▶ **Organizer of the event:** Peruvian Customs (SUNAT)
- ▶ **Aligned with** priorities of APEC 2016 and Ministers and Leaders Declaration of APEC 2016 to reach the modernization of MSMEs in the Asia – Pacific
- ▶ **Participants:** delegates of 10 Economies Chile, China, Japan, Korea, Malaysia, Mexico, Peru, the Philippines, Thailand and Viet Nam; representatives of the World Bank, IDB, private international organizations, Associations of MSMEs, public and private national organizations and Peruvian Customs

CONTENT

- ▶ General information
- ▶ Objectives
- ▶ Outcomes of the questionnaire
- ▶ Factors affecting the import and export processes carried out by MSMEs
- ▶ Factor that promote the internationalization of MSMEs
- ▶ Next Steps

OBJECTIVES

The project objectives were the following:

- ▶ Identify procedures and legal treatment for MSMEs in APEC economies in import and export processes
- ▶ Identify the factors or practices affecting import and export processes along the supply chain
- ▶ Share experiences of APEC economies that have a differential treatment for MSMEs in export and import processes
- ▶ Recommend the development of a study - as a second stage of the project - to identify possible solutions to critical factors found and establish recommendations for implementation

OUTCOMES OF THE QUESTIONNAIRE

- ❑ **Main problems identified for MSMEs to import and export (Refer to Q14):** lack of knowledge of customs procedures and international trade; limitations of the Custom’s Information System; red tape; orientation ; financing problems
- ❑ **Facilities or benefits to MSMEs, lines of communication or computer systems (refer to Q16)**
 - Two economies have specific IT platform for MSMEs:
 - Malaysia: several platforms available
 - Peru: Integrated Foreign Trade Information System-SIICEX



OUTCOMES OF THE QUESTIONNAIRE

Prior to the workshop, a questionnaire was circulated to APEC economies. It was completed by 15 out of 21 APEC economies

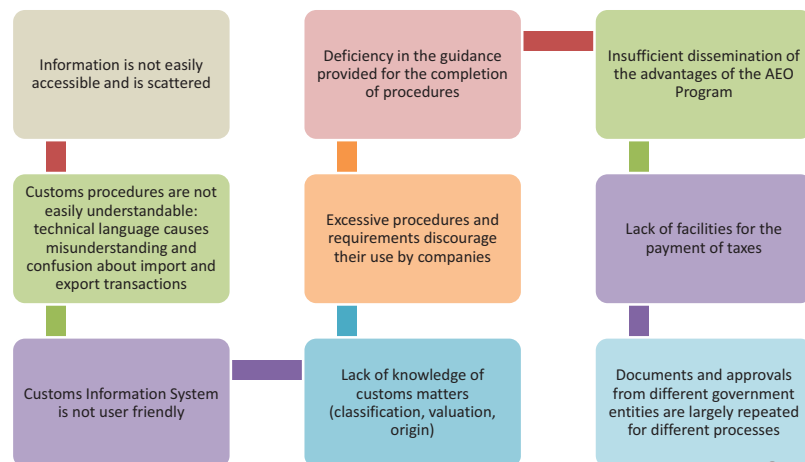
Main findings:

- ❑ **Only Korea has a specific customs legislation (Refer to Q2):** that includes divided payment of taxes, extension of terms for their payment and other benefits granted depending on compliance with certain conditions (AEO/ antiquity)
- ❑ **Non specific customs legislation (Refer to Q4):** financing programs, tax benefits and support programs



FACTORS AFFECTING THE IMPORT AND EXPORT PROCESSES CARRIED OUT BY MSMEs (1/3)

CUSTOMS ASPECTS

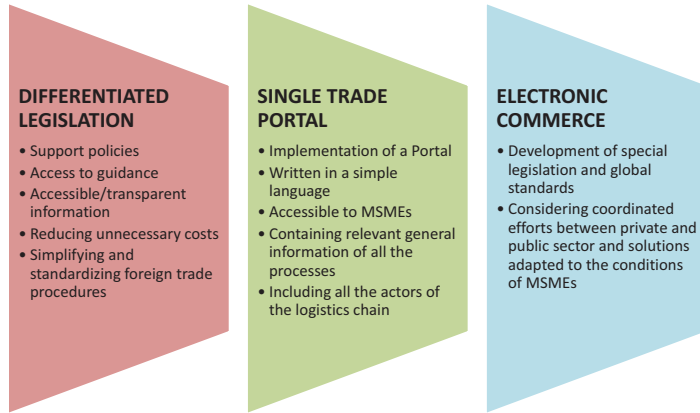


OUTCOMES OF THE QUESTIONNAIRE

- ❑ **Best Practices (Refer to Q8):**
 - Chile: no requirement for a customs broker for imports under USD 1,000 and exports less than USD 2,000
 - Korea: consultancies and orientation programs on the use of FTAs and support to obtain the AEO certification
 - Peru: “Easy export” promotion mechanism specially designed to promote exports of MSMEs
- ❑ **Differentiated treatment that should be given to MSMEs (Refer to Q13):** accessible regulations , orientation related to customs procedures and FTA, development ,financing and promotion

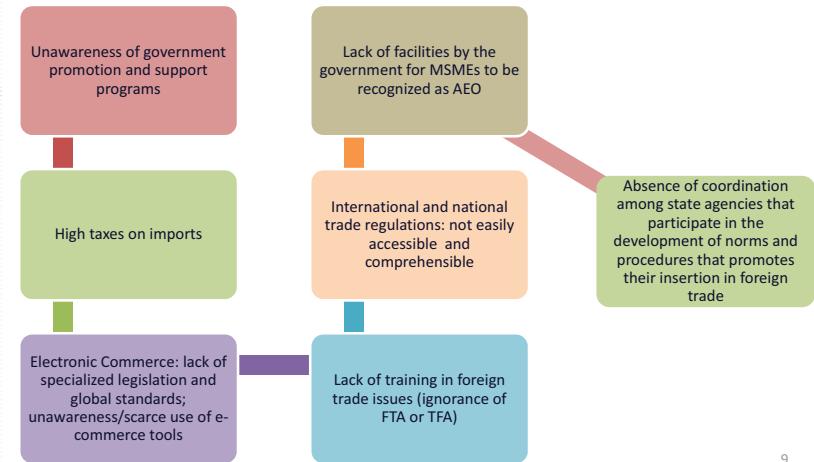


FACTORS THAT PROMOTE THE INTERNATIONALIZATION OF MSMEs (1/3)

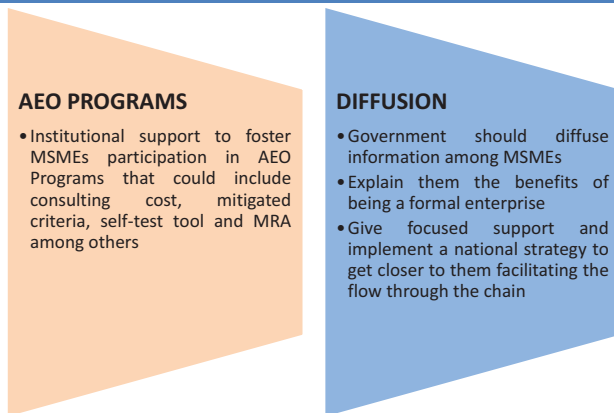


FACTORS AFFECTING THE IMPORT AND EXPORT PROCESSES CARRIED OUT BY MSMEs HAVE BEEN IDENTIFIED (2/3)

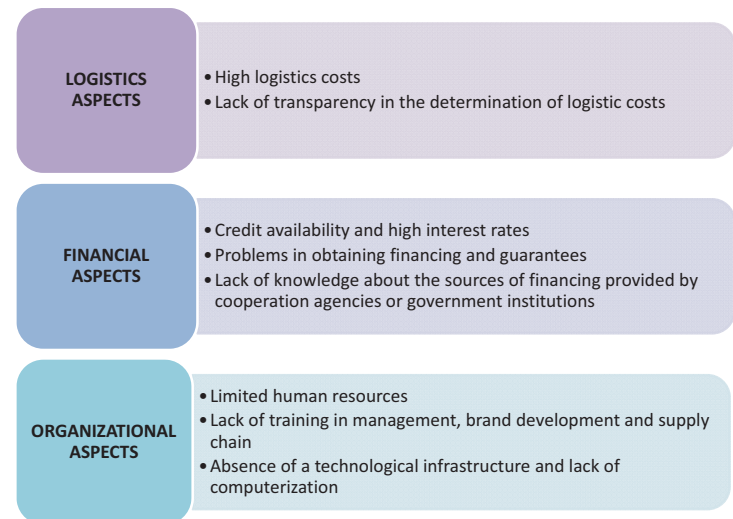
FISCAL AND FOREIGN TRADE POLICIES ASPECTS



FACTORS THAT PROMOTE THE INTERNATIONALIZATION OF MSMEs (2/3)



FACTORS AFFECTING THE IMPORT AND EXPORT PROCESSES CARRIED OUT BY MSMEs HAVE BEEN IDENTIFIED (3/3)



FACTORS THAT PROMOTE THE INTERNATIONALIZATION OF MSMEs (3/3)



COOPERATION AMONG GOVERNMENT AGENCIES

- The integration of processes and cooperation among government agencies would allow to identify unnecessary duplications and contribute to improve clearance time taking into account the particular characteristics of MSMEs

CUSTOMS MEASURES

- Simplification of import and export procedures
- Elimination of unnecessary requirements
- Orientation of support mechanism.
- Information: written in a simple language.
- Customs Information Systems: more user-friendly
- Diverse forms of support can be implemented: facilities for paying import taxes, customs periodic declarations and tax refund support, among others

THANK YOU!

NEXT STEPS

Identification, analysis and determination of actions that could be carried out, especially by the Customs Administrations and other organizations involved in the process, to support MSMEs. In that sense, it would be advisable to further evaluate the possibility to engage in studying one of the factors, to be proposed by Peru to SCCP, that facilitate the growth of MSMEs in order to prepare an implementation plan.

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Committee on Trade and Investment (CTI) in cooperation with Automotive Dialogue (AD)	APEC Workshop to discuss Best Practices on Practical Solutions/Programmes to Integrate SME Suppliers into the Automotive Global Value Chains (GSAS Project) Objectives: (i) to deliberate on the consolidated outcomes of the GSAS workshops and survey analysis completed in Phase 1, (ii) to share the best practices on practical solutions or programmes to integrate SME suppliers into automotive GVCs; and (iii) to discuss the elements to be included in the development of the multi-year APEC Regional Automotive Supplier Excellence Programme (RASEP)	Completed (8-9 May 2017, Kuala Lumpur), APEC Regional Automotive Supplier Excellence Program (RASEP) to be developed	7 b,d
Chemical Dialogue (CD)	Increasingly Awareness of and Coordination Between Customs Requirements for Chemicals CD, in coordination with the SCCP and SCSC, has been undertaking work to increase information sharing regarding the current import requirements for chemical products with a goal of reducing unnecessary divergences or barriers amongst these requirements. The CD and SCCP have completed a survey of the import requirements for industrial chemicals and received comprehensive responses from 15 economies. An initial summary of the results was provided to SOM3 2017 and additional analysis is being undertaken intersessionally for presentation of a full report and potential recommendations to address the challenges identified to SOM1 2018 before considering training materials thereafter.	Ongoing	2, 3

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Chemical Dialogue (CD)	Promoting Consistent Implementation of the Globally Harmonized System for the Classification and Labeling of Chemicals ("GHS") The CD has had a long-standing workstream to promote the implementation of the Globally Harmonized System for the Classification and Labeling of Chemicals ("GHS"). The divergences in GHS implementation have a disproportionate impact on MSMEs seeking to trade in the region, or even to supply into regional value chains. The CD carried forward this work in several ways in 2017: (1) it tabled an annual report to Trade Ministers proposing solutions to identified divergences (2017/MRT/005); (2) it conducted an update to its study on the divergences on GHS implementation within each economy (2017/SOM3/CD/012); and (3) it organized a session at the SOM3 workshop on best practices in chemical regulation to focus on specific GHS implementation steps chaired by the Chair of the UN Subcommittee of Experts on the GHS ("UNSEGHs"). The Virtual Working Group leading this effort will next develop a survey on key GHS implementation decisions to promote capacity building on how and why economies have made the choices they have.	Ongoing	2; Problems navigating differing regulatory requirements (2011 MRT-SME Ministerial)
Competition Policy and Law Group (CPLG)	Competition Week held during SOM1, with events on Competition Assessments, Economics of Competition Policy, and Investigative Powers.	Completed.	5b
Committee on Trade and Investment (CTI)	Compendium on Methodologies for SMEs Internationalization To develop a compendium of APEC best practices, methodologies and successful stories on SMEs internationalization	Ongoing as a joint initiative by CTI and SMEWG led by Peru. Reporting template circulated for completion of economies. Peru to compile inputs from economies	
Committee on Trade and Investment (CTI)	Promoting E-commerce to Globalize MSMEs - Survey/FGD on situation of SMEs' utilization of E-commerce in the business; identifying and analyzing obstacles - Draw policy recommendations to further promote the utilization of E-commerce by SMEs	Ongoing. PSU conducted focused group discussions in five economies to grasp issues faced by MSMEs. The report is expected to be completed by the end of 2017	6

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Committee on Trade and Investment (CTI)	Promoting SMEs' Integration into Global Value Chains in Major Industries - A series of work under the GVCs Blue Print (Work Stream 5) - A suite of projects on 5 major industries: Health [United States], Textiles and Apparel [Viet Nam], Agribusiness [Thailand], IT/Electronics [Korea], Automotive [Malaysia/Philippines] - Identify the situation of trade and investment conditions for SMEs in each sector; identify obstacles for SMEs; discussions and suggestions for SMEs' better participation in GVCs	Phase I completed. Korea, the lead economy for Work Stream 5, issued a Report wrapping-up the activities of Phase I with suggestions contained (endorsed by CTI in 2016). Ongoing implementation of Phase II. <u>Automotive</u> : Workshop held in May 2017. APEC Regional Automotive Supplier Excellence Program (RASEP) to be developed.	7d
Committee on Trade and Investment (CTI)	SMEs' Integration into Global Value Chains in Services Industries - A series of work under the GVCs Blue Print (Work Stream 5) - A suite of projects on 4 services industries: Software [Korea], Tourism [Peru], Fashion Design [Hong Kong, China], and Logistics [Vietnam] - Promote better understanding of GVC in service industries and present strategy and policy recommendations to facilitate SMEs' integration into the GVCs	Ongoing implementation. <u>Software Services</u> : Study and workshop to be conducted. <u>Tourism</u> : Study and workshop to be conducted. <u>Fashion Design</u> : Workshop held in the margins of SOM2 2017. Study report to be delivered by end 2017 <u>Logistics Services</u> : Workshop to be conducted in the margins of SOM3, 2017	7d
Committee on Trade and Investment (CTI)	Supporting Industry Initiative - Proposal by Japan and Viet Nam. To promote supporting industries which is regarded as essential "infrastructure" of manufacturing value chains. - Share policy experiences, and to suggest best policies, taking into account combining policy elements such as clustering, R&D, Human Resources Development, business matching, improvement of Trade and Investment environment, access to finance.	Completed. Policy Seminar held in the margins of SOM1 2017. Case studies by PSU finalized and served as inputs in the development of the 'APEC Best Practices for Promoting Supporting Industry in the Asia Pacific Region' which was endorsed at CTI3 2017.	5, 7
Economic Committee (EC)	Individual Action Plans under the Renewed APEC Agenda for Structural Reform have been completed by all 21 economies. A number of economies have listed MSME reforms as priorities. In addition, many broader reforms which would support MSME development and growth are included.	IAPs completed, but they remain living documents with implementation until 2020.	5b
Economic Committee (EC)	Ease of Doing Business events held at EC 1 (Enforcing Contracts) and EC 2 (Starting a Business) 2017.	Completed.	5b

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Electronic Commerce Steering Committee (ECSCG)	APEC Privacy Recognition for Processors (PRP) System The PRP System was established to help personal information processors demonstrate their ability to provide effective implementation of a personal information controller's privacy obligations related to the processing of personal information. It will also help controllers identify qualified and accountable processors, including SMEs not known outside of their economy to become part of a global data processing network.	Ongoing. Members are requested to submit intention to participate in the system.	6a, 6b, 6d
Electronic Commerce Steering Committee (ECSCG)	Electronic Certificate of Origin (eCO) Pathfinder Project MoU between Korea and Chinese Taipei signed in 2008 and first eCO was exchanged in 2010. 43 Exporters from Korea and 152 importers in Chinese Taipei are participating in this project. In 2015, 562 eCOs have been exchanged reducing the cost in verification and authenticity of COs and improved efficiency of customs clearance. Structural differences among Member Economies have constrained the expansion of the project.	Ongoing	1b
Electronic Commerce Steering Committee (ECSCG)	APEC Privacy Framework Review of the Framework to address gaps in policies and regulatory frameworks on E-Commerce to ensure that free flow of information and data across borders is balanced with effective protection for personal information, essential to trust and confidence in the online market place.	Ongoing	6a, 6b, 6d
Electronic Commerce Steering Committee (ECSCG)	Cross-Border Privacy Rules (CBPR) system - Workshop: Enabling Legal Compliance & Cross-Border Data Transfers with the APEC CBPR. Capacity building activity to encourage participation into the CBPR system. - Publication: Potential Benefits for APEC Economies and Businesses Joining the APEC CBPR System. - Updated CBPR Governance Documents to incorporate PRP System - Working Group on APEC/EU to develop a common questionnaire for companies seeking application in both CBPR and BCR systems, reducing duplication, saving time and costs of compliance for companies seeking certification in both APEC and the EU.	Ongoing. Members are requested to submit intention to participate in the system.	6a, 6b, 6d

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Electronic Commerce Steering Committee (ECSG)	Seminar on E-Commerce for Inclusion and Competitiveness This project seeks to exchange information on public policies developed in APEC region, where e-commerce has been used to enhance business competitiveness and financial and social inclusion. Therefore, the project consisted of a two-days' workshop to facilitate the exchange policies implementation experiences which promote e-commerce as a tool for inclusion and competitiveness.	Completed	6
Electronic Commerce Steering Committee (ECSG)	ECSG Public-Private Dialogue: Facilitating MSMEs to Adopt Cross-Border E-Commerce The project aims to evaluate the impact of the latest Regional Trade Agreements' E-Commerce chapters to MSMEs and trends in APEC development. In addition, a public and private partnership dialogue will be held to exchange views on the challenges faced by MSMEs in E-Commerce development.	Ongoing.	6
Emergency Preparedness Working Group (EPWG)	Enhancing Rural Disaster Resilience through Effective Infrastructure Investment. This project aims at promoting quality infrastructure investment to enhance disaster resilience in the APEC region, in particular, in rural and non-metropolitan areas. The project focuses particularly on "Rehabilitation and Build Back Better (BBB)", as well as on prevention and mitigation, preparedness, response, defined in the APEC DRR Framework endorsed in 2016. The project will also focus to facilitate public-private exchanges including MSMEs to discuss and plan quality infrastructure development in the process of BBB from long term perspective. Non-structural measures including planning and smart use of infrastructure	Ongoing	7
Emergency Preparedness Working Group (EPWG)	Identifying Economic Impacts by Mega Disasters Affecting Asia Pacific Economy. This project aims at identifying potential economic damages by mega disasters, which could affect more than one APEC economies in the future, directly and indirectly through global supply chain. The project is expected to facilitate strengthening public-private partnerships in promoting effective business continuity" including those for MSMEs, as one of the agreed priorities of EPWG.	Ongoing	7

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Group on Services (GOS)	APEC Services Competitiveness Roadmap (ASCR) The Senior Officials (SOM) mandated GOS to monitor the implementation of the Roadmap and report on regular basis at the SOM Meetings. SOM also endorsed additional 5 fora i.e. the Energy Working Group (EWG), Investment Experts Group (IEG), SME Working Group (SMEWG), Telecommunications and Information Working Group (TELWG) and the Policy Partnership on Science, Technology and Innovation to be included in the APEC-wide Actions (Annex 3). PSU has been actively engaging the groups in establishing their own indicators. The GOS Convenor also has presented the progress of ASCR which includes the draft PSU's study on the baseline indicators at the recent ABAC3 Meeting in Toronto, Canada.	Coordination work with PSU and relevant fora is on-going. The PSU report on baseline indicators is expected to be completed by end of 2017.	
Group on Services (GOS)	Public-Private Dialogue on Services The dialogue which was held at the margins of SOM1/2017 in Nha Trang was designed to provide input on ASCR, as well as to exchange information on the situation and impediments faced by service providers in the APEC region with a particular focus on distribution, transport and logistics services.	Completed.	
Group on Services (GOS)	APEC Services Trade Access Requirements (STAR) Database - Phase IV - A business-friendly, on-line tool to help services providers from APEC economies take advantage of new export opportunities. - Provides information on market access regulatory requirements across 8 services sectors i.e. (distribution, education, financial, ICT, mining and energy, professional, telecommunication, transportation and logistics)	The Database was archived due to lack of funding to maintain the Database. Australia will fund AU\$9500 for the Database website hosting cost for the next five years, to maintain the database on the internet alive stating that the information is out of date and only for historical purposes (last updated in 2015), enabling researchers and practitioners to continue to access the information and data.	3a
Group on Services (GOS)	APEC Symposium on Good Policy and Regulatory Practices for Facilitating Trade and Investment in Services - Toward the APEC Services Roadmap -A "wrap-up" Symposium to examine the key outcomes; learnings and "good policy principles and regulatory principles" addressed throughout the service sector specific symposia inclusive of accountancy, legal, financial, international education, transport and logistics, telecommunication and ICT, mining and energy, and architectural and engineering services.	Completed.	3a

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Investment Experts' Group (IEG)	IEG Workplan for Investment Aspects of Next Generation Trade and Investment Issues The IEG work plan to examine the investment aspects of the Next Generation Trade and Investment Issues is intended to be a multi-year document that would allow to track the progress of work within IEG in examining the investment aspects and implications of the existing and potential Next Generation Trade and Investment Issues as identified in the Chapter 3 of the FTAAP Collective Strategic Study ("NGeTIs"). In 2011 APEC endorsed "Enhancing SME participation in global production chains" as an NGeTI. Also, many of the other endorsed and potential NGeTI, such as "Manufacturing related services in supply chains", "Gender and CSR", "Digital trade" and others bear direct relevance to the role of MSMEs in global economy.	Ongoing (started since July 2017)	7d and 8 (generally)
Intellectual Property Expert Group (IPEG)	Promoting Innovation through a Mechanism for IP Valuation, Financing, and Leveraging IP assets The project seeks to gather, collate, identify, and craft best practices and methodologies in IP valuation, IP financing and IP utilization. The project will develop an IP valuation manual as a tool to foster innovation. The Project will be implemented in two phases: (1) focus group discussion-workshops on IP Valuation, Financing and Leveraging IP Assets for policy makers and finance experts; and 2) the holding of a Trainers' Training on IP Utilization mechanisms, which builds on the earlier phase and ensures the sustainability of the Project.	2nd phase was completed in 27-29 September 2017, Manila, Philippines	7c
Intellectual Property Expert Group (IPEG)	Best Practices on Brand Development and IP Protection for Micro, Small and Medium Enterprises (MSMEs) The project seeks to accelerate MSMEs participation in the global economy by helping them develop and strengthen their brands, and make their businesses competitive through intellectual property (IP) protection and management. The project will be implemented through a seminar/workshop and focus group discussion on brand development and IP protection for MSMEs with the end view of documenting and publishing best practices and guidelines thereof taking into account the fast paced international trade and globalization.	Completed	7a

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Intellectual Property Expert Group (IPEG)	Guidebook for SME's IP-business Cycle The guidebook proposes IP policies and standard program-related models that public institutions in APEC member economies can use as references when formulating policies or programs to promote IP creation and utilization by SMEs.	Completed	7b
Intellectual Property Expert Group (IPEG)	Workshop on SMEs Innovation: capacity building on IP Strategy Main participants of the workshop will be SMEs and agents from the research and academic sectors. It will be focused on the importance of building an IP strategy involving strong link between the SMEs with academic and research sectors. At the same time, academia members and researchers will learn to put in place their own IP strategy to commercialize their inventions through the creation of innovation and research based SMEs. As a first step, an online survey will be launched to obtain a general overview.	Ongoing	7c
Intellectual Property Expert Group (IPEG)	Seminar on Opportunities and Challenges to Commercializing New Plant Varieties for Developing Economies and SMEs The goal of the seminar is to provide an opportunity for APEC economies to share information on best practices concerning the commercialization of plant varieties. Topics will include the government role in technology transfer, the role of technology transfer offices in commercialization of new plant varieties, and "success stories" from SMEs in APEC member economies and other developing countries.	Completed	7c
Market Access Group (MAG)	Implement a Plan to Increase Transparency for Measures Affecting Exports - Raise awareness on the significance of increasing transparency on trade measures, inter alia, export related measures. Explore the scope of export measures to be included in additional transparency efforts which may touch upon quantitative restrictions applied on an MFN basis (not those implemented bilaterally or as a result of a bilateral agreement); export taxes, duties and minimum price requirements; and export licensing requirements. This CTI initiative is implemented by MAG as economies provide relevant links to information on their respective export measures as part of their APECTR submissions.	Ongoing	Common Goal towards 2020

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Market Access Group (MAG)	Final Report on the 2016 Information Gathering Exercise on Simplification of Documents and Procedures -The initiative builds on the findings of its 2010 and 2011 information gathering exercises on (1) waiver of Certificate of Origin (CO); (2) validity period of COs; (3) minimum data requirement for FTAs/RTAs involving APEC economies; and (4) the use of IT in rules of origin (ROO) procedures to review APEC's progress since this time.	Completed	1a
Market Access Group (MAG)	Encouraging adoption of the Self-Certification system for ROO An APEC Pathfinder for Self-Certification of Origin was launched by the APEC. This Pathfinder seeks to reduce the administrative burdens and costs associated with navigating complex rules of origin documentation and procedures when utilizing FTAs. In order to maintain the momentum, the MAG agreed in May 2011 to establish a rolling agenda item consisting of a yearly report from relevant economies on progress made towards implementing self-certification of origin and/or joining the Pathfinder initiative.	Ongoing Eleven economies are now fully participating in the pathfinder. They include Australia; Brunei Darussalam; Canada; Japan; Korea; Malaysia; New Zealand; the Philippines; Singapore; Chinese Taipei and the United States	1a
Market Access Group (MAG)	Next Steps on the Implementation of the APEC Trade Repository (APECTR); 2017 APECTR entries' update	Ongoing	3a
Policy Partnership on Women and the Economy (PPWE)	Women as Prime Movers of Inclusive Business This project examines Inclusive Business (IB) both in theory and practice, and zooms into how women's economic empowerment serves as vital contribution in the development, scale-up, and replication of IB models in the Asia Pacific region.	Ongoing	7, 8
Policy Partnership on Women and the Economy (PPWE)	Successful Cases of Women-Owned Small and Medium Enterprises (SMEs) in Foreign Trade This project seeks to promote and encourage the participation of Women-owned SMEs in foreign trade through the collection and dissemination of success stories, as well the exchange of best practices.	Completed	7, 8

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Policy Partnership on Women and the Economy (PPWE)	Women's Economic Empowerment and ICT: Capacity Building for APEC Women Entrepreneurs in the Age of the 4th Industrial Revolution This project examines the opportunities presented by the 4th industrial revolution, with an aim to help women entrepreneurs in APEC to harness business opportunities accordingly, and become more competitive in global value chains and enhance the competitiveness and innovation of women-owned MSMEs.	Ongoing	6, 8
Policy Partnership on Women and the Economy (PPWE)	Next Steps for Women's Entrepreneurship in APEC (WE-APEC), Phase 2 The Women's Entrepreneurship in APEC initiative (WE-APEC) represents a shared vision to support women's entrepreneurship, empower governments to better support these entrepreneurs, and provide an opportunity to share ideas, tools, and best practices so that women can establish and grow their businesses.	Ongoing	7, 8
Sub-Committee on Customs Procedures (SCCP)	Workshop to identify factors affecting control, cost and time for the custom clearance of imported and exported goods by MSMEs Will contribute to identify and face critical factors, in order to provide companies a differentiated attention, in a segmented way; develop recommendations for a legal framework for the implementation of best practices identified; build capacity for APEC economies' public and private entities that participate in the activity.	Expected: To be held in October 2017 in Lima, Peru.	2
Sub-Committee on Standards and Conformance (SCSC)	SCSC Work Plan in Support of SMEWG-SCSC Collaboration Led by Philippines, including the work of "APEC Packaging and Labeling Conference for Pre-packaged Food Products"	Ongoing and Planning	7 (generally)
Sub-Committee on Standards and Conformance (SCSC)	Supporting Micro, Small and Medium Enterprises (MSMEs) Trade Facilitation through Standardization Activities Led by Peru. The project aims: 1) To conduct a survey on initiatives that National Standards Bodies (NSBs) apply to help MSMEs to better understand the benefits of standards, conformance and metrology, 2) To exchange information about best initiatives and discuss the survey results and 3) To make a publication with best initiatives that NSB could apply to increase their MSMEs competitiveness and integrate them in international trade.	Completed (CR is to be submitted.)	1b, 2 (generally), 3a and 3c

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Sub- fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Sub-Committee on Standards and Conformance (SCSC)	Capacity Building on Antibacterial Products and Materials and their Evaluation Test Method for Modernization of MSMEs in APEC Region Led by Japan. Final goal of this project is to disseminate antibacterial products and materials in the APEC region by modernized MSMEs.	Ongoing	2 (generally), 3c
Strengthening Economic and Legal Infrastructure FotC (SELI)	APEC Seminar on "Use of International Instruments to Strengthen Contract Enforcement in Supply Chain Finance for Global Businesses (including MSMEs)" A seminar organized in collaboration with the Hague Conference on Private International Law (HCCH), United Nations Commission on International Trade Law (UNCITRAL) and the International Institute for the Unification of Private Law (UNIDROIT) to introduce certain international legal instruments which can be used by member economies to strengthen contract enforcement in supply chain finance for global business (including MSMEs). The project was designed to assist APEC member economies to strengthen their economic legal infrastructure and improve business environments, especially in the area of contract enforcement, in order to facilitate supply chain financing for their businesses, including MSMEs.	Completed (24-25 February 2017, Nha Trang, Viet Nam)	5b
Strengthening Economic and Legal Infrastructure FotC (SELI)	Workshop on the Use of Modern Technology for Dispute Resolution and Electronic Agreement Management [particularly Online Dispute Resolution (ODR)] The project demonstrates how the use of modern technology and related private international law instruments may complement APEC's Ease of Doing Business (EoDB) initiative by facilitating cross-border trade and which may also contribute to APEC's regional integration, connectivity and structural reform agenda, APEC's Economic Committee Structural Reform agenda, the Boracay Action Agenda on MSMEs and the ongoing SELI FoTC work. The project seeks to advance structural reform and to strengthen the economic and legal infrastructure of member economies.	Endorsed. Implementation underway.	5b

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Sub- fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Senior Finance Officials' Meeting (SFOM)	Financial Infrastructure Development Network (FIND) Conference on Strengthening Credit Infrastructure: A Roadmap to MSME Innovation and Digital Finance Towards Greater Financial Inclusion This conference was held on 7-9 December 2017 in Manila, Philippines. Two topics were explored: 1) Innovation for MSMEs through Credit Infrastructure; and 2) Achieving Greater Financial Inclusion through Digital Finance, with an aim to assist member economies in designing the legal and institutional frameworks that govern MSMEs' access to finance.	Completed.	5a;5b
Senior Finance Officials' Meeting (SFOM)	Financial Infrastructure Development Network (FIND) Conference on Financial Infrastructure Reforms This conference was held on 12 July 2017 in Hoi An, Viet Nam. Participants reviewed the progress to date in the three main areas: 1) secured transactions reform; 2) credit reporting system development; and 3) insolvency reform, discuss their aspirations and recommendations, and present on the initial impacts of such reforms on MSMEs, agriculture and rural clients, infrastructure operators, etc.	Completed	5b
Small and Medium Enterprises Working Group (SMEWG)	Iloilo initiative 1. Providing Bigger Voice, Better Opportunities for MSMEs: (i) organize APEC SME Summit; (ii) b) hold annual SME Ministers-CEO Dialogue; (iii) establish and strengthen MSME association; (iv) build network of MSMEs, incubators, accelerators, and innovation centers. 2. Develop APEC MSME Marketplace: an online portal that: (i) facilitate business matching for MSMEs; (ii) provide information about international trade standards and regulations; (iii) disseminate information on available trade promotion assistance packages that APEC economies individually or collectively provide; (iv) building networks and linkages among the MSMEs, academe, innovation centers, and other relevant stakeholders. Will utilize database of existing APEC online portals (APECTR, STAR etc).	Ongoing. Launched during the 24th SME Ministerial meeting in Viet Nam	3a, 6a,7c, Barrier 2, 3, 6

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Small and Medium Enterprises Working Group (SMEWG)	Capability Development for Market-Oriented Innovation Management in SMEs of APEC Member Economies Case studies and one workshop, focusing on the aspect of innovation management, contributing to inclusive growth through, among others: (i) understanding state of the market-oriented innovation management; (ii) Increasing innovation management competences of both enterprises and institutional policy and decision-makers.	Completed	7
Small and Medium Enterprises Working Group (SMEWG)	Digital Transformation: the impact on SMEs and Regional Trade A 2-day workshop that will examine the nature of digital transformation and its implication for SMEs, as well as identifying opportunities for greater cooperation between APEC economies. The workshop will conclude with a session on the implications of digital transformation for regional trade.	Completed	7f
Small and Medium Enterprises Working Group (SMEWG)	APEC Public-Private Dialogue on Enhancing Capacities of MSMEs in Exporting Services Objectives include: To provide a platform for open dialogue on the opportunities and challenges of services MSMEs; discuss ways to promote the capacities of exporting services of MSME ; To provide an opportunity for networking among MSME experts.	Ongoing	Barrier 2
Small and Medium Enterprises Working Group (SMEWG)	Supporting Women-led SMEs Access Global Markets by Implementing Gender-Responsive Trade Promotion Policies and Programs - A roundtable to identify barriers to women accessing services as well as to consider specific actions and training to better support the needs of women-led/owned/managed SMEs. - Provide technical training to trade promotion agencies in APEC economies, including Peru, Viet Nam and PNG.	Workshop held in 2016 Peru Workshop to be held in PNG 2018 On-going	8b, 8c
Small and Medium Enterprises Working Group (SMEWG)	2017 APEC Business Ethics for SMEs Forum - Facilitating Multi-Stakeholder Ethical Collaborations for Small and Medium Enterprises The project focuses on facilitating multi-stakeholder ethical collaborations to: (i) design/test scalable ethics curriculum, (ii) advance code implementation, and (iii) launch several formalized collaborations.	Completed	7

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Small and Medium Enterprises Working Group (SMEWG)	APEC Best Practices in SME Innovation Create a selection of APEC Best Practices in SME Innovation for 2016 and 2018; organising APEC SME Technology Conference and Fair (APEC SMETC) in 2016 and 2018.	Ongoing	7f
Small and Medium Enterprises Working Group (SMEWG)	APEC Workshop on Promoting Innovation for Start-ups A 2-day workshop aimed at: (i) Gaining an understanding of the innovation of startups in the region, opportunities, challenges, potentials; (ii) Identifying challenges facing startups while pursuing innovation; (iii) Sharing experiences and best practices in facilitating innovation for startups from the perspectives of the public and private sectors, and international organizations as well as research institutions; etc., and (iv) Making recommendations to APEC to support innovation for startups.	Ongoing	7f
Small and Medium Enterprises Working Group (SMEWG)	APEC Online-to-Offline (O2O) Initiative - Enhancing SME Digital Competitiveness and Resilience towards Quality Growth This project aims to enhance SMEs' Digital Competitiveness and Resilience and facilitate their integration into to global supply and value chains through: (i) establishing an APEC SME O2O Expert Network; (ii) creating an APEC SME Digital Competitiveness and Resilience Guidebook.	Several events to be held in 2017 Mayasia (May 22-23) Completed Chinese Taipei (May30-June1) Completed Viet Nam (September) Completed Philippines (November) On-going	6a, 6b, 7e
Small and Medium Enterprises Working Group (SMEWG)	APEC Workshop on Facilitating Market Access for Women-led MSMEs through E-Commerce The workshop directly addresses APEC's priority to promote the modernization and integration of MSMEs into global supply chains (GVCs) through efficient tools such as e-commerce and the priority to facilitate women's economic empowerment among the APEC member economies.	Ongoing	6, 8b, 8c
Small and Medium Enterprises Working Group (SMEWG)	APEC Women Business Leaders' Forum The forum aims to achieve the following goals: 1) bring together successful women business leaders from APEC economies and share their success stories, discuss policies to support women business leaders, and find ways to nurture successful women entrepreneurs; 2) share challenges many women entrepreneurs often face when running a business in this globalized era and discuss ways to deal with them; and 3) offer participating businesswomen an opportunity to network with successful women business leaders from APEC economies	Ongoing	8b, 8c

