

# Regulatory Coherence on Trade in the Indo-Pacific

Towards a Roadmap Based on an  
Analytical Study of Selected Countries



The Commonwealth

---

# Regulatory Coherence on Trade in the Indo-Pacific

Towards a Roadmap Based on an Analytical Study  
of Selected Countries



The Commonwealth

---

Authored by SU Khan Associates

© Commonwealth Secretariat 2025

Commonwealth Secretariat  
Marlborough House  
Pall Mall  
London SW1Y 5HX  
United Kingdom

[www.thecommonwealth.org](http://www.thecommonwealth.org)

All rights reserved. This publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or otherwise provided it is used only for educational purposes and is not for resale, and provided full acknowledgement is given to the Commonwealth Secretariat as the original publisher. Views and opinions expressed in this publication are the responsibility of the author and should in no way be attributed to the institutions to which they are affiliated or to the Commonwealth Secretariat.

Wherever possible, the Commonwealth Secretariat uses paper sourced from responsible forests or from sources that minimise a destructive impact on the environment.

Published by the Commonwealth Secretariat.

# Contents

<b>Foreword</b>	<b>v</b>
<b>Acknowledgments</b>	<b>vii</b>
<b>Executive Summary</b>	<b>ix</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. Country-specific Analysis</b>	<b>3</b>
2.1 Regulatory Framework for Trade	3
2.2 Regulatory Framework Analysis (Across 7 Indo-Pacific Countries)	54
2.3 Observed Trade and Digital Barriers	55
2.4 Alignment with International Best Practices	55
2.5 Identification of Regulatory Framework Commonalities and Differences	56
<b>3. Conventional Trade and Regulations: Gap Analysis</b>	<b>109</b>
3.1 Conventional Trade and Regulations Gaps in Australia	109
3.2 Conventional Trade and Regulations Gaps in New Zealand	110
3.3 Conventional Trade and Regulations Gaps in India	112
3.4 Conventional Trade and Regulations Gaps in Malaysia	115
3.5 Conventional Trade and Regulations Gaps in Singapore	116
3.6 Conventional Trade and Regulations Gaps in Fiji	118
3.7 Conventional Trade and Regulations Gaps in Samoa	120
<b>4. Digital Trade and Regulations Gaps Analysis</b>	<b>122</b>
4.1 Digital Trade and Regulation Gaps in Australia	122
4.2 Digital Trade and Regulation Gaps In New Zealand	124
4.3 Digital Trade and Regulation Gaps in India	126
4.4 Digital Trade and Regulation Gaps in Malaysia	129
4.5 Digital Trade and Regulation Gaps in Singapore	131
4.6 Digital Trade and Regulation Gaps in Fiji	133
4.7 Digital Trade and Regulation Gaps in Samoa	136
<b>5. Other Gaps from External Sources</b>	<b>139</b>

5.1 Impact of China's Trade Dominance on Selected Indo-Pacific Countries	139
5.2 US Tariff Policy on Selected Indo-Pacific Countries	140
<b>6. Comparative Analysis and Best Practices</b>	<b>143</b>
6.1 Comparative Analysis	143
6.2 Identifying Best Practices for Regulatory Coherence: A Strategic Framework for Selected Indo-Pacific Integration	146
6.3 Studying Successful International Experiences in Regulatory Coherence	147
Conclusion	153
<b>7. Roadmap</b>	<b>154</b>
7.1 Phase 1: Institutional Alignment and Diagnostics (Years 1–2)	154
7.2 Phase 2: Digital and Legal Infrastructure (Years 2–4)	156
7.3 Phase 3: Regulatory Harmonisation and NTB Elimination (Years 3–5)	159
7.4 Phase 4: SME and Institutional Support (Years 4–6)	160
7.5 Phase 5: Convergence and Governance (Years 5–7)	162
<b>8. Regional Cooperation Mechanism</b>	<b>165</b>
8.1 Existing Trade Agreements between Selected Countries	165
8.2 MoUs, Regulatory Dialogues and Cooperation Platforms	167
8.3 Proposed Mechanisms for Regional Cooperation	168
8.4 Country Roles and Strategic Synergies	169
8.5 Risks, Gaps and Mitigation Strategies	170
8.6 Opportunities for Commonwealth Integration and Support	170
8.7 Call to Action	171
<b>9. Conclusion</b>	<b>172</b>
<b>Annex A: Stakeholder Consultations</b>	<b>173</b>
<b>Annex B: List of Acts</b>	<b>176</b>
<b>Annex C: Acronyms and Abbreviations</b>	<b>179</b>

# Foreword

The Indo-Pacific is emerging as one of the world's most dynamic and strategically significant regions, home to economies that together shape global trade and digital transformation. Yet, the pace of economic growth across this vast geography is often constrained by regulatory divergence, institutional fragmentation and uneven digital readiness. In this context, achieving greater regulatory coherence across both conventional and digital trade has become central to enabling inclusive, sustainable and resilient regional integration.

This analytical study on regulatory coherence on Trade in the Indo-Pacific represents an important contribution to advancing this objective. Drawing on a detailed comparative assessment of seven economies i.e. Australia, Fiji, India, Malaysia, New Zealand, Samoa and Singapore; it provides an evidence-based analysis of trade-related regulatory frameworks and offers a phased roadmap for greater alignment. The findings underscore the value of shared standards, interoperability, and mutual recognition arrangements as tools for fostering trust and efficiency in cross-border trade.

The Commonwealth Secretariat is committed to supporting member countries in building effective institutions, strengthening legal and digital infrastructure, and fostering cooperation that enhances trade facilitation and competitiveness. This study highlights the pathways through which Commonwealth members in the Indo-Pacific, and indeed beyond, can work together to achieve regulatory convergence that benefits all, especially small and vulnerable economies.

I commend the authors of this study for their rigorous analysis and pragmatic recommendations. I hope that the insights presented here will inform policy dialogue, encourage collaborative action and inspire renewed commitment to a rules-based, transparent and inclusive global trading system.

The Hon. Shirley Botchwey  
Commonwealth Secretary-General





# Acknowledgments

This study on regulatory coherence on trade in the Indo-Pacific region was prepared under the overall leadership of Dr Ruth Kattumuri, Senior Director Economic, Development, Trade and Investment Directorate, Commonwealth Secretariat.

The project was led and directly supervised by Mohammad Owais Khan, Adviser, Regulatory Framework, Commonwealth Connectivity Agenda (CCA) Section with the overall support of Rajiv Babooram, Advisor and Head of CCA.

Special thanks to Kay Sealy, Deputy Permanent Representative, Permanent Mission of Barbados to the United Nations and other International Organisations at Geneva, and Chairperson, Regulatory Connectivity Cluster who provided useful guidance on the format and content of the study and facilitated its validation by the Regulatory Connectivity Cluster.

We also thank the country representatives who provided useful insights into the regulatory frameworks in their respective countries and participated in the discussion to finalise this paper.



# Executive Summary

This study provides a comprehensive assessment of trade-related regulatory frameworks – covering both conventional and digital domains – across seven Indo-Pacific economies: Australia, New Zealand, India, Singapore, Malaysia, Fiji and Samoa. The analysis focuses on identifying regulatory inconsistencies, non-tariff barriers and institutional gaps that hinder cross-border trade, with the objective of informing a phased roadmap towards regulatory coherence and regional economic integration. The study evaluates the alignment of national trade regulations with international standards, including the World Trade Organization Trade Facilitation Agreement, the Digital Economy Partnership Agreement (DEPA), the General Data Protection Regulation and Asia-Pacific Economic Cooperation frameworks. Special attention is given to disparities between advanced and developing economies in the region, particularly regarding institutional capacity, legal harmonisation and digital infrastructure readiness.

Key findings reveal significant fragmentation in customs procedures, technical barriers to trade, sanitary and phytosanitary measures, digital governance and data regulation. While countries such as Australia, New Zealand and Singapore demonstrate institutional maturity and international alignment, smaller economies such as Samoa and Fiji face capacity constraints and limited implementation of trade facilitation measures. Divergent approaches to digital trade – especially in areas such as data privacy, cybersecurity, fintech regulation and digital taxation – further exacerbate the lack of regional interoperability.

To address these challenges, the study proposes a five-phase roadmap aimed at fostering regulatory coherence:

1. gap mapping and baseline diagnostics
2. stakeholder consultations
3. pilot reform interventions
4. legal and procedural harmonisation
5. institutionalisation of regional cooperation platforms

In support of this roadmap, three high-impact policy recommendations are advanced:

- Develop Mutual Recognition Arrangements for product standards, digital identity and e-signatures.
- Deploy modular, scalable digital trade infrastructure aligned with DEPA principles.
- Establish a Regional Regulatory Coherence Task Force to coordinate reforms, particularly for capacity-constrained economies.

This strategic approach offers a practical path to strengthening regional integration, enhancing trade flows and enabling more inclusive participation in the global digital economy.



# 1. Introduction

The landscape of international trade is undergoing a rapid transformation, driven by accelerating digitalisation and deepening economic interlinkages. As cross-border commerce becomes increasingly complex and technology-driven, the demand for cohesive, transparent and forward-looking regulatory systems has never been greater. This challenge is particularly pronounced in the Indo-Pacific – a region marked by strategic importance and economic dynamism, where countries with diverse regulatory traditions and capacities are striving to enhance connectivity and cooperation. However, despite expanding networks of bilateral, regional and multilateral trade agreements, significant regulatory divergence – across both conventional trade mechanisms and emerging digital frameworks – continues to hinder the region's ability to unlock its full trade potential.

This study undertakes a detailed examination of regulatory frameworks across seven Indo-Pacific countries: Australia, New Zealand, India, Malaysia, Singapore, Fiji and Samoa (hereafter referred to as the selected Indo-Pacific countries). These economies were chosen to capture a broad spectrum of development contexts, encompassing advanced economies, emerging markets and small island developing states. The selected jurisdictions exhibit significant variation in institutional capacity, legal frameworks, market scale and levels of digital maturity.

The objective of the study is threefold.

1. Assess the current alignment of domestic trade regulations with international standards (e.g. World Trade Organization (WTO) Trade Facilitation Agreement (TFA), Digital Economy Partnership Agreement (DEPA), Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), General Data Protection Regulation (GDPR) and Asia-Pacific Economic Cooperation (APEC) Cross-Border Privacy Rules (CBPR)).
2. Identify key regulatory gaps, inconsistencies and non-tariff barriers (NTBs) that hinder both conventional and digital trade.
3. Propose a phased and pragmatic roadmap to improve regulatory coherence and promote regional economic integration.

This study adopts a dual-lens approach. The conventional trade lens focuses on market access, customs procedures, technical barriers to trade (TBT), sanitary and phytosanitary (SPS) measures, licensing and trade facilitation practices. The digital trade lens evaluates regulatory frameworks for e-commerce, data flows, digital ID, cross-border payments, intellectual property, cybersecurity and fintech oversight.

Methodologically, the study integrates desk research, comparative legal analysis and stakeholder consultations. It benchmarks national regulations against international frameworks, mapping both structural divergences and best practices. The analysis is grounded in the practical needs of policymakers and trade actors, emphasising reform pathways that are not only ambitious but also implementable given institutional realities.

Despite growing interest in regional cooperation, selected Indo-Pacific countries continue to operate in regulatory silos. For instance, robust institutions in countries such as Singapore and Australia often employ frameworks that are not interoperable with those in smaller or less developed economies, such as Samoa or Fiji. Meanwhile, digital trade governance is often hampered by fragmented standards on privacy, cybersecurity and taxation – raising both compliance costs and systemic risks.

The lack of mutual recognition arrangements, limited interagency coordination and inconsistent digital readiness levels create systemic friction. These regulatory misalignments particularly disadvantage small and medium enterprises (SMEs) and hinder participation in cross-border supply chains and digital platforms.

For effectively addressing these challenges, the proposed roadmap is designed to be modular and adaptable – allowing for flexible implementation tailored to the unique legal frameworks, institutional capacities and economic priorities of each country. It underscores the importance of enhanced technical assistance, robust regional peer-learning platforms and continuous, inclusive dialogue among governments, private sector stakeholders and development partners to ensure sustained progress towards regulatory coherence.

The overarching aim of this study is to support a transition from regulatory fragmentation to convergence within the Indo-Pacific region. By promoting greater alignment and interoperability in both conventional and digital trade domains, the region can unlock new pathways to trade that is more efficient, inclusive and resilient in the face of evolving global challenges.

# 2. Country-specific Analysis

## 2.1 Regulatory Framework for Trade

A well-structured and coherent regulatory framework is essential for facilitating economic growth, ensuring fair competition and strengthening international trade relations. In the selected Indo-Pacific countries, trade regulations differ significantly across countries, influencing market access, business operations and regional trade integration. These regulatory frameworks encompass laws, policies and institutional mechanisms that govern both conventional and digital trade, addressing key areas such as tariffs, NTBs, customs procedures, trade facilitation, e-commerce, intellectual property rights, cybersecurity and compliance with international trade agreements.

Given the variations in trade regulations across nations, it is crucial to assess country-specific frameworks to understand the challenges and opportunities in trade policy alignment. The following section provides an in-depth analysis of selected Indo-Pacific countries, examining their regulatory structures, trade facilitation measures and digital trade governance, in order to highlight the barriers and areas for policy coherence to enhance regional and global trade integration.

### 2.1.1 Australia

Australia maintains a transparent and advanced regulatory framework that supports both conventional and digital trade. Through active participation in global agreements such as the WTO, CPTPP and Regional Comprehensive Economic Partnership (RCEP), Australia promotes regulatory coherence, market access and trade facilitation, backed by strong institutional enforcement. The key regulatory authorities are listed in Table 2.1



These institutions play a vital role in ensuring trade efficiency, protecting national economic interests and promoting regulatory coherence in line with international standards.

**Table 2.1 Key Regulatory Authorities in Australia**

Department	Responsibilities
<b>Department of Foreign Affairs and Trade (DFAT)<sup>1</sup></b>	<ul style="list-style-type: none"> <li>Formulating trade policies.</li> <li>Negotiating trade agreements.</li> <li>Ensuring alignment with global trade frameworks.</li> <li>Overseeing Australia's participation in multilateral, regional and bilateral trade agreements (i.e. WTO, CPTPP and RCEP).</li> </ul>
<b>Australian Border Force (ABF)<sup>2</sup></b>	<ul style="list-style-type: none"> <li>Manages customs compliance, security protocols and border clearance processes.</li> <li>Enforces import/export regulations, tariffs, duties and biosecurity measures to prevent illegal trade activities.</li> </ul>

(Continued)

1 <https://www.dfat.gov.au/>

2 <https://www.abf.gov.au/>

**Table 2.1 Key Regulatory Authorities in Australia**

Department	Responsibilities
<b>Australian Taxation Office<sup>3</sup></b>	<ul style="list-style-type: none"> <li>Regulates tax policies for businesses engaged in trade, including goods and services tax (GST), on digital products.</li> <li>Ensures compliance with cross-border taxation and economic substance requirements.</li> </ul>
<b>Office of the E-Safety Commissioner<sup>4</sup></b>	<ul style="list-style-type: none"> <li>Regulating cybersecurity measures and digital trade safety policies.</li> <li>Ensure compliance with data protection regulations and digital consumer rights.</li> </ul>
<b>Reserve Bank of Australia (RBA)<sup>5</sup></b>	<ul style="list-style-type: none"> <li>Oversees financial regulations, particularly regarding cross-border payments, financial transactions and digital currencies related to trade.</li> </ul>
<b>Australian Competition and Consumer Commission (ACCC)<sup>6</sup></b>	<ul style="list-style-type: none"> <li>Enforces competition and consumer protection laws to ensure fair trading.</li> <li>Investigates anti-competitive conduct and protects consumer rights.</li> </ul>
<b>Standards Australia<sup>7</sup></b>	<ul style="list-style-type: none"> <li>Develops and maintains national standards across various industries.</li> <li>Facilitates the adoption of international standards to ensure quality and safety.</li> </ul>
<b>Department of Agriculture, Fisheries and Forestry (DAFF)<sup>8</sup></b>	<ul style="list-style-type: none"> <li>Regulates agricultural, fisheries and forestry industries to ensure biosecurity and sustainability.</li> <li>Oversees import/export controls and supports rural industry development.</li> </ul>
<b>Therapeutic Goods Administration (TGA)<sup>9</sup></b>	<ul style="list-style-type: none"> <li>Regulates the safety, quality and efficacy of medicines and medical devices.</li> <li>Monitors product performance and enforces compliance with health regulations.</li> </ul>
<b>IP Australia<sup>10</sup></b>	<ul style="list-style-type: none"> <li>Manages intellectual property (IP) rights including patents, trademarks and designs.</li> <li>Promotes innovation by providing legal protection and public access to IP systems.</li> </ul>

## Conventional Trade Framework

### **Market Access and Tariff Regulation**

Australia complies with WTO norms under the General Agreement on Tariffs and Trade (GATT) and the TFA, maintaining low Most-Favored-Nation (MFN) tariffs (0–5 per cent) regulated via the Customs Tariff Act 1995.<sup>11</sup>

- Key Free Trade Agreements (FTAs)
  - CPTPP – 99 per cent tariff elimination, strong digital trade provisions.<sup>12</sup>
  - RCEP – broad integration, but weaker labour/environment clauses.

<sup>3</sup> <https://www.ato.gov.au/>

<sup>4</sup> <https://www.esafety.gov.au/>

<sup>5</sup> <https://www.rba.gov.au/>

<sup>6</sup> <https://www.accc.gov.au/>

<sup>7</sup> <https://www.standards.org.au/>

<sup>8</sup> <https://www.agriculture.gov.au/>

<sup>9</sup> <https://www.tga.gov.au/>

<sup>10</sup> <https://www.ipaustralia.gov.au/>

<sup>11</sup> <https://www.legislation.gov.au/C2004A04997/latest/text>

<sup>12</sup> <https://www.dfat.gov.au/trade/agreements/trade-agreements>

- Australia–United Kingdom Free Trade Agreement (AUKFTA) – zero-duty access to the UK but complex origin rules.
- Supplementary measures
  - Tariff Concession System.
  - Import Processing Charges.
  - Tariff Rate Quotas (TRQs) for select agricultural products.

### **Customs and Trade Facilitation**

- Managed by the ABF using the Integrated Cargo System (ICS)<sup>13</sup> and aligned with World Customs Organization (WCO) standards.
- Australia implements WTO TFA provisions, emphasising transparency, risk-based assessments and paperless trade.<sup>14</sup>
- **Customs Licensing Charges Amendment Act 2024**<sup>15</sup> – provisions on updated licensing fee structures and digital payment compliance for customs brokers.

### **Non-Tariff Measures (NTMs)**

Australia's NTBs protect health, security and local industries through strict import/export regulations, licensing, product standards and biosecurity measures as highlighted in Table 2.2.

Australia's NTMs uphold public health, safety and environmental standards but often impose added compliance and procedural costs on foreign exporters.

**Table 2.2 Non-tariff Measures in Australia**

Category	Purpose	Trade impact
<b>SPS measures<sup>16</sup></b>	Biosecurity, food safety, quarantine (e.g. DAFF)	Protects health but adds costs for exporters
<b>TBT</b>	Product standards, labelling, conformity (e.g. ACCC, Standards Australia)	Ensures quality but increases compliance burden
<b>Licensing and quotas</b>	Sensitive imports: pharmaceuticals, chemicals, ICT equipment	Restricts entry for foreign firms
<b>Anti-dumping and safe-guards</b>	Imposed under WTO rules to prevent unfair competition	Protects domestic industry, discourages low-cost imports
<b>Local content/government procurement</b>	Favours domestic suppliers in bids and tenders	Encourages domestic sourcing, limits foreign access

### **Dispute Resolution**

- Domestically managed via the Federal Court of Australia and alternative dispute resolution (ADR) mechanisms<sup>17</sup> (e.g. arbitration).

13 [https://www.abf.gov.au/help-and-support/ics/integrated-cargo-system-\(ics\)](https://www.abf.gov.au/help-and-support/ics/integrated-cargo-system-(ics))

14 [https://www.wto.org/english/tratop\\_e/tradfa\\_e/tradfa\\_agreeacc\\_e.htm](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_agreeacc_e.htm)

15 [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r7210#:~:text=Introducing%20the%20Customs%20Amendment,depots%20and%20warehouses%3B%20and%20rectify](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7210#:~:text=Introducing%20the%20Customs%20Amendment,depots%20and%20warehouses%3B%20and%20rectify)

16 <https://www.agriculture.gov.au/agriculture-land>

17 <https://business.gov.au/people/disputes/resolve-disputes>

- Internationally, Australia utilises:
  - WTO Dispute Settlement Understanding (DSU)<sup>18</sup>
  - Investor-state dispute settlement (ISDS) under FTAs/Bilateral Investment Treaties (BITs) (e.g. CPTPP, Australia–United States Free Trade Agreement), via International Centre for Settlement of Investment Disputes or United Nations Commission on International Trade Law (UNCITRAL).<sup>19</sup>

## Digital Trade Framework

### ***E-commerce and Consumer Protection***

- Electronic Transactions Act 1999<sup>20</sup> – legal recognition of digital contracts and signatures.<sup>21</sup>
- Australian Consumer Law (ACL)<sup>22</sup> – regulates online consumer rights, fraud and advertising.

### ***Cross-Border Data Flows***

- Governed by the Privacy Act 1988<sup>23</sup> and the Consumer Data Right under the Competition and Consumer Act 2010.
- Open data transfer model, with sector-specific compliance (e.g. finance, health).
- Participates in APEC CBPR, CPTPP and DEPA to align international data standards.

### ***Digital Payments and Financial Regulation***

- RBA and Australian Transaction Reports and Analysis Centre (AUSTRAC) regulate platforms such as digital payments and financial regulation.<sup>24</sup>
- Supports fintech innovation and mandates anti-money laundering (AML)/counter-terrorism financing (CTF) compliance for secure cross-border financial services.

### ***Intellectual Property Rights (IPR)***

- Protected under:
  - Copyright Act 1968<sup>25</sup>
  - Trade Marks Act 1995<sup>26</sup>
  - Patents Act 1990<sup>27</sup>
- IP Australia manages enforcement and registration, although access may be costly for SMEs.

### ***Digital Trade Facilitation***

- Digital Trade Strategy (2021)<sup>28</sup> promotes interoperability, SME access and e-customs integration.

---

<sup>18</sup> <https://www.dfat.gov.au/trade/organisations/wto/wto-disputes>

<sup>19</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Treaties/TransPacificPartnership/Report\\_165/section?id=committees%2Reportjnt%2F024012%2F24257](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/TransPacificPartnership/Report_165/section?id=committees%2Reportjnt%2F024012%2F24257)

<sup>20</sup> <https://www.legislation.gov.au/C2004A00553/latest/text>

<sup>21</sup> [https://www.ag.gov.au/legal-system/electronic-signatures-documents-and-transactions#:~:text=The%20Privacy%20Act%201988%20\(Privacy,an%20in%20the%20private%20sector.](https://www.ag.gov.au/legal-system/electronic-signatures-documents-and-transactions#:~:text=The%20Electronic%20Transactions%20Act%201999%20(or%20the%20ETA)%20is%20a,laws%20and%20can%20be%20exempted.)

<sup>22</sup> <https://consumer.gov.au/legislation/current-legislation>

<sup>23</sup> [https://www.ag.gov.au/rights-and-protections/privacy#:~:text=The%20Privacy%20Act%201988%20\(Privacy,an%20in%20the%20private%20sector.](https://www.ag.gov.au/rights-and-protections/privacy#:~:text=The%20Privacy%20Act%201988%20(Privacy,an%20in%20the%20private%20sector.)

<sup>24</sup> <https://www.rba.gov.au/payments-and-infrastructure/new-payments-platform/>; <https://www.directory.gov.au/portfolios/home-affairs/australian-transaction-reports-and-analysis-centre>

<sup>25</sup> <https://www.legislation.gov.au/C1968A00063/2019-01-01/text>

<sup>26</sup> [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/tma1995121/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/tma1995121/)

<sup>27</sup> [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/pa1990109/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/pa1990109/)

<sup>28</sup> <https://www.dfat.gov.au/trade/services-and-digital-trade/e-commerce-and-digital-trade/digital-trade-strategy>

- Australia's participation in DEPA, CPTPP and RCEP includes the following.
  - Mutual e-signature recognition
  - Open data provisions
  - Cybersecurity standards
  - Online dispute mechanisms<sup>29</sup>
- ABF leads blockchain-enabled single window, smart contracts and e-certification pilots.
- E-Payments Code (administered by the Australian Securities and Investments Commission (ASIC))<sup>30</sup> – mandates consumer protection principles and dispute resolution mechanisms.

### Cybersecurity

- Governed by:
  - Cybersecurity Strategy 2023–2030<sup>31</sup>
  - Security of Critical Infrastructure Act 2018<sup>32</sup>
  - Essential Eight mitigation strategies
- Cooperation with APEC, Five Eyes and regional partners boosts cross-border cyber resilience.

### Regulatory Barriers Identified in Australia's Trade Frameworks

Australia maintains a generally open and rules-based trade regime, underpinned by a wide network of FTAs and transparent regulatory systems (Table 2.3). However, both conventional and digital trade frameworks include procedural and compliance-related barriers that can affect foreign exporters – particularly those from developing economies or unfamiliar with Australia's institutional settings.

**Table 2.3 Regulatory Barriers to Trade in Australia**

Category	Barrier Description	Potential Impact
<i>Conventional</i>		
Tariff measures	Higher tariffs on sensitive sectors (e.g. dairy, meat, textiles) despite general liberalisation. <sup>33</sup>	Reduced price competitiveness for exporters from non-FTA countries.
SPS rules	Strict SPS protocols under Biosecurity Act 2015; pest-free certifications, treatment and inspections required. <sup>34</sup>	High compliance costs for agricultural exporters, especially from developing countries.

(Continued)

In conventional trade, challenges arise from sector-specific tariffs, stringent biosecurity protocols and complex import licensing. In digital trade, barriers include strict data protection obligations under the Privacy Act 1988, cybersecurity compliance requirements and divergent technical standards. These factors may increase entry costs and operational complexity, especially for SMEs and digital service providers from jurisdictions with less developed regulatory infrastructures.

29 [https://asiafoundation.org/wp-content/uploads/2024/05/Digital-Trade-Agreements-in-Asia-and-the-Pacific\\_Tech-Policy.pdf](https://asiafoundation.org/wp-content/uploads/2024/05/Digital-Trade-Agreements-in-Asia-and-the-Pacific_Tech-Policy.pdf)

30 <https://download.asic.gov.au/media/lloicwb/epayments-code-published-02-june-2022.pdf>

31 <https://www.homeaffairs.gov.au/about-us/our-portfolios/cyber-security/strategy/2023-2030-australian-cyber-security-strategy>

32 <https://www.cisc.gov.au/legislation-regulation-and-compliance/soci-act-2018>

33 [https://www.wto.org/english/res\\_e/statis\\_e/daily\\_update\\_e/tariff\\_profiles/AU\\_e.pdf](https://www.wto.org/english/res_e/statis_e/daily_update_e/tariff_profiles/AU_e.pdf)

34 <https://www.agriculture.gov.au/biosecurity-trade/policy/legislation/biosecurity-legislation>

**Table 2.3 Regulatory Barriers to Trade in Australia**

Category	Barrier Description	Potential Impact
Technical standards	Domestic product standards under AS/NZS may differ from international norms; third-party certification often required.	Increased costs and delays for SMEs adapting products to local standards.
Import licensing	Licensing regimes for sensitive goods (pharmaceuticals, chemicals, bioproducts, etc.) administered by multiple agencies (DAFF, TGA, ABF). <sup>35</sup>	Perceived administrative burden and complexity in documentation.
Customs procedures	ICS in place, but customs clearance requires extensive documentation and risk-based inspections. <sup>36</sup>	Occasional delays, especially for unfamiliar or high-risk imports.
Infrastructure and logistics	Port infrastructure strong in metro areas, but limited cold-chain and transport access in remote regions. <sup>37</sup>	Logistical inefficiencies for time-sensitive or perishable exports.
<i>Digital</i>		
Cross-border data flows	Privacy Act 1988 restricts outbound data transfers unless adequate safeguards exist in the destination country. <sup>38</sup>	Limits data transfers for cloud, fintech or digital health firms from non-whitelisted jurisdictions.
Data localisation	No strict localisation mandate, but sector-specific data storage obligations may apply (e.g. financial services, critical infrastructure). <sup>39</sup>	Increased data-handling costs and legal uncertainty for foreign service providers.
Cybersecurity regulations	Security obligations under frameworks such as the Security of Critical Infrastructure (SOCI) Act may impose compliance burdens on foreign firms. <sup>40</sup>	May deter investment or participation in sensitive digital infrastructure sectors.
Technical standards for digital goods	Unique Australian requirements for digital ID, encryption and access control may diverge from global norms.	Increased compliance costs for global software as a service (SaaS) and hardware exporters.
Digital platform regulation	Enhanced obligations for digital platforms under consumer law and competition rules; risk of sector-specific regulatory scrutiny. <sup>41</sup>	Complicates operations for foreign e-commerce platforms or aggregators.
E-commerce documentation and labelling	Domestic legal requirements for consumer disclosures, tax obligations (GST on low-value imports) and returns policies. <sup>42</sup>	Creates additional legal and operational hurdles for SMEs in cross-border retail.

### Alignment with International Best Practices

Australia maintains a comprehensive and rules-based trade system supported by strong institutions, transparent legislation and active FTA engagement. While its regulatory architecture is well developed, gaps persist in digital integration, SME access and mutual recognition of standards. Table 2.4 presents the comparison of country conventional laws alignment with international best practices.

<sup>35</sup> <https://www.tga.gov.au/how-we-regulate/import-and-export>

<sup>36</sup> <https://www.abf.gov.au/help-and-support/ics/integrated-cargo-system-%28ics%29>

<sup>37</sup> <https://slideplayer.com/slide/15217253/>

<sup>38</sup> <https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-guidelines/chapter-8-app-8-cross-border-disclosure-of-personal-information>

<sup>39</sup> <https://resourcehub.bakermckenzie.com/en/resources/global-data-and-cyber-handbook/asia-pacific/australia/topics/data-localization-and-regulation-of-non-personal-data>

<sup>40</sup> <https://www.cisc.gov.au/legislation-regulation-and-compliance/soci-act-2018>

<sup>41</sup> <https://www.accc.gov.au/media-release/accc-welcomes-consultation-on-new-digital-competition-regime>

<sup>42</sup> <https://www.ato.gov.au/businesses-and-organisations/international-tax-for-business/gst-on-imported-goods-and-services/gst-on-low-value-imported-goods>

Australia's digital ecosystem is mature, with strong legal underpinnings and active participation in agreements such as DEPA and CPTPP. Nonetheless, challenges remain in data protection, SME digital adoption and cybersecurity implementation. Table 2.5 presents the comparison of country digital laws' alignment with international best practices.

### 2.1.2 New Zealand

New Zealand maintains a transparent, rules-based trade regulatory framework that promotes open markets, fair competition and compliance with international trade obligations (Table 2.6). With a high dependence on exports, the country actively engages in global and regional trade arrangements including the WTO, CPTPP, RCEP and multiple bilateral FTAs, while advancing a strong digital economy regulatory regime.



**Table 2.4 Comparison of Conventional Trade Laws with International Best Practice**

Trade domain	Key Features and challenges (Australia)	Alignment with international best practices	International best practice
<b>Customs and trade facilitation</b>	Australia's customs regime is based on the Customs Act 1901 and the ICS system, implementing WTO TFA provisions. Advance rulings and Authorized Economic Operator (AEO) programmes are in place. <sup>43</sup>	Substantially aligned – WTO TFA-compliant but lacks the seamless automation and inclusivity seen in Singapore.	Singapore's TradeNet – fully automated, real-time system with single-window integration and strong SME outreach.
<b>SPS and biosecurity</b>	Governed by the Biosecurity Act 2015, Australia maintains strict SPS controls aligned with Codex and European Conformity (World Organisation for Animal Health) standards. The system suffers from slow pest risk assessments, fragmented coordination and clearance delays in agri-food supply chains.	Moderately aligned – legal standards match Codex/OIE, but enforcement and coordination fall short operationally.	New Zealand Ministry for Primary Industries (MPI) Model – risk-based pest assessments with streamlined clearance and harmonised sectoral procedures.
<b>TBT and product standards</b>	The ACL ensures high product safety and environmental standards. However, the lack of Mutual Recognition Arrangements (MRAs) and inconsistent labelling requirements across sectors increase compliance costs.	Moderately aligned – strong domestic protections, but reduced cross-border interoperability versus the EU.	EU European conformity (CE) Marking System – regionally harmonised conformity assessments, labelling and MRA-based recognition.
<b>Import licensing</b>	Licensing for sensitive goods is transparent and governed by clear procedures, but its limited digital integration with customs systems creates administrative delays and duplication.	Substantially aligned – procedurally sound but lacks the full e-integration observed in leading digital models.	South Korea's UNI-PASS – fully digitised licensing linked to customs and port management systems.
<b>Dispute resolution</b>	Australia has robust legal mechanisms including courts, WTO dispute channels, FTA-based ISDS systems and strong enforcement via the ACCC and specialised tribunals. No major challenges reported.	Highly aligned – meets or exceeds international norms in transparency, competition enforcement and dispute resolution.	EU and US models – transparent legal redress, ISDS availability and independent judicial review.

43 <https://www.legislation.gov.au/C1901A00006/latest/text>  
<https://www.agriculture.gov.au/biosecurity-trade/policy/legislation/biosecurity-legislation>

**Table 2.5 Comparison of Digital Trade Laws with International Best Practice**

Digital trade domain	Key features and challenges (Australia)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	Digital trade provisions are embedded in FTAs (e.g. CPTPP, DEPA). The Electronic Transactions Act 1999 legally supports e-contracts. However, interoperability tools such as digital IDs, artificial intelligence (AI)-enabled customs and blockchain tracking are still nascent.	Moderately aligned – legal base is strong, but technological infrastructure and interoperability tools lag behind leaders.	Singapore's Trade Trust and GovTech – offers full interoperability, digital ID systems and blockchain-based verifiability.
<b>Data privacy and cross-border governance</b>	Data protection is governed by the Privacy Act 1988. Lacks GDPR adequacy, requiring additional safeguards for EU data. Ongoing reforms aim to improve breach notification rules and individual data rights.	Partially aligned – reforming towards GDPR principles, but currently lacks adequacy status and full equivalency.	EU GDPR model – enforces adequacy decisions, extraterritorial application, and robust user rights.
<b>Digital payments and fintech</b>	The fintech space is regulated by RBA and AUSTRAC, enabling real-time payments via the NPP. Crypto and blockchain are growing under evolving AML and licensing frameworks.	Substantially aligned – real-time payments are advanced, but crypto regulation is still in transition compared to UK/US.	UK FCA model – adaptive fintech licensing, crypto sandboxing and integrated open banking protocols.
<b>IPR</b>	Strong legal instruments: Copyright Act 1968, Trade Marks Act 1995 and Patents Act 1990. Challenges include piracy enforcement gaps, delays in trademark registration and costly patent litigation, especially for software-related claims.	Moderately aligned – solid legal base, but enforcement and access efficiency are behind US/EU benchmarks.	The United States Patent and Trademark Office (USPTO) model and the European Union Intellectual Property Office (EUIPO) streamlined digital IP services, software-inclusive patent scope and rapid online enforcement.
<b>Cyber-security</b>	Nationally governed under the SOCI Act and Australian Cyber Security Centre (ACSC) guidance. The Essential Eight framework is mandatory for critical infrastructure. SMEs, however, face high compliance burdens and support gaps.	Partially aligned – comprehensive and nationally consistent, but not yet tailored to SME needs like in Estonia.	Estonia's cybersecurity strategy – scalable digital resilience models, national digital identity and SME-tailored frameworks.

**Table 2.6 Key Regulatory Authorities in New Zealand**

New Zealand	Responsibilities
<b>Ministry of Foreign Affairs and Trade (MFAT)<sup>44</sup></b>	<ul style="list-style-type: none"> <li>Oversees trade negotiations, policy formulation, and implementation of international trade agreements.</li> <li>Manages New Zealand's participation in multilateral and bilateral trade agreements, ensuring alignment with WTO, CPTPP, RCEP and other trade frameworks.</li> </ul>

(Continued)

44 <https://www.mfat.govt.nz/en/trade>

**Table 2.6 Key Regulatory Authorities in New Zealand**

New Zealand	Responsibilities
<b>New Zealand Customs Service (NZ Customs)<sup>45</sup></b>	<ul style="list-style-type: none"> <li>Regulates import and export procedures, customs tariffs and trade compliance.</li> <li>Implements risk-based border security measures to facilitate efficient and secure trade.</li> </ul>
<b>MPI<sup>46</sup></b>	<ul style="list-style-type: none"> <li>Oversees biosecurity regulations, SPS standards and agricultural trade policies.</li> <li>Ensures that food and agricultural imports meet New Zealand's strict health and safety standards.</li> </ul>
<b>Commerce Commission New Zealand<sup>47</sup></b>	<ul style="list-style-type: none"> <li>Regulates competition law, consumer protection and anti-dumping measures in trade.</li> <li>Ensures compliance with fair-trading laws and prevents monopolistic practices.</li> </ul>
<b>Reserve Bank of New Zealand (RBNZ)<sup>48</sup></b>	<ul style="list-style-type: none"> <li>Regulates financial transactions, foreign exchange policies and digital payment systems.</li> </ul>
<b>Department of Internal Affairs (DIA) and Computer Emergency Response Team (CERT) NZ<sup>49</sup></b>	<ul style="list-style-type: none"> <li>Oversees cybersecurity frameworks, digital identity verification and online safety regulations</li> </ul>
<b>Ministry of Business, Innovation and Employment (MBIE)<sup>50</sup></b>	<ul style="list-style-type: none"> <li>Develops and administers policies related to business regulation, innovation, labour markets and trade competitiveness.</li> <li>Oversees technical standards, consumer protection, IP and economic development initiatives.</li> </ul>
<b>Environmental Protection Authority (EPA)<sup>51</sup></b>	<ul style="list-style-type: none"> <li>Regulates hazardous substances, chemicals and new organisms to ensure environmental safety and public health.</li> <li>Evaluates environmental risks in imported goods and enforces compliance with sustainability and biosecurity standards.</li> </ul>
<b>Ministry of Health (MoH)<sup>52</sup></b>	<ul style="list-style-type: none"> <li>Sets public health policy and regulates health-related goods and services, including food safety and biosecurity.</li> <li>Oversees national health standards and supports the implementation of SPS measures.</li> </ul>
<b>Medsafe (part of MoH – for medicines and medical devices)<sup>53</sup></b>	<ul style="list-style-type: none"> <li>Regulates the approval, quality and safety of medicines and medical devices for sale in New Zealand.</li> <li>Ensures compliance with therapeutic product standards and manages post-market surveillance.</li> </ul>

(Continued)

45 <https://www.customs.govt.nz/>

46 <https://www.mpi.govt.nz/export/exporting-from-nz-how-it-works/mpis-role-in-exporting>

47 <https://comcom.govt.nz/>

48 <https://www.rbnz.govt.nz/>

49 <https://www.dia.govt.nz/>

50 <https://www.mbie.govt.nz/>

51 <https://www.epa.govt.nz/>

52 <https://www.health.govt.nz/>

53 <https://www.health.govt.nz/regulation-legislation/medicines-control#:~:text=Medsafe%20regulates%20medicines%20and%20medical,an%20Licences%20to%20Pack%20Medicines.>

**Table 2.6 Key Regulatory Authorities in New Zealand**

New Zealand	Responsibilities
<b>Financial Markets Authority (FMA)<sup>54</sup></b>	<ul style="list-style-type: none"> <li>Supervises New Zealand's capital markets, financial services and investment conduct under the Financial Markets Conduct Act.</li> <li>Regulates fintech platforms and digital payments, and ensures investor protection and market integrity.</li> </ul>
<b>Intellectual Property Office of New Zealand (IPONZ)<sup>55</sup></b>	<ul style="list-style-type: none"> <li>Administers the registration of patents, trademarks, designs and plant variety rights.</li> <li>Provides guidance on IP protection and offers digital services for application, search and dispute resolution.</li> </ul>
<b>Privacy Commissioner<sup>56</sup></b>	<ul style="list-style-type: none"> <li>Enforces the Privacy Act 2020 and regulates the collection, storage and transfer of personal information.</li> <li>Oversees data protection compliance, investigates breaches and issues codes of practice for cross-border data flows.</li> </ul>

These agencies collectively ensure that New Zealand's trade and digital governance remain secure, transparent and internationally aligned.

## Conventional Trade Regulatory Framework

### **Market Access and Tariff Regulations**

New Zealand maintains one of the world's lowest average MFN tariffs (0–5), with zero duties on most goods. Sensitive agricultural products are protected via licensing and SPS standards. Compliance with Rules of Origin (ROO) is required under its 12 FTAs, including:

- NZ-China FTA – duty-free access for 96 per cent of New Zealand exports.<sup>57</sup>
- AANZFTA – enhances ASEAN (Association of Southeast Asian Nations)–Australia–NZ trade with tariff elimination and investment cooperation.<sup>58</sup>
- CPTPP – broadens access to major markets and aligns digital rules.
- NZ-EU FTA – recently concluded, targeting 90 per cent tariff elimination upon entry into force.<sup>59</sup>

### **Customs Facilitation**

New Zealand leverages Joint Border Management System (JBMS)<sup>60</sup> and Trade Single Window (TSW) for paperless clearance. The Customs and Excise Act 2018<sup>61</sup> enables risk-based inspections, expediting low-risk cargo flows.<sup>62</sup> As a WTO TFA signatory, it aligns documentation with WCO norms and continuously modernises customs infrastructure.<sup>63</sup>

These NTBs balance safety and environmental goals with trade facilitation but can raise compliance costs for SMEs and importers of regulated goods.

54 <https://www.fma.govt.nz/>

55 <https://www.iponz.govt.nz/>

56 <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html>

57 <https://www.mfat.govt.nz/assets/Trade-agreements/China-NZ-FTA/NZ-China-FTA-National-Interest-Analysis.pdf>

58 <https://www.dfat.gov.au/trade/agreements/in-force/aanzfta/asean-australia-new-zealand-free-trade-agreement>

59 <https://www.customs.govt.nz/business/tariffs/free-trade-agreements/new-zealand-european-union-free-trade-agreement/>

60 <https://www.customs.govt.nz/about-us/legislation/customs-and-excise-act-2018/whats-changed/new-services-and-requirements/joint-border-management-system/>

61 <https://www.customs.govt.nz/about-us/legislation/customs-and-excise-act-2018/>

62 <https://www.customs.govt.nz/globalassets/documents/guides/valuation-guide-dec-2024.pdf>

63 <https://www.customs.govt.nz/business/export/secure-exports-scheme/current-members/importexport-documentation/>

**Table 2.7 Non-tariff measures in New Zealand**

Category	Regulator	Trade impact
<b>SPS measures</b>	MPI	Ensures food and agri-safety, adds certification and compliance burden.
<b>Technical barriers (TBT)</b>	EPA, Commerce Commission	Mandates safety, environmental standards for goods.
<b>Import licensing</b>	MPI, EPA, MoH	Controls on chemicals, pharma and dual-use goods.
<b>Biosecurity and quarantine</b>	MPI	Rigorous pest/disease checks, restricts sensitive imports.
<b>Anti-dumping measures</b>	Commerce Commission	Rarely used, but WTO-compliant protection tool.
<b>Local content and procurement</b>	MBIE (selective)	Limited to strategic sectors; preference for domestic firms.

### ***Dispute Resolution***

Domestic disputes are resolved via High Courts, District Courts, and ADR mechanisms under the Arbitration Act 1996.<sup>64</sup> Internationally, New Zealand engages in:

- WTO DSU procedures.
- State-to-state mechanisms in CPTPP/RCEP.

It increasingly avoids ISDS in new FTAs, favouring national legal remedies to preserve regulatory autonomy.

## **Digital Trade Regulatory Framework**

### ***E-Commerce Regulation***

Anchored in the Electronic Transactions Act 2002,<sup>65</sup> Consumer Guarantees Act, and Fair Trading Act,<sup>66</sup> New Zealand's digital commerce regime ensures legal equivalence for electronic contracts, secure transactions, and consumer rights enforcement. These laws adhere to UNCITRAL model law, supporting cross-border interoperability.

### ***Cross-Border Data Flows and Privacy***

The Privacy Act 2020,<sup>67</sup> enforced by the Privacy Commissioner, governs data processing and cross-border transfers. While localisation is not mandatory, adequate protection standards must be met by recipient jurisdictions. New Zealand is an active member of APEC CBPR,<sup>68</sup> facilitating trusted digital data exchanges.<sup>69</sup>

### ***Digital Payments and Financial Services***

The RBNZ and FMA<sup>70</sup> regulate fintech, digital currencies and payment platforms under the Financial Markets Conduct Act 2013.<sup>71</sup> These institutions ensure AML/CTF compliance and safeguard consumer interests in digital financial ecosystems.

64 <https://www.legislation.govt.nz/act/public/1996/0099/latest/dlm403277.html>

65 <https://www.legislation.govt.nz/act/public/2002/0035/latest/dlm154185.html?utm>

66 <https://www.consumerprotection.govt.nz/general-help/consumer-laws/consumer-guarantees-act?utm>

67 <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html>

68 <https://efaidnbmnnibpcajpcgclefindmkaj/><https://www.ge.com/sites/default/files/CBPR-PoliciesRulesGuidelines.pdf?utm>

69 <https://fpf.org/blog/a-deep-dive-into-new-zealands-new-privacy-law-extraterritorial-effect-cross-border-data-transfers-restrictions-and-new-powers-of-the-privacy-commissioner/?utm>

70 <https://www.fma.govt.nz/>

71 <https://www.fma.govt.nz/business/legislation/fmc-act/?utm>

## IPR

New Zealand protects digital assets under:

- Copyright Act 1994<sup>72</sup> – covers digital content and software.
- Patents Act 2013<sup>73</sup> – technological inventions.
- Trade Marks Act 2002<sup>74</sup> – brand protections.

Administered by IPONZ, the system encourages innovation but presents cost and procedural barriers for SMEs.

## Digital Trade Facilitation

The *Digital Economy Strategy (2021)*<sup>75</sup> underpins reforms such as:

- E-invoicing via Pan-European Public Procurement Online Network (PEPPOL)
- Blockchain-enabled customs.
- AI-driven risk management systems.

While New Zealand participates in DEPA, alignment gaps with non-partner nations may limit full interoperability.

## Cybersecurity

New Zealand's Cyber Security Strategy<sup>76</sup> and the work of CERT NZ<sup>77</sup> provide resilience against digital threats. Key priorities include national infrastructure protection, threat intelligence sharing, and public awareness.

These efforts bolster trust in New Zealand's digital marketplace and enhance secure cross-border commerce. Pure cybercrime offences are defined in Crimes Act 1961.<sup>78</sup>

## Regulatory Barriers to Trade

New Zealand is widely recognised for its open and transparent trade regime with low tariffs and strong institutions; however, sector-specific protections, SPS measures, technical standards and regulatory compliance – particularly in food, agriculture and industrial goods – can pose challenges for some exporters (Table 2.8). Similarly, while New Zealand fosters a robust digital trade environment, foreign service providers may face barriers due to strict data protection laws, sectoral regulations and limited digital system interoperability, especially if operating from jurisdictions with differing data regimes.

While New Zealand's trade regime reflects a strong commitment to openness and transparency, certain regulatory nuances and sectoral protections – particularly in agriculture, biosecurity and digital compliance – can function as NTBs for exporters. Addressing these challenges through enhanced mutual recognition agreements, better alignment with international digital standards and improved infrastructure connectivity could further facilitate both physical and digital trade.

As New Zealand continues to engage in plurilateral and regional trade initiatives such as DEPA and CPTPP, aligning domestic regulations with global best practices will remain key to maximising inclusive and efficient trade participation.

<sup>72</sup> <https://www.legislation.govt.nz/act/public/1994/0143/latest/DLM345634.html>

<sup>73</sup> <https://www.legislation.govt.nz/act/public/2013/0068/latest/dlm1419043.html>

<sup>74</sup> <https://www.legislation.govt.nz/act/public/2002/0049/latest/dlm164240.html>

<sup>75</sup> <https://www.digital.govt.nz/assets/Digital-government/Strategy/Digital-Strategy-for-Aotearoa-English-PDF.pdf>

<sup>76</sup> <https://www.dpmc.govt.nz/our-programmes/national-security/cyber-security-strategy>

<sup>77</sup> <https://www.cert.govt.nz/>

<sup>78</sup> <https://www.legislation.govt.nz/act/public/1961/0043/170.0/DLM327382.html>

**Table 2.8 Regulatory Barriers to Trade in New Zealand**

Category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	Tariffs apply on sensitive sectors such as textiles, clothing, dairy, meat and wool, despite an overall low average tariff. <sup>79</sup>	Reduced competitiveness for suppliers from non-preferential economies.
Import quotas and restrictions	Occasionally imposed in agricultural sectors, especially during domestic oversupply or pest risk periods. <sup>80</sup>	Potential market access limitation despite existing demand.
Customs and biosecurity procedures	Complex biosecurity documentation requirements under Biosecurity Act 1993, especially for plant, food and animal products. <sup>81</sup>	Added compliance burden for first-time or developing country exporters.
SPS	High-level SPS certifications and health standards under MPI's Import Health Standards, especially for meat, dairy and fresh produce. <sup>82</sup>	Entry difficulty for exporters from countries with divergent health infrastructure.
Import licensing	Required for pharmaceuticals, chemicals, firearms, etc. Subject to detailed documentation and sector-specific rules (e.g. Medsafe approval for medicines). <sup>83</sup>	Procedural complexity and higher costs for small or new exporters.
Infrastructure limitations	Geographic isolation and limited cold-chain or inland transport in rural regions. High maritime dependency and shipping costs. <sup>84</sup>	Longer lead times and higher freight costs for perishable or bulk goods.
<b>Digital</b>		
Cross-border data transfers	The Privacy Act 2020 requires that personal data be transferred only to jurisdictions offering comparable privacy safeguards. <sup>85</sup>	Limits cloud service usage and digital outsourcing to non-aligned countries.
Cybersecurity regulation	Cybersecurity Act requires risk-based security practices for critical digital infrastructure and essential service providers. <sup>86</sup>	Higher operational requirements for foreign firms offering digital infrastructure.
Digital ID and authentication	Government-endorsed RealMe identity system may not be interoperable with foreign platforms. <sup>87</sup>	Difficulty in user onboarding and verification for foreign e-commerce or banking platforms.
Digital payments integration	Domestic real-time systems still limited in cross-border integration; local payment instruments may dominate. <sup>88</sup>	Increased costs and frictions for foreign digital sellers reliant on international payment gateways.

79 <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force>

80 <https://www.mpi.govt.nz/import/importing-into-nz-how-it-works/general-importing-requirements/>

81 <https://www.mpi.govt.nz/biosecurity/>

82 <https://www.mpi.govt.nz/import/>

83 <https://www.medsafe.govt.nz/profs/profs.asp>

84 <https://tewaihanga.govt.nz/>

85 <https://www.privacy.org.nz/privacy-principles/>

86 <https://www.cert.govt.nz/>

87 <https://www.realme.govt.nz/>

88 <https://www.paymentsnz.co.nz/>

**Table 2.9 Comparison of Conventional Trade Laws with international best practice**

Trade domain	Key features and challenges (New Zealand)	Alignment with international best practices	International best practice
<b>Cus-toms and trade facilitation</b>	Governed by the Customs and Excise Act 2018, using the TSW and JBMS for paperless processing. Globally respected, although system dependencies and integration issues sometimes disrupt operations.	Substantially aligned – advanced digital infrastructure, though not as integrated or resilient as Singapore's model.	Singapore's TradeNet – fully automated and interoperable system with high resilience and seamless integration.
<b>SPS and bios-security</b>	Based on the Biosecurity Act 1993, the system uses AI-based risk assessments and is science-driven. Conservative thresholds and documentation requirements can delay niche agricultural product approvals.	Moderately aligned – technically sound, but excessive caution limits flexibility in lower-risk categories.	Canada's Canadian Food Inspection Agency (CFIA model – science-based, trade-facilitative SPS regime with risk proportionality and transparency).
<b>TBT and product standards</b>	Standards regulated under the Fair Trading Act and Consumer Guarantees Act are International Organization of Standardization (ISO)-aligned. Absence of MRAs increases testing duplication and compliance costs.	Partially aligned – global standards adopted, but without MRAs interoperability remains limited.	EU CE marking regime – uses MRAs to eliminate redundant testing and enable seamless market access.
<b>Import licensing</b>	Transparent and digitised licensing managed by sectoral agencies. Coordination between these agencies needs further harmonisation to improve processing speed and predictability.	Substantially aligned – strong digitisation, though agency coordination can be further unified.	South Korea's UNI-PASS – centralised and fully integrated licensing and customs automation.
<b>Dispute resolution</b>	Offers court-based, arbitral and WTO/FTA-based systems. Recent FTAs avoid ISDS clauses, preferring state-to-state mechanisms while preserving access to fair redress for investors.	Highly aligned – transparent and investor-sensitive system aligned with evolving global practice.	Canada/EU FTAs – emphasis on state-to-state resolution with binding transparency provisions.

### Alignment with International Best Practices

New Zealand maintains a transparent, rules-based trade and digital governance system aligned with global standards. Its regulatory institutions are efficient and internationally engaged, although challenges remain in SME capacity, mutual recognition of standards and digital inclusion. Table 2.9 presents the comparison of country conventional laws alignment with International Best Practices.

New Zealand is a digital governance leader, with strong legal alignment and multilateral participation.

However, rural digital gaps, SME readiness and cybersecurity compliance require continued attention.

Table 2.10 presents the comparison of country digital laws alignment with international best practices.<sup>89</sup>

<sup>89</sup> <https://www.legislation.govt.nz/act/public/1994/0143/latest/DLM345634.html>; <https://www.legislation.govt.nz/act/public/2002/0049/latest/DLM164240.html>; <https://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html>

**Table 2.10 Comparison of Digital Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (New Zealand)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	Backed by the Electronic Transactions Act and commitments under CPTPP and DEPA. However, implementation of tools such as digital IDs and e-invoicing remains uneven, particularly across rural and SME sectors.	Moderately aligned – strong legal base and FTA commitments, but implementation lags in rural/SME sectors.	Estonia's X-Road and e-ID system – universal digital ID and fully integrated e-services for commerce and government.
<b>Data privacy and cross-border governance</b>	The Privacy Act 2020 includes GDPR-style rights and APEC CBPR participation. However, EU adequacy is not yet granted, and SMEs face challenges in operational compliance.	Substantially aligned – framework is comprehensive; adequacy and SME capacity gaps reduce full effectiveness.	EU GDPR framework – full adequacy recognition, cross-border safeguards, and enforceable user rights.
<b>Digital payments and fintech</b>	Supported by the Financial Markets Conduct Act and RBNZ oversight. Real-time payments exist, but crypto asset regulation is still under development, and sandbox support is limited.	Moderately aligned – strong foundation, but crypto clarity and innovation support need further progress.	UK Financial Conduct Authority (FCA) model – adaptive crypto regulation, strong sandbox frameworks, and open banking integration.
<b>IPR</b>	IP laws are robust: Copyright Act 1994, Trade Marks Act 2002, Patents Act 2013. IPONZ is globally integrated. However, piracy enforcement, digital case backlogs, and online infringement persist.	Substantially aligned – legally sound and efficient registry, but enforcement against digital violations needs enhancement.	US USPTO and EUIPO models – streamlined digital enforcement and accessible international dispute mechanisms.
<b>Cybersecurity</b>	Governed by CERT NZ and the Cyber Security Strategy. Cyber resilience programmes are active, but voluntary compliance in non-critical sectors and limited SME safeguards weaken overall coverage.	Partially aligned – national resilience is growing, but not yet comprehensive for SMEs and decentralised users.	Israel's National Cyber Directorate – mandatory baseline controls and SME support programmes.

### 2.1.3 India

India's trade regulatory framework reflects its ambition as a rapidly growing economy committed to export-led development, industrial competitiveness and digital transformation. India engages actively in multilateral and regional trade regimes – including the WTO, ASEAN, South Asian Free Agreement (SAFTA) and India–United Arab Emirates (UAE) Comprehensive Economic Partnership Agreement (CEPA) – to enhance market access, align with global norms and advance economic integration.

India's trade regulatory framework is governed by various agencies and ministries responsible for overseeing policy implementation, customs operations and trade compliance, listed in Table 2.11.

These institutions form the backbone of India's trade and digital regulatory ecosystem, balancing market access, compliance and consumer protection.



**Table 2.11 Key Regulatory Authorities in India**

Department	Responsibilities
<b>Ministry of Commerce and Industry</b> <sup>90</sup>	<ul style="list-style-type: none"> <li>Oversees trade policy formulation and implementation.</li> <li>Administers India's participation in multilateral and bilateral trade agreements.</li> <li>Manages key trade promotion schemes under the Foreign Trade Policy (FTP).</li> </ul>
<b>Directorate General of Foreign Trade (DGFT)</b> <sup>91</sup>	<ul style="list-style-type: none"> <li>Regulates the export and import of goods and services.</li> <li>Issues export and import licences and manages trade incentives for exporters.</li> </ul>
<b>Central Board of Indirect Taxes and Customs (CBIC)</b> <sup>92</sup>	<ul style="list-style-type: none"> <li>Governs customs policies, tariff classification, and duty collection.</li> <li>Enforces anti-dumping measures, valuation rules, and import/export procedures.</li> </ul>
<b>Reserve Bank of India (RBI)</b> <sup>93</sup>	<ul style="list-style-type: none"> <li>Regulates foreign exchange transactions, trade finance, and cross-border payments.</li> </ul>
<b>Food Safety and Standards Authority of India (FSSAI)</b> <sup>94</sup>	<ul style="list-style-type: none"> <li>Regulates food safety standards and sanitary measures for agricultural and food imports.</li> </ul>
<b>Ministry of Electronics and Information Technology (MeitY)</b> <sup>95</sup>	<ul style="list-style-type: none"> <li>Oversees policies related to digital trade, cybersecurity and data governance.</li> </ul>
<b>Competition Commission of India (CCI)</b> <sup>96</sup>	<ul style="list-style-type: none"> <li>Regulates anti-competitive practices and ensures compliance with fair-trading laws.</li> </ul>
<b>Bureau of Indian Standards (BIS)</b> <sup>97</sup>	<ul style="list-style-type: none"> <li>Formulates and enforces national standards for goods and services, ensuring product quality, safety and performance.</li> <li>Oversees mandatory certification schemes and conformity assessments for industrial and consumer products.</li> </ul>
<b>Plant Quarantine Information System (PQIS)</b> <sup>98</sup>	<ul style="list-style-type: none"> <li>Manages plant and seed import clearances under the Plant Quarantine Order, ensuring biosecurity compliance.</li> <li>Facilitates risk assessment, pest monitoring and issuance of import permits and phytosanitary certificates.</li> </ul>
<b>Directorate General of Trade Remedies (DGTR)</b> <sup>99</sup>	<ul style="list-style-type: none"> <li>Conducts investigations and administers trade remedy measures including anti-dumping, countervailing duties and safeguards.</li> <li>Protects domestic industry from unfair trade practices in accordance with WTO rules.</li> </ul>

(Continued)

<sup>90</sup> <https://www.commerce.gov.in/><sup>91</sup> <https://www.dgft.gov.in/CP/><sup>92</sup> <https://www.cbic.gov.in/><sup>93</sup> <https://www.rbi.org.in/><sup>94</sup> <https://www.fssai.gov.in/><sup>95</sup> <https://www.meity.gov.in/><sup>96</sup> <https://www.cci.gov.in/><sup>97</sup> <https://www.bis.gov.in/?lang=en><sup>98</sup> <http://ppqs.gov.in/><sup>99</sup> <https://www.dgtr.gov.in/>

**Table 2.11 Key Regulatory Authorities in India**

Department	Responsibilities
<b>National Consumer Disputes Redressal Commission (NCDRC)<sup>100</sup></b>	<ul style="list-style-type: none"> <li>• Adjudicates high-value consumer complaints and disputes under the Consumer Protection Act.</li> <li>• Functions as the apex appellate body for consumer grievances across India.</li> </ul>
<b>Computer Emergency Response Team – India (CERT-In)<sup>101</sup></b>	<ul style="list-style-type: none"> <li>• Serves as the national nodal agency for cybersecurity incident response and threat mitigation.</li> <li>• Issues advisories, coordinates cyber threat intelligence and mandates reporting for public and private digital infrastructure.</li> </ul>
<b>Goods and Services Tax Network (GSTN)<sup>102</sup></b>	<ul style="list-style-type: none"> <li>• Operates the centralised digital platform for GST compliance, registration, invoicing and tax returns.</li> <li>• Facilitates real-time data exchange between taxpayers, authorities and financial institutions to support tax transparency.</li> </ul>

## Conventional Trade Regulatory Framework

### **Market Access and Tariff Regulations**

India maintains a relatively high MFN tariff regime, with an average applied rate of 13.8 per cent<sup>103</sup> for products – regulated under the Customs Tariff Act, 1975.<sup>104</sup> India's FTP governs its tariff incentives and export promotion,<sup>105</sup> applying moderate to high tariffs depending on sector sensitivities (e.g. agriculture, automobiles). Strategic FTAs include:

- India–ASEAN FTA<sup>106</sup> – comprehensive access across goods, services and investments.
- India–UAE CEPA – eliminates tariffs on 80 per cent<sup>107</sup> of goods, including digital services.
- India–Japan EPA and SAFTA<sup>108</sup> – offers preferential tariff access within Asia.
- India–EU negotiations – ongoing, with a focus on expanding access for tech and pharma exports.

Despite these agreements, low FTA utilisation and complex ROO limit benefits for Indian exporters, especially SMEs.

### **Customs and Trade Facilitation**

India's Customs Act, 1962<sup>109</sup> provides the legal basis for customs operations. Key systems include:

- Indian Customs electronic data interchange (EDI) System (ICES):<sup>110</sup> enables electronic document submission.
- Risk Management System (RMS):<sup>111</sup> prioritises inspections based on risk profiling.
- India is a signatory to the WTO TFA, aligning procedures with international standards and reducing clearance times.

100 <https://ncdrc.nic.in/>

101 <https://www.cert-in.org.in/>

102 <https://www.gstn.org.in>

103 <https://www.privacyshield.gov/ps/article?id=India-Import-Tariffs>

104 <https://www.indiacode.nic.in/bitstream/123456789/8774/1/a197551.pdf>

105 <https://www.dgft.gov.in/CP/?opt=ft-policy>

106 <https://www.asean.org/wp-content/uploads/2015/October/outreach-document/Edited%20AIFTA.pdf>

107 <https://gcpit.org/decoding-cepa-unpacking-the-india-uae-comprehensive-economic-partnership-agreement/#:~:text=It%20effectively%20eliminates%20or%20substantially,the%20expansion%20of%20trade%20volumes>

108 <https://www.commerce.gov.pk/about-us/trade-agreements/agreement-on-south-asian-free-trade-area/>

109 [https://www.indiacode.nic.in/handle/123456789/2475?view\\_type=browse](https://www.indiacode.nic.in/handle/123456789/2475?view_type=browse)

110 <https://ices.nic.in/ices/>

111 [https://www.cii.in/International\\_ResearchPDF/Trade%20Facilitation%20Report\\_June%202023.pdf](https://www.cii.in/International_ResearchPDF/Trade%20Facilitation%20Report_June%202023.pdf)

**Table 2.12 Non-tariff measures**

Category	Regulator(s)	Trade impact
<b>SPS measures</b>	FSSAI, Ministry of Agriculture	Protects public health; raises testing and certification costs.
<b>Technical barriers (TBT)</b>	BIS, FSSAI	Ensures product quality; may restrict imports due to local specs.
<b>Import licensing</b>	DGFT	Controls dual-use/sensitive items; adds delays for new exporters.
<b>Quarantine and biosecurity</b>	PQIS, FSSAI	Prevents pest/disease risks; limits agricultural imports.
<b>Anti-dumping and safeguards</b>	DGTR, CBIC	Protects local industry; can trigger trade disputes.
<b>Local content and procurement</b>	Government of India Ministry of Defence (MoD), MeitY	Promotes domestic sourcing; deters some foreign direct investment (FDI) in protected sectors.

