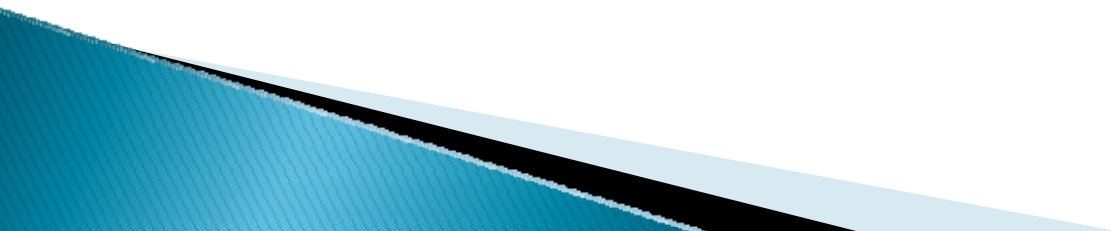


NATIONAL WORKSHOP ON ESTABLISHING A SINGLE WINDOW IN MONGOLIA

29 September – 1 October 2009
Ulaanbaatar, Mongolia

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Legal Issues related to Electronic Single Window

By

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Outline

- ▶ Single Window: Definition & How it works
 - ▶ Electronic Transaction
 - ▶ Personal Data Protection
 - ▶ Information Security
 - ▶ Evidential Issues
 - ▶ Confidentiality
 - ▶ Other Issues
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Definition

- ▶ There is no single definitive viewpoint of what a single window system should be.
- ▶ A common definition of the term "Single Window" as provided by the UN/CEFACT Recommendation 33 is:

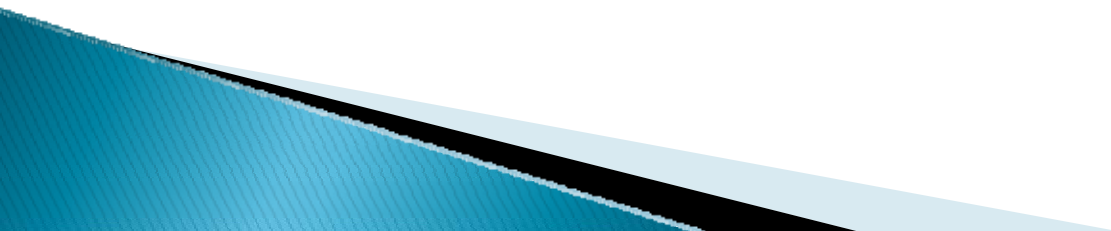
"A facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export, and transit-related regulatory requirements. "



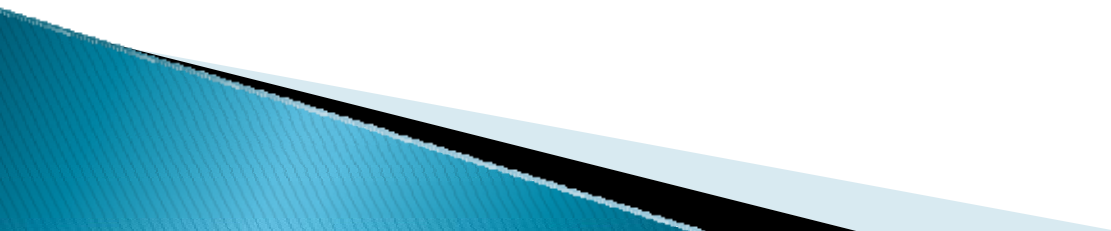
- ▶ ASEAN - single window is defined as the environment where National Single Windows of Member countries operate and integrate.
- ▶ While the National Single Window is a system which enables:
 - a single submission of data and information;
 - a single and synchronous processing of data and information; and
 - a single decision-making for customs release and clearance.

A single decision-making shall be uniformly interpreted as a single point of decision for the release of cargoes by the Customs on the basis of decisions, if required, taken by line ministries and agencies and communicated in a timely manner to the Customs.

Electronic Transaction

- ▶ Recognition of electronic documents/records
 - ▶ Recognition of submission of electronic documents/records
 - ▶ Recognition of the whole process/transactions
 - ▶ Recognition of electronic signature
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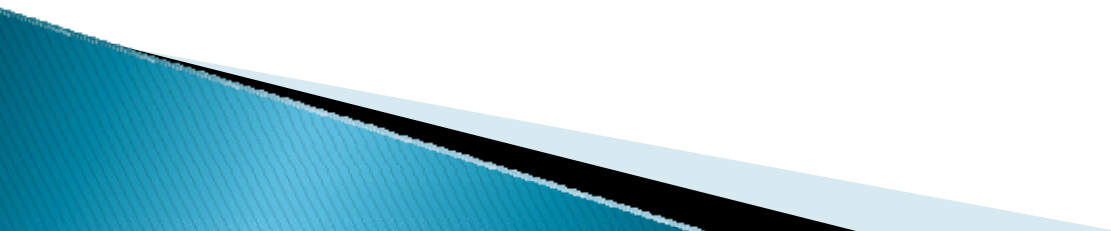
Regional and International Instruments

