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**United Nations Commission
on International Trade Law**
Forty-first session

New York, 16 June-3 July 2008

**Possible future work on electronic commerce: Legal issues
arising out of the implementation and operation of single
windows in international trade**

Note by the Secretariat

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I. Introduction

1. In 2004, having completed its work on the Convention on the Use of Electronic Communications in International Contracts, Working Group IV (Electronic Commerce) of the United Nations Commission on International Trade Law (UNCITRAL) requested the Secretariat to continue monitoring various issues related to electronic commerce, including issues related to cross-border recognition of electronic signatures, and to publish the results of its research with a view to making recommendations to the Commission as to whether future work in those areas would be possible (see A/CN.9/571, para. 12).

2. In 2005, the Commission took note of the work undertaken by other organizations in various areas related to electronic commerce and requested the Secretariat to prepare a more detailed study, which should include proposals as to the form and nature of a comprehensive reference document discussing the various elements required to establish a favourable legal framework for electronic commerce, which the Commission might in the future consider preparing with a view to assisting legislators and policymakers around the world.¹

3. In 2006, UNCITRAL considered a note prepared by the Secretariat pursuant to that request (A/CN.9/604). The note identified the following areas as possible components of a comprehensive reference document: (a) authentication and cross-border recognition of electronic signatures; (b) liability and standards of conduct for information-services providers; (c) electronic invoicing and legal issues related to supply chains in electronic commerce; (d) transfer of rights in tangible goods and other rights through electronic communications; (e) unfair competition and deceptive trade practices in electronic commerce; and (f) privacy and data protection in electronic commerce. The note also identified other issues that, although in a more summary fashion, could be included in such a document: (a) protection of intellectual property rights; (b) unsolicited electronic communications (spam); and (c) cybercrime.

4. At that session, there was support for the view that the task of legislators and policymakers, in particular in developing countries, might be greatly facilitated if the Commission were to formulate a comprehensive reference document dealing with the topics identified by the Secretariat. Such a document, it was also said, might also assist the Commission to identify areas in which it might itself undertake future harmonization work. However, there were also concerns that the range of issues identified was too wide and that the scope of the comprehensive reference document might need to be reduced. The Commission eventually agreed to ask its secretariat to prepare a sample portion of the comprehensive reference document dealing specifically with issues related to authentication and cross-border recognition of electronic signatures, for review at its fortieth session, in 2007.²

5. The sample chapter that the Secretariat prepared pursuant to that request (A/CN.9/630 and Add.1-5) was submitted to the Commission at its fortieth session. The Commission commended the Secretariat for the preparation of the sample chapter and requested the Secretariat to publish it as a stand-alone publication.

¹ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17 (A/60/17)*, para. 214.

² *Ibid.*, *Sixty-first Session, Supplement No. 17 (A/61/17)*, para. 216.

While the Commission was not in favour of requesting the Secretariat to undertake a similar work in other areas with a view to preparing a comprehensive reference document, the Commission agreed to request the Secretariat to continue to follow closely legal developments in the relevant areas, with a view to making appropriate suggestions in due course.³

6. The Secretariat has continued to follow technological developments and new business models in the area of electronic commerce that may impact international trade. One area that the Secretariat has examined closely concerns legal issues arising out of the use of single windows in international trade. The Secretariat has been invited by other international organizations and bodies interested in the implementation of single windows in international trade, in particular the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) and the World Customs Organization (WCO), to consider possible topics of cooperation with those organizations in that area.

7. This note sets out policy considerations and legal issues in the implementation and operation of single windows (paras. 8 to 34) and submits proposals for possible future work in cooperation with other international organizations (paras. 35 to 41).

II. The use of single windows in international trade: policy considerations and legal issues

8. The following paragraphs describe the concept, types and benefits of single windows. They reproduce, to a large extent, the background information contained in UN/CEFACT Recommendation No. 33, approved in September 2004.⁴

A. Concept, types and benefits of single windows

1. The single window concept

9. In most countries, companies engaged in international trade have regularly to prepare and submit large volumes of information and documents to governmental authorities to comply with import, export and transit-related regulatory requirements. These documents allow the government to enforce controls to ensure that imported and exported goods satisfy conditions laid down by trade control policies (e.g. health, safety, and other regulatory requirements) and international agreements, and that their custom duties have been paid. These documents also allow collecting, compiling and publishing trade statistics reflecting the economic well-being of various industrial sectors.

