

The Pakistan Single Window Act, 2019

First Draft

Federal Board of Revenue
ISLAMABAD

PREFACE

National Single Window (NSW) is a platform that allows parties involved in trade and transport to lodge standardised information and documents using a single-entry point to fulfil all import, export and transit related regulatory requirements. In order to improve the governance of their cross-border trade regimes other economies are increasingly relying on trade related single window systems.

The lack of Information Communication Technology (ICT) based coordination and decision making among various regulatory authorities and Customs has led to increasing cost, time and complication for undertaking cross border trade in Pakistan. As per World Bank's report on Ease of Doing Business for 2019, Pakistan ranks at 142nd position in the 'Trading Across Borders' indicator. The complexity to conduct trade is impacting Pakistan's competitiveness in integrating into Global Value Chains and becoming a regional hub for trade and transit.

As part of its trade facilitation and regional connectivity agenda, Pakistan is committed to reforming, modernising, upgrading, and automating its system to match the on-going investments in its infrastructure for cross-border trade. Moreover, Pakistan has ratified the WTO's Agreement on Trade Facilitation on 27th October, 2015 and as such under its Article 10.4 has committed to the establishment of a trade related National Single Window (NSW) as a 'Category C' commitment with an implementation timeline of five years with effect from 22nd February, 2017.

The Prime Minister's Office designated Pakistan Customs in FBR as the *Lead Agency* in October, 2017 for implementation of an ICT based trade related NSW. This decision is based on the fact that in majority of countries their Customs Administrations are leading the NSW implementation due to their central role in cross border trade regulation. Moreover, Pakistan Customs has successfully demonstrated its capability by implementing indigenously designed automation based trade facilitation initiatives like Web Based One Customs (WeBOC) which provides paperless processing for 90% of cross border trade. Customs has also electronically linked 14 different regulatory authorities and all major commercial banks under INTRA (Integration of Regulatory Authorities) program with the WeBOC, using in-house resources.

Currently Customs Wing in the FBR, through a dedicated Program Management Office (PMO), is working to establish Pakistan Single Window (PSW). The various preparatory studies for PSW implementation with the help of development partners have been completed. A *PSW Implementation Blueprint* was prepared in accordance with the *Situation Analysis* of 44 different regulatory authorities. Based on the recommendation of the said report, the Prime Minister has constituted a high-level Steering Committee in May, 2018. This Committee under the chairmanship of the Minister for Finance, Revenue and Economic Affairs, is overseeing timely implementation of the PSW. Moreover, to ensure broader collaboration, six Working Groups for key components of PSW have been notified in September, 2018 with nominations of domain experts from all relevant public & private sector stakeholders.

The implementation of a NSW system requires alignment of various national laws and procedures related to cross border trade. In this context the FBR through technical experts has undertaken a legal gap analysis, wherein, it has been proposed that a new PSW law may be promulgated. Based on the said legal gap analysis and the *business model* as approved by the

Steering Committee, the FBR has prepared a draft PSW Act. While framing this law the recommendation no 35 by United Nations Centre for Trade Facilitation and Electronic Business (UNCEFACT) as well as other relevant international and national laws have also been considered.

After placing the PSW draft law on FBR's website on 31st May 2019, the feedback received from Working Groups and experts engaged by PMO as well as the outcome of various studies, currently underway, have been incorporated to update this draft law. It may be noted that this PSW Act, 2019 is still at draft stage which will continue to be updated, based on the feedback received from different stakeholders. By end of July, 2019 it is expected to be presented to the Steering Committee of the PSW.

