



Government of the Republic of Trinidad and Tobago

## Ministry of Trade and Industry

TI: 2/3/48

2 September 2021

Jacqui Sampson-Meiguel  
Clerk of the House  
Office of the Parliament  
Parliamentary Complex  
Cabildo Building  
St Vincent Street  
Port of Spain

Dear Ms. Sampson-Meiguel,

**First Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Ease of Doing Business in Trinidad and Tobago First Session (2020/2021), Twelfth Parliament**

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As per the subject at caption, please see attached the response by the Ministry of Trade and Industry on the related recommendations outlined in the First Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Ease of Doing Business in Trinidad and Tobago First Session (2020/2021) - Twelfth Parliament.

For further information in this regard, contact can be made with Ms. Nirmala Jonas – Economist I, Ministry of Trade and Industry at 623-2931-4 ext. 2445 or [nirmala.jonas@gov.tt](mailto:nirmala.jonas@gov.tt).

Sincerely,

  
/s/ Permanent Secretary

*Attch.*



**Responses by the Ministry of Trade and Industry to the 1<sup>st</sup> Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Ease of Doing Business in Trinidad and Tobago**

30 August 2021

**Objective 1: To determine the shortcomings in The Ease of Doing Business (EODB) In Trinidad and Tobago**

**RECOMMENDATION #23B**

*Ref. Page 39, Section 23B: Complementary to the creation of an Inter-Ministerial Committee for the prioritization of EODB reforms, the Committee suggests that there must be a renewed thrust toward stakeholder management (to bring into alignment the prioritization of EODB reforms) and engagement (to rectify underlying stakeholder concerns). The MTI must report to the Parliament **efforts to effect stakeholder management and engagement.***

**RESPONSE:**

Regarding the efforts/ measures to be taken to effect stakeholder management and engagement for prioritising EODB reforms, the **Single Electronic Window Unit (SEW)** and the **Project Implementation Unit (PIU)** of the Ministry of Trade and Industry have both undertaken, and will continue to expand its efforts in this area.

The SEW Unit is charged with the continued operations of the SEW platform which facilitates over forty (40) e-services online, thereby moving away from the manual processes, and represents a collaborative effort amongst over twenty (20) Government agencies, along with the Trinidad and Tobago Chamber of Industry and Commerce. The PIU is responsible for the implementation of '**The Strengthening of the SEW for Trade and Business Facilitation**', which is an Inter-American Development Bank (IDB) funded programme being executed by the Ministry of Trade and Industry. This aims to improve Trinidad and Tobago's trade performance and enhance its business competitiveness through the strengthening and transformation of the SEW into a world-class solution, based on international standards. The mandate of the two (2) units support the EODB thrust.

The key initiatives which support the EODB are as follows:

**1. Preparation, publication and discussion of Agency Performance Reports re: Border Clearance**

On a monthly basis, reports are prepared on the **Goods Declaration Module** of the TTBizLink. This module allows the importer/exporter, or authorized agent of

imported goods, excluding non-commercial or carrier/postal packages, who has submitted an electronic customs declaration (e-C82) to the Customs Border Control System (Asycuda World) to obtain regulatory approvals/endorsements from the:

- Plant Quarantine Services, Ministry of Agriculture, Land and Fisheries;
- Food and Drug Inspectorate and Pesticides and Toxic Chemicals Inspectorate, Ministry of Health; and
- Trade Licence Unit and Trinidad and Tobago Bureau of Standards, Ministry of Trade and Industry.

A monthly report analyses and tracks the level of operating efficiency of each agency involved in the processing of the e-C82 on the TTBizLink platform, against established service standards. This allows for identification of deviations from the Service Level Agreement (SLA), investigation of why this would have occurred and discussions and time bound decisions into what can be done to rectify the situation. Further, the Monthly Reports are published on the MTI's website at <https://tradeind.gov.tt/goods-declaration-reports/> in order to allow for transparency and ease of accessing information by foreign and local investors for market related decision making. These reports highlight: (i) the number of declarations submitted to each agency; (ii) the number of decisions made in relation to customs declaration processing; (iii) the number of auto approved declarations; (iv) average processing time; and (v) the overall monetary value of the declarations processed by each agency.