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
Small and Medium Enterprises Working Group (SMEWG)	APEC Small and Medium Enterprises (SMEs) Forum and Business Matching: SME Clouds + Innovation and Entrepreneurship This Project will focus on popularizing Cloud Computing knowledge, strengthening the Cloud Computing utilization capacity and collecting the practical cases on Cloud Computing application of SMEs.	Ongoing	6, 7f
Small and Medium Enterprises Working Group (SMEWG)	APEC SME Cross-Border E-commerce (CBE) Leaders' Conference In order to facilitate the SMEs' cross-border trade participation, China will build a high quality service platform sponsored by famous research institutes, funds, investment companies and information service providers. The platform will work on optimizing the utilization of Internet in SMEs. The comprehensive application of Internet will help SMEs improve their business competitiveness and upgrade operation models.	Completed	6, 7f
Small and Medium Enterprises Working Group (SMEWG)	APEC Forum: Promoting stakeholder's building capacities in Clusters and Local Economic Promotion Instruments A 2-day forum were discussions on best practices, knowledge and strategies for the promotion of SMEs competitiveness at the meso and micro level will be done.	Ongoing	6, 7
Telecommunications and Communication Working Group (TELWG)	Industry Roundtable on ICT Innovation Key themes discussed include: fostering innovative environment for entrepreneurs, public-private sector partnerships; the power of data innovation; policies that support creative destruction for entrepreneurs; space for experimentation, new ideas and trialing innovation.	Ongoing Regular item at TEL meetings incorporated into TEL51 Agenda in Boracay to ensure inclusion of SMEs in all discussions.	6c, 6d
Telecommunications and Communication Working Group (TELWG)	Workshop on Cybersecurity Framework Develop an APEC Cybersecurity Framework.	Expected to be completed by the end of 2017	6c, 6d
Telecommunications and Communication Working Group (TELWG)	Workshop on Enhancing online connectivity for unleashing the potential of digital economy Topics discussed include regulatory flexibility as tool to unleash digital economy, development of quality infrastructure, best practices to encourage digital products and services.	Completed	6c, 6d

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Sub-fora, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
ABAC- MSME & Entrepreneurship Working Group (MSMEEWG)	APEC Cross Border E-Commerce Training Description: APEC CBET program was initiated by APEC Business Advisory Council (ABAC) China in 2013, and implemented by ABAC, designed for global SMEs to receive the most practical, professional, scalable and localized cross-border e-commerce trends, knowledge, hands-on skills, as well as entrepreneurship guidance on a wide range of start-up concepts in the new global value chain. 2016-2017: In 2016, APEC CBET hosted 5 editions of Workshops and in 2017 APEC CBET hosted 11 online and offline training events including CBET Webinar, aiming to bring experienced speakers and professional experts to more APEC economies, to share cross-border e-commerce knowledge, experience and insights with local SMEs on a face-to-face basis, to encourage direct interaction, build business networks with industry professionals, therefore to help SMEs access international markets. To broaden the influence of APEC CBET program, overcome the geographic limitation of APEC CBET localization, in 2016, CBET e-Learning course modules were developed to enable more SMEs to access capacity building resources via Internet, utilizing these opportunities to empower themselves, anytime they want, anywhere they want. The CBET eLearning website have been launched in the end of 2016. During the 2016-2017, APEC CBET has trained over 8000 SMEs and entrepreneurs worldwide.	Ongoing 1) In 2016: April: CBET PNG May: CBET NZ June: CBET Spain Sep.: CBET Fintech Beijing Nov.: CBET Chile 2) In 2017: Feb.: CBET Thailand April: CBET Brunei May: CBET Malaysia Aug.: CBET Webinar with DUOC University Sep.: CBET with Duke University; CBET with Singapore Technology University Nov.: CBET Turkey (2 editions) Dec.: CBET Peru (3 editions)	

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
ABAC- MSME & Entrepreneurship Working Group (MSMEEWG)	<p>Small Business as Part of Big Business Global Value Chains (GVCs)</p> <p>In 2015, ABAC Philippines in partnership with the Asian Institute of Management completed the study on "Large Enterprise Linkages for MSME Participation in Global Value Chain." The final output was a coffee table book entitled "Going Global Together," which documented cases of various business models that promote the internationalization of MSMEs through learning and collaboration, and the role of big business in facilitating the economic advancement of smaller businesses through mutually benefitting partnerships.</p> <p>Continuation of the study, in partnership with AIM was underway. The goal of the second phase is to work towards a better understanding of inclusive business models, with the aim of developing a foundation for creating a recognition mechanism, such as an award or a showcase of best practices.</p> <p>In ABAC 2 (Seoul) meeting, the Council recognized that raising awareness on and promoting inclusive business models should be a priority before having awards or recognitions. As such, ABAC Philippines will focus on promoting and raising awareness on inclusive businesses.</p>	<p>2016: For the continuation of the study, online questionnaires were circulated and responses from Japan, Mexico, Thailand, and the United States have been received.</p> <p>2017: A study endorsed by APEC's Investments Experts' Group (IEG) last year likewise recommended the inclusion of inclusive business in the APEC agenda, and institutionalizing capacity building and sharing of best practices.</p>	

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Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
ABAC- MSME & Entrepreneurship Working Group (MSMEEWG)	<p>ABAC Women Connect</p> <p>Description: During the 2016 APEC summit in Peru, ABAC Women Forum launched a woman program named ABAC Women Connect. The program aims to build a community through online and offline activities to empower women to realize entrepreneurship by effective sharing, learning and awarding. The ABAC Women Connect program helps more women to embrace entrepreneurship, and inspires them to break through the glass ceiling through digitalization and take real actions.</p> <p>On 2017 ABAC I Meetings, ABAC Women Forum presents the overall 2017 Action Plan for ABAC Women Connect program, which aims to realize women, especially young women entrepreneurship through digitalization.</p> <p>During 2017 ABAC II-IV Meetings, ABAC Women Forum presented the detailed action plan for ABAC Women Connect, to conduct global sharing, by inviting globally well-known business leaders, ABAC members, outstanding female entrepreneurs, to share their personal experience in realizing entrepreneurship and leadership, by overcoming difficulties, in the format of video interviewing. Women Connect also conducted the Women Entrepreneurship Survey to more than 500 women across the APEC, to tackle the problems that prevent women from realizing their entrepreneurial dreams. In 2017, the Women Connect community has attracted more than 70,000 women entrepreneurs as followers around the world by working with ABAC.</p>	<p>Ongoing.</p> <p>1) Nov. 2016-Nov. 2017: Co-hosted 5 ABAC Women's Luncheons with 5 ABAC host economies.</p> <p>2) April 2017: Filmed 10 role model videos with the support of ABAC members, alternate members, and women leaders of various areas.</p> <p>3) Nov. 2017: Conducted Women Entrepreneurship Survey on Facebook to more than 500 women across the APEC</p>	

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
ABAC- MSME & Entrepreneurship Working Group (MSMEEWG)	<p>APEC-Canada Growing Business Partnerships Project</p> <p>The APEC-Canada Growing Business Partnership is an initiative funded by Global Affairs Canada (GAC). The project consists of two complementary components: a \$2 million MSME Sub-Fund administered by the Asia Pacific Economic Cooperation (APEC) Secretariat, and a complimentary initiative valued at \$2.49 million implemented by APF Canada. An additional \$250,000 has been allocated for monitoring and evaluation. The objective of the initiative is to build the potential of micro-, small- and medium-sized enterprises (MSMEs) and aspiring entrepreneurs in APEC developing economies to foster sustainable growth and poverty reduction.</p> <p>The initiative will take place over four years beginning September 8 2016 and ending August 30 2020. The countries supported in this initiative include all APEC developing economies, but specifically target Indonesia, Peru, the Philippines, and Vietnam. The thematic priorities for the overall program address human capital, social entrepreneurship, market access, and technology and innovation.</p>	<p>In Project Year Two for the APEC-Canada Growing Business Partnership, the project activities to be undertaken from September 1 2017 to August 31 2018, are:</p> <ul style="list-style-type: none"> - The completion of the research workshop, toolkit, training session and mentorship program for MSMEs focusing on technology and innovation in Vietnam; - The commission and development of a national survey, three research papers, and a research workshop (June 2018 TBC) on the issue of market access in the Philippines; - The commission and development of a national survey, three research papers, and a research workshop (June 2018 TBC) on human capital in Indonesia; and - Establishing the groundwork for training and mentorship deliverables in Philippines and Indonesia in <p>Project Year Three (September/October 2018 TBD).</p>	

Work Undertaken by APEC in Support of the Boracay Action Agenda to Globalize MSMEs for 2017

Sub-fera, Committee, Working Group	Work Undertaken (Please provide a brief description)	Status (Completed or On-going/Expected)	Priority Action
ABAC - Asia-Pacific Financial Forum (APFF)	<p>Capacity Building on Promoting Access to finance for MSMEs</p> <p>Asia-Pacific Financial Forum (APFF)'s Financial Infrastructure Development Network (FIDN) activities to help economies accelerate reforms for developing credit information (including cross-border), secured transactions (including valuation of collateral assets) and insolvency systems</p> <p>APFF dialogues on how to address key factors that impact trade and supply chain finance</p> <p>Regional APFF fintech dialogues bringing together stakeholders from public and private sectors and to identify ways to help economies harness FinTech to promote inclusive financial services.</p> <p>Discussion among public and private sector stakeholders in APEC focused on how to leverage technology to scale up supply chain financing.</p>	<ul style="list-style-type: none"> - <i>Completed:</i> 2017/01/16, Manila, Philippines: Valuation Roundtable (Manila) - <i>Completed:</i> 2017/02/20, Bangkok, Thailand: MSME Finance Seminar - <i>Completed:</i> 2017/04/20-21, Beijing, China: FIDN Symposium on Personal Data Protection/Cross-Border Credit Information Completed: 2017/05/16, Ninh Binh, Viet Nam: APEC FMP-ABAC-IFC International Cross-border Credit Information Exchange Seminar - <i>Completed:</i> 2017/07/12, Hoi An, Viet Nam: FIDN Conference Completed: 2017/07/13, Hoi An, Viet Nam: FIDN Meeting on Credit Reporting Collaboration of Mekong Economies - <i>Completed:</i> 2017/11/29, Manila, Philippines: FIDN Conference - <i>Completed:</i> 2017/04/07, Singapore: APFF Trade/Supply Chain Finance Workshop - <i>Completed:</i> 2017/09/26-27, Beijing, China: ABAC-IFC-CAWD Warehouse Finance/Collateral Mgt Conference - <i>Completed:</i> 2017/07/05, Manila, Philippines: ABAC-ADB APFF Fintech Workshop - <i>Completed:</i> 2017/10/18, Bangkok, Thailand: APFF FMI Fintech Workshop - <i>Completed:</i> 2017/09/11, HCM City, Viet Nam: APEC Vietnam/ABAC/WBG MSME Finance Forum 	
ABAC - Asia-Pacific Financial Inclusion Forum	<p>Asia-Pacific Financial Inclusion Forum discussing how to accelerate inclusive growth through technology and collaboration</p>	<ul style="list-style-type: none"> - <i>Completed:</i> 2017/07/10-11, Hoi An, Viet Nam: 2017 Asia-Pacific Forum on Financial Inclusion 	

Summary of the Study



- Phase 2 GDS Pilot Projects: Asparagus, Durian and Tequila.
 - GDS standards: Serial Global Trade Item Number (SGTIN), Global Trade Item Number (GTIN) and Serial Shipping Container Code (SSCC) combined with interoperable cloud-based EPCIS platforms (such as ezTRACK or Mi-Trace).
 - to capture data throughout the supply chain including cargo movement in order to provide visibility and data sharing to relevant parties, hence enabling on-line and real-time communication among supply chain stakeholders.
- Key benefits: reduced information search costs; faster and accurate capturing of products information; prevented detention of products; reduced time required for regulatory compliance; improved traceability among stakeholders; and the ability to detect missing and forgery products.

附件12



Advancing
Free Trade for Asia-Pacific
Prosperity

Study on the Application of Global Data Standards for Supply Chain Connectivity – Phase 2

APEC SCCP Plenary Meeting
Port Moresby, 27 February – 1 March 2018

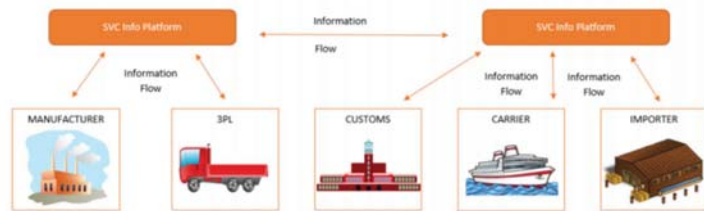
Presented by
Akhmad Bayhaqi, APEC Policy Support Unit

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Summary of the Study



Figure 3. Supply Chain Information Platform



Source: Adapted from GS1 Peru Project report for Asparagus (2016).

The GDS report is published



The screenshot shows a web browser displaying the APEC website. The URL is <https://www.apec.org/Publications/2017/11/Study-on-the-Application-of-GDS-for-Supply-Chain-Connectivity-Phase-2>. The page features a navigation menu with options like HOME, NEWS, GROUPS, TOPICS, PROJECTS, MEETING PAPERS, PUBLICATIONS, EVENTS, and ABOUT APEC. The main content area displays the title 'Study on the Application of Global Data Standards for Supply Chain Connectivity (Phase 2)' and provides details such as the publication number (APEC#217-SE-01.17), published date (November 2017), and a download link.

Explore next steps for the wider use of GDS



2. Expand the application of GDS towards improving border management and inspection.

- Expand the application of GDS to other types of products.
- Life Sciences Innovation Forum (LSIF): “APEC’s Supply Chain Security Toolkit for Medical Products”

3. Realising the Importance of Public and Private Partnership.

- In Malaysia, the Mi-Trace system, a technology platform developed by MIMOS (a private agency under the Ministry of Science, Technology and Innovation) in collaboration with the Department of Agriculture and Federal Agricultural Marketing Authority, uses GDS for verification purpose.

GDS Workshop, CTI3 2017



- 2016 Meeting of APEC Ministers Responsible for Trade Statement
 - “We welcome the progress made on a suite of Global Data Standards (GDS) pilot projects which will demonstrate how GDS can enhance supply chain performance. We look forward to the conclusion of pilot projects and the related PSU study. We encourage officials to explore next steps for the wider use of GDS in the APEC region, based on the outcome of the PSU Study.”

Explore next steps for the wider use of GDS



4. Providing necessary incentives to facilitate GDS adoption.

- The possibility of using some sort of incentives for wider GDS adoption
- Developing certain incentives to encourage GDS application will encourage more awareness towards the potential benefits and further application of GDS.

Explore next steps for the wider use of GDS



1. Expand the application of GDS towards improving border management and inspection.
 - NZ: had included border agencies in the pilot implementation of GDS.
 - GS1 Peru noted interest from the Peruvian government to build a unique Integrated Risk Management System based on visibility and GDS
 - Further adoption by government agencies may support the wider adoption of GDS.

Explore next steps for the wider use of GDS



Example: Peru's plan for the next steps for GDS

1. To share the results of the APEC pilots with trade associations, logistic operators, public sector and other stakeholders, and to promote best practices on the application of GDS.
2. To coordinate at inter-sectoral level the scope of the project in the application of GDS.
3. To evaluate the incorporation of a visibility tool into the Foreign Trade Single Window.
4. To consider the use of electronic seals in the project along the supply chain.

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Co-sponsoring
APEC economies

- Papua New Guinea
- Peru
- People's Republic of China
- United States



ITEM 6: SUPPLY CHAIN CONNECTIVITY FRAMEWORK

*Challenges and Opportunities
of
Regional Customs-Transit Arrangements*



What is the relevance of the project?

- To align the transit rules of each APEC economy with the contents established in the APEC Customs Transit Guidelines in order to make them foreseeable for international commerce operators and, consequentially, facilitate customs clearance and improve the harmonization of procedures among APEC Members and the different international trade operators.



PROJECT	
Date of approval	December 2017
Budget	US\$ 146,616
Date of Workshop	September 2018
City/ Economy	San Pedro de Atacama Chile





Methodology

I.-**Identify** and establish each member economy's efforts regarding the implementation of the APEC Custom Transit Guidelines.

II.- **Carry out an on-site workshop** lasting two days where participants will be able to recognize good practices regarding the implementation of these guidelines in order to build support in this process and ultimately add value to the smoothening of the customs transit process.

III.-**Work in the development of a Best Practices Manual**, to capture the experiences and good practices, which will be used as a benchmark for future targeted capacity building training.



- The main concern of this project is to contribute to the implementation of the AMM mandate of effectively applying and evaluating the endorsed guidelines in order to achieve the goals proposed in **Phase Two of the Supply Chain Framework Action Plan (SCFAP) 2017-2020**.



Time	Task
March 2018	Preparation of the survey for the preliminary evaluate on the Implementation of guidelines in each economy.
March 2018	Developing the draft of agenda and contacting the speakers and participants.
April 2018	Draft Survey will be circulated for inputs and comments
May 2018	Circulation of the survey to collect answers.
Early June 2018	Circulation of draft the agenda update for comments and review and invitation to speakers and participants.



The products derived from this project will include:

- **Survey** – the pre-workshop work
- **Workshop**
- **Best Practices Guidance**



Workshop
Implementation of the Guidelines for APEC Customs Transit
San Pedro de Atacama, CHILE



Implementation of APEC Customs Transit Guidelines

附件13



July 2018	Circulation of preliminary report of the survey for comments
August 2018	Confirmation of speakers and participants
September 2018	Holding the Workshop
October 2018	Elaborate or conclude Report containing results from the workshop
November 2018	Circulate draft of Best Practice Guidance for comments from participants, speakers and experts
November 2018 last week	Distribution of Best Practice Guidance (digital publications)



Implementation of APEC Customs Transit Guidelines



“We look forward to seeing you in
San Pedro de Atacama”

September 2018

<https://m.youtube.com/watch?v=BrcmXCJXmV8>



Workshop
Implementation of the Guidelines for APEC Customs Transit





THANK YOU FOR YOUR ATTENTION



1. Background of AEO Program
2. Brief Outline of JAPAN's AEO
3. Benefits conferred on AEOs



AEO Program in Japan

February 27-March 1, 2018
Yuta TAKAMIYA
Ministry of Finance
JAPAN

Background of AEO Program

September 11, 2001 Terrorist Attacks in the US



Enhancement of inspection of imported cargo
⇒ Stagnation in flow of cargo
⇒ Necessity to ensure both supply chain security and trade facilitation

Introduction of C-TPAT



Development of International Standards



Council Sessions of the WCO (World Customs Organization)

- Adoption of SAFE Framework (including a concept of AEO)(Jun.2005)
- Adoption of AEO Guidelines (Jun.2006)
- Adoption of SAFE Framework with AEO Guidelines incorporated(Jun.2007)



Introduction of AEO Program in various countries

Contents

1. Background of AEO Program
2. Brief Outline of JAPAN's AEO
3. Benefits conferred on AEOs

Scope of Japan's AEO Program

Authorized Economic Operator :

"...a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. AEOs include inter alia manufactures, importers, exports, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors".



Type of Operators in Japan's AEO

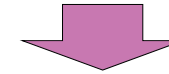


Background of AEO Program

附件14

Annex4 : SAFE FoS Requirements (13 criteria)

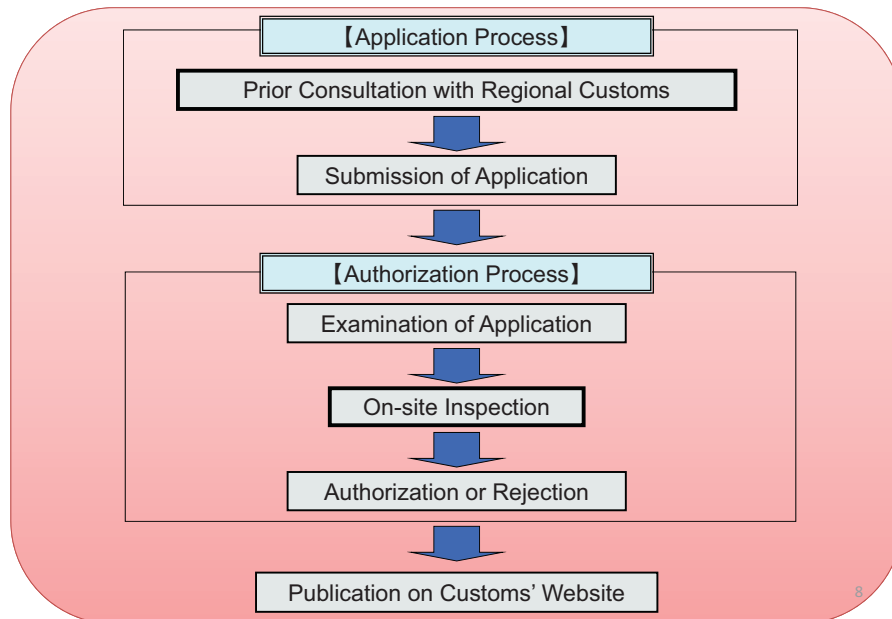
A.	Demonstrated Compliance with Customs Requirements	H.	Conveyance Security
B.	Satisfactory System for Management of Commercial Records	I.	Premises Security
C.	Financial Viability	J.	Personnel Security
D.	Consultation, Co-operation and Communication	K.	Trading Partner Security
E.	Education, Training and Awareness	L.	Crisis Management and Incident Recovery
F.	Information Exchange, Access and Confidentiality	M.	Measurement, Analyses and Improvement
G.	Cargo Security		



Japan's AEO program has been developed in line with the WCO SAFE Framework of Standards

5

Whole picture of Authorization



8

Contents

1. Background of AEO Program
2. **Brief Outline of JAPAN's AEO**
3. Benefits conferred on AEOs

6

Authorization Process

Certificate



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附件14

Application Process

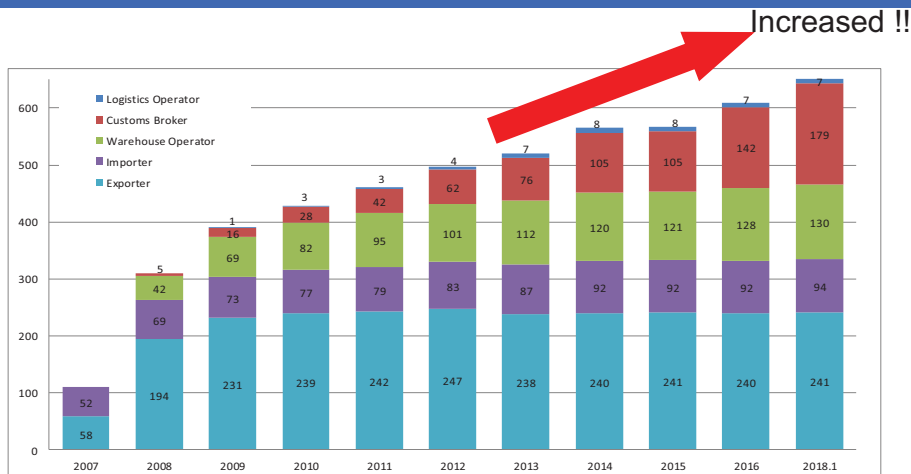
Prior Consultation for Authorization

- Purpose : To provide applicants with necessary information and advice to be an AEO
- Frequency : 10-20 times in 1-2 years on average.
- Participant : Staffs in applicant companies and AEO specialist
- To strengthen partnership with applicant, Japan Customs takes the following approach;
 - ✓ 2 or 3 AEO specialists are appointed per one applicant
 - ✓ The appointed AEO specialists are engaged in the whole process from prior consultation to authorization (including post-authorization audit)

Customs checks if the applicants satisfy the requirements of AEO through this process!!

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Number of AEOs



	Exporter	Importer	Warehouse Operator	Customs Broker	Logistics Operator	Total
AEOs	241	94	130	179	7	651

(as of Jan, 2018) 12

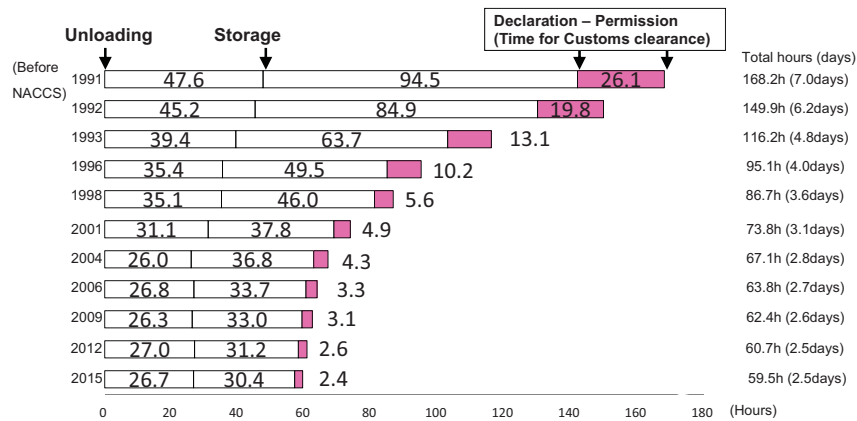
Authorization Process

On-site inspection

- Purpose?
 - ✓ To check security conditions of premises
 - ✓ To check actual implementation of documented procedures.
- Who conducts?
 - ✓ In principle, 2 or 3 AEO specialists who are directly in charge of applications conduct on-site inspection

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➤ **In case of NON-AEO**



➤ **In case of AEO**

0.0h (2015) Declaration ⇒ Permission

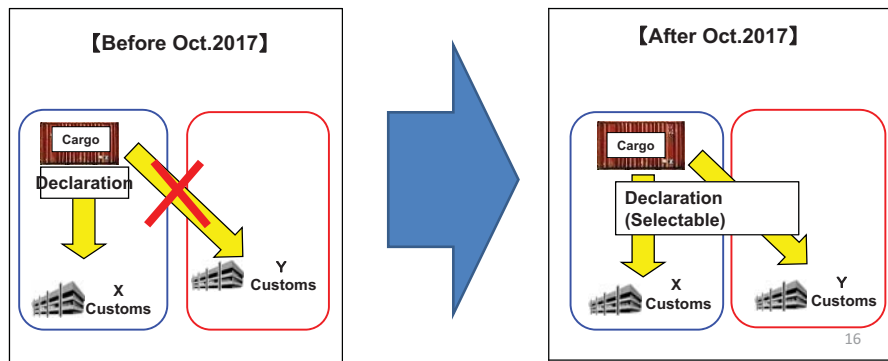
1. Background of AEO Program
2. Brief Outline of JAPAN's AEO
3. **Benefits conferred on AEOs**

Implemented since Oct. 2017

➤ In Principle, import / export declaration shall be lodged to the customs office where the goods are stored.

↓ **Relaxation**

➤ AEOs can lodge import / export declaration to any customs office at its own choice



- **IMPORTER**
 - ✓ Compliance-reflected reduced examination and inspection
 - ✓ Pre-arrival lodgment of import declaration and permission
 - ✓ Release of cargo before duty/tax payment declaration and duty/tax payment
- **EXPORTER**
 - ✓ Export procedures are completed while keeping the cargo in their own premises ⇔ In principal, declaration shall be made after cargoes be placed in Customs area
 - ✓ Compliance-reflected reduced examination and inspection
- **CUSTOMS BROKER**
 - ✓ Release of goods are allowed before duty/tax payment declaration and duty/tax payment



Thank you!

Contact :
Yuta TAKAMIYA
yuta.takamiya@mof.go.jp

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Challenges

附件14

Increase of the number of applicants and AEOs



Necessity of maintenance and enhancement of quality of AEOs



Effective and efficient monitoring process including post-authorization audit

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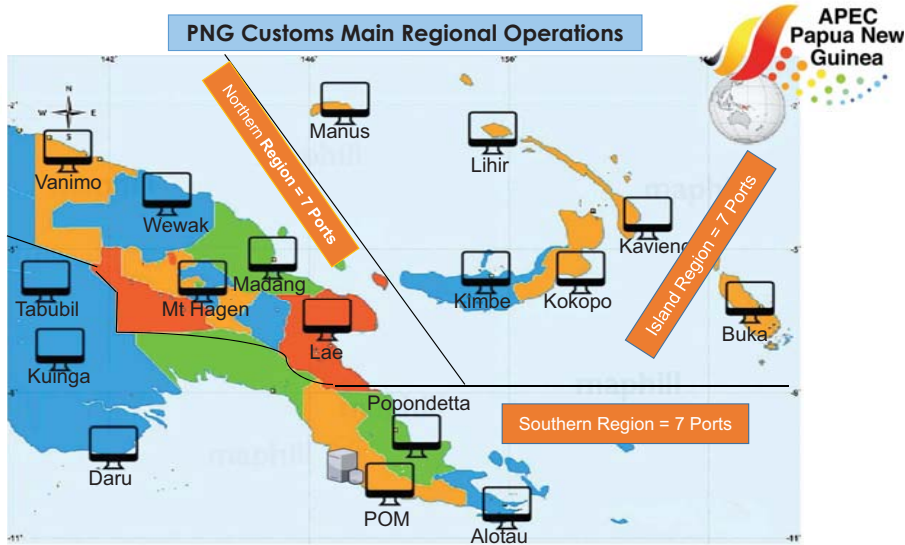
Conclusion

- AEO was developed to ensure both **supply chain security** and **trade facilitation**
- Requirements in Japan for AEO is in line with the **WCO SAFE Framework of Standards**
- Close collaboration and cooperation among Customs AEO specialists and private sectors
- Benefits may be an initiative encouraging private sectors to be entitled as AEO

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PNG Customs Main Regional Operations



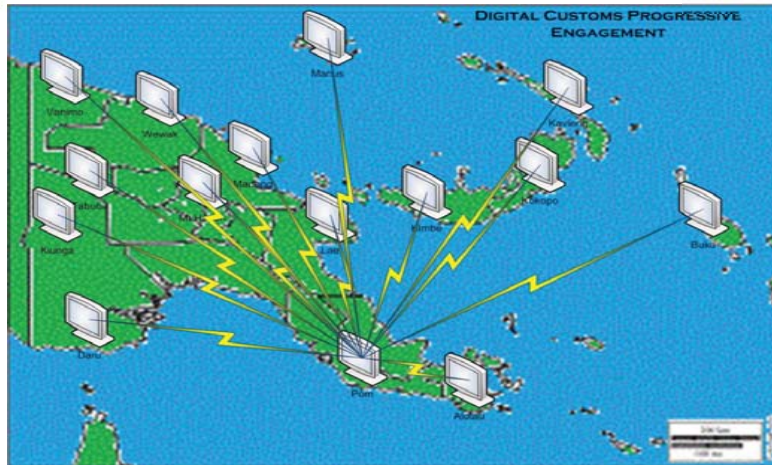
PNG Customs Import Trusted Trader Programme



Presented by:
William Sapak
Assistant Commissioner
Modernization Division



PNG Customs Communication Net-Work

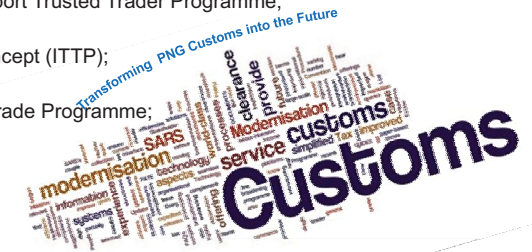


PNG Customs Import Trusted Trader Programme




The outline of the Presentation;

- Highlights of PNG Customs Operations & Communication Network;
- Overview of PNG Customs Import Trusted Trader Programme;
- Purpose of introducing the Concept (ITTP);
- Benefit of the Import Trusted Trade Programme;
- Levels of accreditation; and
- Challenges.






PNG Customs Import Trusted Trader Programme 

The purposes of introducing the concepts (PNG Customs ITTP).
It is to;

- Assist PNG Customs Service meets increased trade volumes through the use of technology and focusing our scarce human resources more on high risk cargo and allow low risk, compliant entities to move their goods much more faster;
- Introduce more innovative approach of efficient and effective clearance process for the ITTP client group;
- Leverage more non- compliant supply chain providers to change their behaviours and ethnics in conducting business with PNG Customs and other State agency; and
- Improve procedure and effective process for the benefit of compliant supply chain providers.



PNG Customs Import Trusted Trader Programme 

Overview of PNG Customs Import Trust Trader Programme

PNG Customs became a Contracting Party to Revised Kyoto Convention on the 01st January 2014. As such, its mandatory for PNG Customs to promote;

- Transparency and predictability of customs actions,
- Standardized and simplify PNG Customs procedures and Processes available to the compliant group client;
- Strategize PNG Customs scarce human resources to strategic establishments, especially borders; and
- Improve PNG Customs – Business Partnership by providing incentives to compliment entity for their behavior.



PNG Customs Import Trusted Trader Programme 

The benefits are based on four required standards;

- Expediting movement of goods to accredited Trusted Trader premises;
- Administrative transactions benefits through less administrative regulation;
- Sound record keeping to support business processes; and
- Industry self-assessment.




PNG Customs Import Trusted Trader Programme 

Overview of PNG Customs Import Trust Trader Programme;

The Programme (Import Trusted Trader) is a voluntary trade facilitation programme introduced in line with Revised Kyoto Convention standard 3.32 to expedite trade facilitation through set-guidelines under the Authorized Trader for ensuring;

- continuous enhanced security of supply chain;
- Strengthened market competitiveness globally;
- reduce intervention measures in front and allow compliant entity to be accountable for goods at the premise/s; and
- Improve revenue collection through self-assessment.



PNG Customs Import Trusted Trader Programme 


3. Sound record keeping to support business processes;
 - Maintain timely, accurate, complete and verifiable records relating to imported cargo to a level that satisfies Customs requirements;
 - Having comparable IT system that PNG Customs can at the end of accounting period audit as and when require,
 - PNG Customs Service will work with in partnership with other State agencies to ensure a whole of government approach to do assessment process in meeting the regulatory and compliance standards of another state agency
- E.g. National Agriculture and Quarantine Authority; and
Other state agencies in ensuring clearance processes will be considered favourably in the accreditation process.



PNG Customs Import Trusted Trader Programme 

1. **Expediting movement of goods to accredited Trusted Trader premises through:**
 - Fewer or minimum Customs examinations, except for breaches of customs law and regulation;
 - Releasing goods through "direct trade input" using "Blue Lane" connectivity;
 - Having less administrative burdens through past compliance history of PNG Customs law and regulation by the client group;
 - Delivering faster clearance processing for accredited Trusted Traders with good compliance history;
 - Improve Compliance and Security in the supply chain;
 - Provide a smarter control approach and having more refined method to border management; and
 - Give compliant entity benefit of distrust based on risk management principles and audit-based controls;



PNG Customs Import Trusted Trader Programme 

4. Industry self-assessment;
 - The self-assessment is a set of predetermined, internationally recognised criteria, detailing WCO minimum standards.
 - It enables the business entity to predetermine their ability to meet the required standards and offers an opportunity to rectify areas requiring improvement.
- N.B** In ability to meet all the minimum standards in the first instance, does not automatically prevent a business entity from being accredited. In some instances interim accreditation can be awarded with a mutual agreement on time taken to implement improvements.



PNG Customs Import Trusted Trader Programme 

2. **Administrative transactions benefits through less administrative regulation:**
 - Streamlined reporting through paperless processing of commercial shipments;
 - Priority trade services including requests for tariff, valuation and origin rulings;
 - Eligibility for remote Customs clearance procedures; and
 - Deferral of duty payment and Goods and Service taxes for 5 clear working days.



Level Or Tiers of Accreditation



PNG Import Trusted Trader will have three ranking status;

A = Status

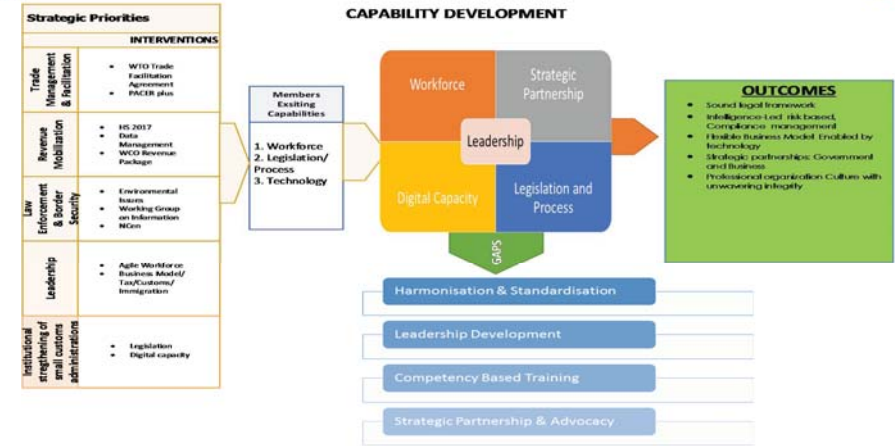
- Are entities that are fully compliant, being able to demonstrate previous compliance, sound record keeping and robust business practices. This tier will realise the full benefits of the ITTS.

B = Status

- Entities that have been able to meet some of the mandatory requirements and have a business plan on how they intend to meet the other mandatory requirements over a specified period of time,
- PNG Customs Service will work with these entities by providing advice and support in obtaining the required standard, and
- This tier will have access to some of the benefits of ITTS, within the specified period. Entities are expected to progress from this status to A Status within the agreed time.



Capability Development Framework



Level Or Tiers of Accreditation



C = Status

- Entities that have not been able to demonstrate their ability to meet the mandatory requirements and are not prepared to make the changes necessary to obtain accreditation.
- This tier will not be accredited in the ITTS and will not realise any benefits but will assisted



Customs Requirements for Trusted Traders



PNG Customs Requirements includes the following;

- An appropriate record of compliance with PNG Customs requirements;
- A satisfactory system of managing commercial and wherever appropriate transport records, which allow proper PNG Customs controls and audits;
- Appropriate security measures in place to ensure security of premises, personnel and cargo; and
- Security of the conveyance from the border to the client group premise/s.