Keeping in view significance of PSW, the FBR is looking forward to valuable feedback/comments/observations/suggestions on the following draft PSW Act from for all the stakeholders involved with the cross-border movement of goods including imports, exports and transit trade. The contact details in the PMO of Customs Wing, FBR, Islamabad, for receiving your valuable feedback are as below:

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The Pakistan Single Window Act, 2019

A

Bill

to make provisions for the establishment of Pakistan Single Window

In so far as relevant to the intent and objects of the Act and in order to ensure unhindered right to lawful trade as enshrined in Article 18 of the Constitution of the Islamic Republic of Pakistan, it is necessary that a separate autonomous body be established to simplify cross border trade processes, reduce cost of doing business and facilitate trade on national and international level;

Whereas Pakistan has ratified the Agreement on Trade Facilitation of the World Trade Organisation which *inter alia* stipulates the establishment of a National Single Window for managing a country's external trade;

And whereas it is necessary to establish and operate a single point of submission and receipt of trade data and information to enable synchronised processing of data and information; achieve standardisation and harmonisation of documents required for regulatory control; adopt integrated risk management techniques; remove legal, regulatory, and operational barriers to electronic transactions for external trade; facilitate coordination and partnership among all the relevant trade regulatory agencies and stakeholders dealing with the international trade and trade facilitation, and for matters connected therewith or ancillary thereto;

Notwithstanding anything contained in any law for the time being in force, it is hereby enacted as follows;

1. Short Title, Extent and Commencement. -

- (1) This Act may be called Pakistan Single Window Act, 2019.
- (2) It shall extend to the whole of Pakistan.
- (3) It shall come into force from such date as the Federal Government may by a notification, in the Official Gazette, appoint.

2. Definitions. - (1) In this Act, unless there is anything repugnant in the context or subject,

- a) "Act" means the Pakistan Single Window Act, 2019;
- b) "Agreement on Trade Facilitation " means the Trade Facilitation Agreement (TFA) of the World Trade Organisation as ratified by Pakistan;
- c) "Chairperson" means the Chairperson of the Governing Council established under the Act;
- d) "Board of Directors" means the Board of Directors of the Operating Entity under the Companies Act, 2017;
- e) "Committee" means a Committee established by the Governing Council and includes any sub-committee of the same;
- f) "Electronic" includes electrical, digital, magnetic, optical, biometric, electrochemical, wireless or electromagnetic technology;
- g) "Electronic document" includes documents, records, information, communications or transactions in electronic form;

- “Electronic signature” means any letters, numbers, symbols, images, characters or any combination thereof in electronic form, applied to, incorporated in or associated with an electronic document, with the intention of authenticating or approving the same, in order to establish authenticity or integrity, or both;
- h) “Governing Council” means the Pakistan Single Window Governing Council established under section 4 of the Act including its Chairperson and Members;
- i) “Information” includes text, message, data, voice, sound, database, video, signals, software, computer programs, codes including object code and source code;
- j) “Lead Agency” means the organisation responsible for or appointed under Section 5 of the Act for implementation of Pakistan Single Window;
- k) “Member” means a Member of the Governing Council including its Chairperson;
- l) Memorandum of Understanding means the Memorandum of Understanding signed by the Governing Council with the Lead Agency and its Operating Entity;
- m) “Pakistan Single Window” means an Information and Communication Technology based facility that allows parties involved in trade and transport to lodge standardised information and documents with a single-entry point to fulfil all import, export, and transit-related regulatory requirements in Pakistan without being required to submit the same data element more than once;
- n) “Selectivity Criteria” means the risk parameters determined by the Risk Management Committee constituted under the Rules, for the meaningful application of Risk Management System;
- o) “Risk Management System” means the systematic application of Trade Controls and management procedures on goods, means of transport and passengers including at pre-arrival, clearance or post clearance stage for identifying, analysing, evaluating, monitoring, reviewing and treating the risks associated with them and includes priority accorded to compliant persons, entities or organisations using the Pakistan Single Window System;
- p) “Registration” means issuance of a Unique User Identifier to any person or entity to access the Pakistan Single Window system, in the manner prescribed by the Operating Entity;
- q) “Rules” means the rules framed and issued under the Act;
- r) “Secretariat” means the Secretariat to the Pakistan Single Window Governing Council established under Section 4 of the Act;
- s) “Secretary to the Governing Council” means the Secretary to the Pakistan Single Window Governing Council;
- t) “System” means an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing information or any part thereof;
- u) “Trade Bodies” means any of the recognised and registered Chambers of Commerce and Industry, their representatives, registered professional associations, trade unions *et al*;
- v) “Trade Controls” means measures applied by the officers of Pakistan Customs or OGAs through the Pakistan Single Window System to manage risks and ensure compliance with the laws, regulations and rules for the time being in force;

- w) “Operating Entity” means an entity created by the Lead Agency under section 6 of the Act for establishment of Pakistan Single Window;
- x) “Other Government Agencies” hereinafter referred to as OGAs means any of the regulatory authorities including their notified private sector entities as listed in the First Schedule to the Act whether referred to jointly or severally; and
- y) "un-authorized access" means access to an information system or data which is not available for access by general public, without authorisation or in violation of the terms and conditions of the authorisation.

