



Asia-Pacific Economic Cooperation

BLUEPRINT

APEC Sub-Committee on Customs Procedures (SCCP)

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FOREWORD

A ccording to the World Economic Outlook released by the International Monetary Fund in October 2009, after a deep global recession, economic growth has turned positive but the recovery is expected to be slow. It is during such difficult times that it becomes even more imperative for Customs administrations to play a proactive role in helping to ease the burden of businesses by being as facilitative as possible without compromising trade security and compliance.

The Sub-Committee on Customs Procedures (SCCP) has been working to address the priorities identified by our Leaders, Ministers and Senior Officials to accelerate regional economic integration towards achieving the Bogor Goals. Under the Regional Economic Integration Agenda Multi-Year Work Plan, the priorities for 2009 are:

- Accelerating Trade & Investment Liberalisation "at the border"

 A. Making rules of origin more business-friendly
 B. Identifying possible vehicles for the Free Trade Agreement of Asia Pacific (FTAAP)
 - B. Identifying possible vehicles for the Free Trade Agreement of Asia Pacific (FTAAP) C. Deepening analysis on FTAAP
- 2. Improving the Business Environment "behind the border"
- 3. Enhancing Physical Connectivity "across the border"

The SCCP has been instructed by the Senior Officials, through the Committee on Trade & Investment (CTI), to act on Priority 1A and Priority 3 through the following tasks:

- Working together with the Market Access Group (MAG) to address business difficulties relating to rules of origin by streamlining the relevant documentation and procedures.
- Reducing trade transaction costs by implementing APEC's Second Trade Facilitation Action Plan (TFAP II) – addressing in particular collective actions on customs procedures.
- Reporting on Key Performance Indicators to measure the progress of collective actions/pathfinders in TFAP II.
- Advancing the single window initiative that will provide a strategic direction and common understanding for single windows in APEC member economies.
- Commencing work on Trade Logistics (Supply Chain Connectivity Initiative).

In this light, the SCCP in 2009 has focused our efforts on the following:

- Contributing to making rules of origin more business friendly.
- Continuing the implementation of TFAP II in areas related to customs.
- Advancing single window implementation in the region.
- Progressing the implementation of the APEC Framework for Secure Trade.
- Strengthening collaboration with the Intellectual Property Rights Experts' Group (IPEG).
- Furthering the implementation of the SCCP Collective Action Plans.
- Building capacity to simplify and modernise customs procedures.

Through the above, we anticipate that businesses will continue to benefit from the facilitative measures put in place by APEC Customs administrations.

I would like to thank member economies, particularly the Friends of the Chair, for their strong support and advice during Singapore's Chairmanship of the SCCP in 2009. The positive outcomes highlighted in this Blueprint would not have been possible without their contributions.

Loh Fook Meng 2009 SCCP Chair

ABOUT THE SCCP

The SCCP, reporting to the CTI, was established in 1994. Guided by the SCCP Guiding Principles endorsed in February 1995 in Fukuoka, Japan, the SCCP's main objectives are to simplify and harmonise regional customs procedures to ensure efficient, effective and safe movement of goods and services through the region, and to reconcile and facilitate border control.

SCCP Guiding Principles

Facilitation: While ensuring proper enforcement of customs laws and regulations, APEC Customs administrations should strive to improve facilitation of customs clearance procedures.

Accountability: Customs administrations should be accountable for their actions through a transparent and easily accessible process of administration and/or judicial review.

Consistency: Customs laws, regulations, administrative guidelines and procedures should be applied in a uniform manner within each economy.

Transparency: Customs laws, regulations, administrative guidelines and procedures should be made publicly available in a prompt and easily accessible manner.

Simplification: Customs laws, regulations, administrative guidelines and procedures should be simplified to the extent possible that customs clearance can proceed without undue burdens.



TRADEFACILITATION

- The Second Trade Facilitation Action Plan (TFAP II)
- Single Window
- Global Economic Crisis
- Public-Private Partnership
- Time Release Survey
- Border Management



The Second Trade Facilitation Action Plan (TFAP II)



TFAP II aims for a further 5-percent reduction in trade transaction costs by 2010, following on the success of the initial, similar plan in 2006. A t the 2006 APEC Ministerial Meeting, the APEC Ministers concluded that APEC had met the 2001 Shanghai target of a five-percent reduction in trade transaction costs by 2006. As the next phase of trade facilitation work in APEC, they instructed officials to develop a detailed action plan to achieve a further five-percent reduction in trade transaction costs by 2010. The Second Trade Facilitation Action Plan or TFAP II was thus endorsed by the APEC Trade Ministers at their annual Meeting in July 2007.

Compared to the first action plan, TFAP II has a more concise list of collective actions on customs procedures that member economies have been focusing on to provide tangible trade facilitation benefits to businesses.

TFAP II Menu of Actions and Measures: Customs Procedures

1. Time-Release Survey (TRS)

Objective : To conduct self-evaluation of trade facilitation, find bottlenecks in the customs related procedures and to improve them

Actions :

- Development of methodology to measure the time required to release goods.
- Successful undertaking of the measurement of the time required to release goods.
- Identification of bottlenecks and areas for improvement in customs related procedures.
- Development and implementation of strategies to address identified bottlenecks and problems.
- Establishment of a process within the organisation for ongoing assessment of cargo release times on a continuous/regular basis.
- 2. Implement APEC Framework based on the WCO Framework of Standards

Objective : To secure and facilitate the global trade in the APEC region *Actions* :

- Harmonise the advance electronic cargo information requirements on inbound, outbound and in-transit shipments.
- Receive advance electronic information in order for Customs administrations to identify high-risk shipments and facilitate low-risk shipments as early as possible in the supply chain.
- Develop and adopt advanced risk management methodology, such as systematic cargo profiling techniques, and/or a computerised risk management system to identify high-risk shipments and minimise physical examination of low-risk shipments.
- Perform an outbound inspection of high-risk containers and cargo, preferably using non-intrusive detection equipment such as large-scale X-ray machines and radiation detectors.
- Create and implement an Authorised Economic Operators (AEO) programme which provides benefits to businesses that meet certain security standards to maximise security and facilitation of the international trade supply chain.



