

TERM OF REFERENCE (TOR)
DIGITAL TRADE STANDARDS AND CONFORMANCE WORKING GROUP
(DTSCWG)

I. BACKGROUND

1. The ASEAN Consultative Committee for Standards and Quality (ACCSQ) was formed by the ASEAN Economic Ministers (AEM) in October 1992 with the aim of removing technical barriers to trade (TBT) to support the realization of the ASEAN Free Trade Area (AFTA). With the establishment of the ASEAN Economic Community (AEC) on 31 December 2015 on the facilitation of goods in ASEAN characterised as a single market and production base; highly competitive economic region; equitable economic development; and fully integrated into the global economy, the ASEAN is moving further into a greater ASEAN integration through the ASEAN 2025 envisioned to be (i) a Highly Integrated and Cohesive Economy; (ii) a Competitive, Innovative, and Dynamic ASEAN; (iii) Enhanced Connectivity and Sectoral Cooperation; (iv) A Resilient, Inclusive, People-Oriented, and People-Centred ASEAN; and (v) a Global ASEAN. The ASEAN Economic Community Blueprint 2025 supports the ASEAN 2025 Vision in the ASEAN economic community building.

2. Furthermore, the ACCSQ, in its role as the main body responsible for the overall coordination of ASEAN matters related to standards, technical regulations and conformity assessment procedures (STRACAP), including legal metrology, has developed the ASEAN Standards and Conformance Strategic Plan 2016-2025 in response to the ASEAN vision 2025 and the AEC Blueprint 2025. Strategic Thrust 3 *“Achieve a highly integrated and cohesive ASEAN economy through a comprehensive and progressive reduction of TBT related to STRACAP”* with its Activity programme, *“Deepen regional implementation of trade-facilitative STRACAP initiatives in existing and new areas including addressing the needs of MSMEs”* mandated the ACCSQ to identify new areas to undertake STRACAP initiatives.

3. In the same premise, the Master Plan on ASEAN Connectivity (MPAC) 2025 adopted by the ASEAN Leaders as integral part of the ASEAN 2025 mandates the ACCSQ as lead implementing body to undertake the strategic objectives on *“harmonisation of standards, Mutual Recognition and Technical Regulation in three prioritised product grouping”*.

4. Responding to the mandates given under the ASEAN vision 2025 and MPAC 2025, the 49th ACCSQ has identified e-commerce/digital trade as a new sector. The Senior Economic Official Meeting (SEOM) during its 3rd Meeting for the 49th AEM (SEOM 3/49), the SEOM agreed, in principle, to e-commerce/digital trade as a new area, The

SEOM highlighted that the new PWGs should not duplicate efforts of the existing work of the PWGs and other relevant ASEAN Sectoral bodies such as the ASEAN Coordinating Committee on E-Commerce (ACCEC).

II. OBJECTIVE

1. For the purpose of promoting harmonisation, standardisation and conformity assessment of digital trade in ASEAN, the Digital Trade Standards and Conformance Working Group (DTSCWG) has the following objectives:

- 1.1 Exchange information on standards, regulations, procedures, policies, best practices, technical requirements, and governance related to e-commerce/digital trade and its relevant supporting services/business activities in Member States;
 - 1.2 Identify areas for harmonisation of standards, regulations, technical requirements, procedures, and best practices, develop and monitor sectoral MRA;
 - 1.3 Identify the technical infrastructure needs on standards, conformity assessment, technical regulation to support initiatives in e-commerce / digital trade;
 - 1.4 To promote awareness and adoption of harmonised technical requirements/standards within Member States where applicable.
 - 1.5 Identify technical assistance and capacity building needed to support the initiatives in e-commerce / digital trade; and
 - 1.6 Engage relevant regulatory institutions, private sector organisations, ASEAN sectoral bodies and other relevant organisations to review trade related implementation issues and explore collaborative initiatives in the harmonisation, standardisation and conformity assessment of the digital trade.
2. The DTSCWG shall be responsible, but not limited to, the following:
- 2.1. Coordinate, review and monitor the development and implementation of DTSCWG work program.
 - 2.2. Adopt its rules and procedures or terms of reference by consensus.

