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Item 9 of the provisional agenda

STRATEGIC DIRECTIONS AND NEXT STEPS

**Revision of Mandate, Terms of Reference and Procedures for UN/CEFACT
(TRADE/R.650/Rev.4)**

Note by the Bureau

Summary

This document reviews the history relating to the adoption and revision of TRADE/R.650/Rev.4 and proposals made to revise the current version in such areas as: structures and procedures; the Open Development Process (ODP); intellectual property rights; standards; and the Code of Conduct.

The note then suggests how to go forward now with the revision, including provision for translation.

INTRODUCTION

1. The original text of TRADE/R.650 was approved at the final meeting in September 1996 of the UNECE Working Party on Facilitation of International Trade Procedures (WP.4), the predecessor to the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT). TRADE/R.650 was then endorsed by the Committee on the Development of Trade in December 1996. Organizational changes and experience from operating the Centre induced successive revisions to the original document. The current version, TRADE/R.650/Rev. 4, was submitted to the Eleventh session of the UN/CEFACT Plenary (22-23 June 2005). The Plenary made detailed technical and editorial comments to complete the final text and agreed that a fixed target date in 2009 should be set for the following review of R.650 to define further needs for change and refinement. ¹R.650/Rev. 4 was approved via the intersessional approval process in October 2005. Subsequently, UN/CEFACT made five additions to Rev. 4, including the adoption of a Code of Conduct in May 2006² and a revision of the Open Development Process (ODP) in May 2007³ and also adopted its Intellectual Property Rights Policy (IPR policy)⁴.

I. BACKGROUND REGARDING REVISION

2. The revision of Rev. 4 has continued to be under discussion by the Bureau. The Task Team on Intellectual Property Rights and Related Issues, while concluding that the UN/CEFACT IPR policy was adequate and effective, recommended some changes with respect to the Code of Conduct, the IPR policy and the ODP. ⁵A series of discussions during the 14th UN/CEFACT Forum in Rome and in subsequent telephone conferences regarding possible changes to R.650/Rev.4 including: various aspects of the ODP; the relationships among the PGs and the Workflow among TBG, ATG and ICG; TBG Representation in FMG by persons and by votes; the IPR policy; and the definition of a UN/CEFACT standard. There was therefore a consensus at the FMG that R/650 should be updated.⁶ The Forum Procedures Team (FPT) has now submitted a report to the FMG which will be provided to the current UN/CEFACT plenary session on the need for a revision of the interrelationship and working mode between the ATG, the ICG and the TBG working groups as defined, *inter alia*, in the ODP and R.650⁷.

¹ See Report of the 11th Session, TRADE/CEFACT/2005/37, para. 13.

² http://www.unece.org/cefact/cf_plenary/plenary06/trd_r650_rev4_a2e.pdf.

³ http://www.unece.org/cefact/cf_plenary/plenary07/trd_R650_Rev4_A1E.pdf. The other changes relate to the rules of procedure of the Bureau and the Forum Management Group, the mandates and terms of reference of the Rapporteurs and the intersessional approval process.

⁴ ECE/TRADE/CEFACT/2006/11 at http://www.unece.org/cefact/cf_plenary/plenary06/trd_cf_06_11e.pdf.

⁵ Report of the UN/CEFACT Task Team on Intellectual Property Rights and Related Issues, ECE/TRADE/C/CEFACT/2008/10.

⁶ See the presentations made to the Closing Plenary at the Rome Forum at <http://www.uncefactrome.ice.gov.it/pdf/ClosingPlenary.pdf>.

⁷ ECE/TRADE/C/CEFACT/2009/NN (FPT).

3. The UNECE Secretariat has suggested changes relating to the criteria and procedure for admission of representatives from governmental and non-governmental organizations (NGOs) to UN/CEFACT meetings, including the plenary. Moreover, at the twenty-ninth meeting of EXCOM on 27 February 2009, member Delegations determined that UN/CEFACT should enhance and advance its work in the areas of information access, governance and transparency, participation of transition economies and capacity building⁸.

II. PROPOSED REVISION OF R.650

4. In the light of the above, the Annotated Provisional Agenda for the fifteenth Session (ECE/TRADE/C/CEFACT/2009/1), under agenda item 9, provides that the Bureau will address the issue of strategic directions and next steps for UN/CEFACT and this will include a review of R.650. It is indicated that delegations will have an opportunity to review topics raised and to engage in an exchange of views.

5. Revision of R.650 is clearly a major endeavour which would need comprehensive input from all delegations. To this end, the Bureau will commence the drafting of R.650.Rev5 during the 15th UN/CEFACT Forum in Japan, 28 September to 2 October 2009. A draft will be circulated to delegations for their comments as soon as possible thereafter. Additional inputs to the document can be envisaged following discussions during the November UN/CEFACT Plenary session. At the request of the 15th session of UN/CEFACT, the final draft will be submitted to post-session translation. As soon as the English, French and Russian versions are made available, they will be circulated to Heads of Delegation in an intersessional process. At the end of the intersessional process, the comments received will be incorporated in the final Rev.5 that will be processed in all three languages by the secretariat. The final version will be proposed for intersessional approval and will be issued in English, French and Russian.

6. To assist consideration by the Plenary of such matters, a list of generic subjects for revision which have been suggested from various quarters is provided in the Annex to this note, categorized into different areas (although a given subject may fall into more than one category).

⁸ ECE/EX/4

Annex I

SUBJECTS SUGGESTED FOR REVISION

I. STRUCTURES AND PROCEDURES

- (a) Admission of NGOs and Governmental participants;
- (b) FMG membership rules, including TBG Representation in FMG;
- (c) Reporting requirements;
- (d) Work based upon economic requirements;
- (e) EXCOM requirements.

II. ODP

- (a) Issues of IPR disclosure and waiver;
- (b) Application to business standards;
- (c) Objectives, scope, management, validation, inter-relationships and evaluation of projects and deliverables;
- (d) RSM status;
- (e) Relationships and working methods among PGs and Workflow among TBG, ATG and ICG working groups;
- (f) FMG membership rules.

III. IPRs

- (a) Stage at which IPR policy applicable;
- (b) Amend the Open Development Process (ODP) to include the specific milestones applicable to IPR disclosure and waiver under the IPR Policy;
- (c) Standing IPR Task team;
- (d) Dissemination of information about IPR policy and dispute resolution mechanisms.

IV. STANDARDS

- (a) Definition;
- (b) Venue of publication;
- (c) Implementation verification.

V. CODE OF CONDUCT

- (a) Scope and application of duties and persons covered;
- (b) Redress mechanisms;
- (c) Dissemination of information on Code.
