

BLUEPRINT 2010

APEC Sub-Committee on Customs Procedures

Produced For
APEC Secretariat
35 Heng Mui Keng Terrace Singapore 119616
Tel: (65) 6891 9600 Fax: (65) 6891 9690
Email: info@apec.org Website: www.apec.org

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Foreword



The year 2010 is a milestone year for APEC, since it is the target year when the APEC industrialized economies were to achieve the Bogor Goals of “free and open trade and investment”. Japan has the honor of hosting the chairmanship of the Sub-Committee on Customs Procedures (SCCP) for 2010.

Taking this opportunity, Japan has organized the APEC Customs Directors-General/Commissioners Meeting to conduct a comprehensive assessment of the achievements of the SCCP over the past 15 years and to set up the future direction. The roles of Customs have been expanding in response to increased demands for trade security and facilitation, reflecting the rapidly changing environments surrounding Customs. At the Customs Directors-General/Commissioners Meeting held on September 14, 2010, the heads of Customs administrations in the region agreed on eight priorities based on the result of the assessment. They agreed to make every effort to achieve the eight priorities through SCCP activities.

The SCCP has focused on the following areas in 2010:

- Endorsing the AEO Action Plan and agreeing to create a new CAP item on AEO
- Endorsing the SCCP Single Window Report and agreeing to create a new CAP item on single windows
- Endorsing the Study on Customs IPR Enforcement
- Endorsing the Trade Recovery Program Compendium, Format and Standardized Elements to be exchanged among APEC Customs administrations

This Blueprint highlights the outcomes of the SCCP activities in 2010. The SCCP has closely cooperated with other APEC fora and international organizations such as the World Customs Organization. I would like to thank member economies and the APEC Secretariat for their continued contribution throughout the year.

Nobuyuki UDA

A handwritten signature in black ink that reads "Nobuyuki Uda". The signature is written in a cursive, flowing style.

Chair, APEC SCCP 2010

About the SCCP

The Sub-Committee on Customs Procedures (SCCP) was established in 1994 under the Committee on Trade and Investment (CTI). The first meeting was held in 1995 in Fukuoka, Japan, where the SCCP Guiding Principles were endorsed. Since then, the SCCP has been working to address priority issues for Customs administrations with the objectives of harmonizing and simplifying customs procedures while ensuring trade security.

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.

Outcomes

APEC Customs Business Dialogue (ACBD)

The APEC Customs-Business Dialogue (ACBD) was held on September 13, 2010 in Tokyo, Japan. The APEC Business Advisory Council (ABAC) gave its full support in holding the dialogue. About 280 participants from Customs administrations and the private sector of APEC member economies attended the Dialogue. Following the opening remarks delivered by Mr. Naoki Minezaki, Senior Vice Minister for Finance, Japan, and Mr. Genpachiro Aihara, the Chair of ABAC in 2010, Mr. Kunio Mikuriya, Secretary General of the World Customs Organization (WCO) delivered a keynote speech. He underlined the global challenges for Customs, while emphasizing the importance of customs and business partnerships.



The participants at the ACBD discussed and exchanged views on the following three topics through panel discussions:

In Session I, “Customs and Business Cooperation to Secure and Facilitate Global Trade”, participants exchanged views and experience on activities that could be undertaken by APEC Customs administrations and business to further secure and facilitate global trade. Participants shared the importance of developing an AEO program in each APEC economy and promoting mutual recognition arrangements of the AEO programs between interested economies.

Moderator Mr. Martyn Dunne (Comptroller, New Zealand Customs Service)

Panelist Mr. Atsuo SHIBOTA (Director General, Customs and Tariff Bureau, Japan)

Panelist Mr. NGUYEN Ngoc Tuc (Director General, General Department of Customs, Viet Nam)

Panelist Mr. Koji HASHIMOTO (General Manager, Trade Promotion and Administration Group, Japan Machinery Center for Trade and Investment)

Panelist Ms. Carol West (Chair, WCO Private Sector Consultative Group (PSCG))

Session II, “Trade Facilitation through Utilization of ICT and Modern Technology”, focused on how customs and business work together toward the application of information and communication technology (ICT) and other modern technologies for trade facilitation. Implementation of Single Window and promotion of international interoperability between Single Window systems such as exchange of trade data were shared by participants as one of the major outcomes of this session. Participants also shared information on RFID for enhancing visibility of international trade logistic.

Moderator Mr. FONG Yong Kian (Director-General, Singapore Customs)

Panelist Mr. Stephen RIGBY (President, Canada Border Services Agency)

Panelist Atty. Mr. Reynaldo NICOLAS (Deputy Commissioner, Bureau of Customs, The Philippines)

Panelist Mr. Masamichi MOROOKA (Representative Director, Senior Managing Corporate Officer, Nippon Yusen Kabushiki Kaisha)

In Session III, “Customs and Business Cooperation for the Enhancement of Border Enforcement of IPR”, business representatives explained their experiences in the fight against goods infringing their intellectual property rights (IPR) and expressed their ideas on future cooperative work between Customs and business. Customs also expressed the view that effectiveness in enforcing IP rights requires collaboration with IP rights-holders for border enforcement. Customs and business shared the view that close ties between the two parties are of vital importance to proper border enforcement of IPR infringing goods, which protects domestic industry as well as society.

Moderator Mr. Juan José BRAVO MOISES (General Customs Administration, Customs General Administrator)

Panelist Mr. LI Qunying (Director, IPR Division, Department of Laws & Regulations, General Administration of China Customs)

Panelist Mr. Kenichi NAGASAWA (Group Executive, Corporate Intellectual Property & Legal, Headquarters, Canon Inc.)

Panelist Mr. Donald SHRUHAN (Senior Regional Director-Asia/Pacific Global Security, Apple Asia Ltd)



APEC Customs Directors-General/Commissioners Meeting and Agreed 8 priorities



APEC CUSTOMS DIRECTORs-GENERAL/COMMISSIONERs MEETING 14 September 2010

The Year 2010 is a milestone for APEC in the sense that it is the year by when the industrialized economies committed themselves to achieve the Bogor Goals of free and open trade and investment. Bearing this in mind, the APEC Customs Directors-General/Commissioners Meeting was held in Tokyo, Japan on September 14, following the ACBD, to evaluate 15-years of work by the SCCP comprehensively and to discuss the direction for future activities of APEC Customs administrations at a higher level.