10. This information and documentation often has to be submitted through several different agencies, each with its own (manual or automated) system and paper forms. As noted in UN/CEFACT Recommendation No. 33, these extensive

³ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17 (A/62/17)*, para. 195.

⁴ UN/CEFACT, *Recommendation and Guidelines on Establishing a single window – Recommendation No. 33*. September 2004 (United Nations publication, Sales No. 05.II.E.9, 2005); available at http://www.unece.org/cefact/recommendations/rec33/rec33_trd352e.pdf.

requirements, together with the associated compliance costs “constitute a burden both to governments and to the business community and can also be a major barrier to the development of international trade.”⁵

11. One approach to addressing this problem is the establishment of a “single window”⁶ whereby trade-related information and/or documents need only be submitted once at a single entry point.

12. This can enhance the availability and handling of information, expedite and simplify information flows between trade and government and can result in a greater harmonization and sharing of the relevant data across governmental systems, bringing meaningful gains to all parties involved in cross-border trade. The use of such a facility can result in improved efficiency and effectiveness of official controls and can reduce costs for both governments and traders due to better use of resources.⁷

2. Types of single window

13. The single window is generally managed centrally by a lead agency, enabling appropriate governmental authorities and agencies to receive or have access to the information relevant for their purposes.⁸ The role of the agency operating a single window will vary from country to country depending on legal, political and organizational issues. In some cases, the single window may provide facilities for payment of relevant duties, taxes and fees.⁹ However, the purpose of the lead agency in a single window is not to serve as an intermediary body between trade partners and public authorities.

14. Single windows follow mainly three models. The most basic type of single window is a national single window where a single authority receives information from traders and other parties involved in international trade, either on paper or electronically, and disseminates this information to all relevant governmental authorities.¹⁰ A more advanced type of single window facility is a single automated system for the collection and dissemination of information that integrates the electronic collection, use, dissemination, and storage of data related to international trade.¹¹ Lastly, single windows may involve setting up automated information transaction system through which traders can submit electronic trade declarations to

⁵ Ibid., p. 3, No. 1.

⁶ UN/CEFACT Recommendation No. 33 defines “single window” as follows: “single window is defined as a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all important, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once.” (Ibid., p. 3, No. 2).

⁷ Ibid., p. 3, No. 1.

⁸ Ibid., p. 3, No. 2.

⁹ Ibid., p. 3, No. 2.

¹⁰ In the Swedish single window, for example, customs authorities perform selected tasks on behalf of some authorities, including the Tax Administration (import taxes), statistics authorities (trade statistics), the Swedish Board of Agriculture and the National Board of Trade (import licensing) (Ibid., p. 7, No. 3).

¹¹ The United States, for example, has established a program that allows traders to submit standard data only once and the system processes and distributes the data to the agencies that have an interest in the transaction. (Ibid., p. 8, No. 3).

the various authorities for processing and approval in a single application. In this approach, approvals are transmitted electronically from governmental authorities to the trader's computer.¹²

15. While single window facilities can be operated on the national level (i.e. for use with the governmental bodies of a single country), single window facilities can also cooperate on an international level. In such case, information submitted to a national single window can be forwarded to other national single window facilities thereby further reducing administrative costs.¹³

16. In some countries, single windows are financed by the State,¹⁴ whereas in other models they are financed by the private sector or with a help of a private-public partnership.¹⁵ The use of single window facilities can be compulsory¹⁶ or voluntary,¹⁷ and their services may be provided free of charge¹⁸ or require payment.¹⁹

3. Benefits of single windows

17. Governments and trade have set an extensive range of agency-specific and country-specific regulatory and operational requirements for international trade without much coordination either internally or amongst each other. As a result, trade partners are often confronted with duplicative and redundant reporting requirements, forms, systems, data sets, data models, and messages. Governments and trade have had to develop and maintain different systems to meet these costly requirements. The burden placed on government agencies and trade partners has increased in recent years as a result of the requirements for faster information delivery, often in advance of shipping, for security and other purposes.

18. Single windows can simplify and facilitate to a considerable extent the process of providing and sharing the necessary information to fulfil trade-related regulatory requirements for both trader and authorities. The use of such a system can result in improved efficiency and effectiveness of official controls and can reduce costs for both governments and traders due to better use of resources.

19. Indeed, a single window can lead to a better combination of existing governmental systems and processes, while at the same time promoting a more open and facilitative approach to the way in which governments operate and

¹² Such a system is in use in Singapore and Mauritius. Moreover, in the Singaporean system, fees, taxes and duties are computed automatically and deducted from the traders' bank accounts. (Ibid., p. 8, No. 3).