## **2. Hosting of Goods Declaration Consultations, at least quarterly**

This focuses on reporting on the monthly operating performance of the above named agencies. These consultations are held with the above named regulatory agencies along with representatives of the Customs and Excise Division and the Customs Clerks & Customs Brokers Association of Trinidad & Tobago. Such consultations allow for the ventilating of concerns, sharing suggestions, experiences and proposing refinements to further enhance the Border Clearance process.

## **3. Regular Approving Agency Review Meetings to ensure continuous improvement**

Regular meetings, formal and informal, are held with various approving agencies as part of the SEW's ongoing efforts to not only strengthen the collaborative working relationships but to obtain first hand feedback from the agencies on their daily operations. Such meetings not only identify what is working well, and what

may need refining, but also identify areas where work flow adjustments can be made to mitigate potential challenges or further strengthen inter-agency collaboration and interconnectivity in the border clearance process. This contributes to the process of continuous improvement within each agency.

**Table 1** further identifies the efforts/ measures taken to effect stakeholder management and engagement by the Project Implementation Unit under the **Strengthening of the Single Electronic Window for Trade and Business Facilitation Programme**.

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
<p><b>Develop and Implement a Change Management Strategy for the SEW</b></p>	<p><b>Date:</b> October 2020 to January 2021</p> <p><b>Change Management Workshops Training and Executive Coaching</b> were conducted with key border clearance stakeholders to lend support in implementing the Business Process Re-engineering recommendations and institutional changes stemming from various ease of doing business reforms initiated under the SEW Programme (primarily those deemed by the agencies to be priority or high impact).</p>		<ul style="list-style-type: none"> <li>• Customs and Excise Division - Ministry of Finance</li> <li>• Ministry of Trade and Industry</li> <li>• ExporTT</li> <li>• Trinidad and Tobago Bureau of Standards</li> <li>• Work Permit Secretariat - Ministry of National Security</li> <li>• Trinidad and Tobago Coast Guard - Ministry of National Security</li> <li>• Immigration Division - Ministry of National Security</li> <li>• Maritime Services - Ministry of Works and Transport</li> <li>• Environmental Health Unit - Ministry of Health</li> <li>• Port of Point Lisas - Ministry of Works and Transport</li> <li>• Port of Port of Spain - Ministry of Works and Transport</li> <li>• Animal Production &amp; Health Division (APHD) - Ministry of Agriculture, Land and Fisheries</li> </ul>

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
			<ul style="list-style-type: none"> <li>• Plant Quarantine Services (PLQ) - Ministry of Agriculture, Land and Fisheries</li> <li>• Chemistry, Food and Drugs Division (CFDD), Food and Drug Inspectorate - Ministry of Health</li> <li>• Pharmacy/Drug Inspectorate (MHDI) - Ministry of Health</li> <li>• Chemistry, Food and Drugs Division (CFDD), Pesticides and Toxic Chemicals Inspectorate (PTCI) - Ministry of Health</li> <li>• Fisheries Division - Ministry of Agriculture, Land and Fisheries</li> <li>• Ministry of Planning of Development</li> </ul>
<p><b>Advisory Service to Modernize the Electronic Transaction Act of Trinidad and Tobago</b></p>	<p><b>Dates:</b>            August 9, 2021 (Private Sector)            August 10, 2021 (Public Sector)</p> <p>The availability of documents in electronic format which are sometimes not accepted by law for specific transactions can prove to be an impediment to the ease of doing business.</p>	<ul style="list-style-type: none"> <li>• University of the West Indies</li> <li>• American Chamber of Commerce (AMCHAM TT)</li> <li>• Law Association of Trinidad and Tobago (LATT)</li> <li>• University of Trinidad and Tobago</li> <li>• NIHERST</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Finance - Comptroller of Accounts</li> <li>• Customs and Excise Division</li> <li>• Ministry of Social Development &amp; Family Services</li> <li>• Ministry of Tourism, Culture and the Arts</li> <li>• Ministry of Trade and Industry</li> </ul>