Customs Directors-General, Commissioners and Executive Customs officials from 19 APEC economies, the Secretary-General of the WCO, and representatives from Multilateral Development Banks attended the meeting. Through the intensive discussions by the head of APEC Customs administrations, eight priorities to be promoted among the APEC Customs administrations were agreed upon and publicized as the statement of the Chair.

8 priorities to be promoted among the APEC Customs administrations

1. Support of the development of AEO programmes/promotion of mutual recognition arrangements and trade recovery efforts

- *Recognizing the importance of realizing trade facilitation and trade security at a high level, we support the establishment of an AEO programme in each economy, as advocated by the World Customs Organization (WCO), and will promote mutual recognition arrangements(MRA) of the AEO programmes between interested economies, about which the business sector has strong expectations.*
- *Commending the completion of the AEO Compendium developed by the SCCP based on the AEO Action Plan, we will pursue the steady implementation of the AEO Action Plan including the development of the AEO Best Practice with a view to promoting the establishment of an AEO programme in each APEC economy.*
- *Recognizing the importance of APEC Trade Recovery Program to facilitate trade while ensuring trade security, we ask SCCP members to continue developing communication networks to facilitate the resumption of trade in the event of a major disruption to the global supply chain.*

2. Support of the development of Single Window systems and the utilization of modern technologies

- *Noting the strong demand from business for the promotion of trade facilitation through the development of Single Window systems and the utilization of modern technologies, we aim to develop a Single Window system in each economy by 2020 and promote international interoperability between the Single Window systems of interested economies in the region while considering the application of the WCO Data Model and other international standards, which will enable economies to exchange trade-related data and documents electronically.*
- *We will promote information and experience sharing and studies on the application of modern technologies such as IC tags into customs procedures, and provide necessary capacity building to APEC Customs administrations.*

3. Enhancement of border enforcement on Intellectual Property Rights (IPR)

- *Based on the recognition that the SCCP should actively discuss proper border enforcement as well as trade facilitation, we will enhance cooperation between Customs and right holders, and also among Customs administrations for the progressive and steady implementation of the “APEC Model Guidelines to Reduce Trade in Counterfeit and Pirated Goods” endorsed by the APEC Ministers in 2005.*

4. Coordination with other border-related agencies and cooperation among Customs administrations

- *To ensure proper border control while promoting trade facilitation, it is important to strengthen coordination between Customs and other government agencies at borders, and cooperation among Customs administrations through the promotion of information exchange. In this regard, we ask the SCCP to explore ways to facilitate and enhance information exchange between the APEC Customs administrations by utilizing frameworks such as Customs Mutual Assistance Agreement (CMAA).*

5. Steady implementation of the APEC Collective Action Plan (CAP)

- *The SCCP conducted a comprehensive evaluation of the implementation level of the 16 CAP items in the past 15 years. At this point, the objectives of 10 items out of 16 had been achieved, while further efforts are necessary to conclude the remaining 6 items. In this respect, we will achieve the objectives of these 6 CAP items in all the economies by 2020, the final target year of the Bogor Goals, through the provision of necessary capacity building. We will also consider appropriate measures, including the creation of new CAP items, toward the further trade facilitation and trade security.*

6. Enhancement of cooperation with the WCO

- *Keeping in mind that discussions concerning “Customs in the 21st century” have taken place and will be continued at the WCO, we will contribute to the discussions while sharing progress of the WCO discussions at the SCCP.*
- *Recognizing that standards and tools developed by the WCO are important for the efficient and effective modernization of Customs, we will further enhance cooperation between the SCCP and the WCO.*

7. Enhancement of collaboration with Multilateral Development Banks (MDBs)

- *We commended capacity building activities which have been conducted by the MDBs operating in the APEC region, namely the World Bank, the Asian Development Bank and the Inter-American Development Bank. Recognizing that enhancement of collaboration among the MDBs, WCO, and APEC Customs Administrations is required to further promote the efficient and effective customs modernization, we ask the SCCP to seek ways to strengthen partnerships with the MDBs.*

8. Contribution to the negotiations on trade facilitation at the World Trade Organization (WTO)

- *Keeping in mind that the negotiations on trade facilitation are ongoing at the WTO, we, as Customs administrations, will continue to contribute to the negotiations.*

Trade Facilitation

Supply-Chain Connectivity Framework

The Supply-Chain Connectivity Framework was approved at the 21st APEC Ministerial Meeting in 2009. The Framework sets down eight chokepoints to the smooth flow of goods, services and business travellers throughout the APEC region. In 2010, Ministers endorsed the APEC Supply-Chain Connectivity Framework Action Plan, which prescribes concrete measures to address eight priority chokepoints. Leaders and Ministers in APEC committed to implementing the action plan with a view to achieving an APEC-wide target of a ten percent improvement by 2015 in supply-chain performance, in terms of reductions in time, cost, and uncertainty of moving goods and services through the Asia-Pacific region, taking into consideration each individual economy's circumstances. The SCCP agreed at its second meeting of this year to work collaboratively with the CTI in undertaking a series of actions under the Supply-Chain Connectivity Framework Action Plans.



Chokepoints related to Customs and its action plans

Chokepoint	Proposed Action
<i>1. Lack of transparency/awareness of full scope of regulatory issues affecting logistics; Lack of awareness and coordination among government agencies on policies affecting logistics sector; Absence of single contact point or champion agency on logistics matters.</i>	<ul style="list-style-type: none"> ❖ <i>APEC Guidelines for Advance Rulings</i> ❖ <i>Symposium on Supply Chain Connectivity</i> ❖ <i>Compendium of Best Practices of national Logistics Associations</i>
<i>4. Inefficient clearance of goods at customs; lack of coordination among border agencies, especially relating to clearance of regulated goods at border</i>	<ul style="list-style-type: none"> ❖ <i>Implementation of Single Window system</i> ❖ <i>WCO Guidelines for the Immediate Release of Consignments</i> ❖ <i>Time Release Survey</i>
<i>5. Burdensome procedures for customs documentation and other procedures (including for preferential trade).</i>	<ul style="list-style-type: none"> ❖ <i>Self-Certification of Origin Capacity Building Program</i> ❖ <i>APEC Elements for Simplification of Documents and Procedures Relating to ROOs</i> ❖ <i>APEC Website on Tariff and ROOs (WebTR) Strengthen Cooperation with the Relevant International Organizations</i> ❖ <i>Simplification and harmonisation of customs procedures on the basis of revised Kyoto Convention</i> ❖ <i>Explore the possibility of adopting electronic certificates related to customs procedures</i>
<i>8. Lack of regional cross-border customs-transit arrangements.</i>	<ul style="list-style-type: none"> ❖ <i>Identify specific issues and impediments relating to cross-border customs transit</i>

arrangements for logistics companies that operate in the APEC region



Second Trade Facilitation Action Plan (TFAP II)



At the 14th APEC Economic Leaders Meeting in 2006, 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. APEC's Second Trade Facilitation Action Plan or TFAP II was thus endorsed by APEC Trade Ministers at their annual Meeting in July 2007.

