

**THE 10TH ASEM PROCEDURES WORKING GROUP (PWG)
MEETING 27-29 MARCH 2007, KOTA KINABALU, SABAH, MALAYSIA**

Report

1. INTRODUCTION

- 1.1 Following the decision agreed during the 9th ASEM Procedures Working Group Meeting in Warsaw, Poland from 19-20 September 2006, the 10th ASEM Procedures Working Group Meeting was held in Kota Kinabalu, Sabah, Malaysia from 27 – 29 March 2007.
- 1.2 The representatives of Brunei Darussalam, Cambodia, China, India, Indonesia, Japan, Malaysia, Philippines, Singapore, Republic of Korea, Thailand, Vietnam, Austria, Belgium, Finland, Germany, Luxembourg, Poland, Spain, Sweden, United Kingdom, The European Commission, The Netherlands and the World Customs Organisation participated in the meeting.
- 1.3 The list of delegates appears as **ANNEX 1**
- 1.4 The meeting was officially opened by the Director General of Royal Malaysian Customs, Dato' Sri Abd. Rahman Abd. Hamid, who welcomed the participants to Kota Kinabalu, Sabah, Malaysia. In his keynote address he reiterated the significance of this meeting in strengthening the relationship between Asia and Europe and enhancing mutual understanding between the two regions. He highlighted the need to review and consider further action on the Trade Facilitation Action Plan (TFAP) as agreed by ASEM leaders at the Sixth Asia Europe Summit or ASEM 6 held in Helsinki, Finland from 10 to 11 September 2006.
- 1.5 Members were also urged to be committed in the promotion and implementation of effective Intellectual Property protection worldwide in combating IPR piracy and counterfeiting. Within this context, he encouraged the European members to share their experiences and best practices to curb this global problem. In the era of globalization where international trade supply chain has grown in importance Dato' Sri Abd. Rahman emphasized the need to simplify customs procedures to facilitate trade. This meeting served as an avenue for members to think of ways and means whereby two way trade can be further facilitated and enhanced without compromising on the security of the trade supply chain.

2. OPENING STATEMENT

The meeting was chaired by Dato' Ibrahim Jaapar, The Deputy Director General of Customs (Operations), Royal Malaysian Customs.

3. ADOPTION OF THE AGENDA AND BUSINESS ARRANGEMENT

3.1 The meeting adopted the agenda with minor amendments as appears in **ANNEX 2**.

3.2 The meeting was held in plenary.

4. WELCOMING OF NEW ASEM MEMBERS AND PRESENTATION OF NEW DELEGATES (MALAYSIA)

4.1 The Chair welcomed India as the new ASEM Member and the delegates Mr. C. Rajendiran and Mr. Mohan Kumar Singh from India were introduced.

4.2 The European Commission explained the function of ASEM Customs fora to the new delegates, and based on Vietnam's request, the ASEM structure.

5. REPORT AND DISCUSSION OF THE RELEVANT ASEM MEETINGS:

5.1 Poland briefed the Meeting on the highlights of the 9th ASEM PWG which was held in September 2006 in Warsaw, Poland.

5.2 Finland briefed the Meeting on the highlights of the ASEM 6 Summit which was held 10 – 11th September 2006 in Helsinki.

5.3 Germany briefed the Meeting on the highlights of the ASEM SOM which was held in Berlin on 24 – 25 January 2007.

The delegate of The Netherlands referred to the closed linkage of procedures and enforcement issues and indicated the risk of duplication or omission of work in the two Customs working groups and suggested to consider this problem for the future structure of the ASEM Customs cooperation.

6. UPDATE ON DEVELOPMENT WITHIN SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES.

6.1 Cambodia updated the Meeting on the development of the ASEAN Coordinating Committee on Customs (CCC). The main function of the CCC is to coordinate the three working groups namely: Customs Procedures and Trade Facilitation Working Group, Customs Enforcement and Compliance Working Group and Customs Capacity Building Working Group.

To facilitate global trade, CCC has organized two workshops namely Express Delivery Service-Catalyst for International Trade, funded by private sectors and ASEAN Customs Declaration. For comprehensive implementation of ASEAN Harmonized Tariff Nomenclatures (AHTN) version 2007, the Working Group on Customs Procedures and Trade Facilitation cooperation with ASEAN-US Technical Assistance and Training Facility had conducted four training Courses in Philippines, Thailand, Vietnam and Brunei Darussalam respectively.