These NTMs protect strategic sectors but also increase complexity for global traders.

### ***Dispute Resolution***

Domestically, disputes are governed by:

- Arbitration and Conciliation Act, 1996.<sup>112</sup>
- Commercial Courts Act, 2015.<sup>113</sup>
- NCDRC.<sup>114</sup>

Internationally, India:

- Participates in WTO DSU processes.
- Resolves disputes under FTAs such as SAFTA,<sup>115</sup> AIFTA<sup>116</sup> and India-MERCOSUR Preferential Trade Agreements (PTA).
- Avoids ISDS in newer FTAs, favouring sovereign dispute frameworks.

## **Digital Trade Regulatory Framework**

### ***E-Commerce Regulation***

India regulates digital commerce via:

- Consumer Protection (E-Commerce) Rules, 2020.<sup>117</sup>
- E-Commerce Policy 2023.<sup>118</sup>
- Information Technology (IT) Rules, 2021.<sup>119</sup>

<sup>112</sup> <https://www.indiacode.nic.in/bitstream/123456789/1978/3/a1996-26.pdf>

<sup>113</sup> <https://www.indiacode.nic.in/bitstream/123456789/2156/1/a2016-04.pdf>

<sup>114</sup> <https://ncdrc.nic.in/>

<sup>115</sup> <https://www.saarc-sec.org/index.php/resources/agreements-conventions/36-agreement-on-south-asian-free-trade-area-safta/file>

<sup>116</sup> <https://www.asean.org/wp-content/uploads/images/2015/October/outreach-document/Edited%20AIFTA.pdf>

<sup>117</sup> <https://consumeraffairs.nic.in/theconsumerprotection/consumer-protection-e-commerce-rules-2020>

<sup>118</sup> <https://wareiq.com/resources/blogs/indias-national-e-commerce-policy/>

<sup>119</sup> <https://www.meity.gov.in/static/uploads/2024/02/Information-Technology-Intermediary-Guidelines-and-Digital-Media-Ethics-Code-Rules-2021-updated-06.04.2023-.pdf>

These laws enforce seller transparency, data security, and grievance redress. Foreign investment is allowed (100 per cent FDI)<sup>120</sup> in marketplace models (e.g. Amazon), while inventory-based models remain restricted.

### ***Data Privacy and Cross-Border Transfers***

The Digital Personal Data Protection Act, 2023.<sup>121</sup>

- Mandates user consent and accountability for cross-border transfers.
- Establishes compliance penalties for breaches.

While sectoral data localisation exists in banking (RBI) and payments (National Payments Corporation of India, NPCI), India has not adopted universal data localisation. Alignment with APEC CBPR is under review to enhance interoperability.<sup>122</sup>

### ***Digital Payments and Fintech***

India's globally acclaimed Unified Payments Interface (UPI)<sup>123</sup> enables real-time digital transactions. The RBI regulates digital assets and AML/CTF compliance, and monitors crypto risks. India's fintech laws provide secure and inclusive payment infrastructure but require constant innovation to match evolving threats.

### ***Digital Trade Facilitation***

India leads in digital facilitation via:

- India Stack: e-Know Your Customer (KYC), digital signatures and authentication.<sup>124</sup>
- GSTN: unified tax compliance across platforms.<sup>125</sup>
- Blockchain pilots: ongoing trials for e-documentation and smart contracts.

These tools enhance efficiency but face SME adoption barriers and interoperability challenges with global systems.

### ***IPR***

India's IP regime includes:

- Copyright Act, 1957<sup>126</sup> (digital works and software).
- Trade Marks Act, 1999<sup>127</sup> (brand protections).
- Patents Act, 1970<sup>128</sup> (software patents under strict criteria).

The Controller General of Patents, Designs and Trade Marks (CGPDTM) oversees IP registration,<sup>129</sup> but long processing times, weak enforcement and piracy concerns limit effectiveness – especially for SMEs and startups.

### ***Cybersecurity***

Cyber governance is anchored in:

- Information Technology Act, 2000.<sup>130</sup>
- CERT-In cybersecurity advisories (mandatory reporting, audit protocols).<sup>131</sup>

120 <https://cleartax.in/s/fdi-regulations-e-commerce-startups>

121 <https://www.meity.gov.in/static/uploads/2024/06/2bf1f0e9f04e6fb4f8fef35e82c42aa5.pdf>

122 <https://cbprs.org/wp-content/uploads/2019/11/4.-CBPR-Policies-Rules-and-Guidelines-Revised-For-Posting-3-16-updated-1709-2019.pdf>

123 <https://www.npci.org.in/what-we-do/upi/product-overview>

124 <https://indiastack.org/>

125 <https://gstn.org.in/>

126 <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf>

127 <https://iclg.com/practice-areas/trade-marks-laws-and-regulations/india>

128 [https://ipindia.gov.in/writereaddata/portal/ipoact/1\\_31\\_1\\_patent-act-1970-11march2015.pdf](https://ipindia.gov.in/writereaddata/portal/ipoact/1_31_1_patent-act-1970-11march2015.pdf)

129 <https://ipindia.gov.in/>

130 [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf)

131 <https://www.cert-in.org.in/>

These rules promote resilience, regulate digital signatures and mitigate cybercrime risks across India's digital commerce ecosystem.

## Regulatory Barriers to Trade

India has liberalised its trade regime through key reforms, yet foreign exporters still face high tariffs in sensitive sectors, complex regulations and infrastructural bottlenecks that can hinder market access. In digital trade, India's growing digital economy is accompanied by regulatory hurdles such as cross-border data restrictions, local storage mandates and FDI-linked operational limits, which may raise compliance costs and impact Foreign Service providers, as highlighted in Table 2.13.

**Table 2.13 Regulatory Barriers to Trade in India**

category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	India maintains some of the highest bound and applied MFN tariffs among major economies, particularly in the agriculture, automotive and electronics sectors. <sup>132</sup>	Reduces cost competitiveness for foreign exporters; tariff peaks may act as protective barriers.
SPS rules	SPS procedures can be time-consuming, involving multiple agencies and delays in risk assessments or quarantine approvals. <sup>133</sup>	Impacts timely market access for exporters of food, meat, dairy and agricultural commodities.
Technical standards	BIS-mandated quality standards often diverge from international benchmarks; mandatory registration schemes apply to several industrial goods. <sup>134</sup>	Requires recertification, retesting and local labelling, which is burdensome for SMEs and tech exporters.
Import licensing	Non-automatic licensing applies to various product categories including chemicals, electronics and defence equipment. <sup>135</sup>	Lack of clarity or delays in licensing decisions can cause uncertainty for foreign businesses.
Customs procedures	Despite digital systems such as Indian Customs Electronic Gateway (ICEGATE) National Digital Health Media (, clearance processes can still be prolonged due to manual checks, valuation disputes and lack of single-window use. <sup>136</sup>	Adds to transaction costs and time-to-market; unpredictability deters new entrants.
Infrastructure and logistics	Inland connectivity, port congestion and limited cold storage and warehousing in Tier 2 and Tier 3 cities remain weak points. <sup>137</sup>	Affects delivery timelines and increases logistics costs for perishable or time-sensitive goods.
<b>Digital</b>		
Cross-border data transfers	The Digital Personal Data Protection (DPDP) Act 2023 imposes restrictions on cross-border data flows unless the receiving country is whitelisted by the Indian government. <sup>138</sup>	Limits cloud, SaaS and data-driven services unless data stays locally or approved for outbound transfer.

(Continued)

132 [https://www.wto.org/english/res\\_e/statistics\\_e/daily\\_update\\_e/tariff\\_profiles/in\\_e.pdf](https://www.wto.org/english/res_e/statistics_e/daily_update_e/tariff_profiles/in_e.pdf)

133 [https://icrier.org/pdf/SPS\\_Barriers\\_to\\_India\\_Agriculture\\_Export.pdf](https://icrier.org/pdf/SPS_Barriers_to_India_Agriculture_Export.pdf)

134 <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/?lang=en>

135 <https://globaltradealert.org/intervention/121600>

136 <https://www.icegate.gov.in/>

137 [https://www.india-briefing.com/news/tier-2-and-3-cities-fueling-indias-logistics-warehousing-growth-36392.html/](https://www.india-briefing.com/news/tier-2-and-3-cities-fueling-indias-logistics-warehousing-growth-36392.html)

138 <https://www.dlapiperdataprotection.com/index.html?c=IN&t=transfer>

**Table 2.13 Regulatory Barriers to Trade in India**

category	Barrier Description	Potential Impact
Data localisation	Sector-specific mandates apply (e.g. financial data under RBI, health data under National Digital Health Mission (NDHM)); storage within India is often compulsory. <sup>139</sup>	Raises infrastructure and compliance costs for global platforms operating in India.
Cybersecurity and intermediary rules	New CERT-India directives and IT Rules 2021 impose mandatory data retention, breach reporting and content takedown requirements on intermediaries. <sup>140</sup>	Heightens compliance burden, particularly for SMEs or foreign entities unfamiliar with Indian law.
FDI restrictions in E-Commerce	Foreign e-commerce platforms cannot hold inventory or influence pricing; they must operate as marketplaces only. <sup>141</sup>	Limits business model flexibility and affects competitiveness of foreign platforms.

### Alignment with International Best Practices

While India's trade frameworks are evolving towards greater transparency and digitalisation, several conventional and digital barriers continue to affect the ease of doing business for foreign exporters. Addressing these barriers requires simplifying customs and licensing procedures, adopting risk-based inspection systems and ensuring regulatory alignment with international standards. In the digital sphere, promoting interoperable standards, easing localisation burdens and clarifying cross-border data rules will be critical to fostering an open and competitive digital trade environment. Strategic reforms in these areas can enhance India's integration into global value chains while supporting domestic policy objectives.

India maintains a comprehensive yet complex regulatory framework for trade and digital governance. While globally aligned in principle, its operational environment remains burdened by procedural delays, fragmented implementation and a protectionist tilt in digital policy.

Table 2.14 presents the comparison of country conventional laws alignment with international best practices.

India's digital governance is rapidly evolving, with new legislation addressing data privacy and platform accountability. Nonetheless, policy ambiguity, protectionist design and implementation gaps persist across key domains.

Table 2.15 presents the comparison of country digital laws alignment with international best practices.

### 2.1.4 Malaysia

Malaysia is a strategic trade and digital economy hub in Southeast Asia, known for its export-oriented manufacturing base and growing digital infrastructure. As a member of the WTO, and a participant in key trade agreements such as CPTPP, RCEP and Asean Free Trade Area (AFTA), Malaysia promotes liberalisation, customs modernisation and regulatory reform. It also plays a leading role in ASEAN's push towards digital trade integration, balancing trade openness with sectoral protections.



Malaysia's trade regulatory framework is governed by multiple agencies, each responsible for different aspects of trade, customs, digital commerce and economic policy, as listed in the Table 2.16.

139 <https://incountry.com/blog/comprehensive-guide-to-indian-data-privacy-laws/>

140 <https://www.breachrx.com/global-regulations-data-privacy-laws/india-cert-in-directive/>

141 <https://www.maheshwariandco.com/blog/navigating-fdi-regulations-in-indian-e-commerce/>

**Table 2.14 Comparison of Conventional Trade Laws with International best Practice**

Trade domain	Key features and challenges (India)	Alignment with international best practices	International best practice
<b>Cus-toms and trade facilitation</b>	The Single Window Interface for Facilitating Trade (SWIFT) system and AEO programme reflect India's commitment to WTO TFA. Yet manual intervention, low AEO uptake by SMEs and poor system interoperability hinder procedural efficiency.	Partially aligned – legal reforms are in place, but operational fragmentation and SME exclusion weaken impact.	South Korea's UNI-PASS – fully digital customs system with real-time data exchange and SME-friendly AEO models.
<b>SPS and bios-security</b>	Scientific principles are followed under the Plant Quarantine Order and Drugs and Cosmetics Act, but long approval delays (especially for food and pharma) impair export competitiveness.	Partially aligned – scientifically sound, but excessive timelines and lack of automation reduce effectiveness.	New Zealand's AI-driven SPS system – risk-based approvals with rapid decision-making for low-risk categories.
<b>TBT and product standards</b>	Governed by BIS and FSSAI, India's product standards regime suffers from high rejection rates, long wait times and no fast-track system for trusted traders. MRA gaps cause repetitive testing burdens.	Partially aligned – global standards referenced, but fragmented implementation and lack of MRAs limit utility.	EU CE system – harmonised product standards with MRAs and simplified market access procedures.
<b>Import licensing</b>	Sector-specific, bureaucratic licensing systems with limited digitisation. Coordination challenges between central and state authorities affect predictability, especially for time-sensitive imports.	Moderately aligned – rules are transparent but lack streamlined processes and interagency digital integration.	Singapore's licensing system – single-window clearance and harmonised interagency workflows.
<b>Dispute resolution</b>	WTO-consistent system exists; domestic remedies are available, including appellate forums. However, slow adjudication, especially in IPR and technical disputes, affects trader confidence.	Moderately aligned – legal structure exists, but enforcement timelines and procedural delays reduce effectiveness.	EU Trade Court system/US ITC model – expedited IPR and trade-related hearings with specialised panels.

**Table 2.15 Comparison of Digital Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (India)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	The Consumer Protection (E-Commerce) Rules 2020 regulate platform behaviour but are perceived as restrictive, particularly for foreign players. FDI rules prohibit inventory models, limiting platform expansion.	Partially aligned – structured rules exist but lean protectionist and limit market-driven scaling.	China's E-Commerce Law and FDI policies – platform-neutral rules, inventory ownership allowed under regulation.
<b>Data privacy and cross-border governance</b>	The DPDP Act adopts GDPR-like features but is still being implemented. Unclear localisation rules and uncertain cross-border transfer standards create regulatory ambiguity.	Partially aligned – aspirational alignment with GDPR, but legal and operational clarity is lacking.	EU GDPR – defined adequacy, portability, enforcement and cross-border flow standards.

(Continued)

**Table 2.15 Comparison of Digital Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (India)	Alignment with international best practices	International best practice
<b>Digital payments and fintech</b>	Platforms such as UPI and regulatory structures under RBI and the Securities and Exchange Board of India (SEBI) support India's vibrant fintech space. However, Account Aggregator framework is still maturing, with privacy and interoperability concerns.	Substantially aligned – payment systems are advanced, but data governance in fintech remains underdeveloped.	UK Open Banking framework – interoperable, user-controlled data sharing with privacy built-in.
<b>IPR</b>	India's IP framework (Copyright Act 1957, Trade Marks Act 1999, Patents Act 1970) has seen digital upgrades, but long delays, limited software patenting and online piracy remain serious issues.	Moderately aligned – frameworks exist, but enforcement and software treatment are below global benchmarks.	Intellectual Property Office of Singapore (IPOS)/Digital Millennium Copyright Act (US) (DMCA) – digital enforcement, expedited opposition handling and software patent recognition.
<b>Cybersecurity</b>	India has no unified cybersecurity law. Regulatory structures are sectoral and reactive, with inconsistent SME protection and limited cyber-readiness across sectors.	Partially aligned – framework is evolving but lacks comprehensiveness and uniform enforceability.	Israel's Cyber Directorate model – centralised, mandatory compliance with support for SMEs and critical sectors.

**Table 2.16 Key Regulatory Authorities in Malaysia**

Department	Responsibilities
<b>Ministry of International Trade and Industry (MITI)<sup>142</sup></b>	<ul style="list-style-type: none"> <li>Oversees trade policies, investment strategies and Malaysia's participation in FTAs</li> <li>Promotes export development and trade facilitation initiatives.</li> </ul>
<b>Royal Malaysian Customs Department (RMCD)<sup>143</sup></b>	<ul style="list-style-type: none"> <li>Administers customs duties, import/export regulations and trade facilitation.</li> <li>Conducts risk-based inspections and manages digital customs clearance.</li> </ul>
<b>Malaysia Competition Commission (MyCC)<sup>144</sup></b>	<ul style="list-style-type: none"> <li>Regulates anti-competitive practices and market monopolies.</li> <li>Enforces anti-dumping and countervailing duty measures to protect fair competition.</li> </ul>
<b>Bank Negara Malaysia (BNM)<sup>145</sup></b>	<ul style="list-style-type: none"> <li>Regulates foreign exchange, digital banking and financial systems</li> <li>Oversees digital payments, fintech operations and cryptocurrency compliance.</li> </ul>

(Continued)

<sup>142</sup> <https://www.miti.gov.my/><sup>143</sup> <https://www.customs.gov.my/front.html><sup>144</sup> <https://www.mycc.gov.my/><sup>145</sup> <https://www.bnm.gov.my/>

**Table 2.16 Key Regulatory Authorities in Malaysia**

Department	Responsibilities
<b>Malaysia External Trade Development Corporation</b> <sup>146</sup>	<ul style="list-style-type: none"> <li>Promotes exports and assists Malaysian businesses with international market access and trade finance support.</li> </ul>
<b>Malaysia Digital Economy Corporation (MDEC)</b> <sup>147</sup>	<ul style="list-style-type: none"> <li>Develops digital economy policies, e-commerce regulations and data governance</li> <li>Supports cybersecurity and ICT sector growth.</li> </ul>
<b>Ministry of Health (MOH)</b> <sup>148</sup>	<ul style="list-style-type: none"> <li>Regulates public health standards, including food safety, pharmaceutical quality and sanitary measures.</li> <li>Oversees health-related import controls and manages compliance with SPS regulations in trade.</li> </ul>
<b>Department of Veterinary Services (DVS)</b> <sup>149</sup>	<ul style="list-style-type: none"> <li>Enforces animal health and welfare laws, including import/export veterinary certification and disease control.</li> <li>Conducts inspections, surveillance and risk assessments for livestock and animal product trade.</li> </ul>
<b>Department of Standards Malaysia (SIRIM)</b> <sup>150</sup>	<ul style="list-style-type: none"> <li>Develops, maintains and certifies Malaysian Standards (MS) for industrial and consumer goods.</li> <li>Conducts conformity assessments, product testing and third-party certification required for importation.</li> </ul>
<b>Ministry of Domestic Trade and Consumer Affairs (MDTCA)</b> <sup>151</sup>	<ul style="list-style-type: none"> <li>Enforces fair trade practices, consumer rights and price controls across conventional and digital markets.</li> <li>Regulates electronic commerce platforms and ensures compliance with consumer protection laws.</li> </ul>
<b>Ministry of Home Affairs (MOHA)</b> <sup>152</sup>	<ul style="list-style-type: none"> <li>Issues licences and enforces import restrictions on sensitive or controlled goods such as firearms, chemicals and security equipment.</li> <li>Ensures national safety through trade-related regulatory oversight and cross-border enforcement.</li> </ul>
<b>Department of Environment (DOE)</b> <sup>153</sup>	<ul style="list-style-type: none"> <li>Regulates environmental compliance for imported goods, hazardous waste and emissions-linked products.</li> <li>Screens imports for environmental impact and ensures alignment with sustainability objectives.</li> </ul>
<b>Malaysian Quarantine and Inspection Services (MAQIS)</b> <sup>154</sup>	<ul style="list-style-type: none"> <li>Oversees plant and animal import inspections, quarantine and risk management at entry points.</li> <li>Ensures compliance with national SPS requirements and prevents the entry of pests and diseases.</li> </ul>

(Continued)

<sup>146</sup> <https://www.mataude.gov.my/en/><sup>147</sup> <https://mdec.my/><sup>148</sup> <https://www.moh.gov.my/><sup>149</sup> <https://www.dvs.gov.my/><sup>150</sup> <http://www.sirim.my/services/standards-quality/standards><sup>151</sup> <https://www.kpdn.gov.my/en/home><sup>152</sup> <https://www.moha.gov.my/index.php/en/><sup>153</sup> <https://www.doe.gov.my/en/utama-english/><sup>154</sup> <https://www.maqis.gov.my/en/>

**Table 2.16 Key Regulatory Authorities in Malaysia**

Department	Responsibilities
<b>Malaysian Communications and Multimedia Commission (MCMC)<sup>155</sup></b>	<ul style="list-style-type: none"> <li>Regulates digital content, internet service providers and licensing for digital platforms and telecoms.</li> <li>Ensures compliance with content standards, cybersecurity protocols and personal data protection in digital trade.</li> </ul>
<b>Intellectual Property Corporation of Malaysia (IPOS Malaysia)<sup>156</sup></b>	<ul style="list-style-type: none"> <li>Administers the registration and enforcement of patents, trademarks, copyrights and industrial designs.</li> <li>Provides support for IP rights protection and manages IP-related dispute resolution.</li> </ul>
<b>Asian International Arbitration Centre (AIAC)<sup>157</sup></b>	<ul style="list-style-type: none"> <li>Offers institutional arbitration services for resolving commercial, investment and trade-related disputes.</li> <li>Operates under UNCITRAL rules and serves as a regional hub for ADR.</li> </ul>
<b>Malaysian Mediation Centre (MMC)<sup>158</sup></b>	<p>Provides mediation services for commercial and civil disputes to promote amicable settlement without litigation.</p> <p>Facilitates access to ADR for SMEs and trade participants through trained mediators and a structured process.</p>

## Conventional Trade Regulatory Framework

### **Market Access and Tariff Regulations**

Malaysia maintains a relatively open tariff regime (average MFN rate ~5 per cent),<sup>159</sup> with high protection in select sectors.

- Automotive – duties up to 30 per cent to support national brands.
- Agriculture – TRQs on rice, dairy and sugar with licensing requirements.
- Incentives – tax relief via Pioneer Status, Investment Tax Allowance and Investment-linked Incentive Packages (ILP) for local sourcing.<sup>160</sup>

Through CPTPP, RCEP and AFTA, Malaysia enjoys broad market access. However, compliance with ROO and sector-specific documentation remains complex for SMEs.<sup>161</sup>

### **FTAs**

Key agreements include the following.

- AFTA – near-total tariff elimination within ASEAN.<sup>162</sup>
- CPTPP – covers IP, e-commerce, investment protections; eliminates tariffs on 95 per cent of goods.<sup>163</sup>
- RCEP – simplifies ROO, enhances facilitation for electronics and auto exports.
- Malaysia-EU FTA (under negotiation) – aims to reduce NTBs and align regulatory standards.

<sup>155</sup> <https://www.mcmc.gov.my/en/home>

<sup>156</sup> <https://www.myipo.gov.my/>

<sup>157</sup> <https://www.aiac.world/>

<sup>158</sup> <https://www.mimc.org.my/>

<sup>159</sup> [https://www.great.gov.uk/markets/malaysia/trade-agreement/tariffs-and-customs-for-imports-from-and-exports-to-malaysia/#:~:text=Most%20Favoured%20Nation%20\(MFN\)%20tariffs,more%20advantageous%20to%20use%20the](https://www.great.gov.uk/markets/malaysia/trade-agreement/tariffs-and-customs-for-imports-from-and-exports-to-malaysia/#:~:text=Most%20Favoured%20Nation%20(MFN)%20tariffs,more%20advantageous%20to%20use%20the)

<sup>160</sup> [https://www.maa.org.my/pdf/duties\\_taxes\\_on\\_motor\\_vehicles.pdf](https://www.maa.org.my/pdf/duties_taxes_on_motor_vehicles.pdf)

<sup>161</sup> [https://www.customs.gov.my/en/ip/Pages/ip\\_mntr.aspx](https://www.customs.gov.my/en/ip/Pages/ip_mntr.aspx)

<sup>162</sup> <https://fta.miti.gov.my/index.php/pages/view/asean-afta>

<sup>163</sup> <https://www.usasean.org/trade-agreements>

**Table 2.17 Non-tariff Measures in Malaysia**

Category	Regulators	Trade impact
<b>SPS measures</b>	MOH, DVS	Halal certification, pesticide and disease controls; raises compliance costs.
<b>TBT standards</b>	SIRIM, National Pharmaceutical Regulatory Agency (NPRA), MyCC	Product certifications, safety labels, and eco-standards add documentation burden.
<b>Import licensing</b>	MOHA, DOE, Medical Device Authority (MDA)	Sensitive goods (chemicals, firearms) require permits; delays access.
<b>Biosecurity and quarantine</b>	DVS, MAQIS	Plant/animal imports require health checks and documentation.
<b>Anti-dumping and safeguards</b>	MITI	Trade remedies defend local industry but raise policy uncertainty.
<b>Local content requirements</b>	Sector-specific	Applied in infra and Government-linked Companies (GLC)-linked projects; restricts FDI in targeted sectors.
<b>Procurement preferences</b>	Ministry of Finance (MOF), MITI	Favour domestic firms in government tenders; limits foreign bid opportunities.

### **Customs and Trade Facilitation**

Malaysia's customs modernisation aligns with WTO TFA.

- Customs Act 1967<sup>164</sup> – governs all procedures.
- U-Customs System<sup>165</sup> – fully digital, supports automation and document integration.
- RMS – prioritises high-risk cargo; low-risk shipments get expedited clearance.<sup>166</sup>
- Single-window implementation – promotes interagency coordination and reduces clearance time.<sup>167</sup>

### **NTMs**

These NTMs serve public interest objectives but also impose procedural and financial burdens for exporters unfamiliar with Malaysia's regulatory environment.

### **Dispute Resolution**

Malaysia applies both WTO DSM and FTA-based state-to-state mechanisms (CPTPP, RCEP). Investor protections via ISDS are embedded in select FTAs.

Domestically:

- Arbitration Act 2005<sup>168</sup> (UNCITRAL-aligned).
- AIAC.<sup>169</sup>
- MMC.<sup>170</sup>

These frameworks allow efficient resolution of commercial and trade-related disputes without lengthy litigation.

<sup>164</sup> <https://www.customs.gov.my/ms/pg/Akta%20Kastam/AKTA%20KASTAM%201967-1.pdf>

<sup>165</sup> [https://www.customs.gov.my/en/Pages/ms\\_na.aspx](https://www.customs.gov.my/en/Pages/ms_na.aspx)

<sup>166</sup> <https://www.wcoomd.org/en/media/newsroom/2024/november/malaysia-customs-advances-trade-facilitation-through-targeted-wco-collaboration-on-pca-enhancement.aspx>

<sup>167</sup> [https://www.eria.org/uploads/11\\_Ch\\_6-Malaysia.pdf](https://www.eria.org/uploads/11_Ch_6-Malaysia.pdf)

<sup>168</sup> <https://www.aiac.world/wp-content/arbitration/Arbitration-Act-2005.pdf>

<sup>169</sup> <https://www.aiac.world/>

<sup>170</sup> <https://www.mimc.org.my/>

## Digital Trade Regulatory Framework

### **E-Commerce Regulation**

- Electronic Commerce Act 2006: legally recognises digital signatures and e-contracts.<sup>171</sup>
- Consumer Protection (E-Commerce) Regulations 2012.<sup>172</sup> regulates seller behaviour and platform responsibilities.
- Foreign investment restrictions: approval required for foreign majority ownership in some digital services sectors – designed to protect local players.

Malaysia's digital rules support consumer protection but present market entry barriers for foreign platforms.

### **Cross-Border Data Flows and Privacy**

- Personal Data Protection Act (PDPA) 2010: sets consent-based rules for data collection, processing and transfers.<sup>173</sup>
- Sectoral localisation: banking and healthcare data must be stored on local servers.
- MDEC oversees cloud compliance and CBPR participation.<sup>174</sup>
- APEC CBPR: enhances regional interoperability, though participation remains voluntary and partial.
- Cross-Border Personal Data Transfer Guidelines 2025:<sup>175</sup> effective from 29 April 2025, these guidelines mandate that data controllers conduct Transfer Impact Assessments to ensure that overseas data transfers comply with standards equivalent to Malaysia's PDPA 2010.<sup>176</sup>

### **Digital Payments and Fintech**

- BNM regulates:
  - DuitNow and Real-time Payments (RTP) systems enabling real-time transfers.<sup>177</sup>
  - Licensing for e-wallets, crypto exchanges and fintech startups.
  - AML/CTF frameworks applicable across digital platforms.
  - Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA): provides a comprehensive framework for combating financial crimes.

Malaysia's fintech ecosystem is secure, scalable and regional in scope.<sup>178</sup>

### **Digital Trade Facilitation**

- **MyDIGITAL Strategy:**
  - Boosts digital transformation, cloud migration and cybersecurity.
  - Fosters public–private innovation partnerships.<sup>179</sup>

171 <https://www.wipo.int/wipolex/en/legislation/details/8179>

172 [https://aseanconsumer.org/file/post\\_image/Consumer%20Protection%20\(Electronic%20Trade%20Transactions\)%20Regulations%202012.pdf](https://aseanconsumer.org/file/post_image/Consumer%20Protection%20(Electronic%20Trade%20Transactions)%20Regulations%202012.pdf)

173 <https://www.pdp.gov.my/ppdpv1/en/akta/pdp-act-2010/>

174 <https://mdec.my/>

175 <https://www.skrine.com/insights/alerts/april-2025/cross-border-personal-data-transfer-guidelines-lau#:~:text=On%2029%20April%202025%2C%20the,to%20assist%20data%20controllers%20in>

176 <https://www.hoganlovells.com/en/publications/malaysias-groundbreaking-cross-border-data-transfer-guidelines-explained?utm>

177 <https://www.mas.gov.sg/news/media-releases/2023/launch-of-cross-border-real-time-payment-systems-connectivity-between-singapore-and-malaysia>

178 <https://www.bnm.gov.my/role-of-bank-negara-malaysia>

179 <https://ekonomi.gov.my/sites/default/files/2021-02/malaysia-digital-economy-blueprint.pdf>

- **Digital Free Trade Zone:**
  - Jointly developed with Alibaba.
  - Facilitates SME participation in cross-border e-commerce with streamlined customs processing and warehousing.
- **Blockchain in e-customs:**
  - Pilots trade documentation authentication and fraud prevention.
  - Reduces time-to-clearance and enhances traceability.

These initiatives improve supply chain integrity and strengthen Malaysia's role in Southeast Asia's digital trade ecosystem.

### **IPR**

Malaysia's IPR regime is governed by:

- Copyright Act 1987<sup>180</sup> – covers software, digital content and artistic works.
- Trademarks Act 2019<sup>181</sup> – enables non-traditional mark protection and border enforcement.
- Patents Act 1983<sup>182</sup> – 20-year protection; allows compulsory licensing in public interest.
- IPOS Malaysia<sup>183</sup> – facilitates registration, but delays and enforcement inconsistencies limit accessibility for SMEs.

### **Cybersecurity**

- Cybersecurity Act 2024 (proposed):<sup>184</sup> will mandate compliance for critical Governmental digital infrastructure.
- Cybersecurity Strategy 2020–2024:<sup>185</sup> strengthens resilience, data security and public–private collaboration.
- 5G and broadband expansion:<sup>186</sup> enables real-time connectivity across rural and urban zones.

### **Regulatory Barriers to Trade**

Malaysia maintains an open, export-oriented trade regime backed by strong FTA networks, yet foreign exporters may face challenges due to opaque licensing, local preference policies and standards misalignment. In digital trade, while initiatives such as MyDIGITAL signal progress, data localisation rules, sector-specific restrictions and evolving compliance obligations can increase operational burdens for foreign digital firms.

### **Alignment with International Best Practices**

Malaysia maintains a moderately advanced trade and digital regulatory framework, with strong legal foundations and active international engagement. However, challenges persist in digital integration, SME inclusion, interagency coordination and enforcement consistency. Table 2.19 presents the comparison of country conventional laws alignment with international best practices.

<sup>180</sup> <https://www.myipo.gov.my/wp-content/uploads/2025/02/Lampiran-A1-ENG-Akta-Hak-Cipta-setakat-22-Jun-2023.pdf>

<sup>181</sup> <https://www.kpdn.gov.my/images/2024/awam/akta/myipo/Act%20815.pdf>

<sup>182</sup> [https://wipolex-resources-eu-central-1-358922420655.s3.amazonaws.com/edocs/lexdocs/laws/en/my/my101en\\_1.pdf](https://wipolex-resources-eu-central-1-358922420655.s3.amazonaws.com/edocs/lexdocs/laws/en/my/my101en_1.pdf)

<sup>183</sup> [https://www.bursamalaysia.com/listing/listing\\_resources/ipo/ipo\\_summary](https://www.bursamalaysia.com/listing/listing_resources/ipo/ipo_summary)

<sup>184</sup> <https://securiti.ai/overview-of-malaysia-cyber-security-act-2024/#:-text=Malaysia%20introduced%20the%20Cyber%20Security,Gazette%20on%20June%2026%2C%202024>

<sup>185</sup> <https://asset.mkn.gov.my/wp-content/uploads/2020/10/MalaysiaCyberSecurityStrategy2020-2024.pdf>

<sup>186</sup> <https://www.ookla.com/articles/malaysia-5g-q4-2024#:~:text=Malaysia's%20mobile%20performance%20improved%20significantly,to%2041.9%25%20by%20Q4%202024.>

**Table 2.18 Regulatory Barriers to Trade in Malaysia**

category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	Malaysia maintains low average MFN tariffs, but sensitive goods such as rice, poultry and motor vehicles face high tariffs or import quotas.	Reduces competitiveness of foreign exporters in protected sectors; distorts market access.
SPS rules	SPS approvals, particularly for animal products and fresh foods, can involve lengthy and unclear procedures.	Delays in obtaining import permits; higher compliance burden for agricultural exporters.
Technical standards and SIRIM approval	Products must comply with MS, with mandatory certification from SIRIM for categories such as electronics, building materials. <sup>187</sup>	Forces retesting, local labelling and product modifications; particularly burdensome for SMEs.
Import licensing	Halal certification for the importation of meat and poultry, regulated through licensing and sanitary controls. <sup>188</sup>	Increases administrative burden and may lead to regulatory delays for foreign suppliers.
Customs and valuation procedures	Although Malaysia has implemented single-window systems, some importers face delays due to customs valuation challenges or inconsistencies in Harmonised System (HS) codes.	Uncertainty in duties payable and delays in clearance time; increases cost of doing business.
Government procurement preferences	Local preference policies and Bumiputera quotas apply to public procurement tenders, often excluding foreign firms from direct participation. <sup>189</sup>	Limits access to public contracts for foreign suppliers despite WTO Government Procurement Preferences (GPA) observer status.
<b>Digital</b>		
Cross-border data transfers	The PDPA restricts outbound personal data transfers to jurisdictions not offering 'adequate protection' unless consent or legal exceptions apply. <sup>190</sup>	Limits scalability for cloud and data-driven services operating across borders.
Sector-specific data localisation	Financial institutions must store data locally under Bank Negara Malaysia regulations; similar constraints exist in health and telecom sectors. <sup>191</sup>	Adds operational complexity and infrastructure costs for foreign firms.
Cybersecurity and technical standards	Cybersecurity compliance is guided by local standards (e.g. MS ISO/IEC 27001), and foreign systems must be certified by CyberSecurity Malaysia. <sup>192</sup>	Requires dual or localised certification, increasing entry costs.
Licensing for digital service providers	Content providers and cloud services may require licensing under MCMC, depending on content type or data management structures. <sup>193</sup>	Creates legal uncertainty and regulatory burdens for digital exporters.

(Continued)

187 <https://www.sirim-qas.com.my/faqs/product-certification-and-inspection>

188 <https://www.trade.gov/country-commercial-guides/malaysia-trade-barriers>

189 <https://www.trade.gov/country-commercial-guides/malaysia-trade-barriers>

190 <https://www.hoganlovells.com/en/publications/malaysias-groundbreaking-cross-border-data-transfer-guidelines-explained>

191 <https://securiti.ai/data-regulations-in-malaysia-financial-sector/>

192 <https://iscb.cybersecurity.my/index.php/certification/management-system-certification/csm27001>

193 <https://www.globalcomplianceindex.com/2021/11/19/malaysia-cloud-services-to-be-licensed-from-1-january-2022-08112021/>

**Table 2.18 Regulatory Barriers to Trade in Malaysia**

category	Barrier Description	Potential Impact
Consumer protection in e-commerce	Obligations under the Consumer Protection (Electronic Trade Transactions) Regulations 2012 include registration, refund policies and disclosure norms. <sup>194</sup>	Increased documentation and compliance workload for cross-border retail platforms.
Telecom and platform regulation	Foreign digital platforms may face joint venture or local equity conditions in telecom services and regulated over the top (OTT) services. <sup>195</sup>	Limits foreign ownership and affects long-term market participation strategies.

**Table 2.19 Comparison of Conventional Trade Laws with International best Practice**

Trade domain	Key features and challenges (Malaysia)	Alignment with international best practices	International best practice
<b>Cus-toms and trade facilitation</b>	Governed by the Customs Act 1967, Malaysia uses eCustoms, National Single Window (NSW) and AEO programme to advance TFA compliance. However, system downtimes, manual processes and low SME inclusion hinder modernisation.	Partially aligned – reformist intent is clear, but operational delays and digitisation gaps reduce efficiency.	South Korea's UNI-PASS – seamless automation, paperless processing and inclusive SME access.
<b>SPS and bios-security</b>	SPS controls are regulated by the Plant Quarantine Act and Drug and Cosmetics Regulations. Rules are uniform but lack risk differentiation, causing delays even for low-risk goods.	Moderately aligned – strong legal base, but a blanket approach to risk undermines trade facilitation.	New Zealand's risk-based SPS model – Differentiated protocols using AI for clearance prioritisation.
<b>TBT and product standards</b>	Technical standards align with ISO and ASEAN norms under the Standards of Malaysia Act 1996. However, no MRAs and uneven enforcement of labelling laws increase compliance costs for traders.	Partially aligned – good alignment in principle but weakened by MRA absence and enforcement variability.	EU CE marking system – regional MRAs and consistent conformity assessments.
<b>Import licensing</b>	Licensing frameworks for sensitive goods are legally clear but managed through sector-specific agencies, leading to document-heavy applications and processing delays – particularly affecting SMEs.	Moderately aligned – licensing is transparent but fragmented and burdensome in execution.	Singapore's integrated licensing system – single-window, sectorally harmonised digital licensing.
<b>Dispute resolution</b>	Malaysia offers FTA-based, court and administrative remedies, but procedural complexity and inconsistent agency responses reduce timely access, especially for small businesses.	Moderately aligned – institutional options are present but lack responsiveness and procedural streamlining.	Canada/EU model – time-bound arbitration with simplified procedures and SME-sensitive access.

Malaysia's digital trade architecture is grounded in progressive laws and national strategies. Nonetheless, limitations in cybersecurity regulation, cross-border data enforcement and SME digital readiness impact its overall alignment with global best practices.

Table 2.20 presents the comparison of country digital laws alignment with international best practices.

<sup>194</sup> <https://aseanconsumer.org/read-legislation-consumer-protection-electronic-trade-transactions-regulations-2012>

<sup>195</sup> [https://insightplus.bakermckenzie.com/bm/technology-media-telecommunications\\_1/malaysia-licensing-of-social-media-and-internet-messaging-service-providers-from-1-january-2025-onwards](https://insightplus.bakermckenzie.com/bm/technology-media-telecommunications_1/malaysia-licensing-of-social-media-and-internet-messaging-service-providers-from-1-january-2025-onwards)

**Table 2.20 Comparison of Digital Trade Laws with international best practice**

Digital trade domain	Key features and challenges (Malaysia)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	Governed by the E-Commerce Act 2006 and aligned with UNCITRAL and ASEAN principles. However, no online dispute resolution mechanisms and weak cross-border enforcement reduce consumer protection and trust.	Moderately aligned – strong legal basis, but missing institutional enforcement tools for effective redress.	EU Online Dispute Resolution ODR platform/Japan's Ministry of Economy, Trade and Industry METI ) framework – institutionalised e-dispute systems and cross-border platform regulation.
<b>Data privacy and cross-border governance</b>	The PDPA 2010 is conceptually aligned with GDPR but excludes government agencies and lacks mandatory breach notifications. APEC CBPR membership is positive but enforcement is limited.	Partially aligned – principles are sound but institutional coverage and enforcement mechanisms are insufficient.	EU GDPR/Japan's Act on the Protection of Personal Information (APPI) – universal application (public/private) with strong breach notification and accountability.
<b>Digital payments and fintech</b>	Overseen by Bank Negara Malaysia, the fintech space has grown under clear guidelines. However, crypto regulation remains in transition, and rural adoption and SME inclusion are still lagging.	Moderately aligned – strong institutional control, but lacking universal access and digital asset clarity.	UK FCA and Monetary Authority of Singapore (MAS) – crypto sandboxes, universal financial inclusion and tiered regulation.
<b>IPR</b>	IP laws (Copyright Act 1987, Trade Marks Act 2019, Patents Act 1983) align with World Intellectual Property Organization (WIPO) norms. Issues include slow processing, cost barriers and weak digital enforcement, especially for AI works.	Partially aligned – legal foundation is solid but enforcement and accessibility require modernisation.	US DMCA/Singapore IPOS – fast-track procedures, AI content recognition and online enforcement systems.
<b>Cyber-security</b>	Malaysia lacks a comprehensive cybersecurity law. Sector-specific regulations apply inconsistently. SME protections, interagency coordination and cross-border enforcement are underdeveloped.	Partially aligned – cyber policy is evolving but lacks the coherence and coverage of top-tier regulatory models.	Singapore's Cybersecurity Act/EU Cybersecurity Act – centralised command with mandatory baseline security rules.

### 2.1.5 Singapore

Singapore's trade regulatory framework is globally recognised for its efficiency, transparency and technological advancement. As a founding WTO member since 1995,<sup>196</sup> and an active participant in CPTPP, RCEP, AFTA, and over 27 FTAs, Singapore leverages open-market principles to facilitate seamless trade flows. Its trade policies emphasise liberalisation, regulatory predictability and innovation, while its digital trade governance ranks among the most progressive worldwide. The key regulatory authorities of Singapore are listed in Table 2.21.



196 [https://www.wto.org/english/thewto\\_e/countries\\_e/singapore\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/singapore_e.htm)

**Table 2.21 Key Regulatory Authorities in Singapore**

Departments	Responsibilities
Ministry of Trade and Industry (MTI) <sup>197</sup>	<ul style="list-style-type: none"> <li>Formulates trade policies, negotiates trade agreements and promotes economic integration.</li> <li>Oversees Singapore's participation in multilateral, regional and bilateral trade agreements, including WTO, CPTPP, RCEP and AFTA.</li> </ul>
Singapore Customs <sup>198</sup>	<ul style="list-style-type: none"> <li>Manages customs compliance and trade facilitation.</li> <li>Oversees Free Trade Zone (FTZ) operations and implements digital clearance systems such as TradeNet and the NSW.</li> </ul>
Enterprise Singapore <sup>199</sup>	<ul style="list-style-type: none"> <li>Supports international trade, export promotion and trade financing.</li> <li>Administers tariff exemptions, technical regulations and certification standards, and collaborates with global partners to strengthen Singapore's role in value chains.</li> </ul>
MAS <sup>200</sup>	<ul style="list-style-type: none"> <li>Regulates cross-border payments, foreign exchange and trade finance.</li> <li>Oversees cryptocurrency policies, blockchain-based trade finance and digital banking, while enforcing AML and CTF compliance.</li> </ul>
Infocomm Media Development Authority (IMDA) <sup>201</sup>	<ul style="list-style-type: none"> <li>Oversees digital trade, data protection and cybersecurity.</li> <li>Facilitates cross-border e-commerce, digital identity and digital economy agreements. Enforces the PDPA and aligns with global data standards.</li> </ul>
IPOS <sup>202</sup>	<ul style="list-style-type: none"> <li>Manages IP protection for patents, trademarks, copyrights and industrial designs.</li> <li>Ensures WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) compliance and supports IP protection for digital businesses.</li> </ul>
Competition and Consumer Commission of Singapore (CCCS) <sup>203</sup>	<ul style="list-style-type: none"> <li>Enforces fair trade and anti-monopoly laws.</li> <li>Regulates e-commerce and cross-border competition, ensuring consumer protection and preventing unfair pricing.</li> </ul>

These institutions work collaboratively to maintain Singapore's competitive trade ecosystem, ensuring regulatory coherence, trade facilitation and economic resilience in both conventional and digital trade sectors.

## Conventional Trade Regulatory Framework

### **Market Access and Tariff Structure**

Singapore applies zero MFN tariffs<sup>204</sup> on nearly all imports, with excise duties levied on alcohol, tobacco and motor vehicles. Its tariff regime supports cost-effective trade while allowing anti-dumping/countervailing duties under the Customs Act where needed to address unfair pricing practices.

197 <https://www.mti.gov.sg/>

198 <https://www.customs.gov.sg/>

199 <https://www.enterprisesg.gov.sg/>

200 <https://www.mas.gov.sg/>

201 <https://www.imda.gov.sg/>

202 <https://www.ipos.gov.sg/>

203 <https://www.cccs.gov.sg/>

204 <https://ttd.wto.org/en/profiles/singapore>

## FTAs

Singapore has 27 FTAs with key economies including the following.

- SCFTA – strengthens tariff-free trade with China.
- ASEAN FTA (AFTA) – promotes regional economic integration.
- CPTPP – enhances digital trade rules and investment protections.
- EUSFTA – provides phased tariff elimination and regulatory harmonisation with the EU.

These FTAs boost access to global markets but compliance with ROO and technical standards remains a challenge for SMEs.

## Customs and Trade Facilitation

Singapore's customs infrastructure is globally advanced:

- TradeNet – national electronic platform for customs declarations and approvals.
- NSW – consolidates document submissions for interagency coordination.
- Risk-based clearance – low-risk shipments are expedited while high-risk goods face targeted inspections.
- AEO programme and WCO/WTO compliance – recognises trusted traders and streamlines documentation in line with global best practices.

Singapore's customs processes are fully digitalised and among the fastest globally, significantly reducing trade delays.

## NTMs

Singapore's NTBs are minimal, targeted and consistent with WTO norms, supporting regulatory integrity without disrupting trade flows.

## Dispute Resolution

Singapore applies both domestic and international mechanisms.

- Domestic – Singapore International Arbitration Centre (SIAC) Singapore Mediation Centre (SMC) and commercial courts offer arbitration, mediation and litigation.
- WTO DSU – Singapore is an active user of WTO's state-to-state dispute system.

**Table 2.22 Non-tariff Measures in Singapore**

Category	Regulators	Impact on trade
<b>SPS measures</b>	Singapore Food Agency (SFA), NParks	Ensures food and agriculture safety; requires quarantine and certification.
<b>TBT standards</b>	Enterprise Singapore, National Environment Agency (NEA), SFA	Mandates quality, labelling and environmental compliance; international standards accepted.
<b>Licensing and import controls</b>	Health Sciences Agency (HSA), NEA, Singapore Police Force (SPF)	Applied to chemicals, arms, pharma; ensures national security but adds documentation.
<b>Biosecurity and quarantine</b>	NParks, SFA	Protects biodiversity; may delay fresh food and plant imports.
<b>Trade remedies</b>	MTI, customs	Rarely applied; preserves fair trade conditions in line with WTO rules.
<b>Local content/procurement bias</b>	Sector-specific (e.g. defence)	Generally open, though domestic firms may have advantage in strategic sectors.

- FTA mechanisms – CPTPP and RCEP contain structured state-to-state and consultation procedures.
- ISDS – present in older BITs, but newer FTAs prefer state-to-state processes to preserve regulatory space.

Singapore is widely recognised as a trusted venue for global trade and investment dispute resolution.

## Digital Trade Regulatory Framework

### ***E-Commerce Regulation***

Singapore's e-commerce ecosystem is regulated by:

- Electronic Transactions Act 2010<sup>205</sup> – grants legal validity to digital contracts and e-signatures.
- Consumer Protection (Fair Trading) Act 2003<sup>206</sup> – regulates online retail behaviour and unfair trade practices.
- Sale of Goods Act 1979<sup>207</sup> – ensures liability for product delivery, warranty and consumer remedies.

Singapore permits 100 per cent foreign ownership in digital businesses, promoting open digital trade and global market access.

### ***Data Privacy and Cross-Border Data Flows***

- PDPA<sup>208</sup> – establishes user rights, processing duties and breach response rules.
- Cross-border transfer – Singapore supports open data flows via APEC CBPR; data localisation is not required except in finance/health sectors.
- AI governance framework – promotes responsible AI use in digital trade and algorithmic systems.

Singapore's flexible yet rigorous data regime supports interoperability, privacy and cross-border digital commerce.<sup>209</sup>

### ***Digital Payments and Fintech***

The MAS governs:

- Payment Services Act 2019 (PSA)<sup>210</sup> – covers e-wallets, cross-border remittances, crypto platforms and merchant gateways.
- Fast and Secure Transfers (FAST) and Singapore Quick Response Code (SGQR) – instant payment systems for seamless transactions.
- AML/CTF Compliance – stringent KYC, reporting and monitoring to safeguard digital finance ecosystems.

Singapore is a global fintech hub, combining innovation with regulatory excellence.

### ***Digital Trade Facilitation***

Singapore is pioneering in digital facilitation.

- TradeTrust – blockchain-enabled trade document authentication system.
- NSW – integrates digital submissions for import/export processes.

---

<sup>205</sup> <https://sso.agc.gov.sg/Act/ETA2010>

<sup>206</sup> <https://sso.agc.gov.sg/Act/CPFTA2003>

<sup>207</sup> <https://sso.agc.gov.sg/Act/SGA1979>

<sup>208</sup> <https://sso.agc.gov.sg/Act/PDPA2012>

<sup>209</sup> <https://sso.agc.gov.sg/Act/ETA2010>

<sup>210</sup> <https://sso.agc.gov.sg/Acts-Supp/2-2019/Published/20190220?DocDate=20190220>

- Smart port infrastructure – AI and the Internet of Things (IoT) support port logistics and digital customs.
- GST on digital services – ensures tax neutrality across domestic and foreign digital sellers.

These tools reduce fraud, accelerate clearance and increase supply chain trust.

### **IPR**

Singapore's IP regime includes:

- Copyright Act 2021<sup>211</sup> – protects software, digital media, and moral rights.
- Trade Marks Act 1998<sup>212</sup> – secures brand identity across digital and physical goods.
- Patents Act 1994<sup>213</sup> – safeguards innovation with PCT integration.
- IPOS – offers digital services for registration, dispute resolution and SME IP guidance.

Strong enforcement and efficient processes make Singapore a global IP innovation hub.

### **Cybersecurity**

Singapore enforces:

- Cybersecurity Act 2018<sup>214</sup> – designates Critical Information Infrastructure (CII) and mandates compliance.
- Computer Misuse Act 1993<sup>215</sup> – criminalises hacking, unauthorised access and cyber fraud.
- IMDA guidelines and Cyber Security Agency (CSA) enforcement – define operational and technical standards for cyber protection.

Singapore combines robust legal infrastructure with proactive cyber threat mitigation to maintain digital trade resilience.

### **Regulatory Barriers to Trade**

Singapore offers one of the world's most open trade environments, though high regulatory standards in sectors such as food, chemicals and agriculture may pose compliance challenges for some exporters; in digital trade, while frameworks such as DEPA support cross-border flows, obligations under data protection, cybersecurity and e-commerce rules can increase entry complexity for foreign digital firms.

The trade regime of Singapore is among the most liberal and technologically advanced in the world, offering minimal tariff barriers and a business-friendly regulatory climate. Nonetheless, for both conventional and digital trade, exporters must navigate a range of standards, licensing regimes and sector-specific compliance rules that reflect Singapore's emphasis on safety, cybersecurity and consumer protection. While these are not protectionist in nature, they can create unintended friction for smaller exporters or firms from jurisdictions with divergent regulatory systems. Continuous engagement in multilateral frameworks such as DEPA and capacity-building partnerships can help address these challenges and further streamline Singapore's integration into the evolving global trade ecosystem.

### **Alignment with International Best Practices**

Singapore is a global benchmark for regulatory coherence in both conventional and digital trade. Its frameworks are internationally harmonised, business-friendly and actively shaped by innovation, regional integration, and legal interoperability.

---

211 <https://sso.agc.gov.sg/Act/CA2021>

212 <https://sso.agc.gov.sg/Act/TMA1998>

213 <https://sso.agc.gov.sg/Act/PA1994>

214 <https://sso.agc.gov.sg/Acts-Supp/9-2018/>

215 <https://sso.agc.gov.sg/Act/CMA1993>

**Table 2.23 Regulatory Barriers to Trade in Singapore**

category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	Singapore maintains zero tariffs on nearly all goods, except for a few excise items such as alcoholic beverages and tobacco. <sup>216</sup>	May increase the cost of specific products and require excise licensing and compliance documentation.
SPS rules	Stringent import rules for food, meat and plant products; requires Animal and Veterinary Service (AVS) permits, origin certification and preshipment treatments. <sup>217</sup>	Potential delays and higher costs for exporters of perishable or high-risk agricultural goods.
Technical standards	Singapore Standards may diverge from international norms in areas such as food labelling, electrical safety and environmental controls. <sup>218</sup>	May necessitate product reformulation or recertification for non-compliant imports.
Import licensing	Controlled goods (e.g. strategic goods, drugs, chemicals) require import/export licences through Singapore Customs and other agencies. <sup>219</sup>	Complex coordination among multiple agencies may delay time-to-market.
Customs documentation	Despite being highly digitised, certain shipments require Certificates of Origin, HS code precision and pre-approval under special schemes. <sup>220</sup>	Documentation errors or non-alignment with trade partners' systems may result in clearance delays.
Quarantine and risk-based inspections	Risk-based inspections under the Agri-Food and Veterinary Authority or Health Sciences Authority for food, pharmaceuticals and bioproducts. <sup>221</sup>	May lengthen clearance time and require in-country product testing or inspection.
<b>Digital</b>		
Cross-border data flows	PDPA permits international transfers only if recipient countries ensure comparable data protection standards or contractual safeguards are in place. <sup>222</sup>	Limits cloud and digital service operations in countries without adequate data protection frameworks.
Cybersecurity and infrastructure laws	The Cybersecurity Act 2018 imposes reporting and compliance obligations on CII operators. <sup>223</sup>	Digital service providers operating key platforms may face additional licensing and monitoring.
Data localisation	While there is no general localisation requirement, sectoral mandates (e.g. in finance and healthcare) may impose restrictions on data storage. <sup>224</sup>	Increases operational costs for firms that must duplicate infrastructure or split operations.

(Continued)

<sup>216</sup> <https://www.customs.gov.sg/businesses/valuation-duties-taxes-and-fees/duties-and-dutiable-goods/>

<sup>217</sup> <https://www.sfa.gov.sg/food-import-export/commercial-imports/import-requirements-for-food-food-products#meat-and-meat-products-0>

<sup>218</sup> <https://www.sfa.gov.sg/regulatory-standards-frameworks-guidelines/food-labelling-packaging-guidelines/labelling-requirements-for-food>

<sup>219</sup> <https://www.trade.gov/country-commercial-guides/singapore-prohibited-restricted-imports>

<sup>220</sup> <https://www.customs.gov.sg/businesses/certificates-of-origin/overview/>

<sup>221</sup> <https://www.productcomplianceinstitute.com/singapore/?utm>

<sup>222</sup> <https://efaidnbmnnibpcajpcglclefindmkaj/> <https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Advisory-Guidelines/the-transfer-limitation-obligation---ch-19-%2828270717%29.pdf> <https://digitalpolicyalert.org/change/10101?utm>

<sup>223</sup> <https://sso.agc.gov.sg/Acts-Supp/9-2018/>

<sup>224</sup> <https://resourcehub.bakermckenzie.com/en/resources/global-data-and-cyber-handbook/asia-pacific/singapore/topics/data-localization-and-regulation-of-non-personal-data>

**Table 2.23 Regulatory Barriers to Trade in Singapore**

category	Barrier Description	Potential Impact
Technical standards for digital goods	Sector-specific encryption, electronic invoicing and secure digital identity protocols may differ from global norms. <sup>225</sup>	May require additional technical alignment or certification for digital products and services.
Platform regulation and consumer law	Laws such as the Consumer Protection (Fair Trading) Act apply to digital transactions, with growing scrutiny on unfair practices in e-commerce platforms. <sup>226</sup>	Foreign e-marketplaces may face enforcement risks and be required to ensure stronger consumer redress.

Table 2.24 presents the comparison of country conventional laws alignment with international best practices.

Singapore leads globally in digital trade governance. Its e-commerce laws, data frameworks and IP protection systems are deeply aligned with international norms, while emerging areas such as AI and cybersecurity are governed through dynamic regulatory strategies.

**Table 2.24 Comparison of Conventional Trade Laws with International best Practice**

Trade domain	Key features and challenges (Singapore)	Alignment with international best practices	International best practice
<b>Cus-toms and trade facilitation</b>	Operated under the Customs Act and Regulation of Imports and Exports Act, TradeNet provides a fully integrated, real-time single window across agencies. It features pre-arrival processing, e-payments and automation.	Fully aligned – exceeds WTO TFA requirements and represents best-in-class integration and efficiency.	Singapore's TradeNet itself is the global benchmark for customs facilitation.
<b>SPS and bios-security</b>	The SFA applies risk-based profiling, reducing inspections for low-risk imports using pre-listing and AI tools. Aligned with Codex and WTO SPS norms, enabling rapid clearance.	Fully aligned – implements modern, risk-based methods in full compliance with international standards.	New Zealand's MPI and Singapore's SFA – models for agile, risk-based clearance with scientific rigour.
<b>TBT and product standards</b>	Managed by Enterprise Singapore, technical standards follow ISO, International Electro Technical Commission (IEC), and ASEAN norms. Widespread MRAs and harmonised regional schemes reduce duplicative testing.	Substantially – global standardisation and MRAs ensure seamless product movement and regulatory coherence.	EU CE regime/ASEAN MRAs – unified conformity schemes and regional mutual recognition.
<b>Import licensing</b>	Digitised and transparent licensing with interagency coordination. Online platforms ensure fast access, processing and document authentication.	Fully aligned – best-practice system with minimal procedural barriers and full digital integration.	South Korea's UNI-PASS/Singapore model – digitised, accessible and interoperable licensing portals.
<b>Dispute resolution</b>	Singapore offers commercial courts, arbitration centres and robust WTO/FTA dispute systems. Time-bound, impartial and legally enforceable.	Fully aligned – institutional strength and credibility make Singapore a global hub for trade dispute resolution.	London Court of International Arbitration/ SIAC.

225 <https://www.iras.gov.sg/taxes/goods-services-tax-%28gst%29/gst-invoicenow-requirement>

226 <https://sso.agc.gov.sg/act/cpfta2003>

**Table 2.25 Comparison of Digital Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (Singapore)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	The ETA, aligned with UNCITRAL Model Law, provides legal backing for e-signatures, contracts and authentication. Commitments under DEPA, CPTPP and RCEP include AI, data flow and paperless trade.	Fully aligned – legal, policy, and implementation fronts lead regional and global practices.	Singapore/Estonia DEPA model – legal interoperability, e-ID and AI cooperation in trade agreements.
<b>Data privacy and cross-border governance</b>	The PDPA ensures accountability, consent, breach reporting and cross-border safeguards. Participation in APEC CBPR and near-GDPR adequacy status enable trusted data transfers.	Fully aligned – highly interoperable, secure and compliant with major data governance models.	EU GDPR/Japan APPI/APEC CBPR – accountability-based transfer regimes with strong individual protections.
<b>Digital payments and fintech</b>	Regulated by MAS, Singapore supports real-time payments, open banking and secure digital IDs. Innovation is promoted via sandboxes and tiered regulation.	Fully aligned – among the most progressive fintech and payment ecosystems globally.	UK FCA/EU Second Payment Services Directive of the European Union (PSD2) /Singapore MAS – open architecture and innovation-friendly regulation with strong oversight.
<b>IPR</b>	Strong IP protection under Copyright Act 2021, Trade Marks Act, and Patents Act, enforced via IPOS. Offers fast-track filings, online enforcement, and WIPO linkages.	Fully aligned – model jurisdiction with digital access, global integration, and efficient enforcement.	US DMCA/EUIPO/Singapore IPOS – digital-first IP filing, rapid enforcement and AI-sensitive frameworks.
<b>Cybersecurity</b>	The Cybersecurity Act 2018 mandates protection for CII, governed by CSA. Framework evolves in tandem with AI and digital threats.	Fully aligned – high compliance, national oversight, and strategic adaptability to emerging threats.	EU Cybersecurity Act/Israel Cyber Directorate – centralised control and sector-wide mandatory protocols.

Table 2.25 presents the comparison of country digital laws alignment with international best practices.

## 2.1.6 Fiji

Fiji, as a prominent Pacific Island economy, has developed a comprehensive trade regulatory framework aimed at promoting trade liberalisation, facilitating regional economic integration and modernising customs and digital governance. As a WTO member since 1996,<sup>227</sup> Fiji actively participates in regional trade agreements such as Pacific Agreement on Closer Relations (PACER) plus, MSG and Pacific Island Countries Trade Agreement (PICTA), aligning its regulatory system with international standards while supporting domestic industry development.



<sup>227</sup> [https://www.wto.org/english/thewto\\_e/countries\\_e/fiji\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/fiji_e.htm)

Fiji has also taken steps to foster a secure and inclusive digital trade environment by introducing e-commerce laws, data protection legislation and digital payments regulations. The country's regulatory framework balances trade facilitation with national development priorities, enhancing competitiveness in the Pacific and global markets.

The principal institutions responsible for regulating and facilitating trade in Fiji are outlined in Table 2.26.

**Table 2.26 Key Regulatory Authorities in Fiji**

Department	Responsibilities
Fiji Revenue and Customs Service (FRCS) <sup>228</sup>	<ul style="list-style-type: none"> <li>FRCS is responsible for customs and trade regulations, including tariff management, duty collection and WTO TFA implementation.</li> <li>Oversees import/export clearance; enforces customs laws and administers the Customs Tariff Act.</li> <li>Regulates the Import/Export Licensing Scheme.</li> </ul>
Biosecurity Authority of Fiji (BAF) <sup>229</sup>	<ul style="list-style-type: none"> <li>BAF enforces SPS regulations to protect against pests, diseases and contaminants.</li> <li>Manages inspection and certification of agricultural imports and maintains biosecurity measures for ecosystem and agricultural safety.</li> </ul>
Ministry of Industry, Trade, and Tourism (MITT) <sup>230</sup>	<ul style="list-style-type: none"> <li>MITT oversees trade policy, economic development and industry regulation.</li> <li>Manages trade promotion, market access and trade agreement negotiations, such as PACER Plus and South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA.)</li> </ul>
Fiji Standards and Quality Assurance Department (FSQ) <sup>231</sup>	<ul style="list-style-type: none"> <li>FSQ sets and enforces product standards for safety, quality and environmental compliance.</li> <li>Monitors quality assurance for local and imported goods and ensures alignment with international standards.</li> </ul>
Reserve Bank of Fiji (RBF) <sup>232</sup>	<ul style="list-style-type: none"> <li>RBF regulates monetary policy, foreign exchange and financial systems to support stable trade transactions.</li> <li>Oversees foreign exchange markets, facilitates international payments and manages digital payment systems related to trade.</li> </ul>
Fiji Trade and Investment Board <sup>233</sup>	<ul style="list-style-type: none"> <li>FTIB promotes Fiji as a trade and investment hub.</li> <li>Attracts FDI, supports exporter market entry strategies and offers trade incentives for businesses.</li> </ul>
Fiji Intellectual Property Office (FIFO) <sup>234</sup>	<ul style="list-style-type: none"> <li>Administers the registration and protection of IPR including patents, trademarks and designs.</li> <li>Promotes awareness and enforcement of IP laws to support innovation and brand protection in domestic and international trade.</li> </ul>

(Continued)

228 <https://www.fijicustoms.gov.fj>

229 <https://www.baf.gov.fj>

230 <https://www.mitt.gov.fj>

231 <https://www.fsq.gov.fj>

232 <https://www.rbf.gov.fj>

233 <https://www.ftib.org.fj>

234 <https://intellectualpropertyrightsoffice.org/Fiji>

**Table 2.26 Key Regulatory Authorities in Fiji**

Department	Responsibilities
Financial Intelligence Unit (FIU) <sup>235</sup>	<ul style="list-style-type: none"> <li>• Detects and investigates suspicious financial activities to combat money laundering and terrorist financing.</li> <li>• Operates under the RBF, coordinating with law enforcement and financial institutions for AML/CTF compliance.</li> </ul>
Fiji International Arbitration Centre (FIAC) <sup>236</sup>	<ul style="list-style-type: none"> <li>• Provides institutional arbitration services for resolving commercial and investment disputes.</li> <li>• Supports international best practices in arbitration through rules aligned with UNCITRAL standards.</li> </ul>
Fiji Mediation Centre <sup>237</sup>	<ul style="list-style-type: none"> <li>• Facilitates voluntary, confidential and neutral mediation services for commercial, civil and trade-related disputes.</li> <li>• Promotes ADR as a cost-effective alternative to litigation.</li> </ul>
Online Safety Commission <sup>238</sup>	<ul style="list-style-type: none"> <li>• Regulates online behaviour to protect individuals from harmful digital content and cyberbullying under the Online Safety Act 2018.</li> <li>• Investigates complaints and promotes safe online practices through public education and enforcement measures.</li> </ul>
CERT (in development) <sup>239</sup>	<ul style="list-style-type: none"> <li>• Will serve as Fiji's national authority for monitoring, managing and responding to cybersecurity threats and incidents.</li> <li>• Aims to enhance digital resilience by coordinating cyber threat intelligence and providing technical support across sectors.</li> </ul>

This institutional landscape highlights Fiji's structured approach to managing both conventional and digital trade governance.

