



# Economic and Social Council

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## Economic Commission for Europe

Executive Committee

Centre for Trade Facilitation and Electronic Business

**Informal virtual consultation with members of the UN/CEFACT Plenary**

Geneva (online), 4-5 May 2020

Item 6 of the agenda

**Agreement on request to use silence procedure decision for business-critical work**

### **Business-critical decisions on UN/CEFACT activities to be taken under special procedures during the COVID-19 period**

#### **Note from Chair**

##### *Summary*

Due to the COVID-19 pandemic, the twenty-sixth session of the UN/CEFACT Plenary was postponed. To ensure business continuity, a number of critical decisions need to be taken. In the context of the special procedures during the COVID-19 period, the UNECE Executive Committee to which UN/CEFACT reports encouraged the subsidiary bodies of UNECE to explore innovative formats to conduct business remotely, which may on an exceptional basis and for business-critical issues include decision-making through silence procedure outside the regular sessions of the respective bodies.

This note has been prepared to accompany the request to the UNECE Executive Committee to use the silence procedure, as outlined in document ECE/TRADE/C/CEFACT/2020/INF.13.

Document ECE/TRADE/C/CEFACT/2020/INF.12 has been prepared by the Chair; it was translated to French and Russian by the secretariat. It is proposed to participants of the informal virtual consultation for agreement.

## **Business-critical decisions to be taken under the special procedures during the COVID-19 period**

### **I. Explanation of business-critical decisions to be taken**

#### **Item 1. Appointment of UN/CEFACT Vice Chairs**

1. The UN/CEFACT Bureau carries out a number of essential functions. It ensures the management of the working groups, the preparation and implementation of the programme of work, the coordination of work, the preparation of meetings, the verification of compliance with procedures, and is accountable for the operational functioning of UN/CEFACT activities, etc. (see Consolidated UN/CEFACT Mandate and Terms of Reference [ToR], ECE/TRADE/C/CEFACT/2017/15, paragraphs 14, 20, 22 and 35-51). The Bureau must count at least four Vice Chairs (paragraph 35, ToR op.cit.). The mandate of Vice Chairs is three years (paragraph 52, ToR op.cit.). The Bureau meets on average once every three weeks and usually takes between three and seven decisions at each meeting.

2. The elections for Vice Chair were announced in January 2020 for an election date of 4 May 2020 (see ECE/TRADE/C/CEFACT/2020/INF.10). Eight candidatures were received, three of them from serving Vice Chairs. The three exiting Vice Chairs are stepping down (e.g. because of retirement, change of job).

3. As outlined above, the day-to-day activities of UN/CEFACT require a functioning Bureau and the three Vice Chairs who are requesting to renew their mandate are not sufficient to satisfy the four Vice Chair minimum requirement (paragraph 35, ToR op.cit.). The Bureau must also prepare in the coming period the Programme of Work for 2021-2022 which will define all activities during the mandate of the entering Vice Chairs. The development, consultation and drafting of this document usually takes between six and eight months and must be submitted for the 2021 Plenary three months prior to the meeting – in order to be ready, the development of the document must begin in June 2020. It is important that the newly elected Vice Chairs participate fully in the decision making related to this document as it will determine the work during their mandate.

4. For these reasons, the election of UN/CEFACT Vice Chairs is considered to be business critical and the absence of this election will negatively impact, if not endanger, the continued functioning of UN/CEFACT.

- Eight Bureau Vice Chairs candidates were received:
  - Australia nominates Ian Watt,
  - Canada nominates Marek Laskowski,
  - France nominates Hanane Becha,
  - India nominates Tahseen Khan,
  - Italy nominates Liliana Fratini-Passi,
  - Nigeria nominates Estelle Igwe,
  - The Netherlands nominates Benno Slot,
  - The Russian Federation nominates Aleksei Bondarenko.

## Item 2. Recommendations for approval

5. UN/CEFACT Recommendations provide guidance to governments and the business community on trade facilitation and electronic business issues (Open Development Process [ODP], ECE/TRADE/C/CEFACT/2016/17, paragraph 16a). Recommendations require the approval of the Plenary in order to be published officially (paragraphs 16a, 63, 64, ODP op.cit.), which in turn makes them available for use and implementation by governments and the business community.

6. The various steps of the ODP have been completed successfully (e.g. draft development, public review) and each Recommendation has been approved by the Bureau to be presented to the Plenary for final approval and subsequent publication. Most Recommendations are published in print (some as digital only) following their approval in order to help their adoption and reference; these printing slots must be decided about eighteen months in advance.<sup>1</sup>

7. To bring the significant work to fruition to which member States, partner organizations and experts have contributed, and to allow for the widest possible use and implementation of the recommendations, the timely approval of UN/CEFACT Recommendations is strongly recommended. The absence of the approval of these Recommendations would significantly reduce the impact of key UN/CEFACT deliverables.

- The revision of UNECE Recommendation N° 33: Recommendation and Guidelines on Establishing a Single Window (ECE/TRADE/C/CEFACT/2020/7);
- The revision of UNECE Recommendation N° 16: United Nations Code for Trade and Transport Location (UN/LOCODE) (ECE/TRADE/C/CEFACT/2020/8);
- The revision of UNECE Recommendation N° 5: Abbreviations of INCOTERMS (ECE/TRADE/C/CEFACT/2020/10).

## Item 3. Programmes of Work

8. Teams of specialists (and advisory groups) within the UNECE must adopt their work plan for the period of their mandate at their first meeting and outline the required resources (see Guidelines for the establishment and functioning of teams of specialists within UNECE, ECE/EX/2/Rev.1, paragraphs 3b, 3c). In the case of UN/CEFACT, these Programmes of Work are normally presented to the Plenary session for approval.

9. For these subsidiaries to carry out their work, the timely approval of their respective Programmes of Work is considered critical.

- The Programme of Work of the Advisory Group on Advanced Technologies in Trade and Logistics (ECE/TRADE/C/CEFACT/2020/18)
- The Programme of Work of the UN/LOCODE Advisory Group (ECE/TRADE/C/CEFACT/2020/20)

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<sup>1</sup> The slots for the Recommendations have therefore been scheduled and planned since end of 2018 and integrated into the active Programme of Work of UN/CEFACT in order to justify the mandate. The documents must be reformatted as publications and request the appropriate copyrights which in itself often requires a good deal of administrative work. If these slots are not used, we lose the slot – the request will need to be reformulated (eighteen months in advance) and the topics will need to remain in the Programme of Work in order to justify the mandate even though the actual development work has been completed. The print versions would be available with a significant delay vis-à-vis the finalization of the project. Furthermore, the unused slot is reported negatively in Integrated Management and Document Information System (IMDIS).

- The Programme of Work of the Team of Specialists on Sustainable Fisheries 2020-2021 (ECE/TRADE/C/CEFACT/2020/22).
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