

# Recommendation for ensuring legally significant trusted transboundary electronic interaction

CONFERENCE CALL  
01 October 2014

## Attendance

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

- Members welcome.
- An information note about the upcoming 24th UN/CEFACT Forum was made.
- The Recommendation draft v.0.3. was discussed and agreed in general.

## Detailed summary of each agenda item

### 24th UN/CEFACT Forum

The United Nations Centre for Trade Facilitation and E-business (UN/CEFACT) organises the 24th session of the UN/CEFACT Forum in New Delhi, India from 27 to 31 October 2014. Information is available on line at: <http://www.unece.org/index.php?id=35433>

### Recommendation outline points discussed:

topics	comments
<b>1.1. Scope</b>	
This Recommendation seeks to encourage the use of electronic data transfer in international trade scenarios by recommending Governments the principles of establishing and operating regional and international coordination organizations for ensuring trust in international exchange of data and electronic documents between authorized bodies.	<p><u>Anna Nordén</u>: if we use the term “authorized participants”, we limit the scope of the Recommendation.</p> <p><u>Igor Furgel</u>: one of absolute prerequisites for organization of trusted exchange of e-documents is that parties are known to each other.</p> <p><u>Aleksandr Sazonov</u>: the senders of the documents should be authorized and the recipients may be anonymous. If the latter want to verify the document there is generally no need to be authorized. We can describe that aspect more clearly in the second part of the Recommendation.</p> <p>Preliminary agreed to change "authorized bodies" to "participants".</p> <p><u>Anna Nordén</u>: I admit to agreeing with this proposal during the call, but I don't believe it quite handles Alexander or my concerns, since it still requires “participants” and communication “between” those, which could possibly preclude external anonymous recipients. I still believe the best amendment would be to remove “between authorized bodies” altogether, which would give a scope of generally ensuring trust in international exchange of data and e-documents, without dictating between which parties.</p> <p>To be discussed one more time during the next conference call.</p>
<b>1.2. Benefits</b>	
Harmonized regional and international coordination based on common principles will provide a smooth, transparent and liable environment for electronic activities in trans-boundary trade scenarios. This will make it possible to attach legal significance to an electronic interaction for legal bodies and economic operators regardless of their location and jurisdiction.	No objections
<b>1.3. Use of International Standards</b>	
The use of international standards can play a key role in larger acceptance of chosen solutions and eventually interoperability. Insofar as possible, legal and private actors who intend to use electronic data transfer in international trade scenarios should try to make use of existing international standards. Technical standards which were able to be identified during the development of this Recommendation are referenced in Annex B.	No objections
<b>1.4. Recommendation</b>	
The existing natural peculiarities (historical, cultural, political, economic, technical, etc) of different world regions cause also different level of trust within these regions concerning <i>electronic interaction</i> . To Governments and entities engaged in the international trade and movement of goods, providing services and payment processing and	<p><u>Igor Furgel</u>: the description states in a high level of abstraction not only the purpose, but rather a means of this regulation. The proposal is clear and sufficient in high level. Further we should add it with particular principles.</p>