(2) Unless the context provides otherwise, any other expression used in the Act or Rules made thereunder but not defined in the Act, shall have the same meanings assigned to the words, expressions or terms in the respective laws and/or rules.

3. Establishment of the Pakistan Single Window. -(1) Notwithstanding anything contained in any other law for the time being in force and under the provisions of the Act, the Federal Government shall establish a Pakistan Single Window to facilitate efficient imports, exports, international transit and matters ancillary thereto, across Pakistan’s national territory and notified international borders; and shall use any technological means available or made available in the future, for the purpose.

(2) The Federal Government may provide financial, human and administrative resources as it may deem necessary, for the establishment, operation, maintenance and, in case of exigency or technological advancements, the succession and replacement of Pakistan Single Window.

(3) Pakistan Customs and all OGAs shall participate in and form an integral part of the Pakistan Single Window and accordingly align their respective laws, regulations, procedures, processes and information requirements related to regulation of imports, exports, transit trade and associated transport with the Pakistan Single Window:

Provided, that the Governing Council may waive, in whole or in part, temporarily or otherwise, the requirement for participation for any OGA. The Governing Council may also by a notification in the Official Gazette remove any OGA from the list provided in the First Schedule to the Act.

(4) Any changes including amendments, supersession and abrogation introduced by Pakistan Customs or any of the OGAs in their respective laws, regulations, procedures, orders etc. related to import, export, transit or any matter ancillary thereto shall only take effect if the same are first incorporated in the Pakistan Single Window system and a notification regarding their incorporation is duly published by the Lead Agency in compliance with the provisions of the Trade Facilitation Agreement.

4. Pakistan Single Window Governing Council. - (1) The Federal Government may by a notification in the Official Gazette, establish a Pakistan Single Window Governing Council comprising of a Chairperson and such members as the Federal Government may specify therein;

(2) The Governing Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its own name and may enter into contracts and acquire, purchase, take, hold and enjoy moveable or immovable property of every description;

(3) No act or proceedings of the Governing Council shall be invalid by reason only of the existence of a vacancy in or defect in the constitution of the Governing Council;

(4) The Federal Minister for Finance, Revenue & Economic Affairs shall be the Chairperson of the Governing Council;

(5) The Chairperson may delegate, powers to convene and chair meetings of the Governing Council, in case of necessity, to any of its Member;

(6) The Governing Council may constitute Committees comprising two or more of its Members for performance of any task(s) or inquiry that the Governing Council may specify under the rules;

(7) The Governing Council may invite any persons or representatives of the trade or professional bodies or organisations to participate in its deliberations, make recommendations, submit reports and provide any assistance as the Governing Council may deem appropriate and may pay them remuneration for such service(s);

(8) The office of the Governing Council may be established at such place(s) as the Federal Government may by a notification in the Official Gazette specify;

(9) The Governing Council including its Chairperson, with relation to the Pakistan Single Window, shall perform such functions as the Federal Government may by rules prescribe which may *inter alia* include establishing the strategic direction, principles and policies; monitoring and maintaining oversight to achieve strategic objectives and policies; serving as the interface and collaborator between all relevant stakeholders for early implementation and smooth operations; and establishing, managing, and monitoring performance against the agreed benchmarks, as per the Memorandum of Understanding, with the Lead Agency and Operating Entity to ensure achievement of the anticipated outcomes.

(10) The Federal Government may by a notification in the Official Gazette establish a Secretariat of the Pakistan Single Window which shall perform such functions as the government may specify; and

(11) The head of the Lead Agency shall act as the *ex officio* Secretary to the Governing Council who shall convene the meetings of the Governing Council, with the prior approval of the Chairperson, after giving a notice to the Members of the Governing Council; head the secretariat to the Governing Council; maintain records of the proceedings of the Governing Council and timely communicate the same to the relevant OGAs, Customs, government departments, individuals and entities.