Ongoing PNG Customs' Challenges



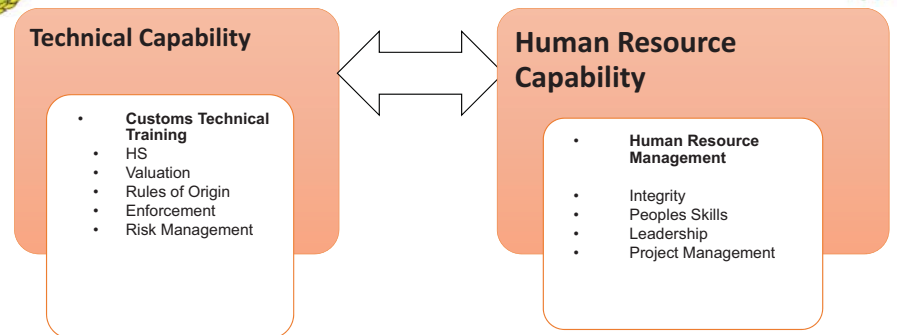
Thank you All,

The Challenges PNG Customs encounter;

- The legal-framework for disclosing business-information would impact PNG Customs operations as, the discloser Act is governed by Internal Revenue Commission;
- Most of PNG Customs procedure and process are on-line and standardized, how PNG Customs can become Authorised Economic Operator and benefit the Mutual Recognition Agreement;
- Cost of doing business- under imported trusted trader may increase; and
- Is based on risk management principles, self audit-based controls, and voluntary.



Workforce Capability



AIM: Competent, capable, agile workforce delivering strategic priorities for the next four years.



Purpose



The purpose of this presentation is to:

- Provide the background about Customs Automation in PNG,
- Provide an up-date on the ASYCUDA World Project in PNG,
- Briefly cover the experiences of automation and expectations from the ASYCUDA World system in PNG,
- What we are Looking forward to,

*Protecting our Border
Securing our Future*



APEC 2018



APEC Sub Committee on Customs Procedures
Port Moresby
February 2018

A Presentation on Customs Automation in PNG

*Protecting our Border
Securing our Future*



Brief History of Customs Automation in PNG



- Customs in PNG was established in 1888 – Has a Long History,
- Port Moresby & Samarai were the first Ports,
- No Computers. All manual processing of documents,
- PNG was the first country in the Pacific to adopt the Asycuda system,
- 1993: Introduced Asycuda Version 2.5 } with funding assistance
1999: Migrated to Asycuda Version 2.7 } from UNDP,
- 2005: Migrated to ASYCUDA ++ funded by Government of PNG with Technical assistance from UNCTAD,

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Securing our Future*



Introduction



Automation and Asycuda in PNG

- Papua New Guinea (PNG) Customs Service is currently using the “Automated System for Customs Data” or what is known as the “ASYCUDA” system.
- We are currently up-grading the system to the latest and web-based version known as “ASYCUDA World”

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Securing our Future*



Experiences with Automation



More improvements needed in the following but not limited to:

- ✓ Timely submission of manifest & Declarations,
 - ✓ Electronic submission of cargo manifest,
 - ✓ Efficiency in Risk Management,
 - ✓ Simplified Procedures/Processes & reduce Administrative burden,
 - ✓ Reduce Clearance/ Inspection Time & Cost for the release of goods,
 - ✓ Timely payment & accounting of duties/taxes,
 - ✓ Transparency, Accountability & Compliance issues,
- Obligations to offer high standard of service to Stakeholders,
 - Meet domestic, regional and International best practices, Standards & Obligations,

*Protecting our Border
Securing our Future*



Customs Modernization & Reforms



- Legislative Changes/ Amendments made,
- Procedures harmonized and simplified,
- Improved ICT – Electronic Transmissions,
- Cargo Management Reforms,
- Risk Profiling/ Targeting, Less Intervention and Introduction of PCA,
- Administrative Penalties scheme introduced for non compliance,
- Legislation to deal with IPR issues,
- Appeal Process by aggrieved parties,
- Availability of information on Customs website,
- All these were considered significant in meeting it's domestics, regional and global obligations.

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Securing our Future*



Why ASYCUDA World



- ▶ AW is web-based, considered as flexible and provides support for evolving Customs and other stakeholder requirements. It is also capable of interfacing with other systems and supports Single Window concept.

Experiences with Automation



- Since automation in 1993, on-going improvement included:
 - ✓ Risk Profiling & targeting,
 - ✓ Cargo clearance process,
 - ✓ Revenue collection & accounting,
 - ✓ Trade statistical & economic data,
- WCO diagnostic review of the PNG Customs reform and modernisation initiatives in 2007,
- Core issues included: Strategic Management; Compliance Strategy, Optimal use of ICT, and Human Resource Management,
- PNG Customs embarked on a Modernization Strategic Plan 2009 - 2011,

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Securing our Future*



ASYCUDA World Project



The Project has Three (3) Tier Management Framework

1. National Project Team,
2. ASYCUDA World Advisory Committee,
3. Project Steering Committee,

Customs Executives, Key Government Agency Reps, and other Stakeholder Reps. are represented in these 2 committees and convene quarterly meetings,

UNCTAD in providing Technical Support/ Assistance

The Project is being delivered in three (3) phases

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Securing our Future*



Why ASYCUDA World



■ ASYCUDA World version is:

- ✓ Considered as the latest version and is Funded by GoPNG with UNCTAD Technical assistance,
- ✓ Considered more flexible and provides support for evolving Customs and other stakeholders requirements and supports Single Window concept,

Immediate Objective: To increase efficiency in the Customs clearance process, to improve revenue controls, to install the latest AW computerized system and to reduce the administrative burden on the trading community to a minimum,

The overall aim: To contribute to the improvement of Government finances and to its efforts to strengthen the economy of PNG through increase in imports/ exports, sustaining economic growth, and improving trade competitiveness.

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Securing our Future*



Phase 1 – Prototype Development



Prototyping

- National Project Team & Management Framework
- Inception mission (Processes & ICT)
- Project Work Plan (NPT)
- Customs clearance processes review
- Capacity building (NPT)
- ICT setup
- Prototype development
- Communication : Mobilization Seminar
- Prototype validation (V1)

Review of All Customs process, up-date Ref. Tables & Configurations

*Protecting our Border
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ASYCUDA World Project



- ASYCUDA was developed by UNCTAD and is providing Technical assistance as the executing agency,
- ASYCUDA World is an up-grade of the Asycuda ++ version,
- ASYCUDA World Project Document was Signed in 2014,
- The Project commenced in April/May 2016,
- Alight delay due to some administrative issues,
- PNG will take ownership of the ASYCUDA World

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ASYCUDA World Deployment in Progress



- Project implementation commenced in early 2016,
- Phase 1: Prototype Development has been Completed,
- Phase 2: Pilot Site Implementation Commenced in October 2017,
 - ✓ Manifest Process,
 - ✓ SAD Process,
 - ✓ Ongoing monitoring
 - ✓ Other Offices/ Locations still using Asycuda ++,
- Phase 3: Roll Out is Planned for March/April 2018
- AW access for Other Stakeholders after user training,
- Project is expected to be completed at the end of 2018

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Phase 2 - Pilot



Pilot Sites are: Port Moresby Sea & Jacksons Ari cargo.

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Experiences & Lessons Learned



- Experiences of excitements and challenges over the last 24 years of Customs automation,
- Embraced on advanced technology to progress for improvements organisational performances for services to stakeholders,
- Industry stakeholders acceptance of ongoing service modernization reforms,
- Positive sign for future reform and modernization initiatives easier than it had been over two decades ago.

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Phase 3 - Rollout



► Project Expected to be Completed by end of 2018

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Looking Ahead



- Under the auspices of the European Union, a feasibility has been conducted in 2017 for the possibility of a Single Window systems to be developed for PNG in the ear future.
- The progressive deployment with AW system will be a critical factor that can contribute to the eventual establishment of a Customs-Specific Single Window set up.
- Such advancements yet to come will place PNG Customs as a lead agency that can take on that leadership role to pursue a suitable platform of Single Window setup for PNG.

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Expected Improvements or Outcomes



Expected improvements to support ongoing reform and modernization programs include:

- International best practice,
- Covering most foreign trade procedures that can handle manifests, transit and suspense procedures, customs declarations, accounting procedures, etc.
- Taking into account of international codes and standards developed by ISO (International Organisation for Standardisation), WCO (World Customs Organization) and the United Nations,
- Provide for Electronic Data Interchange (EDI) between traders and Customs,
- Reduce cargo clearance time from current 48 hours to 8 hours minimum,
- Supports Legislative amendments for automation and electronic data processing,

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Securing our Future**

Thank you

ASYCUDA World Project Team
PAPUA NEW GUINEA
Email: nawtp@customs.gov.pg



Expected improvements from ASYCUDA World

- Supports Legislative amendments for automation and electronic data processing,
- Supports Tariff database to accommodate HS 2012 and 2017
- Timely collection/ payment of revenue through the introduction of Pre-payment and E-banking systems – no cash payment policy,
- Effective risk management through profiling & targeting
- Container Examination Facility (CEF) for Targeted Goods/ Containers - reducing physical examination time,
- Generates accurate trade data that can be used for statistical economic analysis,
- Improve trade data transfer and direct viewing facility for fiscal and economic analysis to BPNG, NSO and Trade and Commerce Department;
- Transparency, Accountability and Compliance by all Stakeholders

**Protecting our Border
Securing our Future**

Overview



- Introduction to PNGCS
- International Obligations
- Background to IPR Enforcement in PNG
- IPR Section
- IPR Regime in PNG
- Customs Recordation & Intervention Process
- Why Enforce IPR?
- Why Manufacture IPR?
- How are Counterfeits Made?
- Effects of Counterfeit Goods
- Do Counterfeits Exist in PNG?
- What Has PNGCS done about Counterfeits?
- Trainings/Awareness/Cooperations
- Tools & Resources
- Data/Statistics
- Challenges
- Opportunities
- Conclusion

3



Asia-Pacific
Economic Cooperation

SUB-COMMITTEE ON CUSTOMS PROCEDURES

28 February 2018

Gateway Hotel
Port Moresby, Papua New Guinea

1

INTRODUCTION TO PNGCS



Establishment:

- PNGCS formerly a division of Internal Revenue Commission (IRC)
- Late 2009, separate from IRC
- In 2015, became an authority
- All by virtue of National Executive Council Decisions
- Three (3) regional offices (Southern, Northern and Islands)
- Staff strength of about - 460
- Sits under the Ministry of Treasury

Administration:

PNGCS draws its powers from Customs Act 1951 to:

- Control, supervise and authorize all forms of conveyances, persons and cargoes that move in and out of PNG
- Charge and collect duties and taxes under the Customs and Excise Tariff Act
- Also has responsibility for protecting the country's border and community as well as preventing transnational crime
- Administers about 11 pieces of legislation

4



Topic

COMBATING COUNTERFEIT SMUGGLING: PNG EXPERIENCE

2



INTERNATIONAL OBLIGATIONS



Treaty/ Convention	Date Joined
Asia Pacific Economic Cooperation	17-19 November 1993
World Trade Organization	9 June 1996
World Intellectual Property Organization	10 July 1997
World Customs Organization	18 March 2002

Introduction....cont

Hierarchy:



Protecting our Border
Securing our Future

BACKGROUND OF IPR ENFORCEMENT IN PAPUA NEW GUINEA



Customs Act 1951:

- Section 146(1)(ca) - All IPR infringing goods imported/exported shall be forfeited to the state
- Section 153(k) - Offence to import/ export and tranship counterfeit/IPR infringing goods
- Penalty a fine of not less then K5000 but not exceeding K50,000

Customs Prohibited Imports Regulation 1971:

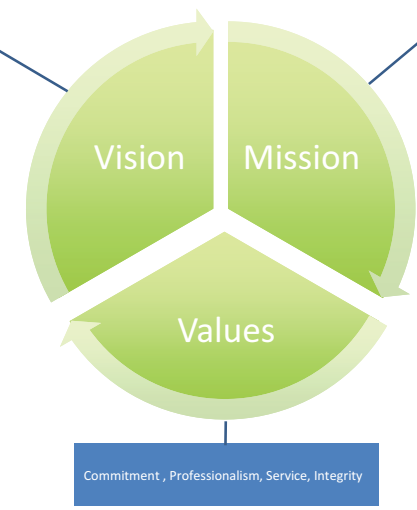
- In accordance with the Revised Kyoto Protocol, PNGCS amended the Customs Prohibited Imports Regulation in 2005 to include IPR Enforcement Provisions
- Part VI – The Importation of Goods that Infringe Upon Intellectual Property Rights
 - Sections 8 – Recordation of IPR with Customs
 - Section 9 – Application for Intervention
 - Section 16 – Ex Officio Action

Introduction....cont

Vision & Mission:

Spirited and committed to lead in regional customs best practices in securing our national borders to enhance the security and socio-economic development in PNG

Protect PNG's border, communities and industries; enhance facilitation of international trade and travel; and protect and collect revenue for the government



CUSTOMS RECORDATION & INTERVENTION PROCESS



Part VI – Importation of Goods that Infringe Upon Intellectual Property Rights

- Section 8 – Recordation of Intellectual Property Rights with Customs
- Section 9 – Application for Intervention by Customs
- Section 16 – Ex Officio Action

INTELLECTUAL PROPERTY RIGHTS SECTION



- **Establishment:** In 2014, the IPR Section established under the Enforcement Division
- **Responsibilities:** Administer the Customs Prohibited Imports Regulation to Monitoring and Enforcement of intellectual property rights infringing goods at the borders
- **Staff strength:** Five (5)
- **Head:** Director IPR
- **Reports:** Assistant Commissioner – Compliance & Procedures Division
- **Wing:** Trade & Corporate Services Wing

WHY ENFORCE IPR?



- Brings about new ideas and technologies
- Facilitate Trade & Investments (creating employment opportunities/jobs, etc.)
- Protect local industries/jobs
- Deprives governments of revenue through undervaluing and smuggling
- Protect our people and communities from dangerous counterfeit goods/products



Intellectual Property drives Economic Growth and Competiveness, as seen and experienced by economies that have protected, harnessed and utilized IPR.

IPR REGIME IN PNG



IPOPNG - Administration

Intellectual Property Office of PNG is one of the five (5) division of the **Investment Promotion Authority (IPA)** and is responsible for the Administration of the following IPR laws:

- Trademarks Act Chapter 385
- Patents & Industrial Designs Act 2000
- Copyright & Neighbouring Rights Act 2000

PNGCS - Enforcement

IPR & Passenger Policy Section comes under **Compliance and Procedures Division** which comes under the Trade and Corporate Services Wing. The Section is tasked with administering the following:

- PNG Customs Act 1951
 - Section 146 of the Act:** any goods that are found to be infringing are subject to forfeiture.
 - Section 153 of the Act:** any person other than the right holder who are involved in trading IPR infringing goods are deemed guilty of an offence and subject to a fine of up to K50,000.
- Customs (Prohibited Imports) Regulation 1973
 - **Part VI: The Importation of Goods that Infringe upon IPR**



EFFECTS OF COUNTERFEITS GOODS!



- People becoming sick as a result of consuming tainted foods/drinks
- People developing drug resistance/complications and death from taking counterfeit or substandard drugs/medicines
- People get injured or lose their lives in motor vehicle accidents as a result of using counterfeit spare parts
- People losing their assets/ properties in fires from using counterfeited electronic or electrical items
- People lose their investments through purchasing counterfeit goods/products that don't last
- State losing revenue through undervaluing or smuggling of counterfeit and pirated goods

WHY MANUFACTURE COUNTERFEITS?



Cheap Goods Big Money



DO COUNTERFEITS EXIST IN PNG?



Genuine

Fake

- YES! And they will be here to stay if we don't set up the necessary systems and processes to counter.

Counterfeits have in recent times flooded our markets. Some examples - STIHL chainsaws/brush cutters, baby diapers, ladies pads, laundry soaps, hair creams/ coconut oils, sprays and foodstuff (tulip).



Genuine

Fake



HOW ARE COUNTERFEIT GOODS MADE?



- Unhygienic preparations/conditions and storage
- No adherence to International health and safety standards
- Uncertified/unqualified manufacturers



WHAT HAS PNGCS DONE ABOUT COUNTERFEITS?

- Since 2014, IPR Section has recorded, monitored and enforce IPRs filed by Right Holders
- Under Ex Officio Action - informed Right Holders of goods suspected of infringing their rights at the borders and invite them to register with PNGCS
- Develop Standard Operating Procedures (SOP) on IPR
- Review the Customs Prohibited Imports Regulation
- Enter into MOU's with relevant Regulatory agencies/departments to address IPR and related/ or overlapping issues

RESOURCES & TOOLS



- ASYCUDA
- Case Management Information System (CMIS)
- Interface -Public Members (IPM)
- Container Examination Facility (CEF) – Latest
- First Defender RM S1 Thermo Scientific hand held Raman Chemical Identification machines
- ION Scan



TRAININGS/AWARENESS/COOPERATIONS



The IPR Section also conducts training and awareness workshops and seminars:

- Targeting Frontline Officers - in the 3 main regions
- With Right Holders/or product experts on the subject matter
- With Regulatory Agencies on compliances issues (NICTA, ICC, NDoH)
- With Developmental Partners both at the national and international level (EU 2017, APEC 2017)
- And also attended relevant trainings/workshops abroad organized by WCO, APEC, JCO, etc.

DATA/STATISTICS



No	Right Holder Recordations	Intellectual Property Rights	Goods/ Products	Intervention (year)	Out of Courts Settlement	Courts
1	UMW Niugini Ltd	STIHL	Chainsaws/ brush cutters		2 (2014 & 2015)	
2	Supreme Industries	SOF N' FREE	Hair cream	-	-	-
3	Chemcare Group Ltd	A Touch of Magic	Deodorant	-	-	-
4	Trends	Trends	Hair creams/ products	-	-	-
5	Mainland Holdings Ltd	Table Birds Kwik Kai 3 Roses Get Cracking Farm Fresh	Frozen chicken Baking flour Fresh eggs Frozen chicken	1 (2015)	-	-
6	Shelston IP	Riggers	Clothing/ Footwear	-	-	-
7	House of Cheatham	Trends	Hair creams/ products	2 (2016) Trend's against "Touch You Please". Trend's "Africa's Best".	-	-
8	Panamex Pacific (PNG) Ltd	Soft Love B-29 Five Star	Diapers Washing detergent Washing detergent	2 (2016) Soft Love & Black Orchid	-	-

Challenges...cont



External:

- Lack of awareness on the recordation and intervention process due to manpower issues
- Enforcing unregistered or expired trademarks with IPOPNG
- Infringer abandoned goods when he knows he's about to be caught
- Right Holders penalised heavily - pays to fly to inspect and verify status of goods/products, pays K2000 Intervention fee and engages lawyer, then go to Court
- Goods detained cost lesser than the whole IPR enforcement process (from intervention to the Courts)
- Court process lengthy and expensive for small businesses
- Hard to verify counterfeit from parallel imports due to lack of documentation (licensing agreements on manufacturing/ exporting/ importing/distribution, etc.)
- Right holders based overseas to verify on the spot or within the time prescribed in the laws
- Right Holders/Stake Holders not aware of their roles and responsibilities
- Lack of effective networking and cooperation amongst stake holders (Right Holders, Legitimate Traders/Investors and Industry Regulators)

	Right Holder Recordation	IPR	Goods/ Products	Intervention	Out of Courts Settlement	Courts
	Panamex Pacific Ltd	Softex Blue Sea Black Orchid Max Was Was	Menstrual pads Hair cream Hair cream Bath soap Laundry soap	-	-	-
9	Tropic Frond Oils Ltd	Curly	Coconut oil	1 detection but released	-	-
10	Bishop Brothers Ltd	STIHL	Chainsaws/ Brush cutters	One (2017)		
11	BAT PNG Ltd	Cambridge Pall Mall Blue Pall Mall Green Pall Mall Red Winfield Blue Hero	All for cigarettes	1 (2017) Cambridge	-	-
12	Super Value Stores Ltd	GIV SOKLIN	Bath soap Laundry detergent	3 (2017)	-	-
13	Paradise Foods Ltd	Paradise Foods Paradise Beverages	Carbonated drinks	1 (2016) Granted 2 (2017) Decline (TL) 6 (2017) Granted	6	2
14	A Plus Co., PNG Ltd	RAVE	Cigarettes	1 (2017) Granted	1	
15	RIKA Consultants	RELAXO FLITE	Foot wears	-	-	-

OPPORTUNITIES



- Review and updating of Legislations (Customs Prohibited Imports Regulation)
- Linking the private sector with the Industry through formal/informal gatherings
- Entering into New Partnerships - Right Holders, Industries, consider MOAs
- Technical Support and Co-operation - Right Holders
- Acquiring Appropriate Tools and modernizing systems and processes from developmental partners
- Collaboration and networking with Right Holders and Industries - Joint Awareness/Operations/Raids, Sharing of information/Data, resources as in funds and expertise, etc.



CHALLENGES



Internal:

- Part VI – Importation of Goods that Infringe upon IPR, Customs Prohibited Imports Regulation not really tested
- IPR Recordation and Intervention system fairly new hence administrative challenges still remain
- System not effectively streamlined and integrated hence uncoordinated and timely responses from within at times
- New staff - inexperienced on IPR and related matters
- Timely legal advice - Capacity issues
- Lack of training and awareness to front line officers, PCA Team, Intelligence officers and Investigators
- De Minimus Limit under Section 18 of the Customs Prohibited Imports Regulation may be abused by group travel whose intended aim is to resell to gain



CONCLUSION

- A collaborative, concerted approach desirable in the fight against perpetrators of IPR as it poses serious economic, social and cultural challenges to the country.
- An holistic approach necessary in addressing crossing cutting IPR infringing issues as it alleviates issues of funding, technical expertise, know-how and sharing of scare resources.
- Legislation should also be reviewed and amended to have - foreigners who perpetrate such crimes deported, their businesses wind up and the assets forfeited to the state.
- Saves the government money (operational cost) involved in conducting an operation and divert funds to be utilized in much more important and needed areas.
- Stakeholders should now consider MOA's as a way forward in seriously addressing IPR infringement issues committing stakeholders to take affirmative action and forge partnership based on agreements and not mutual understanding.

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ANY QUESTIONS

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Operation Proposal

Objectives:

- Enhance IPR border enforcement and import safety for e-commerce across International Mail and Express Consignment.
- Protect consumers and economies from counterfeit and dangerous electronics in cross-border trade.

Deliverable:

- After the completion of the operation a report will be written to identify all of the enforcement actions, trends, and any recommended practices resulting from this operation.



U.S. Customs and Border Protection Operation Proposal on Counterfeit Electronic Items in E-Commerce

**APEC Sub-Committee on
Customs Procedures
February 2018**

Examples of Products

- Adapters, Chargers, Cables, Batteries, and Power Supplies
- Cellphones (including parts such as digitizers, screens, and faceplates)
- DVDs (including movies and TV shows)
- Digital Video Recorders (DVR's), Set Top Boxes, Media Players, and TV Boxes
- Headphones and Earbuds
- Integrated Circuits, Semiconductors, Network Equipment
- Memory Cards and Memory Sticks
- Smartwatches
- Videogame Players, Controllers, and Hardware

Operation Proposal

- The 2018 proposal is to conduct a mutual enforcement operation implementing effective practices that will focus on counterfeit electronics items.
- The 2018 operation on counterfeit electronics will highlight the health and safety risks that are posed by these illegitimate items and will utilize the IPR compendium that was developed and approved by the SCCP last year.
- These counterfeit items are likely substandard and can result in dangerous consequences for the consumer.
- The SCCP has previously conducted four successful IPR operations in 2011, 2013, 2014, and 2016. This operation will build upon the lessons learned from past operational work conducted through the SCCP.
- In 2017 the SCCP developed an IPR Enforcement Practices Compendium that can also be used as a guide to inform this operation and future operational work.

Mutual Enforcement Operation Implementation

Operation Scope:

- The 2018 joint enforcement operation is to be conducted in the international mail and express consignment environments.
- Operation will occur over a non-consecutive 10-day period between April 16 and May 25, 2018.
- Exchange information when possible on enforcement actions against counterfeit items found during the operation.
- Examine relevant data prior to the operation to gain an understanding of all relevant threats.



Examples of Products

附件18

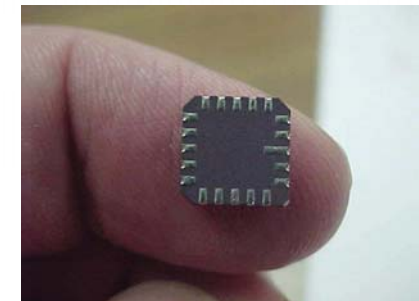


Mutual Enforcement Operation Timeline

Date	Deliverable
	APEC SOM 1
February 27 – March 1, 2018	APEC Senior Officials Meeting (SOM) 1 Sub-Committee on Customs Procedures (SCCP) Meetings in Port Moresby, Papua New Guinea
	OPERATION
April 2, 2018	Deadline for economies to submit intention to participate
April 16 to May 25, 2018	Operation to be conducted over a ten-day period within this six-week timeframe
June 18, 2018	Participating member economies submit brief report on the results of the operation
	APEC SOM 3
August 2018	Report on results at SOM 3 of SCCP in Port Moresby, Papua New Guinea

Mutual Enforcement Operation

- Analyze and share information with other Customs authorities
- Engage local industry and stakeholders
- Assist with training of Customs officials
- Conduct operation in Express and International Mail Environments



Reporting Guidelines

- Outcomes/ practices may be shared using the reporting template
- Reporting data may include:
 - Enforcement practices
 - Authentication techniques
 - Risk analysis methods
 - Penalty provisions
 - Industry involvement
- Results of the joint enforcement operation will be presented at the SCCP SOM III Meeting in August 2018



Mutual Enforcement Operations Measures

- Enforcement actions against counterfeit electronics items
- Number of seizures, abandonments, denials of entry, returns to sender
- Quantity of items seized
- Number of cases referred for criminal investigation
- Number of fines and penalties issued



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International Affairs,
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Exchanging Information

- Work with local industry stakeholders to provide training to Customs officials in advance of the operation.
- Economies may share information through email, in accordance with individual economy information sharing and privacy laws.
- In addition to the statistics, the shared information may include non-person identification information.





WTO MC XI RESULT



WTO MC XI Ministerial Decision

- Continue to work under Work Programme on Electronic Commerce
- Maintain current practice of not imposing customs duties on **electronic transmission**

3

Directorate General of Customs and Excise
Ministry of Finance of Indonesia

附件19



DIREKTORAT JENDERAL
BEA DAN CUKAI

IMPOSING CUSTOMS DUTIES ON DIGITAL GOODS : OPPORTUNITIES AND CHALLENGES

APEC SCCC :
"Creating Inclusive Opportunities, Embracing Digital Future"

27-28 February 2018
Port Moresby Papua New Guinea



Directorate General of Customs and Excise
Ministry of Finance of Indonesia



WTO MC XI RESULT

Bilateral Meeting

Indonesia Minister of Trade and WTO DG



To the Minister of Trade, **WTO DG** confirmed that the moratorium only applies to **electronic transmission** not to the goods and services delivered electronically.

4

Directorate General of Customs and Excise
Ministry of Finance of Indonesia



Rationale: Current Condition

Current E-commerce Trend: Biggest in AP 

E-COMMERCE TURNOVER PER REGION
E-commerce turnover of the global regions, 2014-2015

Region	2014	2015	Growth*
World	\$1,895.3bn	\$2,272.7bn	+19.9%
Asia-Pacific	\$822.8bn	\$1,056.8bn	+28.4%
North America	\$572.5bn	\$644.0bn	+12.5%
Europe	\$446.0bn	\$505.1bn	+13.3%
Latin America	\$25.8bn	\$33.0bn	+28.0%
MENA	\$21.7bn	\$25.8bn	+18.6%

* Growth rate based upon national currencies

Figure: Global E-Commerce turnover 2014-2015
Source: Global B2C Ecommerce Report 2016
https://www.ecommercewiki.org/wikis/www.ecommercewiki.org/im-aqes/5/56/Global_B2C_Ecommerce_Report_2016.pdf

Region	GDP at market prices	Share of e-commerce in GDP
Global	\$73,106bn	3.11%
Asia-Pacific	\$23,564bn	4.48%
North America	\$20,642bn	3.12%
Europe	\$19,518bn	2.59%
Latin America	\$4,295bn	0.77%
MENA	\$3,606bn	0.71%

Figure: Global E-Commerce turnover 2014-2015
Source: Global B2C Ecommerce Report 2016
https://www.ecommercewiki.org/wikis/www.ecommercewiki.org/im-aqes/5/56/Global_B2C_Ecommerce_Report_2016.pdf

2

Directorate General of Customs and Excises
Ministry of Finance

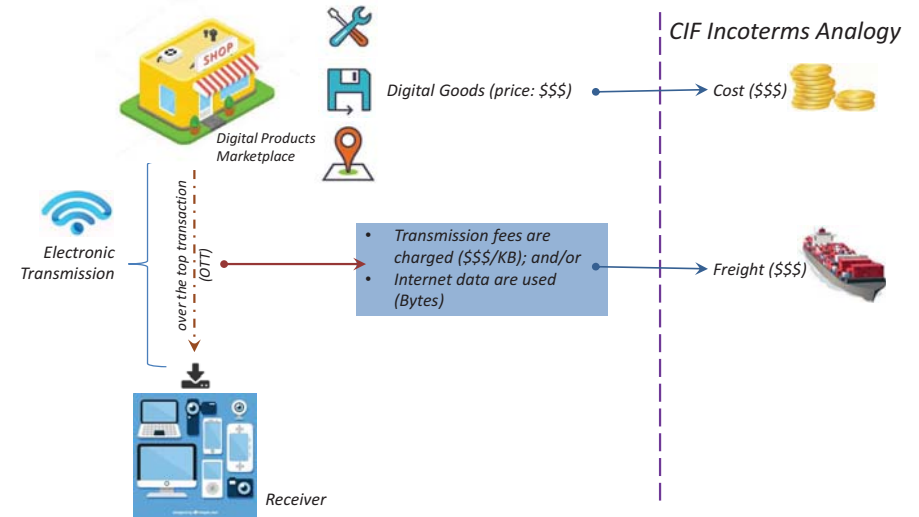


RATIONALE: GOVERNMENT PERSPECTIVE

- **Create Level of Playing Field**
 - ✓ Domestic operators/consumers pay tax (income, VAT, GST)
 - ✓ Foreign operator should also pay?
- **Provide opportunity to late comer**
 - ✓ Quality more or less same
 - ✓ Pricing is the key
 - ✓ Origin issue (since Over the Top may place in other country)
- **Potential Fraudulent**
 - ✓ Tax Avoidance, IPR Infringement, Trans-national Organized Crime on Money Laundering
- **Balance of Payment**
 - ✓ Unrecorded Transaction caused miscalculation of BOP and Economic Policy (Revenue and Expenditure)
- **State Revenue**
 - ✓ Potential Income, GST or VAT



What is meant by Electronic Transmission? 附件19



RATIONALE: CURRENT CONDITION

Customs Contribution to State Revenue

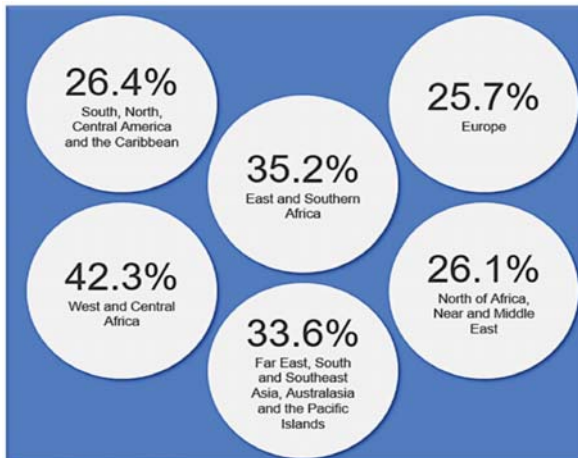
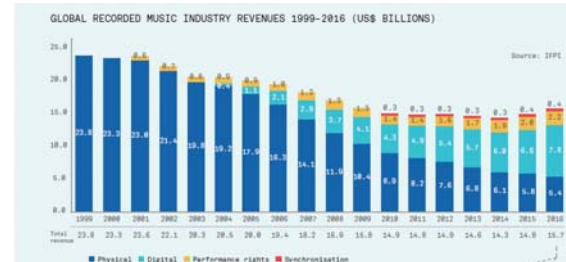


Figure: Customs contribution to State Revenue.
source: WCO Annual Report 2015-2016



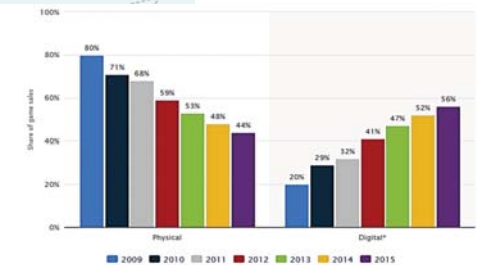
RATIONALE: PHYSICAL VS DIGITAL GOODS



CURRENT E-COMMERCE TREND

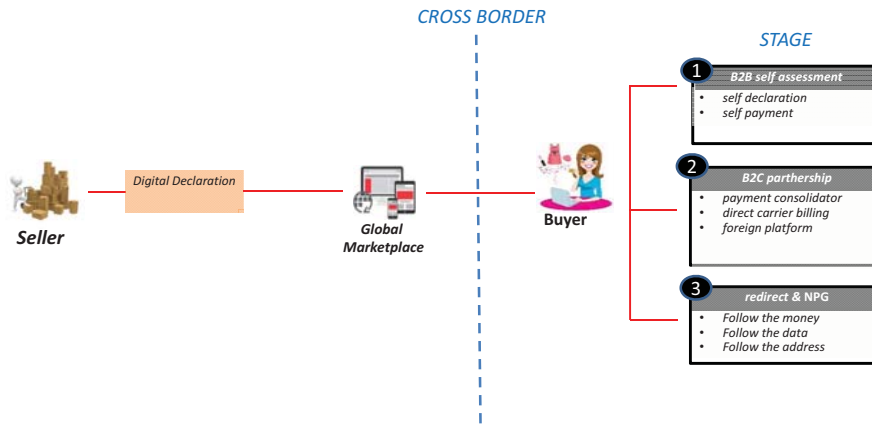
Figure: Global Recorded Music Industry Revenues 1999 – 2016
Source: International Federation of the Phonographic Industry
www.ifpi.org/downloads/GMR2017.pdf

Figure: Sales of computer and video game in U.S. during 2009 – 2015
Source: Statista
<https://www.statista.com/statistics/190225/digital-and-physical-game-sales-in-the-us-since-2009/>





Implementation Plan Stages



CHALLENGES ?