- 6.2 The European Commission updated the Meeting on the state of play on the EU simplification and harmonization proposals. The legislative process of the Modernized Community Customs Code (MCCC) is at an advance stage.
- 6.3 The Meeting was updated by the European Commission on the development of WTO negotiations on trade facilitation. The delegate stressed the importance of the DDA process and invited ASEM Customs administrations to get actively involved on the national level when formulating negotiations positions.
- 6.4 The World Customs Organization briefed the Meeting on the cost of implementing Trade Facilitation measures.

Based on the enquiry from India, the delegate from WCO circulated a note explaining the concept of 'Single Window'. This note had been prepared to assist negotiation in the WTO. The WCO also circulated the Fact Sheet on Customs Data Model.

7. TRADE FACILITATION AND SIMPLIFICATION

- 7.1 The European Commission, Japan and Singapore presented their papers on their current state of **Authorized Economic Operator (AEO)**.

(i) The European Commission gave presentation on the EC AEO concept that will apply to the entire European Community as of 1.1.2008. It was underlined that it was important to encourage as many economic operators, including SMEs to become AEO with a view to end-to-end supply chain security. In view of balancing security and trade facilitation, the AEO should receive tangible benefit such as lower risk score and thus less control. Mutual recognition was possible only on the basis of equivalent concepts leading to equivalent levels of security.

Delegate from Luxembourg suggested that the concept of AEO be included as an additional deliverable in the TFAP.

(ii) Japan presented her paper on Japan's approach of AEO which included the concept of Asia Gateway Initiative and proposed measures and timeframe of Japanese version on Customs Trade Partnership Against Terrorism (C-TPAT). Japan informed the Meeting that Japanese version of C-TPAT covers importers, exporters and bonded warehouses and this proposed revision of Japanese AEO are expected to be approved by the end of March 2007.

(iii) Singapore presented an overview of her National Supply Chain Security Programme named Secure Trade Partnership (STP). The Meeting was informed that Singapore Customs was appointed as the national authority to administer the voluntary program. Singapore shared that the STP provides a framework to guide the development, implementation, monitoring and review of the company's supply chain security measure. It was also noted that the STP was consistent with the WCO SAFE Framework of Standards and was developed through consultation with the private sector.

- 7.2 The Netherlands presented the updates of the proposal for a working document of the **Informal Working Group for Supply Chain Security** related to the implementation of WCO SAFE Framework of Standards which will be presented to the Customs DGs / Commissioners Meeting. The main issues highlighted were those related to the concept and implementation issues of mutual recognition of Authorized Economic Operator (AEO), AEO programmes and control carried out in the country. New elements were on the issues of data exchange and a new technology (smart boxes, smart seals, RFID tags etc.). An example of a set of principles of personal data protection was added as Annex F to the working document.

The Netherlands called for the attention of the Meeting to look into the needs of capacity building of ASEM members as requested by the DGs/ Commissioners. Japan was of the opinion that the result of WCO Diagnostic Study on WCO SAFE Framework of Standard should be able to identify the type of Capacity Building required by ASEM Members.

The matter was discussed further and The European Commission informed the meeting that as agreed at the last PWG Meeting in Poland, the draft document will be presented to the ASEM Customs DGs/ Commissioners Meeting for adoption.

It was further suggested to forward the document to the members of the Enforcement Working Group to give comments on the draft document at the meeting in Berlin.

- 7.3 China briefed the Meeting on the **status of the implementation of the EC-China pilot project on Smart And Secure Trade Lanes**. The project was officially launched by signing minutes and a joint understanding in September 2006. The core elements have now been identified as data exchange, IT solution, join risk rules, selection of companies, etc. The preparations for the actual start of the project are progressing smoothly.

As requested by Japan, delegates from China, The Netherlands and UK informed the Meeting that they had agreed to select five importers and five exporters per country to participate.

7.4 Malaysia, Luxembourg and WCO made presentation related to Simplified Customs Procedures.

(i) Malaysia shared her practices on Authorized Traders namely the Customs Golden Client (CGC). The presentation explained the concept, the objectives, eligibility, criteria and the CGC process flow.

The Meeting was informed that Malaysia is now reviewing the turnover criteria of CGC Scheme to include IPC and RDC and traders with lower turnover to be considered.

China shared her practices on authorized trader program called 'Enterprise Classified Management Program', which is at the stage of amending the relevant legislation in order to incorporate some latest development of Customs and business operation. On China's request to know the criteria set for authorized traders in other member countries, the Meeting acknowledged that Japan, Singapore and EC do not include turnover criteria for their authorized traders. They practice only compliance level as criteria to be considered for authorized traders.

