

Recommendation for ensuring legally significant trusted transboundary electronic interaction

CONFERENCE CALL
27 June 2014

Attendance

Present: Aleksandr Sazonov (RU) Bassil Eid (FIATA) Carlo Salomone (IT) Eric E. Cohen (US) Igor Furgel (DE) Lauri Railas (FI) Prianceu Pandey (IN) Ramachandran P. (IN) Susanne Wigard (DE) Yuriy Kharakhordin (EAC)	Absents: Alexey Domrachev (RU) Anders Tornqvist Angelo Tosetti (IT) Anna Nordén (SE) Bill Luddy (US) Jari Salo (FI) Jean-Michel Kaliszewski (IATA) João Rodrigues Frade (European Commission) Lance Thompson (US) Moudrick M. Dadashov (SE) Margo Tank (US) Viky Manaila Maria Ceccarelli Richard L. Field (US) Tom Smedinghof (US)
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General summary – overview

- Members welcome.
- A general presentation of UN/CEFACT relevant aspects for experts' reference (structure, organization, participation, code of conduct, IPR policy, Forum meeting, Confluence website, ODP process...).
- Based on the advice of some of the experts, the Recommendation draft v.0.1. was slightly modified and changed the approach for the terms and conditions. Only necessary and minimum terms that are essential for the Recommendation will be in the main part and the remaining will be in the annexure.
- The suitability of structure of Table of Contents was discussed and agreed.
- Discussed on the scope of project and sought suggestion from experts. It was noted that Business Case will be covered in the second project deliverable - Report (see the Project Proposal).
- The aspects relating to the contradiction of Legal meaning with other region need to be considered while preparing the Recommendation.
- Generally, the definitions should be of high level in nature, if necessary more concrete level is to be considered.

Detailed summary of each agenda item

UN/CEFACT Mission:

– “...UN/CEFACT supports activities dedicated to improving the ability of business, trade and administrative organizations, from developed, developing and transition economies, to exchange products and relevant services effectively. Its principal focus is on facilitating national and international transactions, through the simplification and harmonization of processes, procedures and information flows, and so contributing to the growth of global commerce. This is achieved by:

- Analyzing and understanding the key elements of international processes, procedures and transactions and working for the elimination of constraints
- Developing methods to facilitate processes, procedures and transactions, including the relevant use of information technologies;
- Promoting both the use of these methods, and associated best practices, through channels such as government, industry and service associations...”

UN/CEFACT Organization overview

- UN/CEFACT is a branch of UNECE in which the private sector is invited to participate as experts in their fields
- CEFACT is organized into Program Development Areas (PDAs) and Project Teams.
 - Recommendation for ensuring legally significant trusted trans-boundary electronic interaction is a Project Team under the Regulatory PDA.

UN/CEFACT Participation

- All experts working on Project Teams should be on a UN/CEFACT delegation (either a national delegation or a particular organization’s delegation)
 - This process is very easy, free and has no direct obligations besides acknowledging & accepting UN/CEFACT
 - There are 32 experts in Recommendation for ensuring legally significant trusted trans-boundary electronic interaction is a Project Team. 25 of them are registered on Confluence site.

UN/CEFACT Code of Conduct and IPR

All participation in UN/CEFACT Project Teams and standardization work implies acceptance of UN/CEFACT policies, including:

- Code of conduct
 - Impartiality (treat everybody fairly, respect right of privacy of all participants, respect legitimate IPR)
 - Neutrality (avoid promoting individual companies, avoid personal/professional/financial conflicts of interest)

- Available on Recommendation for ensuring legally significant trusted trans-boundary electronic interaction Confluence page.
- UN/CEFACT Intellectual Property Rights
 - Waiver obligations (Specifications developed in UN/CEFACT working groups cannot be patented by any participant in that group)
 - Disclosure (if participant has pre-existing IPR that is being developed in UN/CEFACT working group, it must be brought to the attention of the Chair of the Plenary on or prior to first milestones)

UN/CEFACT other housekeeping notes

- UN/CEFACT Confluence
 - <http://www1.unece.org/cefact/platform/display/CNP/Recommendation+for+ensuring+legally+significant+trusted+transboundary+electronic+interaction>
- UN/CEFACT Project ODP (Open Development Process)
 - Project inception
 - Information gathering
 - Draft Development (current stage)
 - (Internal Review)
 - Public Review (approved first by Bureau then by UNECE plenary)
 - Publication
 - Maintenance
- Recommendation Comment Log
 - All comments during the draft development are public and are nominative.

