

Draft Action Plan on Facilitation of Cross-border Paperless Trade: Bangladesh

Part 1: Technical Aspect

Priority level: High, Medium, Low

Overall				
Indicative action	Priority level	Timeline	Capacity building needs	Potential key agencies
0. Ratify to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific	High			
Institutional and governance bodies for electronic data exchange in paperless environment				
Indicative action	Priority level	Timeline	Capacity building needs	Potential key agencies
1. Strengthen the institutional mechanisms coordinating stakeholders of (cross-border) paperless trade	Medium		Yes. Optimizing effective organization and operations of the National Trade Facilitation Committee (NTFC) and sub-committees and working groups Agendas of NTFC and working groups on sequencing Bangladesh National Single Window (BNSW) measures	NTFC Technical working groups of BNSW National Board of Revenue (NBR), including Customs Ministry of Commerce

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1.1 Build upon the existing National Trade Facilitation Committee and the technical working groups of National Single Window	Medium		Yes. Building effective collaboration between NTFC and OGAs and other stakeholders; and between NBR Customs and OGAs	NFTC Technical working groups of BNSW NBR, including Customs
1.2 Enhance representation of private sector stakeholders from trading community	Medium		Yes. Awareness, integration and participation in BNSW - and support for BNSW implementation	Bangladesh Garments Manufacturers and Exporters Association (BGMEA) Bangladesh Federation of Chambers of Commerce and Industries (FBCCI) Plus, other private sector stakeholders – freight forwarding and customs brokers associations
2. Establish a working group that establishes capacity building programmes, awareness campaign and a communication plan	Medium			NTFC, NBR, including Customs and private sector associations.
Automation				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
3. Make relevant regulatory agencies ICT-enabled	High			Technical working groups of BNSW

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				NBR, including Customs ICT Division, Ministry of Science and Technology
ICT Infrastructure for Paperless Trade				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
4. Continue enhancing the strategic plan and guidelines on business continuity of ICT systems	High		Yes. Build awareness of business continuity best practises.	NBR, including Customs Technical working groups of BNSW ICT Division, Ministry of Science and Technology Bangladesh Computer Council (BCC) Bangladesh National Data Centre
5. Enhance the users' authentication mechanism and data security measure through the implementation of PKI measures and digital signatures	Medium		Yes. Implementation of PKI measures to strengthen existing systems e.g. ASYCUDA World.	NBR, including Customs Technical working groups of BNSW Controller of Certifying Authority (CCA) BCC ICT Division, Ministry of Science and Technology

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6. Ensure coordination and collaboration between the NSW implementing parties and the ICT Agency to consider and maximization of existing networks and infrastructure	High			NFTC and Technical working groups of BNSW NBR, including Customs ICT Division, Ministry of Science and Technology
Business Process Re-engineering				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
7. Carry out business process re-engineering (BPR) in implementing or upgrading ICT systems of trade-related regulatory agencies	Medium		Yes. Seek technical assistance from ESCAP and other international development agencies	NBR, including Customs Technical working groups of BNSW
Data Harmonization				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
8. Carry out data harmonization in implementing or upgrading ICT systems of trade-related regulatory agencies, using available international standards	Medium		Yes. Awareness of WCO Data Model guidelines and UN/CEFACT Recommendations. Seek technical assistance from ESCAP and other	NFTC Technical working groups of BNSW NBR, including Customs

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			international development agencies	
Awareness and Capacity Building				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
9. Build awareness and capacity on (cross-border) paperless trade of its stakeholders	High	Continuous	Yes. Seek support from ESCAP and other international development agencies	
Other Issues				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
10. Set a strategic plan to secure budget for implementing ICT systems of trade-related regulatory agencies	High			NTFC Ministry of Finance
10.1 Assessing requirements of those agencies	High			NTFC Technical working groups of BNSW
10.2 Coordinating potential source of budget and outreaching to international development agencies	High			NTFC Ministry of Finance Ministry of Foreign Affairs
Facilitation of Cross-border Electronic Data Exchange				

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Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
11. Make automation systems of relevant regulatory agencies enabled for both domestic and cross-border paperless trade at the same time	High			NBR, including Customs Technical working groups of BNSW
12. Participate in regional, subregional and/or bilateral initiatives on cross-border paperless trade	High			NBR, including Customs Ministry of Commerce Ministry of Foreign Affairs
13. Participate in joint inspection and sharing (recognition) of results electronically among relevant regulatory agencies and with trading partner countries	High			NBR, including Customs Ministry of Commerce
14. Expedite the piloting process to introduce Authorized Economic Operator (AEO) programme and conclude mutual recognition agreement with main trading partner countries	Medium			NBR, including Customs Ministry of Commerce Ministry of Foreign Affairs

Part 2: Legal Aspect

Priority level: High, Medium, Low

Overall				
Indicative action	Priority level	Timeline	Capacity building needs	Potential key agencies
0. Ratify to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific	High		Yes. Increase awareness of the Framework Agreement text and undertakings; increase awareness of the Framework Agreement relationship to WTO Trade Facilitation Agreement (TFA), BNSW implementation, and creation of cross-border paperless trade environment	NTFC Legal working group of BNSW Prime Minister Office Ministry of Commerce NRB, including Customs Ministry of Foreign Affairs
Electronics transactions and signatures law				
Indicative action	Priority level	Timeline	Capacity building needs	Potential key agencies
1. Modernize its statutes and regulations governing or related to electronic transactions	High		Yes. Development of a knowledge base concerning UNCITRAL Model Laws and UN Convention on the Use of Electronic Communications in International Contracts;	Ministry of Law, Justice and Parliamentary Affairs Supreme Court of Bangladesh Ministry of Commerce
1.1 Revisions of ICT Act				
1.2 Passage of revised Customs Act 2018				