5. Lead Agency. - (1) Pakistan Customs shall be the Lead Agency for developing, operating, maintaining, up-grading and in case of exigency replacement of the Pakistan Single Window.

(2) The Lead Agency shall establish an Operating Entity for the development, acquisition, roll out, operations, maintenance, upgrading, enhancements and marketing of the Pakistan Single Window and its allied systems, as it may deem fit, for maximising benefit of the Pakistan Single Window for the trade, OGAs, Pakistan Customs and other related stakeholders:

Provided that the relationship between the Governing Council, the Lead Agency and the Operating Entity may be regulated through the signing of a Memorandum of Understanding in the manner as the Governing Council may by rules prescribe.

(3) The Federal Government may on its own motion or upon the recommendation of the Governing Council, by a notification in the Official Gazette, change or replace the Lead Agency due to non-performance or failure in achieving performance benchmarks set by the Memorandum of Understanding and as reported in the performance audit reports consistently for three consecutive years.

6. Operating Entity. -(1) The Lead Agency shall establish an Operating Entity under the provisions of the Companies Act, 2017, to develop, roll out, operate, maintain, expand, enhance, replace and market Pakistan Single Window and systems allied thereto.

(2) The Governing Council upon the recommendation of the Lead Agency may replace the Operating Entity in case of non-performance or failure in achieving performance benchmarks set by the Memorandum of Understanding and as reported in the performance audit reports, consistently for three consecutive years.

(3) Government officers from Pakistan Customs, the OGAs or any other relevant government department, organisation or entity may be seconded to the Operating Entity through a competitive process to be prescribed by the Lead Agency to support implementation, operations and enhancement of Pakistan Single Window:

Provided that during the period of their secondment with the Operating Entity, the government officers shall be entitled to a special Pakistan Single Window allowance, in addition to the regular government pay and admissible allowances, as notified by the Lead Agency in consultation with the Operating Entity.

Provided further that retention of officers seconded under section 6(3) above or extension in their secondment period shall be subject to objective performance assessment by the Operating Entity as per its performance evaluation benchmarks or Human Resource policy.

(4) The Operating Entity may enter into partnerships or itself develop or acquire fully or partly the requisite software, hardware, system code, data, infrastructure or anything ancillary thereto to effectively run the Pakistan Single Window but such software, hardware, system code, data, infrastructure or anything ancillary thereto, shall at all times be accessible to and remain the property of the Federal Government, unless otherwise agreed in writing.

(5) The Operating Entity shall be entrusted with such functions and responsibilities as its Memorandum of Association under the Companies Act, 2017 and the Memorandum of Understanding with the Governing Council and Lead Agency may specify.

7. Grants, Funds, Budget and Accounts of the Governing Council. -(1) The Federal Government may, from time to time, place annual grants at the disposal of the Governing Council for the smooth discharge of its affairs and for defraying of all expenditures incurred by the Governing Council including expenses of the Secretariat.

(2) In respect of each financial year, the Governing Council shall submit for approval of the Federal Government, by such date and in such form, as may be specified by the Federal Government, a statement showing the estimated receipts and expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

(3) The Secretariat on behalf of the Governing Council may open accounts with the State Bank of Pakistan or with any scheduled bank in Pakistan. The accounts of the Governing Council shall be maintained in such form and manner as the Federal Government

may, in consultation with the Auditor-General of Pakistan, determine. The accounts of the Governing Council shall be audited every year by the office of the Auditor-General of Pakistan.

(4) Subject to the provisions of financial laws and regulations for the time being in place, accounts of the Governing Council may be expended for the purposes which shall include but be not limited to the following: -

- a) paying any expenditure lawfully incurred by it including the allowances of the Chairperson, the Members, Secretary or any other person, as notified by the Governing Council, hired for any activity or function under the Act;
- b) paying for expenditure incurred on marketing, publicity, seminars and conferences;
- c) paying rent, purchasing or hiring equipment and any other materials, acquiring land, erecting buildings and conducting other work and undertakings in the performance of its functions or the exercise of its powers under the Act; and
- d) Paying any other expenses, costs or expenditure properly incurred or accepted by the Governing Council in the performance of its functions or the exercise of its powers or performance of its functions as may be prescribed by the rules.