To measure the progress toward the achievement of the TFAP II, the CTI instructed its sub-fora, including the SCCP, to develop quantifiable Key Performance Indicators (KPIs). After the discussions on possible KPIs at the SCCP in 2009, taking account of recommendation made by a consultant engaged by the Policy Support Unit (PSU), the following KPIs were agreed at its first meeting in 2010. These KPIs were endorsed by the CTI and the members of the SCCP were requested to submit data on the KPIs for the assessment of the TFAP II in 2011.

Revised KPIs

Area	KPI
<i>Time Release Survey of Goods (TRS)</i>	<i>1.Import clearance time (time of lodgment to approval of declaration)</i>
	<i>2.Export clearance time (time of lodgment to approval of declaration)</i>
<i>Implement APEC Framework based on the WCO Framework of Standards</i>	<i>3.Number of authorized economic operators</i>
	<i>4.Percentage of trade covered by authorized economic operators</i>
<i>Simplification and Harmonization based on the Revised Kyoto Convention</i>	<i>5.Number of documents required by Customs for import of goods</i>
	<i>6.Number of documents required by Customs for export of goods</i>
<i>Paperless and/or Automation of Trade-related Procedures</i>	<i>7.Percentage of import declarations lodged and processed electronically</i>
	<i>8.Percentage of export declarations lodged and processed electronically</i>

Single Window

According to the Recommendation No. 33 by UN/CEFACT, a single window is defined as “a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once”. The SCCP has been working to support the development of a single window system in each economy as a crucial measure to facilitate international trade.



In 2006, the Single Window Working Group (SWWG) Phase 1 was established under the SCCP. In 2007, the SWWG Phase 1 culminated its work with the development of the Single Window Strategic Plan which included the following vision.

“To develop single window systems that facilitates legitimate trade and enhances supply chain security in two stages:

Stage 1- within APEC economies

Stage 2- establishing links that enable seamless data sharing between Single Window systems through the identification and use of recognized international instruments and standards”

The Strategic Plan also proposed 6 recommendations to progress the single window concept in the region.

In response to these recommendations, the SWWG Phase 2 was established in 2008. The SWWG Phase 2 created the Single Window Implementation Guide, which consists of (i) a roadmap with core elements that an economy need to consider in the development of a single window system and (ii) technical components that could be included as part of a single window system. At the second SCCP meeting in 2009, the Final Report of the SWWG Phase 2 was endorsed and the SWWG completed its work.

At the first SCCP meeting in 2010, the SCCP members agreed to conduct a stock-survey on the status of single window development in each economy. The SCCP also agreed to share experiences in exchanging trade related data through single window systems and to identify capacity building needs in building single window systems. As the outcome of the first action, the SCCP Single Window Report was endorsed at the second SCCP meeting. The report shows that 13 economies had already developed and operated single window systems, increased from 6 economies in 2006, and 10 economies had already started exchanging trade-related data/documents such as certificates of origin and phytosanitary certificates. Toward the year 2011, the SCCP agreed on further steps, such as the creation of a new CAP item on single windows and a regional workshop on single windows in 2011.

The SCCP will continue its work in this area to support developing single window systems and increasing international interoperability through holding regional workshops and other capacity building activities, toward the achievement of the development of a single window system in each economy by 2020, as agreed at the APEC Customs Directors-General/Commissioners Meeting.

Specific actions agreed in 2010

	Specific actions
SCCP 1	Conduct a stock take of current status of economies
	Share experience on exchange of trade related documents
	Identify capacity building needs for economies
SCCP 2	Endorse the SCCP Single Window Report
	Create a new CAP item on single window
	Hold a regional workshop on single window during the second half of the 2011
	Share the single window questionnaire with the WCO for supporting the WCO survey on single window



Time Release Survey

Time release surveys (TRS), adopted as a CAP in 2005, are useful to help member economies identify and address bottlenecks in clearance procedures. TRS have a direct impact on trade facilitation and enable business people to reduce time and hence costs in the transaction of goods.

A number of member economies have conducted TRS and made good progress in the CAP on TRS.

- **New Zealand** presented its joint Time Release Study with Australia. The TRS aimed to create a more seamless trade facilitation process between both economies, while maintaining security. This is the first time export data has been analyzed as part of a TRS. New Zealand highlighted that collaboration with border agencies was required to give a more complete analysis on TRS. As a sign of its continued commitment to regular studies, the next NZ TRS was conducted in September 2010
- **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. Industry confirmed the validity of the TRS results. The key findings revealed that Customs was not a significant impediment to import trade.
- **Brunei** presented its TRS, carried out in 2009, with the aim of identifying bottlenecks in goods transit and determining means to improve efficiency. The study concluded with four recommendations and pointed to effectiveness as a key focus. Brunei is planning to conduct a 2nd TRS in March or May next year on Sea, Air and Land borders, based on e-Customs. TRS will be an annual project or conducted once every two years by Brunei Customs.
- **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 the release of such cargoes was only 1.6 days, one day shorter than that for ordinary importers.

Japan, as the CAP coordinator for TRS, encouraged APEC economies to conduct TRS and welcomed further requests for capacity building.

Secure Trade

Authorized Economic Operator (AEO)

While international supply chains have become increasingly sophisticated and complicated with the advance of globalization, demands for trade facilitation have also been growing. At the same time, securing global trade has become one of primary roles of Customs administrations following the 9/11 terrorist attacks. Responding to the growing importance of securing and facilitating global trade, the WCO developed the SAFE Framework of Standards in 2005 and the AEO Guidelines in 2006 which aim to strengthen Customs and Business cooperation.