3. Simplification and Harmonisation on the Basis of the Revised Kyoto Convention

Objective : To improve efficiency in customs clearance and the delivery of goods in order to benefit importers, exporters and manufacturers through simplified and harmonised customs procedures and best practices

Actions :

- Adopt and fully implement the Body and General Annex of the Revised Kyoto Convention and, to the extent possible, the Specific Annexes.
- Provide expeditious clearance for traders who meet the criteria specified by Customs.
- Establish an effective advance ruling process, such as an advance classification ruling system, with an office responsible for providing advance rulings that are binding at the time of import. Rules, guidelines, and procedures employed by these offices for advanced rulings should be transparent and operational. The ruling process should include specific time limits for rulings and an opportunity to appeal those rulings. Rulings could include: a) classification of goods; b) determinations of value; c) marking and labeling; d) quotas; and e) any other admissibility requirement.
- Establish a surety bond system to allow for entry of goods with payment of duties to be delayed and identify financial institutions that will underwrite surety bonds for international trade (similar to the ATA Carnet system of the International Chamber of Commerce but expanded to include all goods entry).

4. Paperless and/or Automation of Trade-related Procedures

Objective : To reduce paper documents for traderelated procedures and automate/computerise traderelated procedures

Actions :

- Establish national single windows consistent with the outcomes of the 2007 APEC Single Window Initiative that use internationally endorsed standards and build on international developments including the ASEAN Single Window.
- Simplify procedures and reduce the requirements for paper documentation in customs clearance.
- Ensure measures to replace paper documents for cross-border trade administration with electronic equivalents that are media and technology neutral, secure and interoperable with and between all parties involved in the international supply chain of goods and services.
- Adopt standardised and simplified common data elements and formats in accordance with the WCO data model.

5. Harmonisation of Tariff Structure with the HS Convention

Objective : To ensure consistency of application, certainty and a level playing field for business through the HS Convention of the WCO, the standard international harmonisation system for the classification of goods

Actions :

• Fully implement the HS Convention and incorporate the HS 2007 changes.



- Adopt laws/regulations to provide binding tariff classification to importers and ensure consistent and uniform application of the HS, by providing the WCO HS Explanatory Notes in local languages to relevant parties including front line customs officers.
- Build capacity of customs laboratories and officials in charge of classification.

6. Appropriate, Transparent and Predictable Trade-related Procedures

Objective : To realise appropriate, transparent and predictable trade procedures through consistent and non-discriminatory application and implementation of trade-related laws and regulations

Actions :

- Enhance capacity and integrity of customs officials.
- Implement customs and other trade-related laws/regulations in a consistent and uniform manner across the economy and avoid any inappropriate exercise of discretion by customs and other trade-related administration officers.
- Prevent the delay in the issuance of trade-related documents and procedures under Customs purview for cross-border flow of goods and for reimbursement of customs duties and taxes.

Key Performance Indicators (KPI)

In order to measure the progress of TFAP II, the CTI has instructed its sub-fora, including the SCCP, to develop quantifiable KPIs for their respective sections which could be used in the measurement of reduction in trade transaction costs. In 2008, the SCCP established one KPI for each of the six areas identified.

In 2009, the consultants engaged by the APEC Policy Support Unit (PSU) conducted an interim assessment of TFAP II progress and proposed a definition of trade transaction costs which was endorsed by the CTI. The endorsed definition confines trade transaction costs to those directly imposed by or largely influenced by governments, and it:

- explicitly includes time costs;
- excludes the costs governments directly impose on international trade associated with tariffs and non-tariff barriers (NTBs) as these fall within the trade liberalisation focus of APEC;
- explicitly includes the costs of the port and inland transportation links in the international logistics chain; and
- excludes wholesale and distribution costs as they are common to both domestic and international commerce.

In addition, the consultants reviewed the existing KPIs and recommended new KPIs for sub-fora's consideration to better measure the additional five-percent reduction in trade transaction costs to be achieved under TFAP II.

Following a constructive discussion with the consultants over the recommended KPIs at SCCP 2, the SCCP has continued discussions inter-sessionally among member economies and with the consultants, with a view to fine-tuning the KPIs for submission to the CTI for reporting to the Ministers in November 2009.

Single Window



The SCCP continues to encourage the adoption and use of single window among its members, in view of its crucial role in facilitating trade. n 2007, the SCCP's Single Window Working Group (SWWG) chaired by Australia produced the Single Window Strategic Plan and the Single Window Development Report. The APEC Ministers, in their annual statements in 2007 and 2008, acknowledged the importance and usefulness of single windows to businesses, and agreed to accelerate work towards implementing 'international trade "Single Windows" across APEC'. Australia continued to lead the work of the SWWG in 2008-2009 (Phase 2).

Capacity Building Activities in 2009

As part of the SCCP Single Window work programme, a number of capacity building workshops and seminars were held to assist member economies in the implementation of single windows. A three-part capacity building workshop series commenced in October 2008 with the first workshop funded by Chinese Taipei. The workshop provided information on single window related standards and instruments, best practice experience sharing on data harmonisation policy, and the single window system as a whole-of-government initiative. A total of 23 participants from 15 member economies attended the workshop.

The second workshop was held in Canberra, Australia from 2-7 February 2009. It provided a practical training course on the Unified Modelling Language and UN/CEFACT Modelling Methodology. This was supplemented with single window related topics such as design of single window architecture, mechanism of coordinating information exchange and security, United Nations Trade Data Element Directory (UNTDED) and UN Layout Key. A total of 23 participants from 10 member economies attended the workshop.

The third workshop, led by Canada in their capacity as leader of the Common Data Elements Collective Action Plan, was held in Singapore from 1-4 April 2009. The purpose of this workshop was to provide participants with practical mapping exercises to the World Customs Organization (WCO) Data Model. In addition, there was also information sharing on the WCO Unique Consignment Reference (UCR) by Korea and ASEAN's progress on data harmonisation and single window by the Philippines. A total of 38 participants from 15 member economies attended the workshop.

Engagement with Private Sector

To actively engage the private sector in the development of the SWWG Phase 2 final deliverables, a fourth workshop was held in Singapore from 6-8 April 2009 involving member economies and Tier 2 stakeholders. A total of 65 participants from the public sector of 18 member economies and 19 participants from the private sector attended the workshop.

This workshop included subject matter experts from the public and private sector and was designed to include experience-sharing presentations and breakout group discussions to enable a critical review of the draft of the SWWG Phase 2 Single Window Implementation Guide: Framework and Roadmap.