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1.3 Drafting of National Single Window Act			Rotterdam Rules; UN Convention on Contracts for the International Sale of Goods; eIDAS; EU General Data Protection Regulation (GDPR); UN/CEFACT Recommendations and other national e-commerce law models	NBR, including Customs ICT Division, Ministry of Science and Technology Ministry of Foreign Affairs
1.4 Amendments of Digital Security Act				
1.5 Amendments of Evidence Act				
1.6 Strengthening IP laws				
1.7 Adoption of Privacy Act				
1.8 Drafting of Electronic Contracts Act				
1.9 Drafting of Data Governance Act				
2. Recognize a range of specific types of e-document as part of the overall development of the cross-border paperless trade environment in Bangladesh	Medium		Yes. Knowledge of legal regimes recognizing e-documents, including UNCITRAL Model Law on Electronic Transferable Records (MLETR) (2017) and UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) (2008)	NBR, including Customs Ministry of Commerce ICT Division, Ministry of Science and Technology Ministry of Law, Justice and Parliamentary Affairs
3. Recognize electronic contracts and consider the inclusion of appropriate rules concerning not only formation and validity, but also performance and	Medium		Yes. Knowledge of UN Convention on the Use of	Ministry of Commerce Ministry of Law, Justice and Parliamentary Affairs

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e-payment obligations, of electronic contracts			Electronic Communications in International Contracts; UN Convention on Contracts for the International Sale of Goods; International Chamber of Commerce (ICC) publications	NBR, including Customs Bangladesh Bank
4. ICTA to have more detailed provisions on data retention and electronic archiving	High		Yes. Coordination among relevant government agencies in drafting regulations governing data sharing, collection, retention and ownership or data governance law	ICT Division, Ministry of Science and Technology BCC Bangladesh National Data Centre
5. ICTA to include comprehensive provisions on the admissibility of electronic evidence in judicial and administrative/regulatory proceedings	High		Yes. Coordination on amendments of ICTA, Evidence Act, and Digital Security Act; reference to other national models	Ministry of Law, Justice and Parliamentary Affairs Supreme Court of Bangladesh Digital Security Agency
Paperless trade and Single Window laws				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
6. Provide a legal basis for establishing the nature, functions and features of a Single Window	Medium		Yes. Knowledge of provisions in a National Single Window law;	NTFC Legal working group of BNSW

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			reference to other national models	
7. Establish stronger, more extensive legal protection of commercial confidentiality and privacy	High		Yes. Build knowledge among government agencies by reference to international models: OECD Guidelines on the Protection of Privacy and Trans-border Flows of Personal Data (1980) and EU General Data Protection Regulation 2016 (GDPR); and by reference to other national models	NTFC Ministry of Law, Justice and Parliamentary Affairs Supreme Court of Bangladesh Digital Security Agency
7.1 Amendments to Digital Security Act				
7.2. Cross-reference and interlink to IP laws protecting trade secrets				
7.3 Adoption of Privacy Act				
Cross-border aspects				
Indicative action	Priority level	Timeline	Capacity building needs	Potential Key agencies
8. Initiate and participate in multilateral and bilateral cross-border paperless trade interoperability initiatives	Medium		Yes. Strengthen capabilities to participate proactively in regional frameworks of SAARC, SASEC, BIMSTEC; and transport and transit initiatives	Ministry of Foreign Affairs Ministry of Commerce NBR
9. Proactively consider how to incorporate relevant international	Medium		Yes.	Ministry of Commerce NBR, including Customs

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<p>legal standards, regulations and guidelines into its legal frameworks</p>			<p>(In relation to the legal frameworks mentioned in Legal Recommendation 1.)</p> <p>Build knowledge of international standards, regulations, and guidelines relevant to NSWs and paperless trade, including WCO instruments, UN/CEFACT Recommendations and UNNExT Legal Guide for Single Windows and Paperless Trade</p>	<p>Ministry of Foreign Affairs</p> <p>ICT Division of the Ministry of Science and Technology</p> <p>Ministry of Law, Justice and Parliamentary Affairs</p>
<p>Other considerations</p>				
<p>Indicative action</p>	<p>Priority level</p>	<p>Timeline</p>	<p>Capacity building needs</p>	<p>Potential Key agencies</p>
<p>10. Clearly establish the criteria for liability of parties involved in cross-border paperless trade and for the liability of intermediaries in relation to the information and data passing through their systems</p>	<p>High</p>		<p>Yes.</p> <p>Comprehensive coordination among government agencies to formulate a new unified legal regime governing the liability of all parties involved in BNSW and paperless trade; draft and amend laws to implement this new legal regime</p>	<p>NTFC</p> <p>NBR, including Customs</p> <p>ICT Division of the Ministry of Science and Technology</p> <p>Digital Security Agency</p> <p>Bangladesh Telecommunication Regulatory Commission</p>

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				CCA BCC Ministry of Law, Justice and Parliamentary Affairs
11. Ensure that its laws allow electronic payments for all purposes and among all participants in international trade transactions	Medium		Yes. Development and integration of national e-payment system (NPSB) with BNSW; Internationalization of national e-payment gateway; Introduction of e-documents for payment and settlement purposes	Bangladesh Bank NBR, including Customs ICT Division, Ministry of Science and Technology
12. Build awareness and capacity on legal issues of (cross-border) paperless trade for its stakeholders	High		Yes. Design and delivery of educational programs and professional seminars for the private sector promoting the transition from paper-based to paperless trade and arrival of the electronic trading environment	NTFC Ministry of Commerce BCC BGMEA, FBCCI Plus, other private sector stakeholders – freight forwarding and customs brokers associations