Given this situation, the SCCP adopted the APEC Framework for Secure Trade as a CAP in 2005. 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 programs.

In 2009, the SCCP agreed to establish an AEO Working Group with the objective of supporting the development of an AEO program in each economy, followed by the mutual recognition of AEO programs, to realize further secured and efficient trade in the APEC region. The SCCP endorsed the AEO Action Plan at its first meeting in 2010, which consisted of developing the AEO Best Practices, including a compendium to support establishing AEO programs by member economies. It was also agreed to conduct a need survey and provide capacity building. Based on the AEO Action Plan, the AEO Compendium, which composed of nine economies' AEO programs, was endorsed as the first concrete outcome under the Action Plan at the second SCCP meeting of this year. To further works in this area, the SCCP agreed to create a new CAP concerning AEO, and the scope of the CAP will be discussed at the next SCCP meeting in 2011.



These activities concerning AEO by the SCCP were welcomed and commended by APEC Leaders and Ministers. In particular, Leaders stated that “*We will also continue to work on*

Authorized Economic Operator programs” and Ministers stated “we commended the progress made on the Authorized Economic Operator (AEO) Action Plan, which aims to support the establishment of an AEO program in each economy and to promote mutual recognition arrangements of the AEO

programs. In this connection, we welcomed the APEC AEO Compendium as the initial deliverable under the AEO Action Plan as well as the creation of a new Collective Action Plan on AEO. In this connection, we welcomed the APEC AEO Compendium as the initial deliverable under the AEO Action Plan as well as the creation of a new Collective Action Plan on AEO” in their statements.

The SCCP confirmed that it would continue working on the AEO Action Plan to assist member economies that have not introduced AEO programs. The SCCP are going to develop AEO Best Practice by the APEC Ministerial Meeting next year.

Specific actions agreed in 2010

	Specific actions
SCCP 1	Agree on the AEO Action Plan
	Develop the AEO Compendium by the second SCCP meeting in 2010
	Develop the AEO Best Practice by the APEC Ministerial Meeting next year
SCCP 2	Endorse the AEO Compendium
	Create a new CAP item on AEO



1st Sub-Committee on Customs Procedures 3-5 March 2010

Trade Recovery Program (TRP)

In 2007, Leaders endorsed the APEC Trade Recovery Program (TRP) Guidelines which were developed to promote the restoration of trade activities as quickly as possible after the occurrence of a major disruption to the global supply chain. In response to the Leaders encouragement to undertake pilot projects to implement these guidelines, the TRP Pilot Exercise (TPE) was conducted in 2009. The TPE enabled participants to better understand the potential benefits of the TRP as well as the challenges to be tackled to develop an effective TRP. In the

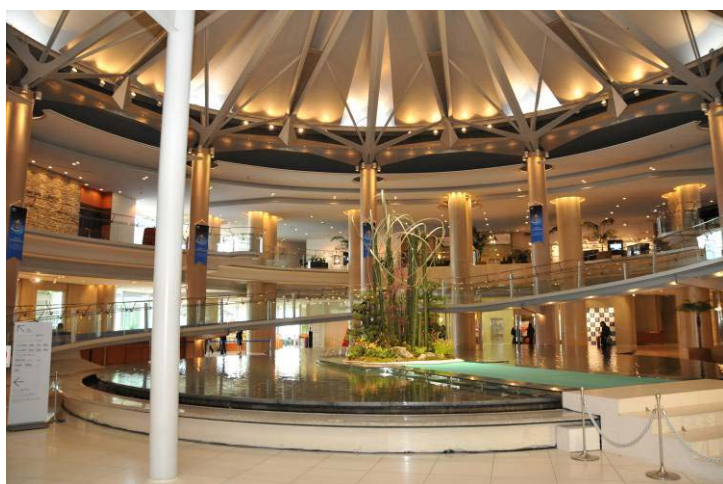


meantime, the WCO discussed TRP focusing on Customs' roles and developed the WCO Trade Recovery Guidelines that were adopted at the WCO Council also in 2009.

In 2010, the SCCP, to underscore the importance of TRP, discussed ways to move forward the TRP based on the work of the WCO and the TPE. At its first meeting, the SCCP agreed on four action items to realize the TRP as an operational tool. Work on the four action items were endorsed at the second SCCP meeting as working documents, with the understanding that additional work in the form of further development and enhancement of the action items were required. Hence, the SCCP agreed to keep the TRP as an item on the agenda of future SCCP meetings and interested economies would start working on the further development and enhancement of the action items in the run-up to the first SCCP meeting of 2011.

Specific actions agreed in 2010

	Specific actions
SCCP 1	(1) Develop a list of contact points ¹
	(2) Develop a format to exchange information by e-mail ²
	(3) Develop standardized elements to be exchanged
	(4) Develop a list of Customs instruments to facilitate information exchange
SCCP 2	Consider further development of the effective communication network



¹ Item (1) and item (4) were endorsed as "Trade Recovery Program Compendium"

² Item (2) and item (3) were endorsed as "Format and Standardized Elements to be exchanged by e-mail among APEC Customs administrations"

Intellectual Property Rights

APEC has been working in the Intellectual Property Rights (IPR) area, recognizing the importance of strong IPR protection and enforcement to economic growth and trade in the Asia-Pacific region. APEC Anti-Counterfeiting and Piracy Initiative was developed in 2005, which is a comprehensive IPR strategy in APEC to reduce trade in counterfeit and pirated goods, increase cooperation between Customs and law enforcement agencies, and increase capacity building. To secure the implementation of this initiative, APEC developed six guidelines between 2005 and 2007, including the “APEC Model Guidelines to Reduce Trade in Counterfeit and Pirated Goods,” which contains several activities relating to Customs. The SCCP established a CAP on the “Adoption of the Principles of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement),” in June 1996 and encouraged members to adopt the Agreement.

In the meantime, tasks for Customs in fighting against the smuggling of goods infringing IPR, such as counterfeit and pirated goods, have been growing in the APEC region during the last decade. Infringement of IPR has expanded into areas which are directly connected to public health and social safety such as medical products, food and automotive parts. In addition, it is pointed out that profits from the illicit trade of infringing goods could be a funding source for criminal organizations. Furthermore, IPR can promote economic development through innovation.