- ▶ UNCITRAL Model Law on Electronic Contract
 - ▶ UNCITRAL Model Law on International Electronic Contracting
 - ▶ UNCITRAL Model Law on Electronic Signature
 - ▶ EU Directive on Electronic Commerce
 - ▶ EU Directive on Electronic Signature
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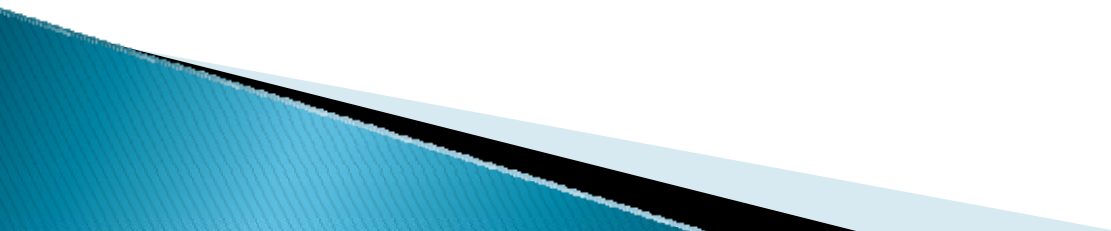
National Legislations

- ▶ Singapore
- ▶ Malaysia
- ▶ Thailand
- ▶ Phillipines
- ▶ And many many more.

All these laws address the issues mentioned.



Personal Data Protection

- ▶ Protection of Personal Data
 - ▶ Data Protection Principles
 - ▶ Rights of Data Subject
 - ▶ Offences
- 

Regional and International Instruments

- ▶ OECD Guidelines
 - ▶ Council of Europe Convention
 - ▶ EU Directive
 - ▶ APEC Privacy Framework
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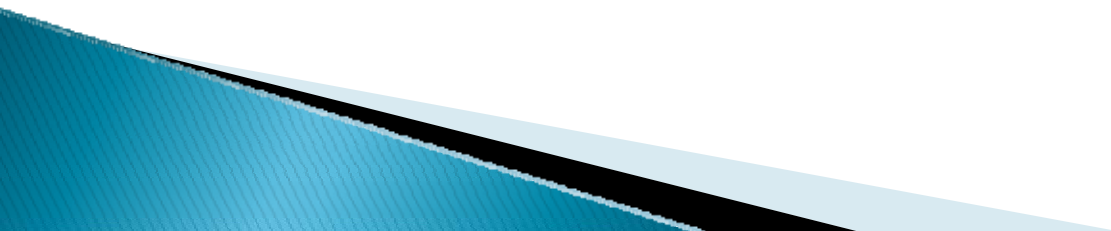
National Legislations

- ▶ More than 90 countries in the world have adopted or in the process of adopting comprehensive legislation to protect personal data.
- ▶ In this region, Malaysia, Thailand, Hong Kong, Japan, Australia, New Zealand, Macao, etc

Information Security

- ▶ A need to have an appropriate law to prevent and minimise the threats to the information systems constituting the single window.
- ▶ Issues that need to be addressed:
 - Basic Hacking
 - Further Hacking
 - Phishing
 - Abuse of Communications System, etc

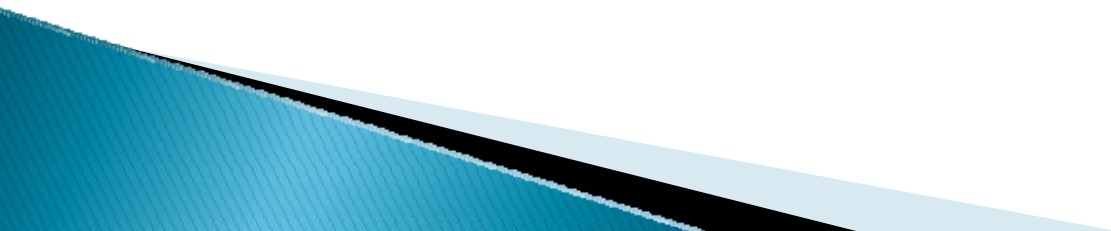
National Legislations

- ▶ Council of Europe Convention on Cybercrimes
 - ▶ Malaysia
 - ▶ Singapore
 - ▶ Hong Kong
 - ▶ Thailand, etc
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Evidential Issues

- ▶ The Evidence Law will have to be amended to accommodate electronic documents/evidence

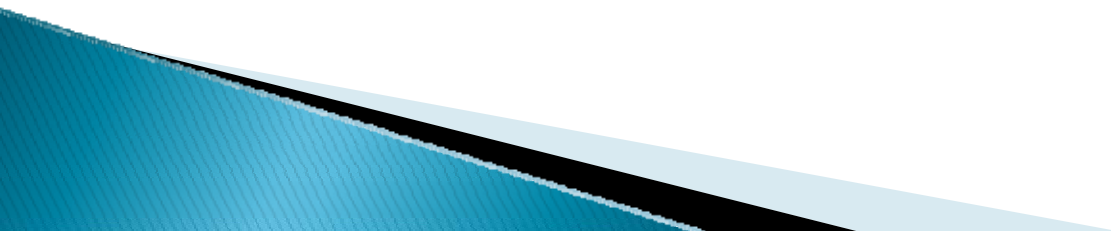
Confidentiality

- ▶ In many countries, any confidential information submitted to the government, or that belongs to the government, is protected from disclosure. For eg in Malaysia, the OSA.
 - ▶ This will have to be observed as well, although disclosure is allowed with consent of the submitting party.
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Other Issues

- ▶ The relevant rules and regulations in Mongolia need to be examined in view of facilitating single window

Eg. The Regulations on Customs, Regulations on Import & Export, Regulation on Taxation etc

- ▶ The Electronic Payment System needs to be created. The Legal Infrastructure will have to be in place.
 - ▶ Who should bear the liability in case of any damages incurred? Depending on who the lead agency is? Liability is on the lead agency and its agents.
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THANK YOU

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