¹³ An example of an international single window is the ASEAN single window for international trade (see Agreement to Establish and Implement the ASEAN single window (Kuala Lumpur, 9 December 2005), <http://www.aseansec.org/18005.htm>).

¹⁴ Such as in Finland, Sweden and United States (UN/CEFACT, *Case Studies on Implementing a single window* April 2006, http://www.unece.org/cefact/single_window/draft_april06.pdf, (hereafter "Case studies") p. 3).

¹⁵ Such as, in the first case, Guatemala and Germany, and in the second case China, Ghana, Japan, Malaysia, Mauritius, Senegal and Singapore (Case studies, p. 3).

¹⁶ Such as in Finland, Ghana, Guatemala, Mauritius, Senegal (ibid.).

¹⁷ Such as in China, Germany, Japan, Malaysia, Sweden and the United States (ibid.).

¹⁸ Such as in Finland, Sweden and the United States (ibid.).

¹⁹ Such as in China, Ghana, Guatemala, Germany, Japan, Malaysia, Mauritius, Senegal and Singapore (ibid.).

communicate with business. For example, as traders will submit all the required information and documents through a single entity, more effective systems can be established for a quicker and more accurate validation and distribution of this information to all relevant government agencies. This will also result in better coordination and cooperation between the governmental authorities involved in trade-related activities.

20. Risk management techniques for control and enforcement purposes can also be enhanced through a single window facility that collects all data in a systematic way, resulting in more secure and efficient trade procedures. Furthermore, the implementation of a payment system within a single window facilitates payment to governmental authorities and agencies for required duties and any other charges.

21. A single window that provides up-to-date information regarding tariff rates and other legal and procedural requirements may reduce the risk of errors and increase compliance by trade partners. In addition, the collection and coordination of the required information and trade documentation through a single window will reduce the use of both human and financial resources, enabling governments to redeploy resources previously used for administrative tasks to areas of greater concern and importance.

22. The main benefit for the trading community is that a single window can provide the trader with a single point for the one-time submission of all required information and documentation to all governmental agencies involved in export, import or transit procedures. The rationalization and streamlining potential offered by single windows become particularly significant in view of the expanding requirements for data standardization in international supply chains. Indeed, the ability to handle data efficiently and swiftly has become a key element in international competitiveness, especially in international supply chains. As the single window enables governments to process submitted information, documents and fees both faster and more accurately, trader partners should benefit from faster clearance and release times, enabling them to speed up the supply chain.

23. If the single window functions as a focal point for the access to updated information on current trade rules, regulations and compliance requirements, it will lower the administrative costs of trade transactions and encourage greater trader compliance. In addition, the improved transparency and increased predictability can further reduce the potential for corrupt behaviour from both the public and private sector.

B. Legal issues arising out of the implementation and operation of single windows

24. The Legal Group and the International Trade Procedures Working Group (ITPWG-TBG15) of UN/CEFACT have identified a number of legal issues that may arise in the context of single window implementation and operation. These legal issues will be examined in the forthcoming UN/CEFACT Recommendation 35 on Legal Framework for International Trade single window. The following paragraphs point out the main areas of legal issues that have been identified by the

UN/CEFACT Legal Group.²⁰ The extent to which these issues arise depends largely on the structure of any given single window, and the nature and scope of the functions it performs. Generally, the complexity increases in direct relation to the functionality of a single window.

1. Establishment of a single window

25. As indicated earlier, single window facilities can be established in a number of different ways, not only from a technological viewpoint, but also from an organizational viewpoint. The way in which a single window is structured plays an important role with respect to possible legal issues that may arise. For each of these different organizational forms, the authority and mandate of the single window needs to be established clearly in national law. Furthermore, when multiple organizations take part in the implementation and operation of the single window, they must agree on their respective roles and responsibilities. Finally, it is necessary to establish “end-user agreements” with the users of the single window facility (such as freight forwarders, agents, traders, banks). When national single window facilities cooperate on an international level, bilateral or multilateral agreements often need to be established to govern the operations of each single window and that take into account a variety of legal issues that may arise to ensure “legal interoperability” between these single window facilities.