8. Sources of Funding - (1) The sources of funding for development, operations, enhancement and up-gradation of the Pakistan Single Window shall include:

- a. such sums as the Federal Government may allocate to the Lead Agency, from time to time, in the annual budget;
- b. grants from the Federal Government;
- c. income generated from levy of fee and service charges as provided in Section 8(2)
- d. income generated from sales of products, services and investments; and
- e. any other source, as approved by the Governing Council, upon recommendation of the Lead Agency.

(2) For the purpose of meeting operating expenses, enhancements and up-gradation of the Pakistan Single Window, the Governance Council may, by notification in the official Gazette, upon the recommendation of the Lead Agency and subject to such conditions, limitations or restrictions as it may deem fit to impose, levy fee and service charges, for any of the services provided by or on behalf of the Pakistan Single Window, at such rate as may be specified therein.

(3) The Federal Government upon recommendation of the Governing Council shall allocate additional funds to the Lead Agency in case the income from Pakistan Single Window fee and service charges is insufficient to meet the operating expenses.

(4) The management, operations and maintenance of all accounts and sums received or raised therein, under the Act, shall be done by the Operating Entity in the manner as prescribed by the Lead Agency:

Provided that all sums received or raised under the Act may be utilised for meeting the operating expenses and enhancement of the Pakistan Single Window including but not limited to procuring, owning, hiring, developing, maintaining, upgrading, marketing or operating etc any Pakistan Single Window related software, hardware, system code, data,

infrastructure, property required or utilised by the Operating Entity, Pakistan Customs, and OGAs, and for hiring, training, capacity building and welfare of their employees, as approved by the Board of Directors, in the prescribed manner.

(5) The Auditor General of Pakistan may conduct audit of the accounts of the Operating Entity.

9. Application of the Pakistan Single Window and its allied Systems.-The Pakistan Single Window and any systems ancillary thereto shall apply to any of the OGAs, Pakistan Customs or other entities and organisations, in any matter related, directly or indirectly, to the imports, exports and transit trade, as the Governing Council, may by a notification in the Official Gazette specify. The Governing Council may further specify different dates for different OGAs, departments, entities or organisations or areas, as the case may be, for this purpose.

10. Access to the Pakistan Single Window and its allied Systems, maintenance of record etc.- (1) No person shall access, physically or electronically the Pakistan Single Window or its allied systems or infrastructure, transmit to, or receive information from the Pakistan Single Window, unless that person is duly registered or authorised, in the prescribed manner.

(2) The Governing Council shall, by a notification in the Official Gazette, prescribe the requirements for registration or authorisation, the manner of registration or refusal to grant registration and in case of necessity, conditions for suspension or cancellation of registration or authorisation;

Provided that no order shall be passed for refusal, suspension or cancellation of registration unless a reasonable opportunity of being heard is given to the registered person or applicant, as the case maybe.

(3) Access to the Pakistan Single Window systems shall be granted only through the use of a Unique User Identifier and shall be subject to such conditions or restrictions as the Lead Agency may by a notification in the Official Gazette prescribe.

(4) Any electronic exchange of information, declaration, documents or record, transaction, accounts, offer or acceptance of an offer, notice, order, payment, authentication, authorisation or information required, delivered or provided by any of the OGAs or Pakistan Customs, authorised or registered users or any other entity, organisation or department shall be deemed to have been provided, required, delivered or done in accordance with the law for the time being in force if and when communicated electronically through the Pakistan Single Window or its allied systems and shall be admissible as evidence in any court of law, tribunal or before an inquiry commission or any quasi-judicial authority etc.

(5) The Operating Entity or the Lead Agency, as the case maybe, shall keep a record of every transmission sent or received, electronic documents transmitted or received or any other messages, codes or software, employed in furtherance of the objectives of the Act for a period of not less than five years and shall be liable to use the same in accordance with section 10(6) of the Act.