## Conventional Trade Regulatory Framework

### Market Access and Tariff Policies

Fiji's tariff structure is moderately liberalised. While 47.5 per cent of its tariff lines are bound at the WTO (average bound rate: 40.1 per cent), its average MFN applied tariff is 7.7 per cent.<sup>240</sup> Agricultural goods face higher tariffs (7.5 per cent), while non-agricultural products average 6 per cent. Value-added tax (VAT) applies at rates of 0 per cent, 9 per cent or 15 per cent, with excise duties between 5–15 per cent. Fiji does not apply tariff quotas, and the tariff regime is simplified for predictability.

- Fiji's Customs Tariff Act 1986<sup>241</sup> outlines sector-specific tariff rates, with higher duties applied to sensitive sectors such as alcohol, tobacco and textiles.<sup>242</sup>
- Biosecurity Act 2008<sup>243</sup> – regulates the importation of plants and animals, ensuring alignment with international standards.

235 <https://www.fijifiu.gov.fj/>

236 <https://www.fiac.org.fj/>

237 <https://fijimediation.org/>

238 <https://osc.com.fj/>

239 <https://www.fiji.gov.fj/Media-Centre/News/FIJI-STRENGTHENS-CYBERSECURITY-WITH-ESTABLISHMENT>

240 <https://ttd.wto.org/en/profiles/fiji>

241 <https://www.laws.gov.fj/Acts/DisplayAct/2862>

242 [https://www.frcs.org.fj/wp-content/uploads/2012/11/Customs\\_-Tariff\\_-Act\\_-1986.pdf?utm](https://www.frcs.org.fj/wp-content/uploads/2012/11/Customs_-Tariff_-Act_-1986.pdf?utm)

243 <https://www.laws.gov.fj/Acts/DisplayAct/2994>

### **Trade Agreements**

Fiji participates in multiple regional and bilateral trade agreements.

- PICTA – reduces tariffs among Pacific Island nations.
- PACER plus – enhances trade and investment with Australia and New Zealand.
- EU-EPA – provides duty- and quota-free access for Fijian exports.
- Bilateral agreements – includes FTAs with China, Australia and New Zealand, promoting trade in agriculture, textiles and tourism.

These agreements expand market access and support diversification but also expose the economy to external market volatility.

### **Customs and Trade Facilitation**

Fiji uses the Automated System for Customs Data (ASYCUDA) World platform to manage customs processes. It has implemented risk-based inspections, advance rulings and pre-arrival processing. The FRCS applies WTO TFA standards, and the AEO programme enables expedited clearance for compliant traders.

### **NTMs**

Fiji's NTBs reflect its developmental priorities, and ongoing digitalisation is reducing procedural burdens.

### **Dispute Resolution**

Fiji offers domestic dispute resolution via the Commercial Division of the High Court, FIAC and Fiji Mediation Centre. Internationally, it uses WTO DSU procedures and mechanisms under PACER Plus and other regional trade agreements. ADR and online dispute resolution tools are increasingly used for cross-border and digital trade conflicts.

### **Digital Trade Regulatory Framework**

#### **E-Commerce Regulation**

Fiji's e-commerce framework includes:

- Platform regulation – registration and oversight of online businesses and digital platforms.
- Consumer protection – requires transparency, clear terms and complaint redress mechanisms.
- These regulations aim to enhance trust and fairness in online transactions, especially for cross-border commerce.

**Table 2.27 Non-tariff Measures in Fiji**

Category	Description	Impact on trade
<b>Licensing and import controls</b>	MITT and FRCS regulate licensing for sensitive goods (agriculture, pharma, chemicals, etc.).	Ensures sectoral oversight but may introduce delays; digital platforms improve efficiency.
<b>Technical standards and certifications</b>	FSQ enforces safety, health and environmental standards aligned with ISO and other global norms.	Promotes quality and consumer trust; may increase compliance costs for exporters.
<b>SPS regulations</b>	BAF ensures phytosanitary certification and pest risk management for agri-imports.	Protects biodiversity and health but may delay shipments due to inspections.

- The Online Safety Act 2018<sup>244</sup> addresses harmful online behaviour, establishing the Online Safety Commission to oversee digital safety and consumer protection in e-commerce.

#### ***Data Privacy and Cross-Border Data Flow***

- While Fiji lacks comprehensive data protection legislation, Clause 24 of the 2013 Constitution guarantees the right to personal privacy, including the confidentiality of personal information.
- International data transfers: permitted under safeguards aligned with APEC and global standards.
- Localisation: certain sensitive data (e.g. public sector) may be subject to storage restrictions.

Fiji supports open data flows while safeguarding user privacy, and is exploring CBPR alignment.

#### ***Digital Payments and Financial Services***

- RBF licensing: oversees digital wallets, payment systems and crypto exchanges.
- AML/CTF regulations: enforced through the FIU.<sup>245</sup>
- Mobile money and fintech: expanding under RBF guidance, enhancing financial inclusion and trade efficiency.
- The National Payment System Act 2021<sup>246</sup> and accompanying Regulations 2022 provide a legal framework for electronic payments, including provisions for e-money issuance and consumer protection.

Fiji's payment ecosystem is becoming more integrated, secure and fintech-friendly.

#### ***Digital Trade Facilitation***

Key initiatives include the following.

- ASYCUDA World – e-customs system enabling real-time document submission and tracking.
- Online licensing portals – for trade permits, reducing physical paperwork and delays.<sup>247</sup>
- Single-window development (in progress) – will integrate multiple regulatory agencies into a unified trade interface.

These efforts are supported by PACER Plus capacity-building programmes and development assistance.

#### ***IPR***

- FIPO oversees copyright, trademarks and patents.<sup>248</sup>
- Copyright Act 1999.<sup>249</sup>
- Patents Act 2021.<sup>250</sup>
- Trademarks Act 2021.<sup>251</sup>
- Aligned with WIPO and TRIPS agreements.
- Enforcement: involves penalties for infringement and digital piracy, though capacity remains limited.

While protections are in place, enforcement and registration delays pose challenges, especially for SMEs.

<sup>244</sup> <https://www.laws.gov.fj/Acts/DisplayAct/2462>

<sup>245</sup> <https://fiu.gov.vu/>

<sup>246</sup> <https://www.parliament.gov.fj/wp-content/uploads/2021/03/Act-4-National-Payment-System-2021.pdf>

<sup>247</sup> <https://www.hanifftuitoga.com.fj/single-post/the-national-payment-system-act-2021-paving-the-way-for-innovation-and-financial-inclusion-in-fiji#:~:text=The%20Act%20grants%20the%20Reserve%20Bank%20of%20Fiji,efficiency%20and%20competitiveness%20of%20the%20Fijian%20financial%20system.%5B1%5D>

<sup>248</sup> <https://intellectualpropertyrightsoffice.org/Fiji>

<sup>249</sup> <https://www.laws.gov.fj/Acts/DisplayAct/1108>

<sup>250</sup> <https://www.laws.gov.fj/Acts/DisplayAct/3267>

<sup>251</sup> <https://www.laws.gov.fj/Acts/DisplayAct/3278>

### Cybersecurity

- National Cybersecurity Strategy: guides critical infrastructure protection and digital safety.
- Business requirements: include encryption, breach reporting and authentication protocols.
- Public–private collaboration: ongoing efforts to raise awareness and secure digital supply chains.
- The Cybercrime Act 2021<sup>252</sup> criminalises various cyber offences, and efforts are underway to establish a CERT to enhance national cybersecurity infrastructure.

Cybersecurity regulations are evolving rapidly in response to increasing digitalisation and cyber threat.

### Regulatory Barriers to Trade in Fiji

Fiji serves as a key trade hub in the South Pacific, yet foreign exporters face challenges from high import costs, licensing opacity and infrastructure gaps; in digital trade, underdeveloped laws, limited broadband access and unclear cross-border data rules hinder seamless market entry for foreign digital service providers, as discussed in Table 2.28.

**Table 2.28 Regulatory Barriers to Trade in Fiji**

category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	While many goods enter duty-free or under reduced rates, tariffs on alcohol, tobacco, fuel and some processed foods remain high. <sup>253</sup>	Increased landed costs for exporters of sensitive consumer goods.
SPS rules	The BAF imposes import permit requirements, pre-shipment fumigation and pest risk assessments. <sup>254</sup>	Delays and added compliance burden for agricultural and food exporters.
Technical standards and certification	The Fiji Trade Standards and Quality Control Office enforces standards aligned with ISO, but capacity for conformity assessment is limited. <sup>255</sup>	Exporters may need third-party certification or adapt packaging/labelling to meet local expectations.
Import licensing	Certain goods – particularly strategic or restricted items – require import permits (e.g. chemicals, firearms, used vehicles). <sup>256</sup>	Regulatory delays and lack of digital licensing systems create administrative burdens for foreign firms.
Customs procedures	Although Fiji has implemented ASYCUDA World and other modernisation reforms, customs clearance can still be slowed by manual inspections or HS misclassification. <sup>257</sup>	Adds unpredictability to clearance times and total logistics costs.
Port and transport infrastructure	Limited capacity at Suva and Lautoka ports, coupled with inefficient interisland logistics and insufficient cold storage. <sup>258</sup>	Increases delays and costs for bulk or perishable goods; affects supply chain reliability.

(Continued)

252 <https://www.laws.gov.fj/Acts/DisplayAct/3165>

253 <https://www.trade.gov/country-commercial-guides/fiji-import-tariff>

254 <https://www.baf.com.fj/import-requirement/>

255 <https://www.trade.gov/country-commercial-guides/fiji-standards-trade>

256 <https://www.frscs.org.fj/wp-content/uploads/2023/06/Used-Motor-Vehicle-Import-Licence.pdf>

257 <https://frscs.org.fj/my-portals/asycuda-world/>

258 <https://www.lca.logcluster.org/print-preview/644>

**Table 2.28 Regulatory Barriers to Trade in Fiji**

category	Barrier Description	Potential Impact
<b>Digital</b>		
Cross-border data transfers	The PDPA restricts outbound personal data transfers to jurisdictions not offering 'adequate protection' unless consent or legal exceptions apply. <sup>259</sup>	Limits scalability for cloud and data-driven services operating across borders.
Lack of data protection framework	Fiji has no comprehensive personal data protection legislation governing cross-border data transfers or processing of personal information. <sup>260</sup>	Limits trust and legal certainty for cloud, SaaS and platform providers operating across borders.
Cybersecurity compliance gaps	While the Cybercrime Act 2021 addresses criminal threats, Fiji lacks a national cybersecurity framework or recognised technical certification standards. <sup>261</sup>	Foreign providers may face uncertainty regarding security compliance and risk management requirements.
Licensing for digital platforms	Digital service providers must comply with content regulations under the Online Safety Act, but licensing processes remain unclear for cross-border actors. <sup>262</sup>	Regulatory ambiguity and content restrictions deter foreign streaming or communication platforms.
Digital payments and fintech regulation	No unified licensing framework exists for cross-border e-wallets or payment gateways; oversight remains fragmented among multiple entities.	Hinders integration with international fintech solutions and reduces e-commerce viability.
E-commerce consumer regulation	Fiji has basic provisions under the Consumer Council, but no comprehensive e-commerce framework for grievance redressal, refunds or platform accountability. <sup>263</sup>	Creates trust deficits and operational complexity for cross-border retail platforms.
Infrastructure and connectivity	Limited broadband infrastructure, especially in rural areas; affordability and internet speed remain challenges. <sup>264</sup>	Restricts accessibility and scalability of digital trade and service delivery.

Fiji has made progress in facilitating regional trade and digital development but continues to face challenges that can affect the competitiveness of foreign exporters and service providers. Streamlining import licensing, modernising port logistics and enhancing transparency in customs procedures would strengthen conventional trade facilitation. For digital trade, establishing a personal data protection law, adopting international cybersecurity standards and developing a cohesive fintech regulatory framework would significantly improve market confidence and interoperability. Technical assistance and regional cooperation will be essential in supporting Fiji's efforts to build an inclusive and secure digital economy.

<sup>259</sup> <https://www.hoganlovells.com/en/publications/malaysias-groundbreaking-cross-border-data-transfer-guidelines-explained>

<sup>260</sup> <https://www.dlapiperdataprotection.com/index.html?c=FJ&t=law>

<sup>261</sup> <https://www.parliament.gov.fj/wp-content/uploads/2021/03/Act-3-Cybercrime-2021.pdf>

<sup>262</sup> <https://www.trade.gov/country-commercial-guides/fiji-digital-economy>

<sup>263</sup> <https://fccc.gov.fj/consumer-rights-guarantees/>

<sup>264</sup> <https://pulse.internetsociety.org/en/reports/FJ/>

## Alignment with International Best Practices

Fiji maintains a rules-based trade regime aligned with WTO principles and active regional trade participation. However, limited institutional capacity, manual processes and infrastructure constraints continue to hinder its full integration into modern global and digital trade ecosystems.

Table 2.29 presents the comparison of country conventional laws alignment with international best practices.

**Table 2.29 Comparison of Conventional Trade Laws with International best Practice**

Trade domain	Key features and challenges (Fiji)	Alignment with international best practices	International best practice
<b>Customs and trade facilitation</b>	Governed by the Customs Act 1986, Fiji uses ASYCUDA World. However, manual paperwork, no AEO programme and weak interagency coordination lead to slow processing and inefficiency.	Weakly aligned – digital backbone exists, but integration, automation and AEO frameworks are missing.	South Korea's UNI-PASS/Singapore's TradeNet – fully digital, AEO-inclusive systems enabling seamless trade.
<b>SPS and biosecurity</b>	The Biosecurity Act 2008 enforces broad, non-risk-differentiated inspections, raising compliance costs and delaying low-risk trade. This particularly affects small agri-exporters.	Partially aligned – legislative intent is solid, but operational application is outdated and burdensome.	New Zealand MPI risk-based model – AI-driven profiling and differentiated inspection protocols.
<b>TBT and product standards</b>	Managed under the Standards Act 1992, <sup>265</sup> but lacks centralised enforcement and MRAs. Testing capacity is limited, causing certification bottlenecks.	Weakly aligned – ISO principles are referenced but not effectively implemented; MRAs and enforcement absent.	EU CE marking/ASEAN MRAs – harmonised product standards with digital certification systems.
<b>Import licensing</b>	Laws such as the Medicines Act 1975 <sup>266</sup> and Plant Quarantine Act 1982 govern sector-specific licensing. Slow processing, manual applications and low digitisation reduce efficiency.	Partially aligned – basic regulatory structure exists, but lacks procedural efficiency and automation.	Singapore's single-window licensing model – interagency harmonised and paperless licensing system.
<b>Dispute resolution</b>	Fiji has no centralised enforcement authority. Fragmented agency responses and weak legal recourse deter investor confidence and delay resolution of trade-related grievances.	Weakly aligned – lacks formal institutional mechanisms for effective trade dispute resolution.	EU/Singapore commercial courts model – specialised trade adjudication and arbitration mechanisms.

Fiji's digital trade ecosystem is still emerging. Legal gaps, low SME adoption and underdeveloped infrastructure limit the country's ability to fully participate in the global digital economy. Strategic investment and regulatory reform are urgently needed.

Table 2.30 presents the comparison of country digital laws alignment with international best practices.<sup>267</sup>

265 <https://sso.agc.gov.sg/Acts-Supp/9-1992/Published/19920403?DocDate=19920403>

266 <https://sso.agc.gov.sg/Act/MA1975>

267 <https://www.laws.gov.fj/Acts/DisplayAct/1108>

**Table 2.30 Comparison of Conventional Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (Fiji)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	No comprehensive e-commerce act or electronic transactions law. Digital governance is fragmented and consumer protection is weak, undermining trust in e-commerce.	Weakly aligned – absence of foundational legislation restricts trust and legal certainty in e-commerce.	UNCITRAL Model Law/ Singapore ETA – legal recognition of digital contracts, signatures and online redress.
<b>Data privacy and cross-border governance</b>	No data protection act in place. No framework for cross-border transfers or consent mechanisms, excluding Fiji from interoperability with GDPR, APEC CBPR or other global regimes.	Not aligned – lacks any legislative or institutional structure for data privacy or international compliance.	EU GDPR/Japan APPI/ APEC CBPR – clear rules for cross-border flow, breach alerts and consent-based data use.
<b>Digital payments and fintech</b>	Digital payments are emerging but remain underdeveloped. Real-time payments, fintech regulation and merchant digitisation are minimal, particularly outside urban centres.	Weakly aligned – infrastructure and regulation are nascent; requires foundational upgrades and inclusion strategies.	India's UPI/UK Open Banking – real-time architecture with inclusive SME access and consumer control of data.
<b>IPR</b>	Copyright and Patents Act 1999 exists, but enforcement mechanisms are weak, digital registration is unavailable and awareness is low, leading to widespread infringement.	Partially aligned – legal base is present, but enforcement and digitisation fall far short of global norms.	Singapore IPOS/US DMCA – digital-first systems with fast-track procedures and strong online enforcement.
<b>Cybersecurity</b>	No comprehensive cybersecurity law or mandatory controls. Regulatory gaps in infrastructure protection, sectoral readiness, and SME awareness pose systemic risks.	Not aligned – urgently requires legislation and institutional capacity to ensure national cyber resilience.	EU Cybersecurity Act/ Singapore CSA model – mandatory baseline protections and national coordination.

### 2.1.7 Samoa

Samoa, a small island developing state in the Pacific, has crafted a trade regulatory framework aimed at fostering economic development, improving international market access and supporting domestic competitiveness. As a WTO member since 2012,<sup>268</sup> and a signatory to key regional agreements such as PACER Plus and PICTA, Samoa is committed to liberalising trade, streamlining customs and enhancing digital integration. Despite capacity constraints, the country is progressively aligning its legal and institutional frameworks with global best practices, especially in areas of digital trade, e-commerce and data governance.



Samoa's trade and investment activities are governed by several institutions responsible for trade policy formulation, customs enforcement, investment facilitation, and consumer protection, as listed in the Table 2.31.

This institutional framework reflects Samoa's cross-sectoral approach to trade governance.

268 [https://www.wto.org/english/thewto\\_e/countries\\_e/samoa\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/samoa_e.htm)

**Table 2.31 Key Regulatory Authorities in Samoa**

Departments	Responsibilities
Ministry of Commerce, Industry, and Labour (MCIL) <sup>269</sup>	<ul style="list-style-type: none"> <li>Develops and implements trade, investment and competition policies.</li> <li>Oversees Samoa's participation in multilateral and regional trade agreements.</li> </ul>
Samoa Customs Service <sup>270</sup>	<ul style="list-style-type: none"> <li>Administers import/export duties, customs clearance and trade facilitation.</li> <li>Ensures compliance with WTO commitments and regional trade agreements.</li> </ul>
Samoa Chamber of Commerce and Industry <sup>271</sup>	<ul style="list-style-type: none"> <li>Represents private sector interests in trade policymaking.</li> <li>Provides trade-related support, training and advocacy for businesses.</li> </ul>
Central Bank of Samoa (CBS) <sup>272</sup>	<ul style="list-style-type: none"> <li>Regulates foreign exchange policies, trade finance and cross-border transactions.</li> <li>Ensures compliance with AML regulations.</li> </ul>
Ministry of Agriculture and Fisheries (MAF) <sup>273</sup>	<ul style="list-style-type: none"> <li>Oversees SPS measures for agricultural and food trade.</li> <li>Implements policies to promote agri-business exports and food safety compliance.</li> </ul>
Ministry of Communications and Information Technology (MCIT) <sup>274</sup>	<ul style="list-style-type: none"> <li>Regulates digital trade, e-commerce policies and ICT infrastructure development.</li> </ul>
FIU (under CBS or related oversight) <sup>275</sup>	<ul style="list-style-type: none"> <li>Monitors and investigates financial transactions to detect and prevent money laundering, terrorist financing and related financial crimes.</li> <li>Operates under the oversight of the Central Bank or relevant authority, ensuring compliance with AML/CTF regulations and coordinating with domestic and international enforcement bodies.</li> </ul>
CERT-Samoa (Computer Emergency Response Team) <sup>276</sup>	<ul style="list-style-type: none"> <li>Provides national-level cybersecurity incident response, monitoring and coordination for public and private sector entities.</li> <li>Supports cyber risk mitigation, public awareness and collaboration with regional and international cyber defence networks.</li> </ul>

## Conventional Trade Regulatory Framework

### **Market Access and Tariff Regulations**

Samoa has adopted a simple and moderate tariff structure aligned with WTO commitments. The average bound tariff rate is 21.3 per cent, with a lower MFN applied rate of 11.4 per cent.<sup>277</sup> Samoa does not use tariff quotas and maintains a VAT regime of 15 per cent (standard) and 9 per cent (concessional), alongside selected excise duties. Duty-free access through PACER Plus and PICTA enhances regional trade integration, though complex ROO requirements pose challenges for SMEs.

269 <http://mcil.gov.ws/>

270 <https://revenue.gov.ws/our-services/customs-services/>

271 <https://samoachamber.ws/>

272 <https://cbs.gov.ws/exchange-control-information-booklet>

273 <https://maf.gov.ws/>

274 <https://mcit.gov.ws/>

275 <https://cbs.gov.ws/financial-intelligence-unit>

276 <https://www.samcert.gov.ws/about-us>

277 <https://ttd.wto.org/en/profiles/samoa>

### Trade Agreements

Samoa is party to:

- PACER plus – facilitates regional development, reduces tariffs, and strengthens customs systems.
- PICTA – promotes intra-Pacific trade via tariff reduction and service liberalisation.
  - These FTAs offer expanded market access and technical assistance, though challenges remain in utilisation and compliance due to limited institutional capacity.
- Customs Procedures and Trade Facilitation

Samoa has modernised its customs regime through the Customs Act 2014<sup>278</sup> and ASYCUDA World, enabling electronic declarations, valuation and risk-based cargo inspections. The country is progressing in WTO TFA implementation with measures such as pre-arrival processing, AEO schemes and advance rulings. However, full automation and interagency coordination remain works in progress.

### NTMs

**Table 2.32 Non-tariff measures in Samoa**

Category	Description	Impact on trade
<b>SPS measures</b>	Stringent controls on plant, animal and food imports.	Increases safety but adds certification and inspection costs.
<b>TBT</b>	Labelling, product quality, and safety standards.	Ensures consumer protection; burdensome for unfamiliar exporters.
<b>Licensing</b>	Import permits required for chemicals, pharmaceuticals, etc.	Regulatory compliance slows entry of sensitive goods.
<b>Quarantine rules</b>	Biosecurity checks on agricultural goods.	Helps disease prevention; delays imports.
<b>Customs delays</b>	Manual inspection and limited infrastructure.	Slows clearance and increases trade costs.
<b>Local content</b>	Informal preferences in local procurement.	Limited effect but could deter foreign participation.
<b>Government procurement</b>	Occasional preference for domestic bidders.	May reduce competitiveness of foreign suppliers.

### Dispute Resolution

Samoa relies on:

- Arbitration Act 1976 for domestic and international commercial arbitration.<sup>279</sup>
- WTO Dispute Settlement Mechanism for state-to-state trade disputes.
- PACER Plus and PICTA consultation-based mechanisms.

Samoa also promotes ADR and is working to establish online dispute resolution systems to support e-commerce.

## Digital Trade Regulatory Framework

### E-Commerce Regulation

Samoa's digital trade regime is guided by the Electronic Transactions Act 2020, which grants legal recognition to e-signatures, digital contracts and online platforms. While foundational laws are in place,

<sup>278</sup> <https://samoa.tradeportal.org/media/Customs%20Act%202014.pdf>

<sup>279</sup> [https://www.regulator.gov.ws/images/2017\\_CONSOLIDATION\\_LAWS/A/Arbitration-Act-1976.pdf](https://www.regulator.gov.ws/images/2017_CONSOLIDATION_LAWS/A/Arbitration-Act-1976.pdf)

consumer protection frameworks are still evolving. Draft regulations are under development to enhance transparency, enforce dispute resolution mechanisms and address online fraud. Samoa also participates in regional digital harmonisation efforts through Pacific digital integration programmes.

#### **Cross-Border Data Flow**

- Cross-border transfers: while Samoa lacks a comprehensive data protection law, the current framework permits international data transfers under emerging safeguards.
- Regional alignment: Samoa is progressing towards compliance with APEC's CBPR and is formulating cloud and data governance standards under the MCIT.

These developments aim to create a trusted environment for digital exchange while ensuring individual privacy rights.

#### **Digital Payments and Financial Services**

- CBS oversight: the Central Bank of Samoa regulates mobile wallets, digital interbank transfers and fintech services under the Samoa Automated Transfer System.
- AML/CTF compliance: enforced by the FIU to ensure integrity in financial transactions.
- Financial inclusion: Samoa's digital finance framework supports remittance flows and seeks to expand fintech accessibility, especially for underserved populations.

#### **Digital Trade Facilitation**

Key ongoing initiatives include:

- ASYCUDA World – facilitates digital customs processing and real-time tracking.
- Licensing and regulatory modernisation – reforms are underway to streamline digital services and integrate trade permits under unified regulatory portals.
- Regional support – these efforts are bolstered by PACER Plus programmes and technical assistance for digitising border and trade administration systems.

#### **IPR**

- Legal framework: the Intellectual Property Act 2011 governs copyright, patents and trademarks, in compliance with TRIPS.<sup>280</sup>
- Institutional capacity: while protections exist, enforcement mechanisms remain underdeveloped, and public awareness of digital IPR is limited.
- Reform needs: enhanced training, public education and streamlined registration procedures are essential to support local creators and digital entrepreneurs.

#### **Cybersecurity**

- Cybercrime Act 2013: criminalises cyber offences including data breaches, hacking and fraud.<sup>281</sup>
- CERT-Samoa: leads national cyber response, monitoring and advisory services.
- Infrastructure and awareness: ongoing efforts include expanding broadband connectivity, improving ICT resilience and raising public and business awareness to strengthen national digital security.

#### **Regulatory Barrier**

Samoa has improved trade integration through regional agreements, but exporters still face regulatory fragmentation, permit delays and infrastructure gaps; in digital trade, limited legal frameworks, weak cybersecurity and underdeveloped digital payments restrict market access and pose compliance challenges for foreign providers.

<sup>280</sup> <https://samoa.tradeportal.org/media/Intellectual%20Property%20Act%202011.pdf>

<sup>281</sup> <https://mcit.gov.ws/wp-content/uploads/2023/02/Samoa-Crimes-Act-2013.pdf>

**Table 2.33 Regulatory Barriers to Trade in Samoa**

category	Barrier Description	Potential Impact
<b>Conventional</b>		
Tariff measures	Samoa maintains moderate applied tariff rates but uses tariff escalation for processed food, alcohol and some consumer goods. <sup>282</sup>	Increased final cost for exporters targeting consumer product segments.
SPS measures and import permits	MAF requires import permits for plants, seeds, animal products and processed food, with manual approval processes. <sup>283</sup>	Delays in entry for agricultural exporters; burdensome for firms unfamiliar with Samoan procedures.
Technical standards and testing	Samoa Standards Bureau enforces product requirements, though conformity assessment and testing capacity are limited domestically.	Exporters may be required to test overseas or comply with non-harmonised requirements.
Import licensing and quotas	Selected items including sugar, poultry and petroleum derivatives require special permits or are subject to quantitative restrictions.	Administrative burden and limited transparency for foreign exporters.
Customs procedures	Samoa Customs operates ASYCUDA but lacks full digitisation; manual processing and inconsistent classification still affect efficiency.	Slows cargo release; increases costs through demurrage or warehousing.
Port and inland infrastructure	Apia Port faces capacity bottlenecks, and hinterland connectivity is constrained by small-scale road and warehousing networks.	Hinders bulk shipment efficiency; time-sensitive goods may face higher spoilage or delay risks.
<b>Digital</b>		
Lack of data protection legislation	Samoa has no comprehensive legal framework governing personal data protection or cross-border data transfers.	Undermines legal certainty for cloud, SaaS and platform service providers.
Cybersecurity regulation gaps	While general ICT policy exists, Samoa lacks an operational national cybersecurity law or mandatory compliance framework for digital providers.	Exposes firms to legal and reputational risk; complicates compliance for international service vendors.
E-commerce consumer protections	No dedicated legal framework exists to govern online contracts, consumer rights, refunds or dispute mechanisms.	Reduces trust in e-commerce and increases the operational risk for foreign platforms.
Digital payments and fintech regulation	The Central Bank regulates mobile money under traditional banking rules; cross-border interoperability and e-wallet licensing are not standardised.	Barriers to the entry of foreign fintechs and complications in transaction settlement.
Platform regulation and licensing	No clear licensing regime exists for e-commerce platforms; existing telecom and media rules do not address new digital actors.	Creates uncertainty and discourages investment in digital media and services.
Internet infrastructure limitations	Although broadband has improved, rural coverage and affordability issues persist, limiting access to digital services outside Apia.	Restricts service scale, particularly for digital education, e-health or cloud-based applications.
Lack of data protection legislation	Samoa has no comprehensive legal framework governing personal data protection or cross-border data transfers.	Undermines legal certainty for cloud, SaaS and platform service providers.

<sup>282</sup> <https://www.zhengbackpack.com/samoa-import-tax/><sup>283</sup> <https://samoa.tradeportal.org/procedure/38/step/118?l=e>

Samoa has laid a foundational trade and digital framework aligned with its development goals, but significant improvements are needed to attract and retain international exporters and digital service providers.

Enhancing trade facilitation through simplified import permits, customs modernisation and international standard harmonisation would ease conventional market access. In the digital space, prioritising legislation on data protection, cybersecurity and e-commerce regulation – coupled with infrastructure investment and regulatory clarity – would strengthen Samoa's participation in the global digital economy. Support from regional partners and development agencies will be essential in achieving regulatory coherence and sustainable digital integration.

### Alignment with International Best Practices

Samoa's regulatory framework reflects its small island developing state status – prioritising biosecurity, regional trade alignment and cautious digital engagement. While structurally aligned with WTO and regional commitments, limitations in institutional capacity, legal modernisation and digital infrastructure constrain the country's regulatory coherence and cross-border trade potential. Table 2.34 presents the comparison of country conventional laws alignment with international best practices.

**Table 2.34 Comparison of Conventional Trade Laws with International best Practice**

Trade domain	Key features and challenges (Samoa)	Alignment with international best practices	International best practice
<b>Cus-toms and trade facilitation</b>	Under the Customs Act 2014, <sup>284</sup> Samoa uses ASYCUDA World, offering partial digital processing. However, manual documentation, fragmented interagency coordination and processing delays affect trade efficiency.	Weakly aligned – basic digital tools exist, but manual dependencies and institutional fragmentation persist.	Singapore's TradeNet/ South Korea's UNIPASS – real-time integration, full automation, and agency interlinking.
<b>SPS and bios-security</b>	Governed by the Quarantine (Biosecurity) Act 2005 <sup>285</sup> and Food Act 2015, <sup>286</sup> SPS enforcement is manual and uniform, lacking risk-based differentiation. Lab testing is limited, delaying approvals and raising trade costs. <sup>287</sup>	Weakly aligned – regulatory foundation exists, but operational capacity and risk tools are underdeveloped.	New Zealand MPI model – AI-driven, differentiated risk management for targeted inspection and swift clearance.
<b>TBT and product standards</b>	No centralised authority for standards; Samoa relies on external benchmarks without domestic calibration. No MRAs result in duplicative testing and high compliance costs for exporters.	Weakly aligned – lacks institutional mechanisms and MRAs for conformity assessment interoperability.	EU CE system/ASEAN MRAs – harmonised testing and certification, including mutual recognition frameworks.
<b>Import licensing</b>	Sector-specific licensing under legacy laws; applications are manual, handled by disconnected agencies, causing delays and high compliance burdens, especially for SMEs.	Weakly aligned – rules exist, but system lacks automation and interagency harmonisation.	Singapore's licensing portal – centralised, digital and time-bound processing across agencies.
<b>Dispute resolution</b>	No centralised regulatory or adjudicatory body. Mechanisms are sector-based, with varying enforcement standards and limited capacity for timely dispute resolution.	Weakly aligned – institutional gaps and limited legal infrastructure reduce accessibility and predictability.	Singapore International Arbitration Centre/EU trade court model – transparent, specialised trade dispute systems.

284 <https://samoa.tradeportal.org/media/Customs%20Act%202014.pdf>

285 [https://pafpnet.spc.int/attachments/article/696/Samoa%20\(Biosecurity\)%20Quarantine%20Act%202005.pdf](https://pafpnet.spc.int/attachments/article/696/Samoa%20(Biosecurity)%20Quarantine%20Act%202005.pdf)

286 [https://www.paclii.org/ws/legis/consol\\_act\\_2019/fa201557.pdf](https://www.paclii.org/ws/legis/consol_act_2019/fa201557.pdf)

287 [https://pafpnet.spc.int/attachments/article/696/Samoa%20\(Biosecurity\)%20Quarantine%20Act%202005.pdf](https://pafpnet.spc.int/attachments/article/696/Samoa%20(Biosecurity)%20Quarantine%20Act%202005.pdf)

**Table 2.35 Comparison of Digital Trade Laws with International best Practice**

Digital trade domain	Key features and challenges (Samoa)	Alignment with international best practices	International best practice
<b>E-commerce and trade commitments</b>	No electronic transactions act or comprehensive e-commerce law exists. Absence of rules on consumer rights, pricing transparency or online dispute resolution hampers platform trust and uptake. <sup>288</sup>	Not aligned – foundational legislation is missing, undermining legal certainty in digital trade.	UNCITRAL Model Law/ Singapore ETA – legal recognition of e-contracts, signatures and e-dispute systems.
<b>Data privacy</b>	No data protection act. No legal standards for consent, breach reporting or processing limits exist. This deters trust in digital transactions and excludes Samoa from global privacy frameworks.	Not aligned – Samoa lacks any formal legislative structure for personal data protection.	EU GDPR/Japan APPI – comprehensive legal frameworks with enforceable user rights and breach protocols.
<b>Cross-border data flows</b>	No rules govern cross-border transfers. The absence of adequacy, accountability or certification frameworks precludes participation in systems such as GDPR, CBPR or bilateral agreements.	Not aligned – excluded from international regimes due to complete legislative vacuum on data transfers.	APEC CBPR/EU GDPR – accountability-based models with adequacy recognition and binding corporate rules.
<b>Digital payments and fintech</b>	Mobile money and e-wallets exist but face low adoption due to weak regulatory clarity, limited literacy and no KYC/fraud safeguards. Integration with merchants is minimal.	Weakly aligned – basic infrastructure exists but lacks regulation, scalability and public trust mechanisms.	India's UPI/Kenya's M-Pesa – inclusive, real-time platforms with KYC, fraud control and SME participation.
<b>IPR</b>	Copyright and Patents Act 1999 governs IP, but no digital enforcement tools, no online registry and low public awareness limit use and protection, especially among SMEs. <sup>289</sup>	Partially aligned – legal framework is in place but not digitised or practically enforced.	Singapore IPOS/US DMCA – digitised IP systems, public education campaigns and robust online enforcement.
<b>Cybersecurity</b>	No national cybersecurity law or centralised authority. No mandatory protocols for protecting digital infrastructure or services, exposing Samoa to cyber threats and discouraging digital investment.	Not aligned – foundational law and institutional capacity for cybersecurity remain undeveloped.	EU Cybersecurity Act/ Singapore CSA – national-level oversight with required standards and incident reporting.

Samoa's digital trade ecosystem is nascent, with foundational legislation for digital commerce, privacy and cybersecurity yet to be established. Ongoing efforts in awareness, infrastructure development and regional engagement are critical to advancing its digital economy agenda. Table 2.35 presents the comparison of country Digital laws alignment with international best practices.

## 2.2 Regulatory Framework Analysis (Across 7 Indo-Pacific Countries)

The regulatory frameworks governing trade across Australia, New Zealand, India, Malaysia, Singapore, Fiji and Samoa reflect a wide range of institutional maturity, trade openness and digital governance sophistication. Advanced economies such as Singapore and Australia exhibit highly digitised, transparent

288 [https://www.paclii.org/ws/legis/consol\\_act\\_2020/eta2008256.pdf](https://www.paclii.org/ws/legis/consol_act_2020/eta2008256.pdf)

289 <https://www.wipo.int/wipolex/en/legislation/details/13393>

and integrated systems aligned with international best practices, such as the WTO TFA, DEPA and CPTPP. Singapore's TradeNet, Australia's ICS and New Zealand's TSW are exemplary models of digital customs and paperless trade integration. India and Malaysia, while demonstrating robust institutional foundations and active participation in FTAs, face challenges in system interoperability, procedural transparency and SME accessibility. Pacific Island countries such as Fiji and Samoa have made commendable progress in aligning their frameworks with regional trade norms (e.g. PACER Plus, PICTA), but their infrastructure limitations, institutional fragmentation and reliance on manual processes hamper efficiency and predictability.

On the digital trade front, regulatory development is uneven. Singapore stands out with its fully aligned digital ecosystem – including open data flow regimes, e-commerce consumer protections and blockchain-based trade facilitation. Australia and New Zealand maintain GDPR-influenced privacy laws and strong cross-border digital participation but face challenges in rural digital inclusion and SME compliance. India and Malaysia are advancing rapidly, with strong fintech and digital payment frameworks, though concerns remain regarding data localisation, cybersecurity consistency and platform regulation. Fiji and Samoa are still in the early stages of digital governance. Fiji's e-commerce and cybersecurity laws are developing, while Samoa lacks comprehensive legislation on data privacy and cybersecurity, creating legal uncertainty for foreign digital service providers.

### 2.3 Observed Trade and Digital Barriers

Despite shared commitments to trade liberalisation, the seven countries exhibit persistent trade barriers that impact foreign exporters and digital service providers. Common conventional trade barriers include high tariffs in sensitive sectors (e.g. agriculture in India and Malaysia), complex SPS regimes (especially in Australia, New Zealand, and Fiji) and non-harmonised technical standards requiring redundant testing and certification (notably in India and Malaysia). Import licensing procedures – often involving multiple agencies – can cause delays, particularly in India and Samoa. Infrastructure bottlenecks such as port congestion and cold storage limitations are a recurring issue in Fiji, India and Samoa, affecting perishable and time-sensitive goods. These barriers, though frequently justified on public health or security grounds, impose high compliance costs, particularly on SMEs from developing countries.

In the digital sphere, key barriers include restrictions on cross-border data transfers (e.g. under India's DPDP Act, Malaysia's PDPA and Australia's Privacy Act), mandatory data localisation in financial and health sectors (India, Malaysia) and burdensome cybersecurity obligations that diverge from international standards (Australia's SOCI Act, Malaysia's sector-specific standards). Foreign e-commerce platforms face operational constraints due to consumer protection, tax obligations or platform-specific rules – particularly in India and Australia. Moreover, low digital infrastructure penetration and regulatory ambiguity in countries such as Fiji and Samoa significantly limit the scalability of digital services. While these digital trade barriers are often designed to protect consumer data and national security, they can act as de facto market access barriers, especially for exporters from jurisdictions with less mature regulatory frameworks.

### 2.4 Alignment with International Best Practices

Harmonising national trade regulations with international best practices is essential for improving cross-border trade efficiency, ensuring legal predictability and fostering economic integration. In the selected Indo-Pacific countries, conventional trade frameworks show broad alignment with global standards such as WTO agreements, WCO customs protocols and regional FTAs such as CPTPP and RCEP. Key areas of convergence include risk-based customs systems, simplified licensing and the adoption of SPS and TBT measures in line with Codex, ISO and IEC benchmarks. However, several gaps remain in MRAs, automation of licensing systems and SME-friendly compliance processes.

In the digital domain, most countries have adopted foundational laws on e-commerce, consumer protection, data privacy and cybersecurity. Alignment with frameworks such as the Organisation for Economic Co-operation and Development (OECD) privacy guidelines, APEC CBPR and GDPR principles is emerging, particularly in Singapore, Australia and New Zealand. Yet challenges persist – such as fragmented data localisation mandates in India and Malaysia, or weak enforcement and institutional gaps in Fiji and

Samoa. Differences in digital identity protocols, platform governance and fintech licensing also create interoperability issues. To ensure regulatory coherence, countries must strengthen institutional capacity, harmonise digital trade norms and invest in cross-border legal infrastructure, including MRAs, cybersecurity cooperation and dispute settlement mechanisms. To advance integration, Indo-Pacific countries will need to bridge regulatory gaps, improve digital interoperability, and strengthen cooperation mechanisms across both conventional and digital trade.

## 2.5 Identification of Regulatory Framework Commonalities and Differences

This section presents a comparative overview of the conventional and digital trade regulatory frameworks across selected Indo-Pacific economies. It highlights key areas of convergence and divergence to assess the overall coherence and trade facilitation capacity of national systems. Table x.x focuses on the Conventional Trade Regulatory Framework, covering essential aspects such as WTO participation, tariff structures, customs modernisation, import/export licensing, technical and sanitary standards and dispute settlement mechanisms – core elements shaping the regulation of goods and engagement in international trade agreements.

### 2.5.1 Commonalities in Trade Frameworks

Table 2.36 outlines key regulatory commonalities across seven selected Indo-Pacific countries – Australia, New Zealand, India, Malaysia, Singapore, Fiji and Samoa – focusing on both conventional and digital trade governance. It identifies shared frameworks in areas such as WTO compliance, preferential trade agreement participation, tariff regimes and ROO application, customs facilitation and NTMs. On the digital front, it highlights convergence in e-commerce regulation, cross-border data transfer regimes, fintech and digital payment oversight, IP protection and cybersecurity frameworks. This comparative snapshot serves as a foundation for evaluating the degree of regulatory coherence and identifying potential areas for deeper regional alignment.

As illustrated, all seven countries demonstrate alignment in foundational trade norms such as WTO membership, FTA participation and customs and trade facilitation frameworks. Despite differences in tariff levels – ranging from 'zero' in Singapore to 'moderate' in India, Fiji and Samoa – all economies have adopted or are implementing ROO, digital facilitation tools and NTM protocols in compliance with international standards. Notably, there is near-universal convergence in digital economy regulation, with all countries instituting e-commerce laws, data governance principles, digital payments regulation and IP rights protections. This strong alignment in digital trade areas indicates growing regional momentum towards interoperable regulatory systems – despite capacity variations – making a compelling case for targeted cooperation initiatives under regional mechanisms.

While each of the seven Indo-Pacific countries studied – Australia, New Zealand, India, Malaysia, Singapore, Fiji and Samoa – has made notable progress in establishing regulatory frameworks for conventional and digital trade, the diversity in institutional maturity, legal alignment and implementation practices reveals significant differences. These differences span areas such as SPS enforcement, customs digitisation, data privacy regimes and platform governance. Some countries demonstrate high alignment with international best practices and integrated trade facilitation tools, while others face systemic challenges due to resource constraints, limited interoperability or fragmented enforcement. These regulatory divergences, both operational and structural, form the foundation of the comparative gap analysis discussed in the sections that follow. The analysis highlights key areas of misalignment and proposes strategies for regulatory convergence to strengthen regional trade integration and digital economy readiness.

### 2.5.2 Differences in Conventional Trade Frameworks

#### Market Access

Market access refers to the ability of goods and services from one country to enter and compete in another country's market, subject to tariffs, quotas and regulatory requirements such as technical standards and

Table 2.36 Comparative Trade and Digital Regulatory Frameworks in Selected Indo-Pacific Countries

Category	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>WTO membership</b>	Yes (1995)	Yes (1995)	Yes (1995)	Yes (1995)	Yes (1995)	Yes (1996)	Yes (2012)
<b>Avg. MFN tariff</b>	0–5%	0–5%	15.4	5% (avg.) up to 30% for completely built up (CBU) vehicles	Zero on most goods	7.7% (avg. MFN); 7.5% (agri.)	11.4% (applied MFN)
<b>Key trade agreements</b>	CPTPP, RCEP, AUKFTA	CPTPP, RCEP, AANZFTA	ASEAN-India FTA, SAFTA, CEPA (UAE), under negotiation with EU	CPTPP, RCEP, AFTA, Malaysia-EU (under negotiation)	CPTPP, RCEP, DEPA, EUSFTA	PACER Plus, Melanesian Spearhead Group (MSG)*, PICTA	PACER Plus, PICTA
<b>Digital trade law (e-transactions)</b>	Electronic Transactions Act 1999	Electronic Transactions Act 2002	IT Act 2000, E-Commerce Rules 2020	Electronic Commerce Act 2006	Electronic Transactions Act	Customary laws (E-commerce Bill under dev.)	Electronic Transactions Act 2020
<b>Customs system</b>	ICS	JBMS/TSW	ICES	U-Customs	TradeNet	ASYCUDA World	ASYCUDA World
<b>SPS regulator</b>	DAFF	MPI	FSSAI	MOH, DVS	SFA, NParks	BAF	MAF
<b>Primary digital authority</b>	Office of the E-Safety Commissioner	DIA and CERT NZ	MeitY	MDEC	IMDA	MITT, MCIT	MCIT
<b>Data protection law</b>	Privacy Act 1988	Privacy Act 2020	DPDPA Act 2023	PDPA 2010	PDPA	Data Privacy Act 2021	Draft data privacy policy
<b>Cybersecurity law</b>	Cybersecurity Strategy 2023–30	Cyber Security Strategy and Crimes Act	IT Act 2000, CERT- In Guidelines	Cybersecurity Act (proposed), MCSS 2020–24	Cybersecurity Act 2018	Cybersecurity Strategy (proposed)	Cybercrime Act 2013
<b>NSW</b>	Single window	Single window	Single window	Single window	Single window	No single window	No single window
<b>IPR regime alignment</b>	TRIPS compliant	TRIPS compliant	TRIPS compliant	TRIPS compliant	TRIPS compliant	TRIPS compliant	TRIPS compliant
<b>Major NTBs identified</b>	Local Content Requirements (LCRs)	SPS, TBT, licensing	SPS, TBT, TRQs, licensing	SPS, TBT, licensing, govt. procurement	SPS, TBT, licensing	SPS, licensing, product standards	SPS, licensing, TBT
<b>Dispute mechanism (Int'l)</b>	WTO, FTA, ISDS	WTO, FTAs (No ISDS in new FTAs)	WTO, FTAs, ICA Arbitration	WTO, FTAs (incl. SDS)	WTO, SIAC, FTAs	WTO, Regional FTAs	WTO, PACER Plus
<b>AEO/trade facilitation</b>	Yes	No	Yes	Yes	Yes	Yes (partial)	No
<b>Digital payment regulator</b>	RBA, AUSTRAC	RBNZ	RBI	BNM	MAS	RBF	CBS

\*Comprising Fiji, Papua New Guinea, Solomon Islands, Vanuatu, and the FLNKS (a political movement from New Caledonia).

customs procedure. For ensuring fair, efficient and transparent market access, regulatory frameworks incorporate the following key principles:

- MFN principle – ensures non-discriminatory trade by granting all WTO members equal market access, preventing preferential treatment.
- ROO are criteria used to determine the national origin of a product for the purposes of applying trade measures such as tariffs, preferences and quotas. They help establish whether goods qualify for preferential treatment under trade agreements.
- HS classification – standardises product classification, promoting transparency and easing compliance with trade regulations.
- PTAs – reduces tariffs and aligns international standards, simplifying cross-border trade.
- TFA, WTO – streamlines customs procedures, promoting efficient and transparent trade processes.
- Trade remedies – implements anti-dumping duties to prevent unfair pricing and protect domestic industries.
- MFN duty-free goods – tariff rates of a country determine the easiness/difficulty access of foreign business in-country.

Table 2.37 compares market access frameworks in selected Indo-Pacific countries.<sup>290</sup>

**Table 2.37 Market Access Regulatory Dimensions in Selected Indo-Pacific Countries.**

Principle/law	Australia	New Zealand	India	Malaysia	Singa-pore	Fiji	Samoa
MFN rates (%)	2.4	1.9	15.9	5.4	0	7.7	11.4
ROO – value addition (%)	50	50	3	40	10	40	40
Preferential and non-preferential rule of origin	Maintains both	Maintains both	Maintains both	Only preferential	Only Preferential	Lacks ROO	Lacks ROO
HS classification	HS 2022 8 digit	HS 2022 8 <sup>291</sup> digit	HS 2022 8 digit	HS 2022 10 digit	HS 2017 8 digit	HS 2022 8 digit	HS 2012 8 digit
Preferential trade agreements	18	13	13	16	27	Very limited	Very limited
TFA	Single window	Single window	Single window	Single window	Single window	No single window	No single window
Trade remedies (no of cases)	97	8	453	33	0	0	0
MFN duty-free goods (%)	52.1	66.1	3.1	66.8	100	26.5	3

<sup>290</sup> <https://www.wto-ilibrary.org/content/countries> – Trade Policy Reviews Sections (MFN, ROO, Agreements, Trade Facilitation and Anti-dumping).

<sup>291</sup> Harmonized system classification details are from the tariff section of the WTO trade policy review of the relevant country. <https://ttd.wto.org/en/profiles> – MFN duty free goods and MFN Rates.

## Regulatory Differences in Market Access across Seven Indo-Pacific Countries

### MFN Principle

India, Australia, New Zealand, Malaysia, Fiji, Samoa and Singapore are members of the WTO and apply the MFN principle as part of their trade policy frameworks.

Singapore exemplifies a highly liberal trade regime, applying MFN zero-duty rates to nearly 100 per cent of its tariff lines, with exceptions primarily for certain alcoholic beverages. New Zealand and Australia also maintain low MFN applied tariff rates, averaging 1.9 per cent and 2.4 per cent respectively. Malaysia's MFN applied tariff rates are moderately higher, with a simple average of 5.4 per cent.

In contrast, India imposes relatively high MFN applied tariffs, averaging 15.9 per cent overall, with rates reaching 39 per cent for agricultural products. Such elevated tariffs have prompted concerns from trading partners regarding market access and compliance with WTO obligations. Fiji and Samoa also exhibit higher MFN applied tariff rates, averaging 7.7 per cent and 11.4 per cent respectively, which may reflect protective measures for domestic industries but can also pose challenges for trade liberalisation.

While MFN treatment is nominally applied across all countries, the inconsistency in tariff liberalisation and capacity for implementation – particularly in India, Fiji and Samoa – undermines the harmonisation of market access conditions, thereby impeding regional regulatory coherence and predictability in trade relationships.

### Regulatory Differences in ROO in the Selected Indo-Pacific Region

Australia, New Zealand, Malaysia, India, Fiji, Singapore and Samoa adhere to the WTO framework for ROO, which determine the national source of a product and are essential for implementing trade policy measures, such as tariffs and trade remedies.

Australia, New Zealand, India, Malaysia and Singapore maintain preferential ROO while only Australia, New Zealand and India maintain formal non-preferential ROO. Samoa and Fiji lack national ROO, which creates significant trade barriers for the intended parties.

Among these nations, Australia and New Zealand enforce stringent ROO criteria, requiring at least 50 per cent of the cost of production to be incurred domestically for a product to qualify as originating. Malaysia mandates a minimum of 40 per cent regional value content (RVC) under the ASEAN Trade in Goods Agreement (ATIGA). India's agreements, such as the India-ASEAN Free Trade Agreement, stipulate a minimum of 35 per cent RVC along with a change in tariff heading. Singapore's criteria vary across its FTAs; for instance, under the CPTPP, the de minimis rule allows up to 10 per cent of non-originating materials.

Fiji and Samoa, however, face challenges in aligning with these standards. Fiji's rules under PICTA require a 40 per cent local content criterion. Samoa, under PACER Plus, also mandates a 40 per cent RVC. However, both countries have limited resources and institutional capacities to effectively implement and monitor these requirements, leading to potential trade barriers and reduced competitiveness in international markets.

The lack of harmonised non-preferential ROO and limited enforcement capacity in smaller countries, particularly Fiji and Samoa, undermines regulatory consistency and complicates trade facilitation efforts across the region. Addressing these disparities is essential to advancing coherence in rules-based trade.

### HS Classification

Australia, New Zealand, Malaysia, India, Fiji, Singapore, and Samoa utilise the internationally standardised six-digit HS code as a foundational structure for classifying traded goods. This six-digit base, established by the WCO, ensures uniformity in global trade classifications.

Building upon this foundation, countries often extend the HS code to accommodate national requirements. Australia, New Zealand and Malaysia employ an eight-digit HS code system, incorporating additional digits for detailed tariff and statistical purposes. All except Samoa are contracting party to the WCO's HS Convention. Samoa is a party of WCO regional Pacific Harmonised Commodity Description and Coding System 2022 (PACHHS22) nomenclature, which constrains its capacity to maintain up-to-date and harmonised classifications.

While all countries have updated their HS classifications to align with the latest version, Samoa has not yet fully implemented these updates. This delay in adopting the latest HS nomenclature can lead to trade barriers, including customs clearance delays, increased trade costs and potential misclassifications, thereby hindering efficient trade operations and economic growth.

### **PTAs**

Australia, New Zealand, Malaysia, India, Fiji, Singapore, and Samoa adhere to the WTO framework for PTAs, which are designed to reduce trade barriers and promote economic integration.

Australia is party to 18 FTAs covering 30 economies. New Zealand has 14 FTAs in force. Malaysia has implemented 16 FTAs, comprising seven bilateral and nine regional agreements. India has signed 13 FTAs and 6 limited coverage PTAs, providing preferential access to over 50 countries. Singapore maintains an extensive network of 27 implemented FTAs, including 15 bilateral and 12 regional agreements. Fiji has five trade agreements in force as of 2021. Samoa is a party to four trade agreements.

While Australia, New Zealand, Malaysia, India and Singapore have actively pursued and implemented multiple FTAs, enhancing their global trade integration, Fiji and Samoa have comparatively fewer agreements. This limited engagement in preferential trade arrangements may restrict their access to larger markets and impede their ability to fully capitalise on global trade opportunities. Addressing this gap by negotiating and implementing additional FTAs could bolster their trade prospects and economic growth.

### **TFA, WTO**

India, Singapore, Australia, New Zealand and Malaysia have all reached 100 per cent implementation, showcasing strong institutional capabilities and commitment to trade facilitation reforms. Fiji has implemented 98.3 per cent of its TFA commitments, with the single-window system remaining as a future commitment. Samoa's implementation rate stands at just 67.6 per cent, with several key measures – such as online information availability, penalty disciplines, pre-arrival processing, border agency coordination, authorised operator programmes, appeal procedures, electronic payments, risk management, post-clearance audits, expedited shipments and the single-window system – yet to be implemented. These measures are currently scheduled for adoption by 2025.

Samoa's TFA implementation rate significantly lags behind all other selected indo-Pacific countries that have achieved near-complete compliance. This disparity creates a widening trade gap, as Samoa delays the implementation of critical measures. Addressing these challenges is essential for Samoa to enhance its trade efficiency and align with international standards.

The slow implementation of the TFA illustrates the broader institutional gaps in small island states, which constrain border efficiency and weaken alignment with regional trade facilitation standards. This fragmentation hampers coherence in customs modernisation and digital trade readiness.

### **Regulatory Differences in Trade Remedies (Anti-dumping, Countervailing Duties and Safeguard Measures)**

Australia, New Zealand, Malaysia, India, Fiji, Singapore and Samoa adhere to the WTO framework for anti-dumping measures.

Between 2010 and 2024, India initiated 453 anti-dumping investigations, making it the most active among these nations. Australia followed with 97 investigations, while Malaysia and New Zealand conducted 33 and 8 investigations, respectively. Singapore, Fiji and Samoa did not initiate any anti-dumping investigations during this period.

India and Australia frequently impose anti-dumping duties, particularly on imports of chemical products, plastics, rubber, pulp, base metals and related articles. Notably, Australia continues to apply anti-dumping and countervailing duties even to imports from countries with which it has FTAs.

In contrast, New Zealand and Malaysia apply such duties within well-established legal frameworks and have the lowest incidence of these measures among the group. Singapore stands out with no anti-dumping, countervailing or safeguarding measures in force, reflecting its strong free trade orientation.

Fiji and Samoa, however, lack robust trade defence mechanisms. Samoa has not established comprehensive trade defence measures. This absence of active anti-dumping regimes leaves Fiji and Samoa without effective tools to counter unfair trade practices, placing their domestic industries at a disadvantage compared to other selected Indo-Pacific countries. Without robust trade defence mechanisms, Fiji and Samoa risk increased exposure to injurious imports, potentially undermining local industries and widening trade imbalances with more proactive trading partners.

### **Regulatory Differences in Share of MFN Duty-Free Goods**

Significant disparities exist among Indo-Pacific countries in the share of tariff lines that are duty-free under MFN treatment, highlighting trade-related gaps that can affect market access. While countries such as Singapore (100 per cent), Malaysia (66.8 per cent), New Zealand (66.1 per cent) and Australia (52.1 per cent) have liberalised a substantial portion of their tariff schedules, facilitating smoother entry for foreign goods, others maintain a more restrictive tariff regime. Fiji, for instance, allows only 26.5 per cent of tariff lines duty-free, while Samoa (3 per cent) and India (3.1 per cent) offer minimal MFN duty-free access.

India – despite being a large and influential economy – has one of the lowest shares of duty-free tariff lines. This limited tariff liberalisation acts as a barrier to trade and constrains the export potential of partner countries seeking access to its large consumer market.

The disparity in MFN duty-free coverage across the region suggests that there remains room for enhancing alignment in tariff structures. While countries such as Singapore and New Zealand serve as examples of more liberalised models, countries at different stages of development may consider phased rationalisation measures to progressively support greater integration. A coordinated approach to tariff liberalisation could help foster a more inclusive, predictable and balanced trade environment in the selected Indo-Pacific Countries.

Addressing this gap through greater tariff rationalisation could enhance regional trade integration and create more balanced market opportunities.

### **Product Standards**

Product standards define minimum quality, safety and performance requirements to ensure consumer protection and market consistency. They cover areas such as materials, design, testing and labelling to support fair trade and reduce disputes. Robust regulatory frameworks apply following key principles to ensure standards are consistent and trade-compliant.

To ensure product safety, quality and market compliance, regulatory frameworks typically address the following key aspects.

- Product standard regulatory bodies. Product standard bodies are established to develop, maintain and promote technical standards that ensure the safety, quality and interoperability of goods and services. Their purpose is to support consumer protection, facilitate trade, and enhance regulatory consistency.
- Transparency. Mandates clear, accessible and publicly available information on product standards, certification procedures and compliance requirements, allowing businesses to navigate regulatory frameworks efficiently.
- Proportionality. Ensures that regulatory measures are not excessively restrictive and are appropriate to the intended purpose, balancing safety and trade facilitation without imposing unnecessary burdens.
- Use of international standards. Encourages alignment with globally recognised standards, such as ISO and WTO agreements, to facilitate trade harmonisation and reduce technical barriers.
- Risk assessment. Requires regulatory bodies to assess potential health, safety and environmental risks associated with products before establishing or revising standards, ensuring evidence-based policymaking.
- International recognition of conformity assessment. Supports mutual recognition of product testing, inspection and certification among trading partners, reducing redundancy and accelerating market entry for businesses.

- Technical assistance. Provides support to developing economies in implementing and enforcing product standards, including capacity-building initiatives, regulatory guidance and technology transfer to enhance compliance.

Table 2.38 compares Product Standard frameworks in selected Indo-Pacific countries.

### Regulatory Differences in Product Standards Regulatory Bodies

Across the Indo-Pacific region, regulatory frameworks for product standards vary significantly, revealing notable gaps in standardisation and institutional capacity.<sup>292</sup> Australia maintains a robust system through Standards Australia, a non-profit body guided by technical committees, while Singapore transitioned its national standards and accreditation functions to Enterprise Singapore in 2018, consolidating oversight of consumer product safety and quality assurance.

India undertook substantial reforms with the BIS Act, 2016, expanding coverage beyond goods to services and introducing multiple conformity assessment schemes and stricter enforcement mechanisms. New Zealand restructured its standards regime through the Standards and Accreditation Act 2015, streamlining governance and reducing operational costs. Malaysia, through the Department of Standards Malaysia (JSM), operates under the Standards of Malaysia Act 1996 and coordinates with 26 sector-specific committees.

Fiji's framework is governed by the Trade Standards and Quality Control Act 1992, with the Department of National Trade Measurement and Standards (DNTMS) responsible for developing and promoting standards across goods and services.

**Table 2.38 Product Standard Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimensions	Aus-tralia	New Zealand	India	Malaysia	Singa-pore	Fiji	Samoa
<b>Product stand-ard regulatory bodies</b>	Stand-ards Australia	Standards and Accredita-tion Act 2015	Bureau of Indian Stand-ards	Depart-ment of Standards Malaysia	Enter-prise Singa-pore	Trade Standards and Quality Control Act 1992	Lacks standard-ised body
<b>Proportionality</b>	Protec-tive stand-ards	Proportion-al	Protec-tive stand-ards	Proportion-al	Proportion-al	Adopted Australian standards	Adopted Australian standards
<b>Use of interna-tional stand-ards</b>	46%	50%	27%	42%	Aligned	Have adopted Australian standards	Limited alignment
<b>Risk assess-ment</b>	Advance risk assess-ment	Advance risk assess-ment	Advance risk assess-ment	Advance risk assess-ment	Advance risk assess-ment	Weak risk assessment	Weak risk assess-ment
<b>International recogni-tion of conformity assessment</b>	Limited recogni-tion	Limited recogni-tion	Limited recogni-tion	Limited recogni-tion	Limited recogni-tion	Lacks struc-tured mech-anisms	Lacks struc-tured mech-anisms

<sup>292</sup> [https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section \(Product Standards\).](https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section (Product Standards).)

Samoa lacks a central standardisation body, with regulatory functions dispersed across multiple ministries and no formal conformity assessment procedures in place. This fragmented approach, especially in Samoa and to a lesser extent in Fiji, underscores the need for centralised standard-setting bodies, formal conformity assessments and enhanced alignment with international norms to reduce trade barriers and improve regulatory coherence in the region.

### **Regulatory Differences in Proportionality**

Proportionality in regulation ensures that measures are not excessively restrictive but are instead appropriate to their intended purpose, balancing safety and trade facilitation without imposing unnecessary burdens.

Australian and Indian standards are generally seen as restrictions that diverge from internationally recognised norms. Stakeholders have raised concerns about the trade-impeding effects of these standards.

New Zealand, Malaysia and Singapore exemplify this principle by applying risk-based regulatory approaches, focusing on high-risk sectors such as pharmaceuticals and construction materials, while streamlining requirements for low-risk products. This enhances efficiency without compromising consumer safety.

Meanwhile, Fiji and Samoa, due to limited regulatory capacity, have adopted Australian standards as their own. While no formal complaints have been raised against these practices, the absence of risk-based regulatory models suggests a missed opportunity to enhance regulatory efficiency. Developing context-sensitive, risk-based regulatory frameworks would improve both compliance capacity and consumer protection in these countries.

Uneven transparency frameworks create information asymmetries and undermine regulatory coherence across the selected Indo-Pacific countries.

