

National legal framework for enabling paperless trade

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☐ . Introduction

Why do we need legislation for paperless trade

☐ . Legislations for paperless trade in Korea

1. Overview of legislations for paperless trade in Korea

2. Amend Existing Laws

- Foreign Trade Act

- Customs Act

- Commercial Act

3. Enact New Laws

- Digital Signature Act

- Framework Act on Electronic Commerce

- Electronic Trade Facilitation Act

☐ . Conclusion

□. Introduction - Why do we need legislation for paperless trade?

- ❖ To meet the demands of the legal certainty as paperless trade
 - Without law there are no certainty in paperless trade
- ❖ To make traditional laws coincide with paperless trade
 - Traditional legal systems do not support electronic documents and uphold their validity and enforceability
- ❖ To provide standards and model for paperless trade process to the related parties
 - Under the law, all parties who participate in paperless trade are able to align with one another

□. Legislations for Paperless Trade in Korea

1. Overview of legislations for paperless trade in Korea

Application Field	Related Laws
Electronic Transaction	<ul style="list-style-type: none">✓ Electronic Trade Facilitation Act✓ Framework Act on Electronic Transaction✓ Digital Signature Act✓ Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.✓ Trade Infrastructure Development Act
Contract	<ul style="list-style-type: none">✓ Foreign Trade Act
Transportation	<ul style="list-style-type: none">✓ Commercial Act✓ Framework Act on Logistics Policies
Customs Clearance	<ul style="list-style-type: none">✓ Customs Act
Marine Insurance	<ul style="list-style-type: none">✓ Electronic Trade Facilitation Act
Payment	<ul style="list-style-type: none">✓ Foreign Exchange Transactions Act• Issuance and Distribution of Electronic Bills Act
Dispute Resolution	<ul style="list-style-type: none">• Arbitration Act

□. Legislations for Paperless Trade in Korea

2. Amend Existing Laws – Foreign Trade Act(1)

- ❖ The purpose of this Act is to contribute to the growth of the national economy by promoting foreign trade, establishing a fair trade system, maintaining international balance of payments and expanding commerce.

Article	Text
Article 2 (Definitions)	<p>1. The term "trade" means the exportation and importation of those falling under any of the following items (hereinafter referred to as "goods, etc."):</p> <ul style="list-style-type: none">(a) Goods;(b) Services prescribed by Presidential Decree;<u>(c) Intangible goods in an electronic form prescribed by Presidential Decree;</u>
Article 4 (Measures for Promotion of Trade)	<p>(2) The Minister of Knowledge Economy may give necessary support to a person who falls under any of the following subparagraphs, under conditions prescribed by Presidential Decree, if considered necessary for the promotion of trade under paragraph (1)</p> <p><u>3. A person who has established and run a platform for the scientific processing of the business affairs relating to trade.</u></p>

□. Legislations for Paperless Trade in Korea

2. Amend Existing Laws – Foreign Trade Act(2)

Article	Text
Article 15 (Establishment of Platform for Scientific Processing of Trade Affairs)	<p>(1) The Minister of Knowledge Economy shall make efforts to establish a platform for dealing with trade affairs scientifically, including the system of international trade statistics and <u>the exchange system of electronic documents</u>, in order to facilitate systematic and efficient exportation and importation of goods, etc.</p> <p>(2) The Minister of Knowledge Economy may, if deemed necessary for establishing a platform for scientific handling of trade affairs pursuant to paragraph (1), request the heads of the relevant administrative agencies to furnish him/her with information about exportation and importation of goods, etc., including customs records, under conditions prescribed by Presidential Decree. In such cases, the heads of the relevant administrative agencies shall provide cooperation upon receiving such request.</p>

□. Legislations for Paperless Trade in Korea

2. Amend Existing Laws – Customs Act(1)



❖ The purpose of this Act is to properly administer the imposition and collection of customs duties and the customs clearance of goods exported and imported, and to secure revenues from customs duties, with the aim of contributing to the development of the national economy.

Article	Text
Article 327 (Construction and Operation of Comprehensive Customs Duties Information Network in Korea)	(1) The Commissioner of the Korea Customs Service may construct and operate the Comprehensive Customs Duties Information Network in Korea (hereinafter referred to as the "Comprehensive Customs Duties Information Network in Korea") concerning electronic data-processing equipment and database to promote convenience of the electronic customs clearance and to seek the facilitation of exports and imports and the safety of trade through exchanges of the customs information with foreign customs.

r Paperless Trade in Korea

ing Laws – Customs Act(2)



Text

- (2) The head of a customhouse may have a person declare, apply, report, pay, etc. under this Act and apply for the certification and confirmation of goods requiring permission, approval or fulfillment of other conditions under other Acts and subordinate statutes (hereinafter referred to as "electronic declaration, etc.") by using electronic data-processing equipment of the Comprehensive Customs Duties Information Network in Korea, as determined by the Commissioner of the Korea Customs Service.
- 3) The head of a customhouse may deliver, inform on, notify of, etc. (hereinafter referred to as "electronic delivery") approval, permission, acceptance, etc. of electronic declarations, etc. by using electronic data-processing equipment of the Comprehensive Customs Duties Information Network of Korea, as determined by the Commissioner of the Korea Customs Service.

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