

SINGLE WINDOW INTEROPERABILITY - LEGAL ENVIRONMENT

SECTION

CONFERENCE CALL 14 AUGUST 2014 AT 15 -16 CET MEETING MINUTES

Attendance

Present :	Excused absence :
RAILAS, Lauri (FI) L BERNAL TURNES, Paloma (US) p FIELD, Richard (US) p SHAH, Hemali (AU) p SMEDINGHOFF, Tom (US) p THOMPSON, Lance (FR) p	LUDDY, Bill (US) E

Summary of the meeting:

- The participants agreed to build on draft Discussion Paper 0.4 presented to the meeting with some amendments. In particular, the text of the new item 2.4 Level of Interaction/Scope was accepted as proposed by Tom SMEDINGHOFF. The Leader has amended the text by adding what was decided on 31 July 2014 that the possibility of establishing supranational Single Window systems such as that envisaged in the Asean Single Window Agreement should also fall within the scope of the Discussion Paper. Furthermore, item 3.2, the main (or basic) principles of Single Window Interoperability was welcomed in the main. However, the participants decided to delete principle 6 according to which exchange should always be conducted free of fees or charges, as this is not applied universally and may be in conflict with methods adopted to obtain revenue to finance the SW. Furthermore, item 7 relating to the purposes of submitting information was decided to be formulated less stringently so that the generator of data (exporter/importer) cannot exclusively decide where the information is going to. However, the participants recognized that confidentiality should always be maintained and that information submitted to the SWs should only be used for 'limited specified purposes'.
- A multi-faceted discussion on issues of liability took place. The complexity of the issue was recognized. It was held that governments would not easily accept liability for anything, be it the accuracy or integrity of the data or any other matters. It was held that SW originator operators should not become liable for the information submitted by a user when this information is redirected to an addressee SW. Liability as between SWs from two different countries was regarded a problem. There were discussions on the relationship of the levels of authentication in two countries. There are two opposite possibilities to resolve the issue: 1. the addressee SW recognizes the levels and practices of the originating SW even if lower, and 2. the addressee SW requires the application of higher levels required by it in a non SWI environment. It was pointed out that accredited service providers comparable to the 'Authorized Economic Operators' as defined, amongst others, by the EU legislation could become instrumental in the system.
- The participants were reluctant to the idea that UNCEFACT would issue recommendations as to the legal instruments used to enhance SWI such as international conventions, bilateral treaties, contractual instruments between the operators of the NSWs or between the NSWs and users.

- It was agreed that version 0.5 of the draft Discussion Paper should be presented to the Leaders and Editors of each four sections to be discussed at their Conference Call on 19 August 2014 with a view to coordinating the scopes of the four sub-projects.
- It was agreed that the possibility of establishing supranational Single Window systems such as that envisaged in the Asean Single Window Agreement should fall within the scope of the Discussion Paper.
- These minutes will be approved at the beginning of the next conference call scheduled to take place on Monday 25 August 2014 at 15 hours CET. Any remarks and contributions should ideally be sent to Lauri RAILAS by Friday 22 August 2014. The discussions will be conducted on the basis of draft 0.5 and any written contributions received in time and including the directions of the leaders and editors established at their conference call on 19 August and to be communicated in time to the members of all sections by Lance THOMPSON. During the next conference call, the group is invited to finalize the Discussion Paper.
- Richard FIELD expressed a wish that the work be conducted with flexibility as regards time-limits if substance requires adjustments. Lance THOMPSON stated that this remark will be taken into account.