

Technical Assistance Report

Project Number: 47081-001

Regional—Capacity Development Technical Assistance (R-CDTA)

December 2013

Aligning Customs Trade Facilitation Measures with Best Practices in Central Asia Regional Economic Cooperation

(Financed by the Japan Fund for Poverty Reduction)

ABBREVIATIONS

ADB – Asian Development Bank AEO – authorized economic operator

CAREC – Central Asia Regional Economic Cooperation

CCC – Customs Cooperation Committee

ICT – information and communication technology

RKC – Revised Kyoto Convention

SAFE – Security and Facilitation in a Global Environment

WCO – World Customs Organization

TECHNICAL ASSISTANCE CLASSIFICATION

Type – Regional—Capacity development technical assistance (R-CDTA)

Targeting classification

General intervention

Sector (subsectors)

Industry and trade (trade and services)

Themes (subthemes)

Regional cooperation and integration (trade and investments), economic growth (promoting economic efficiency and enabling business environment), capacity development (institutional development)

Location (impact)
Partnerships

National (high), regional (high), rural (low), urban (low)

Japan Fund for Poverty Reduction

NOTE

In this report, "\$" refers to US dollars.

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I. INTRODUCTION

- 1. The Strategic Framework for the Central Asia Regional Economic Cooperation (CAREC) Program, 2011–2020 (CAREC 2020) has two strategic objectives: expanding trade and improving industrial competitiveness. Within CAREC 2020, trade facilitation is one of four priority sectors. Work in this area was guided by the Transport and Trade Facilitation Strategy (TTFS), approved in 2007 by the 6th CAREC Ministerial Conference. The TTFS has undergone a midterm review during 2012–2013 to optimize its implementation for the remaining period (2014–2020). As a result, a Refined TTFS 2020 and Implementation Action Plan has been developed and approved in 2013 by the 12th CAREC Ministerial Conference on 23–24 October in Astana, Kazakhstan. The refined strategy strengthens an integrated approach, focusing on the development of six CAREC corridors through infrastructure investments and trade facilitation initiatives to improve the movement of goods and people through and across these corridors.
- 2. Customs cooperation has been at the core of the trade facilitation program of CAREC since its establishment in 2001, with the Customs Cooperation Committee (CCC) serving as a regional forum to discuss issues of common interest. The CCC is composed of heads of customs administrations of the 10 CAREC countries.
- 3. The CCC defined five priority areas on which to focus its work: (i) simplification and harmonization of customs procedures and documentation, (ii) information and communication technology (ICT) for customs modernization and data exchange, (iii) risk management and postentry audit, (iv) joint customs control (JCC), and (v) regional transit development. These five priority areas are fully consistent with the 10 building blocks for customs in the 21st century as promoted by the World Customs Organization (WCO). The proposed regional technical assistance (TA) will provide support in three of the five CCC priority areas: the simplification and harmonization of customs procedures and documentation, ICT for customs modernization, and data exchange and risk management techniques. 3
- 4. The proposed TA was discussed during the 12th CCC meeting on 18 September 2013 in Astana, Kazakhstan. Members of the CCC agreed that the regional TA reflects the objectives of the identified priority areas, to which they gave their full support. The design and monitoring framework is in Appendix 1.

II. ISSUES

- 5. CAREC countries have made important progress in customs modernization and trade facilitation consistent with the identified five priority areas. Achievements to date in CAREC customs cooperation include:
 - (i) accession to the Revised Kyoto Convention (RKC) by five countries;
 - (ii) automation of customs functions with the aid of ICT, simplification and harmonization of customs procedures; and application of risk management procedures;

ADB. 2012. CAREC 2020: A Strategic Framework for the Central Asia Regional Economic Cooperation, 2011–2020. Manila.

² Priority (iv) on joint customs control will be supported by TA 'Coordinated Border Management for Results' while priority (v) on regional transit development will be supported by TA "Facilitation of Regional Transit Trade in Central Asia Regional Economic Cooperation (CAREC)".

³ The TA first appeared in the business opportunities section of ADB's website on 24 October 2013.