The workshop participants also discussed the future of the single window agenda in the SCCP.



Major Deliverables of the SWWG and Future Work on Single Window in the SCCP

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The Final Report of the SWWG Phase 2 was endorsed at the Second Meeting of the SCCP in 2009. The SWWG completed major deliverables during its two-year term. These include a dossier of standards, instruments and tools related to single window systems led by Peru, capacity building activities highlighted above, the establishment of a Single Window repository supported by the WCO and the APEC SCCP Single Window Implementation Guide.

In view of the importance of single window to trade facilitation, member economies will continue to share experiences and discuss issues regarding their single window implementation. The focus will be for member economies that have yet to implement their single windows to do so, while the SCCP will continue to play an advisory role.

Global Economic Crisis



APEC Customs administrations roll out initiatives to combat the worldwide economic downturn. The APEC Leaders have placed priority on addressing the global economic crisis in 2009. As Customs administrations have different responsibilities and not all are in a position to initiate actions that can directly affect global economic recovery, member economies undertook to share information, on a voluntary basis, on initiatives taken by APEC Customs administrations in helping businesses cope with the global economic crisis.

China Customs' 10 Measures Against the Financial Crisis

- 1. With its effective control as a precondition, China Customs will facilitate the trade to the largest extent so as to minimise the cost and time of customs clearance.
- 2. With adoption of deposit clearance, China Customs will meet traders' demand of fast trade flow.
- 3. With the upgrading of Companies' Categorised Administration System, China Customs will try to ensure compliant companies with compliance to enjoy more trade facilitation.
- 4. With provision of tailored legal assistance, China Customs will spare no efforts to help companies out of financial crisis.
- 5. With adjustment and development of customs control areas with special functions, China Customs wishes to facilitate trade by establishing more of the said areas such as bonded area.
- 6. By exploring further in international and domestic markets, China Customs will assist processing trade in their updating and transforming.
- 7. With full implementation of national preferential revenue policies, China Customs will strengthen its support to exportation of leading companies and products.
- 8. Through the alerting function of customs statistics, China Customs will provide profiles to our central government for their decision making and our companies for their management.
- 9. Laying IPR protection for Chinese companies as its priority, China Customs will push forward the further development of Chinese intellectual property rights.
- 10. Combating illegal activities of smuggling, China Customs will exert all its efforts to secure the order of importation and exportation.

Korea Customs Service's CARE Plan (Customs Assistance for Rehabilitation & Encouragement)

The Korea Customs Service (KCS) implemented the CARE Plan in April 2008. The aim of this plan is to support small and medium enterprises (SMEs) facing temporary liquidity problems. The KCS, based on the liquidity analysis of importing companies, extends the duty payment deadline within the limit of 6 months without provision of collateral. At the same time, it allows for installment payment of customs duties as well. This initiative helped the traders who cannot pay the duties in a lump sum due to a temporary cash crunch or who suffer from serious financial difficulties.



Under the CARE Plan, the KCS introduced a rehabilitation programme for delinquent traders. The KCS allows customs clearance of imported goods when a delinquent trader pays more than 5% of the import duties and submits a payment plan for the remaining amount instead of requiring complete payment. The KCS also worked with financial institutions to ease the financial burden of delinquent traders.

Customs duty drawback, which is to be paid back within 3 days after its application following the exportation, is now transferred to exporters' accounts immediately after the export declaration approval. The KCS can also refund overpaid taxes ex-officio without taxpayer's claim (based on import declaration, previous cases).

As a result of the CARE Plan, the KCS saved traders a total of USD \$131 million in financial costs. The rehabilitation programme benefited 382 delinquent traders. The new plan of refunding overpaid taxes refunded USD \$6.6 million to 456 companies.

These measures prevented the bankruptcy of SMEs with sound fundamentals facing temporary credit crunch. This prompted continuous trading activities which created a virtuous cycle by preventing bankruptcy. According to a World Bank Expert, this was the "best stimulus package without public spending".

Singapore Customs' Continual Efforts to Facilitate the Trading Community

Active Engagement of Businesses

Singapore Customs (SC) has in place the Client Management Programme (CMP) and the Key Customer Programme (KCP) to engage businesses in a more structured and proactive way:

- CMP: Dedicated account managers are assigned to systematically assess and engage warehouse licensees in order to resolve operational matters. In the process, SC is able to identify the risks and strengths of the licensees, thereby allowing us to optimise our efforts in managing them. This translates directly into lower compliance costs for high-compliant licensees.
- KCP: Experienced officers are assigned as relationship managers to engage our key customers' senior management. Industrial insights gained from such engagements enable SC to better facilitate trade for the broad trading and logistics community.

SC also engages different industries by conducting regular dialogue sessions with trade associations and warehouse licensees.

Creating Awareness on Free Trade Agreements Benefits

SC regularly speaks at free trade agreement (FTA) outreach seminars to promote the usage of FTAs by Singapore companies, and also provides customised consultations to individual companies. With the economic downturn, we have provided advice to more companies who are seeking new ways to improve their competitiveness.



Reducing Business Costs

TradeNet is Singapore's electronic single window for trade declarations. With the enhancement of TradeNet, the declaration structure was simplified and the number of data fields was reduced. The TradeNet permit processing fee has been reduced from SGD\$3.30 to SGD\$2.88 and is expected to bring about cost savings of more than SGD\$3.28 million annually for the business community.

SC has in place the APEX licence scheme to reduce costs and administrative work for companies that operate multiple licensing activities but use a single line of stock accounting. Through SC's rigorous risk management framework, companies now only need to apply for a single APEX licence for the different licensing activities at multiple locations.

Cutting Red Tape

SC has developed an internal tiered banker's guarantee (BG) framework where companies with good compliance records can progressively enjoy BG reduction or waiver during the annual review. In 2009, the total BG waived for general businesses would amount to SGD\$239 million for 284 companies, which is expected to save them around SGD\$2.39 million annually in finance costs. To provide more transparency and certainty to our traders, SC will be developing a framework to assess BG requirement based on the compliance level of the entity rather than on transaction volumes. These measures become more critical as businesses find it more difficult to obtain BG from financial institutions during times of credit tightening. SC has reviewed the procedure on customs supervision of unstuffing operations for containers containing dutiable goods as about 95% of the containers were eventually granted a waiver of supervision. Risk assessment is now performed before containers are cleared at the checkpoints, and containers assessed to be of lower risk are no longer sealed. This helps to improve licensees' operational efficiencies as they can now immediately unstuff the unsealed containers.