- How to detect the transaction?
- Valuation
- Classification
- Duties and taxes are collected at which point? Point of import or export?
- Who collect duties and taxes? Government, Merchant, or Banks?
- Defining origin (exporting country or OTT location)
- Who submit declaration
- Duty and Tax settlement process (collected by bank of importing country or collected by merchant)



Implementation Plan

Digital Goods will be classified under Chapter 99

Chapter 99 Software and Other Digital Goods	Code	Description of Goods
Notes. 1. Software and other digital goods transmitted electronically referred to in heading 99.01 are those that are not related to machines or devices that have been or will be imported. 2. Software and other digital goods transmitted electronically related to machines or devices that have been or will be imported are classified with such machines or devices. Subheading Notes. Tariff Line 9901.40.00 covers only software that is a renewal or update of said software for machines or devices that have already been imported.	99.01	Software and other digital product transmitted electronically
	9901.10.00	- Operating system software
	9901.20.00	- Application software
	9901.30.00	- Multimedia (audio, video or audio visual)
	9901.40.00	- Supporting or driver data, including design for machinery system
	9901.90.00	- Other software and digital product



Current Status on E-Commerce



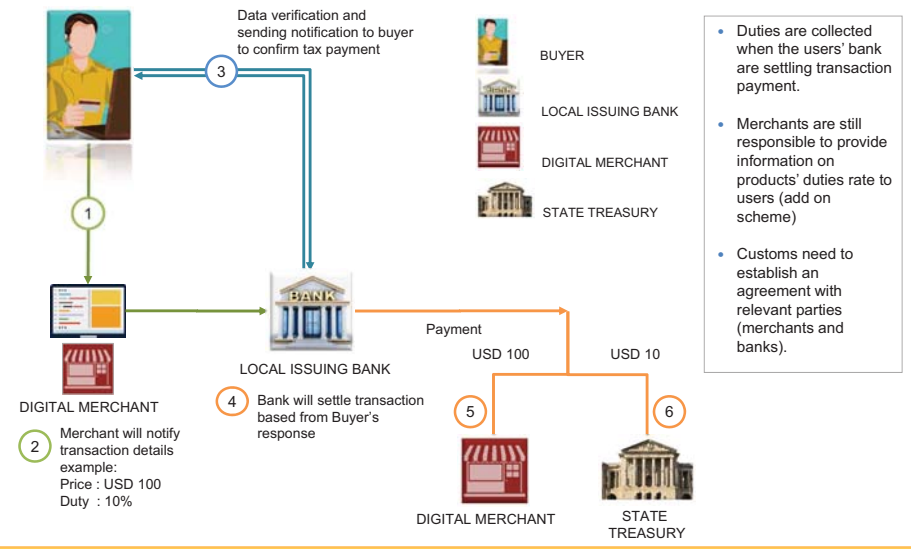
Minister of Finance Regulation On Tax Treatment for E-Commerce

The regulation includes tax treatment for digital goods transmitted electronically with the objectives to:

- provide equal level of playing field
- provide a fair tax treatment
- administer transaction of digital goods
- enforce mandate of Customs Law



Possibly Scenario Customs Duty settlement by Issuing Bank



@beacukai
info@customs.go.id
Direktorat Jenderal Bea dan Cukai
@BeacukaiRI/
@BravoBeaCukai

@KanalBeaCukai
081-252525-898
@Kanal BeaCukai
@KanalBeacukai

THANK YOU

Main comments

- “This fast-evolving e-commerce environment and associated challenges require a comprehensive and well-considered policy and operational response from Customs and other border agencies, in partnership with other stakeholders. A coordinated and collaborative approach between and among all stakeholders at the international, regional and national level is vital to achieve a safe, secure and sustainable e-commerce environment, leading to an inclusive global trade system and increased economic growth.” (Mr. Kunio Mikuriya, WCO Secretary General)

Outcome of the First Global Cross-Border E-Commerce Conference

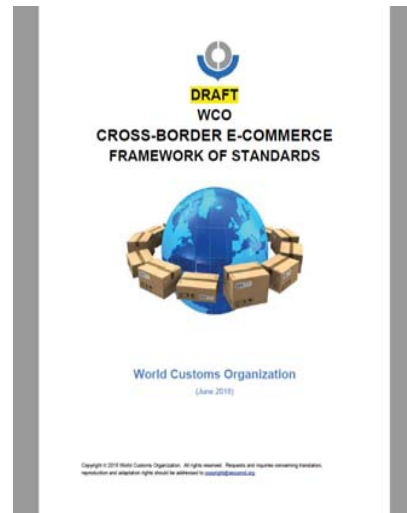
World Customs Organization

Main comments

- "The Conference has helped enhance consensus among all relevant parties on upgrading regulation principles, promoting trade security and facilitation and achieving balanced development of global cross-border e-commerce" (Mr. YU Guangzhou, Minister of China Customs)
- “We are here to support vital and progressive cross-border e-commerce. We must strive to do everything to support its continued growth. We need to mutually expand the openness of the market, collaboratively establish commonly-followed supervision standards, enhance the cooperation and coordination mechanism among all parties, and improve the capacity building of underdeveloped countries.” (Mr. Wang Yang, Vice-Premier of the People's Republic of China)

The First Global Cross-Border E-Commerce Conference

- In Beijing, China
- 9 to 10 Feb. 2018.
- Co-hosted by the World Customs Organization (WCO) and the General Administration of China Customs (GACC)
- Over 2,000 high-level policy and decision makers as well as operational experts from Customs, OGAs, e-commerce operators, international organizations, academia, etc.
- Over 100 Ministers, Vice-Ministers, Directors Generals of Customs administrations, Tax authorities and relevant government agencies, as well as CEOs of e-commerce operators, postal operators, express service providers and other business entities



Beijing Declaration

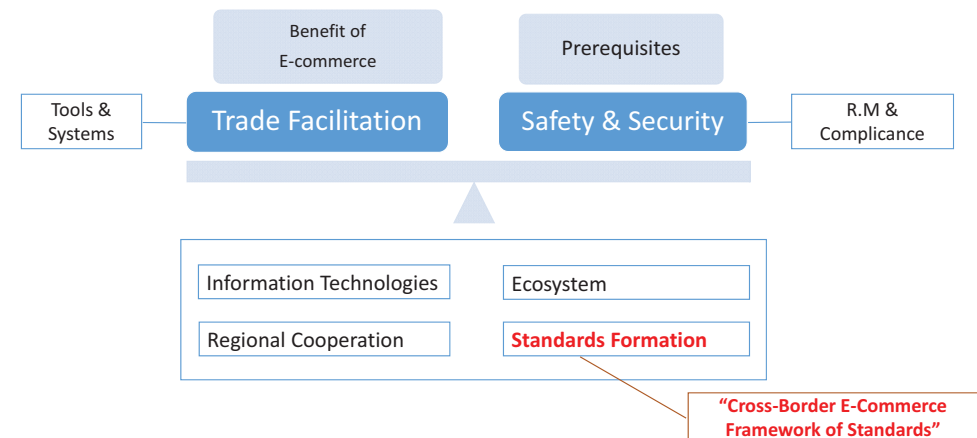
- Enhancing Benefits of E-Commerce through **Trade Facilitation**
- Controlling Safety and Security Risks and Increasing Compliance
- Being Strategic and Leveraging Information Technologies
- Establishing a sound Ecosystem through Joint Efforts
- Promoting Balanced Development through Enhanced Regional Cooperation
- Speeding up **Standards Formulation** to Ensure Sustainable Growth (WCO Cross-border E-Commerce Framework of Standards)

Table of Contents (Cross-Border E-Commerce FoS)

1. Introduction
2. Objective, principles and legislation
3. Implementation Strategy, Monitoring Benefits and Capacity Building
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5. Stakeholders : Roles and Responsibilities
6. Managing Cross-Border E-Commerce:
 - 8 Key Principles from the Luxor Resolution
 - 15 Standards
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7. Annexes
 - Definitions
 - Revenue Collection Models
 - Data Elements
 - WCO Instruments and Tools
 - Other Relevant International Instruments and Standards
 - Cross-Border E-Commerce Implementation Strategy and Action Plan
 - Case Studies



Beijing Declaration



Progress & Next Steps (Cross-Border E-Commerce FoS)

- December 2017 : Policy Commission Recommendation "Framework of Standards on Cross-Border E-Commerce"
- December 2017- January 2018 **Preliminary draft** by WCO Secretariat with support of China, Australia and the EU
- **12 January 2018** : One-day working session at WCO headquarters with few Members
- **23 -25 January 2018**: WGEC Sub-Groups Meeting
- **9 -10 February 2018**: First Global Cross-Border E-Commerce Conference @Beijing
- **9 -12 April 2018** : **Third and final WGEC Meeting**
- **16-120 April 2018**: Permanent Technical Committee Meeting
- **June 2018**, Policy Commission and the Council to adopt '**E-Commerce Package**'
- **Nest Steps** : Implementation strategy and actions plans Including capacity building support for a harmonized approach



Luxor Resolution

(Guiding principles for Cross-Border E-Commerce FoS)

- 1) Advance Electronic Data and Risk Management
- 2) Facilitation and Simplification
- 3) Safety and Security
- 4) Revenue Collection
- 5) Measurement and Analysis
- 6) Partnerships
- 7) Public Awareness, Outreach and Capacity Building
- 8) Legislative Frameworks.



Focus of Sub-Groups (Cross-Border E-Commerce FoS)

Sub-Group	Focus area
I. Trade Facilitation	Section VI. Principle 1 and 2
II. Safety & Security	Section VI. Principle 3 and 8
III. Revenue Collection	Section IV. E-Commerce Business Models Annex II. Revenue Collection Models Section VI. Principle 4 and 6
IV. Measurement and Analysis	Section VI. Principle 5 and 7 Annex III. Data Elements

Cross-cutting & Volunteers	
Section II.	Objective, principles and legislation
Section III.	Implementation Strategy, Monitoring Benefits and Capacity Building
Section IV.	Stakeholders: Roles and Responsibilities
Annex I.	Definitions
Annex VI.	Cross-Border E-Commerce Implementation Strategy and Action Plan
Annex VII.	Case Studies

Thank you very much !

- Min.Han@wcoomd.org



SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Improvements in Customs Control on Cross-border E-commerce

Objective:

- To increase awareness of the opportunities and challenges brought by cross-border E-commerce.
- To share information and increase knowledge among APEC economies about laws, regulations, supervision and risk indicators on cross-border e-commerce in order to draft recommendations.
- To create an action plan for cross-border e-commerce in APEC to strengthen the cooperation among member Customs.

Action:

Through information and experience exchange and capacity building activities, APEC Member Customs will better promote the development of cross border E-commerce.

Coordinator: China, Korea

Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
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1

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

To present good practices and recommendations of Member Customs.	2016 (SCCP1)	Member Economies	In progress	China
To promote better growth of cross-border E-commerce, through enhanced awareness of cross-border E-commerce and external cooperation in this regard.	By the end of 2017	More than half of APEC Member Customs will develop rules or regulations and implement procedures in customs control on cross-border E-commerce.	In progress	China Australia, Chile, Korea, Hong Kong China

Implemented actions

1. APEC Workshop on Customs Control on Cross-border E-commerce was held on September 16-18, 2015 in Hangzhou China.
2. Capacity Building Research on Customs Control of Cross-Border E-Commerce has been conducted by China.

2

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Development of Single Window and promotion of international interoperability				
Objective: To increase the efficiency of international supply chain through harmonization, simplification, strengthened transparency, introduction of modern technologies, and collaboration with the stakeholders.				
Action: Customs and trade procedures will become more efficient through introduction and implementation of ICT systems, Single Windows, and interconnection among the systems and Single Windows.				
Coordinator: Chinese Taipei, United States				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
To monitor the state of Customs ICT system, Single Window and one-stop shop of economies to identify good practices and challenges in this field	2016 (SCCP1)	To identify current status of all economies in order to feed in the activity concept to share the experiences of Single Window development and implementation and the system interconnection.	2014 Survey was completed.	Chinese Taipei and Japan
To peer the progress and exchange goods practices and learning in Single Window development and implementation	2016	Attending economies share the updated information on the progresses and lessons learned in introducing and implementing Single Window.	In progress	US
To monitor the state of Customs ICT	2018	To identify the status of all economies in	(not yet started)	Chinese Taipei and

3

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

system, Single Window and one-stop shop of economies to identify good practices and challenges in this field		order to feed in the activity concept to share the experiences of Single Window development and implementation and the system interconnection.		US
Implemented actions				
<ul style="list-style-type: none"> SW Strategic Plan (2007); SW Implementation Guide (2009); and SW Report – Working towards the implementation of SW in the APEC economies and international interoperability (2010) Single Window regional workshops took place in 2011 and 2012. Stocktaking survey was conducted in 2010, 2012 and 2014; the results were presented at SCCP meetings. Diagnostic Report for Chokepoint 4 of APEC Supply Chain Connectivity Action Plan contained the summary results of 2012 SCCP survey. PSU ‘Study on Single Window Systems’ International Interoperability to be completed in 2017. 				
Strengthening of IPR Border Enforcement				
Objective: To promote the economic activities of legitimate IPR holders, distributors and consumers by strengthened border control against IPR infringement with an aim to promote innovative growth, secure international supply chain and promote investment.				

4

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Action:				
Border control against IPR infringement articles will become more effective in line with international norms and best practices and the interest of right holders as well legitimate distributors and consumers.				
Coordinator: Hong Kong, China and US				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
To monitor the state of IPR border enforcement and initiatives in the economies and to update the strength and weakness	2016 (SCCP1)	To identify current status of all economies in order to develop the targeted capacity building program	2015 IPR check sheet was circulated; the results have been compiled and assessed.	Hong Kong, China and Japan
IPR joint operation	2016 (SCCP 2)	To identify counterfeit trademark items related to transportation infringing goods and share results and trends with other APEC Economies.	The IPR Operation is currently underway and results will be reported at the 2016 SCCP2 Meeting.	US
To monitor the state of IPR border enforcement and initiatives in the economies and to update the strength and weakness	2017 (SCCP2)	To identify the status of all economies in order to assess the overall progress on IPR border enforcement	IPR check sheet was circulated in Mar 2017 for member economies' update; the results were assessed and presented in the 2017 SCCP2	Hong Kong, China and US

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SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

			Meeting.	
To monitor the state of IPR border enforcement and initiatives in the economies and to update the strength and weakness	2020	To identify the status of all economies in order to assess the overall progress on IPR border enforcement	(not yet started)	Hong Kong, China and US
Implemented actions				
<ul style="list-style-type: none"> The APEC Guidelines for Customs Border Enforcement of Counterfeiting and Piracy prepared by Hong Kong, China and Japan (endorsed at SCCP2 in 2011). SCCP IPR Check sheet Survey was conducted in 2011, 2013 and 2014. SCCP/IPR Regional workshop took place in Hong Kong China in November 2014 HKC presented the findings of the IPR Check Sheet in SCCP2 2017. 				
Introduction and Implementation of Passenger Name Record				
Objective:				
To facilitate and secure cross border movement of passengers and the accompanied goods by implementing advance passenger risk analysis in adopting internationally harmonized standards and best practices				
Action:				
Customs control on passengers and the accompanied goods will be facilitated and secured by applying advance risk analysis along with international best practices, notably international standard for electronic message of PNR (PNRGOV).				

6

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Coordinator: Indonesia, Japan, Mexico				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
To update the information on Customs use of PNR by the economies and to update the strength and weakness in/for the use of PNR	2016	To identify the status of all economies in order to identify commonly observed strength and weakness in/for the use of PNR	In process	Japan
To update and exchange best practices/ lessons learned regarding PNRGOV, in securing and facilitating the legitimate travelers, by a regional workshop	2016	All participants understand the importance and key factors of PNRGOV and its use for better Customs advance risk analysis on passengers, and whilst ensuring the movement of legitimate travelers, in term of business and tourism.	Completed	Indonesia
<i>Evaluation</i>	2016	<i>Find out whether the workshop has been useful for participants and identify further needs.</i>	<i>(not yet started)</i>	<i>Indonesia</i>
Implemented actions				

7

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

<ul style="list-style-type: none"> Indonesia circulated a survey questionnaire among SCCP Members in April-May 2013 and reported the results in SCCP 2, 2013. Indonesia promoted PNRGOV in the APEC High Level Policy Dialog on Travel Facilitation, in Bali, October 2013 Indonesia organized a regional workshop on PNRGOV in Bali in October 2013. Indonesia presented its work on PNR at SCCP1 and 2 of 2014 as well as SCCP1 of 2015. Japan presented its work on PNR at SCCP1 of 2015. PNR Survey was conducted in 2015; the results were presented at SCCP2 of 2015. Japan circulated a survey questionnaire among SCCP Members in September 2016. Indonesia organized a regional workshop on PNRGOV in Bali in November 2016 and reported on the results at SCCP1 2017.
Promote self-certification/declaration of the origin of goods for preferential purposes
Objectives: <ul style="list-style-type: none"> enhance traders' understanding of preferential rules of origin, promote the use of self-certification/declaration of the origin for preferential purposes in the APEC region in order to facilitate trade by reducing administrative burden with documentation.
Actions: <ul style="list-style-type: none"> Phase 1 understanding the status quo <ul style="list-style-type: none"> research origin certification methods agreed in the FTAs within the APEC region

8

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

- Phase 2 promote the use of self-certification/declaration within APEC region
 - action items to be identified
- Phase 3 evaluation
 - evaluate the outcomes and plan for next steps

Coordinator: New Zealand

Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
Information gathering	SCCP 2, 2016	<ul style="list-style-type: none"> ○ A good understanding of current practice of evidencing origin in the APEC region. ○ Potential areas for improvement are identified. 	Planning stage	New Zealand
Consider options for promoting self-certification/declaration	SCCP1, 2017	<ul style="list-style-type: none"> ○ Action items are identified. 		
Carry out action items	SCCP1, 2018	<ul style="list-style-type: none"> ○ Outlined objectives are achieved. 		
Evaluate outcomes	SCCP2, 2018	<ul style="list-style-type: none"> ○ Outcomes of the action items are analysed. ○ Next steps are identified. 		

9

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Implemented actions

None at this stage.

Enhancement of cooperation with stakeholders

Objective:

To facilitate trade, improve compliance and enhance security through enhanced cooperation between Customs and stakeholders

Action:

Enhanced cooperation with stakeholders will make the Customs procedures more trade friendly, improve the trade compliance and obtain more cooperation from the trade to enhance security.

Coordinator: Mexico

Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
Development of AEO programs and mutual recognition arrangements	2018	Promote Capacity Building activities among the member economies to exchange best practices and experiences on developing the necessary national legal framework for AEO's, including the certification of new actors, negotiating MRA's as well as learn how to effectively implement the agreement.	In process <i>(Inviting Korea and Philippines to become the Lead economies)</i>	Mexico

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SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

		<i>These training activities can be provided to current AEO specialists, Program Leaders and representatives of the economies currently developing the program.</i>		
		<i>On the subject of Mutual Recognition Agreements, promote signing Actions Plans within the region such as the case of the Pacific Alliance.</i>	<i>In process</i>	Mexico
		<i>Periodical updating of AEO Studies, such as the study developed by the PSU as well as propose new mechanisms to compile useful information in order to gain experience, successful outcomes and share the challenges faced by all member economies.</i>	<i>In process</i>	Mexico

Implemented actions
<ul style="list-style-type: none"> APEC AEO Compendium was published in 2010. PSU “Study of APEC Best Practices in Authorized Economic Operator (AEO) Programs” (2016).

Implementation along with the WCO Immediate Release Guideline

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Objective:				
To provide facilitative procedures for those merchandises requested immediate release upon the arrival by the traders in line with WCO Immediate Release Guideline				
Action:				
Enhance trade facilitation through the implementation of facilitative measures following the WCO Immediate Release Guideline, including pre-arrival processing, de-minimis, and immediate release upon the arrival of merchandises.				
Coordinator: Japan, Philippines				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
To stock take the implementation status along with the WCO Immediate Release Guideline	2017	To identify the status of all economies in order to develop the targeted capacity building program	(not yet started)	Japan, Philippines
Implemented actions				
<ul style="list-style-type: none"> 2014 Diagnostic Report for Chokepoint 4 of Supply Chain Connectivity 				

SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

- SCFAP Capacity Building
- Philippines and Japan to circulate a survey in September 2017 and distribute the final questionnaire in October 2017. February 2018 to present results.
- WCO to share the updated Guidelines November 2017.

Conduct of Time Release Surveys

Objective:

To identify the bottlenecks and the area of further improvements at the border posts by collecting, analyzing and sharing the objective data with the stakeholders.

Action:

Measurement of time necessary to clear the goods will visualize the supply chain bottlenecks at the border posts and enable the decision makers of the stakeholders to consider the most appropriate solution and resource management to further improve the situations.

Coordinator: Australia (P), Korea, Vietnam

Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
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SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

To monitor the state of TRSs	2017	To identify the status of all economies in order to develop the targeted capacity building program	<i>In process</i>	Australia (P), Korea, Vietnam
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Implemented actions

- 2013 Questionnaire Survey on Time Release Study
- 2014 Diagnostic Report for Chokepoint 4 of Supply Chain Connectivity
- Survey was conducted in 2017; the results were presented at SCCP2 2017.

Establishment of Reporting Mechanism for the Implementation of the Boracay Action Agenda (BAA) to Globalize MSMEs

Objective:

To provide a reporting mechanism that can ensure effective implementation of the APEC Boracay Action Agenda to globalize MSMEs

Action:

Develop a Reporting Template that can be used in monitoring and consolidating programs being undertaken by the committees, working groups, and sub-fora in preparation for the stocktake and mid-term review of the BAA in 2018

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SCCP Collective Action Plan (CAP)

Last Update: 30/08/2017

Coordinator: Philippines				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
Reporting Template: <ul style="list-style-type: none"> Developed and adopted Used by Committees, Working Groups and Sub-fora 	2016 SCCP 2 2017 SCCP1 and beyond	A document showing the status/progress of implementation	In process	Philippines
Implemented actions				
Submitted for consideration at the margin of SOM1 2016				

Promoting self-certification of origin for preferential purposes

The APEC Sub-Committee on Customs Procedures
New Zealand Customs Service

Purpose

This paper looks at the origin certification methods currently used in the Free Trade Agreements (FTAs) between APEC economies, and identifies ways to promote the wider adoption of self-certification¹ method in the APEC region. Third-party-issued Certificates of Origin are putting additional cost and documentary burden on traders while adding little value to the determination of the origin of goods.

Background

Promoting self-certification of the origin of goods for preferential purposes is one of the APEC Sub-Committee on Customs Procedures (SCCP) Collective Action Plan (CAP) items. An outline of the CAP item is attached at Annex 1. This CAP item has the following objectives:

- enhance traders' understanding of preferential rules of origin,
- promote the adoption of self-certification of origin for preferential purposes in the APEC region in order to facilitate trade by reducing documentary burden.

New Zealand is leading and coordinating this work. The first phase of the CAP is an information gathering exercise on origin certification methods used in the FTAs between the APEC economies to understand the current situation. This will lead to the next phase to identify action items to promote the adoption of self-certification of origin.

Preferential origin

Rules of origin are used to determine the country of origin of a product and procedural requirements for either preferential or non-preferential purposes. This paper and the CAP item focus on procedural aspects of rules of origin for preferential purposes under an FTA.

FTAs have chapters on rules of origin and origin procedures. Customs administrations are often involved in negotiating the chapter and administering the provisions. Both the rules of origin and procedural requirements need to be met to qualify for preferential tariff treatment provided under an FTA.

1 "Self-certification of origin" means a type of certification of origin, which utilises a declaration of origin or a self-issued certificate of origin as a means to declare or affirm the originating status of goods (Guidelines on Certification of Origin, July 2014, The World Customs Organization).

Evidencing origin for preferential purposes

According to the World Customs Organization's Guidelines on Certificates of Origin, there are broadly two different approaches to evidencing origin for preferential purposes: self-assurance and official-assurance approaches (see table below).²

Self-assurance				Official-assurance	
"The undersigned hereby declares (or certifies) that..."				"On the basis of control carried out, it is hereby certified that..."	
Approved exporter system	Registered exporter system	Fully exporter-based system	Importer-based system	Certificate of origin by government agency	Certificate of origin by government authorised certifying bodies

The self-assurance approach allows exporters, manufacturers, or importers to self-certify the origin of goods. Four categories of self-assurance methods have been introduced in existing FTAs ranging from approved exporter systems where only approved exporters can self-certify the origin of goods to fully exporter-based and importer-based systems where all exporters and importers can self-certify, which are more liberal forms of self-assurance.

The official-assurance approach requires a certificate of origin issued by either a government agency or a competent authority of the exporting country (authorised by government to issue certificates of origin).

The official-assurance approach is a traditional way of evidencing origin. Proponents argue that this approach adds another layer of assurance. However, the increasing volume of global trade means an increasing number of certificates of origin are being issued. Therefore, the capacity of certifying bodies to maintain the quality relating to the issuance of the certificates of origin is challenged. In addition, officially issued certificates of origin require more time and cost for traders, even for goods that present no risk.

The self-assurance approach has evolved from the official-assurance approach. It places the legal obligation on the person who is closest to the information about the goods (ie, manufacturers and exporters). There are a number of ways to prevent potential abuse of the self-assurance approach. These include:

- further information can be requested for verification purposes by customs authorities
- customs authorities can reject preferential claims if they are not satisfied with the information provided
- the onus to provide the necessary information for a preferential claim is on importers – no information, no preference.

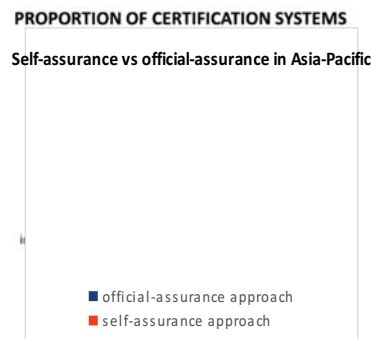
2 Guidelines on Certification of Origin, July 2014, World Customs Organization.

There are benefits to the self-assurance approach. One of the biggest benefits is time and cost savings for traders. A WCO survey in 2013 shows that an average issuing fee charged by the Chamber of Commerce for a certificate of origin is around \$34 USD.³ The self-assurance approach also minimises the risk of shipments being held on arrival upon the approval of certificate of origin. Additionally, for customs administrations, the self-assurance approach frees up resource, which would have otherwise been tied to administering certificates of origin. This enables customs administrations to focus on high risk goods.

According to the WCO Guidelines on Certification of Origin, “self-certification should be recognized as a primary concept for facilitating the origin related procedures.” The Revised Kyoto Convention also recommends, “documentary evidence from the competent authorities of the country of origin should be required only in cases where the Customs of the country of importation have reasons to suspect fraud”.⁴

Adoption of the self-assurance approach

A WCO Comparative Study on Certification of Origin examined the FTAs that had come into force between 1994 and 2013. According to this study, 67.1% of the FTAs had adopted the self-assurance approach (36.9% approved exporter, 22.1% fully exporter based, and 8.1% importer based self-certification systems), and the rest (32.9%) had adopted the official-assurance approach. The study also revealed that the official-assurance approach had been preferred in the intra-Asian and intra-African FTAs.⁵



The adoption of the self-assurance approach is slightly lower in the Asia-Pacific region compared to the rest of the world. Among 52 FTAs between APEC economies (ie, all parties to the FTAs are the APEC economies), 27 FTAs (about 52%) have adopted the self-assurance approach and 25 FTAs (about 48%) have adopted the official-assurance approach.⁶

³ Certification of Origin, the United Nations Conference on Trade and Development Executive Training material, Florence, Italy, 7-9 October 2015.

⁴ The Revised Kyoto Convention Specific Annex K, Chapter 2 on Documentary evidence of origin.

⁵ World Customs Organization, Comparative Study on Certification of Origin (February 2014).

⁶ World Customs Organization's Rules of Origin Database as at April 2016.

Key success factors for a self-certification system

In the margins of the SCCP Meeting 2, 2017 (Ho Chi Minh City, Viet Nam), a Public Private Dialogue on Rules of Origin was held. Discussions identified some of the key concerns around running a self-certification of origin system.⁷ These concerns are in line with previous findings – a WCO study identified ensuring traders' compliance and preventing a 'free ride' is one of the biggest challenges for customs administrations.⁸ The Public-Private Dialogue also identified a concern with traders' lack of knowledge about self-certification of origin, and the complexity around determining the origin and navigating the spaghetti bowl of origin rules in different FTAs.

Having appropriate measures in place to:

- prevent 'free rides',
- build trust between customs administrations and traders, and
- enhance the rules of origin knowledge of traders

are key for a successful self-certification system. Singapore and New Zealand's experience show that these measures include record keeping requirements for traders, robust verification processes and post-entry audits, penalties to incentivise compliance, and customs-customs cooperation for verification and investigation.⁹ In addition, outreach and educational activities for traders are also important. In New Zealand, Customs along with other government agencies run an outreach programme to provide New Zealand exporters with opportunities to learn about origin criteria and rules of origin procedural requirements. There is also a website to help New Zealand exporters navigate different tariffs and rules of origin under FTAs, of which New Zealand is signatory. Lastly, establishing simple rules of origin during an FTA negotiation process is also important to help traders understand the rules and they can self-certify the origin with greater confidence.

Next steps

As a coordinating economy of the SCCP CAP item on self-certification, New Zealand proposes actions as below to help achieve the objectives of the CAP item. Some good work is already underway and the proposed actions continue to build on these initiatives and make the most of existing information and guidelines.

- Review the 2007 APEC Model Measures for Rules of Origin and Origin Procedures (subject to the Committee on Trade and Investment endorsement, lead Singapore and New Zealand)
- Develop an APEC 'best practice' manual on self-certification of origin system. This manual may refer to relevant WCO material and contain some APEC members' experience (case studies).

⁷ Summary Report, the Public Private Dialogue on Rules of Origin, 22 August 2017, Ho Chi Minh City, Viet Nam

⁸ World Trends in Preferential Origin Certification and Verification, November 2011, WCO Research Paper No. 20.

⁹ Singapore's Experience in Self Certification Origin, 2011/MAG/WKSP2/003, the Asia-Pacific Economic Cooperation; Evidencing Origin for Preferential Purposes, APEC Sub-Committee on Customs Procedures 1 2016 (Lima, Peru), New Zealand Customs Service.

Annex 1.

Promote self-certification of the origin of goods for preferential purposes (as at 21 February 2018)				
Objectives:				
<ul style="list-style-type: none"> • enhance traders' understanding of preferential rules of origin, • promote the use of self-certification of the origin for preferential purposes in the APEC region in order to facilitate trade by reducing administrative burden with documentation. 				
Actions:				
<ul style="list-style-type: none"> • Phase 1 understanding the status quo <ul style="list-style-type: none"> ○ research origin certification methods agreed in the FTAs within the APEC region • Phase 2 promote the use of self-certification within APEC region <ul style="list-style-type: none"> ○ action items to be identified • Phase 3 evaluation <ul style="list-style-type: none"> ○ evaluate the outcomes and plan for next steps 				
Coordinator: New Zealand				
Indicator for implementation	Target year	Target outcomes (Quantitative/Qualitative)	Status/Progress	Lead economies
Information gathering	2017	<ul style="list-style-type: none"> ○ A good understanding of current practice of evidencing origin in the APEC region. ○ Potential areas for improvement are identified. 	Completed	New Zealand
Consider options for promoting self-certification	2018	<ul style="list-style-type: none"> ○ Action items are identified. ○ Carry out action items. ○ Outlined objectives are achieved. 	In progress	
Implemented actions				
Information gathering.				

APEC: Stock-Take Survey on Implementation along with the WCO Immediate Release Guideline**Purpose / Background**

In April, 2016, SCCP endorsed the revised collective action plan (CAP). “Implementation along with the WCO Immediate Release Guideline” is included as one of the CAP. An “Indicator for implementation” for this CAP is: “To stock take the implementation status along with the immediate status along with the WCO Immediate Release Guideline” (Lead economies: Japan, Philippines).

In order to serve for this purpose, the attached questionnaire has been prepared, taking into account the structure and substances of the WCO revised in 2014.

This is drafted based on the WCO Guideline structure as follows:

1. Introduction
2. Scope
3. Categorization of consignments for immediate release/clearance
4. Category1:Correspondence and documents
5. Category2:Low value consignments for which no duties and taxes are collected
6. Category3:Low value dutiable consignments
 - (1) Immediate release with simultaneous clearance
 - (2) Immediate release with subsequent clearance
7. Category4:High value consignments
8. Sorting and transshipment operations
9. Information and documentation requirements to facilitate and expedite immediate release/clearance of consignments
10. Examination of consignments
11. Places of release/clearance of consignments
12. Information concerning the status of consignments
13. Co-operation agreements or arrangements between Customs and operators
14. Other

Please send the completed questionnaire to: tbc

Member / person completing the questionnaire

Name of person responding to the questionnaire: _____
Position / Title: _____
Organisation: _____
Ph: _____
Email: _____@_____
Member economy: _____
Date: _____

	Question	Reference Chapter	Yes	No	Other
Introduction					
1	Has your Customs already introduced the procedures along with the guidelines for the immediate release of consignments by Customs. (Please put "o" in all appropriate box.)				
2	If the answer to Q1. is Yes, when was it introduced? (Please specify in "other" box.)				
Scope					
3	Does your Customs adopt the WCO Customs Data Model for the purpose of Customs operation?				
4	If the answer to Q3. is Yes, when did your Customs adopt the WCO Customs Data Model? (Please specify in "other" box.)				
Category1-Consignment for immediate release/clearance					
5	Does this guidelines apply both at time of exportation and importation?(Please put "o" in all appropriate box.)	3.2			
6	If the answer to Q5. is Yes, what is the applied consignments? (Please specify in "other" box. For example: Category1-4 are all applied at time of exportation and importation.)				
Category1-Corespondece and documents					
7	Is there any other additional items besides "Correspondence" and "Documents" stipulated in the guideline 4.1.?(Please put "o" in all appropriate box.)	4.1			

8	If the answer to Q5. is Yes, what is the additional items? (Please specify in "other" box.)				
9	Does your Customs adopt the oral declaration for the items under this way?	4.3			
10	Is the list of data elements required to provide release of goods under this category published on the web or made available?(Please put "o" in all appropriate box.)	4.5			
11	If the answer to Q8. is Yes(=published), please specify the URL of the page in "other" box.				
Category2-Low value consignments for which no duties and taxes are collected					
12	Is there any other additional items besides the three items stipulated in the guideline 5.1.?(Please put "o" in all appropriate box.)	5.1			
13	If the answer to Q9. is Yes, what are the additional items? (Please specify in "other" box.)				
14	Is the threshold values and/or amounts stipulated in national legislation?	5.2			
15	If the answer to Q11.is Yes, please indicate the values and/or amounts stipulated in national legislation.				

16	Does your Customs require information, such as a manifest, waybill, cargo declaration, to submit to the Customs for statistical purposes?	5.5			
17	If the answer to Q13. is Yes, what is the information Customs requires to submit? (Please specify in "other" box.)				
18	What kind of information Does your Customs require declarants to grant "immediate release" for their goods?(Please specify in "other box".)	5.6			
19	Is the list of data elements required to provide release of goods under this category published on the web or made available?(Please put "o" in all appropriate box.)	5.7			
20	If the answer to Q16. is Yes(=published), please specify the URL of the page in "other" box.				

Category3-Low value dutiable consignments

21	How much is the value of consignment under this category?(Please specify in "other box".)	6.1			
22	Is the value answered in Q18. published or made available?(Please put "o" in all appropriate box.)	6.2			
23	If the answer to Q19. is Yes (=published), please specify the URL of the page in "other" box.				

Immediate release with simultaneous clearance

24	Does your Customs grant immediate release with simultaneous clearance?(Please put "o" in an appropriate box.)	6.5			
25	If the answer to Q21. is Yes, please simply specify its procedures and/or conditions to grant.				

Immediate release with subsequent clearance

26	Does your Customs grant immediate release with subsequent clearance?(Please put "o" in an appropriate box.)	6.6			
27	If the answer to Q23. is Yes, please simply specify its procedures and/or conditions to grant.				
28	Is the list of data elements required to provide release of goods under this category should be published on the web or made available?(Please put "o" in all appropriate box.)	6.7			

29	If the answer to Q25. is Yes (=published), please specify the URL of the page in "other" box.			
Category4-High value consignments				
30	Does your Customs require declarants to furnish permits, certificates, etc., at the time of release or prior to clearance?(Please specify in "other box".)	7.3		
Sorting and transshipment operations				
31	Does your Customs stipulate sorting and transshipment operations in national legislation?(Please put "o" in an appropriate box.)	8.1		
Information and documentation requirements to facilitate and expedite immediate release/clearance of consignments				
32	Does your Customs utilize the information and documentation, such as a manifest, cargo declaration or summary report, for the purpose of risk management(Please put "o" in all appropriate box.)	9.1		
Examination of consignments				
33	Does your Customs conduct physical examination of consignments at your customs office where is different from the place conducting document examination by your Customs?(Please put "o" in an appropriate box.)	12.1		
34	How does your Customs try to respond to the increasing of the number of low value consignments?(Please specify in "other" box.)			

Places of release/clearance of consignments				
35	Does your Customs designate the Customs offices or other places at which consignees may be reflected/cleared.	13.1		
36	If the answer to Q30. is Yes, please provide the basis of selection of these offices, and rate of these offices among all offices.			
Information concerning the status of consignments				
37	Does your Customs have compatible information systems that would assist operators to ascertain the status of their consignments?(Please put "o" in appropriate box.)	15.1		
38	When Customs cannot release a consignment, does your Customs notify the operator as soon as possible and give reasons therefore?(Please put "o" in an appropriate box.)	15.2		
Co-operation agreements or arrangements between Customs and operators				
39	Does your Customs have agreements, such as Memorandum of Understanding(MOU) regarding this Guideline, between Customs and operators?(Please put "o" in an appropriate box.)	16.2		
Other				
40	Is there any problems and challenges to initiate the guideline?(Please put "o" in an appropriate box.)	16.2		
41	If the answer to Q35. is Yes, please specify problems and challenges. (Please specify in "other" box.)	16.2		

BASED ON:

- ❖ The principles of the World Customs Organization (WCO)
- ❖ The Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework of Standards)
- ❖ The Recommendation on Mutual Administrative Assistance of 5 December 1953 of the WCO, and the Trade Facilitation Agreement of WTO (art. 12)



APEC Sub-Committee on Customs Procedures (SCCP)

AGENDA ITEM 12

Present updates on survey of the international legal instruments, which will ensure the effective interaction between Customs Administrations of APEC economies.



Survey on Customs Cooperation

August 2017

- ❖ Russia and Chile circulated a survey intersessionally with the objective to collect information in order to identify the international legal instruments in the bilateral and regional spheres between the Customs Administrations of APEC economies.

Answers from 12 economies

Australia, Chile, Chinese Taipei, Hong Kong, Japan, Mexico, Peru, Russia, Thailand, Canada, The United States and Philippines.



CUSTOMS TO CUSTOMS COOPERATION

- ❖ During the first meeting of APEC Sub-Committee on Customs Procedures (SCCP), the SCCP agreed to include “**Enhancing Customs to Customs Cooperation between APEC Economies**” in the Work Program presented in the SCCP 2017.
- ❖ The main goal of the SCCP will be to improve the information exchange between APEC’s Member Economies.



ECONOMIES Q1	How many Agreements concerning co-operation and mutual administrative assistance in customs matters does your economy have with APEC Member Economies? If your answer is one or more, please indicate with which APEC customs administration (bilateral or regional).			
	CMAA/ EPAs Bilateral	MRA	MOU	Protocol /Regional Agreement
1. AUSTRALIA		4		
2. BRUNEI DARUSSALAM	1			7
3. CANADA	5			
4. CHILE	8		1	1
5. CHINA	15			
6. HONG KONG, CHINA	12			
7. INDONESIA	2		3	
8. JAPAN	13		4	
9. KOREA	15	11		
10. MALAYSIA		3		
11. MEXICO	8			1
12. PAPUA NEW GUINEA			2	
13. PERU	6		4	1
14. PHILIPPINES	6		6	
15. RUSSIA	9			
16. SINGAPORE	1	7		
17. CHINESE TAIPEI	5			
18. THAILAND	2		4	
19. UNITED STATES	16			
TOTAL	124	25	24	10

Survey on Customs Cooperation

- ❖ During the second meeting of APEC Sub-Committee on Customs Procedures (SCCP) held in **August, 2017 in Ho Chi Minh City, Viet Nam**, Chile and Russia presented a work plan in order to allow remaining economies to respond the survey and request clarification of their responses.
- ❖ It was necessary for all economies to respond to the questionnaire to ensure a comprehensive result.
- ❖ December 2017, Chile sent the survey intersessionally to the remaining economies.



Q2 - In general, what is the scope of these Agreements?

