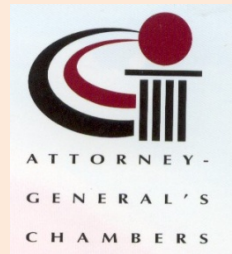




Regional Expert Consultation on Connecting Asia-Pacific's
Digital Society for Building Resilience

LEGAL ENVIRONMENT FOR ELECTRONIC SINGLE WINDOWS



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RECENT INITIATIVES FOR SINGLE WINDOWS

- **Dec 2005 – ASEAN Member States signed Agreement to Establish and Implement the ASEAN Single Window**
- **2006– UN/CEFACT Recommendation No 35**
 - **Establishing a Legal Framework for International Trade Single Window**
- **Dec 2006 – Protocol to Establish and Implement the ASEAN Single Window**
 - **Intended to integrate national SWs**
- **2008 (ongoing) – WCO-UNCITRAL Joint Legal Task Force on Coordinated Border Management Incorporating the International Single Window**
- **Work progressing on ASEAN Single Windows**
 - **Milestones have been identified**
- **No regional or international Single Window has yet been implemented – no ready precedent**
 - **full extent and complexity of the issues yet to be clearly understood.**

NATIONAL SINGLE WINDOWS

- **Singapore TradeNet is the first nationwide electronic trade clearance system**
 - **Established in 1989**
- **Electronic means of submitting trade documentation to all relevant government authorities**
- **100% of trade declarations are submitted via TradeNet**
 - **9 million applications per year**
 - **Electronic response from the relevant authorities within 10 minutes after submission.**

MAJOR ISSUES IN IMPLEMENTING SINGLE WINDOWS

- **Need for Proper Legal basis**
- **Online declaration is an electronic transaction**
 - **Need to ensure validity of electronic transactions**
- **Enforcement must not be compromised**
- **Confidentiality must not be compromised as result of electronic system.**

Legal Basis of TradeNet

- **S 25(1) Electronic Transactions Act 2010 (formerly s 47(1) ETA)**
 - Any public agency that, pursuant to any written law, accepts the filing of documents, or obtains information in any form ... may ... carry out that function by means of **electronic records or in electronic form**
 - Any such public agency that, pursuant to any written law, issues any permit, licence or approval, may issue such permit licence or approval by means of **electronic records or in electronic form**
- **S 86 Customs Act**
 - Authorises Director-General to establish and operate a **computer service** and make provision for any manifest, return, list, statement, declaration, direction, notice, permit, receipt or other document required or authorised under the Customs Act to be **made, served or submitted by electronic transmission** (“electronic notice”)
 - A registered user may make and serve an electronic notice to the computer account of the Director-General, and vice versa
- *(similar provisions in other laws and regulations affecting the conduct of business)*

Validity of Electronic Transactions

- **Electronic Transactions Act 2010 based on the UNCITRAL Model Law on Electronic Commerce and the UN Convention on the Use of Electronic Communications in International Contracts (ECC)**
- **Electronic Transactions Act 2010 provides legal recognition for electronic functional equivalents of**
 - **Written documents (s 7 ETA)**
 - **Written signatures (s 8 ETA)**
- **Validity of a transaction entered into by electronic means is determined by substantive law of the transaction**
- **Information not denied legal effect, validity or enforceability solely on the ground that it is in the form of an electronic record (s 6 ETA)**

Enforcement

- **Customs and other controlling agencies administer and enforce the regulatory regime set out in the legislation under their purview**
- **Need to ensure that these agencies are able to carry out their enforcement functions effectively, after implementation of national Single Window**
 - **Electronic evidence (s 35-36 Evidence Act)**

Confidentiality

submitted by traders may include commercially-sensitive information, trade-sensitive information, sensitive information etc.

subject to official confidentiality

used for purposes other than the purposes of the law called the information to be given

of misuse and abuse of information submitted in electronic form

liability of unintended breach of confidentiality

assurances of confidentiality when using SWs

technical protections to prevent breach of confidentiality.

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7451