Helping SMEs and Facilitating Business Innovations

SC launched the Customs Competency Programme for Businesses in 2008 to enhance the competency of companies in handling customs matters and improve their compliance capacity. To further assist SMEs, SC worked with industry associations and another government agency to provide grants for the course fees to eligible employees from SMEs attending the programme.

Increasingly, there are more new and emerging business models which do not fit into any of SC's existing procedures or schemes. For instance, in 2009, SC studied the business model of a small wine-making enterprise within a food centre, and realised that the scale of production and simple manufacturing process needed a customised solution. To support entrepreneurial efforts and help businesses get through the downturn, SC simplified our requirements and, correspondingly, reduced the licence fee from SGD\$28,000 to SGD\$5,000 a year.

Public-Private Partnership

To facilitate trade across borders, Customs administrations and the business community must work closely together in partnership. They should be accessible to each other through open dialogue and consultation on relevant issues. The annual APEC Customs-Business Dialogue (ACBD) is an important platform to promote engagement between Customs and businesses in the region.





APEC Customs-Business Dialogue 2009

ACBD 2009 was held on 1 August 2009 in Singapore. About 280 representatives from the private sector, international organisations and government agencies participated in the dialogue.

In the keynote address by Mrs. Lim Hwee Hua, Singapore's Minister in the Prime Minister's Office and Second Minister for Finance and Transport, she urged member economies to establish their single windows as soon as possible and to intensify their discussion of mutual recognition arrangements which would help to avoid duplication of AEO validation procedures and security controls. The importance of trade recovery mechanisms to facilitate timely and efficient resumption of the international flow of goods in the aftermath of a major security incident was also highlighted.

ACBD 2009 provided an excellent platform for Customs administrations and the business community in the Asia Pacific region to come together to discuss issues important to trade facilitation. The key messages are highlighted below.

Session I: Harnessing IT for Regional Trade Facilitation



Mr. Tan Eng Pheng (moderator) Senior Director (Industry Cluster Group), Infocomm Development Authority of Singapore

Trade facilitation is a key factor for economic development and involves the simplification of procedures, such as the elimination of voluminous paperwork which hinders the movement of goods across borders. Technology is instrumental in allowing expedited goods clearance while ensuring that effective controls are in place for security and revenue protection. Information technology could be harnessed for trade facilitation so that goods can move seamlessly throughout the region.



Ms. Julie Olarenshaw

Chair, APEC Single Window Working Group, Director Enhanced Trade Solutions, Australian Customs and Border Protection Service

Single Window has been identified as an important tool to help simplify customs and other trade reporting procedures and decrease the regulatory burden on business. The Single Window Working Group (SWWG) was thus formed in September 2006 in Viet Nam as a working group of the SCCP to contribute to and oversee capacity building activities in the establishment of single windows in APEC member economies. The SWWG has completed major deliverables during its four-year term. These included the Strategic Plan and Development Report, a dossier of standards, instruments and tools, capacity building activities and the Single Window Implementation Guide.

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Mr. Park Jong-Pil

Deputy Director, Information Planning Division, Korea Customs Service

The use of IT is instrumental in trade facilitation. With the advancement in IT and commitment from top management, customs procedures and processes have been automated and simplified. As a result, businesses would be able to enjoy benefits such as reduction in costs and clearance times while ensuring that great trade security is not compromised.

Mr. Winston Tay

Head, Schemes Promotion and Administration, Singapore Customs

Singapore Customs identified the importance of leveraging on IT to facilitate trade and started automating its operations and functions since the 1980s. Its National Single Window, TradeNet, was established in 1989 and interfaced the systems of different regulatory agencies. It has since undergone many enhancements to ensure that it remains relevant to national and business needs. With her rich experience in IT innovation, Singapore Customs will continue to ensure that IT remains a key component its trade facilitation efforts.



Mr. John T. Cann APAC Regional Manager, Global Strategic Accounts, Microsoft Operations Pte. Ltd.

Public-private partnership on major IT projects is a useful way to help economies foster economic growth, promote social development and address national challenges by letting the government and private operator co-bear the demand risks. The benefits of a public-private partnership are evident around the world.

Session II: Securing and Facilitating the Asia-Pacific Supply Chain



Mr. James Goh (moderator) Region Vice President – Asia Pacific Region, International Trade Services, United Parcel Service Inc.

The supply chain is becoming increasingly complex in today's trading environment. A secure supply chain will help mitigate the risks of disruptions to trade due to security breaches and ensure the continued flow of legitimate goods in a safe and secure manner. While there may be initial costs involved to secure the supply chain, businesses will reap overall benefits because of the facilitative measures granted to them as committed and responsible partners in supply chain security.



Mr. Allen Bruford

Deputy Director, Compliance and Facilitation, World Customs Organization

Properly focused and adequately layered risk managed approaches to supply chain security, along with practices and procedures recommended in the WCO SAFE Framework of Standards to secure and facilitate global trade, is the key to securing the global supply chain in a trade facilitative manner. The SAFE Framework of Standards is designed to improve and ensure "end-to-end" security over the movement of goods across the global supply chain. It facilitates global trade by permitting Customs to focus resources on cargo that is moving in supply chains that have not been secured. Recent developments to the SAFE Framework of Standards such as the Trade Recovery Guidelines based on the APEC Trade Recovery Programme have further enhanced the Framework.



Mr. Takashi Matsumoto

Director International Affairs, Customs & Tariff Bureau, Ministry of Finance, Japan

Japan's Authorised Economic Operator (AEO) programme is consistent with the WCO SAFE Framework of Standards. It is applicable to a wide range of key players including importers, exporters, warehouse operators, customs brokers and logistics operators in the entire supply chain. In bringing greater benefits to the trade, Japan has signed Mutual Recognition Arrangements (MRA) with New Zealand and the United States and is in discussion with several other economies to conclude more MRAs.



Mr. Robert Barton Auslander

Vice President, Global Logistics, Trade Compliance and Order Fulfillment, Advanced Micro Devices (Singapore) Pte. Ltd.