- ❖ Mutual assistance in the exchange of information
- ❖ Proper application of Customs law, assistance for the accurate assessment and collecting customs duties
- ❖ Prevention, investigation and combating of Customs offences
- ❖ Ensuring the security of the supplies within international trade supply chain



Survey on Customs Cooperation

We have received answers from the following **19 economies** (90,7%):

Australia	Mexico
Brunei Darussalam	Papua New Guinea
Canada	Peru
Chile	Philippines
China	Russia
Hong Kong, China	Singapore
Indonesia	Chinese Taipei
Japan	Thailand
Korea	United States
Malaysia	



Q5 - In relation to technical cooperation and assistance, your Agreements provide each other economies information regarding :

Economies	Subsection
18	Enforcement actions that might be useful in preventing offenses and, in particular, special means of combating offenses
16	New methods used in committing offenses
16	Observations and findings resulting from the successful application of new enforcement aids and techniques
16	Techniques and improved methods of processing passengers and cargo
19	Information on their respective customs laws
14	The application of the customs valuation agreement
18	Any other general administrative matters that may, from time to time, require joint action

ECONOMIES Q3	Do you have the "on-line" information exchange with APEC Member Economies?		
	YES	NO	
1. AUSTRALIA	X		
2. BRUNEI DARUSSALAM	X		
3. CANADA	X		
4. CHILE		X	
5. CHINA			On working
6. HONG KONG, CHINA			On working
7. INDONESIA		X	
8. JAPAN		X	
9. KOREA		X	
10. MALAYSIA	X		
11. MEXICO	X		
13. PAPUA NEW GUINEA		X	
14. PERU			On working
15. PHILIPPINES		X	
16. RUSSIA	X		
17. SINGAPORE		X	
18. CHINESE TAIPEI	X		
19. THAILAND	X		
20. UNITED STATES		X	
TOTAL	8	8	3

CHILE AND RUSSIA

Q6 - In relation to your Agreements signed, what types of channels of communication are maintained between Customs administrations to facilitate the secure and rapid exchange of information?



ECONOMIES Q4	Q4. With which APEC Customs Administration do you plan to conclude agreements (protocols) on the information exchange regarding customs matters?		
	YES	NO	OTHER ANSWER
1. AUSTRALIA			X
2. BRUNEI DARUSSALAM			
3. CANADA	X		
4. CHILE	X		
5. CHINA		X	
6. HONG KONG, CHINA		X	
7. INDONESIA			X
8. JAPAN	X	X	
9. KOREA		X	
10. MALAYSIA	X		
11. MEXICO			
12. PAPUA NEW GUINEA	-		
13. PERU	X	---	
14. PHILIPPINES	X	---	
15. RUSSIA	X		
16. SINGAPORE	X	---	
17. CHINESE TAIPEI	X		
18. THAILAND	X		
19. UNITED STATES	X		
	11	4	1

Examples of future cooperation initiatives could include:

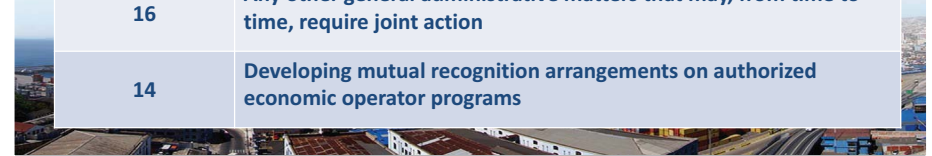
- ❖ Encouraging economies to sign bilateral cooperation agreements.
- ❖ Updating APEC contact points for information exchange.
- ❖ Developing a Registration of Cooperation Agreements at APEC level.
- ❖ Developing a format for assistance requests, based on the contents of Article 12 of the Trade Facilitation Agreement regarding the exchange of information between APEC economies.



CHILE AND RUSSIA

Q7 - In relation to your Agreements signed, the Customs Administrations cooperate in, inter-alia:

Economies	Subsection
16	Initiating, developing or improving specific training programs for the personnel
16	Facilitating effective coordination between their Customs Authorities including the exchange of personnel, experts and the posting of liaison officers
14	The consideration and testing of new equipment and procedures
16	Any other general administrative matters that may, from time to time, require joint action
14	Developing mutual recognition arrangements on authorized economic operator programs



THANK YOU FOR YOUR ATTENTION

Lina Meneses
lmeneses@aduana.cl



Conclusions

- ❖ The results of the survey show that we currently have a large network of bilateral and multilateral agreements in the Asia-Pacific Region.
- ❖ Chile has made a draft report with the answers of each economy, to be circulated interessionally (by APEC Secretariat) for comments to continue advancing in cooperation matters.
- ❖ We propose to include the item “Enhancing Customs to Customs Cooperation between APEC Economies” in the Agenda of the SCCP 2 this year, in order to continue working to improve the exchange of information between our economies.
- ❖ The objective of the next stage is to propose, analyze and discuss cooperation initiatives to help economies implement their TFA obligations, considering that all economies will ratify the WTO Trade Facilitation Agreement in the near future.



APEC SUB-COMMITTEE ON CUSTOMS PROCEDURES**TERMS OF REFERENCE (ToR)****Statement of Intent**

APEC Leaders and Ministers have determined that Customs Administrations will pursue efforts to simplify and harmonize customs procedures to facilitate trade transactions among APEC economies, as outlined within the Trade and Investment Framework.

The Sub-Committee on Customs Procedures (SCCP), which reports to the Committee on Trade and Investment (CTI), was established in 1994 as a forum in which to fulfil the commitments of APEC Leaders and Ministers relating to customs matters. The SCCP has developed a multi-year plan which includes practical measures to fulfil these commitments. The plan is not a static document but, rather, is in an almost constant state of development as the work of Customs Administrations evolves to meet the demands of globalized economies. This plan, in turn, drives the SCCP's annual work program.

In view of the fact that the work of the SCCP will be required on an ongoing basis, the SCCP recommends to the CTI that the SCCP continue to exist for an indefinite period of time, but that its mandate and terms of reference be reviewed at the end of every three-year period.

In making this recommendation, the SCCP notes that the Heads of Customs Administrations will provide policy direction for the development of actions for the SCCP, through appropriate means and driven by the commitments of the APEC Leaders and Ministers.

The SCCP's goals within the APEC forum are focused on trade facilitation, trade security and related enforcement matters, taking into account the responsibility of each Customs Administration for the effective implementation of legitimate border measures.

Terms of Reference

Consistent with the Statement of Intent, the SCCP will identify and pursue:

1. actions for regional enhancement of harmonized and simplified customs procedures;
2. actions on enforcement matters related to trade facilitation;
3. joint actions and linkages with other government agencies and business/private sector organizations related to trade facilitation;
4. actions which contribute to the common development of customs human resources;
5. actions which foster an IT-friendly environment in customs procedures including paperless trading initiatives such as single window within individual economies;
6. actions which promote the security of the global supply chain and promote trade facilitation; and
7. the completion of the SCCP Evaluation Matrix for economies to self-evaluate their current status of implementation of ongoing SCCP CAP items.

In pursuit of these goals, the SCCP will cooperate and coordinate with:

- a) other APEC working groups and committees;
- b) APEC private sector groups such as ABAC and business representatives within individual member economies;
- c) the WCO and regional customs organizations;

- d) other Asia/Pacific Customs Administrations; and
- e) relevant international organisations.

Procedural and Organizational Guidelines of the Sub-Committee on Customs Procedures**Functions**

1. The functions of the Sub-Committee on Customs Procedures (hereafter called "the SCCP") are those assigned to it in the Terms of Reference adopted by the Committee on Trade and Investment (hereafter called "the CTI") on 6 November 2009.

Term of the SCCP

~~The SCCP shall remain in existence as long as the CTI sees there is need for the SCCP, subject to a review of its mandate and terms of reference every three years.~~

2. The SCCP has a term of four years starting from 2018. At the expiration of this and any subsequent term, the mandate of SCCP and its ToR shall be reviewed by SCCP and the Committee on Trade and Investment (CTI), and a recommendation on renewal shall be put to Senior Officials for approval.

Representation

3. The SCCP shall comprise representatives of all APEC economies. The representatives shall be officials with technical customs expertise. They may be assisted when required by advisors from other relevant bodies attending as members of the delegations of individual member economies.

SCCP Meeting

4. The SCCP shall meet at least twice a year prior to the meetings of the CTI, unless otherwise decided by the SCCP or the CTI.
5. To the extent possible, the date of each meeting shall be fixed by the SCCP at its preceding session.
6. The date of the meeting may be varied either on the request of any Member and agreed to by all Members present at the meeting or, in the case of emergency, at the request of the Chair of the SCCP (hereafter called "the Chair").
7. The meeting of the SCCP shall be held in the economy of the current chair of the SCCP, unless otherwise decided by the SCCP or the CTI.
8. Quorum for SCCP's meeting constitutes attendees from 14 economies. Should the SCCP fail to meet quorum for two consecutive meetings, it shall be referred to Senior Official for a decision on whether it should continue to exist.

Friends of the Chair

9. At the last meeting of the SCCP in each year the Chair shall call for volunteers among Members (hereafter called the "Friends of the Chair") to assist in the SCCP's priority setting process for the following year.
10. The Friends of the Chair shall comprise the outgoing Chair, incoming chair, future chair and up to three volunteer Members. The Chair may increase the number of Members as necessary.
11. The Friends of the Chair will help to prepare a draft set of priorities and activities, and the chair will circulate it at least four weeks prior to the first meeting of the SCCP each year, for comment of:

- i. Members;
- ii. CTI Chair
- iii. Program Director
- iv. Chair of the Virtual Working Group (VWG)
- v. ABAC (on related issues)

Meeting Organization

- 12. The Chair shall liaise closely with the APEC Secretariat on meeting arrangements.
- 13. Prior to each SCCP meeting the host economy shall ensure that delegates are provided with full information concerning meeting registration and logistics.

Agenda

- 14. The Chair should draw up a Draft Agenda for each session and circulate it to all Members for their comments at least eight weeks in advance of the session.
- 15. This agenda shall comprise all items for which inclusion has been approved by the SCCP during its preceding session and any other items which the Chair or a Member may request to include.
- 16. Any Member who does not agree to the inclusion of any item in the Draft Agenda should make its view known to the Chair not later than two weeks after receiving such Draft Agenda.
- 17. A Revised Agenda, taking into account the comments and suggestions made, should be distributed by the Chair to all Members, APEC Secretariat and the official observers at least four weeks prior to the meeting.
- 18. A detailed Annotated Agenda should be circulated by the Chair to all Members, APEC Secretariat and the official observers at least two weeks prior to the meeting.
- 19. The SCCP shall determine its Agenda at the opening of each session. During the session, the Agenda may be altered at any time by the SCCP.

Documents

- 20. All basic working documents requiring substantive discussion and/or decision at a meeting should be circulated to all Members at least four weeks prior to that meeting. All other documents should be circulated to all Members before the beginning of the meeting.
- 21. Documents that are only for the information of the SCCP and do not require substantive discussion and/or decision will be tabled for inclusion in the meeting documents but will not be presented at the meeting.
- 22. All documents are to be prepared using the standard document format as approved by the SCCP and amended from time to time.
- 23. Any Member bringing documents to the meeting that may require redrafting should be encouraged to bring the documents in electronic format.

Officers and Conduct of Business

- 24. The Customs Administration of the current Chair of APEC shall be the Chair.

- 25. The Chair shall participate in the proceeding as such and not as a representative of an APEC member economy.
- 26. When the Chair believes that a matter is being considered in which he or she has any interest, he or she shall offer to vacate the role of Chair for that discussion in favour of an alternate Chair to be decided by the SCCP.
- 27. In addition to exercising the powers and duties conferred upon him or her elsewhere in this guideline, the Chair shall have the responsibilities to:
 - i. declare the opening and closing of each session;
 - ii. accord the right to speak;
 - iii. direct the discussion;
 - iv. call a speaker to order if the speaker's remarks are not relevant to the question at issue;
 - v. announce a decision;
 - vi. draft the meeting report, in consultation with Members, for the SCCP's consideration and adoption;
 - vii. present the report of the SCCP's meeting to the CTI for consideration and adoption;
 - viii. prepare an annual report, in consultation with Members, for the APEC Ministerial Meeting;
 - ix. prepare the SCCP's contribution to the annual report to the Budget and Management Committee (hereafter called "the BMC"); and
 - x. consult with all Members on progress in the various customs projects and ensure that they are kept informed of developments of those projects.
- 28. At the first meeting of the SCCP in each year, the SCCP shall:
 - i. consider and endorse the priorities and activities for that year, based upon the drafts submitted by the Chair; and
 - ii. consider and adopt its annual work program, giving due consideration to the SCCP priorities and activities.
- 29. The SCCP shall consider project proposals for endorsement by the CTI and submission to the BMC.
- 30. At each subsequent meeting of the year, the SCCP shall report the status of actions in its work program.
- 31. The SCCP shall consider and adopt its report at the close of each session.
- 32. The SCCP may establish a working group (ad-hoc taskforce or expert group) as it considers necessary, to assist its decision in discharging its functions. Working groups must operate under terms of reference approved by the SCCP at the time of establishing the working group. Working group terms of reference are to be prepared using the template approved by the SCCP and amended from time to time.
- 33. Decisions of the SCCP at any meeting shall be based on consensus. However, the fact that the consensus has not been obtained on a particular matter shall not preclude the SCCP from reporting to the CTI on that matter.

APEC Secretariat's Assistance

34. The host economy may request the APEC Secretariat to provide advice on meeting requirements.
35. The SCCP may request the APEC Secretariat to provide advice on APEC budgetary and other requirements affecting the operations of the SCCP.
36. The SCCP may request the APEC Secretariat to maintain an up-to-date official contact list to facilitate communication among Members.
37. The SCCP may request the APEC Secretariat to provide advice on the preparation of budget submission to the BMC and the Senior Officials' Meeting.
38. The SCCP may request the APEC Secretariat to provide assistance in printing and distribution of SCCP documents, giving due regard to budgetary limitations and constraints of the Secretariat, and in uploading on the APEC Information Management Portal (AIMP) official documents of the SCCP and its working groups for delegates' use during meetings.

Non-Member Participation

39. The non-member participation to the meetings and activities of the SCCP is governed by the APEC agreed rules and guidelines.
40. The Chair should consult Members, at least eight weeks prior to a meeting, on any proposals to invite "guests" to attend a meeting or activity to see if there is a consensus. Should there be a consensus in favour of a non-member or regional organization which meets APEC rules and guidelines, that consensus shall be reported to the Chair of the CTI with a recommendation that it be endorsed. Subject to that endorsement, an invitation may be extended by the Chair on behalf of the SCCP.

Revision

41. These rules and guidelines may be revised at any time, in whole or in part, by the SCCP, and be recommended to the CTI for endorsement in their revised form.

Today's Contents

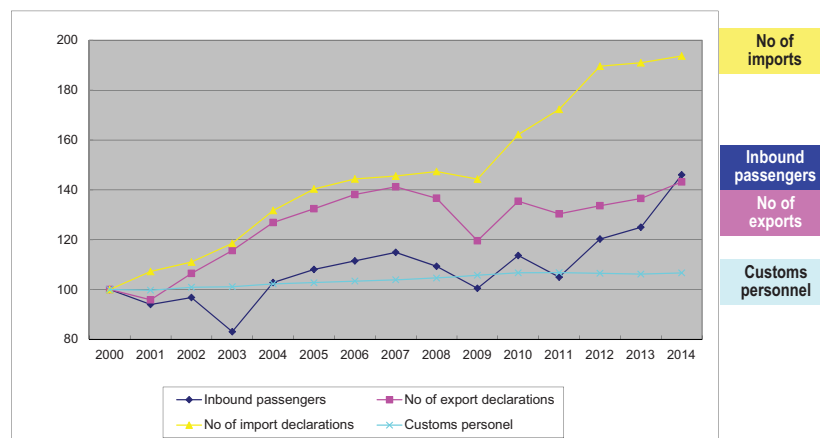
1. Status Quo of Japan Customs
2. Japan's Counter-Terrorism Measures
3. Japan-WCO Counter-Terrorism Measures

2

JAPAN'S COUNTER-TERRORISM MEASURES

Takashi YOSHIKAWA
Customs and Tariff Bureau
Ministry of Finance
Japan Customs

Customs Workload and its Personnel



Note1: Figures for Year 2000 taken as a baseline (100)
Note2: No. of inbound airplane passengers are based on Ministry of Justice statistics.

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2. Japan's Counter-Terrorism Measures
3. Japan-WCO Counter-Terrorism Measures

1

Japan's Counter-Terrorism Measures

The Government of Japan decided on the guidelines on counter-terrorism promotion towards the upcoming 2019 Rugby World Cup and the 2020 Tokyo Olympic and Paralympic Games (December 11, 2017)



“Strongly promote counter-terrorism measures”

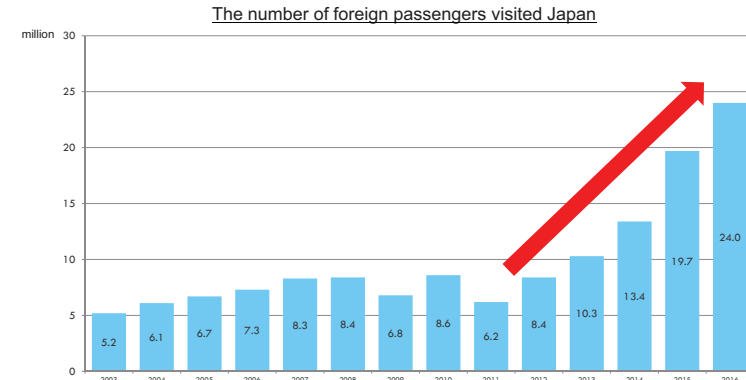
On Customs field:

- Forwarding more Installation of Large-scale X-ray Machine, Explosive Detector Dog, Trace Detection System (TDS)
- Utilized more API/PNR(Advance Passenger Information/Passenger Name Record) for Customs border enforcement

6

Rapid Increase : the Number of Inbound Passengers

- The number of foreign passengers who visit Japan in 2016 is almost three times compared with the figure in 2012.
- Japan government sets a goal to achieve 60 million inbound foreign passengers in 2030.
- In order to achieve this goal, Customs should facilitate embarkation procedure, while maintaining strict border control.



(Source)JNTO (Japan National Tourism Organization)

4

Japan's Counter-Terrorism Measures

Counter-Terrorism Measures

Import Prohibition of the goods that could be used for terrorism, such as explosives, firearms, materials for the production of chemical weapons. Japan Customs conducts rigorous control at the border.

(a) Deployment of Inspection Equipment

Deployment of inspection equipment that can detect firearms, explosives, etc. without damaging them **all over Japan**



Large-scale X-ray Machine



Explosive Detector Dog



Trace Detection System (TDS)

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5

Japan's Counter-Terrorism Measures

(d) Coordinated Border Management

Joint operation and information exchange with Police, Coast Guard, Immigration, etc.



10

Japan's Counter-Terrorism Measures

(b) Use of information of maritime container cargo

Mandatory submission of the manifest information of maritime cargo **24 hours before the departure** from the port of loading of the vessel destined for Japan (since March 2014). This information acquired prior to loading is used for **risk identification**.

(c) Use of information of airline passenger

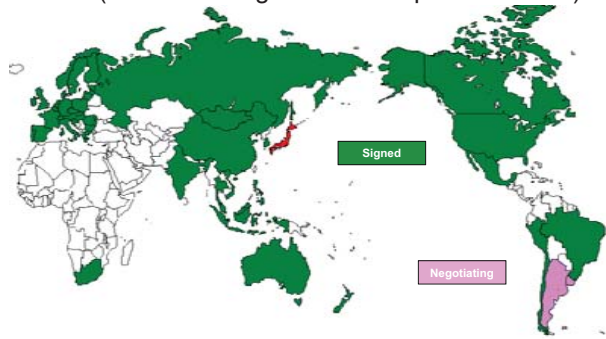
Enabled electronic submission from airline companies of Passenger Name Record (PNR) for inbound passengers since April 2015. PNR for outbound passengers is received since June 2017. The PNR data is used for identifying risks of air passengers.

8

Japan's Counter-Terrorism Measures

(e) Conclusion of CMAA

Expansion of the network of CMAA (Customs Mutual Assistance Agreement) that facilitates information exchange with partner Customs Administrations. (33 CMAAs signed as of September 2017)



11

Japan's Counter-Terrorism Measures

(d) Coordinated Border Management

Many relevant other government agencies (OGAs) involved. Cooperation among OGAs is a key for both **trade facilitation** and **security**



9

Japan-WCO Counter-Terrorism Measures

(f) WCO Counter-Terrorism Initiative for A/P region

The WCO Security Project aims at supporting South East Asia and the Pacific Islands to respond to the security challenges posed by the threat of terrorist attacks.



WCO Security Project Launching Ceremony held in Bangkok, Thailand on 23 March 2017 13

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3. Japan-WCO Counter-Terrorism Measures

Japan-WCO Counter-Terrorism Measures

(f) WCO Counter-Terrorism Initiative for A/P region



Japan-WCO Counter-Terrorism Measures

(f) WCO Counter-Terrorism Initiative for A/P region

7 million USD in total, Consisting of 3 projects under WCO Security Programme

- > Countering Improvised Explosive Devices (IED) by Programme Global Shield (PGS) : 3.5 million USD
- > Enhanced Passenger Control through the Utilization of API and PNR : 2.2 million USD
- > Air Cargo Security against Small Arms and Light Weapons (SALW) : 1.5 million USD

Thank you for your kind attention

Takashi Yoshikawa, Deputy Director,
Office of Technical Cooperation, Customs and Tariff Bureau, Japan



APEC Priority	Subject	Objective	Action	Status
Trade Facilitation	Supply Chain Connectivity	<p>To contribute to the development and implementation of the Supply Chain Framework Action Plan Phase 2 (SCFAP II). Including the understanding of challenges, development of targets, identifying methodology and indicators and developing concrete action plans to the following SCFAP II chokepoints:</p> <p><u>Chokepoint 1:</u> Lack of coordinated border management and underdeveloped border clearance and procedures</p> <p><u>Chokepoint 3:</u> Unreliable logistics services and high logistical costs</p> <p><u>Chokepoint 4:</u> Limited regulatory cooperation and best practices</p> <p><u>Chokepoint 5:</u> Underdeveloped policy and regulatory infrastructure for e-commerce</p> <p>To contribute to the implementation of the Boracay Action Agenda to Globalize MSMEs (BAA), particularly on:</p> <p>Priority Action 1: Facilitate the access of MSMEs to FTAs/RTAs by simplifying and streamlining rules of origin (ROO) procedural and documentary requirements and harnessing IT to ease documentation and procedures</p> <p>Priority Action 2: Streamline customs-related rules and regulations and assist in the compliance of MSMEs</p> <p>Priority Action 3: Provide timely and accurate information on export and import procedures and requirements.</p>	<p>To discuss and identify specific actions to improve the chokepoints relevant to Customs specified by the SCFAP II.</p>	<p><u>To begin:</u></p> <p>CTI will inform the Supply Chain Framework Action Plan (SCFAP) in the Phase of 2017-2020.</p> <p>The SCCP will continue to support SOM and CTI implementing SCFAP Phase II, with particular focus on developing initiatives that address chokepoints</p> <p>The SCCP will contribute to the systematic approach to addressing the SCFAP II chokepoints relevant to Customs, as contained in SCFAP Phase 1.</p> <p>Chile will continue working on and update the implementation of the APEC Customs Transit Guidelines. <u>Workshop proposed to be organized in the margins of SOM 3 APEC 2018</u></p> <p>APEC Secretariat in coordination with the Philippines will update on the stock-take on the implementation of the Boracay Action Agenda to Globalize MSMEs.</p> <p>Peru will organize a workshop on identifying factors affecting clearance in import and export processes made by MSMEs <u>Peru to make available Best Practices Manual to member economies as outcome of workshop.</u></p>

	Trade Facilitation Agreement	<p>To enhance Customs-to -Customs Cooperation between APEC economies.</p> <p>To promote effective coordination and cooperation amongst involved stakeholders and between the public and private sector in the implementation of the WTO TFA in the Asia Pacific region.</p>	<p>To identify the legal instruments between the APEC economies for developing efficient exchange of information between Customs administrations.</p> <p>To discuss / promote / and enhance customs public - private coordination in Implementation of the WTO TFA.</p> <p>To strengthen the connection among APEC Customs Administrations in the Implementation of the WTO TFA.</p>	<p><u>To begin:</u></p> <p>Russia and Chile will work intersessionally to prepare a survey of the international legal instruments, which will ensure the effective interaction between Customs Administrations of APEC economies.</p> <p>The SCCP will organized a Workshop on Enhancement of Stakeholder Engagement in the Implementation of the WTO TFA. <u>After the Workshop, SCCP will continue updating information about TFA implementation.</u></p>
APEC Priority	Subject	Objective	Action	Status
Trade Facilitation Secure trade	Authorized Economic Operator	<p>To assist in establishing an AEO program in consistent with WCO SAFE Framework of Standards by each APEC economy;</p> <p>To encourage economies that have yet to develop AEO programs through capacity building and sharing of best practices;</p> <p>To implement BAA Priority Action 4: Widen the base of Authorized Economic Operators (AEO) and trusted trader programs (TTP) to include SMEs in order for them to contribute to security, integrity and resiliency in supply chains.</p> <p>To encourage and promote signing Mutual Recognition Arrangement (MRA) between the interested economies.</p>	<p>To implement the AEO action plan including the development of the AEO Best practices and an AEO Capacity Building Plan.</p>	<p><u>Ongoing:</u></p> <p>SCCP will continue to promote AEO as best practice and work intersessionally in 2018 through evaluation, assessment, and information sharing.</p> <p>Philippines will update proposal to organize capacity Building and In-Economy Workshop on AEO , follow up from SCCP 2 2017</p>

	Cross-border E-commerce	To strengthen risk control and "Compliance and Facilitation" clearance for better customs control of Cross-border E-commerce *Refer to Supply Chain Connectivity	To share experience and the practices of Customs control on Cross-border Ecommerce; through the capacity-building workshop.	<u>Ongoing:</u> APEC economies will share information on the progress in the implementation of their cross-border e-commerce; To discuss and figure out the methods for controlling cross-border e-commerce in ACBD 2018
	Partnership with Business Community	To enhance cooperation between the public and private sector Customs stakeholders in order to jointly develop and progress SCCP Priorities.	To promote and enhance customs public - private coordination in developing and progressing SCCP priorities.	<u>Ongoing:</u> SCCP will continue to discuss priorities and work on information sharing when necessary to collaborate on mutual goals as it relates to trade facilitation, supply chain connectivity, and secure trade, in coordination with the APEC Alliance for Supply Chain Connectivity (A2C2).
	IT Information Technology and Risk Management	To exchange information on IT application to Customs clearance procedures and other Customs related trade facilitation areas.	To share information and experience on new technologies and equipment applied for Customs procedures to facilitate trade.	<u>Ongoing:</u> SCCP will continue to exchange experience and information on new technologies applied in Customs control to facilitate trade. Japan will update information on the use of Passenger Name Record (PNR) in risk management.
APEC Priority	Subject	Objective	Action	Status
Secure Trade	Intellectual Property Rights	To strengthen intellectual property rights (IPR) border enforcement in the APEC region and promote greater collaboration between Customs and right holders.	To share experience of C2C cooperation on information exchange about suspension of counterfeited and pirated goods, and enhance cooperation between Customs and right holders.	<u>Ongoing:</u> SCCP will continue to exchange experiences and information on IPR border enforcement under new CAP. The United States will pursue the next activities for APEC on IPR border enforcement, to include continued development of the APEC IPR guidelines

				and will pursue an operation to highlight trends in the e-commerce environment.
	Trade Recovery	To build the communication network to facilitate the resumption of the legitimate international flow of goods based on the WCO TRP.	To develop a list of contact points among APEC Customs administrations and develop tools for information exchange among APEC Customs administrations to facilitate trade recovery activities.	<u>Ongoing:</u> Work will continue intersessionally with interested economies as well as continued work to generally enhance emergency preparedness.
APEC Priority	Subject	Objective	Action	Status
Collective Action Plan	Collective Action Plan	To achieve remaining CAP items by 2020 and continue to develop appropriate measures including the creation of new CAP items to tackle rapidly changing environment surrounding customs	To develop and endorse the scope and timeline for all CAP items.	<u>Ongoing:</u> CAP Coordinators/ Lead economies will review updates regarding the SCCP Collective Action Plan.
Cross-Fora Collaboration	Cross-Fora Collaboration	To enhance coordination between and among APEC bodies in the implementation high level and cross-cutting APEC actions.	To develop practical ways in which border agencies can enhance coordination at the border. Coordinate with the BMG, CTWG, ECSG, and other relevant fora to assist in further developing APEC's Counterterrorism, Travel Facilitation, and Secure Trade agendas. To coordinate and implement Leaders' and Ministers' instructions, in coordination with other APEC bodies	<u>Ongoing:</u> Japan will update the progress of Travel Facilitation Initiative (TFI). The United States will update the ongoing work related to the APEC Chemical Dialogue Customs proposal.

Acronyms

ABAC	APEC Business Advisory Council	C2C	Customs to Customs	SOM	Senior Officials' Meeting
ACBD	APEC Customs-Business Dialogue	CTTF	Counterterrorism Task Force	SW	Single Window
AELM	APEC Economic Leaders Meeting	IPR	Intellectual Property Rights	TFAP	Trade Facilitation Action Plan
AEO	Authorized Economic Operator	IT	Information Technology	TRP	Trade Recovery Program
AMM	APEC Ministers Meeting	KPI	Key Performance Indicator	TRS	Time Release Survey
APEC	Asia-Pacific Economic Cooperation	MRT	Ministers Responsible for Trade	WCO	World Customs Organization
BMG	Business Mobility Group	SCCP	Sub-Committee on Customs Procedures	WTO	World Trade Organization
CAP	Collective Action Plan	SCF	Supply Chain Framework		

APEC SUB-COMMITTEE ON CUSTOMS PROCEDURES (SCCP)

27 February - 1 March 2018

Port Moresby, Papua New Guinea

**SUMMARY REPORT
OF THE FIRST MEETING OF SCCP****INTRODUCTION**

1. The APEC Sub-Committee on Customs Procedures (SCCP) held its first meeting on 27th -28th February and 1 March 2018 in Port Moresby, Papua New Guinea.
2. Delegates from Australia, Brunei Darussalam; Chile; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; New Zealand; Papua New Guinea; Peru; the Philippines; Singapore; Chinese Taipei; Thailand; the United States of America and Viet Nam were present at the meeting.
3. The meeting was also attended by the CTI Chair, the Program Director for SCCP, a representative from the Policy Support Unit (PSU) of the APEC Secretariat, the Chief Commissioner for Papua New Guinea Customs Service and the Papua New Guinea SOM. A representative from the World Customs Organization (WCO) participated as a guest.
4. The Commissioner for Trade and Corporate Services of Papua New Guinea, Mr. James Kombuk Bire, chaired the SCCP Meeting.

OPENING REMARKS

5. The Chief Commissioner for Papua New Guinea Customs Service, Mr. Ray Paul OBE, warmly welcomed all member economies and thanked the former hosts for their generous hospitality. The Chief Commissioner then gave an outline on the core role and responsibility of the Papua New Guinea Customs Administrations, emphasized the importance of embracing technology and adapting beneficial smart practices to customs business.

The SCCP Chair summed up by wishing all member economies a fruitful discussion, and encouraging all to work collaboratively in ensuring delivery of meeting outcomes at the end of SCCP 1.

AGENDA ITEM 1: ADOPTION OF THE AGENDA

6. SCCP Chair briefly went through the Draft Agenda, which was approved by all economies.

AGENDA ITEM 2: BUSINESS ARRANGEMENTS

7. Assistant to the Chair briefed on program and administrative arrangements, including side-events.

AGENDA ITEM 3: APEC 2018 THEMES AND PRIORITIES

8. The Papua New Guinea SOM, Mr. Lahui Ako, gave a briefing to SCCP about the main theme of Papua New Guinea's year: "Harnessing Inclusive Opportunities, Embracing the Digital Future" and hoped that all economies would work collectively towards growth.
9. As part of the CTI Sub-Fora briefing, the CTI Chair, Mr Justin Allen, highlighted the importance of keeping the momentum for multilateral trading systems; regional economic integration; trade facilitation and connectivity; and innovation and inclusive responses to APEC wide issues. On APEC governance reform, he updated that progress is underway, including sub-fora quorums, sunset clauses and FoTC establishment guidelines. The CTI Chair called on SCCP to continue its support in achieving CTI Objectives.

New Zealand welcomed the CTI Chair and assured that the work of SCCP is aligned with the objectives of CTI.

AGENDA ITEM 4: SCCP 2017 OUTCOME

10. The 2017 SCCP Chair (Viet Nam) delivered the outcomes of the 2017 SCCP Meetings. Updates included the World Trade Organization Trade Facilitation Agreement, Supply Chain Connectivity Framework, Single Window, Authorized Economic Operators, Information Technology and Risk Management, Intellectual Property Rights, Cross border E-commerce, customs to customs cooperation, cross fora and stakeholder collaboration.

Japan, New Zealand and United States expressed their congratulations to Viet Nam on a successful hosting of 2017 SCCP Meetings. They commended Papua New Guinea on the hospitality rendered to members in 2018 and look forward to the progress to come. United States thanked Viet Nam for their support in delivering the Single Window Workshop in 2017.

11. The APEC Secretariat updated on projects, including the available project funds, funding criteria and key developments for Project Session 1 of 2018. The APEC Secretariat also announced the establishment of a new fund (Women and Economy), presented the new APEC Scoring Template Criteria and the new approval process for projects.

In addition, members were informed that the APEC Secretariat's PMU will be conducting training workshops at Stanley Hotel. These sessions provided an overview of the APEC project approval process and the quality criteria used for assessing projects. Participants were guided on how to improve their proposals, and how to develop quality Concept Notes and Project Proposals.

Viet Nam expressed their appreciation towards the APEC Secretariat and hoped to receive continued support from the APEC Secretariat during the 2018 project sessions and SCCP meetings.

AGENDA ITEM 5: IMPLEMENTATION OF THE WTO AGREEMENT ON TRADE FACILITATION (TFA)

12. The WCO representative gave an update on the WCO Working Group on the WTO Agreement on Trade Facilitation and Mercator Programme. SCCP Members were briefed on the role of the WCO in implementing the WTO-TFA, including its importance and benefits.
13. Korea shared its experience on TFA implementation and capacity building activities and stressed the importance and benefits of capacity building, cooperation among member economies and strengthening best practices.

Chinese Taipei indicated that the verification of the origin of goods is always a challenging task for customs authorities and sought advice from Korea. Chinese Taipei also shared their experience in streamlining the procedure of the application for advance ruling of classification and encouraging traders to use the mechanism. Through the advance ruling of classification, they are able to expedite the clearance of goods and reduce the cost of doing business.

Japan and Viet Nam thanked Korea for the presentation. Japan expressed its sincere appreciation for the efforts extended by the WCO. Japan informed it has four the WCO accredited experts on Mercator Programme and that it strongly supports the WCO's capacity building.

14. Viet Nam presented the results of the evaluation questionnaire on the WTO-TFA implementation after the workshop on "Enhancement of Stakeholder Engagement in the Implementation of the WTO-TFA" held in August 2017. The report showed the current status of the WTO-TFA implementation and how the stakeholder engagement helps to promote the implementation of the WTO-TFA in member economies. Viet Nam will submit the final report of the project and keep updating relevant information about stakeholder engagement in the WTO-TFA implementation.

Japan and the United States thanked Viet Nam and expressed their appreciation for the Workshop.

15. The Chair reported on member economies' progress in implementing the WTO TFA, which is monitored by CTI.

Australia clarified that they do have a National Committee on Trade Facilitation (NCTF) and which was not reflected in the Table on APEC economies' progress in implementing the WTO Agreement on Trade Facilitation presented.

Chile updated the SCCP on work underway regarding the implementation of provisions contained in the TFA.

Singapore updated that at the last SCCP meeting, Singapore had suggested having a template to monitor implementation of the Category B and C commitments under the WTO TFA. Subsequently, this proposal was taken up at CTI and endorsed with the first reporting done at last year's APEC Ministerial Meeting in November, in Da Nang. Singapore has since worked with economies to update the table and thanked economies for sending their inputs.

Singapore thanked economies who had submitted their Category notifications as well as definitive date of implementation notifications under Article 16 of the TFA, and encouraged economies who have yet to do so to submit their notifications as soon as possible to maximize the benefits and impact of the WTO TFA, and advance the trade facilitation agenda.

The United States provided an update on its developments regarding the TFA, including the accreditation of experts to assist during TFA-related capacity building efforts.

Papua New Guinea advised that the second meeting of their NCTF was scheduled for March 2018.

New Zealand emphasized the need for capacity building to implement the TFA, and noted the useful nature of the existing Table and suggested an adding another column on capacity building needs within APEC.

Singapore thanked New Zealand for their suggestion and indicated that they will work with CTI on this matter.

Hong Kong, China said it was the first WTO member to ratify TFA. It can comply with all the obligations applicable to it under the TFA. Regarding the establishment of an NCTF as required under Article 23 of the TFA, it has put in place a coordinating mechanism chaired by the head of its trade and industry department among government bureau and departments to discuss and take forward the TFA.

AGENDA ITEM 6: SUPPLY CHAIN CONNECTIVITY FRAMEWORK

16. Peru present a report of the Workshop to "Identify Factors Affecting Clearance in Import and Export Processes made by Micro, Small and Medium Enterprises (MSME)" held in October 2017 in Lima, Peru. The workshop was co-sponsored by Australia, Chile, China, and the United States.

The main purposes of the workshop were to identify procedures faced by MSMEs during export and import; the import and export processes along the supply chain; provide a mechanism for experience sharing among APEC member economies, especially between those that have special treatment among MSMEs regarding the process; and to develop a study (2nd stage) to contribute solutions to critical factors found.

Japan expressed their appreciation and will continue to promote measures for MSMEs to participate in the supply chain. Peru thanked Japan for their participation in the workshop.

Viet Nam acknowledged Peru for the comprehensive presentation and expressed their appreciation for its great efforts based on challenges of MSMEs in the situation of widely-developed e-commerce encountered. Viet Nam suggested that PSU could do some research on the issues of MSMEs with a view to being able to accommodate the member economies' appropriate recommendations to promote MSMEs' competition and development in the region.