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
	<p>The passage of the amendments to the Electronic Transactions Act (ETA) therefore supports the ease of doing business. Prior to finalization of the amendment of the ETA and submission to Cabinet, <b>Public Consultation Workshops on the Draft ETA Amendment Bill</b> were undertaken to obtain feedback from a wide cross section of stakeholders.</p>	<ul style="list-style-type: none"> <li>• Price Waterhouse Coopers (PWC)</li> <li>• Bankers Association of Trinidad and Tobago (BATT)</li> <li>• Arthur Lok Jack Global School of Business</li> <li>• Inter-American Development Bank</li> <li>• Crimson Logic</li> <li>• Caribbean Airlines</li> <li>• ONETT</li> <li>• TT Chamber of Commerce</li> <li>• IOS Partners Inc.</li> <li>• UNIPET</li> <li>• Digital Law</li> <li>• Trinidad and Tobago Coalition of Services Industry (TTCSI)</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister - Communications Division</li> <li>• Office of the Prime Minister - National Archives</li> <li>• Office of the Prime Minister - National Aids and Coordinating Committee</li> <li>• Ministry of Sports and Community Development</li> <li>• Ministry of Health</li> <li>• Min of Rural Development and Local Gov't</li> <li>• Ministry of National Security</li> <li>• Tobago House of Assembly</li> <li>• Ministry of Education</li> <li>• Office of Attorney General and Legal Affairs</li> <li>• Telecommunications Authority of T&amp;T</li> <li>• Service Commission Department</li> <li>• Intellectual Property Office</li> <li>• Trinidad and Tobago Police Service</li> <li>• iGovTT</li> <li>• Antigua Digital</li> </ul>

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
			<ul style="list-style-type: none"> <li>• Belize – Economic Development Council</li> <li>• CARICOM Implementation Agency for Crime and Security (IMPACS)</li> </ul>
<p><b>Advisory Services to Amend the Data Protection Legislation for Trinidad and Tobago</b></p>	<p><b>Dates:</b> August 12, 2021 (Private Sector) August 19, 2021 (Public Sector)</p> <p><b>Public Consultation Workshops on the Draft Data Protection Legislation for Trinidad and Tobago</b> were undertaken to obtain feedback from a wide cross section of stakeholders prior to finalization for submission to Cabinet for review and approval. This legislation is required to support the ease of doing business for Trinidad and Tobago, as it will provide greater confidence for businesses doing cross border trade with Trinidad and Tobago and will allow for their data to be protected consistent with the EU GDPR and other data protection best practices. Furthermore, the legislation addresses data sharing amongst government ministries, thereby avoiding the</p>	<ul style="list-style-type: none"> <li>• Law Association of Trinidad and Tobago</li> <li>• American Chamber of Commerce (AMCHAM TT)</li> <li>• T&amp;T Chamber of Commerce</li> <li>• T&amp;T Chamber of Commerce (Tobago Division)</li> <li>• Trinidad and Tobago Coalition of Services Industry Copyright Organization of Trinidad and Tobago</li> <li>• Media Association of Trinidad and Tobago</li> <li>• Scotia Bank</li> <li>• First Citizens Bank</li> <li>• Republic Bank</li> <li>• Citi Bank</li> <li>• Bankers Association of Trinidad and Tobago</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Trade &amp; Industry</li> <li>• Ministry of Public Administration</li> <li>• Ministry of Digital Transformation</li> <li>• Office of the Attorney General and Ministry of Legal Affairs</li> <li>• Ministry of Finance</li> <li>• Ministry of National Security</li> <li>• OPM- Freedom of Information Unit</li> <li>• Ministry of Health</li> <li>• Tobago Regional Health Authority</li> <li>• Eastern Regional Health Authority</li> <li>• North West Regional Health Authority</li> <li>• North Central Regional Health Authority</li> <li>• South West Regional Health Authority</li> <li>• National Insurance Board of Trinidad and Tobago</li> </ul>



**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
	<p>volume of paperwork and bureaucracy around document and data sharing.</p>	<ul style="list-style-type: none"> <li>• T&amp;T Multi Stakeholder Advisory Group</li> <li>• Trinidad and Tobago Transparency Institute</li> <li>• M. Hamel Smith &amp; Co. Law Firm</li> <li>• Johnson, Camacho &amp; Singh - Attorneys at Law</li> <li>• Digicel</li> <li>• Equigov Institute Ltd</li> <li>• Mukta Balroop (Legal Consultant)</li> <li>• Trinidad and Tobago Computer Society</li> <li>• University of the West Indies</li> <li>• Unit Trust Corporation</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunications Authority of T&amp;T</li> <li>• Telecommunications Services of T&amp;T</li> <li>• Tobago House of Assembly</li> <li>• Trinidad and Tobago Police Service</li> <li>• Government Archivist</li> <li>• Judiciary</li> <li>• T&amp;T Cyber and Social Media Unit (TTPS)</li> <li>• Intellectual Property Office</li> <li>• CARICOM IMPACS</li> <li>• Ministry of Education</li> <li>• Chief Parliamentary Counsel</li> <li>• Legal Aid and Advisory Authority</li> <li>• Ministry of Planning and Development (CSO)</li> </ul>
<p><b>Implement and Maintain a Port Community System (PCS) for Trinidad and Tobago</b></p>	<p><b>Date:</b> projected to commence in September, 2021</p> <p><b>Establishment of a Project Steering Committee</b> is underway and will be comprised of key stakeholders to oversee the implementation of the project and</p>	<ul style="list-style-type: none"> <li>• Inter-American Development Bank</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Works and Transport-Maritime Services Division</li> <li>• Ministry of Finance, Customs and Excise Division</li> <li>• Ministry of Trade and Industry</li> <li>• Port Authority of Trinidad and Tobago</li> </ul>

