RECOMMENDATION 14 REVISION WORKING GROUP

CONFERENCE CALL 6

4 MARCH 2013, 15:00 CET

Attendance

Present:
Lance THOMPSON, Conex (FR)
Ervin CANO, Chamber of Commerce (GT)
Moudrick DADASHOV, SSC (LT)
Richard FIELD, Lawyer (US)
Gérard GALLER, EU Commission (EC)
Jasmine JANG, NIPA (KR)
Bill LUDDY, Legal Advisor (US)
Pandey PRIANCEU, Office Controller Certifying Authorities (IN)
Lauri RAILAS, Krogerus (FI)
Jari SALO, Tieke (FI)
Anders TORNQVIST, Comfact (SE)

Excused absents:
Johan PONTEN, Kommerskollegium (SE)
Josephine BAIAMONTE, CBP (US)
Luca CASTELLANI, UNCITRAL (UN)
Nancy HART, Vilden (US)
Jean-Michel KALISZEWSKI, IATA (CH)
Tanno KANGUR, UNECE (UN)
Peter KUSTOR, Federal Chancellery (AT)
Jae Sung LEE, UNCITRAL (UN)
Chema LOPEZ GONZALEZ, Isigma (ES)
Anna NORDEN, Trustweaver (SE)
Alexander SAZONOV, National Certification Authority (CIS)
Johan STOOPEN, Dutch Customs (NL)
Tahir SYED, IATA (CH)

Other absents:
Andrea CACCIA, Hub2Hub (IT)
Michael COFFEE, US State Dept (US)
Raffaella MIGLIORINI, Ministry Economy (IT)
Chantal PRALIAUD, Imprimerie N'ale (FR)
P. RAMACHANDRAN, NIC (IN)
Marco SORGETTI, FIATA (CH)

(points that may require your action in red below)

General summary – overview

1. Geneva Forum Participation: UN/CEFACT Geneva Forum: April 15 to 19, 2013

- Reminder: Registration to the Geneva Forum is open and free for all UN/CEFACT Experts.
- Rec14 meetings will be on the Tuesday, April 16th.
- http://www.unece.org/index.php?id=30903
- Responded, planning to attend:
  - Lance THOMPSON, Conex (FR)
  - Johan PONTENS, Kommerskollegium (SE)
  - Matts WIKTOR, WCO (WCO)
  - Gérard GALLER, EU Commission (EC)
  - Jasmine JANG, NIPA (KR)
  - Peter KUSTOR, Austrian Chancellery (AT)
  - Jae Sung LEE, UNCITRAL (UN)
  - Prianceau PANDEY, NIC (IN)
  - SP SAHU, WCO (WCO)
  - Jari SALO, Tieke (FI)
  - Alexander SAZONOV, NCA (RU)
  - Marco SORGETTI, FIATA (CH)
  - Syed TAHIR, IATA (CH)
  - Alexander ZAGRYADSIY, UN/CEFACT RU HoD (RU)

- Responded, excused:
    - Josephine BAIAMONTE, CBP (US)

Other meetings of interest (that I have been made aware of) during the Geneva Forum:

- Monday, April 15th: working group on proposed recommendation "Establishing an infrastructure for trusted trans-boundary electronic data transfer in domestic and cross border trade" (Supply Chain PDA under Alexander Sazanov and Tim McGrath)
- Thursday, April 18th afternoon: ITPD (International Trade Procedures Domain) general meeting
- Date to be determined: Recommendation 36 Working Group "Single Window Interoperability"
- Date to be determined: "Public-Private Partnership" (joint session with UNECE)