### **Regulatory Differences in the Use of International Standards**

Transparency in product standards is essential for enabling businesses to understand and meet compliance requirements efficiently. Australia, New Zealand, India, Malaysia and Singapore are actively aligning their regulatory frameworks with international benchmarks such as ISO and the Codex Alimentarius.

Approximately 46 per cent of Australian, 27 per cent of Indian, 42 per cent of Malaysian and half of New Zealand's standards are fully or substantially aligned with international norms.

In Fiji, the DNTMS oversees 13 mandatories and 61 voluntary standards, most of which are adopted from Australian and New Zealand standards. Fiji has been a full member of ISO and the Pacific Area Standards Congress since signing an Memoranda of Understanding (MoU) with Standards Australia in 1998, which enables the adoption and adaptation of international best practices.

In Samoa, regulatory and standard-setting bodies pursue policies based on international standards, and the government is committed to using standards, guidelines and recommendations developed by international standard-setting bodies as the basis for its national technical regulations. However, Samoa faces greater challenges due to limited resources, which results in limited alignment with international standards and its non-membership in ISO and IEC. This misalignment raises compliance barriers, complicates market entry and constrains the ability of Samoan businesses to compete globally.

Enhancing alignment with international standards – particularly for Fiji and Samoa – would improve trade facilitation, ensure product safety and strengthen regional economic integration.

### **Regulatory Differences in Risk Assessment**

Risk assessment requires regulatory bodies to evaluate potential health, safety and environmental risks associated with products before establishing or revising standards, thereby ensuring evidence-based policymaking. Australia, New Zealand, India, Malaysia and Singapore have well-established risk assessment frameworks.

Nonetheless, stakeholders have occasionally noted that some standards – particularly in India – may be overly restrictive or insufficiently grounded in scientific evidence.

Fiji and Samoa lack comprehensive risk assessment mechanisms, resulting in inconsistent enforcement. Weak regulatory oversight in areas such as food safety and personal protective equipment may allow substandard products to enter the market. Strengthening risk-based regulatory approaches in these countries would enhance consumer safety, improve market efficiency, and increase overall trade effectiveness.

### **Regulatory Differences in International Recognition of Conformity Assessment**

Mutual recognition of conformity assessments reduces redundant testing requirements and accelerates trade. Australia, New Zealand and Singapore actively participate in MRAs. However, Australia and New Zealand maintain rigorous biosecurity, plant, animal and product safety standards, necessitating additional testing requirements, especially in high-tech and medical sectors.

India and Malaysia similarly impose domestic testing procedures for numerous products, including telecommunications equipment and heavy machinery, leading to increased costs for foreign businesses.

Fiji and Samoa currently lack structured mechanisms for mutual recognition, requiring separate certification processes for imports such as household appliances and automotive spare parts.

Samoa does not have formal conformity assessment procedures. Expanding MRAs and enhancing regulatory cooperation would significantly streamline trade flows, reduce costs and ensure consistent safety standards for certified products.

The lack of mutual recognition of conformity assessments hampers regulatory coherence and creates barriers to trade in selected Indo-Pacific countries.

### **Testing and Certifications**

Testing and certification ensure that products meet safety, quality and performance standards, thereby supporting regulatory compliance and consumer protection. They reduce risks of substandard goods, border rejections and trade disruptions.

To uphold product safety, quality and compliance with market regulations, testing and certification frameworks focus on the following key elements.

- Testing and certification regulatory bodies. Testing and certification bodies are responsible for verifying that products meet specified safety, quality and regulatory standards. Their purpose is to ensure consumer protection and regulatory compliance, and facilitate trust in domestic and international trade.
- Accreditation of laboratories. Establishes criteria for recognising and accrediting testing laboratories to ensure reliability, technical competence and adherence to international best practices.
- Testing procedures and methodologies. Defines standardised testing methods to verify product safety, performance and compliance, ensuring consistency and reliability in assessments.
- Certifications of conformity. Mandates official certification systems to confirm that products meet regulatory standards, enhancing consumer trust and market acceptance.
- Recognition of conformity assessment. Promotes MRAs between countries, allowing certified products to be accepted across multiple markets without redundant testing.
- International harmonisation. Encourages alignment with global testing standards and conformity assessment practices, reducing TBT and facilitating smoother market entry.

Table 2.39 compares testing and certifications regulations in selected Indo-Pacific countries.

### **Regulatory Differences in Testing and Certification Bodies**

Across the Indo-Pacific, regulatory frameworks for testing, certification and accreditation reveal both strengths and persistent gaps.

**Table 2.39 Testing and Certifications Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Testing and certification regulatory bodies</b>	Standards Australia	International Accreditation New Zealand	BIS	Department of Standards Malaysia	Singapore Accreditation Council (SAC)	Lacks accreditation body	Lacks centralised Body
<b>Accreditation of laboratories</b>	Internationally recognised bodies	Internationally recognised bodies	Internationally recognised bodies	Internationally recognised bodies	Internationally recognised bodies	Only one laboratory	Limited laboratories
<b>Testing procedures and methodologies</b>	Internationally aligned	Internationally aligned	Moderately aligned	Internationally aligned	Internationally aligned	Not aligned	Not aligned
<b>Certifications of conformity</b>	Established conformity system	Established conformity system	Established conformity system	Established conformity system	Established conformity system	Limited	Limited
<b>Recognition of conformity assessment</b>	Limited recognition	Limited recognition	Limited recognition	Limited recognition	Limited recognition	No formal MRA	No formal MRA
<b>International harmonisation</b>	Internationally harmonised	Internationally harmonised	Lacks harmonisation	Internationally harmonised	Internationally harmonised	Internationally harmonised	Lacks harmonisation

Australia, through its Joint Accreditation System with New Zealand (JAS-ANZ), National Association of Testing Authorities (NATA) and Standards Australia, provides internationally recognised accreditation services, though reliance on multiple state and territory regulators may lead to fragmented compliance processes in some sectors. New Zealand maintains a robust structure through International Accreditation New Zealand, JAS-ANZ and the MPI, ensuring international recognition of testing and calibration results.

India, through the BIS and the FSSAI, operates mandatory certification schemes, but its system remains complex, with inconsistent recognition of overseas laboratories and no accredited foreign labs under its scheme. Malaysia's JSM, along with SIRIM Quality Assurance Services (QAS) International and MAQIS, is well integrated into international networks and ASEAN MRAs but faces sector-specific complexity that may impede harmonisation.

Singapore's SAC, under Enterprise Singapore, provides voluntary accreditation for a wide range of conformity assessment bodies, aligned with international norms.<sup>293</sup> Key testing and certification bodies include Enterprise Singapore, Société Générale de Surveillance (SGS) Singapore and the SFA, which ensure conformity assurance across sectors.

Fiji lacks an accreditation body and depends on the BAF and collaborations with international laboratories, as well as the adoption of Australian and New Zealand standards, though domestic lab capacity remains

293 [https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section \(Testing and Certifications\).](https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section (Testing and Certifications).)

limited. In contrast, Samoa lacks a centralised accreditation system and relies primarily on the Scientific Research Organization of Samoa (SROS) and the MAF for food and agricultural testing, with no formal conformity assessment framework beyond these. These disparities highlight regulatory differences in cross-border recognition, laboratory infrastructure and streamlined conformity assessment procedures – especially for smaller economies such as Fiji and Samoa – impacting transparency, efficiency and market access.

### **Regulatory Differences in Accreditation of Laboratories for Testing and Certification**

Accredited laboratories play a critical role in ensuring reliable and consistent testing outcomes, thereby reducing TBT. Australia, New Zealand, India, Malaysia and Singapore maintain internationally recognised accredited laboratories that comply with ISO and IEC standards, supporting seamless participation in global trade through trusted conformity assessment systems.

In contrast, Fiji and Samoa face significant limitations due to their constrained accredited testing infrastructure and shortages in technical expertise. This often compels businesses to rely on external laboratories, increasing both compliance costs and processing times. As of March 2023, Fiji had one independent accredited laboratory capable of performing a wide range of analyses related to food, feed and water, alongside several internal facilities conducting basic tests for water and construction materials. However, Fijian authorities have acknowledged the need for further support to develop secondary testing capabilities and to clarify specific laboratory accreditation requirements to achieve full regulatory compliance.

Expanding laboratory accreditation networks and enhancing regional cooperation – particularly for Fiji and Samoa – would substantially improve regulatory efficiency, lower compliance burdens and strengthen trade facilitation across the Indo-Pacific region.

### **Regulatory Differences in Testing Procedures and Methodologies**

Standardised testing procedures are vital for ensuring product safety, regulatory consistency and the smooth facilitation of cross-border trade. Australia, New Zealand, Malaysia and Singapore have aligned their testing methodologies with international standards, such as those set by International Laboratory Accreditation Cooperation, ISO and IEC, thereby promoting mutual recognition of test results and minimising TBT.

In contrast, Fiji and Samoa face persistent challenges due to the absence of standardised testing methods, resulting in inconsistent regulatory enforcement and increased uncertainty for businesses. To address this, Fiji has established a Test Procedures Working Group under its National Trade Facilitation Committee. The group has developed a Position Paper and an initial work plan to conduct a scoping and gap analysis. However, the authorities acknowledge that additional technical assistance is required to define secondary testing requirements, including laboratory specifications, standard operating procedures and accreditation frameworks, to ensure comprehensive compliance with international norms.

Improving alignment with globally recognised testing standards – particularly in Fiji and Samoa – would enhance trade efficiency, ensure product quality and safety and support these countries' integration into regional and global value chains.

### **Regulatory Differences in Certifications of Conformity**

Certificates of Conformity play a crucial role in ensuring that products meet regulatory standards before entering the market, thereby facilitating smoother trade and regulatory compliance. Australia, New Zealand, India, Malaysia and Singapore have well-established and internationally recognised conformity certification systems, enabling efficient and predictable market access.

In contrast, Fiji issues Certificates of Conformity but faces infrastructure limitations due to a shortage of accredited certification bodies, leading to delays and higher costs for businesses. Samoa, not being a member of the ISO or the IEC, lacks a comprehensive and globally aligned certification framework, further hindering trade efficiency and increasing uncertainty for exporters.

To improve trade facilitation, both Fiji and Samoa would benefit from expanding certification capacity, adopting internationally accepted standards and strengthening institutional frameworks. Doing so would streamline compliance, reduce delays and support greater integration into regional and global markets.

### **Regulatory Differences in Recognition of Conformity Assessment**

Mutual recognition of conformity assessments enhances trade by reducing redundant testing and simplifying product approvals. Australia and New Zealand participate in MRAs, allowing mutual acceptance of certified products, although additional testing may be required due to strict SPS standards. Singapore accepts foreign test reports from accredited bodies bearing International Laboratory Accreditation Cooperation (ILAC)/International Accreditation Forum (IAF) MRA marks, facilitating easier market entry.

India offers limited recognition, requiring domestic testing for 458 regulated products through BIS-accredited laboratories.

Fiji and Samoa currently do not have formal MRAs for conformity assessments. Fiji informally accepts certifications from Australia and New Zealand, particularly in sectors such as construction and electrical safety, under an MoU with Standards Australia, although recognition is determined on a case-by-case basis. Samoa, lacking ISO and IEC membership, does not formally recognise foreign conformity assessments, and acceptance of international certifications remains informal and inconsistent. This leads to duplicative testing, higher costs and market entry delays. Establishing MRAs and aligning with international accreditation systems would improve trade efficiency and enhance regulatory coherence across the region.

### **Regulatory Differences in International Harmonisation for Testing and Certification**

International harmonisation in testing and certification plays a critical role in facilitating seamless trade and ensuring consistent product quality across markets. Australia, New Zealand, India, Malaysia and Singapore align their systems with globally recognised testing procedures such as International Laboratory Accreditation Cooperation, ISO and IEC, promoting regulatory consistency and reducing trade barriers. However, Australia and India have been noted for applying more restrictive testing and certification criteria than required under international norms, potentially creating unnecessary trade friction.

In contrast, Fiji and Samoa have yet to fully integrate international standards into their regulatory frameworks. Samoa, in particular, faces notable challenges due to its non-membership in international organisations, which limits its ability to align product standards and testing procedures with global benchmarks. These gaps result in trade inefficiencies, increased market entry hurdles and reduced competitiveness.

Strengthening regulatory cooperation and harmonising testing and certification practices with international standards would significantly enhance trade facilitation, improve product safety and foster a more competitive and integrated regional trade environment.

### **Customs Procedures**

Customs procedures refer to the formalities and administrative processes required for the import and export of goods across borders. These include documentation, inspection, classification, valuation and duty collection, aimed at ensuring compliance with national laws and international trade rules. Efficient customs procedures facilitate smooth trade flows, reduce delays and enhance supply chain predictability. For ensuring fair, efficient and transparent customs procedures, regulatory frameworks incorporate the following key principles.

- Custom regulatory bodies. Responsible for regulating the movement of goods across borders by enforcing import and export laws, collecting duties and taxes, facilitating legitimate trade, preventing smuggling and fraud and ensuring compliance with international trade agreements and security protocols.
- Documentation procedures. Establishes standardised documentation requirements for imports and exports, ensuring clarity, efficiency and compliance with trade regulations.

**Table 2.40 Custom Procedures Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Custom regulatory bodies</b>	ABF	New Zealand Custom Service	CBIC	RMCD	Singapore Customs	Fiji Revenue and Customs Service	Ministry for Customs and Revenue
<b>Documentation procedures</b>	Minimal documentation	Minimal documentation	Burden-some documentation	Minimal documentation	Minimal documentation	Burdensome documentation	Burdensome documentation
<b>Custom clearance</b>	Efficient	Efficient	Slow	Efficient	Efficient	Slow	Slow
<b>Risk management</b>	Advance RMS	Uses ASY-CUDA World for RMS	Uses ASY-CUDA World for RMS				
<b>Customs valuation</b>	WTO – transaction value method	WTO – transaction value method					

- Risk management. Implements advanced risk assessment techniques to streamline inspections and prioritise high-risk shipments, improving security while expediting low-risk trade flows.
- Harmonisation of customs procedures. Encourages alignment with international customs standards and best practices to simplify trade regulations and reduce administrative burdens.
- Customs valuation. Establishes fair and consistent methods for determining the value of goods for duty calculation, ensuring compliance with global trade agreements and preventing trade distortions.

Table 2.40 compares regulatory framework for customs procedures in selected Indo – Pacific countries.

### Regulatory Differences in Customs Regulatory Bodies

While each of the seven Indo-Pacific countries has an established customs authority, several regulatory and operational gaps remain in their customs systems.<sup>294</sup> New Zealand Customs and Singapore Customs operate efficient, fully digitised systems with strong interagency coordination and international best-practice alignment.

In Australia, the ABF and New Zealand (New Zealand Custom Service) administers customs enforcement. India's customs system, managed by the CBIC, is often criticised for its procedural complexity, fragmented oversight involving multiple agencies such as FSSAI and DGFT, and inconsistent digitisation across ports, which results in delayed clearances and compliance uncertainty. In Malaysia, the RMCD is the national authority responsible for implementing customs laws, collecting duties and taxes and enforcing trade regulations at the border. RMCD operates under the Ministry of Finance and is also tasked with the administration of indirect taxes such as a sales tax, a service tax and excise duties.

In Fiji, the FRCS integrates tax and customs functions but faces resource and capacity constraints, especially in the deployment of modern digital systems and risk-based clearance tools. Samoa's Ministry for Customs

<sup>294</sup> [https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section \(Custom Procedures, Valuation and Requirements\).](https://www.wto-ilibrary.org/content/countries – Trade Policy Reviews Section (Custom Procedures, Valuation and Requirements).)

and Revenue (MCR) similarly relies on manual processing, with limited interoperability between customs and other border agencies, resulting in slower clearance times and limited use of data for risk profiling. Addressing these structural and technological gaps would significantly enhance customs efficiency and regulatory coherence across the Indo-Pacific.

### **Regulatory Differences in Documentation Procedures for Customs Procedures**

Standardised documentation procedures play a key role in streamlining trade and customs clearance. Australia, New Zealand, Malaysia and Singapore have well-established, standardised systems that significantly enhance trade efficiency. India's documentation process remains complex and time-consuming, often requiring the assistance of customs brokers to avoid delays.

In Fiji and Samoa, despite having the ASYCUDA World system, trade is slowed by a reliance on manual documentation, driven by limited technological infrastructure. Importers must often complete paperwork themselves or rely on customs agents, adding to transaction costs.

Adopting digital customs platforms and harmonised documentation standards across the Indo-Pacific would greatly improve trade efficiency, reduce delays and minimise procedural bottlenecks.

### **Regulatory Differences in Custom Clearance**

India, New Zealand, Australia, Singapore and Malaysia have implemented single-window customs systems to streamline trade processes. Among them, Australia, New Zealand, Malaysia and Singapore maintain particularly efficient customs clearance systems, characterised by minimal documentation requirements, fast processing and strong interagency coordination, which significantly facilitates trade.

Despite having a single-window system and other advanced digital platforms, India's customs clearance processes remain slow and inefficient. Traders often face complex procedures, high documentation burdens and inconsistent interagency coordination, frequently requiring the support of customs brokers to navigate delays.

In contrast, Fiji is still in the process of developing its national single-window system, with support from the United Nations Conference on Trade and Development (UNCTAD). The government has prepared a blueprint but requires additional technical and financial assistance to proceed with full implementation. Samoa, meanwhile, has not yet established a single-window system.

Both Fiji and Samoa use the ASYCUDA World system for customs management, which has improved some aspects of trade processing. However, these Pacific Island nations continue to face challenges due to limited infrastructure, resource constraints and uneven interagency coordination. Disparities in legal frameworks and technological readiness further hinder the full realisation of single-window benefits, underscoring the need for continued capacity building and regional cooperation to enhance trade facilitation.

### **Regulatory Differences in Risk Management for Customs Procedures**

Effective risk management in customs enables authorities to prioritise high-risk shipments while expediting low-risk goods, improving both security and efficiency. Australia, New Zealand and Singapore employ advanced risk assessment systems, using data analytics to streamline inspections. Australia and New Zealand also maintain robust biosecurity risk management frameworks, ensuring thorough but targeted controls.

While India has adopted risk-based assessment procedures, its reliance on random inspections and bureaucratic processes often leads to inefficiencies and delays, with insufficient prioritisation undermining the effectiveness of its system.

Fiji and Samoa, despite having implemented ASYCUDA World as a customs and risk management tool, face challenges due to limited capacity and resources. This results in overscrutiny of low-risk shipments and inadequate monitoring of high-risk goods, such as pharmaceuticals and hazardous materials.

Strengthening risk-based customs procedures through the adoption of advanced technologies, improved training and better data integration would enhance efficiency, security and trade facilitation across the region.

Customs valuation practices are generally consistent with WTO principles, particularly the use of transaction value as the primary method. Yet variances in interpretative consistency and administrative discretion may occasionally compromise valuation integrity and transparency across the selected Indo-Pacific countries.

### **Regulatory Differences in Customs Valuation for Customs Procedures**

Customs valuation is essential to ensure that import duties are calculated fairly based on the actual value of goods. Australia, New Zealand, Malaysia and Singapore strictly follow WTO customs valuation methods, promoting consistency and transparency in trade.

In contrast, India's customs valuation process often leads to challenges for traders, including inconsistent application, misinterpretation of laws, and subjective assessments. Nearly 10 per cent of customs queries in India stem from unclear valuation procedures, causing delays and uncertainty. The broad discretionary powers of customs officers further increase the risk of arbitrary valuations.

Fiji and Samoa also face difficulties in accurately applying customs valuation, which can result in overvaluation or undervaluation of goods, affecting overall trade costs. Improving officer training, strengthening institutional capacity and aligning practices with WTO valuation standards would enhance fairness, reduce disputes and facilitate more predictable and efficient trade flows.

### **Licensing Requirements**

Licensing requirements serve as regulatory tools to manage the import and export of sensitive or controlled goods, ensuring alignment with national health, safety, security and environmental policies. They establish clear conditions for market entry and support responsible trade practices.

To ensure fair market access and regulatory compliance, licensing frameworks focus on the following critical aspects.

- Licensing system. Designed to regulate the entry of specific goods to protect public health, safety, the environment and national security; ensure compliance with international trade obligations; manage restricted or sensitive products; and provide transparency, oversight and control over trade flows through permits, quotas or approval conditions.
- General licensing requirements. Establishes clear criteria and conditions for obtaining licences, ensuring businesses comply with industry regulations and safety standards.
- Transparency of licensing. Mandates publicly available information on licensing procedures, required documentation and approval timelines to enhance clarity and ease of compliance.
- Efficiency of licensing process. Promotes streamlined application procedures, digital submission systems and predictable processing timelines to reduce administrative burdens on businesses.

Table 2.41 compares licensing requirement frameworks in selected Indo-Pacific countries.

### **Regulatory Differences in Licensing System**

Across the Indo-Pacific, import licensing regimes vary in structure, transparency and enforcement capacity, with countries maintaining such systems to safeguard health, safety and security and to meet international obligations. In Australia, import licences are issued by authorities such as the DAFF, the ABF and the Department of Health. Singapore maintains a transparent and rules-based system, with licensing overseen by Singapore Customs, IMDA, SFA and HSA, supported by clear WTO notifications and minimal Regulatory Differences. New Zealand utilises a largely electronic, non-commercial licensing model managed by the MPI, EPA and the Ministry of Health, with enforcement by the New Zealand Customs Service.

India's broad and often unpredictable framework is centrally administered by the DGFT, alongside FSSAI and quarantine authorities. However, fragmented oversight, actual-user restrictions and limited transparency contribute to delays and raise concerns over SPS compliance.

Malaysia's system is extensive and supported by digital platforms, with the RMCD, MITI, MAQIS and sectoral agencies managing licences.

**Table 2.41 Licensing Requirements Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Licensing system</b>	Multiple agencies	Multiple agencies	Multiple agencies	Multiple agencies	Multiple agencies	Multiple agencies	Multiple agencies
<b>General licensing requirements</b>	Automatic and non-automatic licensing	Non-automatic	Automatic and non-automatic licensing	Automatic and non-automatic licensing	Automatic and non-automatic licensing	Non-automatic	Non-automatic
<b>Transparency of licensing</b>	Highly transparent	Highly transparent	Moderately transparent	Highly transparent	Highly transparent	Less transparent	Less transparent
<b>Efficiency of licensing process</b>	Efficient	Efficient	Moderate	Efficient	Efficient	Not efficient	Not efficient

In Fiji, the FRCS, BAF and Ministry of Economy issue licences, but capacity constraints, inconsistent updates and reliance on manual systems limit efficiency. Samoa relies on the MCR, MAF and other sectoral agencies for import licensing, though manual processes and fragmented responsibilities continue to hinder regulatory predictability. Addressing these gaps – especially in India, Fiji, Malaysia and Samoa – through improved interagency coordination, digital integration and simplified application procedures would significantly enhance trade facilitation and regulatory coherence across the region.

### Regulatory Differences in General Licensing Requirements

Imported licensing systems across Indo-Pacific countries combine structured regulations with varying implementation challenges. Singapore operates a transparent and well-aligned system, requiring licences for items such as rice, telecommunication equipment, media content and high-risk goods.

Australia maintains a clear framework (automatic and non-automatic) under the Customs (Prohibited Imports) Regulations 1956, restricting items such as toxic cosmetics, vaping products, electromagnetic weapons and engineered stone, with licensing requirements applying to motor vehicles, tobacco and controlled goods. New Zealand maintains (non-automatic) and uses electronic import alerts and licensing for products such as chemicals, food, explosives and endangered species.

In contrast, India maintains automatic and non-automatic licensing regimes and applies a fragmented and often unpredictable licensing regime with significant NTBs. Products are divided into banned (e.g. tallow, animal fats), restricted (e.g. livestock products, chemicals) and canalised (e.g. petroleum, grains, pharmaceuticals via State Trading Enterprises (STEs)). Licensing for refurbished goods is stringent, and approval delays are common due to the involvement of multiple agencies. India also imposes quantitative restrictions and port-specific conditions. Malaysia enforces restrictions under the Customs (Prohibition of Imports) Order 2017, covering products such as sugar, rice, vehicles, steel, mixed paper waste, narcotics, hazardous goods and goods infringing IPRs.

Fiji maintains non-automatic licensing for goods such as firearms, narcotics, ozone-depleting substances (ODS), lubricants, agricultural products and IPR-infringing items but faces institutional and capacity constraints in consistent enforcement. Samoa restricts imports of aged vehicles, bee products, liquor above 40 per cent ABV, narcotics, plastic bags and high-fat foods such as turkey tails, with many procedures still manual and fragmented across agencies.

Overall, while countries such as Singapore, New Zealand and Australia demonstrate high regulatory maturity, key gaps persist in India, Malaysia, Fiji and Samoa – including lack of digital integration, procedural duplication

and limited transparency. Simplifying and documenting licensing procedures, strengthening interagency coordination and investing in institutional capacity would significantly improve regulatory predictability, facilitate trade and enhance business confidence across the region.

### Regulatory Differences in Transparency of Licensing

Transparency in licensing regulations is essential for businesses to clearly understand application requirements, timelines and approval procedures. Countries such as Australia, New Zealand, Malaysia and Singapore demonstrate good practices in this area by offering comprehensive online platforms that provide detailed, step-by-step guidance on business licensing.

In contrast, India often falls short of meeting transparency standards. There are cases where licensing requirements and restrictions are not promptly published in the *Gazette of India* or notified to relevant WTO committees, creating uncertainty for businesses and stakeholders.

Fiji and Samoa face similar challenges, as licensing regulations are not readily accessible or regularly updated. Businesses frequently need to engage directly with government agencies or rely on intermediaries to obtain up-to-date information, which can be both time-consuming and costly.

Improving digital access to licensing information and simplifying application processes would help reduce bureaucratic inefficiencies, promote investment and support business development throughout the Indo-Pacific region.

### Regulatory Differences in Efficiency of Licensing Process

An efficient licensing process reduces administrative burdens and promotes business growth. Countries such as Australia, New Zealand, Malaysia and Singapore have digitised their licensing systems, resulting in faster approvals across most sectors.

Licensing inefficiencies in India contribute significantly to customs clearance delays. Approximately 10 per cent of queries from customs officers relate to licensing requirements, and importers face difficulties in obtaining and submitting the necessary licences and prolonged processing times between application submission and approval.

Fiji and Samoa face challenges due to the absence of streamlined licensing processes. Both countries rely on manual submissions and lengthy in-person approval procedures. These inefficiencies deter new business initiatives and hamper economic growth.

Implementing enhanced digital licensing platforms and eliminating redundant approval steps would significantly improve licensing efficiency across the Indo-Pacific region, fostering a more competitive and business-friendly trade environment.

### Labelling and Packaging

Labelling and packaging requirements play a crucial role in ensuring that products provide clear, accurate information on content, usage, origin and safety, thereby protecting consumers and preventing misleading practices.

To enhance consumer awareness, safety and regulatory compliance, labelling and packaging frameworks focus on the following key aspects:

- Language accessibility – requires product labels to be available in official or widely spoken languages of the market to ensure clear communication of product information for consumers.
- Labelling requirements – ensure that consumers receive accurate, clear and essential information about a product's contents, usage, origin and safety, enabling informed choices and regulatory compliance.

Table 2.42 compares Labelling and Packaging frameworks in selected Indo-Pacific countries.

**Table 2.42 Labelling and Packaging Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Language accessibility</b>	English	English	English or Hindi	English or Bahasa Malaysia	English	English	English or Samoan
<b>Labelling requirements</b>	Mandatory labelling requirements and ROO						

### Regulatory Differences in Language Accessibility for Labelling

Language accessibility in product labelling is crucial for ensuring consumers understand product information and for maintaining regulatory compliance. In Australia, New Zealand, Fiji and Singapore, labels must be in English. India requires labels in English or Hindi, while Malaysia accepts Bahasa Malaysia or English. Samoa permits labels either in English or Samoan. Facilitating bilingual or multilingual labelling standards in these countries could enhance consumer comprehension and promote regulatory consistency.

Most selected countries ensure trade information is available in widely understood languages, supporting clarity and stakeholder access. However, limited multilingual support in some countries can pose challenges for foreign traders and smaller businesses.

### Regulatory Differences in Labelling Requirements

Labelling requirements across Australia, New Zealand, India, Singapore, Malaysia, Fiji and Samoa exhibit both commonalities and distinct national standards.

Mandatory labelling information: all seven countries require labels to include the product name, list of ingredients, net weight or volume, expiry or best-before dates, and the name and address of the manufacturer or importer. Nutritional information panels are mandatory in Australia, New Zealand, Singapore and Malaysia. India requires declarations of vegetarian or non-vegetarian status. Fiji and Samoa mandate use-by dates and ingredient lists.

Country of origin labelling: Australia and New Zealand require country of origin labelling. India, Fiji, Singapore and Malaysia mandates country of origin labelling for imported products.

Fiji mandates country of origin labelling for all imported goods. Samoa requires country of origin labelling for imported food products.

Special labelling requirements: India requires symbols indicating vegetarian (green circle) or non-vegetarian (brown circle) status. Singapore has implemented the Nutri-Grade system for beverages, rating them from 'A' to 'D' based on sugar and saturated fat content, with mandatory labels for 'C' and 'D' categories and advertising restrictions for 'D' beverages. Malaysia enforces stringent halal labelling requirements. Samoa requires recombined or reconstituted milk to be labelled accordingly.

While these countries have established comprehensive labelling regulations, enforcement and consistency can vary. Fiji and Samoa face resource constraints that may hinder effective monitoring and enforcement. Australia and New Zealand have robust systems but must continuously update standards to address emerging issues. India's enforcement can be inconsistent, leading to occasional non-compliance. Singapore and Malaysia generally maintain strong enforcement, though challenges may arise with new regulations. These gaps highlight the need for enhanced enforcement mechanisms, regulatory capacity building, and regional cooperation to ensure effective compliance across the Indo-Pacific region.

## Biosecurity Laws

Biosecurity regulations in the Indo-Pacific region are evolving to mitigate risks associated with pests, diseases and environmental threats. Countries such as Australia, New Zealand, India, Malaysia and Singapore have strict biosecurity frameworks to protect native ecosystems and agricultural industries. However, regulatory differences in surveillance, quarantine measures and risk assessment procedures create vulnerabilities in regional biosecurity systems. Smaller economies, such as Fiji and Samoa, struggle with resource constraints, increasing exposure to biosecurity risks and invasive species.

Strengthening biosecurity cooperation through harmonised risk management protocols, digital surveillance tools and regional coordination can enhance ecosystem protection. Encouraging capacity-building initiatives and cross-border collaboration in biosecurity enforcement can ensure a resilient and proactive approach to safeguarding regional biodiversity.

Biosecurity frameworks focus on enhancing safety, regulatory compliance and fair trade practices. Key aspects include the following.

- Biosecurity regulatory bodies. Biosecurity bodies are responsible for protecting human, animal and plant health by preventing the entry and spread of pests, diseases and harmful biological agents. They ensure safe trade and safeguard environmental and agricultural systems through risk-based regulations and surveillance.
- Risk assessment. Requires systematic evaluation of potential biosecurity threats to prevent harm to human, animal and plant health.
- Transparency. Mandates clear communication of biosecurity policies, risk assessments and regulatory decisions to build trust and ensure compliance.
- Equivalence (recognising other standards). Encourages recognition of equivalent biosecurity measures from different countries to facilitate trade while maintaining safety standards.
- Harmonisation with global standards. Aligns biosecurity regulations with international guidelines to promote consistency, trade facilitation and mutual recognition.
- Scientific justification for biosecurity rules. Requires all biosecurity policies and restrictions to be based on scientific evidence rather than arbitrary decisions.
- SPS dispute resolution (trade conflicts on biosecurity). Establishes mechanisms for resolving disputes related to SPS measures, ensuring fair and science-based trade resolutions.

Table 2.43 compares biosecurity frameworks in selected Indo-Pacific countries.

## Regulatory Differences in Biosecurity Bodies

Across the Indo-Pacific region, regulatory differences in the functioning of biosecurity and SPS bodies vary significantly by country, often reflecting differences in institutional capacity, legal coherence and administrative efficiency. Australia and Singapore demonstrate high levels of regulatory maturity, coordination and alignment with international standards and do not exhibit gaps in their biosecurity regimes. New Zealand have a mature legal system for biosecurity which is governed by the MPI, with its dedicated unit, Biosecurity New Zealand, leading efforts to protect the country from harmful pests and diseases.

In India, the absence of a unified SPS law and the involvement of multiple agencies lead to fragmented implementation, procedural complexity and lack of transparency – particularly in import-related processes. In Malaysia, biosecurity is governed through a collaborative framework involving multiple agencies, primarily led by the Ministry of Agriculture and Food Security, the Ministry of Health and the Ministry of Natural Resources and Environmental Sustainability, to safeguard human, animal, plant and environmental health.

Fiji and Samoa face serious capacity constraints, with limited digital infrastructure, low WTO engagement and outdated regulatory systems, which hinder their ability to implement and update SPS measures effectively. Addressing the identified weaknesses through improved interagency coordination, digitisation

**Table 2.43 Biosecurity Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Biosecurity regulatory bodies</b>	DAFF.	MPI	Multiple bodies	Multiple bodies	Multiple bodies	BAF	MAF
<b>Risk assessment</b>	Advance risk assessment	Advance risk assessment	Advance risk assessment	Advance risk assessment	Advance risk assessment	Weak risk assessment	Weak risk assessment
<b>Equivalence (recognising other standards)</b>	Limited acceptance	Limited acceptance	Limited acceptance	Acceptance through MRAs	Acceptance through MRAs	Lacks capacity	Lacks capacity
<b>Harmonisation with global standards</b>	Moderate	Moderate	Moderate	Aligned <sup>295</sup>	Aligned	Weak alignment	Weak alignment
<b>Scientific justification for biosecurity rules</b>	Evidence based	Evidence based	National interest driven	Evidence based	Evidence based	Limited capacity for scientific justification	Limited capacity for scientific justification

of procedures and capacity-building initiatives would significantly enhance the effectiveness and responsiveness of SPS systems across the region.

### Regulatory Differences in Risk Assessment for Biosecurity

Australia, New Zealand, India, Malaysia and Singapore have established comprehensive, science-based biosecurity frameworks that utilise advanced surveillance systems and international collaboration to mitigate risks. However, the stringent pre-border and post-arrival risk assessment criteria in Australia and New Zealand can delay approvals for imports – particularly fresh produce, meat products and fertilisers from developing Indo-Pacific nations – due to concerns about pests and diseases.

Australia's import quarantine requirements extend to various products, including farm, mining and construction machinery, as well as certain packaged foods, to protect its agricultural industry and natural environment. Similarly, New Zealand mandates the treatment of all imported vehicles, machinery and parts to prevent the entry of pests such as the brown marmorated stink bug. Imports of fruits, plants and seeds must be accompanied by certificates from the country of origin confirming they are disease-free, with inspections conducted upon arrival to ensure compliance.

Fiji and Samoa face challenges due to limited institutional capacity, resulting in reactive rather than preventative biosecurity measures. For example, Samoa is developing a national medical laboratory policy and action plan for the fiscal year 2024–25 to mitigate health risks.

Strengthening regional cooperation, harmonising risk assessment procedures and balancing trade facilitation with safety measures are essential steps to enhance efficiency while maintaining biosecurity integrity. Implementing these strategies would improve the effectiveness of biosecurity measures in Fiji and Samoa, aligning them more closely with international standards.

<sup>295</sup> <https://www.wto-ilibrary.org/content/countries> – Trade Policy Reviews Section (SPS Requirements).

## Regulatory Differences in Equivalence (Recognising Other Standards) for Biosecurity

Australia and New Zealand impose stringent equivalence criteria, requiring imported food products, such as dairy, meat and plant-based goods, to meet domestic biosecurity protocols, even if the exporting country adheres to internationally recognised safety standards. This approach often results in lengthy approval processes and increased compliance costs for exporters.

India mandates local testing and additional certification for pharmaceuticals, processed foods and agricultural products, increasing costs for exporters.

Singapore and Malaysia address gaps in biosecurity equivalence by actively participating in MRAs. These MRAs, facilitated by the SAC, enable the mutual acceptance of conformity assessment results – such as testing, inspection and certification – among signatory countries. This approach reduces the need for duplicative testing and inspection, thereby streamlining trade and ensuring that alternative safety measures are recognised as meeting equivalent biosecurity standards.

For instance, Singapore and Malaysia have signed an MRA for their AEO programmes, which allows certified companies to benefit from reduced customs documentation checks and cargo inspections when trading between the two countries.

Fiji and Samoa lack the institutional capacity to assess equivalence agreements, leading to case-by-case import approvals. Strengthening equivalence frameworks, expanding recognition agreements and adopting risk-based evaluations would promote smoother trade while maintaining safety standards across the Indo-Pacific region.

## Regulatory Differences in Harmonisation with Global Standards for Biosecurity

Singapore and Malaysia align their biosecurity policies with international benchmarks set by the Codex Alimentarius Commission, the World Organisation for Animal Health (WOAH) and the International Plant Protection Convention (IPPC), enabling smoother trade flows.

India, Australia and New Zealand often adopt more stringent biosecurity standards than globally accepted norms – particularly in areas such as meat processing, pest control and maximum residue limits (MRLs) for fresh produce – creating compliance challenges for exporters of poultry and beef.

Fiji and Samoa continue to face challenges due to limited technical capacity, leading to inconsistent regulatory enforcement. Greater alignment with international standards, improved regulatory adaptability and investment in enforcement infrastructure are essential to enhance biosecurity predictability and support regional trade integration.

## Regulatory Differences in Scientific Justification for Biosecurity Rules across the Indo-Pacific

Australia, New Zealand, Malaysia and Singapore utilise scientific advisory committees to ensure that biosecurity regulations are grounded in empirical data and comprehensive risk assessments. However, Australia and New Zealand and India's conservative interpretation of scientific evidence can at times result in overly restrictive measures.

In India, regulatory duplication persists, with certification requirements from the FSSAI often overlapping with attestations from the Department of Animal Husbandry, Dairying, and Fisheries. These redundancies, which are not always scientifically justified, increase costs and cause delays for exporters. This conservative regulatory approach contributes to excessive barriers, particularly for imports of fresh produce, meat products and items subject to pest control. Fiji and Samoa, by contrast, struggle with limited institutional capacity, which hampers their ability to develop and defend science-based biosecurity measures, resulting in inconsistent and discretionary enforcement. Strengthening scientific frameworks, improving coordination and building technical capacity would greatly enhance regulatory transparency and reduce trade-related bottlenecks.

## Plant, Animal and Fisheries Laws

Plant, animal and fisheries laws across the Indo-Pacific are designed to ensure the safe, sustainable and science-based regulation of biological resources in alignment with international standards. Plant laws focus on phytosanitary measures, pest control, quarantine protocols and seed certification to protect domestic agriculture and biodiversity, in line with the IPPC. Animal laws safeguard livestock health and welfare through veterinary controls, quarantine measures, disease surveillance and identification systems, adhering to the standards of the WOAH. Fisheries laws regulate the sustainable use of marine and freshwater resources by overseeing fishing rights, catch quotas, vessel licensing and conservation efforts, incorporating obligations under global instruments such as the United Nations Convention on the Law of the Sea. Together, these legal frameworks aim to support safe trade, protect ecosystems and promote resilient agri-food systems across the region.

Key regulatory dimensions for plant, animals and fisheries laws are as follows.

- Regulatory bodies and institutional capacity. Refers to the effectiveness, coordination and resource availability of national authorities responsible for enforcing plant, animal and fisheries laws.
- Risk assessment and disease surveillance. Involves scientific evaluation of pests and diseases to inform regulatory decisions and enable early detection and control of biosecurity threats.
- Harmonisation with international standards. The alignment of national laws and procedures with globally recognised frameworks such as IPPC, Codex and WOAH to ensure regulatory consistency.
- Welfare, wildlife and ethical treatment. Covers laws and enforcement related to humane animal treatment, wildlife protection and ethical management of animals in farming and trade.
- Trade restrictions and compliance gaps. Refers to burdensome or inconsistent import regulations, lack of transparency and gaps in enforcement that hinder smooth and fair trade.
- Sustainable resource management and illegal, unreported and unregulated (IUU) enforcement in fisheries. Involves regulatory systems aimed at preserving marine resources and combating IUU fishing.

Table 2.44 compares animal, plant and fisheries frameworks in selected Indo-Pacific countries.

Apparently, the analysis shows that core regulatory systems for animal health, welfare and biosecurity are well established across all selected countries, with strong alignment on risk assessment, quarantine controls and international standards. While frameworks are consistently present, smaller countries may face operational challenges in enforcement and resource management. Continued support and regional cooperation will be key to maintaining effective and sustainable implementation.

## Regulatory Bodies and Institutional Capacity

Effective regulatory bodies are the foundation of plant, animal and fisheries governance. These institutions are responsible for implementing biosecurity laws, monitoring compliance and coordinating across sectors to safeguard health, food systems and ecosystems.

Australia, New Zealand and Malaysia maintain strong, science-based institutions such as DAFF, MPI and (MAQIS, Department of Agriculture (DOA), DVS and Fisheries Department) while Singapore's NParks and SFA offer streamlined, internationally aligned systems.

India's Directorate of Plant Protection, Department of Animal Husbandry and Dairying (DAHD) and Marine Products Export Development Authority (MPEDA) face fragmented oversight, frequent policy changes and slow SPS updates, particularly in aquaculture.

Fiji and Samoa struggle with resource shortages, outdated systems, and manual enforcement across plant, livestock and fisheries domains, limiting their ability to meet international standards or respond to emerging risks.

**Table 2.44 Plant, Animal and Fisheries Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Regulatory bodies and institutional capacity</b>	DAFF	Ministry of Primary Industries	Multiple regulatory bodies	Multiple regulatory bodies	National Parks Board and SFA	BAF, Ministry of Fisheries	Samoa Quarantine Service, MAF
<b>Risk assessment and disease surveillance</b>	Advance pest risk assessment	Advance pest risk assessment	Advance risk assessment	Advance pest risk assessment	Advance pest risk assessment	Reactive measures	Reactive measures
<b>Harmonisation with international standards</b>	Moderately aligned	Aligned	Moderately aligned	Aligned	Aligned	Weakly aligned	Weakly aligned
<b>Welfare, wild-life and ethical treatment</b>	Strong oversight	Strong oversight	Weak oversight	Strong oversight	Strong oversight	Minimal oversight	Minimal oversight
<b>Trade restrictions and compliance gaps</b>	Strict laws and restrictions	Strict laws and restrictions	Moderate laws	Moderate laws	Moderate laws	Weak laws	Laws
<b>Sustainable resource management and IUU enforcement</b>	High compliance with conservation measures	High compliance with conservation measures	Weak management	High compliance with conservation measures	High compliance with conservation measures	Weak management	Weak management

All jurisdictions have established regulatory bodies responsible for animal health, biosecurity and resource governance. While mandates are clearly defined, variations in institutional capacity, interagency coordination and technical expertise can influence the effectiveness of policy implementation and enforcement.

### Risk Assessment and Disease Surveillance

Scientific risk assessment and proactive disease surveillance are essential for identifying threats before they cause harm. These tools guide evidence-based regulation, enabling balanced protection of health, agriculture and trade interests.

Australia, New Zealand, Singapore, Malaysia and India employ advanced pest and disease risk assessment models across plant, livestock and aquaculture sectors. However, excessive caution in Australia and New Zealand often delays approvals for plant and animal imports.

India's zero-tolerance approach to pests and diseases lacks flexibility, while Malaysia occasionally applies inconsistent risk-based enforcement.

Fiji and Samoa rely on reactive rather than preventative assessments due to weak institutional capacity, undermining early detection and disease management. Gaps in disease surveillance – especially for livestock (e.g. brucellosis) and aquaculture (e.g. shrimp viruses) – remain prevalent in these smaller economies.

Surveillance and risk assessment mechanisms are generally operational, enabling early detection and response to transboundary animal diseases. However, disparities in diagnostic infrastructure, data collection systems and intergovernmental coordination may constrain responsiveness in certain regions.

### Harmonisation with International Standards

Aligning national regulations with international standards such as the IPPC, Codex and WOAH promotes consistency, enhances transparency and facilitates smoother trade while maintaining health protections.

Australia and India often exceed international standards, introducing additional testing, fumigation, and pest-free declarations that burden exporters. Sudden rule changes and non-transparent SPS requirements – particularly in India and Malaysia – create trade unpredictability.

Singapore, Malaysia and New Zealand shows consistent alignment with global frameworks including the IPPC, Codex Alimentarius and WOAH.

Fiji and Samoa, while part of regional organisations such as the Pacific Plant Protection Organization and the Pacific Community (SPC), still lag in full compliance due to institutional capacity constraints and incomplete accession to organisations such as WOAH.

Most countries strive to align their regulatory frameworks with international standards, including those of the OIE and WTO SPS Agreement. In practice, the degree of harmonisation varies depending on institutional maturity and the ability to transpose and enforce global norms domestically.

### Welfare, Wildlife and Ethical Treatment

Animal welfare and wildlife protection laws uphold ethical treatment, safeguard biodiversity and support sustainable livelihoods. They are also vital for meeting global trade expectations around humane and responsible practices.

Australia, New Zealand, Malaysia and Singapore enforce comprehensive animal welfare and wildlife protection laws, including anti-cruelty measures and adherence to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). However, concerns persist over welfare issues in Australia's live animal export industry.

India faces weak enforcement in animal markets and ongoing wildlife trafficking challenges.

Fiji and Samoa have minimal oversight and enforcement capacity in traditional animal handling practices and wildlife regulation, leaving them vulnerable to biodiversity threats and inhumane practices.

Animal welfare and wildlife protection regulations are recognised across jurisdictions, with legal provisions addressing humane treatment, habitat conservation and ethical practices. Nonetheless, enforcement remains uneven, particularly where monitoring systems and stakeholder awareness are underdeveloped.

### Trade Restrictions and Compliance Gaps

Regulatory complexity, sudden import bans and inconsistent enforcement create compliance challenges and trade unpredictability. Addressing these gaps is key to building trust and reducing unnecessary trade costs.

Australia, New Zealand and India often involve extensive pre-clearance protocols, pest/disease risk assessments and layered inspection regimes. These procedures increase trade costs and can limit access for exporters from smaller or tropical economies. Transparency and WTO notification remain inconsistent in India and Malaysia, creating uncertainty for trading partners.

Singapore enforces strict sanitary and phytosanitary (SPS) regulations through the SFA, requiring licences and permits for the import of animals, plants and related products. These regulations align with international standards (Codex, OIE, IPPC) and are managed via digital platforms such as TradeNet to ensure safety, compliance and trade facilitation.

Fiji and Samoa, while less restrictive, struggle with enforcement and lack clear, science-based import policies. Across the region, the absence of centralised digital platforms and redress mechanisms adds to the compliance burden, especially for small exporters.

While trade-related sanitary measures are generally risk-based and justified, compliance gaps persist due to inconsistent enforcement or procedural delays. In some jurisdictions, lack of technical capacity or transparency in regulatory decisions can contribute to unintentional trade barriers.

### **Sustainable Resource Management and IUU Enforcement in Fisheries**

Sustainable fisheries management and enforcement against IUU fishing are vital for marine conservation, food security and long-term economic viability of fishing communities.

Australia, New Zealand, Malaysia and Singapore implement robust frameworks for sustainable fishing, including quotas, marine-protected areas (MPAs) and ecosystem-based management. However, their stringent systems can marginalise small-scale or indigenous fishers who struggle with quota access and regulatory compliance.

India face overfishing concerns due to rapid fisheries industrialisation and weak enforcement of recovery plans.

Fiji and Samoa rely on fisheries for economic development but lack effective marine resource management, leading to reef degradation and declining tuna stocks. Regional cooperation, technological investment in vessel tracking and inclusive policy frameworks that support small-scale fishers can reinforce sustainability goals, protect shared marine resources and ensure compliance with global fisheries obligations.

Sustainable resource management frameworks, including controls on IUU fishing, are formally in place across most jurisdictions. Effectiveness, however, depends on surveillance technology, regional cooperation and the robustness of penalties – areas that remain challenging for some small or developing economies.

### **Tax Regulations**

Tax regulations play a vital role in supporting international trade by ensuring legal certainty, avoiding double taxation, and enhancing investor confidence. When aligned with global norms and supported by robust treaty frameworks, they reduce compliance risks and promote smoother cross-border transactions. Key principles are as follows.

- Double taxation treaties (DTTs). Prevent income from being taxed twice across jurisdictions, promoting cross-border trade and investment.
- Base Erosion and Profit Shifting (BEPS) compliance. Aligns national tax rules with OECD standards to combat profit shifting and tax avoidance by multinational corporations.
- Withholding tax (WHT) mechanisms. Ensures source country taxation on outbound payments (e.g. dividends, interest, royalties) to non-residents, often reduced via treaties.
- VAT/GST in trade. Applies consumption taxes uniformly across goods and services to streamline trade and reduce cascading tax effects.
- Tax incentives. Offers reduced tax rates, exemptions or holidays in designated zones to attract investment and promote sectoral development.
- Harmonisation of tax policies (EU/global). Aligns national tax laws with global standards to ensure coherence, reduce harmful tax competition and enhance transparency.
- Mutual Agreement Procedures (MAPs). Provide a formal mechanism to resolve cross-border tax disputes under tax treaties, reducing the risk of double taxation.
- Exchange of Information on Request (EOIR). Facilitates cross-border tax enforcement by enabling jurisdictions to share taxpayer information upon request.

**Table 2.45 Taxation Regulatory Dimensions in Selected Indo-Pacific Countries.**

Tax dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>DTTs</b>	With >80 countries	With >80 countries	With >80 countries	With >80 countries	88	With >80 countries	Only with New Zealand
<b>BEPS compliance</b>	Active participant	Not compliant	Not compliant				
<b>WHT mechanisms</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>VAT/GST in trade (%)</b>	10	15	18	10/8	7	15	15
<b>Tax incentives</b>	Comprehensive tax benefits	Modest tax incentives	Minimal tax benefits				
<b>Harmonisation of tax policies (EU/global)</b>	Harmonised policies	Limited harmonised policies	Limited harmonised policies				
<b>MAPs</b>	MAPs in place	No MAPs	No MAPs				
<b>EOIR</b>	Facilitates EOIR	Yet to Implement	Willing to Engage				

Table 2.45 compares tax regulation frameworks in selected Indo-Pacific countries.

### Regulatory Differences in Tax Dimensions

#### DTTs

Australia, New Zealand, India, Malaysia and Singapore have developed robust networks of Double Taxation Avoidance Agreements, often covering more than 80 countries. These treaties play a critical role in preventing double taxation, reducing withholding taxes and enhancing tax certainty for businesses and individuals engaged in cross-border transactions. Singapore maintains one of the most extensive networks, comprising 88 comprehensive Double Taxation Agreements (DTAs). These countries exhibit mature treaty-making practices, frequently renegotiating older agreements to align with evolving international tax standards, including OECD norms.

In contrast, Fiji and Samoa demonstrate significant gaps in treaty coverage. Fiji has signed DTAs with countries such as Australia, India, New Zealand, Malaysia and Singapore, Japan some other countries. However, its network remains limited in scope. Samoa, meanwhile, has virtually no DTTs in force, aside from its agreement with New Zealand, leaving it largely excluded from the global tax treaty framework. This lack of treaty coverage reduces tax predictability and increases the risk of double taxation, deterring FDI and cross-border business activity.

Expanding DTA networks – especially with key Indo-Pacific partners – would greatly benefit Fiji and Samoa, strengthening tax certainty, improving competitiveness and fostering greater economic integration into the regional and global economy.

## **BEPS Compliance**

Australia, New Zealand, India, Malaysia and Singapore are active participants in the OECD/G20 Inclusive Framework on BEPS, committing to implement the four minimum standards: addressing harmful tax practices, country-by-country reporting, preventing treaty abuse and enhancing dispute resolution mechanisms. Some jurisdictions, such as India and Singapore, have gone further by adopting additional BEPS measures, including rules on interest deductibility and digital economy taxation. Australia ratified the Multilateral Instrument (MLI) to implement BEPS treaty-related measures in 2018, with entry into force in 2019, and continues to show leadership in international tax reform.

While Australia, Singapore and India possess strong enforcement and administrative capacities – enabling them to monitor cross-border transactions and engage in peer reviews – implementation depth varies across countries. In contrast, Fiji and Samoa are not members of the OECD Inclusive Framework and face institutional limitations in enforcing complex BEPS actions, particularly those requiring data-driven risk assessment and interagency coordination.

For Fiji and Samoa, technical assistance, capacity building and phased implementation will be crucial to translate formal commitments into effective enforcement, ensuring alignment with global tax governance norms and minimising risks of base erosion in developing economies.

## **WHT Mechanisms**

WHT on payments such as dividends, interest and royalties to non-residents is a standard element of international tax policy and is applied across all seven countries. Australia, New Zealand, India and Singapore operate well-defined WHT systems with clearly prescribed rates, often reduced through DTTs, providing predictability and relief from double taxation. Malaysia also applies WHT on interest and royalties but exempts dividends under its single-tier corporate tax regime, a treatment similarly adopted by Singapore.

In contrast, Fiji and Samoa face greater implementation challenges. While both apply WHT, their systems often lack comprehensive documentation, clear administrative guidance and effective treaty networks to mitigate double taxation. Samoa imposes WHT on the gross amount of various payments, including interest, royalties, management and professional fees, insurance premiums and natural resource payments to non-residents. Fiji, although it has a legal WHT framework, often experiences inconsistent enforcement, leading to compliance uncertainties for businesses.

To strengthen tax administration and reduce the risk of base erosion, Fiji and Samoa would benefit from clearer WHT rules, improved institutional capacity and the negotiation of bilateral tax agreements. Such reforms would enhance source country revenue collection while ensuring a more business-friendly and transparent tax environment.

## **VAT/GST in Trade**

A well-functioning VAT or GST system is essential for trade facilitation and domestic revenue mobilisation. Australia (10 per cent), New Zealand (15 per cent), India (18 per cent) and Singapore (7 per cent) operate mature, broad-based and technology-enabled indirect tax systems aligned with international best practices. These systems enhance supply chain transparency and support cross-border trade by allowing input tax credits and integrating VAT/GST processes with customs procedures.

Malaysia, by contrast, applies a dual-tax system comprising a Sales Tax (10 per cent) and Service Tax (8 per cent), which lacks the seamless credit mechanism of a VAT model and may complicate export-related tax refunds. Samoa and Fiji both levy a flat 15 per cent VAT, though challenges remain in terms of digitised invoicing, enforcement and efficient credit reconciliation.

India, while operating a unified GST system, has some of the highest rates globally, with 18 per cent on most goods and 28 per cent on selected items, which can affect price competitiveness. Meanwhile, Samoa does not levy export taxes, supporting outbound trade. However, compliance and infrastructure limitations, particularly in Fiji and Samoa, may undermine export efficiency and pose barriers for foreign investors.

To improve trade outcomes and investor confidence, countries such as Fiji, Samoa and Malaysia would benefit from digital VAT administration, enhanced compliance systems and alignment with the credit-offset models used in advanced VAT/GST regimes.

### **Tax Incentives**

Australia offers grants, financing and tax incentives primarily focused on critical minerals development, as part of its broader Critical Minerals Strategy. New Zealand supports innovation through the R&D Tax Incentive, offering a 15 per cent tax credit on eligible R&D costs, including refunds for loss-making firms. Over NZD1 billion is earmarked for R&D support over four years. Australia offers grants, financing and tax incentives primarily focused on critical minerals development, as part of its broader Critical Minerals Strategy.

India offers generous tax incentives in Special Economic Zones (SEZs) and Export-Oriented Units (EOUs), including a 100 per cent tax exemption on export profits for the first five years, followed by 50 per cent for the next five years and an additional 50 per cent for reinvested export profits for another five years. Infrastructure investments in National Investment and Manufacturing Zones (NIMZs) made up to 31 March 2017 also received 100 per cent profit exemptions for 10 out of 15 years of operation. Malaysia provides sector-specific tax incentives for electric vehicles, high-tech industries, strategic projects, SMEs and the maritime sector. Income from vessels under the Traditional Ship Registry and crew wages are tax-exempt.

Singapore offers a comprehensive suite of tax incentives for R&D, manufacturing, finance, the green economy and headquarters operations, including the Pioneer Certificate Incentive and Development and Expansion Incentive, which reduce corporate tax rates significantly for eligible investments. The Investment Allowance Scheme provides further support for capital-intensive projects.

Fiji provides wide-ranging tax incentives across agriculture, renewable energy and fisheries. These include income tax exemptions (5–20 years) based on capital investment, 90 per cent export income deductions (until 2024) and duty-free importation of agricultural and renewable energy equipment. New businesses in biofuels and renewable energy projects also enjoy tax holidays and duty concessions.

Samoa provides limited tax incentives, primarily aimed at tourism and small-scale agriculture, such as duty concessions and limited tax holidays. Samoa offers generous tax holidays (5–10 years) and sector-specific exemptions, which are attractive on paper but may lack performance monitoring or safeguards against misuse. The scope and administrative support for such incentives remain underdeveloped compared to other countries in the region.

### **Harmonisation of Tax Policies (EU/Global)**

Australia, New Zealand, India, Malaysia and Singapore have aligned their tax policies with international standards set by the OECD and the EU, including commitments under the BEPS project, transparency obligations and fair tax practices. These jurisdictions participate in forums such as the Global Forum on Transparency and Exchange of Information for Tax Purposes and conform to EU codes of conduct regarding preferential tax regimes. Their alignment enhances credibility and reduces the risk of reputational or economic sanctions.

Fiji and Samoa are not members of the OECD Inclusive Framework on BEPS and have not fully harmonised their tax policies with OECD standards. Fiji's and Samoa's limited alignment with international norms also poses reputational and compliance risks. To improve credibility and ensure sustainable tax governance, both would benefit from joining the OECD framework, aligning incentives with BEPS standards, and strengthening monitoring and administration.

### **MAPs**

Australia, New Zealand, India, Malaysia and Singapore have established fully functional MAP mechanisms, allowing for the resolution of cross-border tax disputes in accordance with Article 25 of most DTTs. These procedures help mitigate the risk of double taxation and ensure legal certainty, especially in complex transfer pricing or residency cases. These countries also participate in OECD MAP peer reviews, which assess the effectiveness and timeliness of dispute resolution.

Fiji and Samoa, however, do not currently have operational MAP frameworks, reflecting a significant procedural gap. This limits their ability to resolve tax disputes amicably and may dissuade multinational companies from locating regional hubs in these jurisdictions. Without MAP access, foreign investors face higher tax uncertainty, especially where domestic appeal systems are limited or lack transparency. Enabling MAP through updated tax treaties or joining multilateral conventions such as the MLI would be vital steps towards international best practices.

#### EOIR

EOIR is a foundational pillar of international tax transparency, allowing tax authorities to access financial data for compliance and enforcement. Australia, New Zealand, India, Malaysia and Singapore actively participate in EOIR under the OECD Global Forum and have undergone successful peer reviews. These countries also implement Common Reporting Standard protocols and Automatic Exchange of Information where applicable.

Fiji has yet to implement EOIR, creating a significant transparency gap. This may subject it to scrutiny by global tax regulators and reduce its appeal for legitimate investors seeking clarity and protection. Samoa also complies with EOIR, signalling a willingness to engage in international cooperation, even if other administrative mechanisms are underdeveloped. In contrast, for Fiji and Samoa, prioritising tax transparency – through legal reform, international engagement and technical capacity building – will be crucial to restoring international trust and avoiding blacklisting risks.

#### Trade Facilitation

Trade facilitation refers to the simplification, standardisation and harmonisation of procedures and information flows required to move goods from seller to buyer and to make payments. It aims to streamline customs and border procedures, reducing time and costs associated with international trade. By removing obstacles and 'red tape', trade facilitation enhances efficiency, transparency and accessibility in cross-border transactions.

For ensuring efficient trade facilitation, regulatory frameworks incorporate the following key principles.

- Expedited release and clearance of goods. Implements streamlined customs procedures, reducing clearance delays through digital documentation and risk-based inspections.
- Risk management in customs. Introduces data-driven customs control mechanisms to distinguish between high-risk and low-risk shipments, optimising security and efficiency.
- Border agency cooperation (BAC). Strengthens coordination between government agencies at border checkpoints to enhance processing speed and streamline import/export regulations.
- Use of technology and paperless trade. Expands the use of electronic trade platforms and e-customs systems to improve trade efficiency and eliminate paperwork-related delays.
- Bilateral investments and FTZs. Tools that promote cross-border trade and investment by protecting investor rights and offering preferential conditions such as tax incentive and reduced tariff's within designated areas.

The implementation of the WTO TFA across Indo-Pacific countries reflects differing levels of institutional capacity and trade readiness. India, Malaysia, New Zealand, Australia and Singapore have all achieved 100 per cent implementation of their TFA commitments, demonstrating strong institutional frameworks, commitment to trade facilitation and alignment with global best practices. Their full implementation underscores not only regulatory maturity but also a strategic focus on reducing trade costs and improving border efficiency. Fiji, with 98 per cent implementation, has made substantial progress despite being a smaller economy, reflecting its efforts to modernise customs and streamline procedures. In contrast, Samoa has implemented 67 per cent of its TFA measures, highlighting existing capacity constraints and the need for continued technical assistance and investment in trade-related infrastructure. This variation in TFA implementation illustrates broader disparities in regulatory capabilities and underscores the importance of tailored support to ensure inclusive participation in global trade reforms.

**Table 2.46 Trade Facilitation Regulatory Dimensions in Selected Indo-Pacific Countries.**

Trade facilitation principle	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Expedited release and clearance of goods</b>	Effective	Effective	Moderate	Effective	Effective	Weak	Weak
<b>Risk management in customs</b>	Advance risk management	Advance risk management	Moderate <sup>296</sup>	Advance risk management	Advance risk management	ASY-CUDA World	ASY-CUDA World
<b>BAC</b>	ICS	TSW,	SWIFT and ICEGATE	Effective BAC	The Immigration and Checkpoints Authority (ICA) –	Weak BAC	Weak BAC
<b>Use of technology and paperless trade</b>	Significant advancement	Significant advancement	Moderate	Moderate	Significant advancement	Very limited	Very limited

Table 2.46 compares the TFA framework in the selected Indo-Pacific countries.

### Regulatory Differences in Trade Facilitation across Seven Indo-Pacific Countries

#### **Expedited Release and Clearance of Goods**

Efficient customs clearance is essential for reducing trade delays and enhancing supply chain reliability. Australia, New Zealand, Malaysia and Singapore have implemented fully automated customs systems, risk-based inspections and electronic documentation, enabling the majority of shipments to be cleared within hours. These streamlined processes support faster border processing and greater predictability for traders.

In contrast, India continues to face challenges due to reliance on manual documentation in some areas, inefficient interagency coordination and slow clearance procedures, often resulting in delays. While India has introduced modernisation measures, inconsistent implementation across ports remains a barrier to efficiency.

Customs clearance inefficiencies are even more acute in Fiji and Samoa, where manual inspection processes, outdated infrastructure and limited staffing contribute to clearance delays. These conditions significantly increase trade costs and reduce competitiveness.

The need for reform is further highlighted by the World Bank's 2023 Logistics Performance Index customs scores: Singapore (4.2), Australia (3.7), New Zealand (3.4), Malaysia (3.3), India (3.0) and Fiji (2.3). The lower scores of India and Fiji underscore the urgency of investing in customs automation, digital pre-clearance systems and logistics modernisation to improve trade facilitation and support seamless cross-border commerce.

#### **Risk Management in Customs**

A well-implemented RMS enables customs agencies to prioritise high-risk shipments while expediting low-risk goods, thereby improving efficiency and reducing clearance times. Australia, New Zealand, Malaysia and Singapore have adopted advanced risk assessment models and electronic profiling tools, which have reduced unnecessary inspections significantly enhancing trade facilitation.

<sup>296</sup> <https://www.wto-ilibrary.org/content/countries> – Trade Policy Reviews Section (Trade Facilitation).

India has RMSs in place; however, bureaucratic inefficiencies and inconsistent implementation result in randomised inspections and unpredictable clearance timelines. For instance, importers of industrial machinery in India frequently face delays due to varying risk assessment practices across different ports.

Both Fiji and Samoa use the ASYCUDA World system, which supports risk-based customs clearance and digital processing, but customs officials still manually inspect shipments, leading to longer processing times and elevated trade costs.