The Philippines thanked Peru for organizing the workshop as its supports to the implementation of the Boracay Action Agenda. This will contribute to identify and figure out critical factors in order to provide companies differentiated attention and to develop recommendations for the implementation of Best Practices identified.

Peru responded in thanking member economies for their comments in these initiatives.

17. The Chair advised that on the next agenda item regarding Information on Phase Two of the Supply Chain Framework Action Plan (SCFAP) 2017-2020 by CTI Viet Nam to the next SOM 2018, because it was not possible to confirm this agenda item before this meeting.

18. The Philippines reported on APEC's continued implementation of the Boracay Action Agenda and the 2018 Mid-Term Review. The Philippines explained that this document is in line with the implementation of the Boracay Action Agenda to globalize MSME. The Philippines is pleased to share the revised 2017 SAABA Annual Stocktake, which incorporates the various initiatives of the Boracay Action Agenda to implement and update the status of the PSU-led study. The study will support e-Commerce to globalize MSMEs and Industry initiative.

The Philippines advised that in 2018 APEC would undertake a Stocktake meet regarding the review of member economies' progress in the implementation of the Boracay Action Agenda.

The Philippines is coordinating with economies for the Stocktake and have good basis to go forward with the date in 2016 – 2017 annual Stocktake. The Philippines also noted the abundant and extensive work that APEC has done today on facilitating the access of MSMEs to trade agreements and regional trade agreements. Also, in streamlining Customs Related Rules and Regulations and assisting the comply of MSMEs in providing timely information on Export and Import Procedures and Requirements.

19. A report was given on the outcomes of PSU study on "Application of Global Data Standards on APEC Supply Chain Connectivity" by APEC Secretariat PSU. The PSU updated members that the report of the study is now available online (at <https://www.apec.org/Publications/2017/11/Study-on-the-Application-of-GDS-f-or-Supply-Chain-Connectivity-Phase-2>). The PSU also reported the discussion of the GDS workshop that was held during CTI3 2017. The GDS workshop discussed about the possible next steps for wider use of GDS in the APEC region as instructed by Ministers in 2016. Some of the key findings from the 2017 GDS workshop: (1) Expand the application of GDS towards improving border management and inspection; (2) Expand the application of GDS to other types of products; (3) Realising the Importance of Public and Private Partnership; (4) Realising the Importance of Public and Private Partnership.

20. Chile presented updates about the Workshop on "Implementation of APEC Customs APEC Transit Guidelines" that will be held in September 2018 in San Pedro de Atacama, Chile. Co-sponsors for this project are China, Papua New Guinea, Peru and the United States. The outputs of this project include a Survey (pre-workshop), the Workshop and a Best Practices Guidance.

The United States acknowledged the presentations given and provided a comprehensive overview of its trade facilitation efforts, noting work in advancing phase two of the supply chain connectivity framework and announced the A2C2 meeting that would likely be held during the margins of SOM 2. The United States was seeking volunteers and interested economies for various capacity building and technical assistance programs.

AGENDA ITEM 7: SINGLE WINDOW

21. The United States gave an update on the Single Window Workshop in SCCP 2, August 2017. This workshop was ultimately to share on best practices on single window systems and progress capacity in the region. The United States also updated the group on the new developments of its Single Window, ACE.

Australia provided an update on how they are exploring options on ways to expand their Single Window. Australia also noted that it is considering options to build on the work to date of SCCP and the PSU on Single Window, through the CTI. Australia welcomed suggestions from economies on areas of interest.

New Zealand thanked the United States for the Workshop. New Zealand pointed out that trade is becoming more digitized and it is important that the parties involved in supply chain are using the same language. Future proofing Single Window will also be important.

Singapore shared updates on the National Trade Platform (NTP), which is a trade and logistics IT, ecosystem connecting businesses; community systems and platforms; and government systems. The NTP will replace TradeNet as the National Single Window for permit declarations.

Singapore also shared updates on the live operation of the ASEAN Single Window (ASW) where, with effect from 1 Jan 2018, Singapore, Indonesia, Malaysia, Thailand and Viet Nam have started to exchange electronically the preferential Certificate of Origin (Form D) under the ATIGA, via the ASW. ASEAN is currently discussing on the other cross-border documents that could be exchanged under the ASW.

Viet Nam highly appreciated the efforts of the United States in conducting the Workshop on Single Window successfully on the margins of the second SCCP 2017 meeting, and expressed their support to the United States to keep carrying out further activities on Single Window.

AGENDA ITEM 8: AUTHORISED ECONOMIC OPERATOR

22. Japan presented on the background and a brief outline of the types of AEOs covering all suppliers in supply chain.

Chinese Taipei thanked Japan for the presentation. They recognized AEO as the essential part of the efforts to combat terrorism, counterfeit smuggling and to reduce the costs of international transactions. Chinese Taipei has signed several Mutual Recognition Arrangements (MRAs) with certain economies such as Korea, Singapore and the United States and is exploring ways to work further with all economies and APEC members.

Viet Nam also expressed that they are interested in learning from Japan and questioned how many MRAs were signed between Japan and other economies and whether there were any challenges faced in signing the MRAs.

Japan responded to have signed MRAs with eight (8) economies. It will be necessary to address issues including legal basis of information sharing between economies before additional MRAs could be signed.

Chinese Taipei appreciated the presentation and said that are exploring opportunities to work with other economies on AEO.

New Zealand queried if Japan has tried to measure benefits for AEO exporters and service providers. Japan explained that the benefits might be difficult to measure as many economies are also facing this problem. Time Release Survey can be one of the indicators.

Indonesia supported Viet Nam's comment related to the cost and benefit of establishing MRA with the knowledge that requirements to be accredited for AEO are very strict and sometimes MSMEs face difficulties to gain benefits of the program. Indonesia would like to see the WTO TFA article on Authorized Operators to facilitate broad access to domestic economics operator. As an alternative to their existing MRA program, Indonesia also established a reputable traders program and would like to discuss on bilateral arrangements to any interested economies.

Chile provided an update on the introduction of the AEO program to its Customs Law. Currently, there is an open process for exporters and customs brokers to obtain the AEO accreditation.

23. Papua New Guinea presented on cloning of AEO called the "Imported Trusted Trader Program". It outlined the highlights of Papua New Guinea operations, an overview of the contract party to revised Kyoto Convention, the purposes of using the concept of Imported Trusted Trader Program and their benefits. Papua New Guinea also explained how they are dealing with business in ensuring their accreditation to this Program and shared on the challenges that Papua New Guinea faces.

Hong Kong, China remarked that individual AEO programs developed by APEC member economies comply with the WCO standards and the bilateral MRAs signed are also developed in accordance with the WCO MRA Guidelines. Therefore, the next step is to speed up MRAs in APEC, so that AEOs of individual APEC economies can enjoy benefits provided by other APEC economies as well. Currently, Hong Kong, China has signed MRAs with eight Customs administrations and it will sign MRAs respectively with Mexican Customs and New Zealand Customs this year.

Korea will pursue issues such as the adoption of AEO Program as well as addressing difficulties in the implementation of AEO Program. Only then, Korea can expand a discussion about multilateral MRAs. Korea is coordinator with Australia about AEO on checkpoint 1 of SCFAP II. Korea hopes to participate with economies who are interested in AEO.

The United States reported that they have six joint work plans, of which, three are with APEC economies - China, Peru and Australia- and had been signed just last week.

The United States congratulated Papua New Guinea for getting this program off the ground, noting its comprehensive approach, which includes a tiered membership scheme.

Papua New Guinea expressed appreciation to Korea for conducting AEO program 2 weeks ago on how to develop ITTR into AEO and will discuss with US to build capacity in relation to developing this import Trusted Trader program to AEO.

Australia gave an update on how Australian Trust Trader Program is progressing, having now 5 MRAs with APEC Economies including Canada; China; Hong Kong China; Korea and New Zealand and also negotiating arrangements with APEC economies including Singapore, the United States, Chinese Taipei and Japan. Australia outlined that it has also implemented new benefits, including a consolidated cargo clearance benefit, which streamlines import processes for Trusted Trader importers. Australia noted that it is also looking at new benefits, including a Secure Trade Lane with New Zealand, and hopes to provide further updates at SCCP2.

AGENDA ITEM 9: INFORMATION TECHNOLOGY AND RISK MANAGEMENT

24. Papua New Guinea presented on its progress on the upgrade to "ASYCUDA World System". Since automation in 1993, ongoing improvements included risk profiling and talent, improvement in cargo clearance process, improved in revenue collection and accounting, trade statistics and economic data are in line with international best practices. ASYCUDA World System will allow to Papua New Guinea to move away from paper to process driven.

The United States emphasized on the final point of the Papua New Guinea Presentation to work together to share information tools and technology. The United States has been working together with the WCO to develop a package called the Global Travel Assessment System. This is a risk assessment tool that can be provided free of charge. The United States suggested that the WCO present on this development later this year, during SCCP 2.

AGENDA ITEM 10: INTELLECTUAL PROPERTY RIGHTS

25. Papua New Guinea reported on the progress made so far in dealing with IPR infringements and the current attempts to improving enforcement activities.

Chinese Taipei commented on the database they have on records on right holders and how they are using it to improve IPR enforcement activities in Chinese Taipei.

Japan appreciated Papua New Guinea's initiatives in forging close collaboration with Right Holders and other IPR-related administrations. Seminars and trainings with IPR experts are effective to cultivate capacity for customs officers.

26. The United States presented its proposal for a mutual enforcement operation that will focus on counterfeit trademark electronics in the e-commerce environment. The operation will run over a ten-day period between 16 April and 25 May, with the objective of increasing information sharing on IPR enforcement in participating economies. The United States advised that they would provide results on this operation at SOM 3 later in 2018.

Chile confirmed its participation in the United States proposed survey.

Viet Nam thanked the United States for conducting the Joint Operational last year, and expressed their support to the proposal of IPR/E-Commerce Joint Operational and their willingness to participate in this activity in 2018.

Japan thanked the proposal by United States and asked if United States could use the HS numbering system to identify the particular electronic item of interest to be used in this proposal. The United States acknowledged the point raised by Japan on the use of HS system.

Hong Kong, China supported the IPR Operation Proposal and shared its efforts on using automatic monitoring system to combat cyber IPR crimes. By developing big data analytics, Hong Kong, China has advanced to the fifth generation of its automatic system to perform automatic cross-platform cyber patrol, information diagnosis and extraction.

The Philippines assured that they would join the United States on the proposal.

AGENDA ITEM 11: CROSS-BORDER E-COMMERCE

27. Indonesia presented on “Opportunities and challenges of imposing customs duties on digital goods”. Indonesia outlined that the world has seen an increase in almost +19.9% in e-commerce transactions between 2014 and 2015. Indonesia noted that the outcome of WTO Ministerial Conference in December 2017 was to continue the moratorium on imposing customs duties on electronic transmissions for another two years. However, it is important to clarify definition on electronics transmission. The moratoriums applies only to the transmission cost of digital products and not to the cost of digital products itself.

Indonesia outlined opportunities related to imposing duties including creating a level playing field, combating fraudulent transactions and increasing state revenue. Digital goods transactions are increasing most in the Asia-Pacific region. The challenges were also outlined and included: detections, when to apply the charge and who will collect duties and taxes, how to define the origin (exporting country or OTT location), who will submit declarations, and how to develop the duty and tax settlement process (collected by bank of importing country or collected by merchant), etc. Indonesia would like to discuss more about this issue with interested economies.

The Republic of Korea commented on focusing in the use of big data, data analytics, block chain and the potential use of AI technology.

28. The WCO representative presented the recently held the “First Global Cross-border E-Commerce Conference”, which was co-hosted by the WCO and the General Administration of China Customs and in which almost 2000 participants took part. He emphasized that the WCO had prepared ‘the Draft WCO Cross-Border E-Commerce Framework of Standards,’ and it was scheduled that it would be fine-tuned in the last WCO Working Group in April 2018, and be adopted by the WCO Council in June 2018.

Japan commented that Japan Customs Director General attended the workshop and that they were able to make a balance between the facilitation of E-commerce

shipments and security and safety by utilizing advanced technologies such as AI and collaborating with industry.

The United States thanked the WCO and China on hosting the conference and encouraged the APEC economies to focus on the recent developments in the WCO as it relates to e-commerce. The United States highlighted the fast moving work on the e-commerce Framework of Standards that is being developed on an ambitious time frame. The document is highly detailed and currently more than fifty pages in length, so it would be vital to ensure that stakeholders have an opportunity to provide input into the document and the development process. It was also suggested that the document might need to be more streamlined as it moves forward. The United States also noted the important accomplishments of the WCO e-commerce working group thus far, which focused on this developing topic, and which is very multifaceted and requires extensive engagement.

AGENDA ITEM 12: COLLECTIVE ACTION PLAN

29. The APEC Secretariat provided an update on the SCCP Collective Action Plan and thanked economies for the comments and inputs received regarding the update of the document.

New Zealand advised that they would continue to promote self - certification of origin for preferential purpose among the APEC economies and that a proposal is being undertaken by New Zealand and Singapore. APEC economy members are welcome to join should they want to.

Australia thanked New Zealand for their work on self-certification and supported the importance of this item in the CAP.

Japan will circulate a draft questionnaire on the WCO Immediate Release Guidelines after the first SCCP plenary meeting 2018. Japan suggested that the inputs to the questionnaires be returned to Japan no later than March 31, 2018. Japan would report the results at SOM 3 SCCP 2 together with the Philippines.

30. Chile provided an update on the survey on International legal instruments, which was sent in December 2017 in a questionnaire form, which economies responded to (90.47% participation from economies). Chile made a draft report of the survey results and requested to APEC Secretariat to circulate it intersessionally for comments. Chile proposed to include the item “Enhancing Customs to Customs Cooperation between APEC Economies” in the Agenda of the SCCP meetings, to continue working on improving the exchange of information between APEC economies.

The United States supported the inclusion of this agenda item and welcomed the presentation by Russia and Chile on this topic.

Hong Kong, China also supported Customs-to-Customs cooperation among APEC member economies and would like to keep it on the SCCP agenda.

Viet Nam thanked Chile and Russia for the informative presentation and also agreed with the United States’ and Chile’s proposal to keep Customs to Customs Cooperation in the agenda of the second SCCP 2018 meeting.

AGENDA ITEM 13: COLLABORATION WITH APEC COMMITTEES, SUB-FORA, AND WORKING GROUPS

31. The United States provided an update on the Chemical Dialogue work that is collaborating with the SCCP as it relates to chemical import self-certification methods. The United States advised that the survey was circulated earlier and that results were still being evaluated. The outcome will be reported at SCCP 2 if evaluation was concluded by that time.

AGENDA ITEM 14: OTHER MATTERS

32. The APEC Secretariat gave a brief background on the Revision of SCCP Terms of Reference and reminded that in SOM 2 2017, Senior Officials approved a proposal of Australia, which contained a package of reforms related to the improvements of APEC Governance. This proposal contains the inclusion of a sunset clause and a quorum clause in the Terms of Reference of all APEC Foras. The APEC Secretariat advised that the revised Terms of Reference should be endorsed at SCCP1 and be put under consideration of CTI and SOM 1 of 2018.

33. Japan presented on "Counter-terrorism measures in Japan".

AGENDA ITEM 15: UPDATE OF THE 2018 SCCP WORK PROGRAM

34. The APEC Secretariat led the discussion on the SCCP Work Program.

On Supply Chain Connectivity, the APEC Secretariat, in coordination with the Philippines, updated on the stocktake on the implementation of the Boracay Action Agenda to Globalize MSMEs and informed that a mid-term review will be conducted in 2018. On the Authorized Economic Operator, the Philippines will submit a revised timeline with corresponding activities for comments by economies through the APEC Secretariat by the 2nd week of March 2018.

Peru updated that they organized a workshop on identifying factors affecting clearance in import and export processes made by MSMEs in 2017. Peru will make available a Best Practice Manual to member economies as an outcome of the workshop.

New Zealand promoted their work in providing self-certification of origin for preferential purpose among the APEC economies.

AGENDA ITEM 16: ADOPTION OF THE 2018 SCCP FIRST MEETING REPORT

35. The APEC Secretariat SCCP called upon economies to review and adopt the 2018 SCCP Summary Report of the First Plenary Meeting. After providing their comments and observations, the SCCP adopted the Summary Report.

DOCUMENT ACCESS

36. Member economies reviewed the Documentation Classification List, to finalize the confidentiality of meeting documents and reports.

CLOSING REMARKS

37. The SCCP Chair expressed his thanks to all economies for their active engagement in the SCCP1 meeting discussions and their participation in the side events held in the margins of the meeting.



Asia-Pacific
Economic Cooperation



TRADEMARK INFRINGEMENT DETERMINATIONS IN A BORDER ENFORCEMENT CONTEXT

25 February 2018
Grecian Hall, Lamana Hotel
Port Moresby, Papua New Guinea

Co-Sponsored with Canada; Chile; Chinese Taipei; Hong Kong, China;
Japan; Republic of Korea; Mexico; Papua New Guinea; Peru; and Viet Nam

Organized by
USPTO Global Intellectual Property Academy
and the Office of the U.S. Trade Representative
in cooperation with
U.S. Customs and Border Protection
with support from the
APEC General Project Account

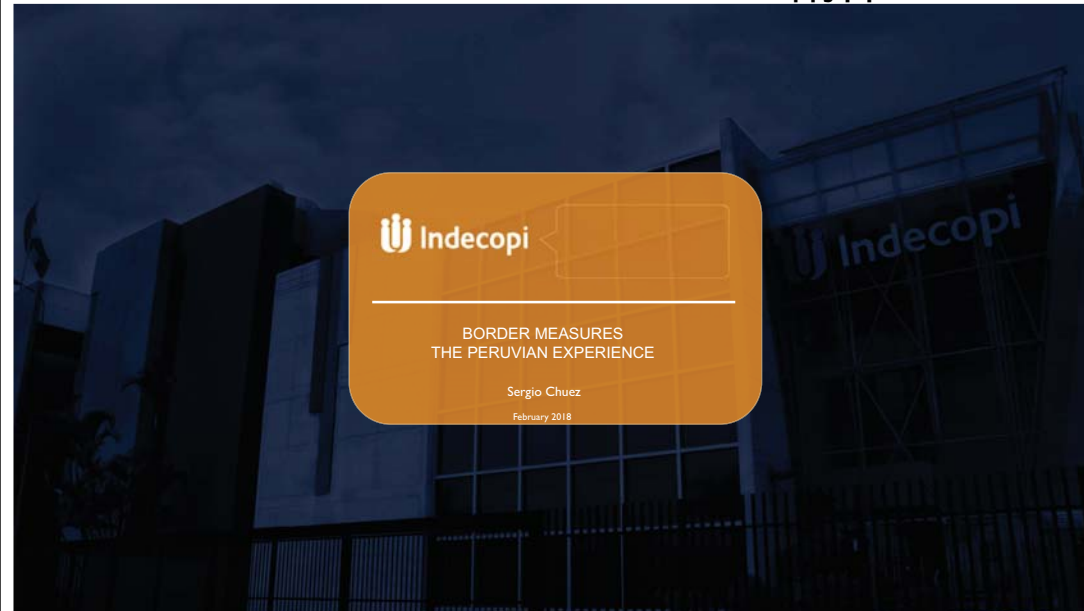
PROGRAM

8:30-9:00	Registration
9:00-9:05	Welcome Remarks
	<i>Daniel Lee, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the U.S. Trade Representative</i>
	<i>Timothy Browning, Attorney-Advisor, Office of Policy and International Affairs, U.S. Patent and Trademark Office</i>
9:05-9:15	Introduction of Participants
9:15-10:15	Session 1: Role of Government in Addressing Trademark Misappropriation and Infringement
	Moderator: <i>Daniel Lee, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the U.S. Trade Representative</i>
	Panel: <i>Sergio Chuez, Deputy Director, Distinctive Signs Directorate, National Institute for the Defense of Free Competition and the Protection of Intellectual Property (Indecopi) of Peru</i>
	<i>Nancy Omelko, Attorney-Advisor, U.S. Patent and Trademark Office</i>
	<i>Young-gwan Gong, Assistant Director, Multilateral Affairs Division, Korean Intellectual Property Office</i>
10:15-10:45	Group Photo and Coffee/Tea Break
10:45-11:45	Session 2: Building Relationships with Brand Owners
	Moderator: <i>Timothy Browning, Attorney-Advisor, Office of Policy and International Affairs, U.S. Patent and Trademark Office</i>
	Presenters: <i>Rattanasak Rattanalapho, Customs Technical Officer, Royal Thai Customs</i>
	<i>Tom B. Vere, Director, Intellectual Property Rights & Passenger Policy, Papua New Guinea Customs Service</i>
	<i>Alaina van Horn, Senior Attorney-Advisor, Intellectual Property Rights Branch, Regulations and Rulings, U.S. Customs and Border Protection</i>
11:45-12:45	Session 3: Transnational Law Enforcement and Border Enforcement Strategies

	Moderator: <i>Timothy Browning, Attorney-Advisor, Office of Policy and International Affairs, U.S. Patent and Trademark Office</i>
	Panel: <i>Maneesh Kumar, Technical Operational Advisor for Intellectual Property Rights, World Customs Organisation and Consul (Economic), Consulate General of India in Hong Kong, China</i>
	<i>Eugene Villanueva, Special Agent / Homeland Security Investigations Representative, U.S. Embassy Singapore</i>
12:45-13:45	Lunch
13:45-14:45	Session 4: Turning Customs and Border Enforcement Violations into Criminal Cases
	Moderator: <i>Daniel Lee, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the U.S. Trade Representative</i>
	Panel: <i>Rodrigo Aguayo, Deputy Commissioner, Police Brigade of Intellectual Property, Investigations Police of Chile</i>
	<i>Evan Williams, Asia Regional Intellectual Property Law Enforcement Coordinator, U.S. Department of Justice</i>
	<i>Eugene Villanueva, Special Agent / Homeland Security Investigations Representative, U.S. Embassy Singapore</i>
14:45-15:45	Session 5: Current Developments, Initiatives, and Trends in Border Enforcement
	Moderator: <i>Timothy Browning, Attorney-Advisor, Office of Policy and International Affairs, U.S. Patent and Trademark Office</i>
	Panel: <i>Pamela Garabed, Director Trade Initiatives, Department of Home Affairs of Australia</i>
	<i>Jun-Xun Li, Customs Administration, Ministry of Finance, Chinese Taipei</i>
	<i>Yuta Takamiya, Regional Cooperation Official, Customs and Tariff Bureau, Ministry of Finance of Japan</i>
15:45-16:00	Coffee/Tea Break
16:00-17:30	Session 6: Case Studies, Roundtable Discussion, and Q&A

	Moderator: <i>Daniel Lee, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the U.S. Trade Representative</i>
	Panel: <i>Alaina van Horn, Senior Attorney-Advisor, Intellectual Property Rights Branch, Regulations and Rulings, U.S. Customs and Border Protection</i>
	<i>Eugene Villanueva, Special Agent / Homeland Security Investigations Representative, U.S. Embassy Singapore</i>
	<i>Evan Williams, Asia Regional Intellectual Property Law Enforcement Coordinator, U.S. Department of Justice</i>
17:30	Evaluations and Closing Remarks
	<i>Miguel Angel Margain, Director General, Mexican Institute of Industry Property / Chair, APEC Intellectual Property Experts Group</i>

INTERNATIONAL STANDARDS



INTERNATIONAL STANDARDS



PARIS CONVENTION

TRIPS

Suspension of the release of counterfeit trademark or pirated copyright goods.

Importation (exportation).

DECISION 486 AC

Importation / exportation

DECISION 689 AC

Transit

CONTENT

- International standards
- Peruvian legislation
- Context in Peru

*Before Legislative Decree 1092
Since Legislative Decree 1092*

- Key points

CONTEXT IN PERU



PERUVIAN LEGISLATION



CONTEXT BEFORE LEGISLATIVE DECREE 1092



IMPORTANT TOPICS

- Competent authorities for the protection of Intellectual Property rights:
 - Administrative entity (INDECOPI)
 - Judicial entity (COURT)
- Competent authority to apply border measures
- Law versus reality

PERUVIAN LEGISLATION



INDUSTRIAL PROPERTY (TRADEMARKS)



Decision 486 AC
Decision 689 AC
Leg. D. 1075

COPYRIGHT AND RELATED RIGHTS



Decision 351 AC
Leg. D. 822



Leg. D. 1092
S. D. 003-2009-EF
Process INTA-PE.00.12





CONTEXT BEFORE
LEGISLATIVE DECREE 1092



ADOPTED MEASURES

- INDECOPI - SUNAT Agreement (August 2004)
- Alert system
- Overseer in storage terminals



CONTEXT SINCE
LEGISLATIVE DECREE 1092



DEFINITIONS

- Trademarks / Copyright and related rights
- Importation / exportation / transit
- Competent authority
- Process at the request of a party / *ex officio* process
- Voluntary register



Indecopi



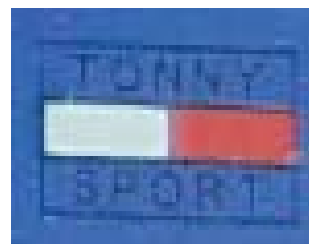
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Indecopi



Indecopi



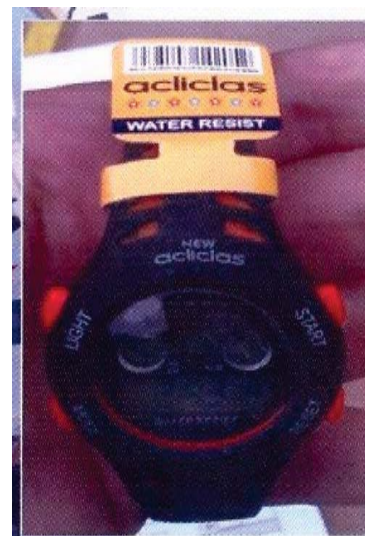
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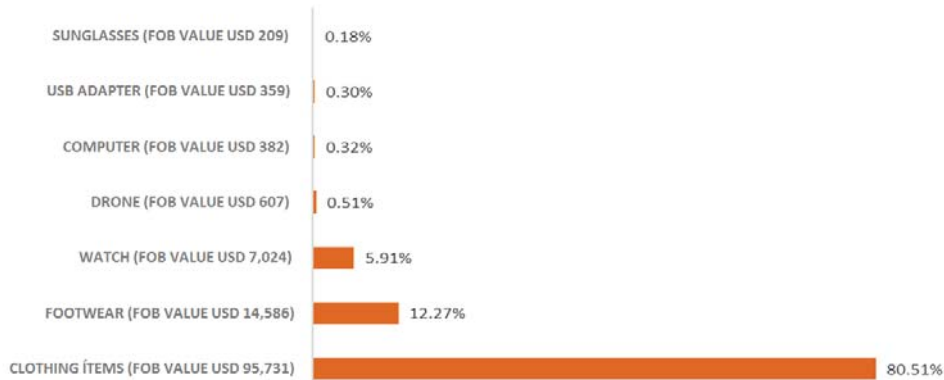
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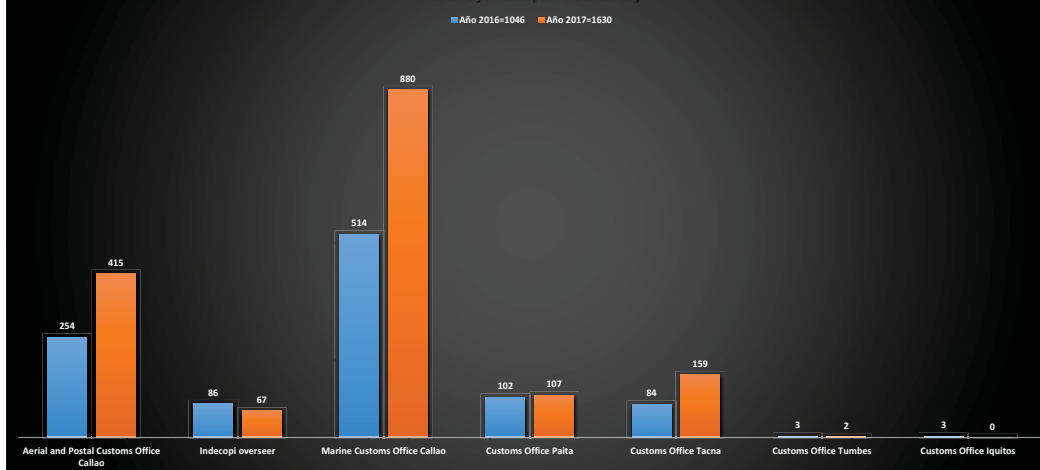


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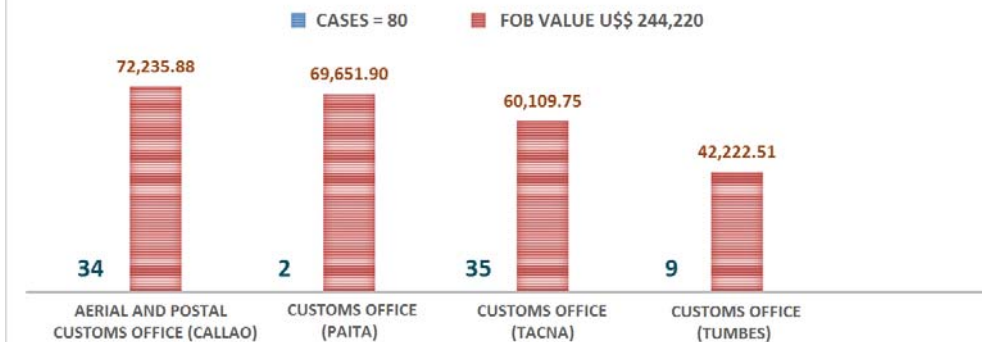
EX OFFICIO BORDER MEASURES INITIATED BY CUSTOMS OFFICE RELATED TO TRADEMARKS BY TYPE OF PRODUCT



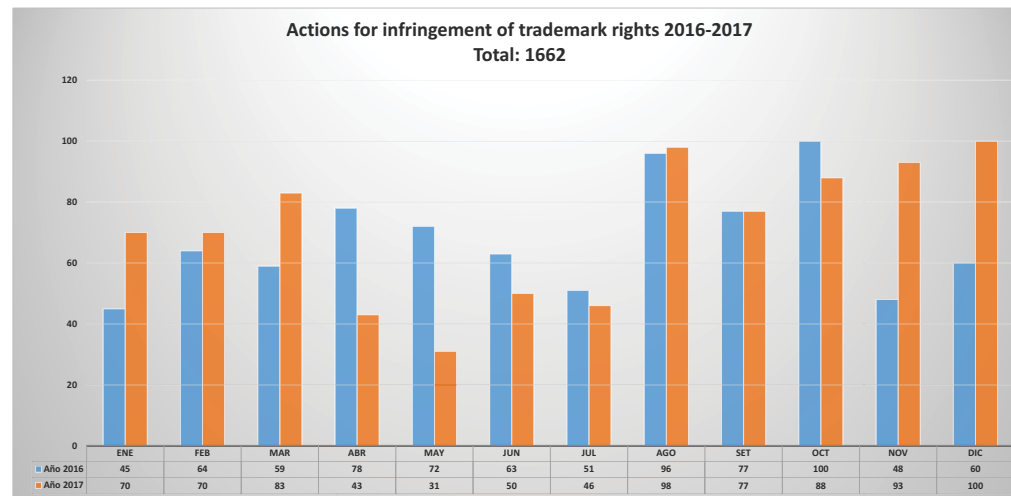
Alert system (trademarks)



EX OFFICIO BORDER MEASURES INITIATED BY CUSTOMS 2016 BY OFFICE



KEY POINTS

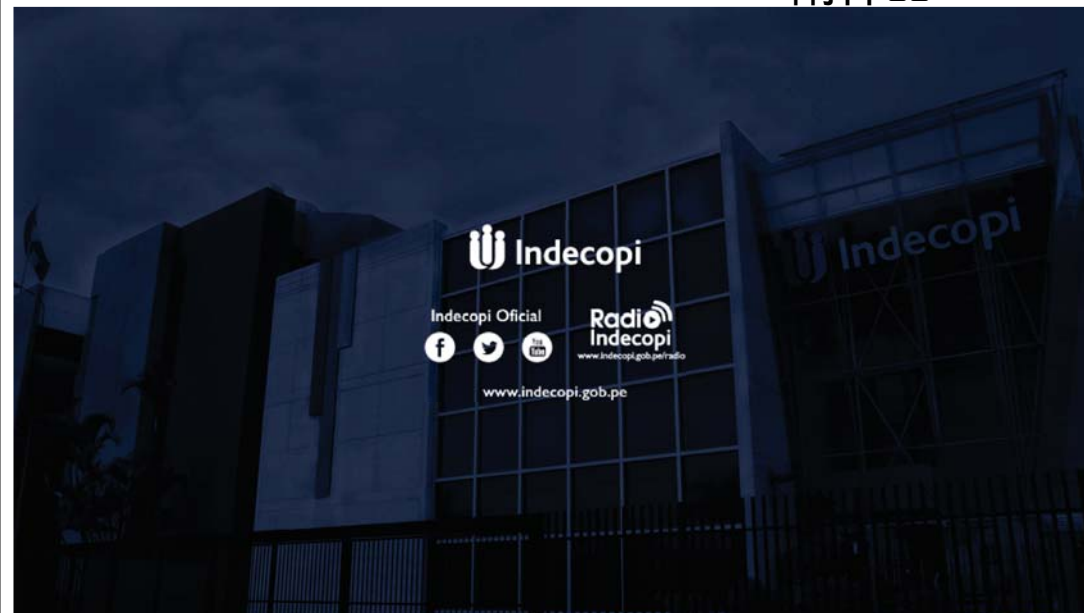


KEY POINTS



- Strategic alliances
- Strengthening of institutions
- Efficient mechanisms for exchanging information
- Participation of brand owners





Importance of Examination for Prior Rights

- Registration on the USPTO Principal Register provides a legal presumption that –
 - the mark is valid
 - the registrant is the owner of the mark, and
 - the registrant has the exclusive right to use the registered mark
- Therefore, it is the responsibility of the USPTO to ensure that new applications for confusingly similar marks are not registered.
- The burden – and expense – should not be on the registrant to oppose registration of these later-filed marks.



Role of Government in Addressing Trademark Misappropriation and Infringement

Workshop on Trademark Infringement Determinations in a Border Enforcement Context

Port Moresby, Papua New Guinea
25 February 2018

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

Publication for Opposition – allows interested parties to prevent registration

- If the examiner finds no issues for refusal of registration, the mark is published in the USPTO Official Gazette.
- This allows for interested parties to oppose registration if, for example, they believe they have a prior conflicting mark; or that the term is needed by others in the industry to describe the product.
- Because of the important rights that vest with registration – prima facie evidence of ownership, for example – the U.S. believes that oppositions should be required before registration.
- Transparency – all the documents in both examination and between parties are available online at the USPTO.
- Due Process – both in examination and in proceedings between parties, there is opportunity for administrative appeal within the USPTO – and through the U.S. courts, if needed.
- Cancellation proceedings are available at the USPTO.



Registering Trademarks at the USPTO - a critical step for border enforcement.

- Trademark applications can be filed online by accessing the USPTO trademark electronic filing system (TEAS) at uspto.gov.
- Applicants are encouraged to search the USPTO database (TESS) to avoid refusals based on a likelihood of confusion with prior marks.
- The Examiner will search the same database – and will issue a refusal if a prior, confusingly-similar mark is found.
- The application can be refused on other grounds, such as descriptiveness, deceptiveness and functionality, for example.



Technical Support

The USPTO Office of Policy and International Affairs provides:

- Capacity building and training for law enforcement officers, customs officials, public prosecutors and judges.
- Technical assistance with public awareness campaigns and drafting laws and regulations.



Recordal with Customs and Border Protection

- Once registered on the USPTO's Principal Register, an application for recordal may be filed with CBP – with the fee of 190 USD and 5 copies of the U.S. Registration showing status and title in the name of the recordal applicant.
- The recordal can be renewed, upon submission of the required documents and a fee of 80 USD.
- Images of the marks are uploaded into the CBP database for use by CBP officials at all ports in the United States.



Thank you

Any questions?



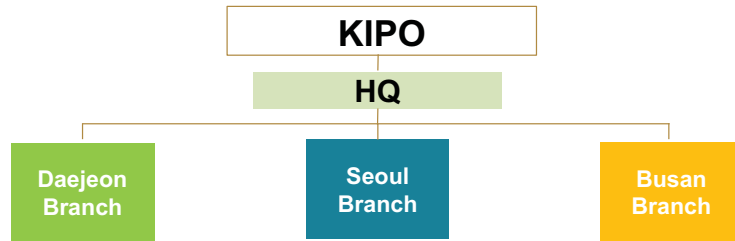
Combatting Bad Faith Filing

- The USPTO is working on solutions to fight this international problem.
- Bad-faith filers apply for registration of marks that they do not own, with the goal of extorting compensation from the rightful owners or "riding on the coattails" of the reputation of the rightful owner."
- One U.S. strategy is to require applicants to state a bona fide intention to use the mark in commerce and a declare in the application under penalty of perjury that they are the owner of the mark.
- Well-known marks are particularly at risk in economies where the rightful owner has not yet registered its mark.