2. Identification, authentication, authorization

26. Given the fact that processing data is the primary role of a single window facility, issues of identification, authentication, and authorization will be of great importance. The process of identification, authentication, and authorization applies to different actors in the single window arena. They include, among others: the single window facilities themselves, the users of the single window facilities, the organizations that are part of the single window environment, and their respective employees. When single window facilities from different jurisdictions wish to exchange data, it is necessary to have common, mutually recognized mechanisms for identification, authentication and authorization for transactions being processed through each single window involved.

27. The lack of common standards for cross-border recognition of electronic signatures and other authentication methods is considered to be a significant impediment to cross-border commercial transactions. Two main problems exist in the given context. On the one hand, technological measures and systems for electronic signatures, in particular digital signatures, are currently much too diverse to enable uniform international standards. On the other hand, fears about fraud and manipulation in electronic communications have led some jurisdictions to establish rather stringent regulatory requirements, which in turn may have discouraged the use of electronic signatures, in particular digital signatures.

²⁰ See Bart W. Schermer, “Legal Issues of single window Facilities for International Trade”, paper delivered at the Congress “Modern Law for Global Commerce” (Vienna, 9-12 July 2007) to celebrate the 40th session of UNCITRAL (available at <http://www.uncitral.org/pdf/english/congress/Schermer.pdf>). The author is a member of the UN/CEFACT Legal Group.

28. Wide accession to the recently adopted United Nations Convention on the Use of Electronic Communications in International Contracts,²¹ which provides in its article 9 for the functional equivalence between electronic signatures and traditional types of signature, may go a long way towards facilitating cross-border use of electronic signatures. Nevertheless, use of electronic documents and electronic signatures for official government purposes is an area in which many jurisdictions are inclined to retain national standards. Conflicting technology-specific national authentication systems may however hinder or bar recognition of electronic signatures and authentication methods used in foreign single windows, thus inhibiting rather than promoting the use of single windows in international trade.

3. Data protection

29. Data protection is a very sensitive area in the context of a single window, and it has essentially two dimensions. On the one hand, a single window can be regarded as a custodian of information provided by trade partners and, as such, responsible for its safe-keeping. This would entail an obligation by the single window to establish adequate procedures for protecting the information it receives against access by unauthorized persons, both within the single window structure, as well as outside it. On the other hand, a single window or participating agencies may themselves be recipients of the information provided by trade partners, and may be required to comply with domestic or regional regulations systems on data protection. Such regulations are typically concerned with consent to data collection, adequate relation of the information to the purpose for which it is collected, time limitation of storage, adequate level of protection in third countries to which transmission takes place, information and correction claims for users, and enhanced protection for sensitive data.

30. Without proper mechanisms for the protection of data, single window facilities present major risks. To this end, adequate security and access protocols need to be established through the identification, authentication, and authorization mechanisms mentioned above. The issue of data protection is closely related to that of privacy (i.e., personal data protection). When personal data is processed it must be determined whether this is done in compliance with all relevant privacy and personal data protection laws. In the context of international single windows that share data between different countries, this provision is even more relevant. However, the right to privacy is interpreted differently in various parts of the world, and as such data protection law differs throughout the world. The highest level of international consensus is reflected in the *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*. However, these guidelines are not binding. When single windows cooperate on an international level, it is of importance to examine and consider how differing national (or regional) data protection regimes might be harmonized or at least accommodated in bilateral or multilateral agreements between countries participating in international single window operations.

²¹ For the text of the Convention, see the Annex to General Assembly resolution 60/21, of 23 November 2005.

4. Liability issues

31. An additional set of legal issues relates to the possible liability of single windows for failures that occur during transmission of messages (delivery delay or loss of information), or for malfunctioning of data storage systems (loss of stored data or unauthorized access by third parties). Loss of data or the use of inaccurate, incomplete, or incorrect data due to a service failure or malfunctioning of the databases maintained by the single window may cause damage to trade partners or agencies using the services of the single window. The greater the functionality of a single window, the bigger is the exposure to potential liability. A single window that is limited to serving as a repository of information provided by trade partners for the use and benefit of agencies entitled to retrieve that information will normally be exposed only to the same kind of liability that is usually borne by any other entity that undertakes to store data provided by other parties. Where, however, the single window either certifies the accuracy of the information compiled, or undertakes itself to transmit the information to other parties, the single window may be exposed to a substantially greater level of liability.

32. Therefore, the establishment of a single window facility requires careful consideration of its potential liability exposure. To some extent, liability exposure can be controlled through contractual mechanisms, such as general conditions of contract. However, the extent to which single window operators may disclaim liability for loss or damage caused by service failure, or may limit their liability in those cases, is likely to vary from country to country. Lack of knowledge of foreign levels of liability, conflicting standards of care for single window operators and different levels of liability may be an obstacle for the interoperability of domestic single window systems.