- (iii) pilot-testing of JCC in 2 pairs of countries through adoption of a unified cargo manifest and the gradual move toward mutual recognition of inspection results,
- (iv) accession to the TIR Convention in 8 countries for regional transit, and
- (v) capacity building programs for customs officials and training of trainers for customs training institutes in the region.
- 6. While much has been achieved in the five priority areas, countries still are confronted with excessive transaction costs and delays. Central Asian countries face comparatively longer time frames to export and import as well as relatively high number of documentation requirements. Exporters can expect to spend an average of 26 days to complete all export formalities 16 days more than the average in OECD economies⁴. A more focused and coordinated approach is needed across all CCC members to align customs-related measures and procedures with international best practices. To avoid fragmented actions by individual countries and promote a harmonized approach toward reforms in CAREC countries, international best practices must be further applied.
- 7. The simplification and harmonization of customs procedures relies heavily on the legal framework that regulates customs operations in each of the 10 countries. All the CAREC countries are members of WCO and almost all have amended their laws to conform to the International Convention on the Simplification and Harmonization of Customs Procedures, or Revised Kyoto Convention (RKC).⁵ Five countries have acceded to the RKC (Azerbaijan, the People's Republic of China, Kazakhstan, Mongolia, and Pakistan) and the remaining five (Afghanistan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan) are in the process of accession. At the 9th CCC meeting in Tokyo in 2010, the target was set to have the remaining five countries accede to the RKC by 2015.
- 8. Another CCC priority area that requires immediate attention is the upgrading of risk management techniques used by CAREC customs authorities as the means to achieve a balanced approach to facilitation and control. Most customs authorities in CAREC have initiated efforts to introduce risk management in their clearance procedures, but much more needs to be done to wean them away from 100% control procedures. Providing customs with the necessary support to lead efforts in integrating risk management systems of all border regulatory agencies is essential. Also, a disciplined and structured approach to managing risk by CAREC customs is needed, which will allow the formulation of new initiatives whereby low-risk traders are permitted to operate under less stringent regulatory requirements.
- 9. Application of ICT for customs modernization and data exchange is also a priority for CCC members. Many customs administrations in CAREC countries use varying degrees of automation to support core customs functions and augment risk management techniques. However, CAREC lacks an information exchange mechanism to enable electronic exchange of data between customs administrations to promote real-time collaboration.

III. THE TECHNICAL ASSISTANCE

10. The proposed TA will promote a concerted approach to customs reforms in CAREC countries by applying international best practices. The TA will support accession to and improve

⁴ Doing Business Report 2013.

The convention's full title is International Convention on the Simplification and Harmonization of Customs Procedures. The original convention was concluded in Kyoto in 1973 and entered into force in September 1974. It was reviewed over a period of years and was ultimately amended in 1999. The convention is commonly referred to as the Revised Kyoto Convention.

compliance with the RKC. Risk management systems will be strengthened and options will be explored for data exchange and information sharing between and among CAREC customs administrations.

A. Impact and Outcome

11. The impact of the TA will be enhanced trade facilitation regimes in CAREC countries that will increase international trade flows so as to further integrate CAREC countries into the world trading community. The outcome of the TA will be simplified and harmonized customs clearance procedures that align customs trade facilitation measures with international best practices.

B. Methodology and Key Activities

- 12. The impact and outcome of the TA will be achieved through the delivery of the following outputs and activities:
 - Actions plans to align customs procedures with Revised Kyoto (i) Convention. The RKC provides a foundation for modern and efficient customs procedures and is therefore central to customs modernization and reforms. The adoption and implementation of the convention by CAREC economies will deliver tangible benefits to the region by increasing transparency and efficiency in customs administration, while helping reduce transaction costs and boost trade security. By increasing consistency and alignment of national legislations with the RKC, customs will be able to process imports and exports more smoothly. Five CAREC countries are in the process of accession (para. 6) and need assistance to complete their accession action plans. WCO has developed a self-assessment tool to help quide countries through a series of logical steps that will enable them to prepare for accession. Capacity-building workshops and training units will be delivered to the 10 CAREC countries to develop an understanding of what is required to comply with and accede to the RKC, and to train personnel on the use of the WCO self-assessment tool. Special follow-up support will be given to the five countries pending accession to guide them in preparing an accession action plan. Support will be provided to undertake a situation analysis by comparing provisions of the RKC with existing national legislations. This will highlight the provisions that countries already comply with, and those that need compliance. A gap analysis will follow to identify the legislative and procedural amendments that need to be done. Finally, an accession action plan for each country will be put in place.
 - (ii) **Proposals for the modernization of risk management systems.** Sound risk management is fundamental to effective customs operations. Drawing on intelligence, information, and experience, customs administrations adopt procedures designed to detect illegal activity in an effort to reduce its risks. By increasing efficiency of risk management operations and streamlining processes and procedures, interventions in trade transactions will be minimized, thereby reducing the regulatory burden on the commercial sector. Eventually, an authorized economic operator (AEO)⁶ program for CAREC countries may be