Being accredited as an AEO may entail fulfilling stringent criteria, but it brings about many benefits, such as faster shipment transit and clearance, to businesses. Therefore, it makes business sense, especially for businesses with operations worldwide, to be accredited as an AEO in multiple economies to maximise the benefits. Businesses should also capitalise on the increasing number of MRAs around the world to reap additional benefits.



Ms. Nancy Tai President, YEON Technologies Co., Ltd.

Technology plays a key role in addressing many common goals and challenges that Customs and businesses face in the global supply chain. With the rapid improvement in technology and the consequential cost reduction, Customs and businesses would benefit by utilising technology to secure and facilitate the global supply chain.

Session III: An Open and Transparent Relationship between Customs and Business



Mr. Teng Theng Dar (moderator)

Chair, 2009 APEC Business Advisory Council (ABAC)

Customs and businesses may have different objectives, but both should work together to achieve common goals for mutual benefits by maintaining an open and transparent relationship. Businesses could share their experiences on dealing with Customs and what they hope to see in the future to improve the level of cooperation and collaboration, while Customs could also share on their strategic partnerships with businesses.



Mrs. Lee Ju Song Director, International Chamber of Commerce (ICC) Asia

An open and transparent Customs-business relationship is important to boost the common objective of promoting trade and investment in APEC and fostering closer cooperation between APEC Customs administrations and businesses. Hence, there is a strong need for Customs and businesses to work closely on trade facilitation issues and make use of various international tools to address these issues.



Mr. Lok Hwee Chong

Chair, Customs Facilitation Working Committee, Conference of Asia Pacific Express Carriers (CAPEC)

Customs regulations have a major impact on the economy, encompassing different segments of industry. Businesses want to be compliant with customs regulations, but some of the regulations are not clearly understood by businesses. Adequate mechanisms for consultation will ensure that customs regulations are coordinated with over-arching policies of the government to mitigate any potential adverse impact on the economy and allow for greater facilitation without compromising customs control.



Mr. Koon Hon-Chuen Superintendent, Hong Kong Customs and Excise Department

In recognition of the importance of intellectual property rights (IPR) to creativity and economic development in modern society, there is a need for Customs to cooperate closely with copyright and trade mark owners to strengthen enforcement actions against piracy and counterfeit activities. Besides enforcement, Customs could help promote awareness of IPR in the community, especially among the younger generation.



Mr. Rafael Reaño Azpilcueta

Manager of International Agreements and Valuation, National Superintendency of Tax Administration (SUNAT), Peru

An open and transparent relationship between Customs and businesses is important to ensure that both parties understand each other's roles and objectives. In this way, Customs and businesses would be able to pursue their differing goals and objectives with minimal conflicts.

Time Release Survey



APEC member economies are using TRS to identify and address bottlenecks in clearance procedures. Time release surveys (TRS) are useful to help member economies identify and address bottlenecks in clearance procedures. A number of member economies have made good progress in the CAP on TRS.

- Brunei held a TRS workshop in December 2008 conducted by two experts from Japan Customs. The workshop acknowledged that TRS was a tool to measure transaction time and cost reduction in order to improve customs procedures.
- Papua New Guinea conducted a trial survey in 2008 with the primary purpose of validating both the data collection process and methodology. The trial survey helped to establish the baseline for a full survey to be conducted subsequently.
- Australia briefed the SCCP on their findings of a TRS conducted in 2008 as a "snapshot" using 2007 data extracted from their Customs Integrated Cargo System which showed arrival-to-clearance times for both sea and air modes. The industry had confirmed the validity of the TRS results. The key findings revealed that Customs was not a significant impediment to import trade.
- Japan has conducted nine TRS since 1991, with the most recent survey completed in March 2009. This last survey highlighted that AEO importers gained benefits such as quicker clearance – the lead time from the arrival of sea cargoes to Customs permission to release such cargoes was only 1.6 days, one day shorter than for ordinary importers.

Japan as CAP leader welcomed further requests for capacity building.

Border Management

Border management issues are another area in which member economies share information and ideas. The SCCP actively exchanged views on future challenges faced by Customs in border management, with Australia, Korea, Papua New Guinea and New Zealand sharing their long-term strategic plans.

Member economies will continue to exchange views on border management to try to develop a joint proposal between Customs and business on its future challenges.

SECURETRADE

APEC Framework for Secure TradeAPEC Trade Recovery Programme



APEC Framework for Secure Trade



The framework aims to facilitate and secure the movement of goods across borders in the region. To create an environment for the secure and efficient movement of goods across borders in the region, the SCCP adopted the APEC Framework for Secure Trade as a CAP in 2006. Close cooperation with all relevant stakeholders is important to ensure a good balance between trade facilitation and security.

Capacity building activities such as training seminars on risk management and AEO implementation were planned to assist member economies in the implementation of their respective AEO programmes.

Authorised Economic Operator Programmes

Many member economies have made significant progress in this CAP through the implementation of AEO programmes.

- Australia supports the concept of AEO as a core element of the WCO SAFE Framework and, in the past two years, has undertaken a number of pilot exercises into AEO with five major Australia-based international trading companies. These pilot programmes concluded that the vast majority of benefits that would normally accrue through participation in AEO programmes were already being realised by Australian traders as a result of significant customs modernisation programmes Australian Customs and Border Protection has introduced in recent years.
- Canada has the Partners in Protection programme, which creates partnerships with companies directly involved in cross-border trade.
- China's AEO system allows for the classification and management of enterprises by Customs, with enterprises in the top tier enjoying significant benefits.
- Hong Kong, China has been closely monitoring the international best practices on AEO programmes. It will make reference to the experience of overseas Customs administrations and carefully assess its local situation, including the readiness of the industries and the economic outlook, before implementing an AEO programme.
- Japan has amended its laws on AEO programme to expand its scope to include manufacturers in addition to importers, exporters, warehouse operators, customs brokers and logistic operators.
- Korea's AEO programme was officially launched in March 2009 as a voluntary initiative.
- New Zealand's Secure Exports Scheme is voluntary and open to all exporters, by all modes of transport, to all destinations.
- Singapore's voluntary AEO certification programme, the Secure Trade Partnership (STP), is open to all companies based in Singapore involved in supply chain activities. The programme comprises two tiers: STP and STP-Plus. The higher level STP-Plus certification requires all minimum criteria to be met while the STP certification allows flexibility to companies with the view to progress to STP-Plus.