(ii) Luxembourg presented the Simplified Customs Procedures in the European Union where three different cases were quoted related to incomplete declaration, simplified declaration and local customs clearance, in relation to import, export and transit procedures.

(iii) The Meeting was briefed on the WCO trade facilitation instruments which includes the Revised Kyoto Convention (RKC), Istanbul Convention, UCR Recommendation, Revised Arusha Declaration and Guidelines on Data Model and Time Release Survey.

Malaysia informed the Meeting on her position regarding accession to RKC. About 80% of the standards and transitional standards stipulated under General Annex of the RKC have been complied by Malaysian Customs. A comprehensive report has been elevated to the Ministry of Finance for consideration and subsequently to be tabled before the Cabinet for approval.

The Meeting was informed that Vietnam is at the stage of amending the related legislation in compliance to the RKC standards and hope to accede to the RKC at the end of 2007.

Recalling the transition provision in the convention, the WCO encouraged delegates to commence the ratification process even where some legislative work remain to be completed.

8. Presentations on legislative and procedural aspects of IPR were done by delegates from The European Commission, Germany and Korea.

(i) The European Commission briefed the Meeting on their latest legal situation in the EU concerning the Legislative and procedural aspects of Customs action in the area of IPR / fight against counterfeiting and piracy.

The meeting was reminded that enforcement of IPR will be discussed at the EWG Meeting in May where enforcement and IPR experts will be present.

The delegate from Malaysia informed the Meeting that in Malaysia, the authority enforcing IPR issues is the Ministry of Domestic Trade and Industry, and Customs only has ex-officio power. The delegate further informed the Meeting on the recent successes on seizure of counterfeit cigarettes bound for Europe.

(ii) Germany made a presentation sharing her best practices and practical impact of the latest EU legislation and procedures on Customs action.

(iii) The Korean delegate presented her IPR protection strategies and achievements.

9. Member Countries presented their initiatives and experiences on **Good Practices and Approaches** to trade facilitation and customs procedures.

(i) The ASEAN Single Window (ASW) was introduced to the Meeting by delegate from Philippines. The presentation included the updates on progress of the implementation of the National Single Window and ASW in Member Countries.

(ii) Experience on the implementation of E-Customs was shared by the delegate from Austria.

(iii) The Malaysian delegate presented Malaysian Customs initiatives on Smart Partnership and highlighted the problems faced by the legally operating industries such as low declaration value to Customs and smuggling activities especially of tiles, float glass, iron steel, tyres and cigarettes.

India informed the Meeting that she also faced similar problems on importation of some commodities such as tiles, compact disc and batteries. False certificate of origin has been produced with the intention to evade anti-dumping duty imposed on such products.

(iv) The Malaysian delegate shared their experience on Malaysian Customs Import Verification System.

Pertaining to the enquiry from the United Kingdom's delegate, the Meeting was informed that the verification is processed before the goods arrive in Malaysia.

(v) Singapore made a verbal report on the Swedish-Singapore Joint Customs Business Partnership Model which was drafted to enhance customs-business cooperation in ASEM. The Meeting was informed that Sweden and Singapore

would be partnering Vietnam to test the model and the results of the model would be presented at the next DGs/ Commissioners' Meeting.

The Meeting was informed by the Vietnam delegate on her readiness to welcome Singapore and Sweden for this project.

(vi) Japan gave a presentation on Time Release Survey (TRS) explaining that the main objective of TRS is to measure times which are consumed each step of clearance procedures and identify bottleneck for cargo clearance procedures. The Meeting was also informed Japan has conducted 8 TRS and it was proved clearance time has been reduced by 60% in 15 years.

On enquiries from Malaysia and China, Japan informed the Meeting that the TRS is carried out to identify bottleneck areas on customs clearance for all types of cargo. The study on the result of quantitative impact was done by the Research Institution.

Malaysia briefed the Meeting on the Malaysian Customs TRS, which is now at the stage of data collection. Live study on import cargo clearance based on the WCO guidelines, was implemented for 7 days at the major airports and sea ports.

With regards to Korea's enquiry on result of TRS, the WCO confirmed that the TRS results have been received and analyzed. WCO further requested member countries to submit all TRS results for use in their trends and analysis research.

(vii) Korea presented a paper on Client-oriented Logistic Information System as enhancement to the WCO TRS Guidelines.