2. Validation of current draft v0.5 (texts in red) / v0.6 (texts in green) (addressing all outstanding points in color)

- It was suggested that the title be simplified to: "Rec14 Authentication of Trade Documents"
- Introduction text approved. It was suggested that reference to the paper environment be further developed. There was a discussion about the scope of Recommendation and a few experts felt that Rec14 covers also paper documents (which are a form of authentication!).
    - The Scope of Rec14 clearly indicates "electronic data transfer" and "authentication methods or guarantees which can be electronically transmitted." This clearly rules out paper which cannot be electronically transmitted.
    - Some further precisions were suggested (in red) to the Introduction.
    - A text referring to other recommendations/standards or others were considered to be out of the scope of the introduction and retained for Part 1 Point 2.
- Reference to Annex B in Part 1 Point 2 approved (pending development of that annex).
- Part 1 Point 2, referring to UNCITRAL work as a foundation rather than a benchmark was considered better.
- Part 1 Point 3, the three recommendations were split into two different groups. The opening sentence (in version 0.6) speaks of the importance of authentication methods in electronic exchange and this is contrary to the first point which is to eliminate the requirements for a signature whenever feasibly possible… The solution was to break it into two different blocks.
- The title of Part Two was questioned (as it did not address the elimination of the requirements for a signature in the version 0.6). A simpler title was proposed and approved.
- The conference call then spent a good third of the time re-discussing definitions of authenticity and authentication…
    - It was generally accepted that the technical definition does add some added value to the text for better comprehension, but it should be put in a footnote as supporting material as the definition used in Rec14 is the one agreed upon in February.
    - There was a debate as to the use of the word Genuine in the agreed definition.
    - Authentication was considered by many as creating document authenticity
        - This is not necessarily how UNCITRAL documents seem to use this word.
        - I had suggested that it was simply a synonym to the word signature which met with opposition since not all authentic documents are signed…
    - UNCITRAL guidance will be requested in this domain. Experts are requested to send any prerogative on this subject very quickly (keeping in mind the principle of technology neutrality and the "levels of reliability" principle…)
- Part 2 Point 3a, the section on "documents authenticated by a 3rd party" was questioned as the documents are actually authenticated by a party then used by another… This section will either need to be reworded or eliminated – or other examples which truly portray this authentication by a 3rd party provided…
- Part 2 Point 3b, text was approved, but suggested to add "private law" to the different layers which must be considered…

- Part 2 Point 3c was approved (pending finalization of the Annex B.1)
- Part 2 Point 4, the introductory modifications were approved.
- Part 2 Point 4a, the idea of Technology Neutrality was questioned by a few who suggested that governments could provide further guidance on technologies to be used and that interoperability often relies on specific technological choices. The text was slightly modified to indicate that legislation at the general level should remain technology neutral.
- Part 2 Point 4b, the idea of levels was questioned. There were comments that legally certain economies need high levels of security… The reference to "certified mail" in version 0.6 was questioned.
    - The phrasing was reworded of the first phrase.
    - It was underlined that the Rec14 will remain compliant with UNCITRAL work which states that "The chosen method of authentication should be as reliable as was appropriate for the purpose for which the data message was generated or communicated, in the light of all the circumstances, including any relevant agreement."
    - Any objections to this principle should be sent in writing to be addressed.
- Part 2 Point 4b, the term (levels of reliability) was not approved, but the principle of having a term was agreed since it is referenced so often afterwards.
- The conference call had to be ended at that time since the two hours had already gone over.

3. Annex A & Annex B submission request letters have been approved by the UN/CEFACT Bureau.

- Letters have been sent and are available on the website.
- We now need to receive submissions for these annexes.
    - Annex A: legally enabling environment
    - Annex B: actual implementations & standards

Framework Document on Signed Digital Data

- https://sites.google.com/a/documentengineeringservices.com/methodology-and-technology-pda/framework-for-signed-digital-document-interoperability/documents/SIGNED%20DIGITAL%20DATA%20INTEROPERABILITY%20-%2008Feb2013.docx
- This work in progress will be discussed during the UN/CEFACT Plenary in June 2013.
    - I believe that all comments can be addressed up until that date. If you have any comments, I can centralize these and transfer them to the appropriate parties in the Bureau.

Houskeeping items

Registration as UN/CEFACT expert:

- Reminder: Each Rec14 expert should be registered on the UN/CEFACT website.
- https://webapps.unog.ch/cefact_part_reg

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