The absence of automated risk assessment tools in Fiji and Samoa not only prolongs clearance processes but also increases vulnerability to illicit trade and undervaluation, undermining revenue collection and delaying legitimate cargo. Investing in advanced customs analytics, enhanced interagency coordination and capacity building for customs personnel would greatly improve operational efficiency and minimise trade bottlenecks in these economies.

## **BAC**

BAC is a critical component of efficient trade facilitation, ensuring coordinated inspections, streamlined documentation and reduced clearance times. Australia, New Zealand, Malaysia and Singapore exhibit strong and well-integrated BAC frameworks. Australia's ICS enables data sharing and coordinated risk management among customs, biosecurity and other regulatory agencies. New Zealand's Customs Service works seamlessly with the MPI and port authorities through its TSW, enabling joint inspections and efficient processing. Singapore sets a global benchmark through its Networked Trade Platform (NTP), integrating over 30 public and private sector agencies – including Singapore Customs and the ICA – to support end-to-end trade processing and minimise duplication.

In contrast, India has coordinated systems, but cooperation among different institutions remains weak. India has introduced platforms such as SWIFT and ICEGATE to facilitate interaction among Customs, the FSSAI, the DGFT and other agencies. However, coordination varies across ports, and institutional silos persist, often resulting in delayed or inconsistent risk assessments and clearance procedures.

Fiji and Samoa face more pronounced challenges. While Fiji is progressing towards single-window implementation, border agencies such as the Biosecurity Authority, Customs and the Ministry of Health still operate in silos, limiting the efficiency of clearance processes. Samoa, lacking a single-window system, does not yet have structured BAC. Agencies conduct independent checks, leading to duplicative inspections and clearance delays. Samoa has identified interagency coordination as a future commitment under its WTO TFA obligations, with reforms scheduled for implementation by 2025.

Overall, while Australia, New Zealand and Singapore exemplify best practices in border agency coordination, countries such as India, Malaysia, Fiji and Samoa continue to face gaps that undermine trade efficiency and predictability. Bridging these gaps through enhanced digital integration, coordinated risk management and stronger institutional cooperation would substantially improve trade facilitation across the region.

## **Use of Technology and Paperless Trade**

Digital customs processing plays a critical role in reducing paperwork, accelerating clearance procedures and enhancing transparency in cross-border trade. Australia, New Zealand, Malaysia and Singapore have made significant advancements by implementing electronic trade platforms, advanced customs portals and digital documentation systems, resulting in a reduction in administrative delays. Both Australia and New Zealand facilitate fully electronic import and export processes, enabling faster, more predictable trade flows.

While India and Malaysia have introduced digital customs initiatives, they still rely on paper-based documentation in some sectors. This continued dependence on physical paperwork hampers efficiency and prolongs processing times. Although Malaysian customs have been automated since 2007, and import declarations are processed electronically via the eDeclare system, there is no provision for uploading supporting documents (e.g. invoices, bills of lading) with the import/export declarations, limiting the full benefits of digitalisation.

In Fiji and Samoa, e-customs infrastructure remains minimal or non-existent, requiring traders to submit physical documents for clearance. This leads to longer processing times, higher administrative costs and greater exposure to procedural delays.

Expanding the use of electronic trade verification, digital invoicing and integrated customs management systems across all countries – particularly in Fiji and Samoa – would be crucial for reducing inefficiencies, improving transparency, and minimising trade delays.

### **Bilateral Investments and FTZs**

In terms of investment and FTZs, there is notable variation across the seven countries. Australia does not operate any FTZs or Free Ports, but maintains BITs with a range of countries. The absence of FTZs may limit Australia's competitiveness in attracting export-oriented manufacturing and logistics operations compared to jurisdictions with dedicated trade zones. New Zealand, through MFAT, is party to over a dozen bilateral and multilateral FTAs, with several others concluded but not yet in force. However, New Zealand lacks designated FTZs or Export Processing Zones (EPZs), which may reduce its attractiveness to export-driven manufacturers seeking zone-based tax or regulatory advantages.

India has established a broad range of export-focused trade zones, including SEZs, EPZs, Software Technology Parks and EOUs. These zones offer significant incentives such as duty-free imports, tax holidays and exemptions from excise and sales taxes, supporting India's strategy to boost export competitiveness and industrial development. However, India's frequent regulatory changes and complex compliance environment can still deter potential investors, despite these incentives.

Malaysia and Singapore stand out, with 66 and 44 BITs in force respectively, offering comprehensive protection for investors against non-commercial risks such as expropriation. Their robust investment treaty networks and pro-business regulatory environments have made them preferred regional hubs for trade and investment.

Fiji has not concluded any BITs but has signed Treaties with Investment Provisions with the EU and Australia, as well as a Trade and Investment Framework Agreement with the US in 2020. While these instruments are positive, the absence of comprehensive BITs and FTZs may limit investor confidence and reduce long-term capital inflows, especially in sectors requiring regulatory certainty and investment protection.

Samoa similarly lacks any FTZs, duty-free zones or areas with special tax treatment, and is not a party to any BITs. This lack of investment frameworks and trade zone incentives restricts Samoa's ability to attract FDI and integrate into global value chains, particularly in manufacturing and services.

Overall, the key gaps – such as the absence of FTZs in Australia, New Zealand, Samoa and Fiji, and the lack of BITs in Samoa and Fiji – can hinder trade by reducing investment attractiveness, slowing industrial development and limiting the ability to integrate efficiently into regional and global supply chains. Addressing these gaps through targeted reforms and trade zone development could significantly enhance trade competitiveness and investor confidence across these countries.

### **Consumer Protection**

Consumer protection laws are designed to safeguard individuals from unfair, deceptive or fraudulent practices by businesses. Their primary purpose is to ensure that consumers can make informed choices, receive fair treatment and seek redress when harmed. These laws promote transparency, accountability and fairness in the marketplace, fostering trust and confidence among consumers. By holding businesses accountable, consumer protection laws contribute to a more equitable and efficient economy.

For ensuring fair, transparent and rights-based consumer protection, regulatory frameworks incorporate the following key principles.

- Fair trading and consumer rights. Ensures equal rights and transparency in consumer transactions, preventing unfair practices and exploitation.
- Advertising and misleading claims regulations. Prevents false advertising, deceptive marketing and unverified product claims, ensuring truthful business practices.
- Existence of a regulatory/enforcement authority. Establishes consumer protection agencies to enforce laws, handle disputes and penalise violations.
- Integration with international consumer protection agencies. Aligns national laws with global consumer protection standards for cross-border enforcement and cooperation.

**Table 2.47 Consumer Protection Regulatory Dimensions in Selected Indo-Pacific Countries.**

Principles	India	Australia	New Zealand	Malaysia	Fiji	Samoa	Singapore
<b>Fair trading and consumer rights</b>	Moderately established framework	Well-established framework	Well-established framework	Well-established framework	Lacks enforcement	Lacks enforcement	Well-established framework
<b>Advertising and misleading claims regulations</b>	Moderate enforcement	Actively enforce compliance	Actively enforce compliance	Actively enforce compliance	Weak enforcement	Weak enforcement	Actively enforce compliance
<b>Existence of a regulatory/enforcement authority</b>	Central Consumer Protection Authority	ACCC	MBIE	Ministry of Domestic Trade and Cost of Living	Fijian Competition and Consumer Commission (FCCC)	MCIL – Fair Trading and Consumer Division	CCCS
<b>Integration with international consumer protection agencies</b>	Partners of ICPEN	Members of ICPEN	Members of ICPEN	Members of ICPEN	Partners of ICPEN	Not part of ICPEN	Members of ICPEN

Table 2.47 compares consumer protection frameworks in selected Indo-Pacific countries.

### Regulatory Differences in Consumer Protection

#### Fair Trading and Consumer Rights

Effective consumer protection frameworks establish clear standards for business conduct, prohibiting unfair practices and ensuring that consumers are treated equitably. These laws empower consumers to make informed decisions, seek redress when necessary and contribute to a marketplace characterised by ethical business practices.

Australia, New Zealand, Malaysia and Singapore has a well-established consumer protection framework and robust trading laws that ensures e-commerce consumers rights.

In India, while the Consumer Protection Act 2019 ensures consumer rights, the dispute resolution mechanism remains slow and inefficient, particularly in rural areas where enforcement is weak. Many consumers are unaware of their rights, making them vulnerable to unfair trade practices. The rise of international online marketplaces has created regulatory differences, as laws designed for traditional commerce do not fully cover digital transactions and cross-border consumer disputes.

In Fiji and Samoa, fair-trading laws exist but lack strict enforcement due to limited regulatory capacity. Consumers in these nations often face difficulties seeking redress for unfair trade practices, and consumer education programmes are limited.

To ensure a fair marketplace, it is essential to establish clear standards that prohibit unfair business practices, promote transparency and uphold consumer rights.

## **Advertising and Misleading Claims Regulations**

False or misleading advertising can deceive consumers and undermine trust in the marketplace. Regulatory bodies enforce laws that require advertisements to be truthful and substantiated.

In Australia, Singapore, Malaysia and New Zealand, regulators actively prosecute businesses engaging in misleading digital marketing and advertisements and impose strict fines if they found any company engaged in such activities.

In India, the Consumer Protection Act 2019, includes provisions to prohibit false claims and deceptive advertising, but enforcement is inconsistent, and misleading ads in healthcare, real estate and financial services remain common.

Fiji and Samoa have limited enforcement capabilities, making it difficult to regulate false advertising, particularly in online and informal markets. Strengthening AI-driven ad-monitoring tools and cross-border regulatory cooperation will be necessary to improve enforcement of advertising standards across the region.

Regulating advertising practices is vital to prevent deceptive marketing that can mislead consumers and undermine trust in the marketplace. Enforcing laws that require advertisements to be truthful and substantiated ensures that consumers receive accurate information, enabling them to make informed choices.

## **Existence of a Regulatory/Enforcement Authority**

Effective consumer protection requires dedicated regulatory bodies with the authority to enforce laws and address violations. These agencies are tasked with investigating complaints, taking enforcement actions against non-compliant businesses and ensuring that consumer rights are upheld.

India, Australia, New Zealand, Malaysia and Singapore have active consumer protection commissions that has strict laws and regulations. India lacks the ability to enforce and ensure consumer protection rights, which is a big challenge in a huge economy.

Fiji and Samoa have consumer protection bodies, but enforcement is weak due to a lack of resources and funding. Many consumers in these nations do not report violations due to illiteracy, lack of awareness or fear of business retaliation. Strengthening regulatory capacity, training enforcement officers and increasing public awareness will be essential to improving consumer protection across the region.

Effective consumer protection requires dedicated regulatory bodies with the authority to enforce laws and address violations. These agencies are tasked with investigating complaints, taking enforcement actions against non-compliant businesses and ensuring that consumer rights are upheld. Their presence and active involvement are vital for maintaining a fair and trustworthy marketplace.

## **Integration with International Consumer Protection Agreements**

Consumer protection is a global concern, and international cooperation is essential to address cross-border issues. Networks such as the International Consumer Protection and Enforcement Network facilitate collaboration among national authorities to tackle deceptive practices and protect consumers worldwide.

Australia, New Zealand, Malaysia and Singapore are members while India and Fiji are partners of ICPEN (a membership organisation consisting of consumer protection law enforcement authorities from across the globe).

Samoa is not part of ICPEN and lacks integration in international forums of consumer protection agencies.

A lack of harmonised consumer protection policies results in weaker cross-border enforcement and regulatory inconsistencies, making it difficult to tackle international fraud and unfair trade practices.

Strengthening international collaboration, participating in more consumer protection pacts and aligning national regulations with global standards can help close these gaps and promote a more consumer-friendly Indo-Pacific market.

Given the global nature of commerce, international cooperation is essential to address cross-border consumer protection issues. Collaborating with international agencies facilitates the sharing of information, harmonisation of standards and coordinated enforcement actions. Such integration enhances the effectiveness of consumer protection efforts and helps create a more consistent and reliable marketplace worldwide.

### 2.5.3 Differences in Digital Trade Frameworks

Studying the differences on regulations among the selected Indo-Pacific countries in digital trade involves analysis of their frameworks, in aspects such as e-commerce, cross-border data transfers, IPR, digital payments and digital trade facilitation measures, and is undertaken using a dimensional approach. The aspect's relevant laws and policies are studied, the acts that have been discussed in the country-specific analysis, based on their provisions and how they collectively shape the digital trade environment in each country.

#### E-Commerce

E-commerce has rapidly reshaped the selected Indo-Pacific countries' trade landscape, driving economic growth, cross-border transactions and consumer accessibility through digital platforms. While countries such as Australia, New Zealand and India have established comprehensive e-commerce regulations covering consumer protection, cybersecurity and fair competition, others such as Fiji and Samoa face challenges due to underdeveloped legal frameworks and enforcement gaps. To promote inclusive and secure digital trade, the selected Indo-Pacific countries must strive for regulatory coherence by standardising cross-border e-commerce rules, digital payment safeguards and data privacy laws. Strengthening regional collaboration through frameworks such as the WTO e-commerce initiative, ASEAN digital agreements and mutual recognition of online standards will be crucial to building trust, reducing digital trade barriers and enhancing global competitiveness.

To establish a secure and efficient e-commerce ecosystem, regulatory frameworks typically address the following key aspects.

- E-commerce registration, licensing and recognition. Ensures that online businesses and digital marketplaces operate within a structured legal framework, fostering compliance and accountability.
- Digital contracts and electronic transactions. Grants legal recognition to electronic agreements, digital signatures and online transactions, enabling efficient and enforceable digital commerce.
- Existence of regulatory/enforcement authority. Establishes dedicated regulatory bodies to oversee e-commerce activities, enforce consumer protection laws and address disputes.
- Cybersecurity and data protection for e-commerce. Implements security measures, encryption protocols and data governance policies to protect digital transactions and consumer information.
- Fair competition and marketplace regulation. Ensures that online marketplaces adhere to fair competition policies, preventing monopolistic practices and promoting a level playing field for businesses.
- E-commerce logistics and last-mile delivery regulations. Regulates supply chain logistics and last-mile delivery services to enhance efficiency, reduce delays and ensure compliance with trade regulations.
- Regulation of online marketplaces and platform liability. Defines the responsibilities of e-commerce platforms in cases of fraudulent transactions, counterfeit goods and consumer disputes, ensuring transparency and accountability.

Table 2.48 provides a comparative analysis of e-commerce regulations across selected Indo-Pacific countries. It highlights how different jurisdictions address key regulatory parameters, showcasing areas of alignment, gaps and regulatory disparities. Understanding these differences is crucial for businesses, policymakers and digital trade stakeholders as they work towards harmonised regulatory frameworks that promote cross-border e-commerce, digital consumer protection, and regional economic integration.

**Table 2.48 E-Commerce Regulatory Dimension in Selected Indo-Pacific Countries.**

E-commerce regulatory dimensions	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>E-commerce registration, licensing and recognition</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Digital contracts and electronic transactions</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Existence of regulatory/enforcement authority</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Cybersecurity and data protection for e-commerce</b>	Yes	Yes	Yes	Yes	No	No	No
<b>Fair competition and marketplace regulation</b>	Yes	Yes	Yes	No	Yes	Yes	No
<b>E-commerce logistics and last-mile delivery regulations</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Regulation of online marketplaces and platform liability</b>	Yes	Yes	Yes	No	No	No	No

## Regulatory Differences in E-Commerce Regulatory Dimensions

### **E-Commerce Registration, Licensing and Recognition**

A structured e-commerce registration and licensing framework is essential for businesses to operate legally and gain consumer trust. Advanced economies such as Australia, New Zealand, Malaysia, India and Singapore have well-defined systems that provide legal recognition to digital businesses, ensuring compliance with tax laws, consumer protections and trade policies. However, Fiji and Samoa lack dedicated e-commerce registration frameworks, creating uncertainty for digital businesses. Without proper registration systems, companies struggle to establish credibility, attract investment and expand operations, particularly in cross-border trade.

Inconsistent registration and licensing policies across jurisdictions create market entry barriers, particularly for businesses looking to expand regionally. While India and Australia have clear FDI policies for e-commerce, weaker regulatory structures in Fiji and Samoa limit guidance on taxation, compliance and dispute resolution. Harmonising e-commerce registration policies across the selected Indo-Pacific countries can reduce compliance burdens, increase investor confidence and enhance digital trade growth in emerging markets.

### **Digital Contracts and Electronic Transactions**

Legal recognition of digital contracts and electronic transactions is fundamental to a seamless online marketplace. Australia, New Zealand, Malaysia, India and Singapore have strong legal frameworks recognising e-signatures, electronic contracts and digital records. These laws ensure enforceability and offer legal remedies in case of disputes. However, Samoa lacks a clear legal framework for digital contracts, while Fiji recognises electronic transactions under its Electronic Transactions Act 2008, but enforcement is weak. The absence of effective enforcement mechanisms increases risks of fraud, weakens consumer protection and makes contract disputes difficult to resolve.

Inconsistent digital contract enforcement affects cross-border e-commerce transactions, as businesses struggle with differing legal standards. Standardising the recognition and enforcement of electronic agreements across the region will strengthen legal certainty and improve trust in online transactions. Governments must also invest in awareness programmes to educate businesses and consumers about the legal validity of digital contracts, encouraging greater adoption and compliance.

## **Existence of Regulatory/Enforcement Authority**

Dedicated regulatory authorities play a crucial role in ensuring consumer protection, fair competition and dispute resolution in e-commerce. Countries such as Australia, New Zealand, Malaysia, India and Singapore have established oversight bodies such as the ACCC (Australia), Commerce Commission (New Zealand) and CCI (India) that regulate online trade and ensure compliance. However, Fiji lacks robust enforcement mechanisms, and Samoa does not have a dedicated regulatory authority for e-commerce operations, leading to weak oversight and consumer protection challenges.

Without strong regulatory oversight, businesses in Fiji and Samoa face uncertainties regarding compliance and dispute resolution, limiting consumer confidence in online shopping. Strengthening regulatory oversight through independent commissions or consumer protection agencies will promote fair competition, marketplace accountability and better enforcement of e-commerce regulations. Regional collaboration and harmonisation of consumer protection laws can further support businesses and digital trade integration.

## **Cybersecurity and Data Protection for E-Commerce**

Cybersecurity and data protection laws are critical for securing digital transactions and consumer privacy. Countries such as Australia, New Zealand, Malaysia and India have comprehensive data protection and cybersecurity laws that mandate secure transactions, encryption protocols and breach notification policies. However, Singapore's cybersecurity laws focus more on corporate data security than consumer-specific e-commerce protections, while Fiji and Samoa lack dedicated cybersecurity regulations for online businesses. Weak cybersecurity frameworks increase risks of identity theft, cyber fraud and data breaches, discouraging businesses from expanding online operations.

To build a secure e-commerce ecosystem, governments must implement strong cybersecurity policies tailored to digital commerce, including robust data encryption, secure payment gateways and cybercrime enforcement mechanisms. Standardising data protection laws across the selected Indo-Pacific countries would also facilitate secure cross-border transactions, ensuring businesses operate efficiently while complying with international cybersecurity standards. Investing in consumer education on digital safety and fraud prevention will further enhance trust in online transactions.

## **Fair Competition and Marketplace Regulation**

Fair competition laws are crucial for preventing monopolistic practices and price manipulation, and ensuring equal opportunities for all businesses. While Australia, New Zealand, India and Singapore have strong marketplace regulations enforced by agencies such as the ACCC and CCCS, Malaysia, Fiji and Samoa lack robust frameworks specific to e-commerce. The absence of dedicated regulations results in market monopolisation risks, deceptive pricing practices and unfair competition, ultimately harming both consumers and small businesses.

To maintain a level playing field, authorities in Fiji, Samoa and Malaysia must develop and enforce strong e-commerce competition policies, ensuring that dominant platforms do not engage in anti-competitive practices. Establishing regional cooperation among competition authorities can enhance monitoring and enforcement of fair trade rules, protecting consumers and fostering sustainable e-commerce growth.

## **E-Commerce Logistics and Last-Mile Delivery Regulations**

Efficient logistics and last-mile delivery systems are crucial for ensuring timely deliveries, cost efficiency and smooth trade operations. Advanced economies such as Australia, New Zealand, Malaysia, India and Singapore have robust logistics infrastructure, enabling fast and reliable e-commerce fulfilment. However, Fiji and Samoa face severe logistics challenges, with underdeveloped infrastructure, high transportation costs and weak digital tracking systems, resulting in delivery inefficiencies and supply chain bottlenecks.

The lack of standardised logistics regulations and digitalised tracking systems in some countries hinders the growth of their e-commerce markets. Investing in modern logistics solutions, regulatory improvements and digital transformation in supply chains will enhance operational efficiency. Governments should encourage public-private partnerships to improve delivery networks, enhance supply chain transparency and lower transportation costs, enabling better cross-border trade competitiveness.

## Regulation of Online Marketplaces and Platform Liability

Clear liability regulations for online marketplaces ensure that platforms are held accountable for fraudulent transactions, counterfeit goods and unfair trade practices. Countries such as Australia, New Zealand and India have clear liability frameworks for online marketplaces, requiring them to take responsibility for dispute resolution, content moderation and seller verification. However, Malaysia, Fiji, Samoa and Singapore lack strong platform liability regulations, making it difficult to hold platforms accountable for fraudulent listings, misleading advertising or poor consumer protection.

To improve marketplace accountability, governments must implement comprehensive liability laws for e-commerce platforms, requiring them to verify sellers, enforce quality control and address consumer disputes efficiently. Strengthening consumer protection laws, enforcing marketplace transparency and establishing dispute resolution mechanisms will create a safer and more trustworthy e-commerce ecosystem. Aligning platform liability standards across the selected Indo-Pacific countries will further enhance cross-border e-commerce reliability and protect consumer rights.

## Cross-Border Data Transfer

Cross-border data transfer is a critical pillar of the digital economy, enabling real-time digital trade, cloud services and financial transactions across jurisdictions. In the Indo-Pacific, countries such as Australia, New Zealand, Singapore and India have developed robust data protection laws, while Fiji and Samoa face regulatory differences that hinder secure data flows. Achieving regulatory coherence through harmonised rules on data localisation, transfer mechanisms and oversight is essential to fostering legal certainty, business continuity and user trust. Regional collaboration aligned with global standards such as the GDPR and APEC CBPR will support secure, interoperable data governance and promote inclusive digital integration.

To ensure legal certainty and regional alignment, data governance frameworks typically address the following regulatory aspects.

- Extraterritorial Applicability – determines whether a jurisdiction's data protection laws apply to foreign entities processing local personal data, extending accountability across borders.
- General principles of data processing – includes fairness, transparency, purpose limitation, accuracy, security and accountability as foundational legal standards for handling personal data.
- Rights of data subjects in foreign jurisdictions – establishes enforceable rights for individuals, including access, rectification, erasure, consent withdrawal and complaint mechanisms when their data is handled abroad.
- Oversight by regulatory authorities – mandates independent authorities to enforce compliance, conduct investigations and issue penalties, ensuring cross-jurisdictional accountability.
- Registration of data handlers abroad – requires foreign or domestic organisations handling personal data to register with regulatory authorities or appoint local representatives.
- Permission to transfer personal data internationally – specifies legal mechanisms for international data transfers, such as consent, adequacy decisions, contractual safeguards or government-issued transfer lists.

Table 2.49 provides a comparative analysis of cross-border data governance frameworks across selected Indo-Pacific countries. It highlights areas of alignment and divergence in regulatory approaches, revealing where harmonisation or capacity-building efforts may be needed to support a regionally coherent and secure digital trade environment.

## Regulatory Differences in Cross-Border Data Transfer

### Extraterritorial Applicability

Although Australia, New Zealand, Malaysia, India and Singapore demonstrate a degree of extraterritorial applicability in their data protection frameworks, key gaps persist. Malaysia limits such applicability to scenarios where foreign entities utilise equipment within Malaysia, explicitly excluding instances where the

**Table 2.49 Cross Border Data Transfer Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory dimension	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Extraterritorial applicability</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>General principles of processing of personal data</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Rights of data subjects to be provided by users of personal data existent in foreign jurisdictions</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Oversight of regulatory authority of foreign jurisdiction over the users of personal data existent in other jurisdictions</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Registration with regulatory authority in foreign jurisdiction</b>	No	Yes	No	Yes	No	No	No
<b>Permission to cross-border transfer of personal data</b>	Yes	Yes	Yes	Yes	Yes	No	No

equipment is used solely for data transit. India restricts the applicability of its DPDP Act to digital data only, omitting manual data from its extraterritorial scope. This may create regulatory misalignment where foreign entities process non-digital data related to data subjects in India.

These regulatory constraints hinder the comprehensive enforcement of personal data rights and weaken the ability of national regulators to ensure accountability from offshore data controllers. Unlike the European Union's GDPR, which establishes broad jurisdictional reach regardless of the physical location of data-processing infrastructure, Malaysia and India's narrower scope undermines cross-border enforcement capacity. For greater coherence and alignment with international best practices, both countries may consider extending their laws to encompass broader processing circumstances and data types, particularly as cloud-based and decentralized technologies blur national data boundaries.

### **General Principles of Processing of Personal Data**

Australia, New Zealand, Malaysia, India and Singapore adhere to recognised global principles of fair, lawful and transparent data processing. These include data minimisation, purpose limitation, accuracy and storage limitation, all of which are in line with GDPR standards. These principles ensure that personal data is collected and used responsibly, reducing the risk of misuse or unauthorised access.

However, Fiji and Samoa remain regulatory outliers as they currently have no legislation addressing the processing of personal data. The absence of such laws not only hinders domestic consumer protection but also creates obstacles for these countries' participation in international digital trade frameworks, which increasingly require evidence of data governance capabilities. Enacting foundational privacy legislation that integrates these globally accepted principles is critical to ensuring Fiji and Samoa are not excluded from cross-border data exchange agreements or e-commerce partnerships.

### **Rights of Data Subjects**

Australia, New Zealand, Malaysia, India and Singapore have codified a wide range of data subject rights such as access, rectification, erasure, withdrawal of consent and objection to marketing. These rights empower individuals and promote trust in digital ecosystems. The existence of complaint mechanisms and redress options further enhances accountability and aligns these countries with international benchmarks.

Nevertheless, both Fiji and Samoa lack data protection laws, depriving their citizens of fundamental digital rights. Moreover, even in compliant jurisdictions, gaps remain in providing advanced rights such as data portability and protection against automated decision-making, both of which are enshrined in the GDPR. Introducing these rights in national laws would not only align the selected Indo-Pacific countries' regulatory landscape with best practices but also prepare those countries for future frameworks involving AI and algorithmic governance.

### **Oversight of Regulatory Authorities**

Australia, New Zealand, Malaysia, India and Singapore have designated independent authorities with powers to investigate, correct, authorise and penalise violations of data protection laws. These regulators play an essential role in monitoring compliance, issuing guidelines and fostering transparency in cross-border data-handling practices.

In contrast, Fiji and Samoa lack data protection authorities altogether, which undermines any existing or future regulatory frameworks. Without enforcement mechanisms, even well-crafted laws risk becoming ineffective. As such, Fiji and Samoa must not only enact comprehensive privacy laws but also establish independent and adequately resourced regulators capable of cross-border coordination and regional engagement.

### **Registration with Regulatory Authorities in Foreign Jurisdictions**

Malaysia stands apart for requiring specific classes of data users, such as financial institutions and telecom companies, to register with the national data authority. It also mandates that foreign entities using equipment in Malaysia must appoint a local representative, a requirement aligned with GDPR provisions. This enhances transparency and facilitates accountability.

However, no such requirements exist in Australia, New Zealand, India or Singapore, where registration is not deemed mandatory. While this reduces administrative burden, it may weaken oversight, especially for foreign entities without a domestic legal presence. Expanding representative nomination obligations or implementing a voluntary registry for foreign data controllers could bridge enforcement gaps and strengthen international cooperation on data protection.

### **Permission for Cross-Border Transfer of Personal Data**

Australia, New Zealand, Malaysia and Singapore have flexible frameworks for data transfers based on adequacy assessments, contracts, consent or public interest. These multimodal mechanisms are consistent with global best practices and facilitate trade without compromising privacy.

India diverges with its 'negative list' mechanism, whereby transfers are only permitted to jurisdictions not blacklisted by the government. This overly restrictive model limits business flexibility and lacks clarity on transfer conditions in the absence of official notifications. To align with the GDPR and regional counterparts, India may consider adopting contractual safeguards, certification schemes or consent-based models that promote secure and seamless data flows while protecting citizens' rights. Meanwhile, Fiji and Samoa's absence of legal provisions entirely excludes them from international data flow mechanisms, necessitating urgent legislative and institutional reform.

### **Digital Trade Facilitation**

Digital trade facilitation is vital for boosting cross-border commerce, streamlining supply chains and driving economic growth in the selected Indo-Pacific countries. While countries such as Australia, New Zealand, Singapore and Malaysia have implemented advanced systems for paperless trade, automated customs and data protection, smaller economies such as Fiji and Samoa face infrastructure gaps and regulatory weaknesses. To reduce trade costs and improve interoperability, the selected Indo-Pacific countries may pursue regulatory coherence by aligning digital documentation, e-payment systems and customs digitisation. Strengthening cooperation through WTO TFA provisions, ASEAN digital frameworks and mutual recognition of digital standards will enhance regional integration and global competitiveness.

To establish a secure and efficient digital trade environment, regulatory frameworks typically address the following key aspects.

- Paperless trade and e-documentation systems. Implements electronic trade documentation, reducing paperwork, increasing efficiency and enabling seamless customs clearance.
- Cross-border e-payments and financial integration. Ensures interoperability of digital payment systems, enabling faster and secure cross-border transactions for businesses and consumers.
- Customs digitisation and automated clearance. Adopts AI-driven customs processes, reducing delays, improving compliance and enhancing transparency in import/export procedures.
- Digital trade agreements and regulatory harmonisation. Aligns digital trade laws, policies and agreements across borders to create a seamless and integrated trade environment.
- Data flow and privacy regulations in trade. Establishes secure cross-border data transfer regulations, ensuring compliance with privacy and cybersecurity laws in international trade.
- E-commerce logistics and supply chain digitalisation. Integrates AI, blockchain and IoT into logistics, ensuring efficient tracking, real-time monitoring and predictive trade analytics.
- Interoperability of digital trade platforms. Ensures that customs, payment and e-commerce platforms work together across countries, facilitating smooth digital trade transactions.
- Blockchain for trade and customs documentation. Implements blockchain technology to enhance security, reduce fraud and streamline trade verification processes.
- AI and automation in trade facilitation. Uses AI-driven analytics and automation to improve risk assessment, compliance and efficiency in trade processing.
- Regulatory compliance for fintech in trade. Ensures that fintech firms facilitating trade finance adhere to global standards, preventing money laundering and financial risks.
- Extraterritorial applicability. Establishes clear guidelines on digital trade compliance across jurisdictions, preventing regulatory conflicts and trade restrictions.
- Oversight and registration with foreign regulatory authorities. Defines requirements for businesses operating across borders, ensuring they comply with foreign trade laws and financial regulations.

Table 2.50 provides a comparative analysis of digital trade facilitation regulations across selected Indo-Pacific countries. It highlights areas of regulatory alignment, gaps in digital trade integration and key enforcement disparities. Understanding these differences is critical for policymakers, businesses and trade stakeholders as they work towards harmonised digital trade frameworks, enhanced regulatory cooperation and seamless cross-border trade efficiency.

## Regulatory Differences in Digital Trade Facilitation

### **Paperless Trade and E-Documentation Systems**

One of the primary challenges in achieving regulatory coherence in paperless trade and e-documentation stems from varying levels of digital adoption. Australia, New Zealand, Malaysia and Singapore have well-established Electronic Transactions Acts, ensuring the legal validity of digital records and e-signatures. However, Fiji and Samoa have either recently started developing digital trade infrastructure or have limited legislation in place to fully support electronic documentation systems. This disparity can lead to inconsistencies in cross-border trade, especially when businesses require seamless digital documentation recognition across multiple jurisdictions.

Furthermore, India and Malaysia have specific laws for digital signatures (e.g. India's IT Act, Malaysia's Digital Signature Act), while Fiji and Samoa lack comprehensive regulatory frameworks for their widespread adoption. Additionally, some countries recognise UNCITRAL's Model Law on Electronic Transferable

**Table 2.50 Digital Trade Facilitation Regulatory Dimensions in Selected Indo-Pacific Countries.**

Digital trade facilitation regulatory dimensions	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Paperless trade and e-documentation systems</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Cross-border e-payments and financial integration</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Customs digitisation and automated clearance</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Digital trade agreements and regulatory harmonisation</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Data flow and privacy regulations in trade</b>	Yes	Yes	Yes	No	Yes	No	No
<b>E-commerce logistics and supply chain digitalisation</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Interoperability of digital trade platforms</b>	Yes	Yes	Yes	No	Yes	No	No
<b>Blockchain for trade and customs Documentation</b>	Yes	Yes	Yes	No	Yes	No	No
<b>AI and automation in trade facilitation</b>	Yes	Yes	Yes	No	Yes	No	No
<b>Regulatory compliance for fintech in trade</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Extraterritorial applicability</b>	Yes	Yes	Yes	No	Yes	No	No
<b>Oversight of regulatory authority of foreign jurisdiction</b>	Yes	Yes	Yes	No	Yes	No	No
<b>Registration with regulatory authority of foreign jurisdiction</b>	Yes	Yes	Yes	No	Yes	No	No

Records (MLETR), while others do not, leading to fragmented digital documentation interoperability. Without uniform adoption of electronic documentation principles, businesses may face delays in trade processing, increased reliance on physical paperwork and higher costs in regulatory compliance across different countries.

### **Cross-Border E-Payments and Financial Integration**

Regulatory divergence in cross-border e-payments presents a major hurdle to trade regulatory coherence. Australia, New Zealand, Malaysia and Singapore have advanced financial regulatory frameworks, including AML compliance, digital payment regulations and oversight of financial transactions by central banks. In contrast, Fiji and Samoa lack robust regulatory frameworks for cross-border digital payments, and mobile money adoption remains in its early stages. The absence of well-defined digital payment regulations in some of the selected Indo-Pacific countries could increase fraud risks, regulatory arbitrage and inefficiencies in trade finance integration.

Another major challenge is the lack of uniform fintech regulations. While Australia and Singapore regulate fintech through comprehensive licensing frameworks, Malaysia and India impose strict AML regulations, and Fiji and Samoa have fewer regulatory controls over fintech-based trade transactions. Additionally, differences in currency controls and transaction limits (such as India's Foreign Exchange Management Act)

create obstacles for businesses trying to integrate digital financial services across multiple jurisdictions. These inconsistencies make it difficult to establish a unified digital payment system that seamlessly connects traders from different regulatory environments.

### **Customs Digitisation and Automated Clearance**

Australia, New Zealand, and Malaysia have digitised their customs clearance systems, relying on single-window platforms and automated entry processing (e.g. Australia's Customs Act 1901, Malaysia's Customs and New Zealand's TSW). However, Fiji and Samoa still rely on semi-automated or paper-based processes, making trade transactions slower and prone to inefficiencies. The lack of full digitisation in these countries results in delays in goods clearance, inconsistencies in tariff classifications and higher administrative burdens on traders.

Interoperability issues arise when blockchain-based customs processing in advanced economies (such as Singapore's TradeNet System) does not align with manually managed customs processes in developing economies. While New Zealand, Malaysia and Australia use automated risk assessment and e-customs declarations, Samoa and Fiji remain in the early stages of digitisation. Without standardised customs digitalisation efforts, businesses will continue to face uneven processing times, increased customs compliance costs and potential border inefficiencies.

### **Digital Trade Agreements and Regulatory Harmonisation**

Australia, New Zealand and Singapore are part of multilateral digital trade agreements such as the CPTPP, the DEPA and ASEAN's digital trade framework. However, Fiji and Samoa have not yet joined these agreements, creating regulatory misalignment in digital trade obligations. Countries that are not signatories to major trade agreements risk exclusion from streamlined trade benefits, such as mutual recognition of digital standards and faster customs clearance.

Malaysia, while a participant in the ASEAN Agreement on Electronic Commerce, has faced challenges in fully integrating with global digital trade norms due to domestic regulatory constraints. Additionally, India's participation in WTO digital trade negotiations lacks specific commitments, limiting its engagement in cross-border e-commerce regulatory alignment. Without cohesive digital trade agreement participation, businesses trading across multiple jurisdictions will encounter unclear compliance requirements, increased trade costs and inconsistent digital trade policies.

### **Data Flow and Privacy Regulations in Trade**

Data localisation policies vary significantly across the selected Indo-Pacific countries, creating compliance risks for businesses handling cross-border data transfers. Australia and Singapore have comprehensive data protection laws (Privacy Act 1988 and PDPA, respectively) that allow controlled international data flows. In contrast, India enforces strict data localisation requirements under the DPDP Act 2023, restricting the free movement of commercial data for trade purposes.

Another issue is the lack of structured data protection frameworks in Fiji and Samoa, leaving businesses exposed to cybersecurity vulnerabilities and regulatory uncertainty. Countries that lack explicit provisions for cross-border data exchange may create barriers to digital trade transactions and cloud-based business services. Without uniform data protection mechanisms, businesses operating across multiple jurisdictions will struggle with compliance, increased legal risks and inefficiencies in data-driven trade operations.

### **E-Commerce Logistics and Supply Chain Digitalisation**

Australia and New Zealand have advanced supply chain digitalisation initiatives under strategies such as the National Freight and Supply Chain Strategy and TSW. However, Malaysia's supply chain digital policies remain fragmented, with logistics integration challenges for last-mile e-commerce deliveries. Fiji and Samoa lack well-defined logistics digitalisation strategies, resulting in dependency on manual documentation and higher costs in supply chain management.

Another major concern is the lack of cross-border digital logistics integration. Singapore has one of the most developed smart logistics infrastructures, with AI-driven supply chain tracking, but India's supply

chain remains fragmented, with challenges in e-commerce logistics visibility. Without standardised supply chain digitalisation regulations, companies operating in multiple jurisdictions will face inefficiencies in trade fulfilment, discrepancies in regulatory compliance and higher transaction costs.

### **Interoperability of Digital Trade Platforms**

Australia, New Zealand and Singapore have digital trade interoperability frameworks, ensuring seamless connectivity between government trade platforms and private sector systems. However, Malaysia's interoperability is still limited, and Fiji and Samoa lack structured frameworks for cross-border platform integration. The absence of a unified trade data exchange system between developed and developing economies creates delays in trade transactions, inconsistencies in document verification and challenges in cross-border regulatory compliance.

Another issue is incompatibility between digital tax frameworks and trade documentation platforms. While Singapore's TradeNet System integrates tax, customs and shipping data, India's and Malaysia's tax frameworks do not seamlessly integrate with international trade platforms. Businesses operating across multiple countries will need to invest in additional compliance tools to bridge these digital gaps, increasing operational complexity.

### **Blockchain for Trade and Customs Documentation**

While Australia, Singapore and New Zealand have well-defined licensing and compliance frameworks for fintech, ensuring secure and regulated financial transactions, India, Malaysia and Fiji have fragmented fintech regulations that make it difficult for businesses to operate seamlessly. Australia's ASIC Regulatory Guide 255 and Singapore's PSA 2019 enforce strict licensing, security and AML compliance measures. Meanwhile, India has implemented RBI guidelines on payment aggregators and fintech firms, but the regulatory landscape remains inconsistent, leading to uncertainty for fintech startups. Malaysia has some digital banking and e-wallet licensing frameworks, but fintech regulation is still evolving, particularly regarding cross-border payment integration. Fiji and Samoa, on the other hand, lack comprehensive fintech laws, leading to high compliance risks and vulnerabilities to unregulated financial technology activities.

The absence of harmonised fintech compliance standards increases transaction costs, delays financial integration and exposes businesses to higher regulatory uncertainty. Cross-border trade finance transactions become cumbersome due to inconsistent licensing and consumer protection laws. Additionally, fintech firms face difficulties in aligning with multiple jurisdictions' AML and KYC requirements, making international trade financing and digital lending services riskier and more expensive. This fragmentation discourages fintech expansion across different markets, preventing businesses from fully leveraging digital financial solutions for cross-border trade.

### **Extraterritorial Applicability**

Australia and New Zealand have established clear extraterritorial enforcement mechanisms that apply to digital trade violations, cybercrimes and regulatory breaches occurring outside their national borders. Australia's Criminal Code Act 1995 extends jurisdiction over offences committed by Australian citizens and businesses abroad, ensuring accountability for cross-border fraud and cybercrime. Similarly, New Zealand's Privacy Act 2020 enforces data protection regulations on businesses operating outside the country if they handle data of New Zealand residents. However, Malaysia, India and Fiji have a more limited extraterritorial reach, often lacking mechanisms to prosecute foreign digital fraud or enforce penalties on offshore companies that violate domestic trade regulations.

The absence of clear extraterritorial provisions in Samoa and the weak enforcement capacity in Fiji lead to legal gaps for digital fraud, trade malpractices and regulatory arbitrage. Businesses operating in multiple jurisdictions face compliance inconsistencies, exposing them to risks such as data breaches, tax evasion and money laundering. Without strong international cooperation in legal enforcement, fraudulent entities can exploit regulatory differences in jurisdictions with weak extraterritorial laws, making cross-border e-commerce and digital financial transactions more vulnerable to security threats.

## **Oversight of Regulatory Authority of Foreign Jurisdiction**

Australia, New Zealand and Singapore actively monitor and regulate foreign businesses operating in their jurisdictions to ensure compliance with consumer protection, financial security and digital trade laws. Australia's Mutual Assistance in Criminal Matters Act 1987 enables legal cooperation with foreign jurisdictions to investigate and prosecute cross-border trade violations. Singapore's PSA 2019 extends regulatory oversight to foreign financial institutions, ensuring foreign fintech compliance with domestic AML regulations. However, Fiji and Samoa lack structured oversight mechanisms, allowing foreign businesses to operate with minimal regulatory scrutiny.

The lack of robust oversight in smaller economies results in inconsistent enforcement of digital trade regulations, making it easier for foreign businesses to exploit regulatory differences. In Malaysia and India, enforcement capacity varies, and foreign entities may face less regulatory scrutiny in digital services and fintech operations. This results in consumer protection challenges, tax evasion risks and an uneven playing field for domestic businesses. Without harmonised oversight policies, there is an imbalance in how foreign businesses are regulated, affecting the fair application of digital trade laws across different countries.

## **Registration with Regulatory Authority of Foreign Jurisdiction**

Australia, Singapore and India require foreign companies to register with their regulatory bodies before engaging in business, ensuring that all foreign digital businesses comply with local regulations. Australia's Corporations Act 2001 mandates foreign companies to register with ASIC, while Singapore enforces foreign business registration under TradeNet and the PDPA. India's Companies Act 2013 requires foreign digital firms operating in the country to register under Indian trade regulations, ensuring tax compliance, financial accountability and adherence to consumer protection laws.

In contrast, Samoa and Fiji have more flexible policies regarding foreign business registration, with minimal enforcement mechanisms to ensure compliance with domestic regulations. This creates regulatory differences that can be exploited by foreign entities to bypass taxes, consumer rights laws and financial regulations. Malaysia, while requiring foreign digital businesses to register, has fewer enforcement measures to track compliance, leading to disparities in taxation and consumer protection. The inconsistencies in foreign business registration requirements across jurisdictions create trade entry barriers, legal uncertainties and an uneven regulatory playing field for global companies looking to operate in these markets.

## **IPR**

IPR is critical for fostering innovation, supporting economic growth and facilitating cross-border trade in the Selected Indo-Pacific. While Australia, India and Singapore have strong IPR regimes aligned with WTO TRIPS and WIPO standards, smaller economies such as Fiji and Samoa face challenges due to weak enforcement and limited treaty participation. These disparities hinder market access, technology transfer and investment flows. Enhancing regional IPR coherence through harmonised laws, mutual recognition agreements and digital rights enforcement will strengthen innovation protection, attract FDI and boost the region's competitiveness in the global digital economy.

The regulatory frameworks typically address the following regulatory dimensions.

- Patent protection and enforcement. Grants exclusive rights to innovators, ensuring legal recognition and protection for new inventions, software and technological advancements.
- Trademark and brand protection. Establishes legal safeguards against counterfeiting and brand misuse, helping businesses protect their identity and consumer trust.
- Copyright and digital content rights. Provides protection for creative works, software and digital media, safeguarding against unauthorised reproduction, distribution and piracy.
- International IP treaties and compliance. Aligns national IPR regulations with global standards, ensuring participation in international agreements such as WTO TRIPS and WIPO conventions.
- IPR infringement redressal mechanisms. Establishes legal avenues for resolving IP disputes, addressing counterfeit claims and enforcing intellectual property laws.

**Table 2.51 Intellectual Property Rights Regulatory Dimensions in Selected Indo-Pacific Countries.**

IPR regulatory dimensions	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Patent protection and enforcement</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Trademark and brand protection</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Copyright and digital content rights</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>International IP treaties and compliance</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>IPR infringement redressal mechanisms</b>	Yes	Yes	Yes	Yes	Yes	No	Yes

Table 2.51 provides a comparative analysis of IPR regulations across selected Indo-Pacific countries. It highlights key regulatory parameters, showcasing areas of alignment, enforcement disparities and gaps in IPR protection. Understanding these differences is essential for businesses, policymakers and trade stakeholders as they work towards harmonised IPR frameworks that support innovation, investment and global competitiveness.

### Regulatory Differences in IPR

#### **Patent Protection and Enforcement across the Selected Indo-Pacific Countries**

Patent protection is crucial for fostering innovation, yet enforcement varies across the selected Indo-Pacific countries. Australia, New Zealand, India and Singapore have strong patent frameworks aligned with WIPO and WTO TRIPS, ensuring effective protection and enforcement. In contrast, Malaysia, Fiji and Samoa face challenges due to weaker enforcement and limited treaty participation. While Malaysia has structured patent laws, enforcement gaps leave patents vulnerable to infringement. Fiji's basic patent laws and Samoa's reliance on common law principles lack the regulatory strength to align with global standards, limiting innovation incentives and foreign investment.

A major gap is the disparity in global treaty participation and enforcement efficiency. Singapore and Australia lead in global compliance, while Fiji and Samoa remain outside key international agreements, weakening protection for inventors. India, despite a strong legal framework, faces litigation backlogs, delaying patent dispute resolutions. Malaysia needs stronger enforcement to prevent patent violations. Addressing these gaps through stronger enforcement, treaty participation and streamlined dispute resolution would create a more secure and innovation-driven regional patent system.

#### **Trademark and Brand Protection across the Selected Indo-Pacific Countries**

Trademark protection is essential for preventing brand misuse and counterfeiting, yet enforcement inconsistencies exist across the selected Indo-Pacific countries. Australia, New Zealand, Malaysia, India and Singapore have well-established trademark laws that provide strong brand protection. However, Fiji and Samoa lack a comprehensive trademark framework, making enforcement weak and counterfeiting more prevalent. While Fiji has a national framework for trademarks, enforcement mechanisms remain underdeveloped. Similarly, Samoa's mark protection laws lack clarity, leaving businesses vulnerable to brand infringement.

Another challenge is varying levels of enforcement and modernisation. Singapore and Malaysia have updated trademark protections, ensuring stronger enforcement against infringements. However, India and Malaysia face challenges with counterfeit markets, requiring stricter enforcement. Fiji and Samoa's limited participation in global trademark agreements further weakens protection for brands operating in

international markets. Enhancing trademark enforcement, joining international treaties and streamlining dispute resolution processes would strengthen regional brand protection and combat counterfeiting.

### **Copyright and Digital Content Rights across the Selected Indo-Pacific Countries**

Copyright protection is unevenly enforced across the Selected Indo-Pacific, with developed economies such as Australia, New Zealand, Malaysia, India and Singapore having strong legal frameworks to protect digital content. Singapore's Copyright Act 2021 and Australia's Copyright Act 1968 cover digital content comprehensively, including software and online creative works. However, Fiji and Samoa lack robust digital copyright enforcement mechanisms, making content piracy a significant challenge. Fiji's copyright law acknowledges digital publications, but enforcement remains weak, while Samoa's framework for electronic copyrights lacks structured enforcement mechanisms.

Additionally, the pace of legal modernisation varies across the region. Malaysia and India have established digital copyright laws, but enforcement against online piracy and unauthorised digital distribution remains a challenge. Fiji and Samoa's limited participation in global copyright treaties further weakens protections for digital creators and businesses. To bridge these gaps, harmonising digital copyright laws, increasing enforcement efforts and strengthening global treaty participation would provide stronger protections against digital content infringement and online piracy.

### **International IP Treaties and Compliance across the Selected Indo-Pacific Countries**

Australia, New Zealand, Malaysia, India and Singapore actively participate in global IP treaties such as WIPO, WTO TRIPS, CPTPP and RCEP. These countries align their IP laws with international standards, ensuring strong legal frameworks for patent, copyright and trademark protection. Singapore and Malaysia further integrate ASEAN IP treaties, facilitating regional trade and innovation. However, New Zealand, while compliant with global treaties, still faces challenges in enforcing digital IP protections internationally.

Fiji and Samoa exhibit significant gaps in international IP treaty participation, limiting their ability to enforce IP rights effectively. Fiji's participation is restricted to the Paris Union, lacking engagement in broader treaties such as WTO TRIPS or WIPO, making its IP enforcement inconsistent with global standards. Samoa, though involved in some global treaties, lacks structured enforcement mechanisms, exposing businesses and innovators to IP risks. Strengthening regional cooperation and increasing participation in global treaties would enhance IP enforcement, innovation incentives and investor confidence in these smaller economies.

### **IPR Infringement Redressal Mechanisms across the Selected Indo-Pacific Countries**

Australia, New Zealand, Malaysia, India and Singapore have well-established IPR redressal mechanisms that provide structured dispute resolution for patent, copyright and trademark violations. Australia's system is handled by the Australian Patent Office, while New Zealand's IP Office efficiently manages infringement disputes. Malaysia and India resolve IP disputes through their judicial systems, with Malaysia's IP High Court handling infringement cases and India's Patent Office and courts providing structured IP dispute resolutions. Singapore stands out with its IPOS Digital Hub, which facilitates fast-track dispute resolution and trademark registration services.

In contrast, Fiji and Samoa lack strong enforcement frameworks. Fiji has no dedicated mechanisms to combat counterfeit products or resolve IP disputes, leaving businesses vulnerable to infringement. Samoa has some structured resolution processes but lacks a specialised body to handle IP violations efficiently. These gaps expose innovators and businesses in smaller economies to higher risks of counterfeiting, copyright violations and weak enforcement. Strengthening legal frameworks, establishing specialised IP tribunals and enhancing enforcement capabilities would improve IP protection and attract greater investment in innovation-driven industries.

### **Digital Payments**

Digital payments are rapidly transforming the financial landscape of the selected Indo-Pacific, driven by fintech growth, e-commerce and cross-border trade. Countries such as Australia, New Zealand and India have established robust regulatory frameworks for security, AML and consumer protection, while smaller

economies such as Fiji and Samoa face challenges in enforcement and digital payment infrastructure. Regulatory fragmentation in licensing and authentication standards hampers regional financial integration. Achieving coherence through standardised protocols, harmonised AML rules and regional cooperation can promote secure, inclusive and interoperable digital payment systems across the region.

To establish a secure and efficient digital payment ecosystem, regulatory frameworks typically address the following key aspects.

- Registration, licensing and recognition. Ensures that fintech firms and digital payment service providers operate within a legal framework, fostering accountability and compliance.
- Digital signature and e-transactions. Grants legal recognition to electronic transactions and signatures, enabling seamless digital contracts and agreements.
- AML compliance. Implements KYC and transaction monitoring measures to prevent financial crimes such as money laundering and terrorist financing.
- Authentication and security (transaction protections). Establishes guidelines for transaction security, including encryption and multifactor authentication, to protect users from fraud.
- Cybersecurity and threat defences. Mandates security protocols to safeguard financial data and prevent cyber threats targeting digital payment systems.
- Payment dispute resolution. Provides mechanisms for addressing consumer grievances and ensuring fair resolution of digital payment disputes.

Table 2.52 provides a comparative analysis of digital payment regulations across selected Indo-Pacific countries. It highlights how different jurisdictions address key regulatory parameters, showcasing areas of regulatory commonalities and potential gaps. Understanding these differences is crucial for businesses, policy-makers and financial institutions as they navigate the evolving digital finance landscape and work towards harmonised regulatory practices.

## Regulatory Differences in Digital Payment

### Registration, Licensing and Recognition across the Selected Indo-Pacific Countries

The registration, licensing and recognition of digital payment providers is a fundamental aspect of ensuring a secure, transparent and interoperable financial ecosystem. However, regulatory inconsistencies across selected Indo-Pacific countries create barriers to financial inclusion, cross-border payment integration

**Table 2.52 Digital Payments Regulatory Dimensions in Selected Indo-Pacific Countries.**

Regulatory aspect	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Registration, licensing and recognition</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Digital signature and e-transactions</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>AML Compliance (anti-money laundering)</b>	Yes	Yes	Yes	Yes	Yes	No	Yes
<b>Authentication and security (transaction protections)</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Cybersecurity and threat defences</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Payment dispute resolution</b>	Yes	Yes	Yes	No	Yes	No	No

and fintech innovation. While Australia, New Zealand, Malaysia and India have structured digital payment licensing frameworks, challenges persist in cross-border harmonisation, fintech compliance costs and dispute resolution mechanisms. On the other hand, Fiji and Samoa lack robust licensing and security frameworks, limiting their ability to attract global payment providers and ensure financial security.

Singapore's lack of a unified regulatory framework for digital payment licensing and data protection affects consumer trust and regulatory coherence in the region. Australia and New Zealand enforce strong licensing and AML requirements, but challenges arise in adapting regulations to emerging fintech innovations and facilitating cross-border transactions. Malaysia's strict licensing rules ensure regulatory oversight, but weaker consumer protection laws in payment dispute resolution present financial security risks. Fiji's and Samoa's underdeveloped licensing systems and weak AML enforcement expose consumers to higher fraud risks and cyber vulnerabilities.

### **Digital Signatures and E-Transactions across the Selected Indo-Pacific Countries**

Digital signatures and electronic transactions are essential for facilitating secure and legally recognised online business operations, contract agreements and cross-border trade. Legal recognition of digital contracts ensures reliability, reduces paperwork and enhances efficiency in digital commerce. Australia, New Zealand and Malaysia have established legal frameworks that recognise e-signatures and electronic contracts, promoting digital trade and financial transactions. However, regulatory differences persist in Fiji and Samoa, where the enforcement and adoption of digital transaction laws remain limited.

Despite the existence of legislation on electronic transaction across the selected Indo-Pacific countries, inconsistencies in digital signature recognition, interoperability issues and weak enforcement mechanisms create barriers to seamless digital trade integration. Singapore and India have well-defined legal frameworks, but regional discrepancies in contract validity, e-signature standards and dispute resolution hinder regulatory coherence. Strengthening regional collaboration through MRAs for digital signatures, aligning legal provisions and ensuring effective enforcement will be crucial in enhancing the security and trustworthiness of e-transactions across the Selected Indo-Pacific.

### **AML Compliance across the Selected Indo-Pacific Countries**

AML compliance is essential for preventing financial crimes, ensuring secure digital transactions and maintaining regulatory trust in fintech ecosystems. Australia, New Zealand and Malaysia have well-established KYC, transaction monitoring and CTF frameworks that align with international financial security standards. These regulations ensure that digital payment service providers and financial institutions enforce stringent due diligence in verifying users, detecting suspicious activities and preventing illicit financial flows.

However, gaps remain in Fiji and Samoa, where AML enforcement mechanisms, transaction monitoring capabilities and regulatory oversight are weaker, increasing vulnerability to financial fraud and illicit trade. While Singapore and India have strong AML laws, regional inconsistencies in compliance frameworks, enforcement stringency, and cross-border coordination create challenges in achieving harmonised financial security across the selected Indo-Pacific countries. Strengthening regional cooperation through aligned AML policies, standardised KYC requirements and enhanced regulatory enforcement will be critical to ensuring a resilient, fraud-resistant digital financial ecosystem.

### **Authentication and Security (Transaction Protections) across the Selected Indo-Pacific Countries**

Ensuring robust authentication and transaction security is crucial in the selected Indo-Pacific countries to protect consumers, fintech companies and financial institutions from fraud, identity theft and cyber threats. Australia, New Zealand, Malaysia and India have implemented strong multifactor authentication, encryption standards and cybersecurity frameworks to secure digital payments. These include compliance with Payment Card Industry Data Security Standard (PCI DSS) Guidelines, digital banking security standards and regulatory frameworks for online transactions, ensuring secure authentication mechanisms in fintech ecosystems.

However, Fiji and Samoa face significant gaps in enforcement, infrastructure and fintech-specific authentication regulations, making them more vulnerable to fraudulent activities. While Singapore has

implemented the MAS Cyber Resilience and Security Guidelines, achieving regional coherence in transaction authentication, fraud prevention and digital identity verification remains a challenge. Strengthening cross-border collaboration on fintech security, adopting mutual authentication standards and enforcing stricter fraud prevention measures will be key to enhancing consumer trust, digital payment reliability and financial security across the selected Indo-Pacific countries.

### **Cybersecurity and Threat Defences across the Selected Indo-Pacific Countries**

Cybersecurity regulations play a crucial role in securing digital finance, fintech services and cross-border payments across the selected Indo-Pacific countries. Countries such as Australia, New Zealand, Malaysia, India and Singapore have implemented strong cyber risk management, fraud prevention and critical infrastructure protection frameworks to combat rising cyber threats. Regulatory frameworks such as Australia's SOCI Act, New Zealand's Cybersecurity Strategy 2019, Malaysia's National Cyber Security Policy ((NCSP) 2015, India's IT Act and Singapore's Cybersecurity Act 2018 mandate stringent data security policies, financial sector protections and cyber resilience measures to prevent hacking, fraud and data breaches in digital payments.

However, Fiji and Samoa lack comprehensive cybersecurity enforcement mechanisms, critical infrastructure monitoring and digital fraud prevention frameworks, making them vulnerable to cyber threats and financial crime risks. Addressing regulatory disparities through regional cybersecurity collaboration, standardised risk management protocols and cross-border cyber defence agreements will be essential in strengthening digital finance security and ensuring resilience against emerging cyber risks across selected Indo-Pacific countries.

### **Payment Dispute Resolution across the Selected Indo-Pacific Countries**

Effective payment dispute resolution frameworks are crucial for ensuring consumer protection, financial security and regulatory trust in digital transactions. Australia, New Zealand, Malaysia, India and Singapore have implemented structured payment dispute mechanisms such as the Australian Financial Complaints Authority (AFCA) Guidelines, New Zealand's Banking Ombudsman Scheme, Malaysia's Consumer Protection Act 1999, India's RBI Consumer Protection Framework and Singapore's Payment Services Act 2019. These frameworks provide legal mediation, transaction redressal and regulatory oversight to protect consumers from fraudulent transactions, unauthorised charges and service failures in digital payments.

However, Fiji and Samoa have weaker consumer protection mechanisms, with limited regulatory enforcement and dispute resolution frameworks in digital payments. The absence of structured complaint-handling systems and weak regulatory oversight create financial risks for consumers and businesses in these economies. Enhancing regional payment dispute resolution through mutual recognition agreements, centralised consumer protection policies and stronger enforcement measures will be essential in closing the regulatory gap and fostering trust in digital financial ecosystems across the selected Indo-Pacific countries.

### **Cybersecurity**

Cybersecurity is essential to safeguarding digital trade, financial systems and national security in the selected Indo-Pacific countries, where digital adoption is accelerating. Australia, India and Singapore have developed strong cybersecurity frameworks, while others such as Fiji and Samoa face significant regulatory differences, increasing regional vulnerability to cyber threats. Fragmented policies on data protection, encryption and cybercrime enforcement hinder digital market trust and interoperability. Achieving regulatory coherence through harmonised standards, mutual recognition agreements and capacity-building efforts is crucial to strengthening regional cybersecurity resilience and enabling secure, seamless digital integration.

To establish a secure and resilient cybersecurity ecosystem, regulatory frameworks typically address the following key aspects.

- Cybercrime prevention and law enforcement. Implements legal measures against cyber threats, ensuring criminal liability for cyber offences such as hacking, identity theft and financial fraud.
- Incident response and cyber resilience frameworks. Establishes protocols for detecting, preventing and mitigating cyberattacks, improving national cyber resilience.

- Encryption standards and secure communications. Defines data encryption protocols and secure communication channels to protect sensitive information and financial transactions.
- Critical infrastructure protection. Secures essential digital infrastructure, such as banking systems, healthcare and government services, against cyber threats.
- Existence of a regulatory/enforcement authority. Ensures government oversight and enforcement mechanisms to regulate cybersecurity compliance and digital safety policies.

Table 2.53 provides a comparative analysis of cybersecurity regulations across selected Indo-Pacific countries. It highlights key regulatory dimensions, enforcement gaps and regional cybersecurity inconsistencies. Understanding these differences is crucial for businesses, financial institutions and policymakers as they work towards harmonised cybersecurity frameworks, cross-border cyber defence cooperation and a more secure digital trade environment.

## Regulatory Differences in Cybersecurity

### Cybercrime Prevention and Law Enforcement

The regulatory landscape for cybercrime prevention and law enforcement across the selected Indo-Pacific countries varies significantly, with some countries having strong frameworks while others lack dedicated cybercrime laws. Australia, India and Singapore have robust cybercrime enforcement mechanisms under their respective cybersecurity laws, ensuring strict penalties and legal provisions to tackle cyber threats. However, New Zealand and Malaysia have cybercrime laws in place but face enforcement challenges due to evolving cyber threats and resource constraints. Fiji and Samoa lags behind, with Fiji having cybercrime provisions under its Crimes Act 2009 but lacking enforcement capacity, while Samoa has no dedicated cybercrime laws, leaving it highly vulnerable to digital fraud and cyberattacks.

The lack of a uniform regulatory framework in some nations creates security gaps that cybercriminals exploit, particularly in cross-border digital transactions and e-commerce. Countries with limited cybercrime enforcement struggle to regulate financial fraud, identity theft and hacking incidents, which impedes economic and digital trade growth. Strengthening regional cooperation, enhancing enforcement mechanisms and introducing MRAs for cybercrime laws can help bridge the existing gaps. Capacity-building initiatives, investments in digital forensic units and harmonised cybersecurity policies will be critical in fostering a secure and resilient digital economy across the selected Indo-Pacific countries.

### Incident Response and Cyber Resilience Frameworks

The incident response and cyber resilience frameworks across the selected Indo-Pacific countries exhibit varying levels of preparedness, creating disparities in regional cybersecurity resilience. Australia, New

**Table 2.53 Cybersecurity Regulatory Dimensions in Selected Indo-Pacific Countries.**

Cybersecurity regulatory dimensions	Australia	New Zealand	India	Malaysia	Singapore	Fiji	Samoa
<b>Cybercrime prevention and law enforcement</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Incident response and cyber resilience frameworks</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Encryption standards and secure communications</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Critical infrastructure protection (soft extent)</b>	Yes	Yes	Yes	Yes	Yes	No	No
<b>Existence of a regulatory/enforcement authority</b>	Yes	Yes	Yes	Yes	Yes	No	No

Zealand and Singapore have well-established cyber response mechanisms, with national cybersecurity agencies overseeing resilience programmes, risk mitigation and coordinated incident responses. India and Malaysia also have structured frameworks, ensuring national cyber response mechanisms to mitigate cyber threats and attacks. However, Fiji and Samoa lack national cyber resilience programmes, leaving them highly vulnerable to cybersecurity breaches, financial fraud and digital trade disruptions.

The absence of a coordinated incident response framework in some nations weakens their ability to detect, prevent and respond to large-scale cyberattacks, which is a growing risk in an increasingly digital economy. Countries without dedicated cyber resilience strategies face difficulties in safeguarding critical infrastructure, financial transactions and sensitive government data. To address these gaps, regional cooperation through cyber intelligence sharing, incident response coordination and capacity-building programmes is essential. Strengthening national cybersecurity institutions, implementing standardised risk mitigation policies and investing in cyber forensics and threat detection will be crucial to fostering a resilient and secure digital ecosystem across the selected Indo-Pacific countries.