The authorized economic operator (AEO) is a party involved in the international movement of goods in whatever function has been approved by or on behalf of a national customs administration as complying with WCO or equivalent supply chain security standards. AEOs may include manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors, and freight forwarders.

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introduced. The WCO developed the WCO SAFE package which includes all the guidelines and instruments that support implementation of the SAFE framework.7 The SAFE package includes tools to assist in establishing and administering AEO programs. Support will be provided to countries to put together a risk management program to expedite clearance of legitimate shipments while maintaining appropriate border control by identifying high-risk cargo. This will allow the establishment of a fast-track program in which approved and authorized traders with good compliance records can obtain the release of cargo with minimum customs intervention. Using the WCO Customs Risk Management Compendium as the common methodology to detect and treat potential risk, a review and assessment of the risk management practices will be developed in select countries. The assessment will also evaluate the readiness to embrace and introduce an AEO program. A set of recommendations and practical tools that can aid implementation of risk management will be drafted. Workshops on the WCO Risk Management Compendium will be organized to raise awareness and understanding of the methodology. In select countries, the concept of AEO will be introduced using the WCO SAFE framework package. To raise awareness and understanding of AEO, workshops and consultations between customs and traders will be organized.

(iii) Framework for a CAREC customs information exchange mechanism. Customs administrations need closer real-time collaboration in facilitating legitimate trade and exerting controls. The TA will include assistance in designing a framework for an electronic information exchange among and between CAREC customs authorities that will ensure seamless, real-time, and paperless flows of information and connectivity. The ICT systems used by CAREC customs administrations will be reviewed and the feasibility of developing an information exchange mechanism for CAREC customs will be assessed. Drawing from the assessment, a framework will be designed for an electronic information exchange among and between CAREC customs authorities. The framework will be piloted in two countries with the view of extending it to the region at a later stage.

C. Cost and Financing

13. The TA is estimated to cost \$1,350,000, of which \$1,250,000 and will be financed on a grant basis by the Japan Fund for Poverty Reduction and administered by ADB. The TA will be part of the "Trade Facilitation Mechanism" initiated by the Government of Japan in November 2010. The governments of CAREC countries will provide counterpart support in the form of necessary office space, counterpart staff, and other services to the consultants, and will assist in arranging meetings with counterpart agencies. The cost estimates and financing plan is in Appendix 2.

SAFE stands for Security and Facilitation in a Global Environment. The instrument was later renamed the SAFE Framework of Standards to Secure and Facilitate Global Trade. It was approved by the customs directors general

of WCO member countries in June 2005. In June 2010, the WCO issued a SAFE framework package bringing together all the guidelines and instruments that support implementation of the SAFE framework.

In November 2010 the Government of Japan announced a new initiative called "Trade Facilitation Mechanism" to contribute up to \$25,000,000 to ADB for trade facilitation in Asia from 2011 to 2015. The mechanism aims at facilitating trade-related procedures, mainly customs-related procedures, with a view to contributing to the expansion of trade and economic growth in Asia.