(6) Any trade related information, transmission, documents, data or record gathered by any of the OGAs, Pakistan Customs or any other organisation, entity or department under the Act shall be confidential and shall not be used except as prescribed by the Governing Council through a notification in the Official Gazette.

(7) The Governing Council may prescribe, by a notification in the Official Gazette the manner and mode of requisitioning of documents, records or transmission, conducting audit or examination of the same and allow Officers of the OGAs, Pakistan Customs or any other entity or organisation to have access to premises, computers, or any other systems where data is being stored, recorded or retained subject to the condition that a reasonable advance notice be given to the persons or entities in possession of such data, records or transmissions etc.

11. Application of risk management system.- For the purpose of enforcing Trade Controls, a risk management system shall be applied in such manner as may be prescribed by the Governing Council under the Act.

12. Electronic documents non-discrimination vis-à-vis paper documents .-(1)Any law for the time being in force and requiring documents to be created, retained, authenticated, notarised, duplicated, submitted, delivered or evidenced shall be deemed to have been complied with if such documents are available and retrievable in the electronic form.

(2) Any permit, license, authorisation or approval required under any law to be issued shall be deemed to have been lawfully issued if the same is issued in electronic form.

(3) Any information, documents, data, authentication or authorisation transmitted, received, stored, done or processed in the Pakistan Single Window electronically may bear such marks, numbers, bar codes or identifiers which shall be deemed to bear electronic signatures and shall be admissible as evidence in any legal *for a* within and outside Pakistan.

13. Offences and Punishments thereof.-(1) Whoever commits any offence as described in column (2) of the Table below, shall in addition to and not in derogation of any punishment to which such person may be liable under any other law, be guilty of such offence under the Act and upon conviction by a court of competent jurisdiction, shall be liable to the punishment mentioned against that offence in Column (3) thereof;-

S.N	Offences	Penalties
(1)	(2)	(3)
1.	Un-authorized access to information, data or personal details of registered user of Pakistan Single Window System or Systems connected or ancillary thereto,	Such person shall be liable to imprisonment which may extend upto six months or with fine which may extend to one hundred thousand rupees or with both, per piece of information.
2.	Un-authorized copy, transmission or cause to transmit any data, information or detail in relations to Pakistan Single Window System or systems connected or ancillary thereto,	Such person shall be liable to imprisonment which may extend upto six months or with fine which may extend to one hundred thousand rupees or with both, per piece of copied or transmitted information.
3.	Un-authorized interference, or attempt to interfere, damage or attempt to damage any part or whole of the Pakistan Single Window System or data or systems connected to or ancillary thereto,	Such person shall be liable to imprisonment of not more than two years or fine of not more than five hundred thousand rupees or both, per interference or damage or attempt thereof.
4.	Use of any information system, device, data, to make any illegal claim or title or cause any person to part	Such person shall be liable to imprisonment which may extend to three years or fine which may extend to one million rupees or both, per

	with property or to enter into any express or implied contract or intent to commit fraud by any input, alteration, deletion or suppression of data, resulting in unauthentic data with the intent that such data be considered or acted upon for legal purpose, as if it were authentic in relations to Pakistan Single Window System or Systems connected or ancillary thereto,	representation or attempt thereof.
5.	Use, make, supply, retain, obtain device, system or software for offences under section 13 of the Act,	Such person shall be liable to imprisonment which may extend to six months or with fine which may extend to one hundred thousand rupees or with both, per piece of copied or transmitted information.
6.	Obtain, sell, process, use or transmit another person's Unique User Identifier or make an attempt thereof without authorisation,	Such person shall be liable to imprisonment which may extend upto three years and fine which may extend upto one million rupees or both, per attempt or act thereof.
7.	Tamper with or attempt to tamper with, alter, re-programme any Pakistan Single Window System or System connected or ancillary thereto for un-authorized use,	Such person shall be liable to imprisonment which may extend upto three years and fine which may extend upto one million rupees or both, per attempt thereof; and any devices or systems used in offence shall be liable to confiscation.
8.	Write, offer, make available, distribute or transmit a malicious code or abet in the same, with intent to cause harm to Pakistan Single Window System or data resulting in or intending to result in corruption, destruction, alteration, suppression, theft or loss to the Pakistan Single Window System or data, or any attempt thereof,	Such person shall be liable to imprisonment for a term which may extend to four years and fine which may extend to five million rupees or both, per attempt or act.