Organization

- Special Judicial Police (SJP) launched in Sept. 2010)



- Online Law Enforcement Task Force launched in Nov. 2011

3

The Republic of Korea's Institutional Arrangements to address Trademark Misappropriation and Infringement

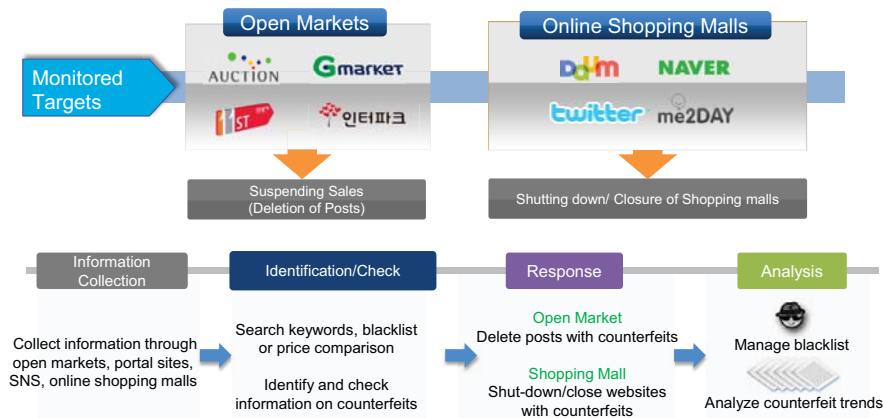
February 25, 2018

Gong, Young-gwan
Assistant Director, Multilateral Affairs Division
Korean Intellectual Property Office



Intellectual Property Online Monitoring System (IPOMS)

- 24-hour Online Monitoring System



4

CONTENTS

- 01 Special Judicial Police
- 02 Counterfeit Goods Reporting Center & Reward System
- 03 Anti-Counterfeit Council
- 04 Cooperation with Overseas Online Markets
- 05 Future Plan

Counterfeit Goods Reporting Center

- ❑ An online website to eliminate counterfeit goods distribution and collect information



7

Anti-Counterfeiting Enforcement Activities of KIPO

	2013	2014	2015	2016	2017	Total
Criminal Indictments	379	430	378	351	362	1,900
Confiscated Goods	822,370	1,114,192	1,197,662	584,094	691,630	4,409,948
Open Markets (Stopped sales)	4,422	5,348	5,673	5,888	6,156	27,487
Shopping Malls (Closed Sites)	828	454	418	368	191	2,259

5

Counterfeit Goods Reporting Reward System

- ❑ Facilitate the reporting of counterfeit goods
- ❑ Raise public awareness of the illegality of counterfeit goods

(unit: cases, thousand USD)

	2012		2013		2014		2015		2016		2017	
	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount
Distribution & Sales	133	106	75	52	59	61	64	85	82	95	53	95
Manufacturing	30	33	26	25	19	33	8	9	-	-	-	-

8

SJP Counterfeit Control Case

- ❑ Distributer of counterfeit designer-goods (worth 275.5 million USD)

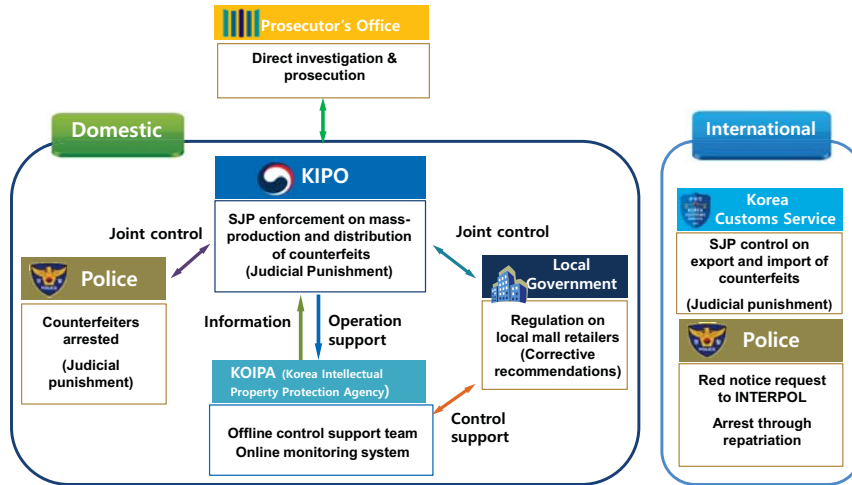
Case Outline

- 23 people arrested for importing 150,000 fake designer goods from economy 'A'
- Office in Gwangju city with online channels for nationwide-distribution
- 3 people received jail sentences and 20 received non-jail sentences



6

Enforcement Cooperation System



Anti-Counterfeit Council

- ❑ A public-private cooperation system of 62 organizations and companies
- ❑ Cooperation between trademark right holders and online market operators
- ❑ Joint enforcement activities



Public-Private Cooperation



Cooperation with Online Market Overseas

- ❑ In 2014, a global e-commercial enterprise and KOIPA signed an MOU to work to resolve the issue of counterfeit goods
- ❑ In 2017, the cooperation stopped 20,302 counterfeit products (worth approximately 170 million USD)

THANK YOU



Introduction to The Customs Department

3

Vision

An excellent Customs service
to achieve sustainable development of
Thailand economy and global trade connectivity

Mission

1. Facilitate trade and promote national logistics system
2. Promote national economy by Customs-related measures and international trade information
3. Protect and secure society based on Customs control system
4. Collect revenue in a fair, transparent and efficient manner

4



Building Relationship with Brand Owners

Port Moresby, Papua New Guinea

25 February 2018

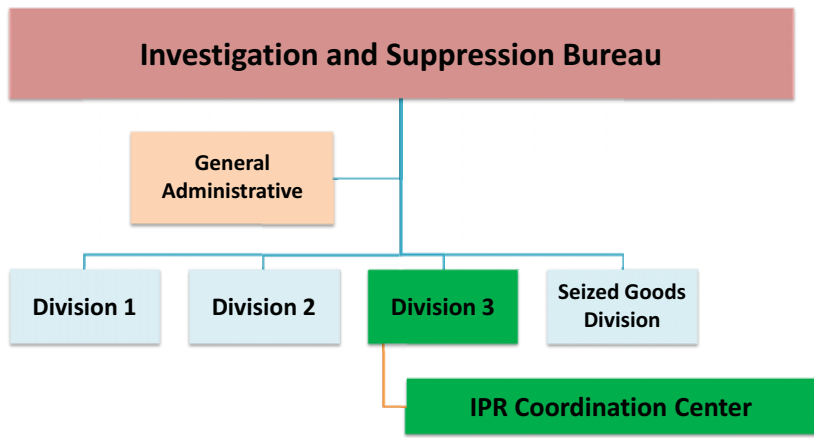
The Customs Department , Investigation and Suppression Bureau
'IPR Coordination Center'

Agenda

- Introduction to The Customs Department
- IPRs Coordination Center
- Trademark Protection through Border Measures
- Cooperation between Thai Customs and Brand Owners

2

Investigation and Suppression Bureau



Customs Jurisdiction

- 6 Main Revenue Collecting Ports**
1. Bangkok Port
 2. Laem Chabang Port
 3. Ladkrabang Cargo Control
 4. Bangkok (11 Private Customs offices)
 5. Suvarnabhumi Airport Cargo Clearance
 6. Suvarnabhumi Airport Passenger Control
-
- 48 Customs Houses**
- Regional 1 11 Customs houses
 - Regional 2 10 Customs houses
 - Regional 3 9 Customs houses
 - Regional 4 18 Customs houses



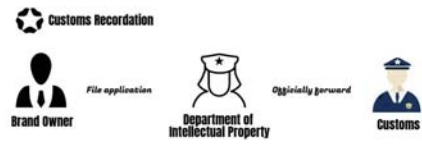
IPRs Coordination Center

Mission

- Developing Customs strategies, plans, projects, research or other academic works related to IPRs.
- Coordinating with domestic and international government agencies as well as private sector.
- Providing information to related Customs officers.



IPRs Coordination Center

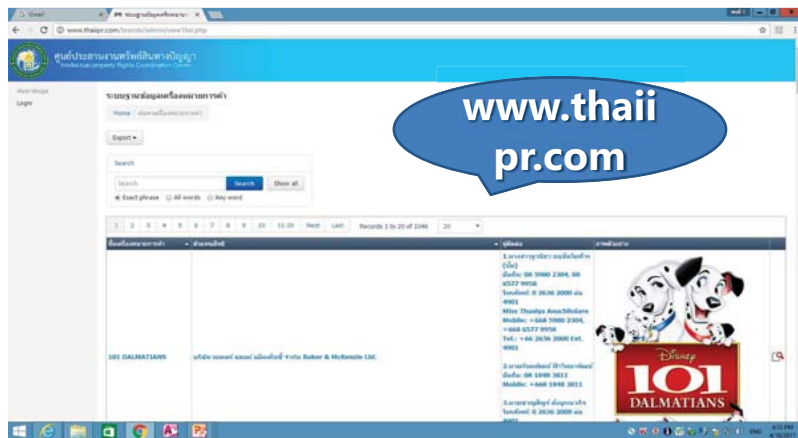


BORDER MEASURES FOR TRADEMARK PROTECTION

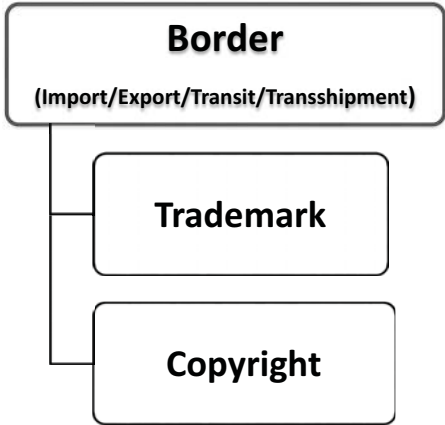


Trademark Protection through Border measures

Customs Recordation Database



Scope of Border Enforcement





Exchange of information

- SUPERDRY
- 22 Sep 2017



Cooperation between Thai Customs and Brand Owners



Exchange of information

- JETRO & JAPANESE MANUFACTURERS
- 25 Sep 2017



Exchange of information

- LOUIS VITTON
- 20 May 2017





IPR training

- How to Identify Copyright Violations and Distinguish Counterfeit products
 - 11 Sep 2017



Exchange of information

- CHRISTIAN LOUBUTIN
 - 3 Oct 2017



IPR training

- How to Distinguish Counterfeit Products
 - 19 Jun 2017



DIP Consultation 2017

- EU, US, JAPAN, SOUTH KOREA
 - 7 Jul 2017





IPR training

- LACOSTE
- 22 Jan 2018



Thank You

www.ipr.customs.go.th
www.thaiipr.com



Destruction Ceremony 2017



Date : 10 March 2017

Place: 11 Infantry Regiment

Seizures from : Royal Thai Police,
Department of Special Investigation & The
Customs Department

Total Seizures : 3,639,679 Pcs.
(Customs : 2,915,525 Pcs.)



Overview

- Introduction to PNGCS
- International Obligations
- Background to IPR Enforcement in PNG
- IPR Section
- IPR Regime in PNG
- Customs Recordation & Intervention Process
- Why Enforce IPR?
- Why Manufacture IPR?
- How are Counterfeits Made?
- Effects of Counterfeit Goods
- Do Counterfeits Exist in PNG?
- What Has PNGCS done about Counterfeits?
- Trainings/Awareness/Cooperations
- Tools & Resources
- Data/Statistics
- Challenges
- Opportunities
- Conclusion



3



Asia-Pacific
Economic Cooperation

附件34



TRADEMARK INFRINGEMENT DETERMINATIONS IN A BORDER ENFORCEMENT CONTEXT

25 February 2018

Grecian Hall, Lamana Hotel
Port Moresby, Papua New Guinea

1

INTRODUCTION TO PNGCS



Establishment:

- PNGCS formerly a division of Internal Revenue Commission (IRC)
- Late 2009, separate from IRC
- In 2015, became an authority
- All by virtue of National Executive Council Decisions
- Four (4) main offices, HQ in Port Moresby and 3 regional offices (Southern, Northern and Islands)
- Staff strength of about - 460
- Sits under the Ministry of Treasury

Administration:

PNGCS draws its powers from Customs Act 1951 to:

- Control, supervise and authorize all forms of conveyances, persons and cargoes that move in and out of PNG
- Charge and collect duties and taxes under the Customs and Excise Tariff Act
- Also has responsibility for protecting the country's border and community as well as preventing transnational crime
- Administers about 11 pieces of legislation

4

Topic

BUILDING RELATIONSHIPS WITH BRAND OWNERS



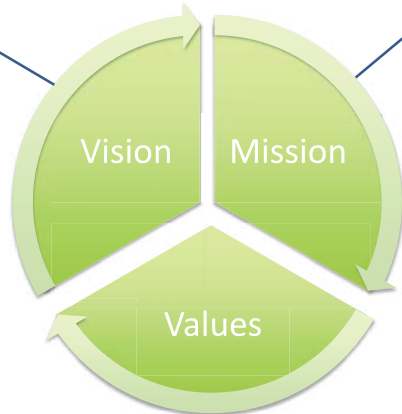
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Introduction....cont



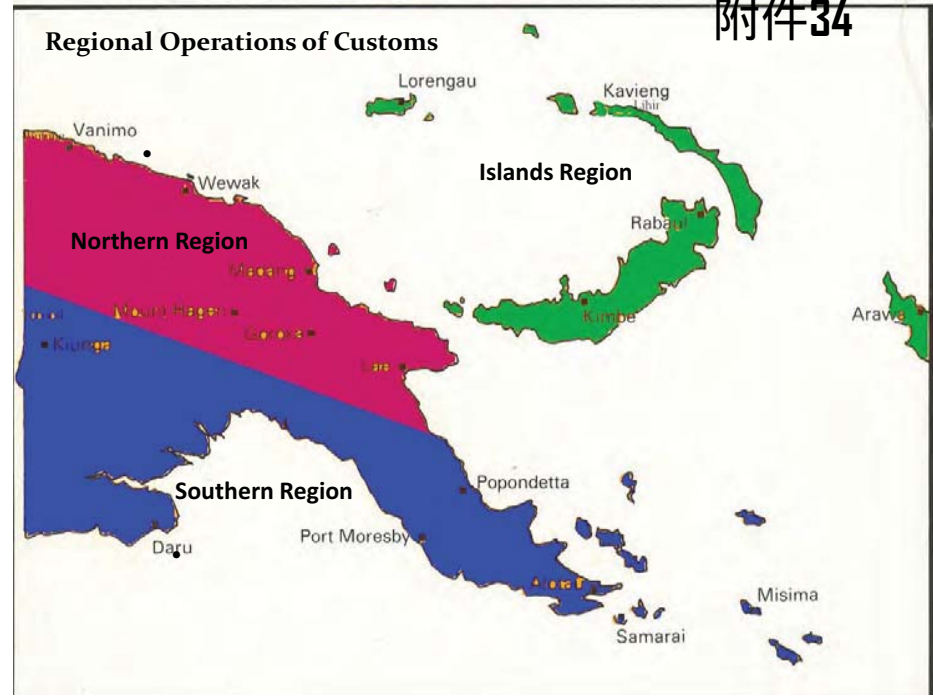
Vision & Mission:

Spirited and committed to lead in regional customs best practices in securing our national borders to enhance the security and socio-economic development in PNG



Protect PNG's border, communities and industries; enhance facilitation of international trade and travel; and protect and collect revenue for the government

Commitment, Professionalism, Service, Integrity



INTERNATIONAL OBLIGATIONS

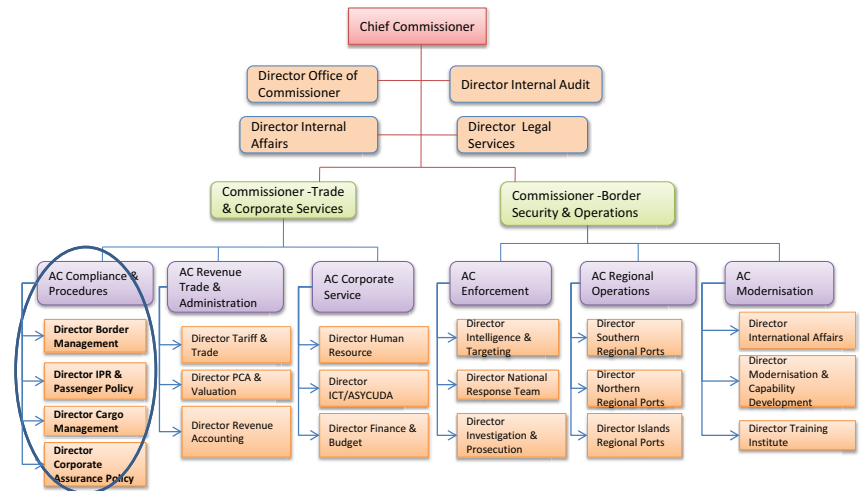


Treaty/ Convention	Date Joined
Asia Pacific Economic Cooperation	17-19 November 1993
World Trade Organization	9 June 1996
World Intellectual Property Organization	10 July 1997
World Customs Organization	18 March 2002

Introduction....cont

Hierarchy:

Organisational Structure



BACKGROUND OF IPR ENFORCEMENT IN PAPUA NEW GUINEA



Customs Act 1951:

Section 146(1)(ca) - All IPR infringing goods imported/exported shall be forfeited to the state

Section 153(k) - Offence to import/ export and tranship counterfeit or IPR infringing goods of which a penalty, is a fine of not less than K5000 but not exceeding K50,000

Customs Prohibited Imports Regulation 1971:

In accordance with the Revised Kyoto Protocol, PNGCS amended the Customs Prohibited Imports Regulation in 2005 to include IPR Enforcement Provisions

Part VI - The Importation of Goods that Infringe Upon IP Rights

- Sections 8 – Recordation of IPR with Customs
- Section 9 – Application for Intervention
- Section 16 – Ex Officio Action

IPR REGIME IN PNG



IPOPNG - Administration

Intellectual Property Office of PNG is one of the five (5) division of the **Investment Promotion Authority (IPA)** and is responsible for the Administration of the following IPR laws:

- Trademarks Act Chapter 385
- Patents & Industrial Designs Act 2000
- Copyright & Neighbouring Rights Act 2000

PNGCS - Enforcement

IPR & Passenger Policy Section comes under **Compliance and Procedures Division** which comes under the Trade and Corporate Services Wing. The Section is tasked with administering the following:

- PNG Customs Act 1951
Section 146 of the Act: any goods that are found to be infringing are subject to forfeiture.
Section 153 of the Act: any person other than the right holder who are involved in trading IPR infringing goods are deemed guilty of an offence and subject to a fine of up to K50,000.
- Customs (Prohibited Imports) Regulation 1973
- **Part VI: The Importation of Goods that Infringe upon IPR**

CUSTOMS RECORDATION & INTERVENTION PROCESS



Part VI – Importation of Goods that Infringe Upon Intellectual Property Rights

- Section 8 – Recordation of Intellectual Property Rights with Customs
- Section 9 – Application for Intervention by Customs
- Section 16 – Ex Officio Action

INTELLECTUAL PROPERTY RIGHTS SECTION



- **Establishment:** In 2014, the IPR Section established under the Enforcement Division
- **Responsibilities:** Administer the Customs Prohibited Imports Regulation to Monitoring and Enforcement of intellectual property rights infringing goods at the borders
- **Staff strength:** Five (5)
- **Head:** Director IPR
- **Reports:** Assistant Commissioner – Compliance & Procedures Division
- **Wing:** Trade & Corporate Services Wing



WHY ENFORCE IPR?



- Brings about new ideas and technologies
- Facilitate Trade & Investments (creating employment opportunities/jobs, etc.)
- Protect local industries/jobs
- Deprives governments of revenue through undervaluing and smuggling
- Protect our people and communities from dangerous counterfeit goods/products



Intellectual Property drives Economic Growth and Competiveness, as seen and experienced by economies that have protected, harnessed and utilized IPR.

HOW ARE COUNTERFEIT GOODS MADE?



- Unhygienic preparations/conditions and storage



- No adherence to International health and safety standards

- Uncertified/unqualified manufacturers

WHY MANUFACTURE COUNTERFEITS?



Cheap Goods Big Money



EFFECTS OF COUNTERFEITS GOODS!



- People becoming sick as a result of consuming tainted foods/drinks
- People developing drug resistance/complications and death from taking counterfeit or substandard drugs/medicines



- People get injured or lose their lives in motor vehicle accidents as a result of using counterfeit spare parts
- People losing their assets/ properties in fires from using counterfeit electronic or electrical items



- People lose their investments through purchasing counterfeit goods/products that don't last
- State losing revenue through undervaluing or smuggling of counterfeit and pirated goods



TRAININGS/AWARENESS/COOPERATIONS



The IPR Section also conducts training and awareness workshops and seminars:

- Targeting Frontline Officers - in the 3 main regions
- With Right Holders/or product experts on the subject matter
- With Regulatory Agencies on compliances issues (NICTA, ICC, NDoH)
- With Developmental Partners both at the national and international level (EU 2017, APEC 2017)
- And also attended relevant trainings/workshops abroad organized by WCO, APEC, JCO, etc.

19

DO COUNTERFEITS EXIST IN PNG?



Genuine Fake



- YES! And they will be here to stay if we don't set up the necessary systems and processes to counter.

Counterfeits have in recent times flooded our markets. Some examples - STIHL chainsaws/brush cutters, baby diapers, ladies pads, laundry soaps, hair creams/ coconut oils, sprays and foodstuff (tulip).



17

RESOURCES & TOOLS



- ASYCUDA
- Case Management Information System (CMIS)
- Interface -Public Members (IPM)
- Container Examination Facility (CEF) – Latest
- First Defender RM S1 Thermo Scientific hand held Raman Chemical Identification machines
- ION Scan



20

WHAT HAS PNGCS DONE ABOUT COUNTERFEITS?

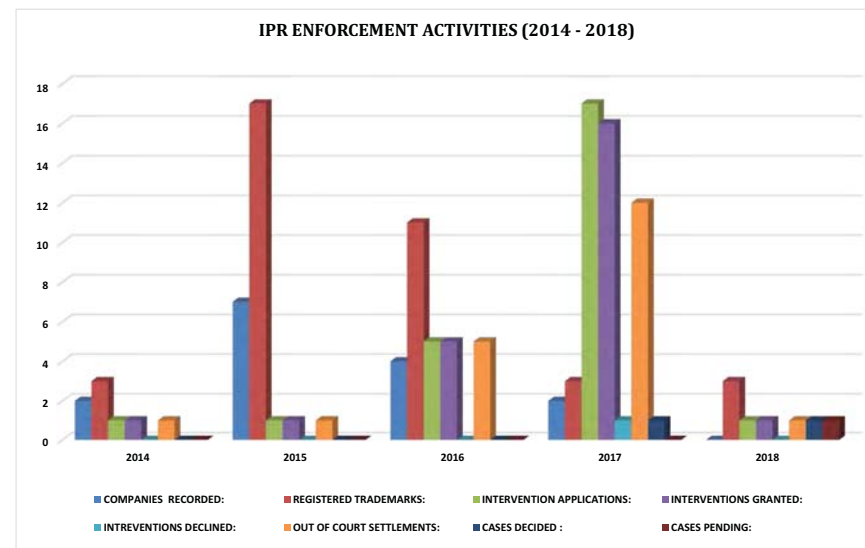


- Since 2014, IPR Section has recorded, monitored and enforce IPRs filed by Right Holders
- Under Ex Officio Action - informed Right Holders of goods suspected of infringing their rights at the borders and invite them to register with PNGCS
- Develop a Standard Operating Procedures (SOP) on IPR
- Review the Customs Prohibited Imports Regulation
- Enter into MOU's with relevant Regulatory agencies/departments to address IPR and related/ or overlapping issues

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STATISTICS ON IPR ENFORCEMENT



Challenges...cont



External:

- Lack of awareness on the recordation and intervention process due to manpower issues
- Enforcing unregistered or expired trademarks with IPO/PNG
- Infringer abandoned goods when he knows he's about to be caught
- Right Holders penalised heavily - pays to fly to inspect and verify status of goods/products, pays K2000 Intervention fee and engages lawyer, then to Court
- Goods detained cost lesser than the whole IPR enforcement process (from intervention to the Courts)
- Court process lengthy and expensive for small businesses
- Hard to verify counterfeit from parallel imports due to lack of documentation (licensing agreements on manufacturing/ exporting/ importing/distribution, etc.)
- Right holders based overseas to verify on the spot or within the time prescribed in the laws
- Right Holders/Stake Holders not aware of their roles and responsibilities
- Lack of effective networking and cooperation amongst stake holders (Right Holders, Legitimate Traders/Investors and Industry Regulators)

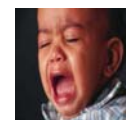
23

OPPORTUNITIES



- Review and updating of Legislations (Customs Prohibited Imports Regulation)
- Linking the private sector with the Industry through formal/informal gatherings
- Entering into New Partnerships – Right Holders, Industries, consider MOAs
- Technical Support and Co-operation - Right Holders
- Acquiring Appropriate Tools and modernizing systems and processes from developmental partners
- Collaboration and networking with Right Holders and Industries - Joint Awareness/Operations/Raids, Sharing of information/Data, resources as in funds and expertise, etc.

24



CHALLENGES



Internal:

- Part VI – Importation of Goods that Infringe upon IPR, Customs Prohibited Imports Regulation not really tested
- IPR Recordation and Intervention system fairly new hence administrative challenges still remain
- System not effectively streamlined and integrated hence uncoordinated and timely responses from within at times
- New staff - inexperienced on IPR and related matters
- Timely legal advice - Capacity issues
- Lack of training and awareness to front line officers, PCA Team, Intelligence officers and Investigators
- De Minimus Limit under Section 18 of the Customs Prohibited Imports Regulation may be abused by group travel whose intended aim is to resell to gain

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CONCLUSION

- A collaborative and concerted approach is desirable in the fight against perpetrators of IPR as it poses serious economic, social and cultural challenges to the country.
- PNG has in recent times seen the proliferation and influx of counterfeit goods/ products into the country.
- This may be attributed to random checks, lack of capacity, and lack of more sophisticated and modern technologies, outdated laws and evolving smuggling practices and counterfeiting techniques
- An holistic approach is thus necessary as it allows stakeholders to share resources (funding, technical expertise, and manpower).
- Legislation should also be reviewed and amended to counter new challenges brought about by evolving technologies and practices.
- Stakeholders should also consider adopting more binding arrangements under MOA's as a way forward in addressing IPR infringement issues thus committing stakeholders to take more affirmative action and forge partnership based on agreements and not mutual understanding.

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ANY QUESTIONS

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Role of the Brand Owner

- CBP is the “**COMPETENT AUTHORITY**” to make infringement determinations under WTO-TRIPS (19 CFR § 162.21 “Responsibility and authority for seizures”)
- While CBP is not *required* to reach out to the brand owner whenever a shipment is being examined, often it is considered a best practice
- CBP must establish **probable cause** before effectuating a seizure; the burden of proof remains with CBP in TMK and COP cases
- Thus, collaboration with brand owners is essential when making a strong seizure case



Building Relationships with Brand Owners



U.S. Customs and Border Protection

Dependence on CBP Recordation

- **Recordation** is considered a right holder’s “application” under TRIPS Article 52
- Recordation provides a greater scope of protection to the IPR owner
- Recordation allows brand owners to provide CBP with intelligence concerning their brand, e.g., product ID manuals, sharing of trade secrets, etc. that is made strictly confidential and heavily protected by privacy laws
- *Sunset provisions* are being built into the system to ensure accuracy and reliability of the data submitted by brand owners, such as:
 - Countries of manufacture of genuine merchandise
 - List of licensees
 - Hidden authentication features and/or trade secrets for authentication
 - Identification of suspect violators or known counterfeiters
 - Notification to brand owners when their IPR is about to expire

Parties Involved in CBP IP Enforcement

CBP Officer



Import Specialist



Laboratory Technician



IP Owner



CBP Chief Counsel



FP&F Officer



R&R Attorney



Unhelpful Brand Owner Involvement

- Responds to CBP requests for authenticity with blanket statement that “the goods are counterfeit”
- Responses that reference **who** the importer is, for example: “We are the only authorized party to import genuine Brand XX goods into the US, thus, if Brand XX, Inc. isn’t the importer of record, the goods are counterfeit.”*
- Responses that try to portray gray market merchandise that is authorized entry to be prohibited, for example: “We do not authorize any products intended for the Canadian market to be imported into the US; these products have different safety standards.”
- Lists a law firm attorney as their point of contact

*Reminder: All US IP enforcement actions are *in rem*

Involving the Brand Owner in an IP Case

- CBP may detain goods if they need assistance from the brand owner with authentication
- Under certain circumstances CBP can share un-redacted images of the suspect merchandise as well as its product packaging with brand owners for their assistance with making authenticity determinations
- CBP requests factual, actionable information from the brand owner, establishing that use of the mark on the imported merchandise was **unauthorized**

Reminder: CBP cannot delegate its responsibility to make infringement determinations under 19 CFR § 162.21

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SOLUTION

- Educate brand owners on the role of CBP in IP enforcement, the importance of recordation and what is required of them in supporting CBP seizures
- Provide constructive feedback on helpful v. unhelpful response to CBP’s request for an authentication determination
- Give written prompts to specific questions when reaching out to brand owner’s for their assistance in authenticating merchandise; e.g., what violation and why
- Request a legal opinion on the scope of the IP from their company’s attorney or general counsel when needed to understand their IP
- Learn from past behavior; e.g., if brand owners frequently make financial agreements with importers post-seizure, or fail to support CBP seizure

Helpful Brand Owner Involvement

- Helpful responses reference a review of the digital images, articulates specific factors derived from a visual review of the images that lead to the conclusion that use of the suspect mark was **unauthorized**
- Provide their opinion on how to interpret the scope of their protected TMK or COP and describe *why* the suspect mark constitutes a violation of their protected TMK or COP
- Elucidate what you the brand owner believes the violation to be, and *why* the legal standard of infringement for that violation is met in this specific instance
- Best contact person is a “Customs Liaison” or “Brand Specialist” within the company that has knowledge of CBP IP enforcement and is able to respond to CBP within 24 hours

Center Specific Training

CBP created 10 industry-specific Centers to increase uniformity at the ports, facilitate the timely resolution of trade compliance issues nationwide, and further strengthen the agency's knowledge about industry practices.



How brand owners partner with CBP for the most effective enforcement of their intellectual property rights



U.S. Customs and Border Protection

Webinars

CBP offers online right owner training opportunities

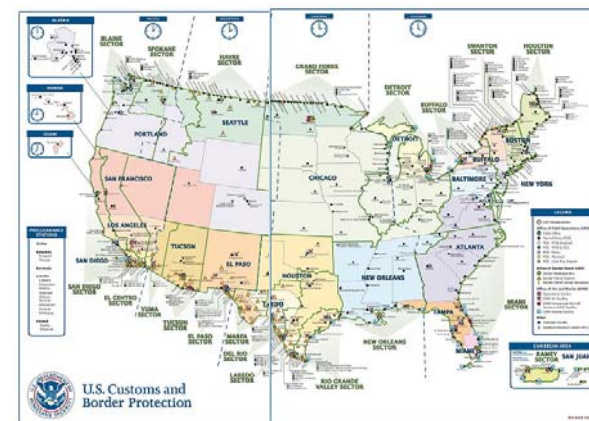
e-Allegations

Brand owners with valid recordation can report unfair trade practices online as long as they provide substantiating evidence



Training at Ports of Entry

IP right owners who conduct in person product identification trainings see heightened identification of counterfeit goods.



U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR PART 133
CBP DEC. 17-21

RIN 1515-AE21

DONATIONS OF TECHNOLOGY AND RELATED SUPPORT SERVICES TO ENFORCE INTELLECTUAL PROPERTY RIGHTS

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations relating to the enforcement of intellectual property rights. This final rule implements section 308(d) of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), which requires CBP to prescribe regulatory procedures for the donation of technologies, training, or other related services for the purpose of assisting CBP in intellectual property enforcement.

DATES: Effective January 16, 2018.

FOR FURTHER INFORMATION CONTACT: Garrett D. Wright, Chief, Donations Acceptance Program, Office of Field Operations, U.S. Customs and Border Protection, telephone (202) 344-2344.



e-ALLEGATIONS

You are entering an Official United States Government System, which may be used only for authorized purposes. The Government may monitor and audit usage of this system, and persons are hereby notified that use of this system constitutes consent to such monitoring and auditing. Unauthorized attempts to upload information and/or change information Web site are strictly prohibited and are subject to prosecution under the Computer Fraud and Abuse Act of 1986 and Title 18 U.S.C. Sec.1001 and 1030.

Thank you for visiting the U.S. Customs and Border Protection e-Allegations portal. Here you can report on suspected violations of U.S. Customs Law and related illicit trade activities. In allegations, please be as specific, detailed, and concise as possible to help expedite your complaint.

REPORT SUSPECTED CRIMINAL/ILLEGAL ACTIVITY

This button is to be used for reporting criminal and illegal activities for referral to Homeland Security Investigations.

- Immigration crime, human rights violations and human trafficking or smuggling
- Smuggling of weapons, narcotics, or other contraband
- Financial crimes, money laundering, bulk cash smuggling
- Cybercrime, website fraud
- International art and antiquity theft
- En Español

REPORT SUSPECTED CRIMINAL/ILLEGAL ACTIVITY

REPORT TRADE VIOLATIONS

This button is to be used only to report illegal trade activity.

- Intellectual Property Rights infringement
- Textile or Free Trade Agreement violations
- Health and Safety issues
- Classification and Value violations
- Forced Labor Violations

REPORT TRADE VIOLATIONS

[e-Allegations Frequently Asked Questions](#)

[Intellectual Prop](#)

QUESTIONS?



U.S. Customs and Border Protection

Sharing authentication features and technology



Background contd.

- Criminal Syndicate
 - ✓ more organized
 - ✓ better connected
- Trends
 - ✓ Changing rapidly
- Crime across jurisdiction
 - ✓ Laws are not same
 - ✓ Collection of evidence across jurisdiction
 - ✓ Prosecution of the criminals



附件36
Transnational Law Enforcement & Border Enforcement Strategies

Maneesh Kumar
Technical Operational Advisor, WCO
Consul (Economic), CGI, Hong Kong

World Customs Organization (WCO)

The image shows the cover of a book titled 'Transnational Law Enforcement & Border Enforcement Strategies' by Maneesh Kumar. The cover features a blue background with a white flag on the left side that has the WCO logo. The title is written in yellow and white text. The author's name and title are listed at the bottom. The book is part of 'Attachment 36' (附件36).

WCO Activities

- Provide a platform to discuss emerging issues and trends
- Model Laws / Treaty
- Diagnostics workshops to assess legal situation
- Sharing of best practices among members
- Enable synergy between private sector, Customs Administration and other law enforcement agencies



Background

- Ease of doing business
 - ✓ opening company
 - ✓ opening bank account
 - ✓ moving money across the globe
- Improved logistics and supply chain
 - ✓ cost of sending small consignment
- E-Commerce and advances in technology
 - ✓ purchasing goods over internet
 - ✓ advertisement over social media



Regional operation Action IPR

- Second WCO IPR operation in A/P Region
- 6-24 February 2017
- 26 A/P Members participated
- Targeted 6 health and safety-related goods *
- Used CENcomm and IPM

* Pharmaceutical items, Toiletries/cosmetics, Foodstuffs, Pesticides, Machines and vehicles (including spare parts) and Games and toys



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

WCO Activities contd.

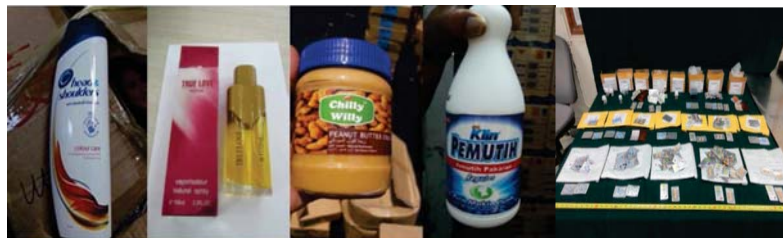
- Capacity Building – Regional and National Seminars
- Operations – Targeting specific commodity in a region
- Trends / risk factors – Study and share the emerging trends and risk factors among members



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Results of Action IPR

- 245 cases were reported by 15 Members
- Interception of 1,453,429 pieces, 153,099 kg, and 75 liters over 19 days



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

ActionIPR A/P 2

WCO Tools

- Customs Enforcement Network (CEN)
- CENComm – Secure Communication Platform – Members, International Agencies
- Illicit Trade Report (ITR) – Trends and Statistics



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Type of product intercepted

Type of product (category)	Number of cases	Pieces	Kg	Litre
Foodstuffs	40	415,358	42,718	68
Pharmaceutical products (ED (Erectile Dysfunction) medication)	38 (33)	181,415 (965)	28 (-)	- (-)
Spare parts	22	13,447	37,974	-
Toiletries/cosmetics	15	9,488	1,215	7
Mobile phones and accessories	10	319,857	-	-
Electrical appliances	9	23,430	1,500	-
Games and toys	7	33,823	1,215	-
Other	104	456,611	68,449	-
Total	245	1,453,429	153,099	75

Challenges

- Low priority given to IPR within Customs
- Lack of regulations/standard operating procedures
- Insufficient cooperation with RHs
- Customs have difficulty in ...
 - ✓ Reaching out to RHs
 - ✓ Receiving support from RHs
 - ✓ Product Identification
- Role of other authorities
- Follow up of cases

Interesting findings



Dietary supplement (Sri Lanka)



Contact lenses (Bangladesh)



Face pack (Mongolia)

Customs Mutual Assistance Agreement

- Bilateral agreement
- Largely used for sharing of intelligence / information
- Information shared is not used as evidence
- Not all countries have mutual assistance agreement in customs matters.

**THANK YOU FOR YOUR
ATTENTION**



Mutual Legal Assistance Treaty

- Bi lateral treaty between countries
- The process is well defined but takes substantial amount of time
- Evidences obtained can be used in court of law for prosecution
- Not all countries have mutual legal assistance treaty



Way forward

- Raising officer awareness of IPR enforcement
- Setting up laws, regulations, and standard operating procedures for IPR enforcement
- Enhancing cooperation with RHs





BRIDEPI

Investigative brigade of crimes against intelectual and industrial property

Subcomisario Rodrigo AGUAYO HERRERA

BRIGADA INVESTIGADORA DE DELITOS DE PROPIEDAD INTELECTUAL

STRATEGIC ALLIANCES

PUBLIC SECTOR

- Institutions.
- Public services.
- Government agencies

- Agencies from other country.
- Internationals organism.