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D. Implementation Arrangements

- 14. ADB will serve as the executing agency. The Public Management, Financial Sector and Regional Cooperation Division of ADB's East Asia Department will serve as a focal point and administer the TA in close coordination with the CAREC Unit of the Central and West Asia Department; the resident missions in CAREC countries; and the CAREC Institute which will provide the TA training courses. The TA will be implemented in close coordination with the WCO and will contribute to implementation of the memorandum of understanding between ADB and WCO signed on 4 May 2010 during ADB's 43rd Annual Meeting in Tashkent, Uzbekistan. In addition, the Customs and Tariff Bureau of Japan's Ministry of Finance and Japan International Cooperation Agency were consulted in terms of relevance and approach of the proposals. It was decided that ADB will provide them with information about activities to be undertaken during implementation and that the Customs and Tariff Bureau will participate in workshops and events for experience sharing with CAREC countries. The 2-year implementation period will be from 1 February 2014 to 31 January 2016.
- 15. The TA will require 20 person-months (international) and 56 person-months (national) of intermittent consulting services. Consultants and resource persons will be specialists in the areas of customs reforms, customs law, trade facilitation, and ICT. In view of the TA's varied activities, consultants and resource persons will be selected and engaged on an individual basis in accordance with ADB's Guidelines on the Use of Consultants (2013, as amended from time to time). The outline terms of reference for consultants and resource persons are in Appendix 3. Proceeds of the TA will be disbursed in accordance with the *Technical Assistance Disbursement Handbook* (2010, as amended from time to time).
- 16. Progress of the TA will be monitored based on the intended outcome and outputs described in the design and monitoring framework. Experience and knowledge gained through the TA will be widely disseminated through knowledge products such as strategic publications, policy and strategy papers, and conferences.

IV. THE PRESIDENT'S DECISION

17. The President, acting under the authority delegated by the Board, has approved ADB administering technical assistance not exceeding the equivalent of \$1,250,000 to be financed on a grant basis by the Japan Fund for Poverty Reduction for Aligning Customs Trade Facilitation Measures with Best Practices in Central Asia Regional Economic Cooperation, and hereby reports this action to the Board.

DESIGN AND MONITORING FRAMEWORK

| | Performance Targets | Data Sources and | |
|---|--|---|---|
| Design Summary | and Indicators with Baselines | Reporting Mechanisms | Assumptions and Risks |
| Impact | Daseilles | INICCITATION | Assumptions Assumptions |
| Enhanced trade facilitation regimes that increase international trade flows | By 2020 time taken to clear a border crossing point decreases by 35% to 5.7 hours (2010 baseline: 8.7 hours) | Corridor Performance Measurement and Monitoring reports National customs service reports | CAREC governments continue to be politically committed to customs reforms and trade facilitation CAREC governments continue |
| | By 2020 cost incurred at a border crossing point clearance decreases by 20% to \$149 (2010 baseline: | WCO reports | to support regional cooperation initiatives to expand trade and improve competitiveness in the region |
| | \$186) By 2020 eight CAREC | | Political instability in some CAREC countries can disrupt reforms being undertaken |
| | countries acceded to the RKC (2010 baseline: five) | | Vested interests can exert influence to delay reforms |
| Outcome Simplified and harmonized clearance procedures based on best practice | By 2016, reduce by 15% the percentage of imports and exports subjected to physical inspection (compared with 2012 ¹) By 2016 reduce the average | National customs service reports using a well-defined methodology for data collection Corridor Performance Measurement and | Assumption Customs authorities agree to recommendations of the TA and implement reforms |
| | customs clearance time by 5% (2010 baseline: 2.8 hours) | Monitoring reports | |
| Outputs 1. Action plans to align customs procedures with the RKC | By 2016 action plans for RKC accession endorsed by countries | TA reports | Assumption Customs authorities of participating countries continue to give high priority to RKC accession and adoption of best practice, adopt risk |
| | By 2016 risk management proposals for four countries submitted to customs authorities | | management principles instead of total control, and are willing to work with the private sector in implementing reforms Risk Political changes can alter priorities and lead to withdrawal |
| 2. Proposals for the | By 2016 information | | of support |

¹ The baseline data will be established during implementation of the TA.