5. Electronic documents

33. The functional equivalence of electronic documents to paper documents and the acceptance of their evidentiary value in court are of great importance for the future development of single window facilities. As such, UNCITRAL's Model Law on Electronic Commerce (1996) and the United Nations Convention on the Use of Electronic Communications in International Contracts (2005) are highly relevant to the implementation and operation of single window facilities. While UN/CEFACT's Recommendation 33 and its forthcoming Recommendation 35 can be applied to the non-automated single window environments, those countries that seek to move towards e-trade or "paperless trade" are encouraged to consider adoption of these UNCITRAL texts for creating both their domestic and internationally-oriented legal infrastructure for commercial applications of information and communications technology.

34. It was then pointed out that the UNCITRAL Model Law on Electronic Commerce,²² the UNCITRAL Model Law on Electronic Signatures,²³ as well as the

²² For the text of the Model Law, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17)*, annex I. The Model Law and its accompanying Guide to Enactment have been published as a United Nations publication (Sales No. E.99.V.4).

²³ For the text of the Model Law, see *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17 (A/56/17)*, annex II. The Model Law and its accompanying Guide to Enactment have been published as a United Nations publication (Sales No. E.02.V.8).

Convention on the Use of Electronic Communications in International Contracts provided a good basis for States to facilitate electronic commerce, but only addressed a limited number of issues.

III. Proposed nature of future work

35. UNCITRAL has been invited to participate in a joint project with the World Customs Organization (WCO) aimed at formulating a comprehensive guidance document to which legislators, government policymakers, single window implementers, and other stakeholders involved in international transactions could refer for advice on the legal aspects of creating and managing a single window environment.

36. The WCO promotes and administers the harmonization of customs laws and procedures within its membership.²⁴ Consistent with its mandate to enhance the efficiency and effectiveness of customs administrations by harmonizing and simplifying customs procedures, WCO has been working to enable greater use of information and communications technology with a view to facilitating international trade. With the growth in areas such as international cargo, information technology and electronic commerce, the practices and systems already adopted pursuant to the Kyoto Convention²⁵ were seen as having created a conflict with modern trade practices. The revised Kyoto Convention,²⁶ provided a new structure through which modern trade practices, including electronic commerce can operate and be regulated²⁷ as it takes into account and adopts flexible methods and systems to allow for the changing nature of international trade. Further, the WCO Council adopted a declaration on electronic commerce known as the “Baku Declaration”, in 2001 to recognize the potential social and economic impact of electronic commerce on nations, in particular that of developing nations. The Declaration invited Members of the WCO to take certain steps in response to the declaration and also requested the WCO to develop a coherent strategic WCO policy and action plan on electronic commerce.²⁸

37. Furthermore, the WCO has done significant work in developing a data model (WCO Data Model) for standardizing data messages exchanged between governments and between business entities and public authorities. The WCO Data Model will establish a standard, international, harmonized data set that will meet governments’ requirements for international cross-border trade and is geared

²⁴ http://www.wcoomd.org/home_about_us.htm.

²⁵ The International Convention on the Simplification and Harmonization of Customs Procedures (“Kyoto Convention”) which entered into force on 25 September 1974, was the principal instrument through which the WCO operated and through which members regulated and implemented customs policies.

²⁶ The International Convention on the Simplification and Harmonization of Customs Procedures (“Kyoto Convention”) as revised in June 1999 was adopted by the WCO Council as the updated “blueprint” for modern and efficient Customs procedures in the modern era:
<http://www.wcoomd.org/ie/En/AboutUs/aboutus.html>: “The Kyoto Convention: Customs contributing to the development of international trade.”

²⁷ The revised Kyoto Convention entered into force on 3 February 2006.

²⁸ http://www.wcoomd.org/home_about_us.htm. “WCO Strategy Paper: Customs and E-Commerce”, p. 2; “original available at the Secretariat”.

exclusively to the requirements of an automated environment. Information and documentation are key elements in the control of international cross-border trade. In today's interconnected electronic environment these controls will increasingly include information exchange prior to the arrival of the goods in order to provide the necessary level of security as well as acceptable release times. The Data Model is expected to provide Contracting Parties to the revised Kyoto Convention with a global customs standard to implement provisions dealing with reduced data requirements and electronic submission of declarations and supporting documents.

