

# Recommendation for ensuring legally significant trusted transboundary electronic interaction

Response to the UN/CEFACT Bureau letter Ref.: 2016/ECTD 10 November 2016

UN/CEFACT Bureau statement	TTP Working Group response
<p>It is expected that Recommendations should be actions that any government can implement, if they so wish.</p>	<p>The Recommendation is created with the aim that it can be voluntarily used by any sectoral or regional group of countries, who decided to establish the infrastructure as recommended. So, this recommendation is applicable and implementable by any sectoral/regional group of countries as well as on the highest international level (UN). Each single country can voluntarily decide to join or not to join an existing trusted transboundary infrastructure or to establish - together with other countries - other such trusted infrastructure.</p>
<p>It may be pertinent to mention that International regulation can only be done via treaties and conventions: international standards are voluntary, and agreements between participants are legal contracts but can change at any moment, on the basis of mutual agreement, so they are also not “international regulations”).</p>	<p>This recommendation is applicable and implementable by any sectoral/regional group of countries as well as on the highest international level (UN). Of course, any legally resilient relationship between countries must base on treaties or agreements. Hence, establishing of legally significant trusted transboundary infrastructure has also to be a matter of sectoral/regional/international agreements/treaties. From the very beginning of the project, it was absolutely clear that the topic "Legally Significant Trusted Transboundary Electronic Interaction" INHERENTLY requires a tight interweaving between legal, organisational and technical aspects. It was also clear that a UN/CEFACT Recommendation can cover only organisational aspects. But this must not discourage us to adopt this Recommendation: somebody has to initiate this work and to invite legal and technical parties to pursue it.</p>
<p>Note - we should not be prescriptive from an organizational standpoint as the organizational requirements may vary from one sector to another and group of countries to another (in the case of regional agreements).</p>	<p>The Recommendation shares the existing best practices that already work (European Union, Eurasian Economic Union, Pan Atlantic Alliance, OpenPEPPOL etc.) and is not prescriptive: any sectoral or regional group of countries, who decided to establish the infrastructure as recommended, can give itself any appropriate</p>

	<p>organisational requirements. These requirements are NOT regulated by the Recommendation, but will be part of specific documents to be adopted by the related sectoral or regional coordination council.</p>
<p>We raised these issues with you in our conference call in the margins of the UN/CEFACT Forum in Bangkok. As agreed at that meeting, we are now writing to explain our views on this issue. The UN/CEFACT Bureau, taking into account the extensive and valuable work that has already been done by the project team on this recommendation, proposes the following steps to further advance the project:</p> <p>1) The finalization and approval of a Recommendation outlining those characteristics that should be found in “arrangements for providing legal recognition to electronic signatures of foreign origin and for ensuring inter-operability of electronic signatures.” Since this recommendation will also address legal matters, we envisage that close cooperation with international institutions like UNCITRAL will be necessary.</p> <p>2) A major international 2-day conference in 2017, organized together with UNCITRAL (if possible), to present existing bi-lateral, regional/multi-lateral, sectoral and document-based systems for providing legal significance to electronic documents and ensuring the inter-operability of electronic signatures. This should be done with the objectives of: i) identifying best practices; and ii) defining ways forward for like-minded countries and identifying institutions to take the lead in such initiative(s).</p>	<p>In order to facilitate the establishing of trusted transboundary infrastructures on sectoral/regional/international levels by sharing already existing best, we propose:</p> <p>1) The finalization (clarification of the aspects as mentioned above) and approval of the Recommendation “Ensuring Legally Significant Trusted Transboundary Electronic Interaction.”</p> <p>2) In parallel, organising and performing an international conference as suggested by UN/CEFACT Bureau as Step 2.</p>