| Design Summary | Performance Targets and Indicators with Baselines | Data Sources and Reporting Mechanisms | Assumptions | and Risks |
|---|--|---|--|---|
| modernization of risk management systems | exchange framework submitted to customs authorities | | | |
| 3. Framework for a CAREC customs information exchange mechanism | By 2016 pilot testing of the framework initiated in two countries | | | |
| Activities with Miles | stones | | Inputs | |
| 1. Action plans to align customs procedures with the RKC 1.1 Deliver workshops on RKC and self-assessment tools by Q3 2014 1.2 Conduct training on use of WCO self-assessment tools by Q3 2014 | | | Japan Fund for Poverty Reduction: \$1.25 million | |
| 1.3 Undertake situati | on analysis by Q1 2015 | | | Amount |
| 1.4 Undertake gap a | | | Item | (\$'000) |
| 1.5 Prepare RKC acc | cession action plan by Q3 2 | 2015 | Consultants | 874.00 |
| 2.1 Complete assess | modernization of risk mana | | Workshops and seminars Miscellaneous | 325.00 5.00 |
| • | endations to upgrade risk n | management systems by | Contingency | 46.00 |
| Q3 2015 2.3 Conduct workshop to discuss assessment results and recommendations by Q3 2015 2.4 Formulate a proposal on upgrading risk management systems and introduction of authorized economic operator program in select countries by Q4 2015 | | | Note: The governme counterpart support necessary office spa staff, and other serv consultants, and will arranging meetings counterpart agencie | in the form of ace, counterpart rices to the I assist in with |
| mechanism dev 3.1 Complete assess | CAREC customs informateloped sment of customs ICT in sel | _ | kind contributions. | o una culci in |
| space framework | ment, develop a framework for CAREC customs by Q3 roject to test the single info | 3 2015 | | |

CAREC = Central Asia Regional Economic Cooperation, ICT = information and communication technology, Q = quarter, RKC = Revised Kyoto Convention, TA = technical assistance, WCO = World Customs Organization. Source: Asian Development Bank.

by Q3 2015

COST ESTIMATES AND FINANCING PLAN (\$'000)

| Item | Amount |
|--|----------|
| Japan Fund for Poverty Reduction ^a | |
| 1. Consultants | |
| a. Remuneration and per diem | |
| i. International consultants | 500.00 |
| ii. National consultants | 224.00 |
| b. International and local travel | 120.00 |
| c. Communications | 10.00 |
| d. Report preparation, production and transmission | 20.00 |
| 2. Training, seminars, and conferences | 325.00 |
| 3. Miscellaneous administration and support costs ^b | 5.00 |
| 4 Contingencies | 46.00 |
| Total | 1,250.00 |

Note: The technical assistance (TA) is estimated to cost \$1,350,000, of which contributions from the Asian Development Bank are presented in the table above. The governments will provide counterpart support in the form of necessary office space, counterpart staff, and other services to the consultants, and will assist in arranging meetings with counterpart agencies. The value of government contributions is estimated to account for 7.5% of the total TA cost.

Source: Asian Development Bank estimates.

Administered by the Asian Development Bank.

b Written translations, office supplies for events, printing of banners and leaflets, meetings assistants (copy person to reproduce materials, support for workshops, etc.).

OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

1. A total of 20 persons-months of international and 56 persons-months of national consulting will be engaged on an individual basis to provide services under the technical assistance (TA). The person-months indicated are primarily for planning purposes. Sufficient flexibility based on periodic progress assessment will be allowed in determining the duration of expertise required. The outline terms of reference below will be further refined and expanded prior to consultant recruitment.

A. International Consultants

- 2. The international consultants will be under the supervision of the Asian Development Bank (ADB) task manager(s). The reporting requirements will be given to each consultant engaged and will include inception, interim, and final reports. The consultants and resource persons are expected to prepare training materials and conduct training sessions, and perform other tasks as requested by the ADB task manager(s). In addition to their professional contributions, all consultants and resource persons are responsible for assisting ADB in the dissemination of best practices and facilitating high-level policy dialogues through knowledge products such as strategic publications, policy and strategy papers, conferences, and targeted media actions.
- 3. **Customs specialists** (2 positions) (15 person-months). The consultants will hold a bachelor's degree in economics, management, public administration or law. A master's degree will be an advantage. He or she must have at least 5 years of working experience in a customs administration. Preference will be given to specialists with regional and international experience, a good understanding of customs procedures and operations as well as familiarity with the Central Asia Regional Economic Cooperation (CAREC) regulatory framework in regard to trade facilitation. The consultants will perform the following tasks:
 - (i) Provide advisory support to CAREC countries to undertake a situation analysis by comparing provisions of the Revised Kyoto Convention (RKC) with existing national legislation.
 - (ii) Provide advisory support on how to use the World Customs Organization (WCO) self-assessment tool and to undertake a gap analysis to identify the legislative and procedural amendments that need to be done.
 - (iii) Prepare an inventory of customs laws, rules, and regulations to be used in the gap analysis.
 - (iv) Provide consultation and advisory support to draft an accession action plan for each country.
 - (v) Deliver training on the RKC and the use of the RKC self-assessment tool.
 - (vi) Formulate risk management strategies suitable for each country, including establishment of baseline indicators, identification of risk areas, selectivity, risk profiling, and targeting.
 - (vii) Raise awareness through consultations, events, and seminars on risk management and authorized economic operator (AEO) programs with an aim to kick-start some pilot programs.
 - (viii) Act as a resource person and facilitator of workshops on risk management techniques and methodologies (based on the WCO's Risk Management Compendium).
 - (ix) Provide advisory support and facilitate consultations between customs administrations and the private sector to implement risk management techniques such as AEO programs.