The SCCP, bearing the recent circumstances in mind, started a new approach to enhance enforcement on IPR this year. At the first SCCP meeting in 2010, members endorsed three actions which aimed to increase cooperation among the APEC Customs administrations and between Customs and IP rights holders. In addition, the SCCP conducted a stocktaking survey using a questionnaire on IPR border enforcement and capacity building activities in each APEC economy. The results of the survey³, which was endorsed at the second SCCP meeting, identified six areas where capacity building is imperative: intelligence analysis, enforcement techniques, counterfeit and pirated goods identification, cooperation with rights holders, detection of Internet piracy, and the application of risk management on IPR enforcement. Going forward, the SCCP agreed to explore the possibility of developing capacity building plans, such as workshops or seminars to address the capacity building needs identified in close consultation with members.

Specific actions agreed in 2010

	Specific actions
SCCP 1	Share experience on proper border enforcement including exchanging information on suspended goods
	Strengthen cooperation between customs and intellectual property rights holders using the framework of APEC
	Facilitate trainings for frontline officials on how to identify genuine and fake goods

Collective Action Plan (CAP)

In 1994, in Bogor, Indonesia, APEC Leaders agreed on the “Bogor Goals” which committed them to achieve the goals of free and open trade and investment in the Asia-Pacific by 2010 for industrialized economies and by 2020 for developing economies. Since the first meeting in 1995, the APEC Sub-Committee on Customs Procedures (SCCP) has been making efforts to promote trade facilitation, which is one of the main APEC agendas, toward the achievement of the Bogor Goals. To achieve concrete results for trade facilitation, the SCCP has developed Collective Action Plans (CAP) and the Customs administrations of APEC 21 economies have been working collectively to implement the CAP. The SCCP developed CAP items such as the “Harmonization of Tariff Structure with the HS Convention” in 1995. Since then, CAP items have been added upon request from members and business so that the SCCP currently has 16 CAP items.

The year 2010 is the target year for the industrialized economies to achieve the Bogor Goals and their assessment has been proceeded mainly at the Senior Official Meetings. Taking this opportunity, at the first meeting of the SCCP in 2010, it was agreed to conduct a comprehensive evaluation and analysis of the past 15 years’ progress of the SCCP and to discuss the future activities of the APEC Customs administrations at a higher level. All 21 APEC economies participated in the evaluation, and the evaluation report⁴ which contains recommendations on future activities was endorsed at the second SCCP meeting. The report was submitted to and discussed at the APEC Directors-General/Commissioners Meeting, and the recommendations became the basis of the 8 priorities to be promoted among the APEC Customs administrations.

Recommendations on future activities of the APEC Customs administrations

(1) Progress and way forward of Collective Action Plan (CAP)

Some CAP items concluded as achieved their initial goals require continuous efforts. For example, “Harmonization of Tariff Structure with the HS Convention” requires the members to adopt the latest version of the HS Nomenclature which is updated every 5 years. Some CAP items such as “Public Availability of Information on customs Laws, Regulations, Administrative Guidelines and Rulings provided to the business sector on ongoing basis”, “Integrity” and “Customs-Business Partnership” need continuous implementation. In addition, the CAP items such as “Adoption and Support for the UN/EDIFACT/Paperless Trading” require regular updates as technology evolves. Therefore, it is important for the SCCP to continue their efforts.

On the other hand, regarding the CAP items which are concluded as not achieved, it is necessary to make efforts to achieve it as early as possible in all the economies by taking appropriate measures such as providing capacity building by the SCCP.

Therefore, the SCCP is required to monitor efforts of each member to implement the CAP items and provide necessary capacity building toward the achievement of the objective of the CAP items on a regular basis. Through these measures, the SCCP members would strive to achieve all the CAP items by 2020, the final target year of the Bogor Goal.

(2) Recommendations on future activities of the APEC Customs administrations

In addition to the area covered by the CAP items, the APEC Customs administrations should consider the following, by taking into account of rapidly changing environments surrounding the Customs:

- Support the development of the AEO system in each economy in a prompt manner by

⁴ Evaluation Report on Customs Activities in APEC

providing appropriate capacity building and promote mutual recognition arrangements of the AEO systems between interested economies from a viewpoint of facilitating and securing trade.

- Aim to develop the Single Window system in each economy by 2020 and promote international interoperability between the Single Window systems, by taking into account “APEC's Strategies and Actions toward a Cross-Border Paperless Trading Environment” endorsed by the APEC Ministers in 2004. It aims to “establish comprehensive paperless trading environment that enables the electronic transmission of trade related information across the region” by 2020. In addition, it is necessary to actively seek ways to utilize advanced technology.
- Encourage members to be committed to a steady implementation of “APEC Model Guidelines to Reduce Trade in Counterfeit and Pirated Goods” endorsed by the APEC Ministers in 2005, by further strengthening cooperation between Customs and right holders and between Customs administrations.
- Enhance cooperation with the WCO. Among other things, actively be involved in discussions concerning “Customs in the 21st century” and contribute to the WCO in realizing the visionary statement.
- Continuously contribute to the negotiations on trade facilitation at the WTO and prepare to move toward in a swift and appropriate manner once they reach conclusion.
- Actively discuss for a development of the necessary CAP at the SCCP in order to implement items listed above.



