RECOMMENDATION 14 REVISION WORKING GROUP
CONFERENCE CALL 4
16 & 17 JANUARY 2013

Attendance

Present:
Lance THOMPSON, Conex (FR)
Josephine BAIAMONTE, CBP (US)
Richard FIELD, lawyer (US)
Nancy HART, Vilden (US)
Tahir HASNAIN, IATA (CH)
Jean-Michel KALISZEWSKI, IATA (CH)
Young-Kon LEE, NIPA (KR)
Bill LUDDY, Legal Advisor (US)
Anna NORDEN, Trustweaver (SE)
P RAMACHANDRAN, NIC (IN)
Kai RANNENBERG, ISO-DIN (DE)
Jari SALO, Tieke (FI)
Carlo SALOMONE, AITI-EACI (IT)
Alexander SAZONOV, National Certification
  Authority (CIS)
Anders TORNQVIST, Comfact (SE)

Excused absents:
Johan PONTEN, Kommerskollegium (SE)
Moudrick DADASHOV, SSC (LT)
Jae Sung LEE, UNCITRAL (AT)
Jeong Hyun Lee, NIPA (KR)
Chema LOPEZ, Isigma (ES)
Raffaella MIGLIORINI, Min. of Economy Consip (IT)
Sonia PARK, NIPA (KR)
Chantal PRALIAUD, Imprimerie Na'le (FR)
Marco SORGETTI, FIATA (CH)
Johan STOOPEN, Dutch Customs (NL)
Christiaan VAN DER VALK, Trustweaver (SE)

Other absents:
Andre CACCIA, Hub2Hub (IT)
Michael COFFEE, US State Dept (US)
Gérard GALLER, EU Commission (EU)
Peter KUSTOR, Federal Chancellery (AT)
Ken MOYLE, Docusign (US)
Klaus-Dieter NAUJOK, ISO (US)
Pandey PRIANCEU, NIC (IN)
Margo TANK, Buckley Sandler (US)
Dominique VANKEMMEL, Normafret France (FR)

General summary – overview

(points that may require your action in red below)

- It was suggested that "manual-ink signature" be replaced by the word "handwritten signature". Agreed on the condition of indicating that this encompasses personal stamps as well.
  - On the idea of changing "manual-ink signature" to "handwritten signature", it was brought up that there are technologies which allow authentication by signing on a screen ; this might bring confusion… It is suggested that we return to "manual-ink signature" for this reason.
- It was further suggested that instead of indicating handwritten or electronic signature to indicate "handwritten signature or its electronic equivalent."
- The functions of a signature and the concept that each function is inherent in a signature was not received unanimously. It was suggested that the elements that are missing or the alternative definitions be proposed and then these can be verified with UNCITRAL.
- It was quasi-unanimous that the term "authentication" must be defined early in the document. Suggested definition:
  - Authentication can be considered here as the act of giving a legally accepted context or a legal value to a trade document. For example, an order form which is filled out may not have a legal value unless it has been authenticated (signed by the requester).
- The attribution function was redefined relating to the role of the signatory/signing party. The idea of commitment was attached to an evidence function.
- It was not certain that "Authenticity" as defined in 2b will be sufficient for the needs of this recommendation. Further input was requested…

- The role of chapter 3 on "Requirement for Signature on Trade Documents" was not very clear to the participants. The proposed structure was very good and very clear, but not very clear how this would relate to other parts of the recommendation.
- The definition of an electronic signature was considered to be out of place in chapter 2; it was proposed to be moved to chapter 5 ("Use of electronic authentication methods").
- "Document authenticity" was also moved for the same reason.
- Chapter 4 which restates the recommendations was considered to be more pertinent as the last chapter of Part 2.
- On Technology Neutrality, it was asked if this document must remain technology neutral (in the interest of giving some concrete advice for interoperability). The response is that yes, all UN/CEFACT recommendations (unless otherwise decided by the Bureau) have an obligation of being technologically neutral. However, in the interest of trying to promote some sort of interoperability, we are proposing an Annex B on technical implementations based on the typologies suggested in chapter 5 in which we may be able to propose introductions to each section in which we offer some elements to go towards interoperability.
- Levels of assurance / assessment (5b/4b)… was a very large debate. The ISO recommendation 29115 covers entity authentication and uses the term "levels of assurance." It was strongly recommended that we reconsider the term 'Identification function' as an aspect of levels of assurance as this may lead to confusion. The ISO 29115 covers entity authentication whereas Rec14 reference to varying levels is referring to document authentication and how to determine which method of authentication is appropriate after performing a risk analysis linked to the transaction. For this reason, it might be necessary to consider another term. But if such is the case, should we make reference within the document directly to ISO 29115?
  - ➔ For those who do not have ISO 29115 on entity authentication and who would like to consult this document in the framework of Rec14 Revision Working Group, please send a request to me and I will forward this to the ISO secretariat.
- For the purposes of this document, it is suggested that we consider the levels of assurance as a matrix with multiple aspects. Defining these multiple aspects is not clear at this point and input on this subject would be most welcome.
- It is suggested that the list of typologies of electronic methods (5c/4c) be eliminated and that no concrete examples be presented in the recommendation text. This list would be the basis for Annex B which would be validated separately.
- Some additional text was suggested for "transmission of data" (6a/5a) concerning confirmation of sending/receiving messages. But is this information necessary as the data is inherent in the evidentiary function of a signature?
- Concerning the section former 4b/ new 7b (giving further guidance on "Enabling electronic means of replacing a handwritten signature" the recommendation (1979 version) suggested to 'amend' provisions that set out requirements for signature… However this can be a very tedious process. UNCITRAL has proposed a solution for this by using a 'work around' and it is suggested that we make reference directly to that within this provision.

Houskeeping items

Update on the Confluence Website

- Reminder: All relevant documents on Recommendation 14 are on the UNECE Confluence website:
- http://www1.unece.org/cefact/platform/display/CNP/Revision+ofRecommendation+14%2C+Authentication+of+Trade+Documents+by+Means+other+than+Signature
- Recent updates include:
  - Updated Comment Log as of 15 January 2013
  - Annex-A Submission request letter
  - Annex-B Submission request letter
  - In requirements gathering: UNCITRAL ECC (Convention on use of Electronic Communications for International Contracts) as UNCITRAL has made reference to this document in some of its comments