(2) Notwithstanding anything contained in any other law for the time being in force, an offence under the Act or any other law shall not be denied legal recognition or enforcement for the sole reason that such offence is being committed in relation to or through the use of an information system or Pakistan Single Window System or a system incidental or connected thereto.

14. The Customs Act, 1969(Act IV of 1969), the Electronic Transactions Ordinance, 2002, Pakistan Penal Code, 1860 (Act XLV of 1860) and Prevention of Electronic Crimes Act, 2016(Act XL of 2016) to apply.-(1)The provisions of the Customs Act, 1969(IV of 1969), the Electronic Transaction Ordinance, 2002and the Prevention of Electronic Crimes Act, 2016(Act XL of 2016) to the extent not inconsistent with the provisions of the Act, shall *mutatis mutandis* apply to electronic submission of documents, data retention or storage, copyrights, legal recognition and presumption, certification, notarisation, registration, offences etc. inasmuch as they are relevant to the stated intent,

objectives, and operations under the Act and shall be deemed to have been so applied from the date of its commencement.

15. Power to Make Rules. -(1) Notwithstanding anything contained in any other law for the time being in force, the Governing Council may make rules under the Act, and issue statutory rules, and orders, regulations, procedures; and enter into contracts, agreements and commitments for establishing, operating and up-grading the Pakistan Single Window.

(2) Rules issued under section 15(1) shall be laid before the National Assembly within one hundred and twenty days of issuance:

Provided, that the Governing Council may re-issue such rules for another one hundred and twenty days. Upon expiry of such extended period, the rules shall invariably be laid before the National Assembly.

(3) Rules framed under section 15(1) shall be placed in the Second Schedule to the Act.

16. Removal of Difficulties and Inconsistency. - (1) Notwithstanding anything contained in any other law for the time being in force, the Governing Council may by a notification in the Official Gazette suspend any procedures, notifications, rules and regulations or provisions thereof, for removal of any difficulty in the implementation of the Act or Rules framed thereunder and to give effect to the provisions of the Act or Rules made thereunder..

(2) Any notification issued under section 16(1) above shall be laid before the National Assembly of Pakistan not later than thirty days of the issuance of such notification.

(3) Notwithstanding anything contained in any other law for the time being in force, the provisions of the Act shall prevail in case of inconsistency of such law with the Act, inasmuch as such provisions relate to import, export and transit of goods or matters ancillary thereto.

(4) Notifications issued under section 16(1) shall be placed in the Third Schedule to the Act.

17. Provision of Services, Sale of Software and IT Systems etc.-(1) The Operating Entity with prior approval of the Governance Council may provide services locally or to foreign governments, organisations, companies or any other entities etc, for development, deployment, up-gradation, maintenance or replacement of their respective single windows or any other electronic systems or sell software or IT Systems or investments for a consideration:

Provided that delivery of any such services, or development of system(s) or investments shall in no way have any bearing on security of the Systems being operated in Pakistan nor shall it compromise the security of trade data.

18. Indemnity and Limitation of Liability. -No suit, prosecution or other legal proceedings shall lie against the Council, Chairperson, Members, officers associated in any capacity with the Pakistan Single Window or Operating Entity, which is done in good faith or intended to be done in good faith, under the Act, or any rules and regulations framed thereunder.

(2) The Operating Entity, the Lead Agency, the Governing Council or the Federal Government or any person associated with the operation, development or deployment etc, of the Pakistan Single Window, shall not be liable for any loss arising out of a technical malfunction, slowdown, failure, breakdown, outage of Pakistan Single Window system or because of any interference by any outside factors, machines or individuals etc, or act of commission or omission done or omitted to be done in good faith, in the course of implementation of the Act, Rules framed thereunder or operation of the Pakistan Single Window System.

19. Dispute Resolution.-(1) The Governing Council may by a notification in the Official Gazette, prescribe the procedure for resolving any disputes that may arise during the course of implementation of the Act or for any actions taken or intended to be taken under the Act or Rules framed thereunder.