2nd Sub-Committee on Customs Procedures 15–17 September 2010

Status of CAP Items

Project	Coordinator	Status Update/Comments
<i>Harmonization of Tariff Structure with the HS Convention</i>	<i>Japan</i>	<i>All the 21 economies adopted tariff schedules based on the HS Convention. 20 economies among them used tariff schedules based on the HS Nomenclature 2007 Edition (latest edition) and 1 economy has used that of 2002 Edition. This means tariff schedules in the APEC region were almost harmonized by the HS.</i>
<i>Public Availability of Information on customs Laws, Regulations, Administrative Guidelines and Rulings provided to the business sector on ongoing basis</i>	<i>Singapore Hong Kong, China</i>	<i>All the 21 economies developed customs websites to provide information on customs. In addition to the local language version of the websites, 20 economies have developed English version web-sites for considering stakeholders in abroad. Almost all the economies provide information such as customs laws, customs procedures, their Q&A, amendments of customs laws and procedures and contact points through their websites. 18 economies have publicized their tariff rate on their websites.</i>
<i>Simplification and Harmonization on the Basis of the Revised Kyoto Convention</i>	<i>New Zealand Japan</i>	<i>Only 10 economies have acceded to the Revised Kyoto Convention. On the other hand, those economies which have not acceded yet have adopted major principles for trade facilitation stipulated in the convention.</i>
<i>Adoption and Support for the UN/EDIFACT/Paperless Trading</i>	<i>Australia</i>	<i>All the 21 economies introduced computerized customs clearance systems. 13 economies among them introduced Single Window system.</i>
<i>Adoption of the Principles of the WTO Valuation Agreement</i>	<i>Canada United States</i>	<i>All the 21 economies adopted customs valuation scheme based on the WTO Valuation Agreement. In addition, all the 21 economies introduced post clearance audit systems</i>
<i>Adoption of the Principles of the WTO Intellectual Property (TRIPS) Agreement</i>	<i>United States</i>	<i>20 economies adopted the WTO TRIPS and 19 Customs administrations are responsible for border enforcement on goods infringing copyright and trademark. However, only 11 economies are responsible for goods infringing other rights such as patent and design right which are not obliged to enforce at the border by the TRIPS</i>
<i>Introduction of Clear Appeals Provisions</i>	<i>Canada Philippines</i>	<i>All the 21 economies introduced appeal systems.</i>
<i>Introduction of an Advance Classification Ruling System</i>	<i>New Zealand Korea</i>	<i>19 economies introduced advance ruling system for tariff classification. All the 21 economies established special units for uniform application of tariff classification at headquarters and/or regional customs offices. All the 21 economies established special units for uniform application of tariff classification at headquarters and/or regional customs offices.</i>

<i>Provisions for Temporary Importation, e.g. acceding to the A.T.A. Carnet Convention or the Istanbul Convention</i>	<i>Chinese Taipei United States</i>	<i>Only 14 economies acceded to the ATA Convention and/or Istanbul Convention. However, those economies, which have not acceded, adopted procedures in line with these conventions.</i>
<i>Harmonized APEC Data Elements</i>	<i>Canada</i>	<i>13 economies applied the WCO Data Model into their customs clearance systems.</i>
<i>Risk Management Techniques</i>	<i>Australia United States</i>	<i>20 economies introduced risk management approach and developed databases to achieve effective risk management. 20 economies introduced X-ray inspection equipment for containers.</i>
<i>Guidelines on Express Consignments Clearance (Current: WCO Immediate Release Guideline)</i>	<i>United States China</i>	<i>Only 16 economies adopted the principles of the WCO Immediate Release Guidelines. Only 14 economies have introduced the threshold value for waiver of duties and taxes (de minimis rule).</i>
<i>Integrity</i>	<i>Australia Hong Kong, China</i>	<i>20 economies developed codes of conduct for customs officers. 18 economies introduced internal audit systems.</i>
<i>Customs-Business Partnership</i>	<i>Hong Kong, China Mexico Chinese Taipei</i>	<i>Various measures have been taken in each economy to enhance cooperation with business. The number of economies which provide regular consultation sessions to stakeholders reached 20</i>
<i>Implementation of APEC Framework Based on the WCO Framework of Standards to Secure and Facilitate Global Trade</i>	<i>United States Japan Korea</i>	<i>9 economies introduced AEO program and 2 economies commenced AEO pilot project in line with the WCO AEO Guidelines and 9 agreements on mutual recognition of the AEO systems have been signed in the region.</i>
<i>Time Release Surveys (TRS)</i>	<i>Indonesia, Korea</i>	<i>Only 14 economies conducted Time Release Surveys.</i>

Cross Fora Collaboration

Market Access Group (MAG)

The SCCP has collaborated with the MAG's work on the simplification of Certificates of Origin (CO) and their documentation procedures, to make rules of origin more business-friendly.

The MAG Convener participated in the first SCCP meeting and briefed the SCCP on its survey on a reasonable validity period and waivers of certificate of origin or declarations. In response to the request from the MAG, the SCCP cooperated concerning clarity on the treatment of errors made in certificates or declarations, and reported the results of a survey conducted on acceptable minor errors, on a voluntary basis. The SCCP provided the survey results to the MAG and the CTI.

Intellectual Property Rights Experts' Group (IPEG)

The SCCP has continued its collaboration with IPEG on intellectual property rights protection. The Assistant Chair of the IPEG attended the first SCCP meeting and reported on its current work and stressed the importance of cooperation with customs on IPR protection, saying that IPR regulation was worthless without proper border enforcement.

Cooperation between Customs and right holders is imperative to the enforcement of IPR infringements. As part of its collaboration work with IPEG, China Customs presented on its efforts to enforce intellectual property rights at its border, including cooperation with other customs agencies and rights holders, at the IPEG-Private Sector Dialogue held in the margin of the first SOM (Senior Official Meeting).

Electric Commerce Steering Group (ESCG), etc

The Electronic Commerce Steering Group (ESCG) requested the SCCP to attend workshops on close-border trading environment scheduled in the year 2010. Japan, representing the SCCP, attended a workshop held in Seoul in May on "Information Systems for Paperless Trading." The results of the workshop were reported at the second SCCP meeting. Discussions were on issues such as Single Window and paperless trading systems; the SCCP representative briefed about SCCP's work to assist in Single Window development in each economy. The workshop led to recommendations which included the continuation of information exchange and sharing of respective works in a timely manner between APEC fora to gain synergy on the cross-cutting agenda without the duplication of activities.

Automobile Dialogue requested the SCCP to attend the working group session of its meeting to deliver updates on SCCP developments. Singapore, representing the SCCP, attended the meeting held in Singapore in November and presented on SCCP's latest achievements during this year, including the AEO Action Plan and Compendium, the Single Window report, and the 8 priorities agreed upon at the APEC Directors-General/Commissioners Meeting.