- Chinese Taipei has launched a pilot project on an AEO programme for both importers and exporters, and the relevant amendment of the regulation is scheduled to be completed by the end of 2009.
- Thailand has made progress on several fronts based on the WCO Framework of Standards. Activities key to the implementation of its AEO programme, such as the study of best practices of international AEO programmes, were carried out.
- The United States has the Customs-Trade Partnership Against Terrorism.

In 2009, the SCCP formed a new working group on AEO led by Japan and the United States and endorsed its terms of reference. The working group will develop an AEO Development Action Programme to collate AEO best practices, create instruments for harmonising elements of AEO programmes and provide capacity building to member economies in establishing their AEO programmes.

Mutual Recognition Arrangements

While having an AEO programme is an important step towards secure trade, many member economies are taking a step further by working towards achieving MRAs.

- Japan has signed MRAs with New Zealand and the United States and is negotiating a MRA with the EU. It is also studying future MRAs with China, Malaysia and Singapore.
- Korea is in discussions for AEO recognition with the United States, China, Japan, the EU, New Zealand and Singapore.
- Singapore is currently discussing MRAs with New Zealand, the United States, Canada, Japan, Korea and China.
- New Zealand has signed MRAs with the United States and Japan.
- Canada and the United States have signed a MRA of their AEO programmes.

APEC Trade Recovery Programme



This programme seeks to provide guidelines for trade recovery in the event of incidents. The APEC Trade Recovery Programme (TRP) Pilot Exercise (TPE), led by Singapore under the APEC Counter-Terrorism Task Force (CTTF), was conducted in 2009. The TPE affirmed that the APEC TRP Guidelines, in conjunction with the WCO and the International Maritime Organization (IMO) frameworks, provide a baseline for effective international cooperation for trade recovery. A risk-based, total supply chain security approach is an effective means to facilitate trade recovery by focusing on identifying and facilitating the movement of low risk shipments while allowing limited government resources to be used to target the high risk shipments.

Moreover, the TPE enabled participants to better understand the potential benefits of the TRP as well as the actions to be taken to achieve an effective TRP. Apart from the economy-to-economy interactions, individual participating member economies also gained useful insights that have domestic applications.

The TPE marks the culmination of three years of work within APEC to address a lacuna that the APEC Leaders had identified in 2006. APEC member economies are encouraged, based on their respective domestic situation, to consider the findings and recommendations of the TPE for possible adoption. This will improve their ability to facilitate the flow of trade in times of heightened security. With more member economies embarking on the APEC TRP, APEC will be able to build a more resilient global trading system and minimise the impact of trade disruptions.

Recognising Singapore's leading role in developing the APEC TRP, the WCO requested Singapore to lead efforts to incorporate trade recovery guidelines into the WCO SAFE Framework of Standards. A Trade Recovery Subgroup under the WCO SAFE Working Group was formed in September 2008 and was chaired by Singapore, with Australia as the vice-chair. In June 2009, the WCO Council adopted the trade recovery guidelines that were modelled after the APEC TRP.

COLLABORATION WITH OTHER APEC FORA

- Market Access Group
- Intellectual Property Rights Experts' Group

Market Access Group



The SCCP and the MAG work to simplify rules of origin and procedures for a more businessfriendly environment. A s businesses had expressed concerns about the difficulties posed by rules of origin in utilising RTAs/FTAs, the 2009 First Senior Officials' Meeting (SOM) placed a high priority on rules of origin. The SOM tasked the CTI and its sub-fora to look at the three aspects of harmonisation, cumulation and simplification on rules of origin procedures. The SCCP has worked closely with the Market Access Group (MAG) on the third aspect, in order to make rules of origin more business-friendly.

SCCP Survey on Customs' Roles and Responsibilities in Rules of Origin Matters

As a practical first step, the SCCP has conducted a survey of APEC Customs administrations' roles and responsibilities in rules of origin matters, including procedures for claiming preferential tariff treatment. The key findings are:

- 1. Most APEC Customs administrations verify an importer's eligibility for preferential tariffs.
- 2. About half of the APEC member economies have FTAs that allow for self-certification of origin by the exporter/manufacturer.
- 3. The import procedures are largely the same for both authorised certificate of origin (CO) and self-certification regimes in most APEC member economies.
- 4. On average, APEC Customs administrations require about four supporting documents. For member economies who administer both an authorised certificate of origin regime and a self-certification regime, the numbers and types of documents required for each regime are largely the same.
- 5. Most APEC Customs administrations (where applicable) require officers at the clearance stations to be familiar with rules of origin criteria.
- 6. Most APEC member economies publish customs procedures for claiming preferential treatment under FTAs on websites.
- 7. On average, APEC Customs administrations set a service standard of about 1 day, whether it is for issuing preferential certificates of origin (where applicable) or processing claims for preferential tariff. For the APEC member economies who administer both an authorised CO regime and a self-certification regime, there is no difference in service standards between both certification regimes when processing claims.
- All APEC Customs administrations have average clearance times ranging from less than 1 day to 3 days. There is no difference between the average clearance times of imports under preferential and non-preferential COs. Most APEC Customs administrations do not have different clearance times between controlled/restricted imports and non-controlled/non-restricted imports.
- All APEC Customs administrations are involved in FTA negotiations for the rules of origin chapter. Most APEC member economies have a non-Customs agency as the lead negotiator of the rules of origin chapter.
- 10. Few APEC Customs administrations are involved in the issuance of COs, i.e. the issuing authority is another agency.

These findings proved useful to the MAG and the CTI as they provided clarity on the potential scope of involvement of the SCCP in the simplification of origin rules and procedures.

APEC Elements for Certificates and Declarations of Origin

The SCCP also collaborated with the MAG on a proposal on APEC elements for simplifying documents and procedures relating to rules of origin. Five elements were identified by the MAG:

- a. Reasonable validity period
- b. Waiver of certificates of origin or declarations
- c. Minimum data requirements
- d. Clarity on treatment of errors made on certificates or declarations with errors
- e. Harnessing IT to ease documentation and procedures

The SCCP will work on element (d). Member economies will voluntarily provide information on their treatment of minor errors in certificates or declarations of origin as an information gathering exercise.