- 2.3. Harmonise standards among the AMS based on international standards, guides and practices.
- 2.4. Engage stakeholders and other ASEAN sectoral bodies to cooperate on standards, technical regulations and conformity assessment procedures related to e-commerce/digital trade.
- 2.5. Engage with FTA Partners, Dialogue Partners and other regional and international organisation dealing with STRACAP on e-commerce/digital trade.
- 2.6. Where necessary, establish adhoc group to work on specific topic that needs focus and immediate result.

III. RESPONSIBILITIES

1. The DTSCWG is to provide a forum and mechanism for discussing issues, sharing information and reaching decisions associated with harmonisation, standardisation and conformity assessment of e-commerce/ digital trade.
2. The DTSCWG will assist in any disagreement between Member States regarding the interpretation or implementation of regional initiatives on harmonisation, standardisation and conformity assessment digital trade.
3. The DTSCWG shall closely coordinate with the following ASEAN bodies:
 - 3.1 ASEAN Coordinating Committee on e-Commerce (ACCEC);
 - 3.2 Telecommunications and Information Technology Senior Officials Meeting (TELSOM);
 - 3.3 Other related ASEAN sectoral bodies dealing with e-commerce/digital trade.
4. The DTSCWG is responsible and report its work to the ACCSQ.

IV. STRUCTURE

1. The DTSC WG shall comprise of:
 - 1.1 One official representative from each ASEAN Member State. The representative must have appreciation and understanding of STRACAP

and digital trade. The official representative may be accompanied by their delegation at the DTSCWG meetings.

- 1.2 The officers of the DTSCWG shall comprise of the Chair, Vice-Chair and official representatives of ASEAN Member States. The appointment of the Chair and the Vice-Chair will be determined through consultation with all members.
- 1.3 The Chair and Vice-Chair will rotate among the AMS on a yearly basis in alphabetical sequence following the name of the Member State. The Vice-chair succeeds the Chair at the end of the one year appointed period and at which time a new Vice-chair will be appointed from the Member State, in alphabetical order. In case a Member State is designated as Chair or Vice-Chair, another official representative shall represent her country. In the event an AMS cannot take up the position of Chair or Vice-Chair, the next AMS by alphabetical order will be offered the position.
- 1.4 The Chair and Vice-Chair shall be impartial when chairing the Meetings.
- 1.5 Secretariat for the DTSCWG will be provided by the Chair with the support from the ASEAN Secretariat.
- 1.6 The representatives from AMS will bear the cost of their participation to the DTSCWG Meetings.
- 1.7 Representatives from other sectoral bodies and private sector can be invited to participate in the DTSCWG as delegates or observers upon invitation by the DTSCWG and/or officially designated by the Head of Delegations of each AMS.
- 1.8 Attendance by representatives from at least six Member States shall be required to constitute a quorum

V. THE DUTIES AND RESPONSIBILITIES OF CHAIR, VICE CHAIR

1. The Chair of the DTSCWG shall be responsible to the ACCSQ. The Chair shall preside at every meeting of the DTSCWG and ensure that all interests are heard, keep discussion to the point, judge when a consensus of opinion has been reached and express it by summing up progress in order that the minutes are clear and precise.
2. Prior to any discussion, the Chair shall consult with the members of the DTSCWG on the subject to be covered during the discussion.

3. Any policy issues which might arise during discussion at the DTSCWG, the Chair shall report to the ACCSQ for further consideration.

4. The Vice-Chair shall assist the Chair in implementing the above duties and responsibilities and shall assume these duties and responsibilities when the Chair is not available

VI. MODE OF OPERATION

1. The DTSCWG will operate on the basis of consensus and in line with ASEAN rules and procedures;

2. The DTSCWG will conduct meetings regularly at least once a year or when required for the discharge of its functions, including upon the request of the ACCSQ. In setting the date for the meeting, the Chair and Vice-Chair should attempt to hold the meeting in conjunction with other meetings, such as but not limited to ACCSQ meeting, where members are likely to attend. Notices of meetings need to be sent to members at least 30 days before the date of the meeting.

3. The DTSCWG will endeavour to conduct its business through electronic means such as e-mail or tele-conference.

4. The meeting invitation and proposed annotated agenda shall be sent to the DTSCWG members at least 30 days before the date of the Meeting. The meeting and supporting documents will be sent to members at least 5 working days before the date of the meeting.

5. Decisions will be based on consensus in which each Member will have one voice.