Annexes

SCCP 2010 Work Program

APEC Priority	Subject	Objective	Action	Status
Trade Facilitation	Supply Chain Connectivity	Contribute to the development of the Supply Chain Connectivity Framework (SCF) endorsed by 2009 AMM and AELM, and involve in the implementation of the action plan for SCF.	Discuss and identify specific actions to improve the chokepoints relevant to Customs specified by the SCF. The action plan for SCF will be developed by November 2010.	Ongoing: SCCP members agreed on the Customs related parts in the SCI action plan. SCCP continues to work on the implementation of the action plan.
	TFAP 2	Contribute to the implementation of TFAP 2 in areas related to customs procedures, and evaluate progress through the agreed key performance indicators (KPIs) related to customs procedures.	Progress the implementation of TFAP 2 initiatives by providing capacity building, and evaluate progress in agreed KPIs for areas related to customs procedures.	Ongoing: SCCP members will submit data of the agreed KPIs to the SCCP chair by the end of September. All the data submitted by members will be forwarded to the Policy Support Unit (PSU) in due course.
	Single Window	Work towards the development of “Single Windows” in each APEC economy, and establish links that enable seamless data sharing between SW systems through the identification and use of recognized international instruments and standards.	Support the development of Single Window and accelerate seamless data sharing between SW systems through information sharing among APEC members.	Ongoing: SCCP endorsed the SCCP SW report submitted by Japan and Chinese Taipei. SCCP continues to work on the development of SW by 2020 and accelerate seamless data sharing between/among SWs. SCCP agreed to create a new CAP on Single Window.
	Time Release Study	Continue implementation of time-release study (TRS) and disseminate best practices of TRS.	Member economies conduct TRS to identify bottlenecks of flow of goods and enhance predictability of international trade.	Ongoing: SCCP continues to share experience of members’ implementation of TRS.

APEC Priority	Subject	Objective	Action	Status
	IT Application to Customs procedures	Exchange information on IT application to Customs clearance procedures and other Customs related trade facilitation areas.	Collate/Share information on new technologies and equipments applied for Customs procedures to facilitate trade	Ongoing: SCCP continues to exchange experience and information on new technologies applied for Customs procedures to facilitate trade.
	Public-Private partnership	Promote public-private partnership.	Consult with ABAC and the business community to enhance partnership between Customs and business and conduct the APEC Customs-Business Dialogue (ACBD) 2010.	Completed: The ACBD 2010 was successfully concluded.

APEC Priority	Subject	Objective	Action	Status
Trade Facilitation / Secure trade	Authorized Economic Operator	Assist in establishing an AEO program by each APEC economy, which leads to promotion of Mutual Recognition Arrangement (MRA) between the interested economies.	Implement the AEO action plan including the development of the AEO Best practice	Ongoing: AEO Working Group developed a compendium on AEO. SCCP endorsed the compendium and continues to implement the AEO Action Plan. SCCP agreed to create a new CAP on AEO.
Secure Trade	Trade Recovery Program (TRP)	Build the communication network to facilitate the resumption of the legitimate international flow of goods based on the WCO TRP.	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.	Ongoing: SCCP endorsed, as a working document, the Action items and Compendium to build the communication network to facilitate the resumption of trade reported by Japan and Singapore. The SCCP also agreed to keep the TRP as an item in the agenda of future SCCP meetings. The United States will work intercessionally with interested economies to carry the work forward.
	Secure Trade and new Technology	Share information on new technologies to secure global trade.	Collate/Share information on new technologies and equipments applied for Customs activity to secure global trade.	Ongoing: SCCP continues to share information on new technologies and equipments applied for Customs activity to secure trade.

APEC Priority	Subject	Objective	Action	Status
Intellectual Property Rights Enforcement	Proper IPR border enforcement	Strengthen intellectual property rights (IPR) border enforcement in the APEC region and promote greater collaboration between Customs and right holders.	Share experience of C2C cooperation on information exchange about suspension of counterfeited and pirated goods, and enhance cooperation between Customs and right holders.	Ongoing: SCCP endorsed the outcome of the study on IPR border enforcement reported by Hong Kong, China and Japan. SCCP continues to work on possible action to be taken in IPR enforcement
CAP Evaluation	CAP evaluation	Review past 15 years CAP activities by stocktaking assessment on the implementation level for each CAP item.	Conduct stocktaking assessment and discuss future directions on APEC Customs activities.	Ongoing: SCCP endorsed the Evaluation report on CAP reported by Japan and United States. SCCP members will make efforts to achieve remaining 6 CAP items by 2020 and consider appropriate measures including the creation of new CAP items to tackle rapidly changing environment surrounding customs.
Environment	Customs and environment	Share information on how Customs contribute to global environment issues.	Share experience and information on Customs contribution to global environment through particular Customs activities. US will make a proposal on how SCCP can collaborate on the issue of Customs and the environment.	Ongoing: Keep the environment issue as a SCCP agenda and continue to share experience and information on Customs contribution to global environment.
Transparency	Transparency	Improve transparency in Customs procedures and integrity of Customs to facilitate trade in APEC region	Work for the enhanced transparency in Customs procedures	Ongoing: SCCP continues to share best practices on transparency. US will make a proposal on how the SCCP can further enhance transparency in Customs procedures.

SCCP Contacts in 2010

Economy	Name	Email address
2010 Chair	Mr. Nobuyuki Uda	apec@mof.go.jp
Assistant to 2010 Chair	Mr. Hidetoshi Aramaki	apec@mof.go.jp
Australia	Mr. Lee Gordon	lee.gordon@customs.gov.au
	Ms. Katie O'Brien	katie.o'brien@customs.gov.au
	Ms. Suzanne Boag	suzanne.boag@customs.gov.au
Brunei Darussalam	Mr. Ali Rahman bin Haji Tasim	info@customs.gov.bn
	Mr. Muhd Hafiy Abdullah Fung	hafiy.abdullah@customs.mof.gov.bn
Canada	Mr. Adam JACQUES	Adam.Jacques@international.gc.ca
	Mr. David Dorey	David.Dorey@cbsa-asfc.gc.ca
	Mr. Jonathan Berkshire Miller	Jonathan.Miller@cbsa-asfc.gc.ca
	Ms. Dianne Hall	dianne.hall@cbsa-asfc.gc.ca
	Ms. Nicole Lefebvre	Nicole.Lefebvre@cbsa-asfc.gc.ca
	Ms. Tara Preston	tara.preston@international.gc.ca
Chile	Mr. Gastón Fernández	GFernandez@aduana.cl
	Mr. Nicolas Concha	nconcha@direcon.cl
	Mrs. Krasna Bobenrieth	kbobenrieth@direcon.cl
	Mrs. Marcela Otero	motero@direcon.cl
China	Mr. Song Xinyang	xysong@customs.gov.cn
	Ms. Xu Lu	xulu@customs.gov.cn
Hong Kong, China	Mr. Mak Tak Wing	tw_mak@customs.gov.hk
	Mr. Yu Koon Hing	kh_yu@customs.gov.hk
	Ms. Alice Leung	alice_py_leung@customs.gov.hk
	Ms. Martha Yu Sau Mee	sm_yu@customs.gov.hk
Indonesia	Mr. Firman Bunyamin	firman.bunyamin@gmail.com
	Mr. Iwan Hermawan	iwanherm@yahoo.com
	MMr. M Wahyu Purnomo	intl_affairs_directorate@beacukai.go.id i_customs@yahoo.com
	Mrs. Maria Barus	barusmaria@yahoo.com
Japan	Mr. Takashi Matsumoto	apec@mof.go.jp
	Ms. Rika Tokai	apec@mof.go.jp
	Mr. Mitsuhiro Tamori	apec-meti@meti.go.jp
Republic of Korea	Mr. Kwon, Ki-Joong	hanarm@mosf.go.kr
	Mr. Young Hwan SOHN(Christopher)	yhsohn@customs.go.kr kectcd@customs.go.kr aео@customs.go.kr

