ASEAN SINGLE WINDOW
– Experiences in developing the legal framework
BACKGROUND
• ASEAN’s premiere program to speed up the process of trading goods across borders

• Individual countries establish their own electronic systems for clearing shipments that then share information through the ASW regional platform.
VISION

• Seamless and transparent information sharing between exporting and importing countries
• Simplified data entry through sharing of information from exporters and importers, shippers and ports
• More rapid clearance of goods through pre-arrival information sharing and use of transaction information for risk management
• All 10 ASEAN Member States establishing national single windows
• Sharing all key trade transaction e-documents regionally
• Export documentation available to pre-fill in import documentation*
• Shipping information available at time of export
• All trade transaction information used for risk management to facilitate trade
WHAT DOES THIS MEAN FOR GOVERNMENT

• Government is able to provide a more predictable environment for traders
• Improved compliance and enforcement
• Supports pre-arrival customs processing to increase ASEAN’s competitive edge on cargo clearance turnaround time
• More effective use of government resources
WHAT DOES THIS MEAN FOR BUSINESSES

• Greater transparency of regulations and processes
• More rapid border clearance for both import and export
• Easier processes for trading goods
• Lower cost of doing business / transaction fees for goods clearance
ASW MODEL
# ASEAN SINGLE WINDOW
## TECHNICAL DESIGN ARCHITECTURE

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Regional Service Domain

ASW RS Portal

Regional Services

ASW Network
THE ASW: TODAY AND TOMORROW
ASW OPERATIONS TODAY

• NSWs have been established in one form or another in seven ASEAN Member States: Brunei (testing), Indonesia, Malaysia, Philippines, Singapore, Thailand, and Vietnam.

• Indonesia, Singapore, and Thailand are now exchanging live certificate of origin data. Malaysia and Vietnam will connect to the system within the next few months.

• Data currently cannot be used to clear goods due to legal limitations that should be lifted this year.
ASW EXPANSION

• The other five ASEAN Member States are developing the necessary national systems to join the ASW by 2017 or 2018 at the latest, including establishing national single windows.

• Active programs are in place to exchange additional documents:
  – export declaration information for pre-arrival clearance and risk management; and
  – e-SPS certificates for clearance purposes

• Additional documents such as the manifest or air express documentation may be added in the future.
KEY CHALLENGES

- Finalizing the legal regime to permit the use of exchanged data for clearing goods.
- Establishing a Regional Operations Team to operate the ASW and manage expansion, including the necessary funding mechanism.
- Improve access to the NSWs and thus the ASW for SMEs
- Improving the use of ASW data for risk management
WHAT IT TAKES
TO GET IT DONE
WHAT IS NEEDED TO MAKE THIS WORK?

• Technical:
  – Development of national single window systems with rationalized procedures
  – Harmonization of data for key documents along with message implementation guides
  – Development of a secure environment for exchanging information
  – Training of staff in utilizing electronic documents
WHAT IS NEEDED TO MAKE THIS WORK? (2)

• Legal:
  – National laws to permit the use of electronic information
  – Regional agreement on electronic exchange of information
  – Regional agreement on governance – who pays and how?
  – Regional agreement on procedures for specific document exchange

• Public Outreach:
  – Private sector buy-in to the exchange of information
NATIONAL LEGAL REQUISITES

- Law on Electronic Transactions
- Law to establish the NSW
- Revised Customs Law
- Data protection and information security
- Establish identification, authentication and authorization process
- Electronic archiving of data
- Intellectual property rights and database ownership
REGIONAL LEGAL REQUIREMENTS

- Agreement to Establish the ASEAN Single Window (2005)
- Protocol to Establish and Implement the ASW (2006)
- Protocol for the Legal Framework to Implement that ASEAN Single Window (completed in 2014). To date, Myanmar, Malaysia, Vietnam, and Thailand already ratified the PLF.

- Agreements for specific documents:
  - Operational Certification Procedures for the ATIGA Form-D (ASEAN’s certificate of origin) (2016 completed and signed)
  - SPS exchange procedures
  - ASEAN Customs Declaration Document exchange procedures
PROTOCOL FOR THE LEGAL FRAMEWORK

• Six years to develop, 24 meetings, 26 articles

• Key Provisions:
  – Article 6: Transmission and Exchange of Data and Information
  – Article 8: Standardized Data and Information
  – Article 9: Information Security and Confidentiality
  – Article 12: Integrity of Data
  – Article 13: Data Retention Requirements
  – Article 14: Protection of Intellectual Property Rights and Data Ownership
  – Article 15: Legal Effect of Electronic Documents, Data, and Information
  – Article 18: Governance of the ASW
  – Article 24: Force Majeure
OPERATIONAL CERTIFICATION PROCEDURES

• Modification of the existing agreement on the process of issuing and accepting certificates of Origin

• The approved document was built around exchange of paper documents

• An amendment was required to move to electronic transfer

• The challenge is that electronic transfer requires a greater degree of specificity of process than does paper transfer. E.g., how do you amend an electronic certificate?

• This then must be turned into a message implementation guide
REFLECTION
EXPERIENCES

- Length of time
- Continuity of personnel
- Community learning process
- Public engagement
- Political will
- Budgets
- Legal and technical coordination
- Capacity training/workshop
**OBJECTIVE**

- Help the Member State understand the PLF to implement the ASW and align their domestic laws.
- Single Window stakeholders to understand PLF to determine the roles of all actors involved and the way in which they work together
- Assist AMS legal participants in aligning their rules and regulations for their domestic ratification process