



Session 3: National Laws and Regulations Requirements to Facilitate Future CATS/ICE implementation

4th Technical Working Group Meeting on CAREC Advanced Transit System and Information Common Exchange: Pilot Phase Implementation

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- **Legal Issues Across 4 Areas**

- Transport Information Exchange
- Customs Transit Information Exchange
- Data Exchange
- Digital Signature

- **Common Issues**

- Contractual Agreements
- Customs and Import/Export Regulations
- Data Protection and Privacy Laws
- Emerging Technologies
- Governmental Regulations and Permits
- Insurance Requirements
- International Trade Agreements
- Transportation Safety and Security Regulations

- **Specific Issues**

- Integrity of Data
- Digital Signature

- **Facilitate Future CATS/ICE Implementation**

- Legal and Regulatory Assessment
- Identify Discrepancies
- Recommended Process
- Continuous Monitoring
- Legal Compliance Audits

Legal Issues Across 4 Areas

Transport	Customs	Data Exchange	Digital Signature
			Admissibility in Court
			Authentication and Non-Repudiation
		Consent Requirements	Consent and Agreement
Contractual Agreements	Contractual Agreements	Contractual Obligations	
	Cross-Border Collaboration		Cross-Border Considerations
Customs and Import/Export Regulations	Customs and Import/Export Regulations		
	Customs Documentation Requirements		
		Data Breach Notification	
		Data Localization Laws	
Data Protection and Privacy Laws	Data Protection and Privacy Laws	Data Protection and Privacy Laws	
		Data Subject Rights	
		Data Transfer Mechanisms	
	Electronic Data Interchange (EDI) Standards		
			Electronic Signature Laws
Emerging Technologies	Emerging Technologies	Emerging Technologies	
Environmental Regulations			

Legal Issues Across 4 Areas (cont.)

Transport	Customs	Data Exchange	Digital Signature
		Government Access and Surveillance	
Governmental Regulations and Permits	Governmental Regulations and Authorizations		
Insurance Requirements	Insurance Requirements		
Intellectual Property Rights			
International Trade Agreements	International Trade Agreements		
			Key Management and Security
Labor Laws			
			Legal Recognition
			Liability and Indemnification
			Record Retention
		Security Measures	
	Transit Procedures and Licensing		
Transportation Safety and Security Regulations	Transportation Safety and Security Regulations		
			Technology Standards
			Timestamping
			Types of Documents

Contractual Agreements

- Clear contractual agreements between parties are vital
 - the responsibilities of each party
 - the terms of data exchange
 - data protection obligations
 - potential liabilities in the event of breaches
 - mechanisms for dispute resolution

Customs and Import/Export Regulations

- Adherence to customs and import/export regulations is imperative
 - rules governing the import and export of goods
 - documentation and information required for the movement of goods across borders
 - Compliance is necessary to avoid delays, fines, or other legal consequences

Data Protection and Privacy Laws

- Compliance with regulations and safeguarding of personal data is crucial
 - transport information exchange may involve personal data. data protection is essential when handling any personally identifiable information.
 - Customs transit information may contain sensitive data, necessary consents is crucial, especially when dealing with personally identifiable information.
 - European Union's General Data Protection Regulation (GDPR) imposes stringent requirements on the cross-border transfer of personal data.

Emerging Technologies

- Use of emerging technologies may have legal implications
 - in transportation, adoption of these technologies such as IoT (Internet of Things) may need to comply with relevant laws and standards
 - for customs transit, use of blockchain or IoT devices may need to comply with relevant laws and standards
 - For cross-border data exchange, some jurisdictions may have specific regulations or concerns related to blockchain or artificial intelligence

Governmental Regulations and Permits

- Obtaining government authorities in permits and complying with regulations are crucial
 - both in origin and destination countries, failure to do so may result in delays, fines, or other legal issues.
 - both the origin, destination and transit countries, including specific transit authorization requirements

Insurance Requirements

- Adequate insurance coverage is essential
 - insurance requirements in different jurisdictions can help mitigate legal risks in the event of loss, damage, or other incidents during transportation for cross-border transport
 - compliance with insurance requirements in different jurisdictions helps mitigate legal risks in the event of loss, damage, or other incidents for customs transit

International Trade Agreements

- Customs transit often involves compliance with international trade agreements
 - Those govern the movement of goods between countries
 - These agreements may contain provisions related to data sharing and protection

Transportation Safety and Security Regulations

- Compliance with transportation safety and security is crucial
 - avoid legal issues and ensure the safety of goods during transport
 - prevent legal issues and ensure the integrity of the supply chain as Customs transit information may include details about the safety and security of transported goods

Integrity of Data

- Consent Requirements: from individuals for the international transfer of their data
- Data Localization: data to be stored or processed within their borders
- Data Transfer Mechanisms: Standard Contractual Clauses for legally sound data transfers
- Data Subject Rights: individuals comprehend their rights; establish mechanisms related to access, correction, or deletion of their personal information
- Data Breach Notification: timely notification of data breaches is often a legal obligation.

Digital Signature

- Admissibility in Court: the digital signature process is well-documented and follows legal requirements
- Cross-Border Considerations: compliance with the laws of both the sender's and recipient's countries is important for enforceability
- Technology Standards: recognized standards for digital signatures enhance legal acceptance
- Types of Documents: legal recognition of digital signatures may vary depending on the type of document or transaction

Facilitate Future CATS/ICE Implementation

- Legal and Regulatory Assessment: review of existing laws, regulations, and policies that may impact the agreement
- Identify Discrepancies: pinpoint any discrepancies or conflicts that may arise during agreement implementation
- Recommended Process: develop a matrix summarizing key legal and regulatory requirements from each country for reference
- Continuous Monitoring: Periodically review the agreement to ensure ongoing compliance with evolving laws
- Legal Compliance Audits: assess adherence to the agreement and address emerging legal issues.



Thank you
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Спасибо