### **Cybercrime Prevention and Law Enforcement**

The encryption standards and secure communications framework across the selected Indo-Pacific countries varies significantly, leading to inconsistencies in digital security and data protection. Australia, New Zealand, India and Singapore have well-defined encryption regulations under their respective telecommunications, IT and cybersecurity laws. These countries enforce strict encryption policies to ensure secure data transmission, financial transactions and digital communications, making them resilient to cyber threats. Malaysia has encryption laws in place, but lax enforcement creates security gaps, exposing sensitive information to potential cyberattacks.

On the other hand, Fiji and Samoa lack clear encryption standards, making their digital ecosystems vulnerable to cyber espionage, data breaches and financial fraud. The absence of standardised encryption frameworks in these nations hinders cross-border digital trade and fintech integration, as businesses and consumers cannot rely on robust data security measures. To bridge this gap, harmonising encryption policies, enforcing mandatory cybersecurity compliance and investing in digital infrastructure are crucial. Establishing regional encryption guidelines and mutual recognition agreements for secure communications will enhance cyber resilience, digital trust and economic cooperation in the selected Indo-Pacific countries.

### **The Critical Infrastructure Protection Framework**

The critical infrastructure protection framework in the selected Indo-Pacific countries shows significant disparities, with some countries having well-defined policies while others lack formal structures. Australia, New Zealand, India, Malaysia and Singapore have established policies for protecting critical digital infrastructure, ensuring the resilience of sectors such as finance, telecommunications, healthcare and energy. Australia mandates protection under the SOCI Act, while India's National CII Protection Centre and Singapore's CSA play vital roles in safeguarding key sectors from cyber threats. These countries enforce strict compliance standards, making them more prepared against cyberattacks targeting government services and financial institutions.

Conversely, Fiji and Samoa have no structured framework for critical infrastructure cybersecurity, leaving vital national assets vulnerable to cyber threats, espionage and potential cyber warfare. The lack of legal frameworks in these countries exposes energy grids, banking systems and communication networks to disruptions, limiting their ability to prevent and respond to cyber incidents. Regional cooperation and capacity-building programmes are necessary to strengthen the cybersecurity posture of these nations. Encouraging public-private partnerships, knowledge sharing and investment in cyber defence infrastructure can enhance resilience and reduce risks associated with cyberattacks on critical national systems.

### **The Existence of a Regulatory/Enforcement Authority**

The existence of a regulatory/enforcement authority in cybersecurity varies significantly across selected Indo-Pacific countries. Australia, New Zealand and Singapore have strong enforcement agencies, however Fiji and Samoa lack dedicated oversight mechanisms. Australia ensures foreign regulatory oversight, aligning

its cybersecurity policies with international partners such as the Five Eyes intelligence alliance. New Zealand follows a similar approach, maintaining cybersecurity alignment with major global frameworks. Singapore, through the IMDA and CSA, enforces strict cybersecurity laws, oversees compliance, and strengthens digital safety regulations.

However, Fiji and Samoa lack dedicated regulatory authorities for cybersecurity, creating vulnerabilities in cyber governance, compliance and enforcement. This absence of oversight increases risks related to data breaches, cyber fraud and critical infrastructure attacks. In contrast, Malaysia and India have regulatory frameworks in place, but challenges persist in ensuring cross-border cybersecurity enforcement and regulatory harmonisation. Strengthening cybersecurity governance, establishing regional enforcement collaboration and standardising cybersecurity frameworks are essential steps towards building a secure digital economy in the selected Indo-Pacific countries.

# 3. Conventional Trade and Regulations: Gap Analysis

According to our analysis of the trade and regulator frameworks and the observed key differences, we can point the following gaps that are possible in conventional trade and regulations.

## 3.1 Conventional Trade and Regulations Gaps in Australia

### 3.1.1. Product Standards Gaps

- Multiple agencies involved. Australia's technical regulations and conformity assessment policies are coordinated by various institutions under the Technical Infrastructure Alliance, potentially leading to overlapping mandates and regulatory complexity.
- Non-mandatory best-practice guide. While Australia promotes the use of international standards, regulators are only *encouraged* (not required) to avoid imposing additional requirements if international standards are met.
- Delayed harmonisation. Despite regular revisions, some Codex MRLs are incorporated only after periodic harmonisation, potentially delaying market access for agro-products.

### 3.1.2. Licensing Gaps

- Import licensing framework. Certain sensitive goods (e.g. hazardous chemicals, weapons, pharmaceuticals, bioproducts) are subject to non-automatic import licences under multiple regulations (e.g. Customs (Prohibited Imports) Regulations 1956), which may impose delays and uncertainty.
- Complex exemptions. Several licences are subject to exceptions that vary by product type, often lacking transparent criteria.

### 3.1.3 Customs Regulations Gaps

- Multi-agency involvement. Over 32 government agencies with approximately 200 regulations are involved in import/export procedures, adding to administrative complexity despite the Simplified Trade System (STS) initiative.
- Limited scope of sandbox reforms. Customs Regulatory Sandbox under the 2023 Act allows limited, low-complexity trials only, which may not address broader systemic inefficiencies.

### 3.1.4. Testing and Certification Gaps

- Multiple accreditation bodies. Several accreditation agencies (e.g. NATA, JAS-ANZ, Food Standards Australia New Zealand (FSANZ), National Measurement Institute Australia (NMIA)) operate independently and, while aligned with international frameworks, the multiplicity can create confusion for foreign exporters.
- Varying conformity responsibility. Enforcement of conformity with food and technical standards varies across state and territory bodies, lacking a centralised national enforcement body.

### 3.1.5. Labelling and Packaging Laws

- Mandatory origin labelling. The Commerce (Trade Descriptions) Act 1905 requires detailed country of origin labelling for many imports, which can be overly burdensome for global value chain goods.
- Frequent amendments to food code. The Australia New Zealand Food Standards Code underwent 89 amendments between 2020 and 2024 creating challenges in compliance for exporters.

### 3.1.6. SPS Regulations

- Import classifications and bans. New classifications (e.g. for kava, ready-to-eat berries) and updated SPS restrictions (e.g. *E. coli* exemptions for certain dried foods) could result in shifting compliance requirements.
- Limited use of equivalence. Despite Codex harmonisation, certain SPS measures retain stricter national interpretations, particularly in organic and food safety exports.

### 3.1.7. Biosecurity

- Stringent import controls. Australia applies strict biosecurity regulations, especially for plant and animal-based imports. Certain fungi and plants are outright prohibited, which may impact exporters without transparent exemption mechanisms.

### 3.1.8. Animal and Plant Health Laws

- Certification requirements.** Import requirements for bivalve molluscs and ready-to-eat plant products require specific certification, adding cost and administrative burden.

### 3.1.9. Fisheries Laws

- Export Control (Organic Goods) Rules 2021.** Introduced mandatory certification for seafood and organic produce. While aligned with WTO norms, frequent updates could deter small exporters from entering the Australian market.

### 3.1.10. Market Access

- High cumulative regulation.** Australia maintains a wide range of prohibitions and conditional imports (e.g. defence goods, chemicals, bioproducts) under the Customs (Prohibited Imports) and (Prohibited Exports) Regulations, which, while security-oriented, create multiple layers of conditionality.

### 3.1.11. Trade Facilitation

- Limited reach of digital reforms.** While initiatives such as the ICS and STS exist, actual streamlining across all 32 involved agencies remains a work in progress.

### 3.1.12. Consumer Protection

- Varying state/territory oversight:** product safety and food labelling enforcement is managed at the state level, which can result in inconsistent application of rules across jurisdictions.

### 3.1.13. Tax Regulations

- Excise and duty gaps:** customs duty revenue declined from AUD17–18 billion to AUD13.8 billion in the financial year 2023–24, while excise collections remained high. This imbalance could potentially lead to increased reliance on indirect taxation that disproportionately affects imported goods

## 3.2 Conventional Trade and Regulations Gaps in New Zealand

### 3.2.1. Product Standards Gaps

- While New Zealand aligns many product standards with international norms, only 39 TBT notifications were made from 2015 to 2022, suggesting possible underreporting or lag in harmonisation across newer product categories.

### 3.2.2. Licensing Gaps

- Although no import licensing is imposed on commercial grounds, quantitative restrictions still exist for public health, environmental or international treaty reasons (e.g. on agricultural products, chemicals and endangered species), potentially limiting market access.

### 3.2.3. Customs Regulations Gaps

- Despite modernisation efforts, import clearance must occur within 20 days post-arrival, which is more rigid than real-time systems in some OECD peers.
- Absence of an AEO programme limits expedited clearance benefits for trusted traders.
- Time to import goods is 25 hours at a cost of USD367 – significantly higher than the OECD high-income average of 8.5 hours and USD98.1.

### 3.2.4. Testing and Certification Gaps

- MRAs exist but are mostly limited to selected product categories (e.g. electronics, telecommunications and organics). The MRA with China was not operational as of early 2022.
- New Zealand has not negotiated sector-specific MRAs under the APEC Conformity Assessment arrangements.

### 3.2.5. Labelling and Packaging Laws

- Specific labelling requirements exist for certain goods (e.g. meat, fish, hemp seeds, genetically modified foods), which may diverge from exporting countries' norms.
- Proposed labelling rules on country of origin for meat and pork led to TBT concerns in the WTO (2020), suggesting potential trade restrictiveness.

### 3.2.6. SPS Regulations

- The risk-based system under the Food Act 2014 categorises foods and applies differentiated controls. However, this may increase compliance burden for exporters unfamiliar with New Zealand's classification system.
- High-risk foods are subject to increased scrutiny, including specific import clearance conditions, posing compliance complexity.

### 3.2.7. Biosecurity Gaps

- All food and plant/animal products must comply with Biosecurity Act 1993, creating overlapping compliance requirements with other food and health laws.
- Although the Government Industry Agreement framework is collaborative, co-investment expectations may deter smaller exporters or newer market entrants.

### 3.2.8. Animal and Plant Laws

- Exporters must meet requirements under Animal Products Act 1999, Agricultural Compounds and Veterinary Medicines Act 1997 and other sectoral laws. This layered compliance may be duplicative or overly burdensome.

### 3.2.9. Fisheries Laws

- Origin labelling of fish and seafood under Consumer Information Standards Regulations is mandatory, which may require exporters to revise packaging or documentation.

### 3.2.10. Market Access Gaps

- Certain goods still face quantitative restrictions and prohibitions based on health, environmental or treaty obligations, and these are not always transparently notified.
- Anti-dumping measures can be imposed, and although the law allows a public interest test, discretionary implementation may still pose barriers.

### 3.2.11. Trade Facilitation Gaps

- No AEO system despite risk management protocols being in place reduces incentives for compliant traders.
- No pre-shipment inspection regime, which while liberal in approach, may increase uncertainty for exporters from countries that rely on such mechanisms for export clearance.

### 3.2.12. Consumer Protection Gaps

- Despite a robust Consumer Guarantees Act, labelling rules under Consumer Information Standards (CIS) Regulations are occasionally delayed in implementation (e.g. for frozen foods), creating uncertainty for exporters.

### 3.2.13. Tax Regulations Gaps

- While there are 40 Double Taxation Agreements, negotiations for additional treaties have been suspended, limiting tax certainty for newer trade partners.
- No financial incentives or investment tax holidays are provided for exporters or foreign investors, only selective grants under limited schemes such as the Strategic Investment Fund.

## 3.3 Conventional Trade and Regulations Gaps in India

### 3.3.1. Product Standards Gaps

- Limited use of international standards. Only 27.3 per cent of Indian standards are harmonised with international standards, which may lead to technical divergences with global trade partners.
- Lack of consolidated catalogue. India does not maintain a consolidated online catalogue of draft and approved technical regulations, hampering transparency for foreign exporters.
- Standards are generally protective.
- Very limited acceptance of conformity assessment of product standards.

### 3.3.2. Licensing Gaps

- Import licensing on many tariff lines. As of 2019–20, 440 tariff lines required import licences, which adds procedural hurdles.
- Unpredictable licence suspension. Import licences may be suspended or cancelled without prior notice, reducing business certainty and posing legal risks for traders.
- Port-specific licensing. Licences are often granted only for specific ports, limiting logistical flexibility and potentially raising transaction costs.

### 3.3.3. Customs Regulation Gaps

- EDI non-operational in some areas. The ICES is not functional in 25 customs locations, mainly in land border stations, undermining uniformity in customs processing.
- Lower green channel utilisation. Only 66 per cent of bills of entry are cleared via the green channel; the rest face document checks or physical verification, implying higher border delays than some peers.
- Frequent use of import prohibitions and Minimum Import Prices (MIPs). India continues to rely on MIPs and frequent import prohibitions for several HS codes, limiting market access predictability.

### 3.3.4. Testing and Certification Gaps

- No recognition of overseas labs. BIS recognises 243 domestic labs but no overseas laboratories, which forces foreign exporters to route their goods through domestic facilities for testing.

- On-site factory audits for foreign applicants. Foreign manufacturers must undergo on-site inspections in their country to obtain a BIS licence, raising compliance costs.
- Limited self-certification acceptance. While self-declaration schemes exist, they still require prior testing at BIS-recognised labs and manufacturer registration, limiting their facilitative potential.

### 3.3.5. Labelling and Packaging Gaps

- Multiple regulatory layers. Labelling requirements are spread across the Legal Metrology Rules (2011) and the Food Safety and Standards (FSS) (Packaging and Labelling) Regulations, 2011, with additional product-specific rules for garments, alcohol, health supplements, etc.
- Rigid language requirement. Labels must be in English or Hindi – this can hinder exporters from non-Hindi speaking regions or multilingual labelling systems.
- Mandatory country of origin declaration. Since 2017, imported goods must indicate the country of origin or manufacture, which may not align with customs valuation practices or multi-country supply chains.
- FSSAI logo and licence required. Imported foods must display the FSSAI logo and licence number, adding additional regulatory hurdles for foreign suppliers.

### 3.3.6. SPS Regulations Gaps

- No unified SPS law. India lacks a single, consolidated SPS law; instead, multiple ministries issue fragmented and overlapping rules.
- Heavy reliance on pre-import permits. SPS import permits (e.g. for plants, seeds, animal products) are mandatory in most cases, often requiring pre-clearance before export from the origin country.
- High regulatory burden on risk assessment. Importers must finance pest risk analysis (PRA), including site inspections by Indian officials in the exporting country.
- Frequent import suspensions. If a pest is intercepted in a consignment, imports can be immediately suspended, even before a full risk reassessment.

### 3.3.7. Biosecurity Gaps

- Overlapping institutional mandates. Biosecurity enforcement is divided among the DAHD, FSSAI and Directorate of Plant Protection, with limited operational integration.
- Absence of formal mutual recognition of risk analysis. While foreign lab tests are recognised, there is no formal MRA-based equivalence regime, leading to duplicate assessments.

### 3.3.8. Animal Laws Gaps

- Stringent disease-free area requirements. Imports of poultry are allowed only from regions certified free of avian influenza, per OIE standards.

### 3.3.9. Plant Laws Gaps

- Post-entry quarantine mandatory. For propagative materials (e.g. seeds, cuttings), importers must set up quarantine facilities at their own cost.
- Restricted port entry. Seeds and propagation materials can be imported only through six major ports, restricting broader trade routes.
- Delayed PRA process. To import unlisted products, PRA must first be conducted before scheduling – a time-consuming process that delays trade.

### 3.3.10. Fisheries Laws Gaps

- Restricted import locations. Fish products may only be imported through Vishakhapatnam, Kochi (seaport and airport) and Petrapole (for Bangladesh), limiting market access.

- No clear mutual recognition with foreign fisheries regulators. India does not provide automatic recognition of fisheries inspection systems of other countries, leading to retesting and certification duplication.

### 3.3.11. Market Access Gaps

- High MFN tariffs on agriculture. India's average applied MFN tariff for agriculture reached 36.5 per cent in 2020–21, with some tariffs up to 150 per cent, contributing to substantial access limitations.
- TRQs with low fill rates. While India provides MFN-based TRQs for several products, actual utilisation is negligible, undermining the trade facilitation intent.
- Frequent and unpredictable import restrictions. India uses MIPs, quantitative restrictions and import prohibitions (e.g. cashew kernels, peas), often imposed abruptly, which affects market predictability.
- Use of STEs. Certain key imports (e.g. rice, wheat, fertilisers) are channelled through state monopolies, limiting private sector participation and competition.

### 3.3.12. Trade Facilitation Gaps

- Incomplete EDI coverage. The ICES is not operational in 25 customs locations, mostly at land borders, impacting automation and efficiency.
- Limited green channel usage. As of 2020, only 66 per cent of all bills of entry were cleared via the green channel; 34 per cent still face documentary or physical inspection, slowing cargo release.
- AEO programme limited by eligibility. While India's three-tier AEO system offers trade facilitation benefits, deferred duty payment is restricted to AEOs, and repeated non-compliance leads to ineligibility.
- Pre-shipment inspection still mandatory for certain goods. Imports of metal scrap, waste paper and second-hand steel require pre-shipment inspection, unless from a shortlist of exempted countries.

### 3.3.13. Consumer Protection Gaps

- Overlapping institutional oversight. Multiple agencies (e.g. FSSAI, BIS, Telecommunications Engineering Centre (TEC)) oversee consumer protection standards without a single unified framework, leading to regulatory fragmentation.
- No online catalogue of regulations. India does not maintain a consolidated catalogue of technical regulations or quality control orders, making it difficult for foreign firms to navigate compliance requirements.
- Frequent ad hoc amendments. Technical regulations are amended on an ad hoc basis, often without a minimum prescribed transition period for implementation.

### 3.3.14. Tax Regulation Gaps

- Complex dual GST system. Despite GST replacing various indirect taxes, some products (e.g. petroleum, alcohol) are still outside its scope, leading to fragmented tax treatment.
- Export and import taxation overlaps. Some products are still subject to export taxes or duties, though most are at 0 per cent – this dual framework adds unpredictability for trade flows.
- Frequent tariff adjustments based on domestic conditions. India often adjusts tariffs on products such as wheat and sugar in reaction to domestic supply–demand conditions, which undermines tariff predictability.

## 3.4 Conventional Trade and Regulations Gaps in Malaysia

### 3.4.1. Product Standards

- Some product categories require strict conformity with MS, and the Customs (Prohibition of Imports) Order mandates import compliance or exemption letters for a wide array of products.
- Changes to standard conformity obligations (e.g. new product inclusions) are frequent and not always transparently pre-notified, potentially creating uncertainty for exporters.

### 3.4.2. Licensing Requirements

- Many goods are conditionally prohibited unless accompanied by specific import licences or certificates from designated authorities (e.g. Construction Industry Development Board Malaysia (CIDB), MAQIS, Road Transport Dept.).
- Foreign firms are prohibited from applying directly for many telecommunications and multimedia licences unless they are locally incorporated, and many licences impose Bumiputera ownership or equity caps (30–51 per cent).

### 3.4.3. Customs Regulations

- Although fully automated, Malaysia lacks functionality for electronic submission of all supporting trade documents (e.g. invoices, Bills of Lading (BLs)) in its eDeclare system.

### 3.4.4. Testing and Certification

- A broad range of goods require conformity assessment through a fragmented network of authorities issuing certificates of analysis (COAs) or certificates of conformances (COCs) (e.g. SIRIM, MAQIS, CIDB).
- While Malaysia has robust international accreditation (JSM, ILAC/IAF MRAs), foreign manufacturers must often meet duplicative local testing/certification procedures for market access.

### 3.4.5. Labelling and Packaging

- Products such as batteries and electrical goods must comply with Consumer Protection Act labelling norms; lack of mutual recognition of foreign labelling may delay market entry.

### 3.4.6. SPS Regulations

- SPS controls are distributed across several agencies and products often require multiple certificates (e.g. MAQIS for agricultural goods), increasing the complexity of entry compliance.

### 3.4.7. Biosecurity Laws

- No unified national biosecurity law is highlighted; plant and animal quarantine functions are performed by separate agencies (e.g. MAQIS, Department of Veterinary Services), suggesting coordination challenges.

### 3.4.8. Animal Laws

- Veterinary inspections and SPS clearance required by MAQIS may overlap with health-related import controls, leading to procedural duplication and delays.

### 3.4.9. Plant Laws

- Importation of specific agricultural products requires COC and prior approval from MAQIS, limiting just-in-time delivery models and increasing pre-shipment documentation burden.

### 3.4.10. Fisheries Laws

- Although not explicitly detailed in the document, references to SPS and licensing requirements suggest that imported fishery products are subject to approval and certification, which may not always recognise equivalence from exporting countries.

### 3.4.11. Market Access

- NTMs such as strict import licensing, origin certification and conditional prohibitions may act as de facto barriers even when tariffs are low.
- Multiple agencies are involved in import authorisation, creating regulatory fragmentation.

### 3.4.12. Trade Facilitation

- Despite the NSW (myTRADELINK), physical submission of documents may still be required, undermining full digitisation benefits.
- Malaysia's customs lacks a pre-shipment inspection regime, but delays may arise from post-arrival inspections and multi-agency clearance needs.

### 3.4.13. Consumer Protection

- COAs and certifications under the Consumer Protection Act are mandatory for several categories of consumer goods, with no clear recognition of compliance with equivalent foreign standards.

### 3.4.14. Tax Regulations

- While not explicitly discussed in detail, references to customs valuation based on ministerial discretion (e.g. for motor vehicles) suggest a potential for discretionary taxation that may be unpredictable for importer.

## 3.5 Conventional Trade and Regulations Gaps in Singapore

### 3.5.1. Product Standards Gaps

- Singapore encourages alignment with international standards but retains some Singapore Standards for 'unique domestic requirements', which may create unnecessary technical barriers for exporters unfamiliar with local deviations.
- Approximately 270 standards are incorporated into technical regulations, and the line between voluntary and mandatory standards may not always be clear to foreign exporters.

### 3.5.2. Licensing Gaps

- Some imports are subject to non-automatic licensing, notably for certain chemicals, tobacco products and animals, which may involve complex eligibility and documentation requirements.
- Products subject to non-automatic licensing cannot be freely imported without prior legislative designation, which may delay trade or limit predictability.

### 3.5.3. Customs Regulations Gaps

- Although Singapore's customs regime is highly digitised via TradeNet and the NTP, both platforms operate in parallel, which might create transition issues or confusion for foreign traders unfamiliar with dual systems.
- Declaring agents must undergo compliance assessments, which could be viewed as burdensome for smaller foreign operators unfamiliar with Singapore's customs protocols.

### 3.5.4. Testing and Certification Gaps

- Controlled goods must be certified by designated conformity assessment bodies, which are limited to those in Singapore or in territories with MRAs. This limits exporters from non-MRA countries from using their home testing bodies.
- While accreditation is voluntary, unaccredited conformity assessment bodies are not recognised for regulatory purposes, limiting exporter flexibility.

### 3.5.5. Labelling and Packaging Laws

- Mandatory labelling includes specific content such as origin, ingredients and batch information. While generally aligned with international norms, special labelling obligations for therapeutic goods and specific food categories (e.g. genetically modified (GM) food, enriched food) may differ from global norms, leading to confusion or non-compliance risks.
- GM food products currently do not require special labelling, but the policy is under review. Sudden regulatory changes in this area may create uncertainty.

### 3.5.6. SPS Regulations and Biosecurity

- Although generally science-based, Singapore's split institutional arrangement – SFA (food) and NParks (animal and plant) – can cause overlap or fragmentation in enforcement and certification processes.
- The requirement for phytosanitary certificates and additional documentation for plant imports may pose a burden on exporters from developing countries with weaker regulatory systems.

### 3.5.7. Animal and Plant Import Laws

- Animal import requirements include inspections, possible quarantine and origin-specific restrictions (e.g. rabies status), which may limit or delay trade from certain countries.
- Live plants require import permits and phytosanitary documentation, with stricter checks for endemic diseases. These requirements may be viewed as trade-restrictive if not transparently communicated or updated regularly.

### 3.5.8. Fisheries Laws

- NParks conducts export accreditation for ornamental fish and conducts audits of exporters. This may restrict participation from non-accredited firms or countries lacking equivalent quality assurance systems.

### 3.5.9. Market Access Barriers

- Although most tariffs are zero, about 30 per cent of tariff lines remain unbound, creating unpredictability and scope for future protectionism despite Singapore's liberal trade posture.
- High regulatory reliance on pre-approvals and import licensing for certain products could impede spontaneous market entry.

### 3.5.10. Trade Facilitation Gaps

- Singapore has implemented all provisions of the WTO TFA and operates an advanced risk-based system (TradeFIRST), but traders must be classified into tiers to benefit from facilitation measures. Smaller or newer traders may be disadvantaged if classified at lower tiers.

### 3.5.11. Consumer Protection Gaps

- Post-market surveillance applies to a wide array of goods without prior testing; however, the absence of pre-market checks for many general goods may increase compliance risk for foreign suppliers facing recall or penalties if goods are later found unsafe.

### 3.5.12. Tax Regulations

- The GST applies equally to imported and domestic goods at 7 per cent, but customs valuation includes cost, freight, insurance and incidental charges, which may raise the base tax burden for importers.
- Although tax incentives are widely available, lack of public disclosure on the economic cost of tax incentives reduces transparency and may raise WTO compliance questions.

## 3.6 Conventional Trade and Regulations Gaps in Fiji

### 3.6.1. Product Standards Gaps

- Heavy reliance on adopted Australian and New Zealand standards with limited development of Fiji-specific standards may limit adaptability to local needs.
- Only 13 mandatory standards exist, despite diverse import/export activities, suggesting underdeveloped regulatory coverage.
- No recent food safety standard has been published by the DNTMS, indicating a regulatory lag in an essential trade-related sector.

### 3.6.2. Licensing Gaps

- Non-automatic import licensing remains in place for a wide range of products including narcotics, alcohol and explosives, potentially adding procedural burdens.
- Fiji did not notify the WTO Committee on Import Licensing, reducing transparency for trading partners.
- Some export licensing requirements still apply to fisheries and agricultural goods, adding compliance delays for exporters.

### 3.6.3. Customs Regulations Gaps

- Although ASYCUDA World is used, customs declarations over FJD1,000 still require manual or semi-automated processes, limiting full automation benefits.
- Lack of provisions in domestic law for ROO – handled only through trade agreements – creates ambiguity for exporters and importers.

### 3.6.4. Testing and Certifications Gaps

- Fiji has only one independent accredited laboratory, which limits testing capabilities for trade-sensitive products.
- Requires technical assistance to develop lab accreditation and testing infrastructure in compliance with WTO TFA Article 5.3.

### 3.6.5. Labelling and Packaging Laws

- While general labelling rules exist, there are no labelling requirements for GMO products, creating potential safety or compliance concerns for trading partners.
- Mandatory relabeling within 30 days is required if Codex standards are not met, but lacks clarity on enforcement consistency.

### 3.6.6. SPS Regulations

- Fiji did not submit any SPS notifications to the WTO during the review period, reducing transparency.
- While aligned with IPPC and Codex, regulatory updates are slow, requiring further alignment with International Standards for Phytosanitary (ISPMs) and faster notification procedures.

### 3.6.7. Biosecurity

- Single agency (BAF) manages biosecurity but lacks regular external evaluations and transparency mechanisms despite having adopted international best practices.
- While ePhyto has been implemented, it is limited to a few countries, not yet fully multilateral.

### 3.6.8. Animal Laws

- The Animal Health and Production Division is not independently mentioned, and animal-specific SPS or import-export certification procedures are not well elaborated.
- No mention of animal welfare standards for live exports – potential trade friction with stricter partner countries.

### 3.6.9. Plant Laws

- While ISPM-based reforms exist, import permits are still required for regulated products, possibly acting as barriers if permit issuance is delayed.

### 3.6.10. Fisheries Laws

- Every consignment of marine exports requires permits 48 hours before shipment, which can delay trade and limit flexibility.
- Exporters to key markets like the US or Japan must implement Hazard Analysis and Critical Control Point (HACCP,) which may be costly for small-scale operators.

### 3.6.11. Market Access

- High MFN agricultural tariff (17.5 per cent) and low binding coverage (47.5 per cent) create unpredictability for exporters.
- Some MFN applied rates exceed bound rates, indicating potential WTO inconsistencies.

### 3.6.12. Trade Facilitation

- While 97.1 per cent of TFA commitments are implemented, single window remains pending until 2025, creating inefficiencies.
- Testing procedures under Article 5.3 of TFA remain unfulfilled, impeding risk-based clearance processes.

### 3.6.13. Consumer Protection

- Fiji's consumer protection laws are integrated within its competition framework, but limited capacity or enforcement mechanisms may reduce effectiveness in guarding against substandard imports.

### 3.6.14. Tax Regulations

- Complex and multiple excise and VAT layers (0 per cent, 9 per cent, 15 per cent) and specific product-based concessions may distort trade neutrality.
- High forgone revenue from concessions (up to 15 per cent of fiscal revenue) indicates potential for unbalanced tariff structure, possibly impacting fair competition.

## 3.7 Conventional Trade and Regulations Gaps in Samoa

### 3.7.1. Product Standards Gaps

- No centralised standardisation body; responsibilities are fragmented across ministries such as MCIL and the Office of the Regulator.
- Only one technical regulation has been adopted so far on toy safety, limiting the scope of enforceable product standards.
- Lack of formal conformity assessment procedures hampers reliable market entry evaluation.

### 3.7.2. Licensing Gaps

- Activity licences required for specific imports (e.g. liquor, narcotics, pesticides, plastic bags), which are automatically routed to red channel inspections, raising clearance delays.
- Sector-specific and discretionary licensing for products such as narcotics and liquor are subject to subjective assessments by multiple ministries, reducing predictability.

### 3.7.3. Customs Regulations Gaps

- No single-window system yet implemented; this limits trade automation and increases transaction time.
- Samoa ranked 148th globally for ease of trading across borders; documentary compliance still takes 84 hours on average.
- Customs Valuation Notification still pending to the WTO Committee despite use of WTO methods.

### 3.7.4. Testing and Certification Gaps

- No national conformity assessment regime outside of the SROS for food testing.
- Absence of structured national certification systems restricts alignment with international norms.

### 3.7.5. Labelling and Packaging Laws Gaps

- Non-food labelling laws exist only for pesticides and specific electrical appliances, with reliance on labels approved in Australia, Fiji and New Zealand.
- Food labelling rules based on Codex standards but enforcement capacity is weak with only five food safety inspectors nationwide.

### 3.7.6. SPS Regulation Gaps

- Samoa has not submitted any SPS notifications to the WTO, despite adopting Codex-aligned food safety rules.
- Limited enforcement capacity for SPS inspections; only ad hoc inspections are conducted by a small team under outdated laws such as the 1959 Health Ordinance.

### 3.7.7. Biosecurity, Animal, Plant and Fisheries Laws Gaps

- Import bans exist for plants, parrots, bee products and more under various older laws, but no comprehensive biosecurity framework is mentioned.
- Live coral and sea cucumber exports are prohibited, but enforcement and monitoring mechanisms are not elaborated.
- The Slaughter and Meat Supply Act (2015) is yet to be fully implemented with pending regulations.

### 3.7.8. Market Access Barriers

- High MFN tariffs on agricultural products (up to 300 per cent) and inconsistent application of bound rates undermine predictability.
- Lack of anti-dumping, countervailing or safeguard mechanisms limits the ability to manage unfair trade.

### 3.7.9. Trade Facilitation Gaps

- No operational AEO system or single window for trade facilitation yet; pilot projects are under development.
- Absence of pre-shipment inspection is positive, but customs processing time and procedural burdens remain high.

### 3.7.10. Consumer Protection Gaps

- The Competition and Consumer Act 2016 provides authority for standards and safety regulation, but price controls on basic goods still persist, indicating partial liberalisation.

### 3.7.11. Tax Regulation Gaps

- Excise duties on high-fat foods and sugary products have been raised, which may act as an NTB to importers of processed food.
- Value Added Goods and Services Tax (VAGST) is uniformly applied on import value including duties and other levies, potentially compounding the tax burden.

# 4. Digital Trade and Regulations Gaps Analysis

## 4.1. Digital Trade and Regulation Gaps in Australia

### 4.1.1. E-Commerce Regulations

- **E-Commerce licensing and recognition**
  - No major domestic gaps but lack of regional interoperability in business recognition mechanisms (e.g. differing registration disclosures and platform onboarding standards across Fiji, Samoa).
- **Digital contracts and transactions**
  - Fully recognised domestically; however, cross-border enforceability gaps persist where partner countries do not yet uniformly recognise e-signatures or electronic documentation (e.g. Fiji, Samoa).
- **Regulatory authority presence**
  - Well-established enforcement via ACCC and ASIC, but no mutual recognition frameworks with lower-capacity jurisdictions, limiting coherence in dispute resolution and enforcement cooperation.
- **Cybersecurity and data protection**
  - Strong national rules under Privacy Act and Cybersecurity Strategy; however, differences in consumer-facing e-commerce cybersecurity protocols compared to Malaysia, Singapore and India may limit platform scalability.
- **Fair competition and marketplace regulation**
  - Domestic enforcement is strong, but interoperability gaps emerge due to absence of common standards for algorithmic fairness, seller transparency and regional competition rules.
- **Logistics and last-mile delivery**
  - Digitised and efficient nationally, yet no regional alignment on customs logistics data exchange protocols with less digitised markets such as Samoa or Fiji.
- **Marketplace liability**
  - Platform liability clearly defined in Australia; regulatory divergence with jurisdictions lacking defined platform liability could hinder harmonised consumer protection in cross-border sales.

### 4.1.2. Cross-Border Data Transfers

- **Extraterritorial Applicability**
  - Australia's Privacy Act extends some protections, but it is not as broad as GDPR and lacks enforceable reciprocal mechanisms with countries like Fiji or Samoa.
- **General principles of data processing**
  - Largely aligned with GDPR; challenge lies in interoperability with less developed regimes lacking any data protection law (e.g. Samoa, Fiji).

- **Rights of data subjects**
  - Comprehensive in Australia, but no enforcement pathways for Australian users when data is handled in countries with weak regulatory frameworks, posing cross-border risks.
- **Oversight and registration**
  - No requirement for foreign data handlers to register in Australia; gap emerges when dealing with jurisdictions that impose this, causing regulatory asymmetry.
- **Transfer permissions**
  - Uses a flexible adequacy-plus model but lacks common transfer mechanisms or bilateral adequacy arrangements with most Indo-Pacific counterparts, impeding seamless data flows.

#### 4.1.3. Digital Trade Facilitation

- **Paperless trade and e-docs**
  - Strong domestic implementation via the ICS, but gap lies in lack of mutual recognition of e-docs with Samoa, Fiji and sometimes India.
- **Cross-border e-payments**
  - Domestic frameworks are robust; regional interoperability issues remain, especially with developing economies where financial integration and AML standards vary.
- **Customs digitisation**
  - High performing but requires interoperability agreements or Application Programming Interface (API) alignment with trading partners' systems to ensure regional coherence.
- **Digital trade agreements**
  - Australia is advanced (CPTPP, DEPA), yet limited participation of neighbours (e.g. Fiji, Samoa) in such frameworks hinders collective digital integration.
- **Supply chain digitalisation**
  - Advanced use of blockchain and smart contracts, but disparities with countries that lack the digital infrastructure for compatible deployment.
- **Platform interoperability**
  - While systems such as ICS and single window are advanced, limited API standardisation or data exchange mechanisms across Indo-Pacific neighbours restrict full platform interoperability.

#### 4.1.4. IPR

- **Software patent eligibility**
  - Australia's narrow patent eligibility for software/business methods may create challenges in harmonising IP treatment with jurisdictions like India or Singapore with broader scope.
- **IP accessibility for SMEs**
  - High cost and complexity of IP registration in Australia may deter regional SMEs or innovators seeking IP protection, especially compared to more facilitative regimes (e.g. Malaysia).

#### 4.1.5. Digital Payments

- **Fintech licensing divergence**
  - While Australia's fintech regulation is robust, no common fintech licensing passport or bilateral recognition mechanism with Indo-Pacific counterparts, creating entry hurdles.

- **AML/CTF harmonisation**

- Despite AUSTRAC's strong regime, differences in AML thresholds, e-KYC norms and reporting formats across jurisdictions restrict regulatory coherence in cross-border payments.

#### 4.1.6. Cybersecurity

- **Critical infrastructure focus**

- Australia's SOCI Act focuses heavily on national infrastructure, while regional coherence gaps exist in consumer-level or SME cybersecurity policies, particularly with less regulated economies.

- **Lack of cross-border cyber incident protocols**

- No established bilateral or regional frameworks for incident reporting, breach coordination, or CERT-to-CERT collaboration with most Indo-Pacific peers.

### 4.2 Digital Trade and Regulation Gaps In New Zealand

#### 4.2.1. E-Commerce Regulations

- **E-commerce licensing and recognition**

- No significant domestic gap; however, lack of mutual recognition mechanisms across jurisdictions may hinder seamless cross-border e-commerce operations.

- **Digital contracts and electronic transactions**

- Well established domestically, but interoperability issues may arise with countries that lack legal recognition of e-signatures or enforceability of online contracts (e.g. Samoa, Fiji).

- **Regulatory authority**

- New Zealand's enforcement is robust; however, regional cooperation mechanisms for enforcement (e.g. marketplace disputes) remain underdeveloped.

- **Cybersecurity and data protection**

- Strong national framework under Privacy Act 2020, but differences in consumer-facing cybersecurity standards across partners may pose integration risks.

- **Fair competition and marketplace regulation**

- Effective competition laws apply domestically, yet absence of cross-border enforcement protocols may limit ability to tackle unfair practices by regional digital platforms.

- **Logistics and last-mile delivery**

- Efficient at national level; gap emerges in aligning digital logistics standards (e.g. tracking, digital delivery verification) with less developed neighbours.

- **Platform liability**

- Clear domestic rules exist; however, divergence with jurisdictions lacking defined liability norms (e.g. Samoa, Malaysia) may lead to inconsistent consumer redress standards.

#### 4.2.2. Cross-Border Data Transfers

- **Extraterritorial applicability**

- Present under Privacy Act 2020, but limited bilateral agreements or mutual adequacy recognitions in place with Indo-Pacific neighbours.

- **General principles of data processing**
  - Strong alignment with GDPR standards; coherence gap may arise with partners (e.g. Fiji, Samoa) that lack formal data-processing laws.
- **Data subject rights**
  - Well protected in New Zealand, but lack of reciprocal rights enforcement in partner countries weakens regional data governance.
- **Oversight and enforcement authority**
  - Office of the Privacy Commissioner is well functioning, but no formal cooperative mechanisms with foreign data regulators for enforcement coordination.
- **Registration requirements**
  - Requires registration in specific cases; absence of reciprocal obligations in most Indo-Pacific jurisdictions limits cross-border accountability.
- **Transfer permissions**
  - Flexible mechanisms exist (contractual, adequacy, consent), yet few Indo-Pacific countries have recognised equivalence with New Zealand, leading to legal uncertainty in data transfers.

#### 4.2.3. Digital Trade Facilitation

- **Paperless trade and e-documentation**
  - Fully implemented (e.g. PEPPOL e-invoicing); challenge lies in mutual legal recognition of digital documents with less digitised partners.
- **Cross-border e-payments and financial integration**
  - Strong frameworks via FMA and RBNZ, but lack of payment interoperability agreements with smaller economies (e.g. Samoa, Fiji) restrict seamless financial flows.
- **Customs digitisation**
  - TSW and JBMS are efficient; gaps may emerge when integrated with paper-based or partially automated systems in neighbouring states.
- **Digital trade agreements**
  - Active in DEPA and CPTPP, but limited participation of Pacific partners (Fiji, Samoa) limits harmonisation potential.
- **Data flow and privacy in trade**
  - Privacy Act 2020 aligns well with trade data needs; however, regional partners without clear data flow provisions limit comprehensive regulatory coherence.
- **Supply chain and e-commerce logistics**
  - High digitalisation domestically; gap lies in lack of harmonised digital logistics and customs interfaces with smaller economies.
- **Platform interoperability**
  - National systems are advanced, yet no structured API or platform standards exist across Indo-Pacific, limiting full integration.

#### 4.2.4. IPR

- **Software patent eligibility**
  - New Zealand restricts software patenting; coherence issues may arise with countries allowing broader software IP protections, creating asymmetries in innovation rights.

- **SME IP accessibility**
  - IPONZ provides solid digital access tools, yet high costs and complex procedures remain a barrier for regional SMEs seeking IPR protection.

#### 4.4.5. Digital Payments

- **Fintech regulation**
  - Covered under the Financial Markets Conduct Act; no regional regulatory sandbox or mutual licensing mechanism, which limits cross-border fintech scaling.
- **AML/CTF harmonisation**
  - Robust via FMA/RBNZ; differences in AML regimes and digital ID frameworks with regional peers create integration bottlenecks for payment operators.

#### 4.4.6. Cybersecurity

- **Legal framework**
  - CERT NZ and DIA provide strong domestic coverage; lack of formal cyber incident coordination mechanisms with Indo-Pacific peers may hinder resilience in cross-border digital trade.
- **Cross-border cyber protocols**
  - No formal CERT-to-CERT agreements or shared risk frameworks across the region, reducing readiness to manage regional digital security threats.

### 4.3 Digital Trade and Regulation Gaps in India

#### 4.3.1. E-Commerce Regulations

- **E-commerce licensing and recognition**
  - Well structured domestically but lacks bilateral or regional interoperability for business registration and FDI compliance across borders.
  - Restrictions on inventory-based e-commerce create regulatory divergence with more liberalised jurisdictions such as Singapore.
- **Digital contracts and electronic transactions**
  - Legally recognised; however, enforcement mechanisms vary, and cross-border legal recognition of e-signatures is inconsistent with less developed frameworks (e.g. Fiji, Samoa).
- **Regulatory authority presence**
  - Strong enforcement by CCI and MeitY; lack of structured regional cooperation limits joint enforcement on unfair practices and consumer grievances in cross-border sales.
- **Cybersecurity and data protection for e-commerce**
  - Strong obligations under IT Rules and DPDP Act 2023, but sector-specific data storage mandates (e.g. finance, health) hinder interoperability with open data flow regimes.
- **Fair competition and marketplace regulation**
  - Enforcement against monopolistic conduct exists, yet marketplace dominance norms diverge significantly from partner countries lacking equivalent oversight.
- **Logistics and last-mile delivery**
  - Rapidly evolving but limited regulatory alignment on logistics data exchange or customs digitalisation with Pacific economies and select ASEAN partners.

- **Platform liability**
  - Defined under IT rules and e-commerce rules, but divergence in platform accountability standards across the region complicates cross-border redress mechanisms.

### 4.3.2. Cross-Border Data Transfers

- **Extraterritorial applicability**
  - The DPDP Act 2023 applies extraterritorially to digital data but excludes manual data, creating misalignment with international standards.
  - No uniform cross-border enforcement framework with APEC/ASEAN.
- **General principles of data processing**
  - Aligned with international norms (e.g. purpose limitation, consent).
- **Data subject rights**
  - Rights exist, including access and correction, but lack of advanced rights (e.g. data portability, algorithmic transparency) hampers alignment with EU-equivalent standards (GDPR).
- **Oversight authority**
  - The Data Protection Board is newly established and still lacks mature mechanisms for cross-border regulatory cooperation.
- **Registration requirements**
  - No formal requirement for foreign processors to register or appoint representatives, creating accountability gaps in enforcement.
- **Transfer permissions**
  - Negative list approach creates legal uncertainty, especially in absence of published 'blacklisted' jurisdictions; lacks equivalence-based or contractual transfer mechanisms used in EU or Singapore.

### 4.3.3. Digital Trade Facilitation

- **Paperless trade and e-documentation**
  - Implemented through ICEGATE and India Stack; however, lack of MLETR adoption limits legal recognition of cross-border digital negotiable instruments.
  - No mutual recognition of e-docs with smaller economies.
- **Cross-border e-payments**
  - UPI system is world-leading, but no regional licensing passport or interoperability agreements.
- **Customs digitisation**
  - ICES and RMS are functional, but API standardisation and data exchange protocols are not harmonised regionally, reducing trade automation efficiency.
- **Digital trade agreements and harmonisation**
  - Active in bilateral discussions, but not yet a DEPA member; regional coherence limited due to asymmetric commitments in digital trade clauses.

- **Data flow and privacy in trade**
  - Regulated under sectoral mandates and the DPDP Act; however, inconsistent flow permissions reduce predictability for digital service exporters.
- **E-commerce logistics and supply chains**
  - Strong domestic evolution (e.g. Open Network for Digital Commerce (ONDC)), but cross-border integration remains underdeveloped, especially in last-mile compliance and real-time tracking.
- **Platform interoperability**
  - India Stack is a global model; however, no regional integration strategy with platforms in Southeast Asia or the Pacific.

#### 4.3.4. IPR

- **Software and digital IP protection**
  - Copyright Act protects digital works but delays in enforcement and procedural inefficiencies undermine cross-border digital licensing.
- **Trademark and patent enforcement**
  - Lengthy dispute resolution and inconsistent judicial interpretation of digital IPR issues reduce legal certainty for regional and foreign businesses.
- **Cross-border IPR coordination**
  - No mutual recognition or harmonised digital IPR registration mechanism, limiting scalability for content or software exports.

#### 4.3.5. Digital Payments

- **Fintech regulation**
  - Robust domestic oversight (e.g. RBI's sandbox), but lack of common licensing regime or recognition for regional fintech firms restricts regional expansion.
- **AML/CTF alignment**
  - India's regime is strong, but thresholds, KYC norms and e-wallet regulations differ widely from Pacific and some ASEAN partners.
- **Crypto and digital asset governance**
  - Crypto remains in a grey area; inconsistent policies with regional peers create incoherence in virtual asset trade flows.

#### 4.3.6. Cybersecurity

- **Critical infrastructure emphasis**
  - Emphasis on telecom, finance and health sectors under CERT-In; but consumer-facing SME cybersecurity obligations remain loosely defined.
- **CERT cooperation**
  - While India has CERT-In, formal CERT-to-CERT engagement frameworks with neighbours are limited, reducing collective regional resilience.
- **Cross-border breach coordination**
  - No binding legal framework for incident notification or response collaboration with Indo-Pacific partners.

## 4.4. Digital Trade and Regulation Gaps in Malaysia

### 4.4.1. E-Commerce Regulations

- **E-commerce licensing and recognition**
  - Domestically well-regulated; however, limited mutual recognition or streamlined onboarding protocols for foreign platforms create market access challenges in regional e-commerce integration.
- **Digital contracts and electronic transactions**
  - Legally valid under the Digital Signature Act, but regional enforcement interoperability remains weak, particularly with Pacific partners that lack electronic transaction laws.
- **Regulatory enforcement authority**
  - MCMC and MDTCA have oversight, but lack of bilateral enforcement cooperation mechanisms restricts efficient resolution of cross-border consumer complaints or unfair practices.
- **Cybersecurity and data protection for e-commerce**
  - Comprehensive under PDPA and CyberSecurity Malaysia; however, coherence gaps arise from sector-specific storage rules and absence of a unified e-commerce-specific data protection standard.
- **Fair competition and marketplace regulation**
  - No clear e-commerce-specific competition regulations; this limits regional alignment, especially as countries such as India and Australia adopt platform-specific competition norms.
- **Logistics and last-mile delivery**
  - Robust domestic framework, but absence of harmonised logistics and digital tracking protocols with regional supply chains limits cross-border efficiency.
- **Platform liability**
  - Currently underdeveloped; lack of defined obligations for marketplaces creates divergence with jurisdictions such as Australia and India that have well-developed liability norms.

### 4.4.2. Cross-Border Data Transfers

- **Extraterritorial applicability**
  - Applies only when foreign entities use equipment in Malaysia; excludes data handled without Malaysian infrastructure, weakening cross-border enforcement compared to GDPR-style regimes.
- **General principles of data processing**
  - Present under PDPA, but inconsistent implementation and enforcement across sectors affect coherence with OECD or APEC principles.
- **Rights of data subjects**
  - Basic rights guaranteed, but lack of stronger provisions such as data portability or algorithmic transparency reduces alignment with advanced economies.
- **Oversight by regulatory authority**
  - Personal Data Protection Commission (PDPC) functions well, but no formal cross-border enforcement or cooperative agreements with regional peers, weakening joint investigation and redress.

- **Registration of foreign data handlers**
  - Malaysia requires registration and representative appointments in some sectors, creating administrative burdens and divergence with economies that avoid such requirements (e.g. Singapore, India).
- **Permission to transfer personal data internationally**
  - Based on consent or contractual clauses; no adequacy list or mutual recognition arrangements, creating legal uncertainty for regular data exporters.

#### 4.4.3. Digital Trade Facilitation

- **Paperless trade and e-docs**
  - Implemented but not harmonised with MLETR standards, which hinders cross-border recognition of electronic transferable records.
- **Cross-border e-payments and financial integration**
  - Bank Negara regulates efficiently, but lack of cross-licensing or passporting arrangements impairs regional fintech interoperability.
- **Customs digitisation**
  - Digitisation is underway, yet interoperability with regional single windows remains limited, affecting streamlined cross-border clearance.
- **Digital trade agreements and harmonisation**
  - Participates in RCEP and bilateral Digital Economy Agreement (DEA), but not a member of DEPA, which restricts integration with DEPA-compliant partners such as New Zealand and Singapore.
- **Supply chain and e-commerce logistics**
  - Strong domestic systems; however, interfacing issues with Pacific nations and limited blockchain-based traceability reduce real-time cross-border coordination.
- **Platform interoperability**
  - No common APIs or integration standards with Indo-Pacific neighbours; low platform-to-platform data sharing and customs integration restrict full digital trade facilitation.

#### 4.4.4. IPR

- **Software and digital IP enforcement**
  - Copyright and trademark protections exist, but IPR enforcement, especially against online infringements, is inconsistent, creating vulnerabilities in cross-border content protection.
- **SME access to IP tools**
  - IPOS Malaysia offers support services, but lengthy registration processes and low regional coordination on IP validity reduce digital IP scalability.

#### 4.5.5. Digital Payments

- **Fintech licensing**
  - Malaysia's sandbox and licensing structure is robust; yet lack of bilateral licensing reciprocity or harmonised KYC norms limits regional fintech mobility.

- **AML/CTF alignment**
  - High domestic standards through Bank Negara; however, divergence in transaction thresholds and digital ID validation across countries hinders interoperability.

#### 4.5.6. Cybersecurity

- **Legal and institutional framework**
  - Managed by CyberSecurity Malaysia, but fragmentation across telecoms, financial and content sectors leads to incoherence when aligning with unified regional frameworks.
- **Cross-border threat response**
  - No formal CERT-to-CERT or ASEAN-level breach notification protocols; limits collaborative mitigation of transnational digital security incidents.

### 4.5 Digital Trade and Regulation Gaps in Singapore

#### 4.5.1. E-Commerce Regulations

- **E-commerce licensing and recognition**
  - Singapore has a comprehensive legal framework but no mutual recognition mechanisms with lower-capacity jurisdictions (e.g. Fiji, Samoa), potentially limiting business registration interoperability.
- **Digital contracts and electronic transactions**
  - Strong domestic legal recognition exists; however, limited cross-border enforceability frameworks with countries lacking digital transaction laws could impair coherence in cross-jurisdictional commerce.
- **Regulatory enforcement authority**
  - The IMDA and CCCS are well established, but no structured regional enforcement coordination mechanisms are in place to manage digital marketplace disputes across borders.
- **Cybersecurity and data protection for e-commerce**
  - The PDPA is strong but focuses more on business-to-business data transfers, leaving gaps in consumer-facing e-commerce cybersecurity protections compared to countries such as Australia or India.
- **Fair competition and marketplace regulation**
  - Well functioning under CCCS, but lacks regional alignment in e-commerce platform oversight, especially in platform algorithms and anti-competitive conduct prevention.
- **Logistics and last-mile delivery**
  - Efficient within Singapore, but no harmonised digital logistics tracking systems or mutual standards with emerging Indo-Pacific partners, restricting real-time cross-border delivery optimisation.
- **Platform liability**
  - Currently underdeveloped; no clear obligations for online marketplaces in cases of fraud or consumer harm, creating divergence from countries such as India and Australia with more defined liability regimes.

### 4.5.2. Cross-Border Data Transfers

- **Extraterritorial applicability**
  - Singapore's PDPA applies extraterritorially in certain contexts, but no binding enforcement mechanisms exist for regulating foreign entities handling Singaporean data abroad, limiting reciprocal accountability.
- **General principles of data processing**
  - Aligned with international norms (OECD, APEC CBPR), though lack of mandatory alignment mechanisms with partner jurisdictions creates practical implementation gaps.
- **Rights of data subjects**
  - Data subject rights are protected, but coherence issues may arise with jurisdictions lacking redress or complaint mechanisms, reducing consumer confidence in regional data flows.
- **Oversight of regulatory authority**
  - PDPC is fully functional; however, no cross-border investigatory agreements exist with regional authorities (e.g. India, Fiji), impeding joint enforcement.
- **Registration with foreign authorities**
  - Not required under Singaporean law but creates regulatory asymmetry with countries that mandate local representation (e.g. Malaysia), complicating bilateral operations.
- **Permission for cross-border transfer**
  - Transfer allowed with consent or contractual clauses; no adequacy recognition mechanism, which hinders seamless interoperability with jurisdictions applying whitelist/blacklist transfer models (e.g. India).

### 4.5.3. Digital Trade Facilitation

- **Paperless trade and e-documentation systems**
  - Advanced implementation; however, gap lies in legal mutual recognition of e-docs, especially with countries not aligned with UNCITRAL's MLETR (e.g. Fiji, Samoa).
- **Cross-border e-payments and financial integration**
  - Strong domestic system, but no regional licensing passport or harmonised digital ID integration, limiting fintech scalability across borders.
- **Customs digitisation and automated clearance**
  - High performing; interoperability challenges arise with less digitised customs systems in neighbouring economies.
- **Digital trade agreements and regulatory harmonisation**
  - Active in DEPA, CPTPP and FTAs; coherence gap lies in exclusion of smaller Indo-Pacific economies from such frameworks, limiting broader regional integration.
- **E-commerce logistics and supply chain digitalisation**
  - Supply chains are highly digitalised, yet limited regional collaboration on blockchain or AI-driven logistics protocols affects scalability of integrated trade facilitation.
- **Platform interoperability**
  - Platforms such as TradeNet and NTP are advanced; API and data-sharing protocols are not yet standardised regionally, creating bottlenecks in seamless digital trade operations.

#### 4.5.4. IPR

- **Software and digital IP protection**
  - IP regime is strong and pro-innovation; however, differences in software patent scope across jurisdictions (e.g. New Zealand, India) can result in inconsistent protection for digital products.
- **IP accessibility and regional coordination**
  - IPOS services are efficient, but lack of mutual recognition frameworks or unified regional filing systems reduces IP enforcement efficiency across borders.

#### 4.5.5. Digital Payments

- **Fintech licensing and regulation**
  - MAS offers a well-structured regime, but lack of licensing equivalence or sandbox mutual recognition limits the cross-border expansion of digital financial services.
- **AML/CTF compliance**
  - High compliance standards; however, transaction threshold mismatches and e-KYC variations across jurisdictions create coherence gaps in regional payment regulation.

#### 4.5.6. Cybersecurity

- **Institutional capacity and frameworks**
  - CSA and PDPC offer robust governance, but no formal CERT-to-CERT cooperation with smaller regional partners undermines rapid cyber incident response coordination.
- **Cross-border breach notification**
  - While domestic reporting is required, no standardised regional notification protocol exists, limiting transparency and coordination during cross-border cyber threats.

### 4.6 Digital Trade and Regulation Gaps in Fiji

#### 4.6.1. E-Commerce Regulations

- **E-commerce licensing and recognition**
  - Absence of a dedicated digital business licensing framework limits regulatory certainty for foreign platforms.
  - No harmonised recognition system for cross-border digital enterprises.
- **Digital contracts and electronic transactions**
  - Electronic Transactions Act exists but weak enforcement undermines trust and interoperability with stricter jurisdictions such as Australia or India.
  - Lack of mutual recognition agreements for e-signatures reduces enforceability in cross-border commerce.
- **Regulatory authority presence**
  - Consumer protection and digital commerce oversight exist in fragmented form; no specialised digital trade enforcement body, limiting dispute resolution capacity.
- **Cybersecurity and data protection for e-commerce**
  - No standalone data protection or cybersecurity legislation, creating risks for foreign digital service providers and incompatibility with data-driven jurisdictions.

- **Fair competition and marketplace regulation**
  - Basic rules exist but no e-commerce specific competition law, which reduces alignment with jurisdictions enforcing digital marketplace transparency.
- **Logistics and last-mile delivery regulation**
  - Infrastructure gaps and lack of digital tracking standards hinder last-mile delivery performance.
  - No regulatory alignment on e-commerce logistics with regional trading partners.
- **Platform liability**
  - No defined liability rules for online platforms, creating inconsistencies in consumer protection compared to Singapore, Australia or India.

#### 4.6.2. Cross-Border Data Transfers

- **Extraterritorial Applicability**
  - No law granting extraterritorial reach of Fijian data regulations; limits accountability for offshore data processors.
- **General principles of data processing**
  - No formal legislation embedding internationally accepted principles (e.g. purpose limitation, data minimisation).
- **Rights of data subjects**
  - No statutory rights to access, rectify or delete personal data, hindering interoperability with GDPR-aligned countries.
- **Oversight authority**
  - No independent data protection authority to enforce or coordinate cross-border compliance.
- **Registration of data handlers**
  - No requirement for foreign data processors to appoint local representatives or register, limiting traceability and regulatory control.
- **Transfer permissions**
  - No legal framework governing cross-border transfers, which disqualifies Fiji from participating in data adequacy or trust-based exchange mechanisms.

#### 4.6.3. Digital Trade Facilitation

- **Paperless trade and e-documentation systems**
  - No legal framework recognising e-documents under MLETR principles; cross-border paperless trade transactions face legal uncertainty.
- **Cross-border e-payments and financial integration**
  - Absence of regulation on cross-border digital payments, AML/KYC standards not harmonised with partners such as Singapore or Australia.
- **Customs digitisation and automated clearance**
  - Customs processing is partially manual; limited API integration and automation restricts regional interoperability.

- **Digital trade agreements and regulatory harmonisation**
  - Not a participant in DEPA or similar digital economy agreements; regulatory asymmetry with integrated partners reduces alignment prospects.
- **Data flow and privacy regulations in trade**
  - Absence of binding data protection rules creates legal incompatibility with cross-border data-dependent trade platforms.
- **E-commerce logistics and supply chain digitalisation**
  - Lack of digital infrastructure in logistics and low uptake of technologies such as blockchain or AI limits trade visibility and performance.
- **Interoperability of digital trade platforms**
  - No NSW or trade platform integration with regional systems; limits real-time trade data exchange and customs coordination.

#### 4.6.4. IPR

- **Software and digital IP enforcement**
  - Enforcement mechanisms are underdeveloped; digital copyright and trademark violations are difficult to prosecute.
- **SME IP accessibility**
  - Lengthy and opaque registration processes discourage digital innovators from securing protection, especially across borders.
- **Regional IP coordination**
  - No participation in harmonised IP regimes (e.g. ASEAN IP framework), reducing predictability for foreign rightsholders.

#### 4.6.5. Digital Payments

- **Fintech regulation**
  - No specific licensing regime for fintech, which complicates regional entry for payment service providers.
- **AML/CTF standards**
  - Existing AML legislation is basic; no digital identity integration or regional harmonisation of e-KYC protocols, affecting cross-border digital payments.

#### 4.6.6. Cybersecurity

- **Institutional framework**
  - CERT-Fiji is still under development; no comprehensive cybersecurity law, creating security vulnerabilities in trade-related digital infrastructure.
- **Cross-border breach coordination**
  - No formal cooperation protocols for cybersecurity incident reporting or CERT-to-CERT coordination, reducing resilience against transnational threats.

## 4.7 Digital Trade and Regulation Gaps in Samoa

### 4.7.1. E-Commerce Regulations

- **E-commerce registration, licensing and recognition**
  - No formal registration or licensing framework for e-commerce businesses.
  - This limits legal certainty, platform accountability and recognition of Samoan online entities in cross-border settings.
- **Digital contracts and electronic transactions**
  - Absence of legal provisions recognising electronic contracts or digital signatures.
  - Reduces enforceability of cross-border online transactions and weakens regional digital contract interoperability.
- **Regulatory/enforcement authority**
  - No dedicated national authority to oversee e-commerce activity.
  - Limits consumer protection, enforcement of digital standards and cross-border cooperation in dispute resolution.
- **Cybersecurity and data protection for e-commerce**
  - No legal framework in place to govern data security, online fraud prevention or consumer privacy in digital commerce.
  - Creates a major coherence gap with countries that require compliance with cybersecurity and data governance standards for trade.
- **Fair competition and marketplace regulation**
  - Lack of laws governing platform competition or e-commerce-specific market conduct.
  - Opens room for dominance or price manipulation by foreign platforms without accountability.
- **E-commerce logistics and last-mile delivery**
  - Underdeveloped digital logistics infrastructure and lack of digital tracking systems.
  - Creates inefficiencies and disconnects with advanced e-commerce logistics frameworks in the region.
- **Regulation of online marketplaces and platform liability**
  - No regulations on marketplace responsibilities in cases of fraud, counterfeit goods or consumer harm.
  - Reduces consumer trust and deters compliant platforms from expanding services in Samoa.

### 4.7.2. Cross-Border Data Transfers

- **Extraterritorial applicability**
  - No data protection legislation; laws do not apply to foreign entities handling Samoan data.
  - This undermines regulatory reciprocity and impedes alignment with GDPR-like or APEC CBPR standards.

- **General principles of data processing**
  - No codified legal principles on lawful or fair data processing (e.g. consent, purpose limitation).
  - Limits trust in digital services and obstructs Samoa's eligibility for cross-border data transfer agreements.
- **Rights of data subjects**
  - Citizens lack enforceable rights such as access, correction, erasure or complaint against misuse of data.
  - Weakens the protection of Samoan users in regional digital ecosystems.
- **Oversight by regulatory authorities**
  - No designated data protection authority.
  - Prevents enforcement of digital rights and restricts Samoa's participation in regional data governance.
- **Registration with foreign regulators**
  - No legal requirement or capacity for foreign digital service providers to register locally.
  - Leads to monitoring and compliance gaps in digital transactions involving Samoan consumers.
- **Permission to transfer personal data internationally**
  - No legal provisions guiding international data transfers.
  - Prevents Samoa from participating in trusted digital trade frameworks requiring data safeguards.

#### 4.7.3. Digital Trade Facilitation

- **Paperless trade and e-documentation**
  - No legal recognition of electronic trade documentation or digital signatures.
  - Prevents interoperability with regional paperless trade initiatives such as MLETR.
- **Cross-border e-payments and financial integration**
  - Underdeveloped digital payment systems with limited cross-border capability.
  - Limits integration with mobile money, e-wallets and fintech solutions emerging across Indo-Pacific markets.
- **Customs digitisation and automated clearance**
  - Customs processes remain largely manual with limited digitisation.
  - Creates delays and disconnects with countries using automated risk-based clearance systems.
- **Digital trade agreements and harmonisation**
  - Not a party to DEPA or regional digital agreements.
  - Lacks legal alignment on emerging digital trade rules, creating isolation from Indo-Pacific digital policy convergence.

- **Data flow and privacy in trade**
  - Absence of data governance laws hampers compliance with trade-linked data transfer obligations (e.g. DEAs, CPTPP-like clauses).
- **E-commerce logistics and supply chain digitalisation**
  - Lack of integration of digital tools (e.g. tracking, blockchain) in logistics and supply chains.
  - Prevents collaboration with regional real-time trade networks.
- **Platform interoperability**
  - No national digital trade platforms or APIs for integration with customs, payments or trade systems.
  - Limits Samoa's digital participation in regional business to business (B2B) and business to consumer (B2C) commerce platforms.

#### 4.7.4. IPR

- **Digital IPR protection**
  - Samoa lacks specific provisions for software, digital content or online infringement.
  - Hinders digital content creators from protecting their works locally or abroad.
- **Cross-border IP enforcement**
  - No regional cooperation or mutual recognition frameworks for IP rights.
  - Makes it difficult to protect or enforce Samoan IP rights across regional jurisdictions.