Malaysia	Ms. Radziah Razak	radziah.razak@customs.gov.my international.affairs@customs.gov.my
	Mr. Yahya Sulaiman	yahya.sulaiman@customs.gov.my apecmiti@miti.gov.my
	Ms. Razinah Abd. Rahman	razinah.arahman@customs.gov.my
	Mr. Mohammad Haizam Hashim	m_haizam.hashim@customs.gov.my
Mexico	Mr Jorge Eduardo López Valdez	jelopez@economia.gob.mx
	Mr. Alejandro Gutierrez	hector.gutierrez@sat.gob.mx
	Mr. José Alfonso Padilla Manjarrez	jose.padilla@sat.gob.mx
	Mrs. Blanca MARTINEZ	bmartinez@economia.gob.mx
	Ms. Gabriela Martinez Silva	gsilva@economia.gob.mx
	Ms. Mónica Contreras	mcontreras@economia.gob.mx
New Zealand	Mr. Dave Haigh	dave.haigh@customs.govt.nz
	Mrs. Diana Hawker	diana.hawker@customs.govt.nz
Papua New Guinea	Mr. Frank Babaga	fbabaga.cmmt@global.net.pg
	Mr. Gary Juffa	garyjufa@yahoo.com
	Ms. Nancy Oraka	noraka.irc@global.net.pg
Peru	Mr. Alberto Gonzales	agonzales@rree.gob.pe
	Mr. Rafael Reano Azpilcueta	rreano@sunat.gob.pe
	Ms. Ana Rojas Zapana	arojasz@sunat.gob.pe
	Ms. Carmela Reynalte Villanueva	creynalte@sunat.gob.pe
	Ms. Gloria Ramirez	gramirez@mincetur.gob.pe
The Philippines	Mr. Jay Francis G ALCANTARA	jfa.dfa@gmail.com apecphil@yahoo.com
	Ms. Charina J VILLARINO	cjvillarino@yahoo.com
	Ms. Marie Sherylyn D AQUIA	SherylynAquia@dti.gov.ph
Russia	Mr. Alexey Dyshlyuk	uts-osmo@rambler.ru
	Mr. Dmitriy Semenov	umts_SemenovDYu@ca.customs.ru
	Mr. Kirill Muradov	muradovku@economy.gov.ru
	Mr. Nikolay Kushnarev	kushnarev@economy.gov.ru
	Mrs. Anna Kalyagina	uts_kalyagina@mail.customs.ru
	Mrs. Yana Mudrik	KashuraYAV@ca.customs.ru
Singapore	Ms. SUNG Pik Wan	customs_international@customs.gov.sg
	Ms. Pauline GOH	customs_international@customs.gov.sg
	Ms. ONG Li Ling	customs_international@customs.gov.sg
Chinese Taipei	Mr. Arthur Chung-Wu Yang	cwyang@mail.mof.gov.tw
	Mr. Chihtung Chang	ctchang@mail.mof.gov.tw
	Mr. Han Ming Huang	hmhuang@mail.mof.gov.tw

Thailand	Mr. Chakkrit Utenesute	customs_th@yahoo.com
	Mr. Teeramat Sahunalu	teerawat.sa@customs.go.th
	Ms. Pornsiri Sakornvanasak	pornsiris@dtm.go.th
United States	Mr. Brendan O'Hearn	brendan.o'hearn@dhs.gov
	Mr. Eric Holloway	Eric_Holloway@ustr.eop.gov
	Mr. Lonnie Kishiyama	Lonnie.Kishiyama@dhs.gov
	Ms. Jennifer McGill	Jennifer.mcgill@dhs.gov
	Ms. Louritha Green	Louritha.green@dhs.gov
	Ms. Stephanie Wood	Stephanie.wood@dhs.gov
Viet Nam	Mr. Dao Duc Hai	haidd@customs.gov.vn
	Mr. Nguyen Toan	icd@customs.gov.vn sccp2006@customs.gov.vn
APEC Secretariat	Mr. Michael Vonk	mv@apec.org
	Ms. Daphney Chew	dc@apec.org

Acronyms

ABAC	APEC Business Advisory Council
ACBD	APEC Customs-Business Dialogue
AEO	Authorized Economic Operator
APEC	Asia-Pacific Economic Cooperation
ATA	Carnet Admission Temporaire / Temporary Admission Carnet
CAP	Collective Action Plan
CTI	Committee on Trade and Investment
CO	Certificate of Origin
ECSG	Electronic Commerce Steering Group
HS	Harmonized Commodity Description and Coding System
IPEG	Intellectual Property Rights Experts' Group
IPR	Intellectual Property Rights
KPI	Key Performance Indicator
MAG	Market Access Group
MRA	Mutual Recognition Arrangement
MDB	Multilateral Development Bank
PSU	Policy Support Unit
ROO	Rules of Origin
SCCP	Sub-Committee on Customs Procedures
SOM	Senior Officials' Meeting
SWWG	Single Window Working Group
TFAP	Trade Facilitation Action Plan
TPE	Trade Recovery Program (TRP) Pilot Exercise
TRIPS	Trade Related Aspects of Intellectual Property Rights
TRP	Trade Recovery Program
TRS	Time Release Survey
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
UN/EDIFACT	UN Electronic Data Interchange for Administration, Commerce and Transport
WCO	World Customs Organization
WTO	World Trade Organization