Intellectual Property Rights Experts' Group



The SCCP collaborates with the IPEG on intellectual property rights issues and enforcement. The SCCP has continued its collaboration with the IPEG, with the IPEG Chair addressing the SCCP on IPEG activities. The IPEG and the SCCP agreed that while Customs administrations have differing roles on IPR enforcement, joint initiatives and joint sessions could take place in the future.

Cooperation between Customs and IPR owners is imperative to enforcement of IPR infringements. To promote information sharing between the two sub-fora, a few SCCP member economies – Japan; Hong Kong, China; and the United States – presented on their Customs administrations' roles in IPR enforcement to the IPEG.

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- SCCP 2009 Work Programme
- SCCP Projects in 2009
- SCCP Collective Action Plans (CAP)
- SCCP Contacts



SCCP 2009 Work Programme

APEC Priority	Subject	Objective	Action	Status
Trade Facilitation	ΤΓΑΡ ΙΙ	Contribute to implementation of TFAP II in areas related to customs procedures, and measure progress through the agreed key performance indicators (KPIs) related to customs procedures.	Progress the implementation of TFAP II initiatives and identify the capacity building and necessary technical assistance requirements, and measure progress in agreed KPIs for areas related to customs procedures.	<i>Ongoing</i> : The SCCP has worked with the Policy Support Unit (PSU) and consultants to finalise the KPIs.
	Single Window	Work towards the implementation of international trade "Single Windows" across APEC using recognised international instruments and standards to enhance interoperability of trade systems.	SWWG (Phase II) to organise capacity building workshops and update the SCCP on progress of Recommendations 3-6.	Completed: The SCCP endorsed the Final Report of Phase 2 of the SWWG. Single window will be kept as a regular item on the agenda of the SCCP for member economies to share experience and discuss related implementation issues.
	Time Release Study	Disseminate best practices of time- release study (TRS).	Japan to provide technical assistance through in- economy workshops (in 2008).	Completed: Japan briefed on outcomes of the 2008 TRS workshops, presented on their latest TRS results and welcomed requests for capacity building.
	Public-Private Partnership	Promote public-private partnership.	Consult with ABAC and the business community on the future of the APEC Tariff Database and the development of topics for the APEC Customs-Business Dialogue (ACBD) 2009.	<i>Completed</i> : ABAC was consulted for APEC Tariff Database and ACBD 2009.

APEC Priority	Subject	Objective	Action	Status
	Border Management	Exchange views on future challenges faced by Customs in border management.	Develop a joint proposal between Customs and business on future challenges in border management.	Ongoing: Australia, Korea, Papua New Guinea and New Zealand shared their strategic plans. The SCCP agreed to further exchange views on the future of border management.
	Rules of Origin	Address business difficulties relating to rules of origin by minimising and streamlining the current complexity of product specific rules.	Collate information on role of Customs administrations in rules of origin including procedures for claiming preferential treatment.	Ongoing: The SCCP conducted a survey on rules of origin. The MAG Chair and MAG Singapore also updated on the MAG's work in the simplification of documents and procedures relating to rules of origin. On the MAG paper on "APEC Elements for simplifying documents and procedures relating to rules of origin", the SCCP will work on the element "clarity on tolerance of certificates of origin or declarations with errors" by collating information on the treatment of minor errors by APEC Customs administrations.
Secure Trade	APEC Framework for Secure Trade	Progress the implementation of the APEC Framework for Secure Trade.	The United States to provide technical assistance on targeting and risk management and border enforcement training in 2009.	<i>Ongoing</i> : The United States will update the SCCP upon completion of the technical assistance activities.
	Trade Recovery Programme	Provide updates on the TRP pilot projects undertaken by the CTTF and other relevant sub- fora.	Consult with the CTTF and other relevant sub-fora.	<i>Completed</i> : Singapore updated on trade recovery developments in APEC and WCO and on progress of the APEC TRP Pilot Exercise.
Intellectual Property Rights Enforcement	Collaboration with Intellectual Property Rights Experts	Strengthen IPR enforcement in the APEC region and promote greater collaboration among IPR experts and relevant authorities.	Discuss with the IPEG on possible collaboration between the two sub-fora with the aim to strengthen capacity.	Ongoing: The IPEG Chair addressed the SCCP. Japan; Hong Kong, China; and the United States made presentations on their Customs administrations' IPR enforcement to the IPEG.

SCCP Projects in 2009

Title of Project	Overseeing Economy	Status	Objectives
Capacity Building Workshop Series and APEC Single Window Working Group Phase 2 Workshop	Australia	Completed	Deliver the single window related capacity building assistance member economies requested in 2007. The proposed workshop series is designed to provide APEC member economies that have identified a gap in the development of a national single window access to the information they need to move forward, in an interactive environment. There is greater potential to make meaningful progress if participants are able to engage with subject matter experts in person. Actively engage with the 21 APEC member economies and Tier 2 public and private sector stakeholders to analyse the progress of the six recommendations and work out the format and content of the final deliverable. Produce a final report that will deliver on the six recommendations listed in the Single Window Strategic Plan. This report will support member economies in the development of their single window systems and include a reference guide for international standards, instruments, pilot project experience and outcomes and provide an interactive tool to support member economies' design of one or more single window roadmaps and implementation strategies.
Implementing the APEC Framework for Secure Trade: Seminars on Targeting and Risk Management and Border Enforcement Training	United States	In progress	Promote better understanding of key risk management and border enforcement principles contained within the APEC Framework for Secure Trade. Assist member economies in adopting the APEC Framework for Secure Trade leading to the implementation of international standards for securing and facilitating the global supply chain. Inform Customs administrations of the basic elements needed to enact practices consistent with the Framework, address the interaction of authorities for the purpose of guiding efforts undertaken by the beneficial government to amend existing laws/regulations, or draft new rules to permit the adoption of Framework-consistent processes in the areas of risk management and border enforcement. Identify best practices in processes and activities related to the implementation of an Authorised Economic Operator programme, as well as in simplification and facilitation of Customs clearance of goods for import/export.

