

RECOMMENDATION 14 REVISION WORKING GROUP

CONFERENCE CALLS 9

JUNE 2013

Attendance Annex A 26 June @ 15:00-17:00 CET

Present:

Lance THOMPSON, Conex (FR)
Paloma BERNAL TURNES, Georgetown Univ. (US)
Gordon CRAGGE, UKTF (UK)
Bill LUDDY, Legal Advisor (US)
Pandey PRIANCEU, NIC (IN)
Carlo SALMONE, AITI (IT)
Jari SALO, Tieke (FI)
Anders TORNQVIST, Comfact (SE)

Excused absents:

Josephine BAIAMONTE, CBP (US)

Attendance Annex B 28 June @ 11:00-13:00 CET

Present:

Lance THOMPSON, Conex (FR)
Paloma BERNAL TURNES, Georgetown Univ. (US)
Carlo SALOMONE, AITI (IT)
Jari SALO, Tieke (FI)
Anders TORNQVIST, Comfact (SE)

Excused absents:

Josephine BAIAMONTE, CBP (US)

(points that may require your action in red below)

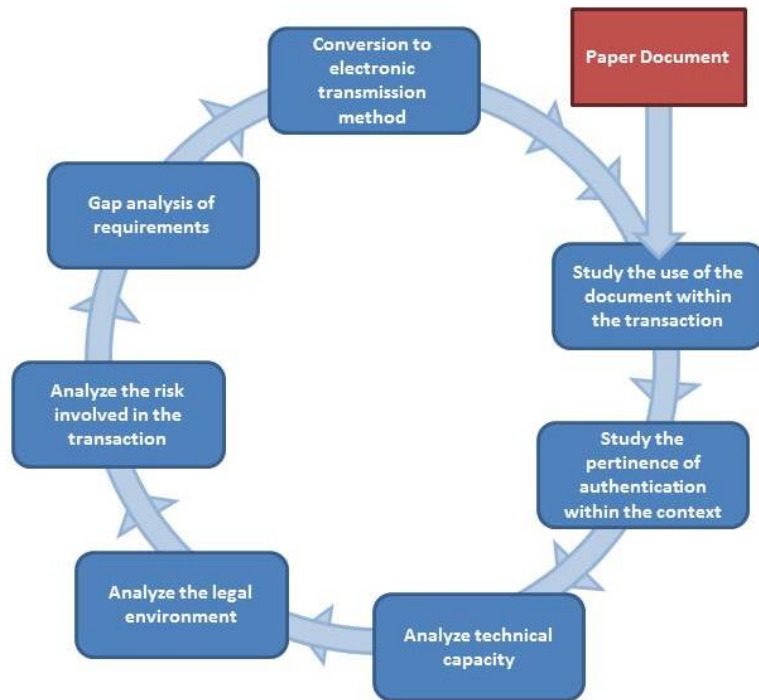
General summary – overview

- The draft text of Recommendation 14, annexes included (repositories excluded) are now more-or-less finalized. An updated draft version 0.13 will be made available on the Confluence website next week. Our next conference call in July will be dedicated to finalizing this document and confirming the consensus around this document. **There should be little to no additions or modifications to the document at this point. If this is not the case, please signal these as quickly as possible.**
- If we are able to confirm the consensus on this document for mid-July, we can send it to the UN/CEFACT Bureau (ahead of schedule) in order to enter into the Public Review period.
- There will be a need to plan a few conference calls during the public review period in order to address any comments which come in.

Conference Call on Annex A:

- On the previous conference call, we discussed replacing the term “TRADE DOCUMENTS” with the term “COMMERCIAL DOCUMENTS”. It was decided that this was against the interests of the recommendation as commercial documents would be more restrictive and may not encompass certain key trade documents in international transactions (government certificates, registers, etc.).
- We reviewed the text relevant to trade documents in part 3.b of the Guidelines. LR(FI) had sent in some suggestions for modifications and GC(UK) suggested to simplify that text slightly.

- Concerning the text about the “few formal requirements” in international trade law on commercial documents, it was suggested to consult with UNCITRAL for the pertinence of this phrase.
- Concerning transport documents, the Working Group 4 of UNCITRAL is working on negotiable documents which could be a good reference in the text. BL(US) will send in a link to the reference of the 1st draft model provision.
- Concerning financial documents, it was suggested to avoid citing SWIFT directly in the recommendation text as they do more than just financial transactions now.
- The Annex A Repository template for submissions was reviewed and there were generally no comments (dated June 26, 2013).
 - It was suggested to add “Regulatory institutions involved or established in the process” to the Legal Context (point II).
 - The template shall be promoted as the model to be used for all submissions.
 - We shall request that all submissions received to date be re-formatted to enter into this template.
- The Annex A repository may be able to be handled by the Secretariat of UNECE. If such is the case, then this would be removed from the project before the Public Review.
- Quite a lot of exchanges were held by the Task Force for the Virtuous Circle diagram. Their work was generally commended and a lot of good ideas came out.
- During the conference call, the experts discussed the Virtuous Circle.
 - It was suggested that a circle is the most appropriate as this should be a never ending process. Flow-charts and Branch-diagrams have a finality and therefore logically “end”.
 - We should avoid phrasing which allows an “opt-out” of the process. (Concerned parties would easily take the opt-out instead of pursuing the process).
 - We should avoid centering on public point of view, as we should also avoid centering on private-sector point of view. Risk, for example, is not borne by solely one side; both the public sector and private sector have their share of risk to analyze in transactions.
 - It was suggested to add a point on technical capacity – an actor may want to move towards electronic transmission of data, but the receiving partner may not know how to handle this.
 - LT(FR) suggested the following updated version based on processes instead of questions (in order to avoid negative responses or opt-outs).



Conference Call on Annex B:

- The checklist of considerations (B1) was quickly reviewed and a few modifications were suggested.
 - The two volumes mentioned were a bit vague and rephrased to “Volume (number of individual) transactions”
 - Instead of indicating Volume (value...), it was suggested “Value of the transaction”
 - The first volume incited a suggestion on “Number of signatories per individual transaction”
- The table of “Overview of Minimum Requirements” was unanimously erased. It would be very difficult to provide meaningful information in such a table as it will often depend on the context of how the typology is being used / implemented. Also any kind of effort in such an exercise will meet with (probably heated) debate...
- The experts present developed text for the typologies of methods to replace a manual-ink signature. **Input from the general expert pool would be appreciated.**
- The situation with the repository for Annex B was discussed. The experts accepted the chair suggestion to create this repository task as a separated project from the rest of the recommendation text in order to allow the rest of the text to enter into the next steps of the ODP process on time.
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