(viii) Delegate from China presented a report on TRS in major China Customs offices. China introduced that it was the first time to conduct TRS in a nationwide scale and referring to the international Guidelines. On the way forward, China Customs will make better use of TRS as an endeavor to establish a more transparent and speedy clearance environment.

Japan acknowledged TRS as a useful tool in which results of TRS can be used as reference for trade facilitation.

The European Commission shared her experience on TRS done at the land border where it was found that the delay caused by other government agencies was more than at the Customs.

(ix) The delegate from India presented an overview on Indian Customs Administration as well as trade facilitation initiatives and international participation on Customs matters.

On Korea's enquiry with regards to exchange of information, India informed the Meeting that she had signed 14 Customs Mutual Assistance Agreements and has received useful information including on valuation. India further added that confidentiality clause should not be an issue as the information sharing is in terms of bilateral agreements.

The European Commission informed the meeting that she has signed Customs Cooperation and Mutual Assistance Agreements with India, China and Korea. Mandate has been given for EC to negotiate with ASEAN countries to sign similar agreements.

The Meeting was informed that discussion between Malaysia and The European Commission on mutual agreement has not been finalized.

The EC explained that such an agreement would provide a legal basis for exchange of information on request after internal enquiries, but not on a systematic basis.

10. The Meeting was updated on the **Trade Facilitation Action Plan (TFAP)** by Japan's presentation. This presentation covered the report on deliverables 2004 to 2006 based on the results of the survey conducted by Japan in cooperation with EC. Japan also proposed revision for the next period of 2006 to 2008 which includes 2 new deliverables on WCO SAFE Framework and trade facilitation indicator.

Thailand suggested to include a deliverable by suggesting a timeframe for customs responses to enquiries. The WCO proposed to add that customs should get actively involved in the preparation of national negotiation positions on trade facilitation for WTO negotiation.

The Meeting agreed on the request of Thailand and WCO for Japan to incorporate the proposals from Thailand and WCO into the TFAP table. It was decided not to include yet a deliverable on AEO in the TFAP 2006 – 2008 as a number of countries considered it as premature. However the importance and priority of the AEO concept has been stressed and fully recognized. It was suggested to propose it for discussion for the next TFAP 2008 – 2010.

It was agreed in the Meeting that Japan will provide an amended version of TFAP table 2006 – 2008 and allow member countries to study and submit comments and feedback by 16th April 2007 to enable Japan to finalize the TFAP 2006-2008 to be presented in the coming DGs/Commissioners Meeting. The EC should receive copies of the comments.

11. **Capacity Building**

(i) The Malaysian delegate shared their experience on capacity building initiatives through courses offered and conducted in the Royal Customs Academy of Malaysia (AKMAL), fully-funded under the Malaysian Technical Cooperation Programme (MTCP).

(ii) The European Commission presented the state of play of the revision of the customs blueprint –pathway to modern customs developed jointly by EU, member states and candidate countries. The revised version will be available in summer and will serve as a guideline for EU technical assistance in the area of Customs and IT

Austria as part of the blueprint project team suggested that the new version of the revised blueprint may be of great interest also to ASEM countries and may provide useful support for customs reform and also the implementation of the SAFE Framework.

12. **Next ASEM Meetings.**

(i) Delegate from Germany briefed the Meeting on the report on state of play of preparations on the 10th EWG Meeting in Berlin, which is scheduled on 9 – 10th May 2007 at the Federal Ministry of Finance (Euro Hall). ASEM members were reminded to register as soon as possible due to limited hotel capacity.

(ii) The Meeting was informed that Japan will be hosting the ASEM Customs DGs/ Commissioners Meeting which is expected to be held in Japan in November 2007. Member countries were requested to inform Japan by 12th April 2007 on the availability of DGs/ Commissioner during the first half of November 2007.

(iii) Venue of the 11th ASEM PWG Meeting 2008 will be announced at the ASEM DGs/ Commissioner Meeting in Japan. It will be hosted in an EU country.

13. **Final Business**

List of contact points is as at **ANNEX 3**.

14. **Adoption of the report**

The Meeting adopted the report.