#### 4.7.5. Digital Payments

- **Fintech and licensing**
  - No national licensing regime or regulatory sandbox for digital financial services.
  - Creates uncertainty for cross-border fintech operations and limits financial innovation.
- **AML/CTF and e-KYC standards**
  - Lacks robust AML/KYC digital compliance frameworks aligned with Financial Action Task Force (FATF) or regional norms.
  - Risks Samoa being excluded from trusted regional payment corridors.

#### 4.7.6. Cybersecurity

- **Cybersecurity law**
  - No overarching cybersecurity framework or national cybercrime law targeting e-commerce threats.
  - Poses a systemic risk for integration into digitally secure regional trade ecosystems.
- **CERT and threat coordination**
  - CERT-Samoa is in development and lacks cross-border protocols for threat sharing.
  - Delays joint responses to cyberattacks affecting regional supply chains or trade systems.

# 5. Other Gaps from External Sources

## 5.1 Impact of China's Trade Dominance on Selected Indo-Pacific Countries

The rising trade dominance of China across the Indo-Pacific region continues to reshape economic and regulatory relationships among regional players. As China's influence expands through trade partnerships, infrastructure investments under the Belt and Road Initiative (BRI), and institutional leverage via RCEP, many countries face both opportunities and risks. While China's market provides an essential export destination, particularly for resource-rich and developing economies, it also presents challenges in regulatory alignment, trade dependence and sovereign decision-making. This section explores how China's growing presence is affecting the strategic orientation of selected Indo-Pacific countries and the ways they are responding to this evolving landscape.

### Australia

- Effect. China remains Australia's largest trading partner, accounting for over one-third of its exports, particularly in iron ore.<sup>297</sup>
- Impact. Australia's economy was hit by earlier Chinese trade curbs (e.g. on barley and wine) but later benefitted from the lifting of punitive tariffs.<sup>298</sup>
- Response. Australia has diversified trade links, strengthened ties with Western allies, invested in critical minerals and supply chain resilience and reaffirmed a rules-based approach to international trade.<sup>299</sup>

### New Zealand

- Effect. China accounts for up to 30 per cent of New Zealand's exports, making it the most significant trade partner.<sup>300</sup>
- Impact. High reliance on China for dairy and meat exports increases vulnerability to regulatory shifts.<sup>301</sup>
- Response. New Zealand pursues trade diversification via RCEP, CPTPP and agreements with the UK and EU, while carefully maintaining balanced engagement with China.

### India

- Effect. India has a large trade deficit with China, which supplies key imports such as electronics and chemicals.<sup>302</sup>
- Impact. Dependence on Chinese components exposes India to economic pressure.
- Response. India promotes self-reliance through its Atmanirbhar Bharat programme, imposes anti-dumping duties and excludes Chinese firms from sensitive sectors while actively pursuing alternate FTAs.<sup>303</sup>

297 <https://www.china-briefing.com/news/china-australia-bilateral-ties-opportunities-challenges-latest-updates/> "China-Australia Relations: Opportunities, Challenges, Latest Updates

298 <https://www.aspistrategist.org.au/china-is-buying-less-from-developed-countries-but-not-australia/#:~:text=central%20&https://www.reuters.com/markets/commodities/china-lifts-tariffs-australian-wine-ends-three-year-freeze-trade-2024->

299 The Australia-China Trade and Investment Relationship | Australian Government Department of Foreign Affairs and Trade

300 <https://www.china-briefing.com/news/china-new-zealand-relations-trade-investment-and-diplomacy/>

301 <https://www.thebullyvine.com/news/84-tariff-shock-how-the-us-china-trade-war-will-reshape-your-dairy-business/>

302 <https://thewire.in/trade/indias-trade-deficit-with-china-almost-touches-100-billion>

303 <https://www.ibef.org/government-schemes/self-reliant-india-aatm-nirbhar-bharat-abhiyan>

## Malaysia

- Effect. China is Malaysia's largest trade partner and a leading investor through the BRI.<sup>304</sup>
- Impact. Chinese-funded projects and growing imports contribute to trade imbalance and policy influence.<sup>305</sup>
- Response. Malaysia ratifies CPTPP and RCEP, adjusts industrial policies, recalibrates BRI projects for sustainability and balances Western and Chinese technologies.<sup>306</sup>

## Singapore

- Effect. Singapore's trade with China is extensive; China is a top source of imports and exports.<sup>307</sup>
- Impact. regulatory coordination is visible in joint ventures and digital cooperation, but Singapore retains autonomy.
- Response. Singapore enhances regional FTAs, champions open trade through digital economy agreements and acts as a neutral broker in US–China disputes.

## Fiji

- Effect. China has become a major source of infrastructure investment and imports.
- Impact. dependence on Chinese aid and construction raises debt and sovereignty concerns.
- Response. Fiji is recalibrating its foreign ties, reasserting its autonomy and emphasising balanced regional cooperation while engaging in PACER Plus.

## Samoa

- Effect. Chinese loans and construction projects are a key part of Samoa's infrastructure portfolio.
- Impact. debt burden and influence concerns emerged from large-scale Chinese proposals.
- Response. Samoa cancelled select BRI projects, enhanced scrutiny of Chinese funding and rebalanced towards Western aid and regional agreements such as PACER Plus.

Across the Indo-Pacific, China's trade dominance has created a complex interplay of economic integration and strategic hedging. While countries such as Malaysia and Fiji benefit from Chinese capital, they also face regulatory or financial dependency risks. Larger economies such as India and Australia are asserting policy autonomy while expanding partnerships elsewhere. The unifying trend is a cautious, calculated approach to China: engaging for economic benefit while building resilience against overdependence and safeguarding national sovereignty.

## 5.2 US Tariff Policy on Selected Indo-Pacific Countries

The re-emergence of aggressive US tariff policy under the proposed Reciprocal Trade Act has raised alarm across Indo-Pacific nations. With sweeping 10–25 per cent tariff proposals on imports, including from allied countries, the new US approach signals a return to protectionism that could disrupt existing supply chains and undermine long-standing trade alliances. Although China is the main target, the collateral effects on key regional partners are significant. The following analysis outlines how each of the selected Indo-Pacific countries is affected by the US tariff strategy and their respective policy adjustments in response.

304 <https://www.globaltimes.cn/page/202406/1314443.shtml>

305 [https://www.researchgate.net/publication/379656742\\_2024\\_China's\\_Trade\\_and\\_Growing\\_Economic\\_Influence\\_with\\_East\\_Asia\\_-\\_World\\_Financial\\_Review](https://www.researchgate.net/publication/379656742_2024_China's_Trade_and_Growing_Economic_Influence_with_East_Asia_-_World_Financial_Review)

306 <https://trendsresearch.org/insight/malaysia-strategic-hedging-toward-china-and-the-united-states/#:~:text=Here%20strategic%20hedging%20works%20to%20minimize%20these.number%20of%20trade%20partners%20and%20acquiring%20advanced>

307 <https://www.china-briefing.com/news/china-singapore-economic-ties-trade-investment-and-opportunities/#:~:text=.23>

## Australia

- Effect. the US is Australia's fourth-largest export market.
- Impact. Tariffs on beef, wine and other exports could reduce competitiveness and strain allied relations.
- Response. Australia is lobbying for exemptions, reinforcing its alliance credentials and expanding trade under CPTPP, UK and India agreements.<sup>308</sup>

## New Zealand

- Effect. US tariffs may hit dairy and meat exports.
- Impact. Tariffs would hurt small exporters and increase supply chain costs.<sup>309</sup>
- Response. New Zealand is advocating multilateralism, strengthening RCEP/CPTPP usage and promoting diversified export strategies.<sup>310</sup>

## India

- Effect. India faces scrutiny due to high tariffs and a trade surplus with the US.<sup>311</sup>
- Impact. It was spared immediate tariffs but fears indirect consequences such as diverted Chinese exports flooding Indian markets.<sup>312</sup>
- Response. India is expanding domestic manufacturing under production-linked incentive (PLI) schemes, reducing import dependence and using diplomacy to sustain US relations.<sup>313</sup>

## Malaysia

- Effect. Malaysia exports electronics and rubber goods to the US.
- Impact. High US tariffs may lower export demand and disrupt sectoral growth.
- Response. Malaysia is emphasising regional FTAs, supply chain upgrading and non-alignment diplomacy to navigate trade tensions.

## Singapore

- Effect. Singapore is vulnerable to global trade shocks due to its export-reliant economy.
- Impact. Blanket US tariffs threaten to disrupt hub status and raise import prices.
- Response. Singapore champions WTO rules, boosts domestic support measures and intensifies digital trade diplomacy and diversification.<sup>314</sup>

308 [https://economictimes.indiatimes.com/news/international/new-zealand/donald-trump-slaps-new-tariffs-on-new-zealand-other-countries-economic-implications-explained/articleshow/119930237.cms?from=mdr; https://berl.co.nz/economic-insights/importance-diversification-trade#:~:text=Multilateral%20agreements%20that%20have%20come%20into%20force,Pacific%20Agreement%20on%20Closer%20Economic%20Relations%20\(PACER\); https://www.reuters.com/world/us/whats-trumps-sweeping-new-reciprocal-tariff-regime-2025-04-03/#:~:text=The%20European%20Union%20will%20be,for%20Thailand](https://economictimes.indiatimes.com/news/international/new-zealand/donald-trump-slaps-new-tariffs-on-new-zealand-other-countries-economic-implications-explained/articleshow/119930237.cms?from=mdr; https://berl.co.nz/economic-insights/importance-diversification-trade#:~:text=Multilateral%20agreements%20that%20have%20come%20into%20force,Pacific%20Agreement%20on%20Closer%20Economic%20Relations%20(PACER); https://www.reuters.com/world/us/whats-trumps-sweeping-new-reciprocal-tariff-regime-2025-04-03/#:~:text=The%20European%20Union%20will%20be,for%20Thailand)

309 [https://nzuscouncil.org/new-zealand-usa-relations-and-the-impact-of-tariffs/?utm\\_source=chatgpt.com](https://nzuscouncil.org/new-zealand-usa-relations-and-the-impact-of-tariffs/?utm_source=chatgpt.com) "New Zealand – USA Relations and the Impact of Tariffs - NZUS Council

310 [https://berl.co.nz/economic-insights/importance-diversification-trade#:~:text=Multilateral%20agreements%20that%20have%20come%20into%20force,Pacific%20Agreement%20on%20Closer%20Economic%20Relations%20\(PACER\)" data-bbox="134 767 868 804">The importance of diversification in trade | BERL](https://berl.co.nz/economic-insights/importance-diversification-trade#:~:text=Multilateral%20agreements%20that%20have%20come%20into%20force,Pacific%20Agreement%20on%20Closer%20Economic%20Relations%20(PACER))

311 [https://itif.org/publications/2025/03/10/the-trade-imbalance-index-where-the-trump-administration-should-take-action/?utm\\_source=chatgpt.com](https://itif.org/publications/2025/03/10/the-trade-imbalance-index-where-the-trump-administration-should-take-action/?utm_source=chatgpt.com) "The Trade Imbalance Index: Where the Trump Administration Should Take Action to Address Trade Distortions | ITIF

312 [https://itif.org/publications/2025/03/10/the-trade-imbalance-index-where-the-trump-administration-should-take-action/?utm\\_source=chatgpt.com](https://itif.org/publications/2025/03/10/the-trade-imbalance-index-where-the-trump-administration-should-take-action/?utm_source=chatgpt.com) "The Trade Imbalance Index: Where the Trump Administration Should Take Action to Address Trade Distortions | ITIF

313 <https://www.investindia.gov.in/blogs/manufacturing-renaissance-through-pli-schemes> "Manufacturing renaissance through PLI Schemes

314 <https://www.pmo.gov.sg/Newsroom/SM-Lee-Hsien-Loong-at-the-Dialogue-with-NTUC-and-Union-Leaders#:~:text=And%20it%20was%20generous%20for,right%2C%20everybody%20is%20looked%20after>

## Fiji

- Effect. Limited direct exposure to US market.
- Impact. Fiji may face indirect fallout through reduced global aid, trade and tourism flows.
- Response. Fiji is renewing ties with Australia, New Zealand and the US, diversifying tourism and building Pacific alliances to mitigate fallout.<sup>315</sup>

## Samoa

- Effect. Marginal US trade but high sensitivity to superpower rivalry.
- Impact. Potential decline in aid and increased diplomatic pressure.
- Response. Samoa is asserting development sovereignty, tightening project vetting and expanding cooperation with multilateral donors and regional neighbours.

The US tariff regime presents a destabilising factor for Indo-Pacific economies. While direct exposure varies, all seven countries share concerns about broader economic disruption and trade rule erosion. Responses are largely pragmatic: diplomatic engagement, multilateralism and regional economic frameworks form the core of each country's strategy to hedge against unilateralism and reinforce trade resilience in a polarised global environment.

---

<sup>315</sup> <https://www.reuters.com/world/asia-pacific/fiji-says-will-strengthen-defence-cooperation-with-australia-2023-10-17/#:~:text=SYDNEY%2C%20Oct%202017%20%28Reuters%29%20,Minister%20Sitiveni%20Rabuka%20visited%20Canberra>

# 6. Comparative Analysis and Best Practices

## 6.1 Comparative Analysis

### 6.1.1 Conventional Trade Comparative Analysis

The conventional trade landscape in the selected Indo-Pacific countries reveals a diverse spectrum of regulatory coherence, ranging from highly efficient trade systems in developed economies to fragmented and resource-constrained frameworks in smaller island states. Countries such as Australia, New Zealand and Singapore demonstrate advanced market access regimes underpinned by transparent tariff structures, modern customs procedures, harmonised product standards and strong alignment with WTO agreements such as the TFA and Customs Valuation Agreement (CVA). These nations uphold the principles of non-discrimination, standardised HS classification and risk-based customs operations – enabling expedited border clearance, reduced trade costs and integration into global supply chains. Their regulatory environments are supported by digital trade platforms, mutual recognition of conformity assessments and enforceable labelling, licensing and sanitary measures that provide predictability and compliance assurance for businesses.

In contrast, developing economies such as Fiji and Samoa, despite participating in regional agreements such as PACER Plus, struggle with outdated customs infrastructure, limited digital capabilities and inconsistent enforcement of trade regulations. These nations lack streamlined licensing and labelling procedures, reliable testing and certification infrastructure and robust anti-dumping frameworks – all of which hinder their capacity to attract foreign investment or fully integrate into regional value chains. Complex documentation requirements, discretionary tariff applications and weak risk assessment mechanisms lead to high compliance burdens and unpredictable clearance timelines, particularly for sectors reliant on efficient logistics such as agriculture, retail and manufacturing.<sup>316</sup>

Middle-income economies such as India and Malaysia occupy an intermediate space – with ambitious efforts towards trade facilitation and infrastructure upgrades, yet often marred by bureaucratic inefficiencies and inconsistent enforcement. India, for instance, maintains high average tariffs and frequently imposes anti-dumping duties, raising concerns about protectionist tendencies. Malaysia, while part of ASEAN's trade liberalisation agenda, continues to apply discretionary customs valuations and sector-specific licensing barriers that challenge uniform market access. Both countries have yet to fully harmonise testing protocols and certification standards with international norms, complicating compliance for foreign businesses.

The region's overarching challenge lies in achieving regulatory convergence across a complex landscape of diverse capacities and priorities. First, developing economies need targeted support – including technical assistance, infrastructure modernisation and capacity building – to implement transparent, science-based trade rules. Second, broader regional integration efforts must focus on standardising customs procedures, improving mutual recognition agreements and reducing tariff disparities. Without these reforms, intra-regional trade will remain constrained by inefficiencies, market distortions and regulatory fragmentation. A resilient, competitive and inclusive conventional trade ecosystem in the selected Indo-Pacific countries will require coordinated multilateral efforts, deeper engagement with global standards and a commitment to balancing domestic industrial policy with open trade principles. By addressing asymmetries in regulatory maturity and building a level playing field, the region can unlock greater economic integration and more equitable participation in global commerce.

---

<sup>316</sup> <https://seads.adb.org/publication/asia-pacific-trade-facilitation-report-2024-promoting-sustainability-and-resilience>

The conventional trade landscape in the selected Indo-Pacific countries reflects a diverse regulatory environment, characterised by contrasting levels of maturity and coherence. Developed economies such as Australia, New Zealand and Singapore lead with advanced frameworks that emphasise transparent tariff structures, efficient customs procedures and adherence to international trade agreements such as the WTO TFA, CVA and PTAs. These nations operate within clear MFN frameworks, support digital trade documentation and implement risk-based customs practices, enabling efficient and predictable trade flows.

By contrast, emerging markets such as India and Malaysia demonstrate a mix of progress and persistent challenges. Although both countries have taken steps to digitalise trade procedures and enhance regulatory alignment, they continue to face issues with anti-dumping duties, tariff unpredictability and non-transparent valuation practices. India, for example, applies high average tariffs and frequently revises import duties without sufficient notice, complicating trade planning and compliance for businesses. Malaysia's licensing frameworks and customs valuation mechanisms remain partially discretionary, contributing to inconsistent enforcement.

At the lower end of regulatory capacity, small island states such as Fiji and Samoa struggle with resource limitations, manual customs procedures and non-digitised regulatory systems. These factors contribute to protracted customs clearances, higher trade costs and a weak institutional capacity to manage evolving trade requirements. Their reliance on manual inspections, outdated HS classification frameworks and non-transparent fee structures undermines business confidence and restricts participation in global value chains.

NTBs remain a central challenge to regulatory coherence in the Indo-Pacific, manifesting through divergent technical standards, complex licensing, fragmented testing infrastructure and burdensome customs procedures. While Australia, New Zealand and Singapore maintain internationally aligned TBT, SPS and labelling regimes with mutual recognition agreements and accredited labs, countries such as India, Malaysia, Fiji and Samoa face gaps in transparency, institutional capacity and digital infrastructure. Protectionist measures – such as sector-specific testing mandates in India and Malaysia, restrictive SPS practices in Fiji and Samoa and inconsistent customs valuation – compound delays and increase trade costs. Tax regulations further influence trade integration, with advanced economies such as Australia, Singapore and New Zealand offering OECD-aligned systems, predictable GST/VAT regimes and extensive DTTs. In contrast, India and Malaysia continue modernising their fiscal frameworks amid challenges in policy stability and enforcement, while Fiji and Samoa lack robust digital tax systems and international alignment. Harmonising NTB regimes and aligning tax policies with global standards – particularly under OECD BEPS and WTO norms – remains critical to fostering a more predictable, interoperable and trade-enabling regional ecosystem.

### 6.1.2 Digital Trade Comparative Analysis

The digital trade landscape across the selected Indo-Pacific countries reflects a region in transition – balancing between mature digital economies and emerging markets with foundational gaps. Countries such as Australia, New Zealand and Singapore, and to some extent India and Malaysia, have built relatively advanced digital regulatory ecosystems. These systems are marked by structured e-commerce laws, fintech regulation, data governance, IP protection and cybersecurity frameworks. They not only support domestic innovation but also align with global digital trade standards, enhancing their participation in international agreements such as CPTPP, DEPA or WTO digital trade negotiations.<sup>317</sup> Their infrastructure supports paperless customs, secure data flows, cross-border e-payments and robust consumer protections – all of which are foundational to a functioning digital economy.

At the other end of the spectrum are small and developing island states such as Fiji and Samoa, which, despite growing awareness of the importance of digital trade, are constrained by resource limitations, institutional capacity gaps and limited engagement in global regulatory processes. These countries lack comprehensive e-commerce legislation, enforceable cybersecurity laws and digital payment oversight. The

<sup>317</sup> <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/digital-economy-partnership-agreement-depa/overview>

absence of standardised data protection or trade facilitation frameworks hampers their ability to integrate into regional and global digital value chains. As a result, digital businesses operating in these jurisdictions face high levels of uncertainty, fragmented compliance requirements and exposure to cybersecurity risks.<sup>318</sup>

While the regulatory environments of middle-tier countries such as Malaysia and India show promise, they remain marked by internal inconsistencies or policy limitations. India's data localisation rules, for instance, signal a protectionist tendency that may complicate cross-border interoperability. Malaysia, although it is part of ASEAN's digital integration efforts, has yet to fully align its digital platforms and enforcement systems with more advanced partners in the region.

Overall, the region faces a dual challenge. First, there's the task of building foundational digital governance in lower-capacity countries – focusing on cybersecurity, digital payments and platform accountability. Second, there's the need for harmonisation: aligning existing digital trade rules across jurisdictions to reduce friction, simplifying compliance and fostering deeper integration. The disparities in development levels create mismatches in regulatory maturity that not only fragment the digital marketplace but also increase risks for businesses and consumers alike.

A coherent and inclusive regional digital trade framework will require both top-down and bottom-up efforts – from multilateral initiatives that promote model laws and regional standards, to national investments in legal reform, infrastructure and institutional capacity. Trust, interoperability and shared standards will be the cornerstones of building a resilient and competitive digital economy in the selected Indo-Pacific countries.

The comparative analysis is concisely displayed in Table 6.1.

Table 6.1 provides a comparative snapshot of trade regulatory maturity across seven selected Indo-Pacific countries. Australia, New Zealand and Singapore demonstrate high overall coherence, characterised by advanced digital and conventional trade frameworks, transparent NTB management, fully digital customs systems and strong alignment with OECD fiscal standards. India and Malaysia fall into the moderate–high category, reflecting evolving digital governance and semi-digital customs systems, but they face inconsistencies in NTB regulation and incomplete fiscal reforms. In contrast, Fiji and Samoa remain at the foundational stage, with fragmented regulatory structures, manual customs procedures and low transparency – highlighting the urgent need for modernisation, capacity building and regional alignment.

**Table 6.1 Comparative Analysis of Conventional and Digital Trade among Selected Indo-Pacific Countries.**

Country	Digital trade framework	Conven-tional trade framework	NTB management	Customs modernisation	Tax and fiscal alignment	Overall trade compliance maturity
Australia	Advanced	Streamlined	Transparent	Fully digital	OECD-aligned	High
New Zealand	Advanced	Streamlined	Transparent	Fully digital	OECD-aligned	High
Singapore	Advanced	Streamlined	Transparent	Fully digital	OECD-aligned	High
India	Evolving	Mixed	Inconsistent	Semi-digital	Reforming	Moderate–high
Malaysia	Evolving	Mixed	Inconsistent	Semi-digital	Reforming	Moderate–high
Fiji	Foundational gaps	Fragmented	Unstructured	Manual systems	Non-transparent	Low
Samoa	Foundational gaps	Fragmented	Unstructured	Manual systems	Non-transparent	Low

<sup>318</sup> <https://seads.adb.org/publication/asia-pacific-trade-facilitation-report-2024-promoting-sustainability-and-resilience>

## 6.2 Identifying Best Practices for Regulatory Coherence: A Strategic Framework for Selected Indo-Pacific Integration

### 6.2.1 Harmonisation of Trade Regulations and Standards

A best practice for achieving regulatory coherence, therefore, involves the systematic harmonisation of trade rules, either through multilateral agreements such as the WTO TFA or regionally through frameworks such as ASEAN or the PACER Plus).<sup>319</sup>

### 6.2.2 Transparency and Predictability in Regulation

A best practice in this domain involves embedding transparency requirements into domestic legislation,<sup>320</sup> and leveraging digital tools to disseminate information in real time. Institutions should also establish mechanisms for feedback, regularly review policy impacts and ensure that regulatory changes are guided by data and stakeholder input.<sup>321</sup>

### 6.2.3 Digital Trade Infrastructure and Paperless Systems

The best practice here is that governments must prioritise the deployment of EDI systems, adopt international standards for e-certification<sup>322</sup> and digital signatures<sup>323</sup> and develop cybersecurity protocols to safeguard trade data. Such initiatives can be supported through multilateral aid programmes and partnerships with technologically advanced neighbours.

### 6.2.4 Robust Data Privacy and Cross-Border Data Governance

Best practices in this area draw heavily from frameworks such as the CPTPP and the EU's GDPR, which promote free yet secure data flows through enforceable rights, extraterritorial applicability and mutual recognition of data protection standards.<sup>324</sup>

### 6.2.5 Independent Regulatory Institutions and Enforcement Capacity

Best practices emphasise the importance of establishing independent regulatory authorities with cross-sectoral mandates, legal authority<sup>325</sup> and access to necessary financial and technical resources.<sup>326</sup> These institutions should also participate in regional regulatory networks to share knowledge and coordinate oversight on cross-border issues.

### 6.2.6 Engagement in Regional and Multilateral Frameworks

A strategic best practice is to embed international regulatory cooperation (IRC) into national policy, as recommended by the OECD. This includes assigning lead ministries, participating in international negotiations and systematically reviewing domestic laws for international alignment. Over time, such engagement facilitates regulatory learning, enhances legal certainty and fosters trust among trading partners.

<sup>319</sup> <https://www.customs.govt.nz/business/tariffs/free-trade-agreements/pacer-plus/?utm>

<sup>320</sup> <https://www.dfat.gov.au/trade/agreements/in-force/aanzfta/official-documents/agreement-establishing-asean-australia-new-zealand-free-trade-area-aanzfta/chapter-4-customs-procedures-and-trade-facilitation?utm>

<sup>321</sup> <https://www.sciencedirect.com/science/article/pii/S1135252314000057?utm>

<sup>322</sup> [https://www.unescap.org/sites/default/d8files/6-%20Ch.%20202%20Review%20of%20existing%20arrangements%20for%20the%20facilitation%20of%20paperless%20trade\\_0.pdf](https://www.unescap.org/sites/default/d8files/6-%20Ch.%20202%20Review%20of%20existing%20arrangements%20for%20the%20facilitation%20of%20paperless%20trade_0.pdf)

<sup>323</sup> <https://ondemandint.com/blog/types-of-digital-signatures>

<sup>324</sup> [https://aric.adb.org/pubs/unlocking-the-potential-of-digital-services-trade/Unlocking-the-Potential-of-Digital-Services-Trade\\_Chapter7.pdf](https://aric.adb.org/pubs/unlocking-the-potential-of-digital-services-trade/Unlocking-the-Potential-of-Digital-Services-Trade_Chapter7.pdf)

<sup>325</sup> <https://www.ombudsman.parliament.nz/others-who-can-help/complaints-a-z/privacy-commissioner>

<sup>326</sup> <https://www.oaic.gov.au/engage-with-us/submissions/privacy-act-review-issues-paper-submission/part-8-overseas-data-flows>

## 6.2.7 Capacity Building and Inclusive Implementation

Best practices suggest creating national coordination committees, hosting public consultations and building communities of practice across agencies. Capacity building is not a one-time event but a continuous process that must evolve alongside technological and market changes.<sup>327</sup>

## 6.2.8 Integrated NTB and Tax Governance

A best practice in this area is to create interministerial task forces that coordinate trade and tax policy, conduct regulatory impact assessments on NTBs and align fiscal tools with broader trade integration goals. Digitising tax systems and expanding DTTs can also streamline compliance and foster cross-border economic activity.<sup>328</sup>

## 6.3 Studying Successful International Experiences in Regulatory Coherence

Global trade has evolved beyond tariff negotiations and market access. Today's challenges lie in the regulatory space – where inconsistent standards, divergent data policies and fragmented administrative systems undermine both physical and digital trade. As countries grapple with how to modernise and align their regulatory systems, several international frameworks provide compelling case studies in building regulatory coherence across borders. These models – ASEAN, CPTPP, WTO TFA, the Gulf Cooperation Council (GCC) and the DEPA – offer practical lessons in harmonisation, transparency, institutional cooperation and digital integration. These experiences are especially relevant to regions such as the selected Indo-Pacific countries, where uneven regulatory maturity and institutional capacities create persistent barriers to integration. Drawing from these global frameworks, we can identify actionable pathways for national and regional regulatory reforms tailored to differing levels of development and readiness.

### 6.3.1 ASEAN: Gradual Harmonisation with Flexibility

ASEAN offers a globally recognised model of how regulatory coherence can be advanced among countries with diverse legal systems, development levels and institutional capacities.<sup>329</sup> Its model is grounded in the principles of 'flexible convergence', consensus-driven integration and incremental reform, allowing member states to harmonise regulations at their own pace without compromising national sovereignty.<sup>330</sup>

Key instruments include the ASEAN Economic Community – launched in 2015 to promote free movement of goods, services, capital, investment and skilled labour – and the ATIGA, which institutionalises tariff reduction, harmonises ROO and standardises product testing and certification procedures.<sup>331</sup> Sector-specific MRAs – covering the engineering, nursing, medical, dental and architectural professions – enable cross-border recognition of qualifications and professional mobility.<sup>332</sup> Additionally, the ASEAN Harmonised Tariff Nomenclature standardises product classification to minimise customs disputes.<sup>333</sup>

A flagship achievement of ASEAN regulatory cooperation is the ASEAN Single Window (ASW), a digital customs platform operational across all ten member states. The ASW enables secure, paperless exchange of documents such as e-Form D (Certificate of Origin), SPS permits and cargo inspection data. It has been credited with reducing cargo clearance times by 30–50 per cent and significantly lowering transaction costs for traders.<sup>334</sup>

327 <https://asiantradecentre.org/capacity-building>

328 <https://www.iras.gov.sg/taxes/international-tax/international-tax-agreements-concluded-by-singapore/list-of-dtas-limited-dtas-and-eoi-arrangements?pg=1&indexCategories=all>

329 <https://asean.org/wp-content/uploads/2023/05/ASEAN-Guidelines-for-Harmonisation-of-Standards-2022-Version.pdf>

330 ASEAN Economic Community Blueprint 2025. <https://asean.org/asean-economic-community/>

331 ASEAN Trade in Goods Agreement. <https://asean.org/book/asean-trade-in-goods-agreement-atiga-protocols/>

332 ASEAN Mutual Recognition Arrangements. <https://asean.org/our-communities/economic-community/sectoral-bodies-under-the-purview-of-aem/standards-and-conformance/mutual-recognition-arrangements/>

333 ASEAN Harmonized Tariff Nomenclature. <https://asean.org/book/asean-harmonized-tariff-nomenclature-2022/>

334 ASEAN Single Window – ASEAN Secretariat. <https://asw.asean.org>

What makes ASEAN's approach particularly replicable is its tiered and inclusive implementation strategy. Advanced members such as Singapore and Malaysia lead digital and customs integration, while less developed countries such as Laos, Cambodia and Myanmar benefit from targeted technical support via the Initiative for ASEAN Integration.<sup>335</sup> This ensures that capacity gaps do not prevent participation and allows countries to align gradually with regional frameworks.

In the digital realm, ASEAN embraces principle-based regulation. For instance, the ASEAN Framework on Personal Data Protection lays out non-binding principles – such as consent, purpose limitation and security safeguards – allowing countries to implement aligned laws without identical legislation.<sup>336</sup> ASEAN has also adopted frameworks for e-commerce, paperless trade and cybersecurity cooperation, which emphasise interoperability and voluntary alignment rather than legal uniformity.<sup>337</sup>

Institutional coordination further reinforces ASEAN's coherence. Mechanisms include the ASEAN Standards and Conformance Strategic Plan, Consultative Committees on Trade Facilitation and Technical Regulations and annual scorecards and peer reviews that track implementation progress and promote transparency.<sup>338</sup> These tools reduce the risk of divergence and provide a basis for legal accountability.

For Indo-Pacific countries, ASEAN's model presents several lessons:

- The ASW offers a scalable blueprint for interoperable customs platforms.
- ASEAN's MRAs can be adapted for professional qualifications and conformity assessment bodies.
- The ATIGA framework provides a useful model for rule-of-origin protocols, NTB classification and tariff transparency.
- Principle-based digital governance allows countries such as Fiji and Samoa to initiate regional dialogues without needing full legal harmonisation.

Ultimately, ASEAN demonstrates that regulatory convergence need not rely on rigid centralisation. Through trust-based coordination, digital infrastructure and inclusive institutional design, ASEAN has delivered a coherent regional architecture that accommodates national diversity and fosters long-term integration.

### 6.3.2 GCC: Regional Legal and Regulatory Convergence

The GCC – comprising Saudi Arabia, the UAE, Kuwait, Qatar, Bahrain and Oman – provides a compelling example of how regional regulatory coherence can be advanced through centralised standard-setting institutions, legal harmonisation and shared customs governance.<sup>339</sup> The foundation of the GCC's trade facilitation strategy lies in the Unified Economic Agreement and the GCC Common Market, which aim to create a unified trading space across the bloc.

One of the key instruments for regulatory alignment is the Unified Customs Law, which standardises customs procedures, valuation rules and risk management across all member states, thereby reducing procedural NTBs and clearance delays.<sup>340</sup> This is complemented by the GCC Standardization Organization (GSO), which develops and coordinates the adoption of GSO standards across multiple sectors – including food safety, industrial products and metrology.<sup>341</sup> As of 2023, the GSO had issued over 25,000 unified technical regulations and Gulf standards.

<sup>335</sup> Initiative for ASEAN Integration. <https://asean.org/initiatives/initiative-for-asean-integration/>

<sup>336</sup> ASEAN Framework on Personal Data Protection. [https://asean.org/wp-content/uploads/2021/01/ASEAN-Framework-on-PDP\\_adopted-2020.pdf](https://asean.org/wp-content/uploads/2021/01/ASEAN-Framework-on-PDP_adopted-2020.pdf)

<sup>337</sup> ASEAN Digital Integration Framework Action Plan 2019–2025. <https://asean.org/book/asean-digital-integration-framework-action-plan-2019-2025/>

<sup>338</sup> ASEAN Standards and Conformance Strategic Plan 2016–2025. <https://asean.org/wp-content/uploads/2021/01/Strategic-Plan-2016-2025.pdf>

<sup>339</sup> <https://gcc-sg.org/en/MediaCenter/DigitalLibrary/Documents/3331355824160.pdf>

<sup>340</sup> Unified Customs Law – GCC Secretariat General. <https://www.customs.gov.om/en-us/LawsAndRegulations/UnifiedGCC>

<sup>341</sup> Gulf Standardization Organization. <https://www.gso.org.sa/en/>

In the digital realm, member states are increasingly aligning around modern data governance and digital trade principles. The UAE and Saudi Arabia have both enacted personal data protection laws modelled in part on international frameworks such as the GDPR, signalling a convergence in digital norms across the GCC.<sup>342</sup> In addition, GSO's Smart Cities and Digital Services Committee is working on developing harmonised standards for electronic transactions, IoT and e-signatures to support digital economy integration.

Institutionally, the GCC relies on central councils and technical committees (e.g. the Financial and Economic Cooperation Committee and the Customs Union Committee) to monitor implementation and adjust regulations. However, effective regulatory convergence still depends on consistent national enforcement and capacity alignment, as the pace of legal reform varies across members.

For Indo-Pacific countries – particularly those seeking regulatory coherence without political union – the GCC illustrates how regional institutions, shared legal instruments and central standardisation bodies can advance both conventional and digital trade integration. This is particularly relevant for West Asian partners such as India and ASEAN–GCC dialogue frameworks, which are exploring new corridors of legal and economic cooperation.

### 6.3.3 CPTPP: Legal Certainty and Digital Trade Provisions

The CPTPP sets a high bar for regulatory coherence, especially in digital trade.<sup>343</sup> It includes binding rules on e-commerce, cross-border data flows, IP and cybersecurity – prohibiting unjustified data localisation and requiring protections for data transfers and consumer privacy.<sup>344</sup> Its institutional framework mandates transparent rulemaking, stakeholder input and use of international standards to reduce NTBs. With enforceable dispute mechanisms, CPTPP offers legal predictability for business and policy space for governments. It serves both as a model and a reform catalyst, pushing members to modernise digital and regulatory systems in line with global norms.<sup>345</sup>

### 6.3.4 WTO TFA: Global Procedural Standards

The WTO TFA provides a global framework to modernise customs, reduce trade costs, and enhance transparency.<sup>346</sup> It mandates single-window systems, risk-based inspections, and advance rule publication to streamline border processes. Uniquely, the TFA supports developing countries through phased implementation, technical assistance and donor coordination – making it especially impactful for low-capacity economies. By linking reform with aid, the TFA promotes equitable regulatory alignment while respecting domestic autonomy. It serves as a global template for procedural harmonisation and complements regional integration efforts such as ASEAN and the African Continental Free Trade Area (AfCFTA).<sup>347</sup>

### 6.3.5 DEPA: Next-Generation Digital Governance<sup>348</sup>

The DEPA, between Singapore, Chile and New Zealand, offers a flexible model for regulatory coherence in the digital age. Unlike traditional agreements, DEPA allows countries to adopt specific digital governance measures progressively, covering areas such as AI ethics, digital identity, fintech and data innovation. This adaptability is particularly beneficial for developing or digitally maturing economies, enabling them to engage at their own pace while building regulatory capacity and fostering interoperability.<sup>349</sup> DEPA encourages regulatory experimentation, sandbox environments and stakeholder inclusion, positioning it as a forward-looking framework for digital economy governance.

<sup>342</sup> UAE Data Protection Law 2021 – UAE Digital Government. <https://u.ae/en/about-the-uae/digital-uae/data/data-protection-law>

<sup>343</sup> <https://www.iiij.org/wp-content/uploads/2018/03/CPTPP-consolidated.pdf>

<sup>344</sup> <https://www.congress.gov/crs-product/IF12078>

<sup>345</sup> <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/cptpp/comprehensive-and-progressive-agreement-for-trans-pacific-partnership-text-and-resources?utm>

<sup>346</sup> <https://wto.org/tradefacilitation>

<sup>347</sup> <https://www.tfafacility.org/publications-resources/trade-facilitation-agreement?utm>

<sup>348</sup> <https://complexdiscovery.com/wp-content/uploads/2020/03/Next-Generation-Digital-Government-Architecture-1.0.pdf>

<sup>349</sup> <https://www.mti.gov.sg/Trade/Digital-Economy-Agreements/The-Digital-Economy-Partnership-Agreement>

### 6.3.6 Learning from International Frameworks: Applying Proven Lessons to Improve Regulatory Coherence in the Selected Indo-Pacific Countries

The selected Indo-Pacific countries' push towards deeper trade and digital integration is being held back, not by lack of intent, but by regulatory fragmentation, institutional unevenness and gaps in enforcement. These challenges are particularly pronounced in developing and middle-income economies such as Fiji, Samoa, India and Malaysia, where regulatory ecosystems struggle to keep pace with global standards.

Global frameworks – including ASEAN's economic integration mechanisms, the CPTPP, the WTO TFA and the OECD's principles on IRC – offer tested models that can guide reform. These are not theoretical ideals but practical systems that have reduced trade costs, enhanced legal certainty and built more inclusive trade environments across diverse development contexts.

By comparing these global best practices to the country-level realities outlined in our regional analysis, we identify six key lessons and their direct application to the selected Indo-Pacific countries.<sup>350</sup>

### 6.3.7 Lesson 1: Flexible Harmonisation Enables Progress Even with Institutional Gaps

#### What the International Experience Shows

ASEAN's success is not based on uniformity but on a *phased, flexible approach to harmonisation*.<sup>351</sup> Through mechanisms such as MRAs, the ASW and sector-specific integration programmes (e.g. in food safety and personal data protection), member states have aligned customs procedures, standards and legal definitions while respecting national constraints.

#### Why It Matters for Selected Indo-Pacific Countries

- Samoa and Fiji lack the institutional capacity for wholesale regulatory reform. A flexible model allows them to *align selectively* – for example, adopting simplified risk-based customs systems or phased implementation of data privacy principles inspired by ASEAN's frameworks.
- India and Malaysia, despite their scale and ambition, have fragmented internal systems. Their alignment with ASEAN and CPTPP mechanisms should focus on *sector-specific harmonisation* – such as conforming to regional testing and certification standards for electronics, pharmaceuticals, or agro-products.

#### Recommended Actions

- Create modular compliance roadmaps that focus first on customs harmonisation, data standards and conformity assessments.
- Use ASEAN's MRAs as templates to build mutual recognition of SPS and TBT procedures in Pacific island contexts.
- Establish bilateral capacity-building partnerships (e.g. Fiji with New Zealand) to phase in best-practice models.

### 6.3.8 Lesson 2: Digital Infrastructure Is the Backbone of Modern Trade Efficiency

#### What the International Experience Shows

WTO TFA, CPTPP and ASEAN all underscore the importance of *digitised border procedures, paperless trade and integrated digital platforms* as enablers of transparency, speed and consistency.<sup>352</sup> ASEAN's Single Window links national customs systems for streamlined document exchange.<sup>353</sup> CPTPP mandates electronic authentication and digital customs documentation as minimum standards.

<sup>350</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3379145](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3379145)

<sup>351</sup> [https://www.econstor.eu/bitstream/10419/128553/1/ewp-432.pdf?utm\\_source=chatgpt.com](https://www.econstor.eu/bitstream/10419/128553/1/ewp-432.pdf?utm_source=chatgpt.com) "Realizing an ASEAN Economic Community: Progress and Remaining Challenges

<sup>352</sup> <https://www.eria.org/RPR-FY2015-04.pdf#page=127>

### Why It Matters for Selected Indo-Pacific Countries

- Fiji and Samoa still rely heavily on manual systems. This leads to excessive processing delays, inconsistent enforcement and high compliance costs for SMEs and foreign traders.
- India and Malaysia have developed partial digital systems (e.g. ICEGATE in India, uCustoms in Malaysia) but lack full interoperability and continue to require redundant physical documentation.

### Recommended Actions

- Develop modular digital customs platforms with donor support (e.g. Asian Development Bank (ADB) or United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)) using the ASW as a design reference.
- Promote the rollout of single-window systems and electronic cargo release procedures as compliance milestones for WTO TFA implementation.
- Link digitalisation targets with tax and fiscal reform to encourage interoperability across agencies (e.g. integrating customs data with GST/VAT systems).

### 6.3.9 Lesson 3: Transparency in Regulation Builds Trust and Reduces Friction

#### What the International Experience Shows

CPTPP and WTO TFA both institutionalise transparency<sup>354</sup> – through mandatory online publication of trade rules, real-time updates on procedural changes and public engagement in rulemaking. OECD principles reinforce this with guidance on stakeholder inclusion and impact assessments.

### Why It Matters for Selected Indo-Pacific Countries

- Australia,<sup>355</sup> Singapore and New Zealand<sup>356</sup> exemplify this approach. Their regulatory portals, digital registers and interagency transparency ensure predictability and minimise rent-seeking.
- India and Malaysia face criticism for inconsistent rule enforcement and opaque interagency communication. Fiji and Samoa lack digital communication channels altogether, making compliance difficult for traders.

### Recommended Actions

- Require all trade, tax, SPS and NTB-related regulations to be published and accessible via a unified digital portal.
- Establish online platforms for public feedback on regulatory proposals, modelled on New Zealand's engagement strategies.
- Develop real-time trade dashboards with performance indicators to enhance transparency at border points.

### 6.3.10 Lesson 4: Legal Certainty in Digital Trade Is Foundational, Not Optional

#### What the International Experience Shows

DEPA<sup>357</sup> and CPTPP both illustrate how binding legal rules for digital trade (e.g. e-signatures, cross-border data flows, platform accountability) create clarity, reduce business risk and enable interoperability. These frameworks explicitly prohibit unjustified data localisation and establish rules for cybersecurity cooperation and digital ID systems.<sup>358</sup>

<sup>353</sup> [https://www.eria.org/uploads/CADP-3\\_0-full-report-new3\\_\(1\)\\_compressed.pdf#page=120](https://www.eria.org/uploads/CADP-3_0-full-report-new3_(1)_compressed.pdf#page=120)

<sup>354</sup> <https://cadmus.eui.eu/server/api/core/bitstreams/738697df-6bc6-5fc6-9f98-2ca72ac2f874/content>

<sup>355</sup> [https://www.eria.org/RPR\\_FY2015\\_No.4\\_Chapter\\_2.pdf](https://www.eria.org/RPR_FY2015_No.4_Chapter_2.pdf)

<sup>356</sup> [https://www.eria.org/RPR\\_FY2015\\_No.4\\_Chapter\\_5.pdf](https://www.eria.org/RPR_FY2015_No.4_Chapter_5.pdf)

<sup>357</sup> <https://www.mti.gov.sg/Trade/Digital-Economy-Agreements/The-Digital-Economy-Partnership-Agreement>

### Why It Matters for Selected Indo-Pacific Countries

- Australia, New Zealand and Singapore already comply with CPTPP/DEPA rules, attracting foreign investment and facilitating cross-border fintech and e-commerce.
- India's data localisation policies and ad hoc platform liability rules create legal uncertainty and deter cross-border investment.
- Fiji and Samoa lack dedicated legislation for digital trade altogether, making them invisible in global digital supply chains.

### Recommended Actions

- For India: gradually transition towards international data flow norms by offering conditional opt-outs (e.g. sectoral exemptions) while embracing modular DEPA provisions.
- For Fiji and Samoa: develop foundational e-commerce and data protection laws using model legislation (e.g. UNCITRAL or ASEAN templates) as blueprints.
- Encourage regional dialogue on cross-border digital regulation through the Pacific Islands Forum (PIF) or PACER Plus.

### 6.3.11 Lesson 5: Regional Institutions Anchor Reforms and Sustain Momentum

#### What the International Experience Shows

Frameworks such as the Canada–US Regulatory Cooperation Council,<sup>359</sup> ASEAN's Economic Integration Committees<sup>360</sup> and the WTO's Trade Facilitation Committees demonstrate that shared oversight mechanisms help track implementation, resolve disputes and maintain momentum even when governments change.

### Why It Matters for Selected Indo-Pacific Countries

- Samoa and Fiji, with limited bureaucratic capacity, would benefit from external technical oversight and resource pooling.
- India and Malaysia can benchmark reforms using ASEAN or CPTPP review frameworks and integrate trade facilitation key performance indicators (KPIs) into national development plans.

### Recommended Actions

- Establish a regional monitoring unit under PACER Plus to assess progress on customs modernisation and NTB reduction.
- Use ASEAN integration scorecards as templates for Pacific Island regulatory benchmarking.
- Promote regional peer learning and communities of practice, modelled on Canada's 'Community of Federal Regulators' or New Zealand's Government Regulatory Practice Initiative (G-REG).

### 6.3.12 Lesson 6: Regulatory Flexibility Must Be Built into Legal Commitments

#### What the International Experience Shows

The WTO TFA offers differentiated implementation timelines for developing countries, while CPTPP allows countries to tailor commitments with opt-outs or delayed application in sensitive areas. ASEAN's Framework on Personal Data Protection is deliberately principles-based to accommodate countries at different levels of regulatory maturity.

<sup>358</sup> [https://iclr.ru/storage/publication\\_pdf/ICLRC\\_DEPA\\_1649174353.pdf](https://iclr.ru/storage/publication_pdf/ICLRC_DEPA_1649174353.pdf)

<sup>359</sup> <https://onlinelibrary.wiley.com/doi/epdf/10.1111/rego.12488>

## Why It Matters for Selected Indo-Pacific Countries

- Expecting Fiji or Samoa to meet Australia's regulatory standards is unrealistic.<sup>361</sup> But simplified customs modules, basic SPS protocols or tiered data governance can offer a bridge.
- India and Malaysia can maintain protective stances in sensitive sectors (e.g. agri-tech, pharmaceuticals) while gradually aligning with international testing and certification standards.<sup>362</sup>

## Recommended Actions

- Draft staged reform blueprints, starting with 'minimum viable' trade facilitation rules and scaling towards CPTPP-compliant systems.
- Incorporate legal safeguards for institutional capacity gaps, such as WTO-style 'Category B/C' commitments with donor-supported implementation roadmaps.
- Develop regional capacity-building plans tied to phased milestones, especially in data governance and SPS enforcement.

## Conclusion

### From Lessons to Action – Building a Coherent and Inclusive Trade Governance Roadmap for the selected Indo-Pacific Countries

Achieving regulatory coherence across the selected Indo-Pacific countries is no longer a luxury – it is a strategic imperative. The region's diversity, from digitally advanced economies such as Singapore and Australia to capacity-constrained nations such as Fiji and Samoa, demands tailored yet coordinated solutions. Current trade frameworks suffer from fragmentation, procedural duplication and regulatory gaps that obstruct competitiveness, raise compliance costs and undermine digital readiness. However, international models such as ASEAN's flexible harmonisation, the rule-based frameworks of CPTPP and the procedural pragmatism of the WTO TFA provide scalable pathways. Coherence, if pursued systematically, can unlock five key benefits: competitiveness, transparency, resilience, inclusivity and digital integration. These gains not only boost trade but also create more responsive, equitable and future-proof institutions across the region.

The path forward involves differentiated implementation strategies matched with shared commitments. For small economies such as Samoa and Fiji, initial steps must prioritise customs modernisation, e-certification and gradual alignment with international SPS/TBT norms. Middle-tier economies such as India and Malaysia must focus on sector-specific digital and regulatory reform, ensuring compatibility with global norms while preserving national regulatory space. All countries will benefit from phased legal reform, digital single windows, mutual recognition agreements and regional monitoring tools. Crucially, regulatory alignment should be viewed as a cornerstone of economic transformation and inclusive growth, not a technical afterthought. Through regional cooperation, targeted capacity building and digital integration, the Indo-Pacific can transition from fragmented governance to a unified, competitive trade bloc – one defined by trust, transparency and shared prosperity.

360 [https://charlessabel.com/papers/Hoekman\\_Sabel\\_Trade\\_Regulatory\\_Cooperation\\_revised\\_restructured\\_March12.pdf](https://charlessabel.com/papers/Hoekman_Sabel_Trade_Regulatory_Cooperation_revised_restructured_March12.pdf)

361 [https://cdn-odi-production.s3.amazonaws.com/media/documents/2.1c\\_Samoa\\_paper\\_-\\_iGST\\_Report\\_FINAL\\_SD\\_OM\\_IG\\_OM39\\_cwf\\_003.pdf](https://cdn-odi-production.s3.amazonaws.com/media/documents/2.1c_Samoa_paper_-_iGST_Report_FINAL_SD_OM_IG_OM39_cwf_003.pdf)

362 [https://www.eria.org/RPR\\_FY2015\\_No.4\\_Chapter\\_9.pdf](https://www.eria.org/RPR_FY2015_No.4_Chapter_9.pdf)

# 7. Roadmap

## 7.1 Phase 1: Institutional Alignment and Diagnostics (Years 1–2)

### 7.1.1 Establish National Regulatory Coherence Committees (NRCCs)

A foundational step towards achieving regulatory coherence in the Indo-Pacific is the establishment of NRCCs – interministerial platforms mandated to lead policy reform, legal harmonisation and institutional coordination in trade-related areas. These committees should integrate agencies overseeing customs, technical standards, ICT, digital trade, agriculture, public health and competition, ensuring a comprehensive approach to identifying and addressing NTBs and digital infrastructure gaps. The value of such integrated bodies is exemplified by the ASEAN experience, where the formation of national trade facilitation committees, supported by the ASEAN Secretariat, was pivotal for implementing the ASW. This platform facilitated seamless electronic exchange of trade and customs documents across member states, enabling major reductions in clearance times and improving transparency<sup>363</sup>

Applying these lessons

- India should expand its National Committee on Trade Facilitation to formally include digital economy regulators and subnational actors, aligning it with broader objectives under DEPA and WTO TFA.
- Fiji and Samoa, given capacity constraints, can adopt compact, high-level taskforces housed within trade or finance ministries, supported by technical advisors from ADB, World Bank or UNESCAP.
- Malaysia and Singapore, with already mature trade governance, can optimise NRCCs by integrating oversight of emerging policy areas such as cross-border data governance, e-commerce rules and AI/fintech regulation.

In the Australia–New Zealand context, the Closer Economic Relations (CER) agreement is globally recognised as one of the most comprehensive and durable bilateral trade integration frameworks. It operates on a principle of mutual trust and shared governance, supported by strong institutional mechanisms such as the CER Ministerial Forum, Joint Food Standards Council and Trans-Tasman Mutual Recognition Arrangement (TTMRA), which allows goods legally sold in one country to be automatically sold in the other without modification. These mechanisms have effectively eliminated TBT, fostered mutual recognition in professional services and harmonised standards in areas such as food safety, consumer protection and electronic transactions.

In the context of the Indo-Pacific roadmap, Australia and New Zealand are well positioned to serve dual roles:

- As mentors, they can offer institutional and technical support for capacity building, especially for small island developing states such as Fiji and Samoa.
- As reform peers, they can pilot advanced regulatory models in digital trade, including privacy laws, cybersecurity frameworks and data-sharing agreements aligned with DEPA and APEC CBPR.

Their involvement in regional forums such as APEC, IPEF and CPTPP further positions them to influence and operationalise Indo-Pacific-wide regulatory alignment.

### 7.1.2 Develop National Trade Facilitation and Digital Readiness Maps

A critical step in advancing regulatory coherence is the creation of National Trade Facilitation and Digital Readiness Maps. These maps serve to diagnose systemic inefficiencies in trade, identify regulatory bottlenecks and benchmark the state of digital infrastructure and legal frameworks. Each country should begin by conducting gap assessments in line with WTO TFA Category B and C obligations – focusing on

<sup>363</sup> ASEAN Single Window – ASEAN Secretariat. <https://asean.org/our-communities/economic-community/asean-single-window>

customs automation, SPS/TBT notification systems and border agency coordination.<sup>364</sup> At the same time, countries should evaluate their legal regimes against modern digital trade agreements such as the DEPA, covering areas such as e-signatures, data flow governance and digital identity infrastructure.<sup>365</sup>

For Fiji and Samoa, readiness mapping should prioritise basic ICT connectivity in border areas, interoperability between port, customs and licensing systems and the procedural complexity of NTBs in agriculture and fisheries. Tools from UNESCAP and ADB can support baseline assessments and reform prioritisation.<sup>366</sup>

India should extend the readiness exercise to the subnational level, where e-governance capacity and digital trade laws vary widely. Mapping inconsistencies in state-level e-commerce policies, digital licensing and trade documentation systems can inform future alignment with national and international digital commitments.

Singapore and Malaysia, as digital economy front-runners, offer advanced regulatory and technical models. Singapore, a founding member of DEPA, has developed modular digital economy policies and a Trade Trust framework that ensures verifiable digital trade documents across borders.<sup>367</sup> Singapore's NTP integrates over 50 government and private sector systems and can serve as a model for holistic digital readiness.<sup>368</sup>

Malaysia has implemented its National e-Commerce Strategic Roadmap and is actively aligning with CPTPP and RCEP digital chapters. The MyTradeLink single window system provides traders with centralised access to permits, certificates and customs submissions.<sup>369</sup> Malaysia's participation in international e-Trade alliances enables it to contribute technically to regional mapping exercises and pilot digital harmonisation tools for emerging economies.

Australia and New Zealand, with their advanced customs intelligence and digital readiness, can serve as benchmarking and capacity-building partners for this process.<sup>370</sup>

### 7.1.3 Set Up Indo-Pacific Regulatory Dialogue Platform

To foster coherence and mutual learning across the region, a semi-annual Indo-Pacific Regulatory Dialogue Platform should be established, hosted by an anchor institution such as the Pacific Islands Forum Secretariat (PIFS) or the Commonwealth Secretariat, or under the auspices of the Indo-Pacific Economic Framework for Prosperity (IPEF). The platform would serve as a central convening mechanism to institutionalise regulatory cooperation across trade, digital and customs domains. Its structure should include high-level representatives from trade ministries, customs authorities, digital economy units and regulatory bodies, with working groups organised by theme (e.g. NTB monitoring, digital trade, MRAs).

The platform would perform several core functions. First, it would facilitate the structured exchange of national reform plans, legal drafting experiences and model regulatory frameworks – enabling countries to align incrementally with international standards such as those in the WTO TFA, DEPA or CPTPP. Second, it would support knowledge transfer by sharing implementation lessons from successful initiatives such as ASEAN's flexible convergence model, the Pacific Alliance's regulatory working groups and the East African Community's (EAC) NTB monitoring portal.<sup>371</sup> Third, it would act as a coordination hub for donor programmes, ensuring project alignment, reducing duplication and targeting technical assistance based on country-specific reform needs.

<sup>364</sup> WTO Trade Facilitation Agreement Facility. <https://www.tfafacility.org>

<sup>365</sup> DEPA Modules – Singapore MTI. <https://www.mti.gov.sg/Improving-Trade/Digital-Economy-Partnership-Agreement>

<sup>366</sup> UNESCAP TINA Platform. <https://tina.trade.gov.np>

<sup>367</sup> Singapore TradeTrust Framework. <https://www.tradetrust.io>

<sup>368</sup> Singapore Networked Trade Platform. <https://wwwntp.gov.sg>

<sup>369</sup> Malaysia MyTradeLink. <https://wwwmatrade.gov.my/en/malaysian-exporters/services-for-exporters/trade-facilitation/mytradelink>

<sup>370</sup> Australia – Department of Agriculture: Digital Trade Systems. <https://www.agriculture.gov.au>; New Zealand Trade Single Window. <https://www.customs.govt.nz/business/trade-single-window>

<sup>371</sup> ASEAN Trade Facilitation Framework. <https://asean.org>; Pacific Alliance Regulatory Cooperation. <https://alianzapacifco.net/en/technical-group-tbt-regulatory-cooperation>; EAC NTB Reporting Portal. <https://www.tradebarriers.org>

Countries would engage with differentiated roles reflecting their capacity and reform maturity.

- Australia and Singapore – as regulatory leaders in the Indo-Pacific – would act as technical mentors and benchmarking advisors, supporting legal peer review, digital tool deployment and regulatory sandboxing. Both countries have led in implementing DEPA modules and support cross-border legal interoperability.<sup>372</sup>
- Fiji, Samoa and other small island developing states would act as champions of capacity-sensitive sequencing, advocating for simplified reform pathways and access to regionally endorsed legal templates and pilot tools.
- India and Malaysia, with strong digital ecosystems and diverse regulatory contexts, would contribute through case studies and pilot deployments of interoperable modules (e.g. e-invoicing, e-certificates, customs APIs), and co-lead sector-specific workstreams such as digital identity governance or fintech regulation.

This platform will also provide a venue to connect reform processes with initiatives such as ADB's regional digital platforms, UNESCAP's trade facilitation tools and private sector-driven innovation alliances – creating a full-spectrum ecosystem for Indo-Pacific regulatory convergence.

## 7.2 Phase 2: Digital and Legal Infrastructure (Years 2–4)

### 7.2.1 Develop/Upgrade NSWs

A key enabler of efficient, transparent and rules-based cross-border trade is the establishment or enhancement of NSWs – digital platforms that integrate customs, licensing, SPS and other regulatory agencies into a unified interface for traders. By streamlining document submission and approval processes, NSWs significantly reduce clearance times, enhance transparency and lower transaction costs. Empirical evidence from the ASW shows clearance time reductions of up to 50 per cent and increased compliance through electronic processing of customs and trade documents.<sup>373</sup>

NSW design in the Indo-Pacific should adopt the ASEAN legal and technical framework, ensuring that all border control agencies (customs, SPS/quarantine, port authorities and standards bodies) are integrated and capable of secure data exchange. Interoperability protocols will be critical for future regional linkage, especially in support of DEPA, CPTPP and RCEP cross-border trade modules.

Country-specific guidance includes:

- India should expand the ICEGATE platform to include real-time integration with SPS and technical licensing systems and extend API-based services to regional and subnational trade points using India Stack infrastructure.<sup>374</sup>
- Fiji and Samoa should initiate pilots for basic NSW functions such as e-manifest, pre-arrival customs and permit tracking. These can be developed through support from the ADB, World Bank and UNESCAP, and eventually scaled into a modular platform.
- Malaysia and Singapore offer leading models – Malaysia's MyTradeLink provides end-to-end visibility for traders through centralised digital access to import/export requirements, while Singapore's NTP is globally recognised for integrating over 50 government and private sector systems into a single digital environment.<sup>375</sup>

<sup>372</sup> Singapore's DEPA Engagement. <https://www.mti.gov.sg/Improving-Trade/Digital-Economy-Partnership-Agreement>; Australia's Digital Trade and IPEF Role. <https://www.dfat.gov.au>

<sup>373</sup> ASEAN Single Window. <https://asean.org/our-communities/economic-community/asean-single-window>

<sup>374</sup> Indian Customs ICEGATE. <https://www.icegate.gov.in>

<sup>375</sup> Malaysia MyTradeLink. <https://www.matare.gov.my/en/malaysian-exporters/services-for-exporters/trade-facilitation/mytradelink>; Singapore Networked Trade Platform. <https://www.ntp.gov.sg>

Importantly, Australia and New Zealand – though not using the ASEAN NSW template – have developed advanced, interoperable trade facilitation systems that serve as benchmarks for procedural integration:

- Australia's ICS supports all trade documentation and declaration functions and is integrated with its biosecurity and food import clearance platforms.<sup>376</sup> Australia has also been involved in designing whole-of-government architecture for future NSW upgrades as part of its STS reform agenda.<sup>377</sup>
- New Zealand's TSW, jointly managed by New Zealand Customs and the MPI, offers streamlined electronic submission for more than 20 border agencies. It is integrated into the JBMS, which is seen as a best practice for risk-based clearance.<sup>378</sup>

Both Australia and New Zealand also engage in international digital trade interoperability initiatives through APEC, IPEF and the WCO, and can serve as technical mentors for phased NSW development and cybersecurity resilience.

### 7.2.2 Enact Enabling Legal Frameworks

To operationalise digital trade and regulatory coherence, Indo-Pacific countries must establish a strong legal foundation that supports interoperability, mutual recognition and trust. The first priority should be to align national laws with key international frameworks including the WTO TFA, core modules of the DEPA – such as digital identity, cross-border data flows and electronic signatures – and relevant provisions under CPTPP, especially those related to digital trade and good regulatory practice.<sup>379</sup>

Countries should move towards adopting or adapting model legislation in three critical areas.

- Regulatory transparency for SPS and TBT.
- Data protection and cybersecurity to enable safe digital commerce.
- Electronic transactions and digital contracts, ensuring legal recognition of e-signatures and digital records.

This should be accompanied by structured public consultation processes, stakeholder engagement and the use of Regulatory Impact Assessments (RIAs) – aligned with OECD and New Zealand standards – to evaluate the economic, social and trade implications of proposed laws.<sup>380</sup>

Country-specific guidance includes the following.

- Fiji and Samoa should prioritise the enactment of basic data protection laws, cybersecurity frameworks and digital identity authentication rules. Support may be drawn from international donors and model templates developed under UNCITRAL's Model Law on Electronic Commerce or PIFS guidelines.<sup>381</sup>
- India and Malaysia should take the lead in drafting regionally harmonised legal templates, given their legislative experience in data governance (e.g. India's DPDP Act, Malaysia's PDPA) and their participation in digital trade partnerships such as IPEF and CPTPP.<sup>382</sup>
- Australia and New Zealand, with long-standing experience in cross-border digital trade, RIAs and consumer law interoperability, are well positioned to offer peer review and legal technical assistance. Australia's Trusted Digital Identity Framework and New Zealand's Digital Government Strategy provide model blueprints for countries building interoperable legal ecosystems.<sup>383</sup>

<sup>376</sup> Australian Integrated Cargo System. <https://www.abf.gov.au/help-and-support/support-tools/cargo-systems>

<sup>377</sup> Australia's Simplified Trade System Reform. <https://www.dfat.gov.au/trade/simplified-trade-system>

<sup>378</sup> New Zealand Trade Single Window. <https://www.customs.govt.nz/business/trade-single-window>

<sup>379</sup> WTO TFA Overview. [https://www.wto.org/english/tratop\\_e/tradfa\\_e/tradfa\\_e.htm](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm); DEPA Agreement Modules – Singapore MTI. <https://www.mti.gov.sg/Improving-Trade/Digital-Economy-Partnership-Agreement>

<sup>380</sup> OECD Regulatory Impact Assessment Toolkit. <https://www.oecd.org/gov/regulatory-policy/ria.htm>

<sup>381</sup> UNCITRAL Model Laws on eCommerce. <https://uncitral.un.org/en/texts/e-commerce>

<sup>382</sup> India's Digital Personal Data Protection Act 2023. <https://www.meity.gov.in/data-protection-framework>

<sup>383</sup> Australian Trusted Digital Identity Framework. <https://www.digitalidentity.gov.au>; New Zealand Digital Strategy for Aotearoa. <https://www.digital.govt.nz/digital-strategy/>

By enacting coherent legal frameworks, Indo-Pacific countries can ensure that digital tools deployed under trade facilitation initiatives are underpinned by enforceable, interoperable and rights-respecting legal regimes.