(2)The Governing Council may appoint a Committee from among its Members for the purpose, as the case maybe.

(3) Any decision taken by the Governing Council in this regard shall be final and shall not be subject to any litigation, interference or review.

THE PAKISTAN SINGLE WINDOW ACT, 2019

[THE FIRST SCHEDULE]

{See Section 2 (x)}

Sr. No.	Organisation / Department / Ministry
1.	Alternate Energy Development Board
2.	Animal Quarantine Department
3.	Armed Forces Headquarters
4.	Aviation Division
5.	Chief Inspector of Boilers
6.	Civil Aviation Authority
7.	Commerce Division
8.	Council for Rehabilitation of Disabled Persons
9.	Department of Explosives
10.	Department of Plant Protection
11.	Directorate General of Immigration & Passport
12.	Drug Regulatory Authority of Pakistan
13.	Economic Affairs Division
14.	Environmental Protection Agencies
15.	Engineering Development Board
16.	Export Processing Zones/Special Economic Zones
17.	Federal Seed Certification & Registration Department
18.	Fisheries Development Board
19.	Forestry Wing, Ministry of Climate Change
20.	Intellectual Property Organisation
21.	Licensed Ports/Dry Ports/Terminal Operators etc
22.	Mercantile Marine Department
23.	Ministry of Climate Change
24.	Ministry of Defence
25.	Ministry of Defence Production
26.	Ministry of Foreign Affairs
27.	Ministry of Interior
28.	Ministry of National Health Services, Regulations & Coordination
29.	Ministry of Production, Industries and Special Initiatives
30.	Motor Registration/Excise Authorities

31.	Narcotics Control Division
32.	National Council for Conservation of Wildlife, Ministry of Climate Change
33.	National Ozone Unit, Ministry of Climate Change
34.	National Rifle Association of Pakistan/Gun Club Islamabad
35.	National Tariff Commission
36.	National/Provincial Disaster Management Authority
37.	Oil and Gas Regulatory Authority (OGRA)/ Hydrocarbon Development Institute of Pakistan
38.	Oil Companies Advisory Committee (OCAC)/Ministry of Energy
39.	Pakistan Atomic Energy Agency
40.	Pakistan Cotton Standards Institute
41.	Pakistan Council of Scientific and Industrial Research
42.	Pakistan Electronic Media Regulatory Authority
43.	Pakistan Engineering Council
44.	Pakistan Exploration and Production Companies Advisory Committee
45.	Pakistan Gems & Jewelry Development Corporation
46.	Pakistan Mint
47.	Pakistan Nuclear Regulatory Authority
48.	Pakistan Security Printing Corporation/Security Papers Limited
49.	Pakistan Standards & Quality Control Authority
50.	Pakistan Stone Development Company
51.	Pakistan Telecommunication Authority
52.	Pakistan Television Corporation/Ministry of Information & Broadcasting
53.	Pakistan Tobacco Board
54.	Provincial Archeology Departments
55.	Provincial Revenue Authorities
56.	Provincial Secretary Health
57.	Provincial Wild Life Departments
58.	Public Health Agencies
59.	Relief Cell, Cabinet Division
60.	Sialkot Material Testing Laboratory
61.	State Bank of Pakistan
62.	Strategic Exports Division (SECDIV), Ministry of Foreign Affairs
63.	Surgeon Generals of Armed Forces
64.	Survey of Pakistan
65.	Textile Division
66.	The Board of Investment
67.	The Chief Commissioner of the Afghan Refugees
68.	The Inland Revenue, Federal Board of Revenue

69.	The Live Stock Wing, Ministry of National Food Security and Research
70.	Trade Development Authority of Pakistan
71.	Trading Corporation of Pakistan
72.	Any other OGA as notified by the Governing Council

THE PAKISTAN SINGLE WINDOW ACT, 2019

[THE SECOND SCHEDULE]

{See Section 15 (3)}

S.No	Notification Number	Notification Date

THE PAKISTAN SINGLE WINDOW ACT, 2019

[THE THIRD SCHEDULE]

{See Section 16 (4)}

S.No	Notification Number	Notification Date