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
	<p>establishment of a governance framework inclusive of a stakeholder management plan for its sustainability. The PCS is a neutral and open electronic platform that optimizes, manages, and automates port and logistics processes through the single submission of data. It enables the intelligent and secure exchange of information between public and private stakeholders along the port and logistics supply chain.</p>		<ul style="list-style-type: none"> <li>• Port of Point Lisas</li> </ul>
<p><b>Business Process Reengineering for the Single Electronic Window</b></p>	<p><b>Date:</b> projected to commence in September, 2021.</p> <p><b>Establishment of a Working Group</b> to address border clearance outside of normal working hours</p>	<p>To be determined</p>	<ul style="list-style-type: none"> <li>• Ministry of Trade and Industry</li> <li>• Ministry of Finance- Customs and Excise Division</li> <li>• Ministry of Works and Transport</li> <li>• Port Authority of Trinidad and Tobago</li> <li>• Port of Point Lisas</li> <li>• Ministry of Health</li> <li>• Ministry of Agriculture, Land and Fisheries</li> <li>• Trinidad and Tobago Bureau of Standards</li> <li>• Chief Personnel Office (CPO)</li> </ul>

**Table 1: Measures Taken to Effect Stakeholder Management and Engagement**

Consultancy	Measures	Stakeholder Groups - Private	Stakeholder Groups – Public
<b>TTBizLink Application Enhancement</b>	<p><b>Date:</b> January 2021 to present</p> <p><b>Key Stakeholder Consultation</b> for the Implementation of an Online Payment System for TTBizLink</p>	<ul style="list-style-type: none"> <li>• First Citizens Bank</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Finance, Treasury Division</li> <li>• Ministry of National Security, Cyber-Security Division</li> <li>• Central Bank of Trinidad and Tobago</li> </ul>

## RECOMMENDATION #23C

**Ref. Page 39, Section 23C:** *The Committee recommends that an **Inter-Ministerial Committee** comprising the **five substantive Ministries** in addition to the Port Authority of Trinidad and Tobago responsible for the various indicators under the EODB, be created with a view to enforce oversight of implementation agencies and drive service level agreement timeframes. In order to build and sustain momentum for EODB reforms via stakeholder identification and consultation with the private sector to solicit their views on the EODB, mechanisms to facilitate feedback, systems for monitoring and evaluation and grievance management procedures should be incorporated.*

## RESPONSE:

The Ministry of Trade and Industry sees merit and is in full agreement with the recommendation outlined by the JSCFLA for the formation of an Inter-Ministerial Committee to oversee the implementation of the EODB reforms under each implementing agency and drive service level agreement timeframes. However, the MTI notes that no Ministry/Agency was highlighted to drive this process. Notwithstanding this, once an organisation is identified as the leading agency to initiate and drive this process the MTI is fully committed to ensuring that the objective of improving the ease of doing business is achieved.

## RECOMMENDATION #23D

**Ref. Page 39, Section 23D:** *The Response of the Ministries concerned must provide the Parliament with a **status update** on the execution of the following plans and projects:*

- i. Implementation of the **Port Community System**;*
- ii. Implementation of the **Electronic Transactions Act**, Chapter 22:05*

## RESPONSE:

- i. A status update on the execution of the implementation of the Port Community System**

The Port Community System (PCS) is a neutral electronic platform that connects the IT systems used by various stakeholders in the supply chain to enable the intelligent and secure exchange of information. It will facilitate interconnectivity with the national Single Electronic Window (TTBizLink), ASYCUDA system of the Customs and Excise Division (CED) and the NAVIS terminal operating system used by the Port of Port of Spain (PPOS) and the Port of Pt. Lisas (PLIPDECO).