38. In a letter addressed to the Secretary of UNCITRAL on 27 March 2008, the Secretary-General of the WCO, Mr. Michel Danet, explained the proposed joint project as follows:

“Amongst the major challenges faced by parties involved in the international movement of goods are those of data management and data flows related not only to the traditional work of customs administrations, but also to an emerging role in trade facilitation that takes into account private sector international business needs. I believe that the implementation of a single window facility that would allow those parties involved in trade and transport to lodge standardized information and documents with a single entry point in order to fulfil all import, export, and transit related regulatory requirements would help address these challenges. I also believe that because of its unique situation, Customs administrations should take a lead role in designing and implementing such a facility. However, while this will go a long way to enhance trade facilitation, it is only part of the task to be accomplished in a modernized approach to harmonizing the legal infrastructure of the international supply chain.

“I recognise that, of the 171 Members of the World Customs Organization, many are at various stages of sophistication as it concerns development of the single window. Additionally, traders and other players in the international supply chain are also at various stages of development. Many of the WCO Members are not capable of implementing the single window environment without various forms of capacity-building assistance. One form of such assistance is the provision of international guidelines concerning the wide range of legal issues surrounding the single window environment and integrated border management when viewed from an international cross-border trade perspective. And while it is believed that this guidance will benefit all of our 171 Members, it will also have a particularly important value for those Members most in need of assistance to fully and robustly integrate with international supply chain networks. Such assistance will enhance their opportunities for growth and development.

“It is for this reason that I am writing you – I would like to propose a joint WCO UNCITRAL Working Group that could produce a high-level and comprehensive international reference document to which legislators, government policymakers, single window implementers, and other stakeholders involved in international transactions and the global supply chain could refer for advice on the legal aspects of creating and managing a single window environment. We believe that the important work of UNCITRAL will intersect with the work of this Working Group. For example, the international single window involves not only public international law but also private

international law issues since the benefits of the international single window environment are intended not only for governments but also for those who participate in international trade. On the international trade side, we view your new UN Electronic Communications Convention as making an important contribution to the broader international legal infrastructure for electronic commerce that will help provide an enabling and harmonized environment for all participants in the international single window, particularly as more and more countries move towards the use of ICT methods in both the public and private sectors.

“I believe that UNCITRAL is the appropriate partner in this work in view of its mandate of formulating modern, fair, and harmonized rules on commercial transactions including: conventions, model laws and rules which are acceptable worldwide; legal and legislative guides and recommendations of great practical value; and updated information on case law and enactments of uniform commercial law. It is this type of practical expertise that would contribute greatly to the success of the project I am proposing. We see this as particularly important since a duality of legal regimes in the public and private sides of the single window could potentially increase the legal complexity and reduce the benefits of the single window to all participants in international trade transactions.”

39. As regards the methodology for the joint project, WCO has proposed the establishment of a joint working group to be composed of legal experts from WCO Member Customs Administrations, the UNCITRAL secretariat as well as experts from UNCITRAL Member States with legal expertise in one or more of the following areas: customs administration, information and communications technology (ICT/global electronic commerce), or the single window for international transactions. The cooperation between UNCITRAL and WCO in this area may be extended to involve other organizations, such as UNCEFACT, UNCTAD, the World Bank and the World Trade Organization (WTO).

40. The Commission may wish to consider that it would be worthwhile to study the legal aspects involved in implementing a cross-border single window facility with a view to formulating a comprehensive international reference document to which legislators, government policymakers, single window operators, and other stakeholders could refer for advice on legal aspects of creating and managing a single window designed to handle cross-border transactions. The Commission's involvement in such a project would have several benefits, including better coordination of work between the Commission and WCO, being able to influence the content of a trade-facilitation text that may contain significant legislative aspects, and promoting the use of UNCITRAL standards in the countries using the future reference document.

41. Initially, the Commission may wish to request the secretariat, with the involvement of experts, to participate in the work of the WCO and to report to the Commission on the progress of work. This would allow the Commission to decide whether and at what stage it would be advisable for it to convene a session of Working Group IV (Electronic Commerce) in order to review the progress of work done in cooperation with WCO and formulate its views and recommendations. Since it is difficult to predict whether holding a Working Group session would be advisable already in the Spring of 2009 or after the Commission session in 2009, the

Commission may wish to authorize holding a Working Group session already in the Spring of 2009, should this be warranted by the progress of work.
