

Ministry of Finance, Planning and Economic Development
Department of Trade and Investment Policy
Trade National Single Window System Project

Terms of Reference (ToR)

Selection of a Legal Officer to Fulfill the Duties of the Post of Senior Legal and Regulatory Affairs Officer of the Project Implementation Unit of the Trade National Single Window System Project

1. Background

Sri Lanka, being a signatory to the Trade Facilitation Agreement of the World Trade Organization (WTO -TFA), has committed to establish a Trade National Single Window System, a single-entry point to enable submission of documents and data required by the traders on their cross-border trade flows (Imports, Exports and Transshipments) to the Border Trade Regulatory Agencies and notify the results of such processes to the traders through the automated system.

Accordingly, the Ministry of Finance, Planning and Economic Development, as the Project owner, and the Department of Trade and Investment Policy, as the Executing Agency initiated implementation of the Trade National Single Window System Project (TNSWSP) through a dedicated Project Implementation Unit (PIU) as approved by the Cabinet of Ministers in June 2022. As such, the PIU, commenced its activities from October 2024 onwards.

The implementation of the TNSWS Project will be done in three (03) stages namely, preliminary stage, implementation stage and operationalization stage within a period of 36 months, interconnecting 18 Border Regulatory Agencies out of 36 or more agencies to a single platform for traders to submit all necessary documents to a single system, with the presence of necessary legal infrastructure to facilitate the activities through the system at the first phase.

In this context, it is expected to enact an overarching Single Window Law, where the service of a talented Legal Officer is required to carry out the duties and functions of the post of Senior Legal and Regulatory Affairs Officer of the Project as an assignment, as approved by the Cabinet of Ministers.

2. Objective of the Assignment

The main objective of the assignment is to ensure appropriate legal and regulatory environment requirement to operationalize the Trade National Single Window System. This may include identification of legal provisions in the existing laws relating to operationalization of Trade National Single Window System and preparation of appropriate legal provisions for effective inter-agency operable and sustainable Trade National Single Window System. Accordingly, this assignment is meant to carry out the duties and functions of the Senior Legal and Regulatory Affairs Officer of the Project.

3. Scope of Work

3.1 Job Duties and Responsibilities Expected

The suitable individual for the assignment shall be a conversant legal professional with extensive experience in legal drafting, legal research and advising on legal and regulatory frameworks specifically related to international trade and border regulations, such as Customs and other border regulatory agency laws, electronic transactions, data privacy and protection, dispute resolution, and intellectual property rights etc. and be able to carry out the duties and functions assigned to the post of Senior Legal and Regulatory Affairs Officer.

Duties and functions of the post of Legal and Regulatory Affairs Officer:

- Study the “Blueprint”, a scoping study report, prepared by World Bank and get familiar with the content therein for establishment of Single Window System;
- Study the international experiences and best practices relevant to the Single Window and take them into customize to the Sri Lankan context;
- Identify, analyze, and recommend amendments to existing Laws and Regulations and/or new legislative and regulatory provisions to support the implementation, operation, and legitimacy of the TNSWS in accordance with Sri Lankan law and international best practices on the coordinated trade related border management;
- Review and analyze specific Acts and Regulations related to data security and electronic transactions and the way of applicable with the TNSWS and provide a report with recommendations;
- Analyze Sri Lanka’s existing legal infrastructure relevant to a single window for trade against international and other recommended best practices for a NSW as per international trade agreements, treaties, covenants, and rulings applicable;
- Prepare specifications/ legal requirements to obtain service of a suitably qualified (legal) service provider to draft a single overarching Law, Regulations/ revise and make amendments to the existing Laws, Regulations of participatory Border Regulatory Agencies;
- Direct (legal) service provider/s to ensure expected objectives/ output are achieved, subject to the directions of the Project Director;
- Lead and management drafting of new Laws / Regulations, revision of existing Laws/ Regulations on the coordinated trade related border management;

- Ensure the TNSWS is aligned with prevailing or new domestic trade Laws and Regulations and international trade agreements;
- Advance the legal basis for data protection and privacy issues associated with the TNSWS to facilitate electronic submission of documents from traders, electronic exchange of information between Government Agencies, and operation of an electronic signature system;
- Guide TNSWS PIU staff on relevant legal and regulatory systems, processes, institutions, stakeholders, channels, and requirements for TNSWS PIU operations;
- Provide legal guidance to ensure the TNSWS is implemented in line with international best practices and with national interest and domestic legal framework with required amendment, if required; and
- Lead and manage integration of border management policies and procedures