<p>willing a tighter, more transparent, effective and easier co-operation concerning <i>electronic interactions</i>, the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) recommends establishing and using a dedicated Common Trust Infrastructure (hereinafter CTI).</p> <p>The primary objective of CTI is ensuring <i>legally significant electronic interactions</i> between its users by providing <i>trust services</i> of different qualifications (basic, medium, high) to the participants of <i>electronic interaction</i>.</p> <p>The CTI is a fundamental, easily scalable platform providing a unified access to trust services. Herewith, the existing electronic systems are taken into account, so the requirements to their updating for connecting to the CTI are expected to be minimal.</p> <p>In order to achieve this objective, UN/CEFACT recommends:</p> <ul style="list-style-type: none"> <li>– CTI establishment principles;</li> <li>– CTI coordination approaches;</li> <li>– approaches ensuring technical interoperability of CTI services;</li> <li>– levels of trust provided by CTI;</li> </ul> <p>standardization organizations to co-operate with.</p>	
<p><b>2.1. Terms and Definitions</b></p>	
<p>For the purposes of this document the following terms apply...</p>	<p>Discussed previously. No objections.</p>
<p><b>2.2. Common Trust Infrastructure establishment principles</b></p>	
<ul style="list-style-type: none"> <li>– <b>Scalability.</b> The CTI is established in such a way that it can be easily scaled. It broadens easily at any level of consideration due to the accession of new participants, such as new jurisdictions, new supranational participants, new operators of trust services, and register systems.</li> <li>– <b>Traceability.</b> Any fact of electronic data exchange within the CTI should be fixed and available for conflict resolutions if necessary.</li> <li>– <b>Cost efficiency.</b> While the CTI architecture variants comparison the risk analysis should be taken into account.</li> <li>– <b>Complexity.</b> Coherent elaboration of legal, organizational and technological issues should be done within CTI establishment. A complex description allows correct functioning of the system as a whole and its single elements.</li> </ul>	<p><u>Anna Nordén</u>: the list should be left open in order to be added later.</p> <p>Agreed.</p>
<p><b>2.3. Common Trust Infrastructures coordination approaches</b></p>	
<p>There are three levels of coordination: legal, organizational and technological.</p> <p><b>Legal level</b></p> <p>The CTI can be built on a single- or multi-domain basis. In the context of legal and organizational regulation, the multi-domain basis is the most complicated variant. Fig. 1 gives a general scheme of a legal regulation.</p> <div data-bbox="279 1507 710 1821" data-label="Diagram"> <pre> graph TD     subgraph CTI [Common Trust Infrastructure]         IR[International regulation]         NA[National regulation A]         NB[National regulation B]         TS_A[trust services]         TS_B[trust services]         IR --&gt; NA         IR --&gt; NB         NA --&gt; TS_A         NB --&gt; TS_B     end     CA[Country A]     CB[Country B]     TS_A --- CA     TS_B --- CB   </pre> </div> <p><b>Fig.1. Legal level</b></p> <p>Legal regulation of CTI interaction can be divided in two parts: international and national. The international legal regulation is carried out on the basis of the following types of documents:</p>	<p><u>Igor Furgel</u>: sensible suggestion.</p>

<ul style="list-style-type: none"> <li>– international treaties/agreements;</li> <li>– acts of different international organizations;</li> <li>– international standards and regulations;</li> <li>– agreements between participants of transboundary information interaction on given issues;</li> <li>– model acts.</li> </ul> <p>The national legal regulation is built on a complex of normative documents that are standard in each particular jurisdiction.</p> <p>We recommend a tight cooperation with UNCITRAL in order to harmonize the effort of this Recommendation concerning the necessary coordination on the legal level, see sec. 2.6.</p>	
<p><b>Organizational level</b></p> <p>Mutual legally significant recognition of trust services provided under jurisdiction of various states is reached through creation and operation of the dedicated body (let call it International Coordination Body or ICB) that includes national regulation bodies. The activity of ICB is regulated by the ICB Statute which is to be recognized and signed by all its authorized members – that is the Regulation Bodies of the Electronic Data Interchange represented primarily by the National Regulators of the CTI.</p>	<p><u>Igor Furgel</u>: The term “Coordination Body” sounds like a special dedicated authority, though it can also be a council. By its nature and functions, it is rather a council, which is more flexible.</p> <p>Agreed.</p> <p>To be worked out.</p>
<p><b>Technological level</b></p> <p>There can be a great number of technological options for trust services’ realization. The main requirement to the CTI elements is interoperability. Regulation at this level is carried out with application of different standards and instructions set forth by the ICB documents.</p>	<p>To be worked out.</p>
<p><b>2.4. Trust infrastructures services technical interoperability ensuring approaches</b></p>	
	<p>To be worked out.</p>
<p><b>2.5. Trust infrastructures services levels of trust</b></p>	
	<p>To be worked out.</p>
<p><b>2.6. Communication with organizations in different areas of standardization</b></p>	
	<p>To be worked out.</p>

All corrections will be taken into account in the Recommendation for ensuring legally significant trusted trans-boundary electronic interaction draft version 0.4.