PRIVATE SECTOR



CHILE



Chilean border
6339 kms (4000 miles).



171 Km. – Peru
860 Km. – Bolivia
5308 Km. – Argentina

BRIDEPI



BRIDEPI



PUBLIC ORGANIZATIONS RELATED TO THE INVESTIGATION OF CRIMES AGAINST INTELLECTUAL PROPERTY AND TRAFFICKING IN ILLICIT PRODUCTS.



PDI
DELITOS ECONÓMICOS



PDI
DELITOS ECONÓMICOS



PDI
DELITOS ECONÓMICOS

Way of operating:

- 1.- IMPORT
- 2.- NATIONAL PRODUCTION.



PDI
DELITOS ECONÓMICOS

OPERATION OF THE PROCEDURAL SYSTEM

BRIDEPI



Bridepi also works against the commercialization of counterfeit products on social networks, established websites, etc.



Regarding the quality of the fakes::



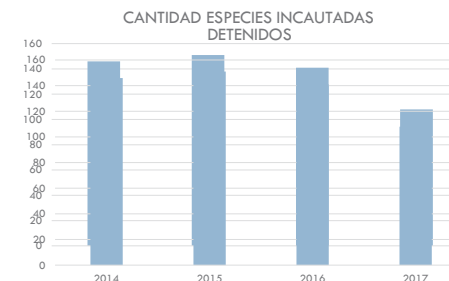
REFLECTIONS :

- STRENGTHEN THE LAWS.
• STRATEGICS ALLIANCES
- TEACH CONSUMERS REGARDING THE DAMAGE AND CONSEQUENCES OF THESE CRIMES. (SOCIAL CONCIENCE).
- CONSTANT TRAINING OF THE SUPERVISORY ORGANIZATIONS.
- TECHNICAL TOOLS.



RESULTS OF RESEARCH IN THE LAST YEARS :

COMPARADO AÑOS 2014 - 2015 - 2016 - 2017		
AÑO	CANTIDAD ESPECIES	DETENIDOS
2014	286.972	146
2015	825.217	151
2016	946.709	141
2017	871.725	108



Practical manifestations of crime:

Most counterfeit and smuggled products



COUNTERFEITING EFFECTS:



ALCOHOLIC DRINKS:



PDI
DELITOS ECONÓMICOS

Toys:



PDI
DELITOS ECONÓMICOS

CIGARETTES :



PDI
DELITOS ECONÓMICOS

JEWELRY



PDI
DELITOS ECONÓMICOS

MICHAEL KORS:



PDI
DELITOS ECONÓMICOS

FOOD SUPPLEMENTS



PDI
DELITOS ECONÓMICOS

VEHICLE PARTS



PDI
DELITOS ECONÓMICOS

MICHAEL KORS



PDI
DELITOS ECONÓMICOS

MEDICAL AND SECURITY PRODUCTS



Detienen cuatro camiones con 1.300.000 cajetillas de cigarrillos ilegales

Según informó la Dirección de Aduanas, se trata del mayor contrabando detectado en el país.
17 de Mayo de 2016 | 15:24 | Emol



Dirección de Aduanas

SANTIAGO.- Fiscalizadores del Servicio Nacional de Aduanas, en conjunto con la Policía de Investigaciones, detuvieron el mayor contrabando de cigarrillos detectado en Chile a la fecha. Se trata 1.339.970 cajetillas, todas de marcas prohibidas en el país, cuya comercialización hubiese implicado un perjuicio fiscal de US\$ 4,7 millones en impuestos dejados de pagar.

El Director Nacional de Aduanas (T y P), Juan Araya, destacó que con ello en lo que va corrido del año Aduanas ha impedido una evasión de US\$ 13,5 millones en contrabando de cigarrillos, cifra 76% superior a la detectada en igual fecha del año pasado. Durante todo 2015 Aduanas decomisó 5,1 millones de cajetillas de cigarrillos de contrabando, con lo cual impidió un perjuicio fiscal por US\$ 18 millones.

RECOMENDADOS DEL EDITOR



ECONOMISTAS SE ENFRENTAN: ¿Está politizado el debate?



BACHELET Y PIÑERA: Un trato de "guardar bancos" en medio de la erisipación política...

NOTICIAS MÁS COMENTADAS

499 El asesor de Bachelet será el ministro de Defensa...

409 El director de la CIA en Chile...

359 Bachelet y Piñera...

274 Bachelet y Piñera...



THANK YOU VERY MUCH.

Un sofisticado mecanismo electrónico activaba el pasadizo

Puerta secreta en el baño conectaba con laboratorio full equipo para piratear

Dentro de la pieza había grabadores, notebooks, computadores de escritorio y 34.600 discos.

La llave Una botonera escondida en un mueble manejaba la apertura de la puerta-espejo. Para abrir había que presionar dos veces.

Puerta-espejo Una vez accionado el botón, la persona solo tenía que empujar el espejo para poder acceder al laboratorio.

de todo el sistema". Otra cosa que llamó la atención de los detectives, fue la instalación eléctrica que tenía el pasadizo. Además de gran cantidad de cables eléctricos, encontraron cables como los que se utilizan en informática. Lo raro es que cuando se apagan, los cables se encienden automáticamente a regullas suertes".

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HSI HOMELAND SECURITY INVESTIGATIONS

The U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) directorate is a critical asset in the ICE mission, responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States.



HSI is the principal investigative arm of the U.S. Department of Homeland Security.

Vision Statement: To secure the Homeland from transnational criminal threats.

Mission Statement: To investigate, disrupt, and dismantle terrorist, transnational, and other criminal organizations that threaten or seek to exploit the customs and immigration laws of the United States.

GLOBAL FOOTPRINT

HSI consists of more than 8,500 employees, including more than 6,000 special agents, who are assigned to 210 offices in 205 cities throughout the U.S. and 63 international offices in 47 countries.

HSI is DHS' largest investigative law enforcement presence overseas. HSI advances U.S. based investigations through coordination with foreign counterparts; disrupts transnational criminal organizations before they bring illicit products, people, and proceeds into or out of the U.S.; and builds international partnerships and increases foreign capacity through outreach and training.

HSI PROTECTS & ENSURES

By targeting transnational threats, both at home and abroad, HSI protects and ensures:



HSI INVESTIGATES

HSI enforces a diverse portfolio of federal laws, more than any other federal agency. HSI is responsible for investigating violations of U.S. customs and immigration laws pertaining to border security, homeland security, and public safety—all of HSI's mission sets have a nexus to those three areas.



STRATEGIC MISSION PRIORITIES

Homeland Security/ Counter-Terrorism	Child Exploitation/ Cybercrimes	Human Trafficking/ Human Smuggling	Transnational Gangs/ Narcotics
<p>To protect the homeland from terrorists who seek to do harm to the U.S.</p> <p>HSI's unique combination of law enforcement authorities enables HSI to target the people, money, and materials that support terrorist activities and to identify and prevent systemic vulnerabilities in the nation's border, financial, trade, and transportation systems.</p> <p>HSI is the largest contributor of federal task force agents to the FBI's Joint Terrorism Task Forces (JTTFs), with more than 300 special agents assigned to more than 100 JTTFs nationwide.</p> <p>2.2 million visa applications were screened in FY 2016, and 8,599 were refused based on terrorist connections or derogatory information</p> <p>Of the 209 JTTF disruptions of terrorist activity in the U.S., 39% were achieved using HSI's authorities (FY 2016)</p> <p>HSI is the only federal agency with the full range of investigative and border-related authorities to investigate and enforce all U.S. export laws related to military items, sensitive dual-use commodities, and sanctioned or embargoed countries.</p> <p>2,203 seizures for violations of various U.S. export laws and regulations in FY 2016</p> <p>HSI specifically targets the trafficking or illegal export of materials used to manufacture weapons of mass destruction, chemical, biological, radiological, and nuclear materials, military equipment and technology, controlled dual-use commodities and technology, and firearms and ammunition.</p> <p>Impact: </p>	<p>To combat criminal activity conducted on or facilitated by the internet—transitioning from the physical to virtual world.</p> <p>HSI has established itself as a world leader in online child exploitation investigations due to the wide range of its authorities and presence throughout the world.</p> <p>HSI protects children from sexual predators through the disruption and dismantlement of individuals and groups involved in the possession, receipt, distribution, transportation, advertisement, and production of child pornography; and travel in foreign commerce and engaging in illicit sexual conduct with minors.</p> <p>820 sexually exploited children identified and/or rescued in FY 2016</p> <p>HSI's cyber related investigations focus on the transnational criminal organizations that use cyber capabilities to further their criminal enterprise.</p> <p>HSI focuses on cyber economic crimes that affect international commerce, online theft of intellectual property, personally identifiable information, and export controlled data; cyber-enabled crimes including illicit underground marketplaces, identity theft and document fraud, and other crimes.</p> <p>6.3 petabytes total data examined by HSI in FY 2016 - The equivalent of: approx. 81 years of high definition video play</p> <p>Impact: </p>	<p>To identify transnational criminal organizations engaged in human trafficking and human smuggling, and investigate the groups that pose the greatest risk to the U.S.</p> <p>HSI is the lead federal agency with the full range of investigative and border-related authorities to investigate human trafficking and human smuggling.</p> <p>Human Trafficking: sex trafficking in which a commercial sex act is induced by force, fraud or coercion; or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud, or coercion.</p> <p>Human Smuggling: importation of people into the U.S. involving deliberate evasion of immigration laws.</p> <p>435 victims of human trafficking identified in FY 2016</p> <p>2,110 cases initiated for human smuggling in FY 2016</p> <p>HSI's worksite enforcement and identity and benefit fraud programs further support HSI's efforts to prevent human trafficking and human smuggling.</p> <p>In many instances, worksite enforcement cases reveal a host of other crimes, such as human smuggling or harboring, forced labor trafficking, document fraud, identity theft, money laundering, and wage and labor violations.</p> <p>Identity and benefit fraud are elements of many immigration-related crimes, such as human smuggling and human trafficking, critical infrastructure protection, worksite enforcement, visa compliance enforcement, and investigations involving the security of the homeland.</p> <p>Impact: </p>	<p>To enhance public safety through investigations of dangerous transnational gangs and narcotics.</p> <p>HSI prioritizes transnational criminal organizations that exploit U.S. borders, DHS trusted traveler programs, DHS insider threats, and other border vulnerabilities such as tunnels.</p> <p>HSI's unique dual federal authorities, both criminal and administrative, have made HSI a leader in criminal investigations targeting transnational street gangs, prison gangs, and outlaw motorcycle gangs that pose a threat to the public safety and homeland security.</p> <p>4,606 transnational gang members criminally arrested in FY 2016</p> <p>HSI's narcotics enforcement investigations focus on border violators and the transnational criminal organizations they support.</p> <p>11,846 narcotics related criminal arrests in FY 2016</p> <p>1.5 million pounds of narcotics seized in FY 2016</p> <p>HSI's Border Enforcement Security Task Forces (BESTs) play a key role in the government's efforts to enhance border security.</p> <p>HSI leads 42 BESTs throughout the United States; these task forces are comprised of members from HSI, U.S. Customs and Border Protection, as well as other federal, state, local, tribal, and international law enforcement officials.</p> <p>3,624 BEST related criminal arrests in FY 2016</p> <p>Impact: </p>

Every criminal case HSI investigates, regardless of category, **has a financial nexus.** HSI seeks to identify not only the illicit proceeds of crime but also target the financial networks and third-party facilitators hiding the illegal proceeds.



\$473 MILLION

Illicit currency and assets seized in FY 2016 — to include cash, stocks, bank accounts, planes, vehicles, homes, boats, etc.



Australian Border Enforcement of Intellectual Property Rights

Notice of Objection

- Lodged by IP rights owners or authorised users
- Legal document enabling the Australian Border Force to seize suspected infringing goods
- Separate notice for each trademark, copyright, protected Olympic expression
- Valid for four years
- No application fee (seizure costs borne by intellectual property rights owners)
- Can be re-lodged or withdrawn at any time
- Infringement action initiated by the rights owner in the courts.

IP Database

- The Australian Border Force manages and maintains an IP database for use by officers
- Separately, a list of companies with a Notice of Objection in place is available on our website: www.homeaffairs.gov.au.

Enforcement Framework

- The Australian Border Force is responsible for the detection and seizure of imported counterfeit goods at the Australian border
- Intellectual property rights are enforced through domestic legislation
- The Australian Border Force enforces these rights at the border.

Industry Assistance

- Intelligence
 - Known offenders
 - International suppliers
- Provision of information for IP Database
- Assistance to officers making seizures.

Intelligence

- The Australian Border Force collects, analyses and disseminates intelligence
- The detection of infringing goods is determined through a risk-based, intelligence-led approach to cargo assessment.

Questions?

For further information: www.homeaffairs.gov.au

Seizure Results

- Seizure results from the financial year 2016-17 demonstrate clear trends in the types of goods coming into Australia
 - Over 960,000 items seized with an estimated value of more than \$19m
- Infringing goods arrived in Australia via three key routes:
 - 44% Commercial air freight
 - 34% Mail centres
 - 20% Commercial sea freight
- Common goods seized include textiles, small electronic appliances, mobile phones, food and beverages and other items deemed a risk to health and safety, such as car parts.



I. Brief Introduction



IPR PROTECTION
V.S.
EXPEDITE CLEARANCE

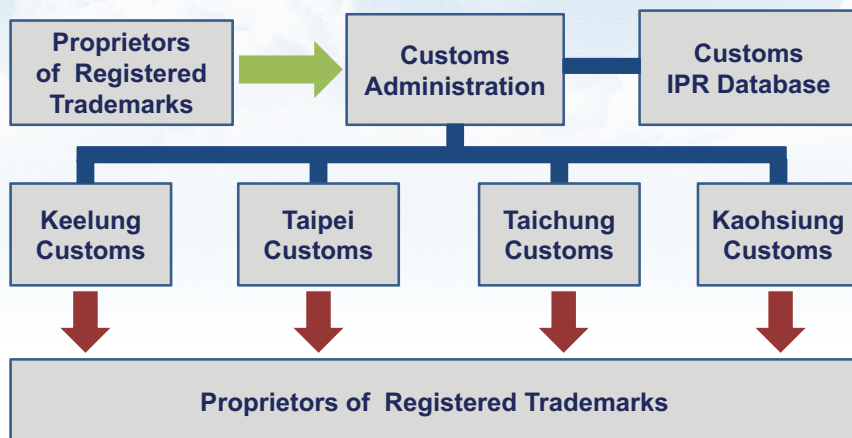
The Practice of Trademark
Protection
at
Border Enforcement Level
Chinese Taipei

Customs Administration, Ministry of Finance
Chinese Taipei
February 2018

II. Advice Protection



What is advice protection?



Contents



- I. Brief Introduction
- II. Advice Protection – Benefit and Status
- III. Customs Procedure of IPR Protection
- IV. Notable Seizures
- V. Conclusions



IV. Notable Seizures

FAKE BURBERRY UTENSIL BAG



- **DATE:** 07 November 2017
- **LOCATION:** Keelung Port
- **QUANTITY:** 4,110 PCE
- **APPROXIMATE VALUE:** 283,000 USD
- **CONTACT INFORMATION:** Customs Database

II. Advice Protection

■ **Benefit**

Swift protection of the legitimate rights of trademark owners

■ **Duration**

From the date of approval to the expiry of the period of the trademark right (maximum 10 years)

■ **Status of Customs Database**

1. More than 900 applications for advice or extension approved in 2017.
2. More than 800 entries in our database, including some of the most prestigious brands in the world

IV. Notable Seizures

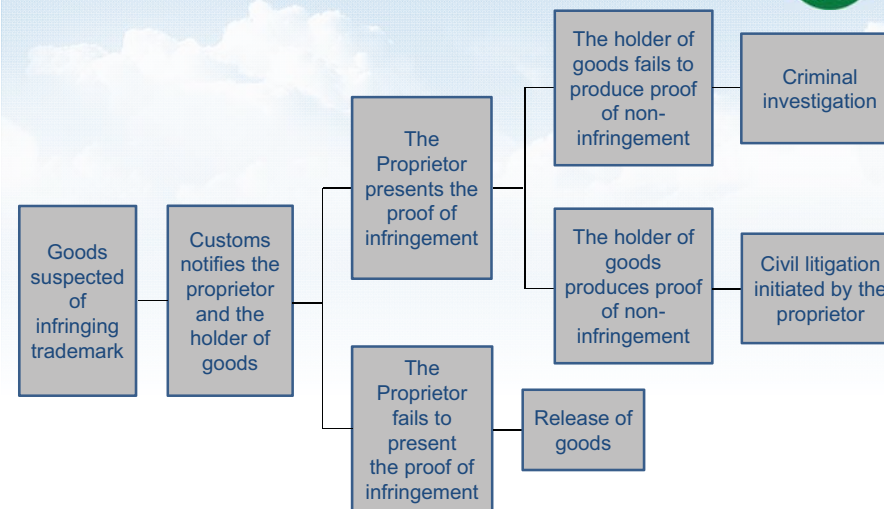
FAKE BURBERRY UTENSIL BAG



RISK FACTORS:

- ▶ **Unusual assortment of goods in one declaration (e.g. ranging from USB cable to rug)**
- ▶ **Ambiguous description of the goods**
- ▶ **Goods were shipped from high risk area**
- ▶ **Suspicious product category**

III. Customs Procedure for IPR Protection



IV. Notable Seizures



FAKE iPhone CASE & LOGO

iPhone 



Chinese Taipei, APEC 2018

IV. Notable Seizures



FAKE iPhone CASE & LOGO

iPhone 

- DATE: 12 October 2017
- LOCATION: Kaohsiung Port (Bonded Area)
- QUANTITY: 7,720 PCE (Case); 7,666 PCE (Logo)
- APPROXIMATE VALUE: 6.25 Million USD
- CONTACT INFORMATION: Customs Database



Chinese Taipei, APEC 2018

IV. Notable Seizures



FAKE CASIO WATCH

CASIO  



- DATE: 23 August 2017
- LOCATION: Taipei International Air Port
- QUANTITY: 390 PCE
- APPROXIMATE VALUE: 736,600 USD
- CONTACT INFORMATION: Customs Database



Chinese Taipei, APEC 2018

IV. Notable Seizures



FAKE iPhone CASE & LOGO

iPhone 

RISK FACTORS:

- ▶ Unusual shipping route: HKC → CT(Bonded Area) → PRC
- ▶ Suspicious assortment of goods in one declaration (ranging from cosmetics to mobile parts)
- ▶ Goods were shipped from and exported to high risk areas
- ▶ Inconsistent declaration in brand names

Chinese Taipei, APEC 2018



Thank You

Website: <http://web.customs.gov.tw>
E-mail: 009696@customs.gov.tw



IV. Notable Seizures

FAKE CASIO WATCH



RISK FACTORS:

- ▶ Peculiar packaging (Sacks were wrapped with red tape)
- ▶ Nearly 400 watches went to the same individual
- ▶ The recipient was not CASIO CO., LTD in Chinese Taipei
- ▶ Imported from high risk area

V. Conclusions



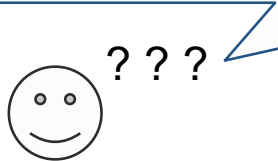
- Stemming counterfeit goods at the border is of paramount importance to the protection of IPR.
- Chinese Taipei is committed to fighting counterfeit goods in the hope of upholding the legitimate rights of trademark owners and consumers.



Why Human Resources Development?

Customs Law & regulations

How should we take procedures for enforcement by Customs?



Human Resources Development

Yuta TAKAMIYA
Customs and Tariff Bureau
Ministry of Finance
Japan Customs



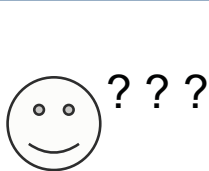
Why Human Resources Development?

IPR laws
Patent Law,
Trademark Law,
Copyright Law,
etc.

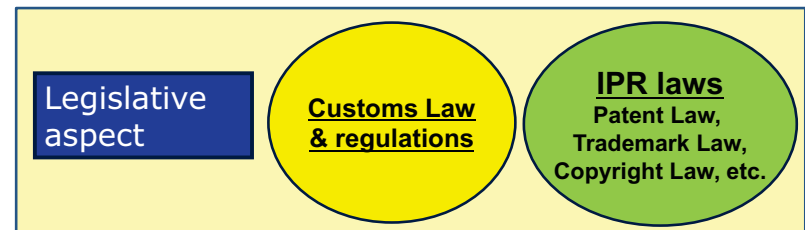
What is IPR infringement?
What is trademark infringement?

What are functions of trademarks?

How should Customs decide an infringement?



What kind of knowledge and techniques are necessary for IPR border enforcement?



Why Human Resources Development?

What is the differences between counterfeit and genuine goods?

Technical knowledge,
Merchandise knowledge,
Trend, etc.

How can I target suspected goods?



Description on shipping Documents, Packing, etc.



???



Information on Importer, Best Practices, etc.

Application

Training Organizers and Lecturers

• Organizer

- CTI (Customs Training Institute, Ministry of Finance)
- Customs
- University(Intellectual Properties course)
- Others (Japan Patent Office, etc.)



• Lecturer

- Customs officials (experienced in the IPR field)
- Lawyers, Patent attorneys, Scholars
- Officials from other administrative agencies
- Right holders

Who needs training?

Customs officials



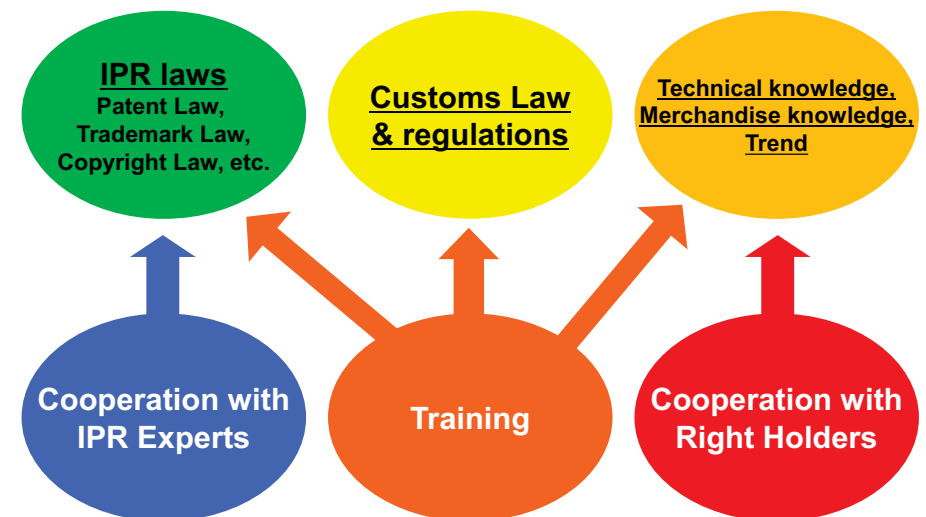
Frontline officers (Inspectors, Investigators)



IPR specialists



Approach



Advanced Training

- Day-to-day business of the IPR National Center
- IPR laws, Civil Law, Civil Suit Law, etc.
- Court cases on IPR
- Case studies
- Private Sector's Strategies for IPR Protection

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Who needs training?

Customs officials



Frontline officers (Inspectors, Investigators)



Officials who need basic knowledge

IPR specialists



Officials who need basic and specialized knowledge

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On the Job Training in IPR National Center

Short-Term OJT

- For **2 weeks**
- **Lectures** on essential knowledge of IPR by experienced officers
- Focus on **experiencing daily work** with IPR Center staff
- around **4** persons per year

Long-Term OJT

- For **1 year**
- **Conduct daily work** as one of the IPR center staff
- Focus on **training future core members of IPR section** in each regional Customs
- **2** persons per year

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Basic Training

- Customs Law
- Border Enforcement on IPR
- What is IPR?
- What is IPR Infringement?
- How to distinguish IPR infringing goods

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Product Identification Training (In-House Training)
— cooperation with right holders —



- **Identification Techniques** +
- The damage caused by infringing goods
- Seizure cases
- Latest trend

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Thank you for your attention



Japan Custom's official character
"Custom-kun"

For more information,

<http://www.customs.go.jp/english/index.htm>

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BACKGROUND

In 2011 the jury found Cone guilty on 16 counts, and sentenced Cone to 60 months imprisonment, three years supervised release, fines and restitution

Cone appealed her convictions to the Fourth Circuit, challenging mostly whether material alteration of a trademarked product amounted to Trafficking in Counterfeit Goods and Labels under 18 USC §2320.

This case study summarizes the initial investigation, trial in the Fourth Circuit, and ultimate outcome of the criminal charges against Cone and Cone's family

US v. Cone represents effective, and essential, intra-agency collaboration between CBP, HSI and the DOJ in enforcing US intellectual property laws

US v. Cone

A CASE STUDY ON INTER-AGENCY COLLABORATION

Nature of the Criminal Enterprise

While living and working in the United States, Zhao and Cone formed JDC Networking, Inc. ("JDC"), a licensed distributor of products made by and for Cisco.

JDC conducted frequent business with a company known as Han Tong Technology ("Han Tong"), a Hong Kong-based business alleged to be operated by members of Zhao's family.

As a Cisco "registered partner," JDC was contractually prohibited from purchasing Cisco products for resale from outside of the United States.

From 2004 through 2010, JDC imported over 200 shipments from Han Tong and companies associated with Han Tong in China containing both genuine Cisco products and fake imitations.

BACKGROUND

From 2004 to 2010, an individual, Cone, and members of Cone's family, were involved in a conspiracy to import both genuine and counterfeit Cisco Systems products from China for resale in the United States.

U.S. Customs and Border Protection first became aware of Cone's illegal importation activities and Immigration and Customs Enforcement, Homeland Security Investigations, investigated the crimes.

The investigation led to Cone's arrest and a multi-count indictment related mostly to improper importation and the trafficking of counterfeit goods

However, during the course of the investigation many other crimes came to light

The U.S. Department of Justice prosecuted these individuals in the Eastern District of Virginia



Detection by CBP

In 2005 and 2006, while Zhao and Cone were living in Maryland, U.S. Customs and Border Protection ("CBP") agents began intercepting and seizing shipments of highly sophisticated counterfeit computer networking products sent from Han Tong to "Lucy" and "Donald," at addresses in Rockville, Maryland.

During this time CBP was effectuating many seizures of "refurbished," altered, or purely non-genuine Cisco brand switches, as there was and continues to be a thriving market in the US for used Cisco multi-port routers and switches in the IT hardware industry

Under US law, certain requirements must be met if used, altered and/or refurbished merchandise is to retain its original trademark and not run afoul of US trademark law

In evaluating admissibility of refurbished goods, the legal **burden shifts** to the importer to provided evidence to CBP that:

1. The merchandise was originally authorized to bear the trademark(s) in question;
2. The products were refurbished and/or repaired merely to restore the goods to its original condition, and such work did not result in the creation of a new or different product; and
3. Retention of the trademark on the article would not create a likelihood of confusion.

US Trademark Law

Generally, it is not a violation of U.S. trademark law to refurbish or recondition goods bearing the original manufacturer's trademark, so long as certain conditions are met.

The "first-sale" or "exhaustion doctrine," which holds that the trademark protections of the Lanham Act are exhausted after the trademark owner's first authorized sale of that product, is generally not applicable in the context of refurbished goods.

Legal precedent: *Champion Spark Plug Co., Nitro Leisure, Karl-Storz*

CBP Enforcement Procedure

Suspect merchandise detained under 19 CFR 133.21 for bearing a potentially counterfeit mark

With “used” or “altered” products the burden of proof shifts to the importer to provide evidence to CBP

But: CBP must still establish **probable cause** to seize if importer fails to meet their burden

Consultation with Cisco in this context was a necessity; articles very difficult to authenticate; Cisco engineers look to build standard among other hidden authentication features

Suspect mark would be considered *spurious* and therefore “counterfeit” under US trademark law if it is found to be impermissibly retained on the altered article

Products at Issue: Cisco Switches



CBP Enforcement Dries Up

After many CBP seizures of Cisco product imported by Cone in 2005-2006, importation suddenly stops

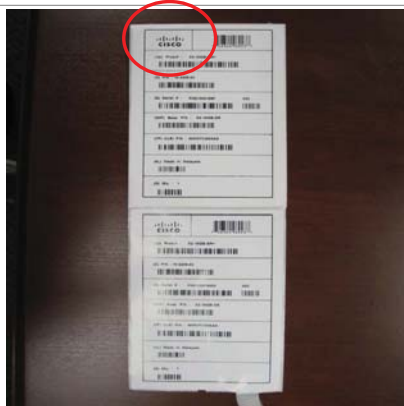
CBP later determined that Cone’s shipments were evading their targeting by:

- declaring a very low value for the goods
- entering goods under informal entries
- using variant spellings of the destination address
- using names of different entities as the exporter and importer

Impermissibly Refurbished/Altered Routers



Counterfeit Labels from Controlled Delivery



Four Years Later

In 2010, four pieces of "highly sophisticated, very expensive" counterfeit networking technology ("routers") bearing Cisco marks were **seized** by CBP upon entry from China into the United States, bound for a Parcel Plus retail storefront in Northern Virginia and with an estimated value of thousands of dollars per piece of equipment.

CBP agents compared the attributes of this shipment with those in the 2005-06 investigation and concluded that the 2010 shipments were similar and likely related to the same counterfeiting scheme.

Transitioning from civil enforcement, CBP turns over the matter to HSI for criminal enforcement



Beginning of Criminal Investigation

U.S. Immigration and Customs Enforcement, Homeland Security Investigation (HSI) received an initial lead from CBP relating to the seizures of counterfeit Cisco computer networking equipment over a span of 5 years imported from China destined to numerous addresses linked to JDC.

CBP also seized 312 Counterfeit Cisco Labels from the same importer

HSI conducted a **controlled delivery** of labels to JDC in Centerville, Maryland, resulting in a Search Warrant of Chun Yu ZHAO's (Owner and Operator of JDC) residence.

Search Warrant Photos - Residence



HSI Investigation of JDC Networking

The search resulted in the seizure of over 300 pieces of counterfeit Cisco components, additional counterfeit Cisco labels, over \$33,000 USD, luxury jewelry, computers and various media and the probable cause arrest of ZHAO for violations of 18 U.S.C. §2320 – Trafficking in Counterfeit Goods

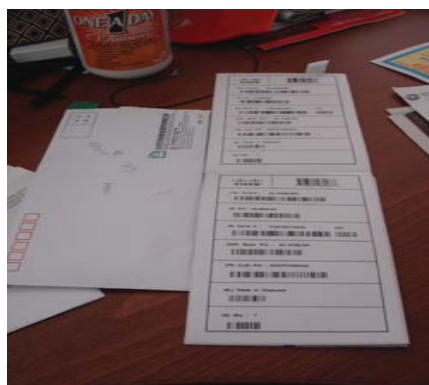
Within days of the controlled delivery and arrest of ZHAO, HSI obtained and executed numerous search and seizure warrants resulting in the seizure of \$1,658,567.47 contained within eleven bank accounts, a 2011 Porsche Cayenne with no lien, a 2008 Porsche Boxster with no lien, a 2005 Mercedes Benz E320 with no lien, and various evidence contained within two bank safe deposit boxes.

Initial Indictment/Criminal Charges

- 5 counts against Chun Yu ZHAO:
 - Trafficking in Counterfeit Goods
 - Trafficking in Counterfeit Labels
 - False Statements to Federal Law Enforcement
 - Money Laundering
 - Immigration Fraud

During the period of the conspiracy (June 2004 – July 2010) over 200 CBP importations

Investigation revealed there were **federal government end-users** for these counterfeit products, which included switches and routers and identified Chun-Yu ZHAO, Donald CONE (Ex American Husband), Junling YANG (Ex Chinese Husband) and Chun-Yan ZHAO (Sister) as involved in the conspiracy.





Consent Search of Storage Unit



Litigation in the 4th Circuit Court of Appeals



The Criminal Actors



Issue on Appeal: Is “material alteration” counterfeiting as defined in 18 USC §2320

In US law, definitions in criminal statutes are often construed more narrowly than those in civil law due to the personal involvement of a defendant, and the necessity that the court evaluate the defendant’s mental state

The civil statutes that CBP uses to seize merchandise that violates intellectual property are “strict liability” in that the **intent** of the importer/defendant is not required to prove a violation

Thus, the definitions in §2320 will be construed narrowly, and the intent of the individual will need to be proven

Rather than in civil enforcement, where the trademark violation is *in rem* v. §2320 will look to both an *in rem* and *in personam* violation

Superseding Indictment

29 counts against 4 co-conspirators above:

- Conspiracy of Importation and Sale of Improperly Declared Goods
- Conspiracy of Trafficking in Counterfeit Goods and Labels
- Conspiracy to Commit Wire Fraud
- Importation and Sale of Improperly Declared Goods
- Trafficking in Counterfeit Goods and Labels
- False Statements to Law Enforcement
- Wire Fraud
- False Statements in Naturalization
- Money Laundering
- Monetary Transaction with Criminally Derived Proceeds

RESULT OF TRADEMARK CLAIMS

"Pure counterfeit" products, such as the labels found in Cone's home, are clearly violative articles that are subject to seizure under 18 U.S.C. §2320

"Refurbished/materially altered" product that retain the original manufacturer's trademark are not considered "counterfeits" within the scope of the criminal statute

"Mismarked" Cisco products from China relabeled and mislabeled with new serial numbers to deceive customers into believing that the products were eligible for Cisco warranty and services in the US are not considered "counterfeits" within the scope of §2320

Brand Owner Testimony at Trial

Cisco engineer testified that the four routers seized by CBP in 2010 each contained a unique Cisco "MAC address," but that the MAC addresses found on the routers were actually assigned to other Cisco products

Thus, Cisco was able to establish that the four routers were not actually manufactured by Cisco

The court considered the brand owner the ultimate authority as to the authenticity of the merchandise

Without the brand owner's support of CBP's initial seizures, and their involvement in the trial, the U.S. government's case could not have gone forward

Language on Civil v. Criminal Liability

"[b]ecause of the similarity between the definition [of counterfeit] in the [civil trademark statute] and the [§ 2320](#) definition of 'counterfeit mark,' we find the [civil] counterfeiting cases helpful to our analysis of criminal counterfeiting cases brought under [§ 2320\(a\)](#)."

However, "it does not necessarily follow that we import every aspect of civil counterfeiting jurisprudence into the criminal counterfeiting context;" the standard may 'be construed more narrowly in a criminal context than in a civil context."

Three Types of Products at Issue

"Pure counterfeits:" products represented to be Cisco products but in fact were never made by or for Cisco.

"Refurbished/materially altered:" products acquired from legitimate Cisco resellers converted into a different, higher quality models and represented to buyers as the original for resale at below market price

"Mismarked:" genuine Cisco products from China relabeled and mislabeled with new serial numbers to deceive customers into believing that the products were eligible for Cisco warranty and services in the US

Certification Marks

SIMPLY DISCLOSING THAT AN ITEM IS "REPAIRED" DOES NOT SIMILARLY INFORM A CONSUMER THAT THE **REPAIR PROCESS** HAS NOT BEEN RE-AUDITED BY THE HOLDER OF THE CERTIFICATION MARK IT BEARS.

CHAMPION DOES NOT PROTECT THE USE OF AN ORIGINAL **CERTIFICATION MARK** ON A REFURBISHED—OR REPAIRED PRODUCT FROM A CHARGE OF TRADEMARK INFRINGEMENT, UNLESS THE IMPORTED PRODUCT HAS BEEN RE-EVALUATED BY THE RIGHT HOLDER OF THE CERTIFICATION MARK.

Final Criminal Convictions

- Chun Yu ZHAO – Chinese national and naturalized US Citizen
 - ✓ Convicted of 17 various counts
 - ✓ Forfeiture in excess of \$4.3 million
 - ✓ \$1.6 million in bank accounts, 7 real properties, 3 luxury vehicles
 - ✓ 60 months (5 yrs) federal confinement, 3 years supervised release
 - ✓ De-Naturalization of U.S. Citizenship
 - ✓ Restitution of \$2.7 million to Cisco Systems
- Donald CONE – US Citizen
 - ✓ Convicted of 2 counts of Conspiracy to Import and Conspiracy to Traffick
 - ✓ 30 months (2 ½ yrs) federal confinement
 - ✓ Restitution \$148,000
- Junling YANG – Chinese National
 - ✓ Remains at large with active Interpol Red Notice
- Chun Yan ZHAO – Chinese National
 - ✓ Remains at large with active Interpol Red Notice



FINAL THOUGHTS/LESSONS CBP Context

In the IP arena, sometimes pursuing a trademark case through civil enforcement is more likely to result in a seizure, thereby taking the goods out of the stream of commerce

Now, we seize refurbished goods based on their certification marks as the first line of attack, rather than going through a refurbished goods analysis

FINAL THOUGHTS/LESSONS HSI Context

On all border enforcement and IP issues, close coordination with frontline officers is imperative

On criminal investigations, don't rule out other violations that occur in conjunction with IP violations. Money laundering and customs violations exist in almost all transnational crime

FINAL THOUGHTS/LESSONS DOJ Context

What effect does the ruling have on CBP's enforcement efforts in regards to such merchandise going forward?

Are any other legal decision in conflict with the 4th Circuits holding regarding whether "material alteration" constitutes "counterfeiting" within the meaning of 18 U.S.C. §2320?

Does the U.S. government have any recourse to challenge the Circuit Court's determination?

Was the 4th Circuit's ruling on "Material Alteration" correct?