3.2 Qualifications and Working Experiences

a) Academic Qualifications:

- A Bachelor's Degree in Laws (LL.B) from any institution recognized by the University Grants Commission; **and**
- Attorney-at-Law of the Supreme Court of Sri Lanka with minimum practice of 10 years.
- Master's Degree in Laws, Public Policy, International Trade Law or related field from any institution recognized by the University Grants Commission is preferred;

b) Work Experience and Skills:

- Minimum 8 years of post-qualification experience in legal or regulatory affairs preferably in government, international trade, ICT law or regulatory institutions.
- Proven experience in:
 - Drafting, reviewing, and interpreting laws and regulations related trade, customs, ICT and e-governance.
 - Advising on legal and institutional framework for trade facilitation, digital transformation, or e-commerce.
 - Participating in public sector reform projects or donor-funded development projects.
 - Cross-institutional coordination with regulatory bodies, trade-related ministries and private sector stakeholders.

c) Technical Knowledge:

Understanding of:

- Customs law, border agency operations, and electronic transaction law.

- Legal frameworks relevant to the Trade Facilitation Agreement (TFA) of the WTO is preferred.
- International best practices in regulatory harmonization and inter-agency legal arrangements for the NSW systems.
- Familiarity with data protection, privacy, cybersecurity and cross border data flow regulations is a plus.

d) Skills and Competencies:

- Excellent legal drafting and legal analysis skills.
- Strong interpersonal and negotiation skills for inter-agency collaboration.
- Ability to develop regulatory gap analysis and proposed legal reforms.
- Proficiency in English and Sinhala (or Tamil) with strong writing and verbal communication.
- High degree of integrity, discretion and commitment to public sector governance principles.

4. Evaluation Criteria

Evaluation Criteria	Maximum percentage
Educational Qualification	10%
Working Experience*	20%
Detailed proposal with work plan	25%
Technical Knowledge*	20%
Skills and Competencies*	15%
Desk Interview	10%
Total	100%

*Documentary evidences are required to prove the above working experiences and technical knowledge, skills and competencies through references from previous/current employers.

- The qualifications and the cost will be weighted at a ratio of 70:30.
- The applicants, who scored less than 70% as per the above Evaluation Criteria shall not be called for the desk interview.

5. Reports and Schedule of Deliveries

The TNSWSP will be fully operationalized within a period of 36 months, from October 2024. Therefore, the duration of this assignment shall be a period commenced from the date of awarding the contract to the completion of the Project in September 2027.

The selected individual for the assignment is required to submit the reports to the Project Director at the completion of each task. With the recommendation of the Project Director, the payments as mentioned in the Annexure A will be approved by the Director General to the Department of Trade and Investment Policy for each activity.

Further, he/she is required to submit monthly progress reports on the work done and support the Project Director to complete the PIU Progress Report on the activities relevant to legal functions monthly basis, quarter basis or when and where requested by the relevant authorities.

6. Payments

Refer Annexure – A

7. Facilities provided by the Client

- Office space with other relevant furniture (For in-house working hours only).
- A laptop with necessary network facilities (The network facilities will be provided for in-house working hours only)
- Transport facility to move between the PIU Office and the Border Regulatory Agencies
- Subsistence allowance for working outstation as specified in government circulars

8. Performance Indicator

The performance will be appraised based on the effective, compliance and timely submission of the deliverables as specified in the Annexure A.

9. Confidentiality and Conflict of Interest

The individual to fulfil the duties of Post of the Senior Legal and Regulatory Affairs Officer undertakes to comply with Government of Sri Lanka (GoSL) policies and rules concerning corrupt and fraudulent practices, conflict of interest and confidentiality. He/ She shall maintain confidentiality on all sensitive information obtained during the assignment and shall not publish wholly or in part of the findings or such information, without prior written consent of the Project Director of the TNSWS Project. Any draft reports and other documents produced by the officer will be discussed and cleared with the PIU before their final issue. A Non-Disclosure agreement (NDA) will be signed between the TNSWS Project and the selected individual to be attached to the contract.