The 10th ASEM Procedures Working Group (PWG) Meeting,
Kota Kinabalu, Sabah,
27 – 29 March 2007



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Agenda

1. **Welcoming remarks by the Director General of Customs, Malaysia.**
2. **Opening statement by the Chair.**
3. **Adoption of the agenda and business arrangement (Chair).**
4. **Welcoming of new ASEM members and presentation of new delegates (Malaysia)**
 - **Explanation on the functioning of ASEM Customs fora (European Commission).**
5. **Report and discussion of the relevant ASEM meetings :**
 - 5.1 9th ASEM PWG in September 2006 (**Poland**).
 - 5.2 ASEM 6 Summit, 10-11 September 2006 – Helsinki. (**Finland**).
 - 5.3 ASEM SOM in January 2007 (**Germany**).
6. **Update on development within simplification and harmonization of Customs procedures.**
 - 6.1 Report on The Development of Coordinating Committee on Customs (CCC) (**Cambodia**).
 - 6.2 EU simplification and harmonization proposals (**European Commission**).
 - 6.3 WTO negotiations on trade facilitation (**European Commission**).
 - 6.4 The cost of implementing Trade Facilitation measures (**World Customs Organization**).

7. Trade Facilitation and Simplification.

7.1 **Authorised Economic Operator (AEO):** current state of discussion:

- **European Commission**
- **Japan**
- **Secure Trade Partnership – Singapore’s Voluntary Certification Programme (Singapore).**

7.2 **Report of the Informal Working Group for Supply Chain Security.**

(update on the last meeting and presenting proposal to be made to Customs DG’s/Commissioners Meeting) (Netherlands).

7.3 **Report of state of play of implementation of the EU-China pilot Project (China).**

7.4. **Simplified Customs Procedures.**

- **The Customs Golden Client: Malaysian practices for Authorised Traders (Malaysia).**
- **Simplified Customs procedures in the European Union (Luxembourg).**
- **WCO Trade Facilitation Instruments (World Customs Organization).**

In particular every country should indicate their position regarding accession to the WCO Revised Kyoto Convention (RKY) and also inform about concrete simplified Customs procedures in place (import, export, transit), especially those of which foreign traders could benefit from (explaining also the conditions to access) (Asian countries, EU Member States).

8. **Legislative and procedural aspects of IPR / fight against counterfeiting and Piracy**

8.1 Legal situation in the EU concerning Customs action: latest situation (European **Commission**).

8.2 Best practices and practical impact of the latest legislation and Procedures on Customs action:

- **Germany**
- **Korea**

9. **Good practices and approaches**

9.1 Single Window

- New developments in ASEAN (**Philippines**).

9.2 E-Customs

- Experiences with the implementation of E-Customs (**Austria**).

9.3 Other initiatives (ASEM Member countries are requested to make proposals for this agenda item)

- Smart partnership in Royal Malaysian Customs (**Malaysia**).
- Royal Malaysian Customs Verification System (**Malaysia**).
- Verbal Report on the Sweden-Singapore Joint Customs Business Partnership Model (**Singapore**).
- Identification of bottlenecks: Time Release Study (**Japan**).
- Governance-Based Time Release Surveys (**Korea**).
- Report on Time Release Study in major China Customs Offices (**China**).
- Presentation on Indian Customs Administration, recent Trade Facilitation Initiatives and International Participation on Customs Matters (**India**).

10. **Trade Facilitation Action Plan (TFAP)**
 - 10.1. Progress report on deliverables 2004 to 2006 of the ASEM TFAP in the Customs area and proposed revision for the next period 2006 - 2008 **(Japan)**.
 - 10.2. Draft Trade Facilitation Action Plan (TFAP) for 2006 - 2008 **(Japan)**.
 - 10.3. Summary table of TFAP 2004 -2006 **(Japan)**.

11. **Capacity building**
 - 11.1. Technical Assistance: Members are recommended to express their Technical assistance needs and offers (if any) **(especially new ASEM members are invited to express their views)**.
 - 11.2. Customs blueprints: update of the revision exercise **(European Commission)**.

12. **Next ASEM meetings**
 - 12.1. 10th EWG meeting in Berlin, Germany: State of play of preparations **(Germany)**.
 - 12.2. ASEM Customs DG's/Commissioners meeting autumn 2007: information on date and venue **(Japan)**.
 - 12.3. 11th ASEM PWG Meeting 2008 **(EU country)**.

13. **Final business**
 - 13.1. Contact points list **(Chair)**.
 - 13.2. Other business **(If any: Chair)**.

14. **Adoption of the final report of the 10th ASEM PWG Meeting (Chair)**

15. **Closing remarks (Chair)**



**The 10th ASEM Procedures Working Group (PWG) Meeting,
Kota Kinabalu, Sabah, Malaysia
27 – 29 March 2007**



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