### 7.2.3 Pilot Digital Trade Tools in Small Island Developing States and LDCs

To ensure that digital trade reforms are scalable and inclusive, Indo-Pacific countries – particularly small island developing states and least developed countries (LDCs) – should begin with targeted pilot projects to test the operational feasibility of digital trade tools in real-world, resource-constrained settings. These pilots will help validate interoperability, reduce administrative burdens and generate evidence for broader legal and infrastructure reforms.

Countries should prioritise digital solutions that have direct impact on trade efficiency and compliance costs. Key pilots include the following.

- E-certification systems for ROO and SPS documentation, which can reduce paper-based errors and clearance delays.
- E-invoicing and digital customs payment systems, particularly beneficial for micro, small and medium enterprises (MSMEs) in agriculture and light manufacturing.
- Digital ID frameworks that allow micro and small traders to access export services, finance and public procurement portals securely.

Implementation should be supported by multilateral development partners such as the ADB, UNESCAP and bilateral donors with digital infrastructure expertise. India Stack – a modular set of open APIs used for identity, payments and document exchange – offers a powerful technical model for countries seeking low-cost, scalable tools.<sup>384</sup> Similarly, the DEPA includes sandbox and pilot cooperation modules that can guide interoperable deployment of digital trade functions across borders.<sup>385</sup>

Country-specific roles include the following.

- Samoa and Fiji should focus on deploying e-certification and e-invoicing pilots in their agriculture and fisheries value chains, which face the greatest NTBs. These pilots can be embedded into ongoing trade facilitation programmes supported by ADB's Pacific Digital Transformation Initiative and UNESCAP's e-Trade Readiness programmes.<sup>386</sup>
- India, as a global leader in digital public infrastructure, should act as an innovation anchor, co-developing APIs for cross-border digital documents, integrating Aadhaar-like digital identity for traders and helping regional partners adapt open-source components of India Stack for their national contexts.<sup>387</sup>
- Malaysia, already advanced in digital regulation and fintech ecosystems, is well positioned to establish a digital trade sandbox – a safe, live testing environment for cross-border digital service tools, including customs APIs, fintech integrations and blockchain-based traceability systems.<sup>388</sup>

These pilots not only lower the barrier to entry for digital transformation in low-capacity economies but also help build the case for institutional investment in fully fledged digital trade ecosystems.

<sup>384</sup> India Stack – Digital Public Infrastructure. <https://www.indiastack.org>

<sup>385</sup> DEPA Agreement – Singapore Ministry of Trade and Industry. <https://www.mti.gov.sg/Improving-Trade/Digital-Economy-Partnership-Agreement>

<sup>386</sup> ADB Pacific Digital Economy Program. <https://www.adb.org/projects/53024-001/main>; UNESCAP eTrade Readiness Assessments. <https://etradeforall.org/partner/escap/>

<sup>387</sup> Aadhaar Enabled Digital Trade – Government of India. <https://uidai.gov.in>

<sup>388</sup> Malaysia Digital Economy Blueprint (MyDIGITAL). <https://www.malaysia.gov.my/portal/content/30931>

## 7.3 Phase 3: Regulatory Harmonisation and NTB Elimination (Years 3–5)

### 7.3.1 Adopt Regional MRAs

An essential step towards regulatory convergence is the development and adoption of regional MRAs, which reduce compliance costs, facilitate cross-border market access and eliminate duplicative conformity assessments. MRAs allow countries to recognise the validity of each other's standards, certifications and professional qualifications – enabling smoother trade integration without requiring full legal harmonisation.

Countries should develop MRAs aligned with successful regional models such as:

- The ASEAN MRAs, which are built on sectoral working groups and supported by national accreditation bodies and conformity assessment systems.<sup>389</sup>
- The GCC approach under the GSO, which has created binding regional technical regulations and a centralised registry of notified conformity assessment bodies.<sup>390</sup>
- The Pacific Alliance, which utilises technical groups to draft harmonised protocols and enable mutual recognition across sanitary, professional and digital regulatory domains.<sup>391</sup>

The process should include the creation of a phased recognition framework, allowing early adopters to proceed while others join as institutional and technical readiness improves. This flexible model has been particularly effective in ASEAN, where countries integrate at different paces under a unified commitment to long-term convergence. Additionally, a central regional registry of recognised bodies, certifications and MRAs should be maintained – possibly under the auspices of an Indo-Pacific Regulatory Dialogue Platform or Secretariat – to ensure transparency and verification for regulators and businesses alike.

Australia and New Zealand can contribute as institutional advisors, drawing on their experience with the TTMRA, which has allowed for reciprocal recognition of goods and professional services across both countries since 1998.<sup>392</sup> Their expertise in managing compliance equivalence and legal interoperability in a bilateral context can inform multilateral MRA architecture for the Indo-Pacific.

### 7.3.2 Launch Regional NTB Monitoring Mechanism

Effective regulatory coherence requires not only harmonised rules but also real-time transparency and accountability in the identification and resolution of NTBs. A proven best practice for achieving this is the establishment of a dedicated, user-driven NTB monitoring mechanism at the regional level – modelled after the EAC's online platform, [www.tradebarriers.org](http://www.tradebarriers.org).<sup>393</sup> This system should enable both anonymous and verified reporting of NTBs by exporters, importers, logistics providers and civil society, ensuring that real-time challenges are captured directly from stakeholders.

To maximise utility, the regional platform should include interactive dashboards that allow trade ministries, standards bodies, customs agencies and business associations to track NTB submissions, resolution timelines and pending actions. Integration with national trade portals and single windows is essential, allowing automated alerts for new NTB complaints, deadlines for response and resolution updates.

To institutionalise action, NRCCs should be empowered to serve as national focal points for NTB review, escalation and response. The Indo-Pacific Regulatory Dialogue Platform would provide the regional oversight function, monitoring trends, aggregating policy insights and ensuring coordinated follow-through across jurisdictions. As part of the transparency mechanism, the platform should publish quarterly NTB resolution bulletins, listing resolved cases, ongoing investigations and pending reform areas – similar to the EAC's structured quarterly reporting system.

<sup>389</sup> ASEAN Mutual Recognition Arrangements. <https://asean.org/our-communities/economic-community/standards-and-conformance/mutual-recognition-arrangements>

<sup>390</sup> GCC Standardization Organization – Conformity Assessment. <https://www.gso.org.sa/en/>

<sup>391</sup> Pacific Alliance Regulatory and Technical Cooperation. <https://alianzapacifico.net/en/technical-group-tbt-regulatory-cooperation>

<sup>392</sup> Trans-Tasman Mutual Recognition Arrangement – DFAT Australia. <https://www.dfat.gov.au/sites/default/files/ttmra.pdf>

<sup>393</sup> EAC Non-Tariff Barrier Reporting Portal. <https://www.tradebarriers.org>

This approach enhances public accountability, strengthens regulatory predictability and builds mutual trust among trading partners. It also allows policymakers to track systemic barriers and adjust regulations or enforcement practices that may unintentionally restrict trade.

### 7.3.3 Establish Indo-Pacific Trade Legal Templates Library

To fast-track regulatory alignment and reduce transaction costs across jurisdictions, Indo-Pacific countries should create a centralised Trade Legal Templates Library – a curated collection of model clauses, legal instruments and procedural guides that can be adapted to national contexts. This resource would support legal interoperability across borders, particularly for countries with limited legal drafting capacity. The library should be developed and maintained under the auspices of the Indo-Pacific Regulatory Dialogue Platform, with open-source access for governments, private sector stakeholders and legal practitioners.

The repository should include legally vetted, regionally adaptable templates, such as:

- ROO protocols, modelled on the ATIGA and Pacific Alliance practices, which provide simplified, cumulative origin frameworks.
- SPS and TBT notification and transparency frameworks, aligned with WTO requirements and ASEAN's transparency annexes.
- Model MRAs for conformity assessments, based on ASEAN and EU examples.
- Data-sharing MoUs for use between customs agencies, standards regulators, and digital economy ministries.
- Dispute settlement provisions, tailored for both bilateral and regional trade arrangements, including flexible and non-binding options.
- RIA toolkits, drawing from New Zealand's RIA framework and OECD good regulatory practices to ensure ex-ante review and inclusive policymaking.<sup>394</sup>

To ensure relevance and quality, legal drafting and peer review workshops should be organised, hosted by legally advanced jurisdictions such as Australia, Singapore and India. These sessions can involve law ministries, trade lawyers, academia and private sector compliance officers, ensuring templates are not only technically sound but also practically implementable. Peer review can also help align templates with commitments under regional agreements such as CPTPP, DEPA and RCEP, while preserving policy space for development-oriented flexibility.

Ultimately, this legal library will promote consistency in trade law language, reduce negotiation times and support regulatory predictability across the Indo-Pacific.

## 7.4 Phase 4: SME and Institutional Support (Years 4–6)

### 7.4.1 Create an Indo-Pacific SME Trade Facilitation Fund

To ensure that regional regulatory reforms are inclusive and pro-development, Indo-Pacific economies should establish a dedicated SME Trade Facilitation Fund aimed at enabling MSMEs to comply with evolving trade requirements and integrate into regional and global value chains. MSMEs account for over 90 per cent of businesses in the region, yet they often face disproportionate challenges in meeting certification, documentation and digital compliance standards required under MRAs, SPS frameworks and digital trade protocols.

The proposed fund should be structured as a multi-donor, multi-stakeholder facility, with pooled contributions from development finance institutions such as the ADB, World Bank and UNESCAP, alongside voluntary commitments from regional governments. Public–private partnerships may also be explored

<sup>394</sup> OECD Regulatory Impact Assessment Toolkit. <https://www.oecd.org/gov/regulatory-policy/ria.htm>; New Zealand RIA Guidelines. <https://www.treasury.govt.nz/information-and-services/regulation/regulatory-management/regulatory-impact-analysis>

to increase sustainability and outreach. The fund would offer co-financing for a range of support services essential for MSME participation in trade reform processes, including:

- Digital onboarding (e.g. e-invoicing platforms, digital payment integration, access to electronic certification tools).
- Testing and certification costs for products and services covered under new MRAs.
- Logistics training, product labelling, customs brokerage and packaging innovation for e-commerce fulfilment and cross-border readiness.

Special emphasis should be placed on supporting women-, youth-, and rural-led MSMEs, which are often underrepresented in export markets but hold transformative potential for inclusive growth. This aligns with the UN Sustainable Development Goals (SDGs), particularly SDG 5 (gender equality), SDG 8 (decent work and economic growth) and SDG 9 (industry, innovation and infrastructure).

To promote uptake and scale, the fund should actively collaborate with chambers of commerce, SME federations, fintech accelerators and trade associations, who can serve as access points and awareness multipliers. Digital outreach tools and MSME helpdesks can be built into existing national trade portals or housed under the Indo-Pacific Regulatory Dialogue Platform.

By strategically targeting barriers to market entry and compliance, the SME Trade Facilitation Fund will ensure that trade harmonisation reforms are not only business-friendly but also socially inclusive and regionally balanced.

#### 7.4.2 Launch Mobile Regulatory Helpdesks and E-Learning Platforms

To bridge the information and capacity gaps faced by MSMEs in navigating trade requirements, Indo-Pacific countries should invest in mobile-enabled regulatory helpdesks and digital learning platforms tailored specifically to MSME needs. These services will be instrumental in enabling small businesses to participate meaningfully in the region's evolving trade architecture, especially under frameworks involving MRAs, SPS/TBT obligations and digital trade protocols.

The helpdesks should be designed as multilingual, mobile-accessible platforms capable of delivering real-time regulatory guidance, including documentation requirements, certification steps, procedural timelines and compliance support. Content should be adapted from international best practices, particularly the Pacific Alliance SME Portal, which offers user-friendly compliance checklists and market entry guides, and APEC's Trade Repository, which provides modular, plain-language explanations of NTMs and trade procedures.<sup>395</sup>

In parallel, countries should roll out modular e-learning platforms focused on the following.

- How to obtain SPS and TBT certifications, including step-by-step guides for food, cosmetics, and manufactured goods.
- How to engage in digital exports, from e-commerce onboarding to cross-border logistics and tax compliance.
- How to report NTBs and leverage available redress mechanisms under emerging NTB monitoring systems.
- How to navigate MRAs in goods and services, including eligibility and documentation requirements.

These platforms should be decentralized for broader reach, and offered in partnership with chambers of commerce, industry associations, trade support institutions, universities and MSME incubators. By aligning learning tools with the daily needs of small businesses – particularly those led by women and youth – these

---

<sup>395</sup> APEC Trade Repository. <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Trade-Repository>; Pacific Alliance SME Portal. <https://alianzapacifco.net/en/pymes>

initiatives will help translate policy reform into meaningful participation, empowering MSMEs to move from informal and local operations to regional and global value chains.

### 7.4.3 Institutionalise Regulatory Impact Assessment

As Indo-Pacific countries reform their trade frameworks and expand digital regulations, it is essential to ensure that new legislation is transparent, evidence based and inclusive. To achieve this, governments should institutionalise RIA as a mandatory step for all new laws and regulations affecting trade, customs, investment and digital services. RIAs help policymakers anticipate the costs, benefits and unintended consequences of regulatory proposals – thereby strengthening both the quality and legitimacy of reforms.

Each country should adopt a standardised RIA toolkit modelled on successful systems in New Zealand and the OECD, which include structured procedures for defining regulatory problems, identifying alternatives, analysing trade-offs and selecting the most efficient and least trade-restrictive option.<sup>396</sup> These toolkits must go beyond basic economic analysis to include stakeholder consultation requirements, with a focus on reaching MSMEs, consumer organisations and marginalised groups. Incorporating gender and inclusion lenses will help ensure that policies do not disproportionately impact women-led businesses or underserved communities.

Implementation should include the training of regulatory officials and parliamentary legal drafters on RIA methodologies, including how to draft impact statements, use data modelling tools and conduct public consultations. Training could be delivered through national civil service academies or via partnerships with institutions such as the OECD's Regulatory Policy Division, New Zealand's Treasury or regional think tanks.

Finally, RIAs should be formally integrated into national trade policy frameworks, digital economy strategies and sectoral reform plans. Their findings should be published and made accessible to the public, reinforcing transparency and accountability. By embedding RIA into policymaking, countries can align their trade and regulatory reforms with international norms, attract higher-quality investment and reduce the risk of policy reversals due to weak stakeholder engagement or implementation gaps.

## 7.5 Phase 5: Convergence and Governance (Years 5–7)

### 7.5.1 Create a Regional Regulatory Coherence Council (RRCC)

To ensure long-term accountability and coordinated implementation of regulatory reforms across the Indo-Pacific, countries should establish an RRCC – a high-level, intergovernmental oversight mechanism tasked with steering the convergence agenda. The RRCC will serve as the central forum for peer review, reform monitoring and dispute mediation, providing continuity across political cycles and institutional mandates. It should be composed of senior representatives from each participating country's trade, digital economy and regulatory bodies, with a rotating chairmanship to ensure balanced leadership and ownership.

The council's key mandate will be to oversee the rollout of MRAs, digital trade modules and the NTB resolution mechanism developed under earlier roadmap phases. In doing so, it will coordinate implementation progress across national agencies, identify legal or technical delays and recommend corrective measures or technical assistance where needed. To enhance transparency, the RRCC should also conduct periodic policy audits and publish an annual Indo-Pacific Regulatory Convergence Scorecard, benchmarking progress on key indicators such as MRA adoption, SPS/TBT harmonisation, digital readiness and SME engagement.

Importantly, the RRCC should function as a multi-stakeholder body, with observer representation from key development institutions – such as the ADB, UNESCAP and regional private sector coalitions. This will allow alignment of donor funding with reform priorities, encourage cross-border private sector feedback and

---

<sup>396</sup> New Zealand Treasury RIA Guidelines. <https://www.treasury.govt.nz/information-and-services/regulation/regulatory-management/regulatory-impact-analysis>; OECD Best Practices for Regulatory Impact Assessment. <https://www.oecd.org/gov/regulatory-policy/ria.htm>

enable public–private collaboration in advancing trade facilitation and digital regulation. Drawing inspiration from platforms such as the EU's Internal Market Scoreboard and the APEC Policy Support Unit, the RRCC will anchor governance of the roadmap and sustain reform momentum into the next decade.

### 7.5.2 Establish a Digital Trade Convergence Tracker

To ensure data-driven reform and continuous alignment across the Indo-Pacific, countries should develop a Digital Trade Convergence Tracker – a centralised monitoring tool designed to assess legal, technical and institutional progress in digital trade governance. The tracker should take the form of a public dashboard that benchmarks country performance against international standards, particularly the core modules of the DEPA, including paperless trade, e-signatures, cross-border data flows, cybersecurity and digital identity systems.

The tool should be managed by the RRCC and updated semi-annually using data submitted by national digital economy ministries, customs authorities and regulatory agencies. It will allow policymakers to track convergence in real time and identify reform bottlenecks, while also giving the private sector visibility on market readiness across jurisdictions. This transparency is especially valuable for fintech firms, logistics providers and platform businesses that rely on legal interoperability for expansion.

To enhance its credibility and comparability, the tracker should integrate existing indices and frameworks, such as the ASEAN Digital Integration Index, APEC's Digital Trade Regulatory Index and the UNCTAD B2C E-commerce Index. Where possible, it should harmonise metrics with donor reporting standards to inform funding decisions and programme design by institutions such as the ADB, World Bank and UNESCAP.

Ultimately, the Digital Trade Convergence Tracker will act as both a performance tool and a policy compass – guiding reform trajectories, targeting technical assistance and fostering regulatory trust within and beyond the Indo-Pacific.

### 7.5.3 Enable Legal Interoperability Mechanisms

To support seamless cross-border digital trade, Indo-Pacific countries must prioritise legal interoperability – the ability of diverse legal systems to mutually recognise and enforce digital transactions, rights and obligations. Legal interoperability ensures that electronic signatures, contracts, consumer protections and digital evidence are valid across jurisdictions, thus enabling trust-based commerce between economies with different legal traditions and regulatory maturities.

Governments should start by negotiating MRAs in key areas such as electronic signatures, consumer protection and digital dispute evidence. These MRAs would allow businesses and regulators to rely on each other's digital legal instruments without duplicative procedures or inconsistent legal interpretations. In parallel, countries should work towards drafting treaties or model protocols that define minimum standards for legal equivalence in digital trade – focusing on authentication, enforceability and jurisdiction.

To build capacity and mutual understanding, it is crucial to convene regular dialogues among judges, regulators and digital law experts. These engagements should focus on closing legal gaps, exchanging case law and harmonising the application of emerging norms, especially in areas such as algorithmic accountability, smart contracts and digital fraud protection.

The Indo-Pacific initiative should also be aligned with international legal frameworks, particularly those developed by UNCITRAL (e.g. the Model Law on Electronic Commerce and Electronic Signatures) and the Hague Conference on Private International Law, which provide globally recognised legal tools for cross-border commercial enforcement. Engagement with these bodies will ensure that Indo-Pacific digital governance regimes are not only regionally coherent but also internationally compatible – facilitating integration with global supply chains and digital service markets.

#### Cross-Cutting Recommendations

To ensure that the Indo-Pacific regulatory coherence roadmap delivers not only technical results but also equity, transparency and sustainability, a series of cross-cutting institutional strategies should underpin all phases of implementation.

First, donor alignment must be institutionalised through a coordinated financing strategy. Development partners such as the ADB, World Bank, UNESCAP and the Commonwealth Secretariat should collaborate under a unified results framework to support regulatory convergence across digital and conventional trade systems. Pooling donor resources will be particularly critical for small island developing states, enabling them to access regional digital public goods such as legal template libraries and NTB monitoring platforms.<sup>397</sup>

Second, robust public–private dialogue mechanisms must be embedded at both national and regional levels to ensure bottom-up feedback and inclusive policy design. These platforms should bring together chambers of commerce, MSME federations, digital service providers and logistics firms to co-develop reforms.

International models such as the APEC Business Advisory Council and the Pacific Alliance Productive Development Committee demonstrate how structured engagement can improve the design of MRAs, SPS protocols, and e-commerce laws.<sup>398</sup>

Third, gender equity and inclusive participation should be operationalised through all reform processes. This includes using gender-responsive trade facilitation indicators, ensuring that digital tools and capacity-building initiatives are designed to support women-, youth- and rural-led MSMEs, and disaggregating performance data by gender and enterprise size. The World Bank's Gender Dimensions of Trade Facilitation framework and UNCTAD's Gender and Trade Toolbox offer valuable implementation guidance.<sup>399</sup>

Fourth, countries should adopt a region-wide monitoring, evaluation and learning framework that tracks progress on key reform indicators – such as NTB resolution rates, regulatory transparency and SME integration. Baseline assessments should be followed by annual publication of a regulatory coherence scorecard, modelled on tools such as the EU's Single Market Scoreboard and OECD's Regulatory Indicators Survey.<sup>400</sup>

Finally, a regional knowledge and innovation hub should be created under the Indo-Pacific Regulatory Dialogue Platform. This hub would serve as a repository for open-access regulatory templates, case studies, e-learning tools and technical guidance. It would also host innovation sprints and pilot projects – similar to Singapore's GovTech sandbox programme or the OECD's Observatory of Public Sector Innovation – allowing for the experimentation and regionalisation of next-generation trade tools.<sup>401</sup>

<sup>397</sup> ADB Trade and Supply Chain Finance Program. <https://www.adb.org/what-we-do/trade-finance>; Commonwealth Secretariat Trade Governance Program. <https://thecommonwealth.org/our-work/trade>

<sup>398</sup> APEC Business Advisory Council. <https://www.abaconline.org>; Pacific Alliance Technical Groups. <https://alianzapacifico.net/en/>

<sup>399</sup> World Bank – Gender Dimensions of Trade Facilitation. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/998971468333865709/>; UNCTAD Gender and Trade Toolbox. <https://unctad.org/webflyer/gender-and-trade-toolbox>

<sup>400</sup> European Commission – Single Market Scoreboard. <https://single-market-scoreboard.ec.europa.eu>; OECD Indicators of Regulatory Policy and Governance. <https://www.oecd.org/gov/regulatory-policy/indicators-regulatory-policy-and-governance.htm>

<sup>401</sup> Singapore GovTech Sandbox. <https://www.tech.gov.sg>; OECD Observatory of Public Sector Innovation. <https://oecd-opsi.org>

# 8. Regional Cooperation Mechanism

As national regulatory reforms advance across the Indo-Pacific, regional cooperation becomes both a strategic necessity and a practical enabler for deeper integration in trade – across goods, services and the digital economy. Regulatory fragmentation, NTBs, inconsistent digital standards and uneven legal capacities continue to hinder market access and trade facilitation among Commonwealth countries. This chapter explores how regional cooperation can bridge these gaps by building on existing trade agreements, regulatory dialogues and bilateral memoranda, while proposing new mechanisms aligned with a phased reform roadmap. It outlines differentiated roles for each country, identifies opportunities for Commonwealth-led support and presents practical tools for institutionalising mutual recognition, legal harmonisation and cross-border regulatory interoperability in both conventional and digital trade domains.

## 8.1 Existing Trade Agreements between Selected Countries

To foster regulatory coherence across the Indo-Pacific region, it is essential to build upon existing trade agreements and institutional arrangements already linking the seven focus countries: Australia, New Zealand, Singapore, Malaysia, India, Fiji and Samoa. These agreements serve not only to liberalise trade but also to establish frameworks for regulatory cooperation, including harmonisation of standards, mutual recognition of professional qualifications, digital trade facilitation and customs interoperability. By examining the specific features of these agreements – ranging from bilateral economic cooperation agreements to region-wide pacts such as AANZFTA, CPTPP and PACER Plus – we can identify concrete opportunities for leveraging their provisions to advance both conventional and digital regulatory alignment. This section provides a detailed analysis of these agreements, highlighting their relevance to regulatory cooperation and the potential pathways they offer for deepening regional integration under a coherent and inclusive framework.

### 8.1.1 Economic Cooperation and Trade Agreement (India–Australia)

The Economic Cooperation and Trade Agreement (India–Australia) (AANZFTA), signed in 2009, is a comprehensive agreement between the ten ASEAN member states and Australia and New Zealand. It covers trade in goods, services, investment and economic cooperation. For regulatory cooperation, it includes chapters on SPS measures, TBT, customs procedures and professional services. A key strength of AANZFTA lies in its Economic Cooperation Work Programme, which provides capacity-building initiatives for regulatory reform, standards alignment and mutual recognition dialogues between the parties. With Malaysia and Singapore as ASEAN members and Australia and New Zealand as parties, the agreement provides an institutional framework to promote regional coherence, especially in product regulations, conformity assessments and service sector recognition. This agreement could be leveraged to create digital regulatory bridges – particularly in fintech, digital identity and cybersecurity standards – and extended to observer or associate participants such as India, Fiji and Samoa through technical cooperation windows supported by AANZFTA's Economic Cooperation Support Programme.<sup>402</sup>

### 8.1.2 Comprehensive and Progressive Agreement for Trans-Pacific Partnership

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is a next-generation trade agreement that includes Australia, New Zealand, Singapore and Malaysia. It contains robust commitments on regulatory coherence, including a dedicated chapter that promotes transparency, good regulatory practices and institutional coordination across sectors. It also contains a comprehensive e-commerce chapter (chapter 14), which mandates parties to facilitate cross-border data flows, prevent data localisation, adopt electronic authentication and promote interoperability of digital systems. These

402 <https://aanzfta.asean.org/>

features offer a strong platform for regulatory convergence in both conventional and digital domains. Although India, Fiji and Samoa are not CPTPP members, these countries can engage through capacity-building initiatives or observer status, or explore accession pathways for partial integration. For instance, Samoa and Fiji could receive digital trade facilitation assistance under the CPTPP model, while India could initiate exploratory discussions on regulatory standards with CPTPP parties.<sup>403</sup>

### 8.1.3 Australia–India Economic Cooperation and Trade Agreement

The Australia–India Economic Cooperation and Trade Agreement (AI-ECTA), signed in April 2022, is a modern, bilateral free trade agreement between Australia and India that emphasises regulatory collaboration. It includes provisions for transparency, standards alignment and digital trade readiness, with parties agreeing to collaborate on emerging areas such as fintech regulation, digital services and cross-border data flows. While not a full digital trade agreement, the AI-ECTA represents a foundation for broader regulatory cooperation, especially if expanded into a comprehensive economic cooperation agreement. Future cooperation could include MRAs for standards and professional services and digital trade facilitation tools, such as interoperable e-signatures and common privacy principles.<sup>404</sup>

### 8.1.4 India–Singapore Comprehensive Economic Cooperation Agreement

The India–Singapore Comprehensive Economic Cooperation Agreement (CECA), signed in 2005 and subsequently upgraded, is a comprehensive agreement covering goods, services, investment and regulatory cooperation. It notably includes mutual recognition of educational qualifications in professions such as accounting and architecture, and cooperation on standards and conformity assessments. In 2018, a Fintech Cooperation Agreement was signed under the CECA framework to promote digital finance innovation and regulatory coordination. This agreement is especially relevant for digital regulatory convergence, as India and Singapore have committed to collaborate on fintech licensing, sandboxing, cybersecurity and digital payments. Expanding this agreement to include a formal digital trade chapter would institutionalise regulatory coherence in data governance and AI ethics as well.<sup>405</sup>

### 8.1.5 India–Malaysia Comprehensive Economic Cooperation Agreement

The India–Malaysia Comprehensive Economic Cooperation Agreement (IMCECA), signed in 2011, covers trade in goods and services, investment and economic cooperation between India and Malaysia. Although the agreement does not currently include explicit digital trade or regulatory coherence chapters, its services and investment provisions provide a basis to build MRAs in sectors such as healthcare, IT and education. Furthermore, both India and Malaysia are actively developing their digital economies. Therefore, this agreement could be modernised to include digital trade facilitation, cross-border certification and data protection regulatory alignment, modelled on CPTPP and DEPA standards.<sup>406</sup>

### 8.1.6 PACER Plus

PACER Plus is a regional trade and development agreement signed by Australia, New Zealand and Samoa (among other Pacific Island countries). The agreement focuses strongly on trade facilitation, customs modernisation and standards harmonisation, with significant development assistance and technical cooperation components. Regulatory cooperation is a core objective, particularly in the agriculture, fisheries and health sectors. The agreement includes a development and economic cooperation chapter that supports the building of domestic regulatory capacity. PACER Plus could be utilised as a platform to pilot regulatory reforms, develop regional MRAs and digitise customs and standards processes in Fiji and Samoa, with technical support from Australia and New Zealand.<sup>407</sup>

<sup>403</sup> <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/index.aspx?lang=eng>

<sup>404</sup> <https://www.dfat.gov.au/trade/agreements/in-force/australia-india-ecta>

<sup>405</sup> <https://www.mti.gov.sg/Improving-Trade/India-Singapore-CECA>

<sup>406</sup> [https://commerce.gov.in/wp-content/uploads/2020/02/CECA\\_India\\_Malaysia.pdf](https://commerce.gov.in/wp-content/uploads/2020/02/CECA_India_Malaysia.pdf)

<sup>407</sup> <https://www.dfat.gov.au/trade/agreements/pacer/pacer-plus-agreement>

### 8.1.7 Regional Comprehensive Economic Partnership

While India withdrew from Regional Comprehensive Economic Partnership (RCEP) in 2019, Australia, New Zealand, Singapore and Malaysia are signatories. RCEP's regulatory cooperation chapter includes commitments to promote regulatory transparency, harmonisation of standards and adoption of international best practices. It also contains a dedicated e-commerce chapter, which promotes data flow and paperless trading. Although India is not a party, dialogue mechanisms within RCEP could be used for regulatory exchange, especially between ASEAN members and India. Additionally, Fiji and Samoa could benefit from best-practice sharing and standards adoption guided by RCEP provisions.<sup>408</sup>

These agreements create a dense web of overlapping but underutilised regulatory cooperation opportunities. The CPTPP and AANZFTA offer the most advanced frameworks for both conventional and digital trade regulation. CECA and ECTA represent fertile bilateral models that can be upgraded with digital and regulatory chapters. PACER Plus offers a unique development-focused platform for Pacific Island countries to strengthen their regulatory regimes, while ASEAN-centric and RCEP mechanisms provide avenues for knowledge sharing and alignment. A Commonwealth-led initiative could synergise these existing frameworks, helping countries integrate both horizontally (across regions) and vertically (within sectors), to achieve deeper regulatory coherence in trade.

## 8.2 MoUs, Regulatory Dialogues and Cooperation Platforms

In addition to formal trade agreements, bilateral and multilateral MoUs, regulatory dialogues and cooperation platforms play a vital role in fostering regulatory coherence and mutual understanding among countries. These mechanisms are often more flexible and issue-specific, allowing for quicker alignment of standards, pilot projects and technical capacity-building initiatives.

One notable example is the India–Singapore FinTech Cooperation Agreement, signed in 2018 between the MAS and the International Financial Services Centres Authority of India. This MoU facilitates collaboration on regulatory sandbox frameworks, licensing, data privacy and cybersecurity standards for digital finance. It serves as a strong example of how digital regulatory bridges can be constructed without needing full-fledged trade agreements, and provides a foundation for extending similar cooperation to other Commonwealth partners such as Malaysia or Fiji.<sup>409</sup>

The ASEAN Regulatory Cooperation Framework, which guides cooperation among ASEAN countries – including Malaysia and Singapore – promotes the alignment of technical regulations and conformity assessment procedures. It encourages the use of international standards and the development of MRAs, especially in sectors such as healthcare, electronics and food safety. This model could be replicated or extended to observer countries such as India and the Pacific Island states via structured dialogues or knowledge-sharing initiatives supported by the Commonwealth Secretariat.<sup>410</sup>

Australia and New Zealand also engage in Pacific Regional Customs Dialogues and technical cooperation programmes with Fiji and Samoa under the umbrella of PACER Plus and development aid initiatives. These platforms aim to modernise customs administration, simplify procedures and strengthen trade compliance. Such cooperation is foundational for introducing digital customs platforms, e-certification systems and SPS conformity tools, which would benefit regulatory coherence across the region.<sup>411</sup>

Further, India and Australia have established the Australia–India Strategic Dialogue on Standards and Conformance, led by their respective national standards bodies. This bilateral initiative fosters alignment in product regulations, testing protocols and conformity assessments, with an emphasis on sectors such as textiles, automotive and pharmaceuticals. These dialogues could serve as the basis for developing regional MRAs or harmonised sectoral guidelines, especially if formalised into a Commonwealth-wide regulatory framework.<sup>412</sup>

<sup>408</sup> <https://rcepsec.org/legal-text/>

<sup>409</sup> India–Singapore FinTech Cooperation Agreement – MAS.

<sup>410</sup> ASEAN Regulatory Cooperation – [ASEAN.org](http://ASEAN.org).

<sup>411</sup> PACER Plus – Development and Economic Cooperation.

<sup>412</sup> India–Australia Standards Cooperation – BIS.

Additionally, multilateral platforms such as the Commonwealth Connectivity Agenda (CCA) offer opportunities to integrate regulatory cooperation into broader trade facilitation strategies. The CCA's Working Groups on digital connectivity, regulation and global value chains can support structured peer learning, regulatory audits and pilot projects among Commonwealth member states – including all seven focus countries. Leveraging these platforms allows for capacity building, the sharing of good regulatory practices and the development of templates for regional digital MRAs.<sup>413</sup>

These MoUs and regulatory dialogues, while varied in scope and legal formality, collectively offer modular and scalable instruments to advance both digital and conventional regulatory reforms. By strengthening and interlinking these mechanisms under the Commonwealth umbrella, they can serve as stepping stones towards more integrated regional frameworks – particularly in areas such as fintech regulation, digital trade, data governance, SPS measures and professional mobility.

## 8.3 Proposed Mechanisms for Regional Cooperation

As countries progress through their national regulatory reform agendas, regional cooperation becomes a natural and necessary extension to ensure consistency, interoperability and mutual reinforcement of trade-related regulations. Building on the phased roadmap set out in the previous chapter, this section proposes a series of structured, step-by-step mechanisms for advancing both conventional and digital regulatory coherence across Australia, New Zealand, Singapore, Malaysia, India, Fiji and Samoa. These mechanisms are designed to align with each phase of the domestic reform process – starting from institutional coordination and diagnostics, moving through infrastructure and legal development, to harmonisation, capacity building and long-term governance. Importantly, they are framed within the supportive and facilitative role of the Commonwealth, which can act as a convener, technical advisor and capacity-building partner. This phased regional approach ensures that cooperation efforts are not only strategically sequenced but also responsive to the diverse capacities and development needs of the participating countries.

### 8.3.1 Phase 1: Institutional Alignment and Diagnostics (Years 1–2)

#### Commonwealth Indo-Pacific Regulatory Cooperation Working Group

The Commonwealth Secretariat should facilitate the formation of an Indo-Pacific Regulatory Cooperation Working Group composed of trade, customs, digital and regulatory agencies from the seven countries. This working group will function as the regional equivalent of national NRCCs and support diagnostics on regulatory gaps, NTBs and digital readiness. It can use data and insights from national trade facilitation maps and digital economy assessments to prioritise sectors for regional collaboration. Technical backstopping can be provided by the Commonwealth Connectivity Agenda and Commonwealth Trade Competitiveness Fund.

### 8.3.2 Phase 2: Digital and Legal Infrastructure (Years 2–4)

#### Commonwealth-Supported Regulatory Sandbox and Digital Labs

To complement the development of NSWs and legal frameworks, the Commonwealth should support Digital Trade Sandboxes and Regulatory Labs in India, Malaysia and Fiji – testing legal interoperability for e-signatures, digital identity and e-certification. These pilots will feed into the design of interoperable systems for eventual regional rollout. Legal toolkits and model clauses developed under Commonwealth guidance will support enactment of DEPA- and CPTPP-aligned legislation in digital and conventional trade.

### 8.3.3 Phase 3: Regulatory Harmonisation and NTB Elimination (Years 3–5)

#### Commonwealth Mutual Recognition and Alignment Platform

Building on domestic reforms, the Commonwealth Mutual Recognition and Alignment Platform should be launched to facilitate MRAs in conformity assessments, professional qualifications and digital certificates. Drawing on the ASEAN and Trans-Tasman examples, the platform can help draft scalable MRA templates

<sup>413</sup> Commonwealth Connectivity Agenda.

and manage a Regional Register of Recognised Certifications. Commonwealth legal and technical experts can assist countries in negotiating sector-specific MRAs and aligning NTB regimes via common classification and resolution protocols.

### 8.3.4 Phase 4: SME and Institutional Support (Years 4–6)

#### Indo-Pacific SME Trade Compliance Support Facility

To ensure inclusive participation, the Commonwealth can anchor a regional fund or facility (co-funded by donors such as ADB, UNESCAP and DFIs) focused on MSME compliance with regional trade protocols. This includes financing digital onboarding, certification costs and training. A Commonwealth-backed mobile helpdesk and e-learning hub can disseminate tailored guidance to traders in Fiji, Samoa and rural India. This ensures the reforms serve not just governments but the broader business ecosystem.

### 8.3.5 Phase 5: Governance and Convergence (Years 5–7)

#### RRCC with Commonwealth Observer Role

As the final institutional anchor, an RRCC should be established with a rotating chair among member countries. The Commonwealth Secretariat can act as a neutral observer and knowledge partner, assisting with performance tracking, peer reviews and the publication of an Annual Indo-Pacific Regulatory Scorecard. This mechanism ensures sustainability, transparency and cross-border alignment of trade reforms.

This integration ensures logical continuity between country-level reforms and regional cooperation efforts, and positions the Commonwealth not as an external actor but as an embedded institutional partner guiding the Indo-Pacific towards sustainable, inclusive regulatory integration.

## 8.4 Country Roles and Strategic Synergies

To operationalise the roadmap for regulatory coherence and regional cooperation, it is essential to define differentiated roles for each participating country based on their comparative strengths, digital maturity and institutional capacity. The country-specific profiles included earlier in the report – covering trade facilitation infrastructure, regulatory institutions, digital readiness and international commitments – provide a clear foundation for assigning these roles. This section builds on that analysis and offers a coalition-based view of how these seven countries can collaborate more effectively under the Commonwealth framework, aligning national reform with regional integration.

Australia and New Zealand are well positioned to serve as regional leaders in digital trade governance and standards harmonisation. Both countries have advanced regulatory systems, mature trade facilitation infrastructures and deep experience in MRAs through their CER framework. Australia's leadership in the development of PACER Plus and New Zealand's alignment with OECD digital economy guidelines provide an ideal foundation for assisting neighbouring countries in regulatory reform. These countries can offer technical training, policy models and legal templates in areas such as e-certification, cross-border data governance and SPS/TBT alignment. Their engagement is also critical in mentoring smaller economies such as Fiji and Samoa.

Singapore acts as the region's digital and regulatory innovation hub. With its participation in DEPA, leadership in ASEAN digital integration and advanced frameworks for cross-border data flows, e-signatures and digital identity, Singapore is uniquely equipped to champion interoperability in digital trade regulation. The country can anchor Commonwealth-supported initiatives on sandboxing, digital trust frameworks and fintech collaboration – particularly with India and Malaysia. Singapore's experience in bilateral regulatory cooperation (e.g. India–Singapore Fintech MoU) and its institutions such as MAS and IMDA can provide templates for data governance, digital payment integration and AI regulation.

India, with its vast and rapidly digitising economy, brings scalability and legal innovation to the table. India's development of foundational digital infrastructure such as Aadhaar, UPI and the GSTN provides valuable models for other developing economies. Furthermore, India's institutional capabilities in digital taxation,

data protection (under the new DPPD Act) and cybersecurity oversight can contribute to the development of regional digital public goods and regulatory toolkits. India can also co-lead with Australia on building model laws and clauses for digital trade regulation, including in emerging areas such as e-invoicing and e-commerce consumer protection.

Malaysia plays a bridging role between ASEAN systems and Commonwealth-led initiatives. With strong participation in CPTPP, RCEP and ASEAN frameworks, and national policies such as MyDIGITAL and the Malaysia Cybersecurity Strategy, Malaysia can support regulatory alignment, digital capacity building and institutional convergence across the region. As a mid-tier power, it is well suited to serve as a testing ground for new regional regulatory pilots, particularly in areas such as digital customs, halal certification and regional logistics compliance.

Fiji and Samoa, as small island developing states, are well positioned to benefit from targeted regulatory cooperation, pilot projects and digital trade assistance. Their participation in PACER Plus and alignment with WTO frameworks provide an institutional foundation that can be strengthened through Commonwealth-supported interventions. These countries could host regulatory sandboxes, implement simplified e-certification and customs systems and receive capacity-building support through Commonwealth and ADB channels. Their regulatory frameworks can also serve as low-risk environments for piloting modular MRAs and SME compliance support systems.

This coalition-based distribution of roles ensures that each country contributes according to its strength – whether through leadership, technical support, policy innovation or beneficiary engagement – while also deriving reciprocal benefits. It enables a tiered but integrated model of cooperation, where advanced economies support emerging and vulnerable members, ensuring collective progress towards regulatory coherence and inclusive economic integration. Under the umbrella of the Commonwealth, this structure provides a practical path for implementing the five-phase roadmap with sustained collaboration, monitoring and institutional ownership.

## 8.5 Risks, Gaps and Mitigation Strategies

While regional cooperation holds strong promise, several practical challenges could affect implementation. A key concern is the variation in digital readiness – with countries such as Singapore and Australia far ahead of smaller states such as Fiji and Samoa. This may lead to unequal benefits or integration gaps. A phased participation model and paired technical exchanges can mitigate this.

Another risk lies in legal and institutional inconsistencies – many countries still lack up-to-date legislation on data protection, e-signatures or e-commerce enforcement. To address this, countries can adopt model clauses, test reforms via regulatory sandboxes and use soft-law approaches before committing to full legal harmonisation.

Finally, capacity constraints, particularly in small island states, could slow down reform. This can be managed through targeted technical assistance, Commonwealth-funded training and deployment of trade advisors. These mitigation strategies ensure that cooperation is both inclusive and resilient, and tailored to the diverse reform stages across the region.

## 8.6 Opportunities for Commonwealth Integration and Support

The Commonwealth can play a pivotal role in institutionalising and supporting regional regulatory cooperation through its established policy instruments, technical programmes and convening capacity. Key tools such as the Connectivity Agenda, Trade Competitiveness Fund, and Hub & Spokes Programme provide targeted support for regulatory diagnostics, legal drafting, training and advisory services. The Commonwealth can facilitate legal harmonisation, support the development of MRAs and coordinate capacity building for regulators across sectors.

As a convener, the Commonwealth is well positioned to establish a regional regulatory forum, promote issue-specific working groups and align diverse national reforms under a shared cooperation framework.

It can also help monitor progress through a regulatory scorecard and peer review mechanisms, ensuring accountability and shared learning. These roles make the Commonwealth not just a supporter, but a strategic driver of regulatory coherence, particularly for bridging the capacity gaps between advanced economies and small island states.

## 8.7 Call to Action

Achieving regulatory coherence in trade – both conventional and digital – is no longer optional for Indo-Pacific Commonwealth countries; it is a strategic imperative for competitiveness, resilience and inclusive growth. This chapter has demonstrated that regional cooperation is not only feasible but essential to overcome shared challenges such as NTBs, fragmented digital rules and uneven institutional capacity. By leveraging existing trade agreements, bilateral partnerships and regulatory dialogues, countries can build a more harmonised and efficient trade environment.

The Commonwealth stands out as a uniquely positioned partner – offering technical tools, political neutrality and a platform for inclusive dialogue. Through its policy programmes, legal expertise and convening power, the Commonwealth can help translate reform ambition into coordinated action.

Moving forward, countries are encouraged to take concrete steps: conduct regulatory audits, nominate focal points for regional working groups and pilot mutual recognition or digital trade initiatives in priority sectors. These efforts should be embedded within the Commonwealth's broader agenda – ensuring that cooperation is not fragmented but structured, inclusive and results-driven.

By aligning national reforms with regional goals, and embedding them in a phased, flexible framework supported by the Commonwealth, a more integrated, secure and future-ready regulatory landscape in the Indo-Pacific region can be adopted.

## 9. Conclusion

The growing interdependence of economies across the selected Indo-Pacific countries, marked by the convergence of traditional trade in goods and services with the dynamic rise of digital commerce, has underscored the urgent need for regulatory coherence. This report's in-depth review of both conventional and digital trade frameworks in seven selected Indo-Pacific countries reveals a mosaic of policy maturity, institutional capability and international alignment – one that, if harmonised through targeted reforms, could unlock significant gains in trade facilitation, competitiveness and regional integration.

A central insight emerging from this comparative study is that regulatory coherence does not require uniformity. Rather, as demonstrated by ASEAN, DEPA and the CPTPP, progress hinges on phased, flexible harmonisation tailored to each country's institutional capacity and economic priorities. Samoa and Fiji, for instance, face acute institutional limitations but can achieve meaningful alignment through modular customs reforms and simplified digital trade laws. Larger economies such as India and Malaysia, though equipped with more advanced infrastructure, remain hindered by internal fragmentation and opaque enforcement, underscoring the need for sector-specific harmonisation and enhanced interagency interoperability. The backbone of modern trade efficiency lies in digital infrastructure. While countries such as Australia, New Zealand and Singapore offer models of seamless paperless trade and cross-border data governance, others remain constrained by manual customs systems, fragmented data policies and low digital maturity. Investment in single-window platforms, blockchain-enabled documentation and cybersecurity resilience – supported by multilateral institutions such as the ADB and UNESCAP – must be prioritised to reduce trade friction and align with WTO TFA standards.

Equally critical is transparency in regulation, which remains unevenly applied. Best-practice economies such as New Zealand and Singapore have demonstrated that online publication of laws, stakeholder consultations and performance dashboards foster trust and regulatory predictability. Replicating such practices across the selected Indo-Pacific countries – particularly in Fiji, Samoa, India and Malaysia – would reduce rent-seeking behaviour and increase compliance, particularly for SMEs navigating complex cross-border rules. Legal certainty in digital trade is foundational, not optional. Binding commitments to interoperable e-commerce rules, data flow governance, digital ID systems and platform accountability – such as those enshrined in DEPA and the CPTPP – enable foreign investment and cross-border digital commerce. Countries such as India must strike a balance between sovereignty and openness by embracing modular DEPA provisions, while Fiji and Samoa should begin foundational reforms using UNCITRAL and ASEAN model laws.

Sustaining reform requires anchoring efforts in regional institutions. Bodies such as ASEAN's Economic Integration Committees and PACER Plus's monitoring frameworks can provide oversight, benchmarking and peer learning. Establishing communities of regulatory practice, modelled on Canada's federal regulator networks, would help build institutional memory and resilience across the region. Legal flexibility must be embedded in international commitments. The differentiated implementation schedules under the WTO TFA and the opt-out provisions in the CPTPP illustrate how tailored legal obligations can accommodate regulatory diversity without impeding long-term convergence.

# Annex A: Stakeholder Consultations

Stakeholder consultations formed a critical component of this study's approach to understanding the practical barriers, policy disconnects and regulatory priorities shaping both digital and conventional trade across the selected Indo-Pacific countries. Recognising that regulatory coherence cannot be designed in isolation, the consultation phase sought to incorporate insights from those most affected by and responsible for trade facilitation – namely, regulators, private sector actors and trade policy experts. These consultations helped validate the regulatory gap analysis undertaken in earlier chapters, provided feedback on proposed reforms and identified operational challenges that may not be evident through legislative review alone. Questionnaires and structured outreach were directed towards a diverse set of institutions and individuals across Australia, New Zealand, Malaysia, Singapore, India, Fiji and Samoa, ensuring regional and sectoral inclusiveness. These engagements not only strengthened the empirical foundations of the roadmap but also provided a platform for ongoing policy dialogue and regional cooperation.

## Criteria for Stakeholder Identification

Stakeholders were identified using a systematic framework tailored to ensure coverage of both conventional and digital trade domains. The criteria prioritised three main categories:

- Regulatory bodies involved in trade facilitation, SPS/TBT enforcement, customs, privacy and digital regulation.
- Trade experts and academic institutions engaged in policy development, legal alignment and multilateral negotiations.
- Industry players, particularly those at the forefront of logistics, e-commerce, standards compliance, fintech and MSME development.

Within each category, the selection was guided by their institutional mandates, relevance to WTO and regional frameworks (e.g. CPTPP, DEPA, PACER Plus) and influence in shaping or responding to regulatory changes. Special attention was paid to include regional organisations (e.g. PIFS, Pacific Trade Invest), public–private dialogue platforms and institutions actively contributing to IRC efforts. The criteria ensured that stakeholder coverage reflected the unique regulatory challenges and capacities of each country, from advanced digital economies such as Singapore to small island developing states such as Samoa and Fiji.

## Stakeholders Identified

For the consultations, the following stakeholders were selected according to the criteria identified.

### Australia

- Department of Foreign Affairs and Trade
- Australian Border Force
- Australian Competition and Consumer Commission
- Office of the Australian Information Commissioner
- Standards Australia
- Australian Services Roundtable
- FinTech Australia

### **Fiji**

- Fiji Revenue and Customs Service
- Ministry of Commerce, Trade, and Transport
- Biosecurity Authority of Fiji
- Fijian Competition and Consumer Commission
- Revenue and Customs Service ICT-Unit
- Fiji Export Council
- Pacific Trade Invest (PTI Australia – Fiji Programs)

### **India**

- Central Board of Indirect Taxes and Customs
- Competition Commission of India
- Directorate General of Foreign Trade
- Ministry of Electronics and Information Technology
- Reserve Bank of India
- Federation of Indian Chambers of Commerce and Industry
- Confederation of Indian Industry
- CUTS International

### **Malaysia**

- Ministry of International Trade and Industry
- Royal Malaysian Customs Department
- Malaysian Communications and Multimedia Commission
- Personal Data Protection Department
- Department of Veterinary Services
- Institute of Strategic and International Studies Malaysia
- SME Association of Malaysia

### **New Zealand**

- Ministry of Business, Innovation and Employment
- New Zealand Customs Service
- Privacy Commissioner
- Biosecurity New Zealand
- Commerce Commission
- Digital Council for Aotearoa
- NZ Institute of Economic Research
- New Zealand International Business Forum

**Samoa**

- Ministry of Commerce, Industry and Labour
- Ministry of Revenue
- Office of the Ombudsman
- Agriculture and Fisheries Boards
- Pacific Islands Forum Secretariat
- Samoa Chamber of Commerce and Industry
- Pacific Trade Invest – Samoa Office

**Singapore**

- Enterprise Singapore
- Infocomm Media Development Authority
- Maritime and Port Authority of Singapore
- Personal Data Protection Commission
- Singapore Customs
- Lee Kuan Yew School of Public Policy
- Asian Business Law Institute
- iCommerce Asia

# Annex B: List of Acts

## Australia

- Customs Tariff Act 1995
- Customs Licensing Charges Amendment Act 2024
- Security of Critical Infrastructure Act 2018
- Biosecurity Act 2015
- Customs Act 1901
- Electronic Transactions Act 1999
- Australian Consumer Law (part of the Competition and Consumer Act 2010)
- Privacy Act 1988
- Consumer Data Right (under the Competition and Consumer Act 2010)
- Copyright Act 1968
- Trade Marks Act 1995
- Patents Act 1990
- Digital Trade Strategy (2021) (policy/strategy document, not a formal act)
- E-Payments Code
- Cybersecurity Strategy 2023–2030 (strategy document)

## Fiji

- Customs Tariff Act 1986
- Biosecurity Act 2008
- Standards Act 1992
- Medicines Act 1978
- Plant Quarantine Act 1982
- Copyright Act 1999
- Patents Act 2021
- Trademarks Act 2021
- Online Safety Act 2018
- Cybercrime Act 2021
- National Payment System Act 2021
- National Payment System Regulations 2022

## India

- Customs Tariff Act 1975
- Customs Act 1962
- Foreign Trade Policy
- Arbitration and Conciliation Act 1996
- Commercial Courts Act 2015
- Consumer Protection (E-Commerce) Rules 2020
- E-Commerce Policy 2023

- Information Technology Rules (IT Rules) 2021
- Digital Personal Data Protection Act 2023
- Copyright Act 1957
- Trade Marks Act 1999
- Patents Act 1970
- Information Technology Act 2000

### **Malaysia**

- Plant Quarantine Act (for SPS controls)
- Customs Act 1967
- Standards of Malaysia Act 1996
- Arbitration Act 2005
- Electronic Commerce Act 2006
- Consumer Protection (E-Commerce) Regulations 2012
- Copyright Act 1987
- Trademarks Act 2019
- Patents Act 1983
- Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001
- Personal Data Protection Act 2010
- Cross-Border Personal Data Transfer Guidelines 2025
- Cybersecurity Act 2024 (proposed)

### **New Zealand**

- Customs and Excise Act 2018
- Biosecurity Act 1993
- Arbitration Act 1996
- Fair Trading Act
- Consumer Guarantees Act
- Import Health Standards (MPI standards)
- Electronic Transactions Act 2002
- Privacy Act 2020
- Financial Markets Conduct Act 2013
- Copyright Act 1994
- Patents Act 2013
- Trade Marks Act 2002
- Cybersecurity Act
- Crimes Act 1961 (for cybercrime)

### **Samoa**

- Customs Act 2014
- Arbitration Act 1976
- Quarantine (Biosecurity) Act 2005
- Food Act 2015

- Electronic Transactions Act 2020
- Data Privacy Act 2021
- Intellectual Property Act 2011
- Cybercrime Act 2013

### Singapore

- Customs Act Regulation of Imports and Exports Act
- Conventional Trade Laws/Acts:
- Excise Duty ActCustoms Act 2014
- Arbitration Act 1976
- Quarantine (Biosecurity) Act 2005
- Food Act 2015
- Consumer Protection
- Electronic Transactions Act
- Personal Data Protection Act
- Payment Services Act
- Cybersecurity Act 2018
- Computer Misuse Act 1993
- Copyright Act 2021
- Trade Marks Act 1998
- Patents Act 1994

# Annex C: Acronyms and Abbreviations

AANZFTA	Economic Cooperation and Trade Agreement (India–Australia)
ABF	ABF – Australian Border Force
ABV	Alcohol by Volume
ACCC	Australian Competition and Consumer Commission
ACL	Australian Consumer Law
ADB	Asian Development Bank
ADR	Alternative Dispute Resolution
AEO	Authorized Economic Operator
AFCA	Australian Financial Complaints Authority
AFTA	ASEAN Free Trade Area
AI	Artificial Intelligence
AIAC	AIAC – Asian International Arbitration Centre (Malaysia)
AIFTA	AIFTA – ASEAN–India Free Trade Agreement
AML	Anti-Money Laundering
AML/CTF	Anti- Money Laundering
AML/KYC	Anti Money Laundering/Know Your Customer
AMLA Act 2001	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities
ANZ	Australia and New Zealand Banking Group
APEC	APEC – Asia-Pacific Economic Cooperation
APEC/ASEAN	APEC–ASEAN initiatives
API	Application Programming Interface
ASEAN	ASEAN – Association of Southeast Asian Nations
ASEANGCC	ASEAN–Gulf Cooperation Council dialogue
ASIC	Australian Securities and Investments Commission
ASW	ASEAN Single Window
ASYCUDA	Automated System for Customs Data (UNCTAD)
ATIGA	ASEAN Trade in Goods Agreement
AUKFTA	Australia–United Kingdom Free Trade Agreement
AUSTRAC	Australian Transaction Reports and Analysis Centre
BAC	Business Advisory Council

BAF	Australian Border Force
BEPS	Base Erosion and Profit Shifting
BIS	Bureau of Indian Standards
BNM	BNM – Bank Negara Malaysia (Central Bank of Malaysia)
BRI	Belt and Road Initiative
CBPR	CBPR – Cross-Border Privacy Rules (APEC framework)
CBS	Central Bank of Samoa
CCA	Commonwealth Connectivity Agenda
CCCS	Competition and Consumer Commission of Singapore
CCI	Competition Commission of India
CECA	Comprehensive Economic Cooperation Agreement
CER	Closer Economic Relations
CERT	Computer Emergency Response Team
CGPDTM	Controller General of Patents, Designs and Trade Marks (India)
CIDB	Construction Industry Development Board (Malaysia)
CII	Cybersecurity Act 2018 Critical Information Infrastructure
CIS	Commonwealth of Independent States
CITES	Convention on International Trade in Endangered Species
COC	Certificate of Conformity
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CPTPP/RCEP	Overlap of CPTPP and Regional Comprehensive Economic Partnership
CSA	Cyber Security Agency of Singapore
CTF	Counter-Terrorism Financing
CUTS	Consumer Unity & Trust Society (India NGO)
DAFF	Department of Agriculture, Fisheries and Forestry (Australia)
DAHD	Department of Animal Husbandry and Dairying (India)
DEPA	Digital Economy Partnership Agreement
DGFT	Directorate General of Foreign Trade (India)
DIA	Department of Internal Affairs (New Zealand)
DNTMS	Department of National Trade Measurement and Standards
DOA	Department of Agriculture (India/Malaysia)
DPDP	Digital Personal Data Protection (India)
DSM	DSM – Dispute Settlement Mechanism (WTO and FTAs)
DSS	Monetary Authority of Singapore
DSU	WTO Dispute Settlement Understanding

DTA	Double Taxation Agreement
DVS	Department of Veterinary Services (Malaysia)
EAC	East African Community
ECTA	India–Malaysia Comprehensive Economic Cooperation Agreement
EDI	Electronic Data Interchange
EOIR	Exchange of Information on Request (OECD)
EPA	EPA – Economic Partnership Agreement
EU	EU – European Union
FAST	Fast and Secure Transfers (Singapore payments)
FATF	Financial Action Task Force
FDI	FDI – Foreign Direct Investment
FMA	Financial Markets Authority (New Zealand)
FMA/RBNZ	Joint regulatory framework (NZ FMA & RBNZ)
FRCS	Fiji Revenue and Customs Service
FSANZ	Food Standards Australia New Zealand
FSS	Food Safety Standards
FSSAI	Food Safety and Standards Authority of India
FTA	Free Trade Agreement
GCC	Gulf Cooperation Council
GMO	Genetically Modified Organisms
GSO	GCC Standardization Organization
GST	Goods and Services Tax
GST/VAT	General Sales Tax
GSTN	Goods and Services Tax Network (India)
HACCP	Hazard Analysis and Critical Control Points
HS	Harmonized System (Tariff Codes)
HSA	Health Sciences Authority (Singapore)
HT	Withholding tax
ICEGATE	Indian Customs Electronic Gateway
ICES	Indian Customs System
ICPEN	International Consumer Protection and Enforcement Network
ICS	Integrated Cargo System
ICT	Information and Communication Technology
ID	CPTPP – Comprehensive and Progressive Agreement for Trans-Pacific Partnership
IEC	International Electrotechnical Commission

ILAC/IAF	International Laboratory Accreditation Cooperation / International Accreditation Forum
ILP	Industrial Licensing Policy (India) / Independent Learning Plan (contextual)
IMCECA	India–Malaysia Comprehensive Economic Cooperation Agreement
IMDA	Infocomm Media Development Authority (Singapore)
IP	Intellectual Property
IPEF	Indo-Pacific Economic Framework for Prosperity
IPONZ	Intellectual Property Office of New Zealand
IPOS	IPOS – Intellectual Property Office of Singapore
IPPC	International Plant Protection Convention
IPR	Intellectual Property Rights
IRC	International regulatory cooperation
ISDS	ISDS – Investor-State Dispute Settlement
ISO	International Organization for Standardization
ISPM	International Standards for Phytosanitary Measures
IT	Information Technology
IUU	Illegal, Unreported and Unregulated (Fishing)
JAS	Japanese Agricultural Standards
JBMS	Joint Border Management System
JSM	Department of Standards Malaysia
KYC	Know Your Customer
MAP	Mutual Agreement Procedure (tax treaties)
MAQIS	Malaysian Quarantine and Inspection Services
MAS	Monetary Authority of Singapore
MCIL	Ministry of Commerce, Industry and Labour (Samoa)
MCMC	Malaysian Communications and Multimedia Commission
MCR	Ministry for Customs and Revenue
MDEC	MDEC – Malaysia Digital Economy Corporation
MDTCA	Ministry of Domestic Trade and Consumer Affairs (Malaysia)
MERCOSUR	MERCOSUR – Southern Common Market (South America bloc)
MFN	MFN – Most Favoured Nation (WTO principle)
MITI	Ministry of International Trade and Industry (Malaysia)
MLETR	Model Law on Electronic Transferable Records
MLI	Multilateral Instrument
MMC	MMC – Malaysian Mediation Centre
MPEDA	Marine Products Export Development Authority (India)

MPI	Ministry for Primary Industries (New Zealand)
MRA	Mutual Recognition Agreement
MSG	Melanesian Spearhead Group
MSME	Micro, Small and Medium Enterprises
NATA	National Association of Testing Authorities (Australia)
NCSP	National Cyber Security Policy (India)
NMIA	National Measurement Institute Australia
NPP	New Payments Platform
NSW	National Single Window
NTB	Non Tariff Barrier
NTP	Network Trade Platform
NZ	NZ – New Zealand
NZEU	NZEU – New Zealand–European Union Free Trade Agreement
ODS	Ozone Depleting Substances
OECD	Organisation for Economic Co-operation and Development
OIE	World Organisation for Animal Health
ONDC	Open Network for Digital Commerce (India)
PACER	Pacific Agreement on Closer Economic Relations
PCI	Payment Card Industry Data Security Standard
PCT	Patent Cooperation Treaty
PDPA	Personal Data Protection Act (Singapore/Malaysia)
PDPC	Personal Data Protection Commission (Singapore)
PEPPOL	Pan-European Public Procurement On-Line
PICTA	Pacific Island Countries Trade Agreement
PIF	Pacific Islands Forum
PIFS	Pacific Islands Forum Secretariat
PLI	Production Linked Incentive
PRA	Pest risk analysis
PSA	Port of Singapore Authority
PTI	Press Trust of India
QAS	Counter-Terrorism Financing
RBA	RBA – Reserve Bank of Australia
RBF	Reserve Bank of Fiji
RBI	Reserve Bank of India
RBNZ	Reserve Bank of New Zealand

RCEP	RCEP – Regional Comprehensive Economic Partnership
REG	Regulation
RIA	Regulatory Impact Assessment
RMCD	Royal Malaysian Customs Department
RMS	Risk Management System
RO	Rules of Origin
ROO	Rules of Origin
RRCC	Regional Regulatory Coherence Council
RTP	RTP – Real-Time Payments (payments infrastructure, Singapore/Malaysia)
RVC	regional value content
SAFTA	SAFTA – South Asian Free Trade Area
SDG	Sustainable Development Goals
SFA	Singapore Food Agency
SGS	Société Générale de Surveillance
SIRIM	Standards and Industrial Research Institute of Malaysia
SMC	Singapore Mediation Centre
SME	Small and Medium Enterprises
SOCI	Society of Compliance Inspectors (contextual, may need refining)
SPC	Secretariat of the Pacific Community
SPS	Sanitary and Phytosanitary
SPS/TBT	Sanitary and Phytosanitary / Technical Barriers to Trade
SROS	Scientific Research Organization of Samoa
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TBT	Technical Barriers to Trade (WTO)
TEC	Telecom Engineering Centre (India)
TFA	TFA – Trade Facilitation Agreement (WTO)
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TSW	Trade Single Window
TTMRA	Trans-Tasman Mutual Recognition Arrangement
UK	UK – United Kingdom
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UPI	Unified Payments Interface

US	United States
VAGST	Value Added Goods and Services Tax (Samoa)
VAT	Value-Added Tax
VAT/GST	Value Added Tax / Goods and Services Tax
WCO	World Custom Orgaization
WCO/WTO	World Customs Organization / World Trade Organization
WHT	Withholding Tax
WIPO	World Intellectual Property Organization
WOAH	World Organisation for Animal Health
WTO	World Trade Organization

**Commonwealth Secretariat**

Marlborough House, Pall Mall  
London SW1Y 5HX  
United Kingdom

[thecommonwealth.org](http://thecommonwealth.org)



The Commonwealth

D20248