Recommendation outline points discussed:

topics	comments
2.1. Terms and definitions	
<i>electronic interaction</i> <ul style="list-style-type: none"> – <u>Aleksandr Sazonov</u>: the exchange of any data in electronic form. – <u>Eurasian Economic Community Agreement</u>: a way of information interaction based on use of information and communication technologies. 	<u>Ramachandran</u> : To clarify that the second definition is in sync with ICBT requirements in respect of scope of communication technologies covered.
<i>legal significance (of an action)</i> <ul style="list-style-type: none"> – <u>Igor Furgel</u>: a property of an action (of a process) to originate (to result in) documents (data unit) possessing <i>legal validity</i>. 	Since both definitions are having almost same meaning and the first one being simpler, it was preferred by experts.
<i>legal validity (of a document, or, generally, of data)</i> <ul style="list-style-type: none"> – <u>Igor Furgel</u>: a property of a document (data unit) to be applicable for judicature. The <i>legal validity</i> is conferred to a document by the legislation in force, by the authority of its issuer and by the established order of its issuing. 	<u>Igor Furgel</u> : Legal validity and legal significance are related to each other. While legal validity is a property of a document which is acceptable to a jurisdiction, legal significance states the necessary property of an action / a process that results in the documents possessing legal validity. <u>Ramachandran</u> : A definition of data/data unit in the context ICBT will provide more clarity.
<i>levels of authentication</i> <ul style="list-style-type: none"> – <u>Aleksandr Sazonov</u>: a synonym for <i>levels of qualification of authentication service</i>. – <u>Ramachandran</u>: a guidance concerning control technologies, processes, and management activities, as well as assurance criteria that should be used to mitigate authentication threats in order to achieve the required level of security based on the sensitivity of data or a service. 	<u>Aleksandr Sazonov</u> : This will be moved to annexure, if required it will be revisited

<p>level of qualification (of a service)</p> <ul style="list-style-type: none"> – Igor Furgel: a property of a <i>service</i> to evidently fulfil a pre-defined set of requirements on it. A service may be a <i>trust service</i> or an <i>authentication service</i> or any other kind of services, to which this term may be applicable. There may be different, usually incremental <i>qualification levels</i> of a service like ‘zero’, ‘basic’, ‘medium/advanced’, ‘high/qualified’ etc. The lower is the <i>level of trust</i> between the participants of <i>information interaction</i>, the higher might be demand on the <i>qualification level</i> of services used by them. 	<p>The suggested definition is OK.</p>
<p>levels of trust (between the participants of information interaction)</p> <ul style="list-style-type: none"> – Igor Furgel: a <i>societal</i> function determining the degree of trust between the participants of <i>information interaction</i>. Depending on an established or felt level of trust, the participants of <i>information interaction</i> are prepared to share a certain amount of resources and to jointly use certain infrastructures. For example, with conditionally ‘high’ or ‘medium’ level of mutual trust between the participants, they may be prepared to jointly use centralized international services applied according to the standards agreed upon. In case of conditionally ‘low’ level of trust, the participants may be prepared to use only services built according to the decentralized principle – own services of each participant with a kind of link between them. – Ramachandran: the degree of confidence in the processes leading up to and including the authentication process itself, thus providing assurance that the entity that uses a particular identity is in fact the entity to which that identity was assigned. 	<p>Igor Furgel: At high level, a degree of trust is to be determined between different legal entities. The degree of trust is achieved by technical means. Ramachandran: The different category of trust levels are achieved through technological service. Aleksandr Sazonov: Both the definitions are essentially leading to same fact. The first one being more high level, it was marked.</p>
<p>trust service</p> <ul style="list-style-type: none"> – Aleksandr Sazonov: a complex humanitarian-technical system having a specific purpose. A set of trust services forms a <i>common trust infrastructure</i>. <i>A common trust infrastructure</i> - an infrastructure ensuring the <i>legal significance</i> of transboundary electronic interaction. The common trust infrastructure provides its users with a set of trust services harmonized at legal, organizational, technical and technological levels. – Ramachandran: 1. a service that is reasonably secure from intrusion and misuse; provide a reasonable level of availability, reliability, and correct operation; are reasonably suited to performing their intended functions; and enforce the applicable security policy. 2. trust service is a set of requirements and enforcement mechanisms for parties to authenticate and exchange information 	<p>Aleksandr Sazonov: One of the aspects related to this Recommendation is to define trust service types. Main purpose of the trust services is to ensure trust between counterparts. Trust levels can be different. Suggested to examine the eIDAS definition to check whether it is sufficient for the Recommendation. Prianceu Pandey: The eIDAS definitions are more general in nature, it is suggested to use the same with improvements (12) ‘trust service’ means an electronic service normally provided for remuneration which consists in: - the creation, verification, and validation, of electronic signatures, electronic seals, or electronic time stamps, electronic registered delivery services and certificates related to these services or - the creation, verification and validation of certificates for website authentication or - the preservation of electronic signatures, seals or certificates related to these services; Igor Furgel: The high level definitions should be considered and if not sufficient, then move to more concrete definition.</p>
<p>trusted electronic interaction</p> <ul style="list-style-type: none"> – Igor Furgel: the exchange of any data in electronic form in such a way that a user of these data undoubtedly accepts them according to its Operational Policy. It is a matter of a concrete Operational Policy, which way is considered as a <i>trusted</i> one. Hence, the determination of the trustworthy of some data varies from one concrete case to another. – Ramachandran: an information interaction of using a trust services. 	<p>As the suggested definitions are not contradicting each other, these can be joined.</p>

All corrections will be taken into account in the Recommendation for ensuring legally significant trusted trans-boundary electronic interaction draft version 0.2.