

## ASEAN-US Technical Assistance and Training Facility

# ASEAN Single Window Project: Implementation Guidance on Legal and Regulatory Issues Executive Summary



ASEAN's ambitious strategy for achieving an economic community by 2015 and facilitating regional and global trade calls for using modern information and communications technologies (ICT) for a key element of integration: the ASEAN Single Window (ASW). The technical development of single window facilities, focusing on the technical "interoperability" across borders, has been underway for a number of years. Only recently has enabling legal infrastructure emerged as important for ASW implementation.



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Harmonization and interoperability will be critical for the success of the ASW as well as the e-ASEAN Framework Agreement and the related ASEAN Roadmap for the Integration of the e-ASEAN sector. National single windows (NSWs) and the ASW do not exist in a vacuum but in the broader context of the e-enabling legal environment. Developing the right legal infrastructure for the ASW from the start will enhance all aspects of the e-ASEAN Framework for the longer term. Adopting appropriate international standards will also be important to ensure To advance the work of the ASEAN Working Group on Legal and Regulatory Matters, this paper reviews legal issues involved with NSWs and the ASW and suggests that a small task force be commissioned to assess the legislation of member countries in specific areas in order to develop recommendations and proposals for achieving harmonization and interoperability. These areas might include (1) e-commerce legislation and measures that might impede interoperability; (2) electronic signature and cross-border authentications; (3) data protection and data retention; (4) privacy and information-sharing; (5) intellectual property rights; and (6) end-user agreements for entities accessing and using the ASW as well as agreements or memoranda of understanding between government agencies and the national and ASW.



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An overarching question is whether NSW operators should develop bilateral agreements with other operators or for all ASEAN Member Countries to implement a protocol or a multilateral agreement that specifically harmonizes the single window legal infrastructure between them. This may be an appropriate initial step in which the ASW will be the central 'hub' for regional operations.

In seeking to develop a regional single window, ASEAN is a pioneer—and in so doing is confronting significant technical and legal challenges in order to secure

significant advantages for businesses, consumers, and governments. Ensuring that single windows operate in a secure and predictable legal environment will help ASEAN realize its objectives of economic integration and dynamic economic growth.