- (x) Upgrade and broaden customs staff's knowledge, competence, and innovative ability through experience sharing.
- 4. **Customs information technology expert** (5 person-months). The consultant will hold a bachelor's degree in information technology (IT) or computer science-related fields, preferably with experience in customs-related computer management systems. The consultant should have a good understanding of customs procedures and operations as well as familiarity with the CAREC regulatory framework in regard to trade facilitation. The consultant will perform the following tasks:
 - (i) Review the IT systems used by CAREC customs administrations.
 - (ii) Assess the feasibility of developing an information exchange mechanism for CAREC customs administrations.
 - (iii) Organize consultation meetings between customs administrations to discuss the feasibility of an information exchange mechanism.
 - (iv) Provide recommendations based on the feasibility assessment and establish a framework for an electronic information exchange among and between CAREC customs authorities.
 - (v) Provide recommendations and an implementation plan to pilot the framework in two countries, with a view to extending it to the region at a later stage.

B. National Consultants

- 5. National consultants will be recruited to assist the international consultants. The national consultants will have extensive and in-depth regional and local knowledge and good contacts in various areas of customs operations and trade facilitation. The national consultants will be guided and supervised by international consultants and the ADB task manager(s). They will provide support to the international consultants by undertaking background research, compiling government policies, regulations, and procedures, and ensuring that work by the international consultants is appropriate to the regional situation.
- 6. **Project coordinator and administrator** (20 person-months). The project administrator and coordinator, under the supervision of the ADB task manager(s), will provide technical and administrative support for activities implemented under the TA. Responsibilities will include:
 - (i) Help coordinate TA activities, including facilitating communication between consultants and participating governments.
 - (ii) Provide secretariat assistance and coordinate support for all TA-related activities, including administrative and communication tasks at ADB, and organizing and updating TA information and data.
 - (iii) Assist in the conceptualization, organization, and implementation of training events, dialogues, and workshops, e.g., agenda, concept papers, background notes, and presentations.
 - (iv) Coordinate with stakeholders and partners and staff of the ADB resident missions in CAREC countries regarding the administrative and logistical aspects of the TA activities.
 - (v) Prepare and update TA work plans and calendars.
 - (vi) Develop and maintain a system to monitor progress in TA implementation.
 - (vii) Prepare progress reports and reference documents for TA-related meetings, workshops, and seminars.
 - (viii) Assist in the preparation, publication, and dissemination of knowledge products emanating from the TA.

- 7. **Trade facilitation experts** (four positions, 36 person-months combined). The trade facilitation experts should have experience in customs laws and regional cooperation. They will assist in formulating recommendations on possible amendments and revisions to customs laws, regulations, and procedures to align them with international best practices, and assist the work of the customs experts. Their responsibilities will include:
 - (i) Help define necessary changes to laws and regulations related to customs laws to comply with RKC provisions.
 - (ii) Help governments achieve domestic readiness in terms of improvements in legislation, organization, and operations to meet the obligations in the RKC.
 - (iii) Help governments prepare their accession plans.
 - (iv) Help conduct training on the RKC and other meetings related to the TA.
 - (v) Collect and analyze information on customs risk management systems in place, and assist in providing recommendations to upgrade them.
 - (vi) Collect information on the development and status of AEO programs in the region.
 - (vii) Carry out other related tasks as requested by the customs experts.