An Expression of Interest was advertised for proposals to develop the PCS in March 2020, however, none of the bids received were considered responsive and as a result a revised Request for Proposals (RFP) was issued in June 2021. Pursuant to the closure of the revised RFP on July 15, 2021, a Tender evaluation process was conducted by an inter-ministry tender evaluation committee comprising the Ministry of Trade and Industry, Customs and Excise Division (Ministry of Finance), the Maritime Services Division and the Port Authority of Trinidad and Tobago (Ministry of Works and Transport) and the Central Tenders Board.

The technical evaluation report was completed in August 2021 and negotiations will take place with the highest ranked firm in October 2021. If successful, an award of contract is expected in November 2021 and execution of contract with a vendor by the end of January 2022.

Additionally, a PCS Project Steering Committee is being established and will comprise of representatives from the Ministry of Trade and Industry, Ministry of Finance and Ministry of Works and Transport.

**ii. A status update on the implementation of the Electronic Transactions Act, Chapter 22:05**

This project is being implemented in close collaboration with the Ministry of Public Administration. A draft version of the Electronic Transactions Act (Amendment) Bill 2021 has been prepared and is currently the subject of stakeholder consultations with private and public sector participants. The Bill contains provisions to amend the ETA, *inter alia*, as follows:

Amendment	Justification
<p><b>Clarification in respect of the use, application and reliability of E-Signatures, Digital Signatures and Digital Time Stamps</b></p>	<p>Ambiguity on these issues has been cited as a key reason for low adoption of electronic signatures in the public sector. The amendment now allows the Act to make a distinction between Electronic Signatures and Digital Signatures, given that while digital signatures are a type of electronic signatures, there are some differences that should be distinguished and underscored. It should be noted that the choice of any type of e-signature would depend on the security requirements, the risks involved and the nature of the business being conducted. Only a minority of transactions require a digital signature; those of high risk and/or high value.</p> <p>Additionally, noting that digital time stamps are not covered under the current law, it was determined prudent and necessary to introduce this concept. This would prove useful</p>

<b>Amendment</b>	<b>Justification</b>
	<p>in matters where evidence needs to be presented or a time of establishment of data needs to be confirmed or corroborated. Should digital time stamps not be covered, this can create difficulties in respect of e-discovery and e-evidence.</p>
<p><b>Removal of current Part V – Electronic Authentication Service Providers</b></p>	<p>This section of the ETA is un-proclaimed and has created uncertainty about the entire Act among legal practitioners and this is another key reason for the low adoption of electronic transactions in the public sector.</p> <p>Several common law jurisdictions, including the USA, Canada, Australia etc. do not have such regulatory mechanisms. There is no immediate requirement for electronic authentication service providers to be set up locally. These services are expensive to set up, and the local demand may not justify the investment. It is not good practice to 'lock' Trinidad and Tobago into having to use local providers unless the Government is sure that the market demand justifies the cost and additional regulation required.</p> <p>The international market for certification providers is dominated by several large firms therefore it may be more economical to allow local resellers of the certificates of these established firms. The amendment to Part V will therefore facilitate alignment of the national legal framework of Trinidad and Tobago with international best practices.</p>
<p><b>Replace Part V to Implement the UNCTRICAL Model Law on Electronic Transferable Records (MLETR)</b></p>	<p>The new Part V introduces key provisions in respect of the MLETR, given that it is important to implement the provisions of this model law as it enables and legitimizes the use of electronic transferable records, domestically and across borders. The provisions of this Model law are relevant to the ETA given that the availability of documents in electronic format can prove very useful in commercial, business and even government transactions, thus enhancing the ease of doing business. Additionally, electronic transferable records and documents are essential to the cultivation of a paperless trade and commercial environment and can further favourably impact trade facilitation.</p> <p>In 2021, all G7 members plus Australia and South Korea committed to consider MLETR adoption. The MLETR has</p>