Title of Project	Overseeing	Status	Objectives
	Economy		
Organising the APEC Customs- Business Dialogue (ACBD) 2009	Singapore	Completed	 Provide an opportunity for Customs administrations and the business sector to come together and discuss issues related to trade facilitation in the APEC region. Provide a platform for the business sector to get more information on customs procedures for trade facilitation and trade security, as well as promote improved communication and understanding between Customs and business sectors in the region. Enhance the partnership between both sectors in a rapidly changing global economy.
Workshop on Implementation of Valuation Advance Rulings in APEC Member Economies	Peru	Completed	Obtain necessary knowledge related to implementation process carried out by different experienced economies on Valuation Advance Rulings' application in order to identify best practices. Identify cases solved by experienced economies on Valuation Advance Rulings' application. Develop a report which collects best practices identified in the implementation process of Valuation Advance Rulings of experienced economies in the development of the Valuation Advance Rulings and in the use of computer tools for Advance Rulings' implementation; provide those member economies who have not implemented the Valuation Advance Rulings yet with recommendations and suggestions in order for them to implement Advance Rulings in an effective way, thus contributing to the time and costs reduction for importation of goods. Individual cases identified in the application of Valuation Criteria in Advance Rulings shall be included in such report.
Seminar on Implementation of Border Measures for IPR Protection	Peru	Completed	Strengthen rules enforcement ability related to border measures for IPR protection through an international seminar to learn best practices and procedures applicable by developed APEC member economies' Customs administrations due to their experience. Share seminar results among member economies in order to disseminate best practices.
Experience Exchange in the Adoption of Tools and IT for Goods Identification	Peru	Completed	Learn the experiences of the economies that have adopted international tools and IT for goods identification, where they have used each one of them, how are data models that contain them, why, how, when they adopted them, among other things. Disseminate among APEC member economies the results of the work. First by means of workshop experiences specially selected will be shared and discussed and second, in the final paper, which will be available in CD ROMs and in APEC website. It will include all information about international tools and IT implemented by the APEC member economies and the steps for adopting them.

SCCP Collective Action Plans (CAP)

Stage 1 and 2 CAP Items: Implementation Status

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* The information in this table is based on member economies' responses to objectives specific to each CAP as indicated in the CAP Matrix circulated at the SCCP 2 Meeting in August 2009. The table is not meant to indicate actual implementation of a particular CAP item.

CAP Item Name	Simplification and Harmonisation on the Basis of the Kyoto Convention	Harmonised APEC Data Elements Leader: Canada	Harmonisation of Tariff Structure with the HS Convention	Implementation of APEC Framework based on the WCO Framework of Standards to Secure and Facilitate Global Trade Leader: The United	Time Release Surveys Leader: Japan
	New Zealand Co-leader: Japan	Co-leader: Australia	Co-leaders: Korea, Papua New Guinea	States Co-leaders: Japan, Korea	Co-leaders: Korea, Indonesia
Australia	•	•	•	Đ	D
Brunei Darussalam	D	Đ	D		
Canada	•	•	•	Ð	•
Chile	Ð	Ð	•	•	
People's Republic of China	•	•	•	O	D
Hong Kong, China	O	•	•	Ð	
Indonesia	D	Ð	Ð		D
Japan	•	•	•	Đ	•
Republic of Korea	•	•	•	O	•
Malaysia	٥	Ð	•	Ð	•
Mexico	Ð	Ð	•	Ð	Đ
New Zealand	•	•	•	•	Đ
Papua New Guinea	Ð	•	•	Ð	O
Peru	Ð	Ð	•	O	O
The Philippines	Ð	•	•	O	•
Russia	•	Ð	Ð		
Singapore	Ð	•	•	•	•
Chinese Taipei	Ð	•	•	O	Ð
Thailand	Ð	•	•	•	O
The United States	•	•	•	Ð	
Viet Nam	Ð	Ð	D		

Legend

•: Fully Implemented

List of Stage 3 CAP Items

CAP Item Name	Leader(s)	Start Date	Date Moved to Stage 3
Public Availability of Information on Customs Laws, Regulations, Administrative Guidelines and Rulings provided to the business sector on ongoing basis	Hong Kong, ChinaSingapore	June 1995	January 2007
Adoption and Support for the UN/EDIFACT/Paperless Trading	Australia	September 2000	September 2006
Adoption of the Principles of the WTO Valuation Agreement	CanadaThe United States	August 1996	February 2004
Adoption of the Principles of the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement	• The United States	May 1996	February 2001
Introduction of Clear Appeals Provisions	CanadaThe Philippines	July 1997	September 2005
Introduction of an Advance Classification Ruling System	New ZealandRepublic of Korea	June 1995	September 2004
Provisions for Temporary Importation, e.g., acceding to the A.T.A. Carnet Convention or the Istanbul Convention	The United StatesChinese Taipei	May 2006	February 2001
Risk Management	AustraliaThe United States	May 1997	September 2006
Guidelines on Express Consignments Clearance	 The United States People's Republic of China 	May 1997	February 2001
Integrity	AustraliaHong Kong, China	August 1999	August 2008
Customs-Business Partnership	Hong Kong, ChinaMexicoChinese Taipei	August 2001	January 2007

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ACRONYMS

ABAC	APEC Business Advisory Council
ACBD	APEC Customs-Business Dialogue
AEO	Authorised Economic Operator
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of South East Asian Nations
ATA	Carnet Admission Temporaire / Temporary Admission Carnet
САР	Collective Action Plan
СТІ	Committee on Trade and Investment
CTTF	Counter-Terrorism Task Force
FTA	Free Trade Agreement
HS	Harmonised Commodity Description and Coding System
IMO	International Maritime Organization
IPEG	Intellectual Property Rights Experts' Group
IPR	Intellectual Property Rights
КРІ	Key Performance Indicator
MAG	Market Access Group
MRA	Mutual Recognition Arrangement
PSU	Policy Support Unit
SCCP	Sub-Committee on Customs Procedures
SME	Small and Medium Enterprises
SOM	Senior Officials' Meeting
SWWG	Single Window Working Group
TFAP	Trade Facilitation Action Plan
ТРЕ	Trade Recovery Programme (TRP) Pilot Exercise
TRIPS	Trade Related Aspects of Intellectual Property Rights
TRP	Trade Recovery Programme
TRS	Time Release Survey
UCR	Unique Consignment Reference
UN	United Nations
UN/CEFACT	UN Centre for Trade Facilitation and Electronic Business
UNTDED	UN Trade Data Element Directory
UN/EDIFACT	UN Electronic Data Interchange for Administration, Commerce and Transport
WCO	World Customs Organization
WTO	World Trade Organization



Asia-Pacific Economic Cooperation

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