<b>Amendment</b>	<b>Justification</b>
	<p>already been adopted into law by Singapore, Bahrain and Abu Dhabi. Legislation incorporating the MLETR has been introduced in parliament in Paraguay, Kiribati and Belize. The UK and Germany are working on introducing MLETR legislation while the US already has the required laws in place.</p>
<p><b>Changes to Section 6 to remove several restrictions on electronic transactions</b></p>	<p>Some present restrictions on electronic transactions, listed in Section 6 are outdated e.g. the production of documents relating to immigration, citizenship or passport matters; and the making, execution or the recognition of endorsement of negotiable instruments. The amendments remove most of these restrictions and introduces new provisions which establish that contracts in electronic form for the sale and disposition of real estate must be signed using a digital signature.</p> <p>It should be noted that removal of these restrictions is to ensure that the ETA does not pose a future hindrance when the Ministries responsible for these areas choose to have them done electronically. At that time, the respective laws may need to be amended and additional regulations created however the ETA will not be a legal obstacle.</p>
<p><b>Accession to the Electronic Communications Convention</b></p>	<p>Accession to the United Nations Convention on the Use of Electronic Communications in International Contracts has no cost implications, will clarify the ambit of the legislation and will raise Trinidad and Tobago's profile regionally and internationally. The main advantage of such accession is to clarify at the treaty level the legal regime applicable to e-transactions exchanged across borders. This signal to countries that Trinidad and Tobago recognises these standards will boost confidence in doing digital trade with Trinidad and Tobago.</p>

## RECOMMENDATION #23G

**Ref. Page 40, Section 23 G:** *The MTI must provide the Parliament with a status update on the specific measures to be undertaken to improve the EODB in respect of the **administration of industrial parks.***

### RESPONSE:

Currently, there are two (2) types of economic zones that operate in Trinidad and Tobago: *i) light industrial parks* and *ii) free zones*. Industrial Parks are the responsibility of ***Evolving Tecknologies and Enterprise Development Co. Ltd. (eTeck)***, which is a state agency under the purview of the Ministry of Trade and Industry and encompasses numerous activities such as food processing, bonded warehouse facilities, the manufacture of plastic, steel, electrical, concrete and wood products, steel fabrication, engineering works, construction and maintenance of marine craft, and production of industrial materials and gases, among others. eTeck is thus charged with developing and managing infrastructure through economic zones/industrial parks to expand and diversify Trinidad and Tobago's economic base. As such, the Ministry of Trade and Industry together with the Ministry of the Attorney General and Legal Affairs are in the process of developing the **Special Economic Zones (SEZ)** legislation, which, when implemented, will replace the current Free Zones Act. The draft SEZ Bill is currently before the Legislative Review Committee (LRC) and is expected to be enacted late 2021/early 2022.

The new SEZ regime will comprise a Special Economic Zones (SEZ) Authority, as well as three (3) entities, that is, the SEZ Operator, the SEZ Enterprise and the Single Zone Enterprise, each with a specific eligibility criteria. The SEZ Authority will provide the necessary supervision and regulation of SEZs, and will be a critical part of the overarching governance of the new SEZ regime.

The powers of the Authority include:

- a) to review and assess SEZ Enterprise and Single Zone Enterprise applicants and issue guidelines to Operators, SEZ Enterprise, or Single Zone Enterprise;
- b) to review and assess the performance of all Zones achieving their objectives and report to the Minister;
- c) to grant, amend, vary, suspend or revoke licences; and
- d) to take enforcement action measures, establish and maintain a register, enter into any arrangement necessary to ensure the proper performance of its functions and such other powers necessary for the performance of its functions.

The MTI is aware that not only does the Authority have these roles and responsibilities, but it must also have the capacity and ability to administer the Zones effectively. The



specific measures to maximize efficiency and effectiveness will be dealt with in the Regulations.

In developing the SEZ Policy, Incentive Framework and legislation, the MTI made sure to address the regulatory and administrative challenges as it relates to labour and the movement of goods in and out of the Zones. Therefore, the SEZ incentive framework includes non-fiscal measures such as expedited work permit processing and expedited visa waivers to facilitate labour and immigration requirements to meet the operational needs of the SEZ entities. Additionally, the draft legislation provides for Customs arrangements to facilitate the efficient operation of Zones. For example, the Comptroller of Customs and Excise shall make arrangements for: a) the availability of customs services in Zones to meet the needs of SEZ entities for the facilitation of imports of capital goods and equipment destined to remain in a Zone, and b) the expedited release of goods bound for a Zone and efficient procedures and practices to be applied for goods imported from customs territory into a Zone and exported from a Zone into a customs territory.