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UN/CEFACT structure, mandate, terms of reference and procedures

Draft revised mandate, terms of reference and procedures for UN/CEFACT

Submitted by the UN/CEFACT Bureau

Document for approval

Summary

This draft revised mandate, terms of reference and rules of procedure for UN/CEFACT is submitted for review and approval by the UN/CEFACT Plenary. It constitutes a draft revision of the document Mandate, Terms of Reference and Procedures for UN/CEFACT, TRADE/R.650/Rev.4.

Previous Documentation:

- TRADE/R.650/Rev.4 (Mandate, Terms of Reference and Procedures for UN/CEFACT)
- TRADE/R.650/Rev.3 (Mandate, Terms of Reference and Procedures for UN/CEFACT)
- TRADE/R.650/Rev.2 (Mandate, Terms of Reference and Procedures for UN/CEFACT)
- TRADE/R.650/Rev.1 (Mandate, Terms of Reference and Procedures for UN/CEFACT)
- TRADE/R.650 (Recommendations for the Establishment of UN/CEFACT)
- TRADE/WP.4/R.1234 (Recommendations for the Establishment of UN/CEFACT)

I. Introduction

1. The original text of TRADE/R.650 was approved by Working Party 4 (WP.4), the predecessor to the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), at its final meeting in September 1996 and was later approved by the Committee on the Development of Trade in December 1996. Subsequently, organizational changes, a change in organization name and experience gained from operating the Centre resulted in revisions to the original document, the last being Revision 4, which was approved by the UN/CEFACT Plenary in 2005.
2. UN/CEFACT is now proposing to strengthen its processes following a series of suggestions and recommendations from Plenary delegations, the UNECE Executive Committee and other stakeholders.
3. This document ECE/TRADE/C/CEFACT/2010/15 has been developed by the Bureau and incorporates all changes arising out of the foregoing experience, consultation and implementation of the decisions taken at the 15th UN/CEFACT Plenary.

II. Terms of reference for UN/CEFACT

4. UN/CEFACT is the United Nations Centre for Trade Facilitation and Electronic Business.
5. It reports to the UNECE Committee on Trade and, if requested, presents accounts of its activities directly to the UNECE Executive Committee.
6. It supports activities dedicated to improving the ability of business, trade and administrative organizations, from developed, developing and transitional economies, to exchange products and relevant services effectively. Its principal focus is on facilitating national and international transactions, through the simplification and harmonisation of processes, procedures and information flows, and so contribute to the growth of global commerce. This is achieved by:
 - (a) Analysing and understanding the key elements of international processes, procedures and transactions and working for the elimination of constraints;
 - (b) Developing methods to facilitate processes, procedures and transactions, including the relevant use of information and communication technologies (ICT);
 - (c) Promoting both the use of these methods and associated best practices through channels such as government, industry and service associations;
 - (d) Coordinating its work with other international organizations such as the World Trade Organization (WTO), the World Customs Organization (WCO), the Organisation for Economic Co-operation and Development (OECD), the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Conference on Trade and Development (UNCTAD), notably in the context of a Memorandum of Understanding for a Global Facilitation Partnership for Transport and Trade;
 - (e) Securing coherence in the development of standards and recommendations by cooperating with other interested parties, including international, intergovernmental and non-governmental organizations. In particular, for UN/CEFACT standards, this coherence is accomplished by cooperating with the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and selected non-governmental organizations (NGOs) in

the context of the ISO/IEC/ITU/UNECE Memorandum of Understanding (MoU). These relationships were established in recognition that UN/CEFACT's work has broad application in areas beyond global commerce and that interoperability of applications and their ability to support multilingual environments, are key objectives.

III. Structure

7. The structure of UN/CEFACT consists of a Plenary and a Bureau. The Plenary convenes at least once a year and, between Plenary sessions, the Bureau meets at least once. Consensus is the preferred way to reach decisions.

8. The Plenary is the highest authority regarding all aspects of UN/CEFACT work. For implementing and managing Plenary strategies and outreach activities, the Plenary elects a Bureau to act in the name of the Plenary between Plenary sessions, and rapporteurs for specific tasks and regional outreach with the guidance of the Bureau.

9. Delegations to the Plenary shall include United Nations Member States, intergovernmental organizations and non-governmental organizations recognized by the Economic and Social Council of the United Nations (ECOSOC).

10. All official meetings of the Plenary and the Bureau shall conform to general United Nations rules for such meetings (A/520/Rev.15 and E/ECE/778/Rev.3)¹.

11. The Bureau shall coordinate its work with other organizations and, in particular,, ensure that practical work on specific tasks is undertaken at the appropriate level within UN/CEFACT, and shall avoid duplication of work either internally or externally.

12. UN/CEFACT recommendations, business standards and technical standards shall be approved by the Plenary following the procedures specified in UN/CEFACT's Revised Open Development Process (ODP) (ECE/TRADE/C/CEFACT/2010/24). The Centre shall make these recommendations and standards freely available.

13. The Centre disseminates, encourages and promotes the implementation of its deliverables among users in cooperation with national Governments, intergovernmental organizations, non-governmental organizations and organizations representing industry and commerce.

14. The Centre makes relevant publications available via its website, whenever possible in English, French and Russian.

15. UNECE provides secretariat resources to assist in the functioning of UN/CEFACT. The detailed provision of tasks is related to budgetary and extrabudgetary allocation. Planning and tasks are reviewed annually and involve the approval of the Bureau, acting on behalf of the Plenary, and the UNECE Executive Office.

IV. The Plenary

16. The Plenary shall have the executive responsibility for determining the strategy, policy, promotion and resources necessary to carry out the Centre's mission. The Plenary shall approve the programme of work of the Centre. It shall be the final arbiter of any appeal originating from any subordinate body of UN/CEFACT.

¹ See www.un.org

17. Any modifications to the structure of UN/CEFACT are the sole responsibility of the Plenary and subject to the approval thereof.

18. The Plenary shall elect a UN/CEFACT Chair and at least four vice-chairs, which constitutes the Plenary's Bureau. A nomination process shall be established to propose candidates for election to the Plenary positions, which will take into account criteria such as expertise, leadership, ability and willingness to work and geographic balance.

19. The Chair and vice-chairs of the Bureau shall be elected for terms of three years from the date of the election. All officers are eligible for re-election. In the election or re-election process, due consideration shall be given to the need to achieve consistency, continuity and renewal in the work of UN/CEFACT. Whenever possible, elections for approximately one third of the members of the Bureau shall take place at one session of the Plenary each year.

20. The Plenary may, on recommendation of the Bureau, appoint Rapporteurs to undertake functional and representational tasks, in coordination with the Bureau and the secretariat, in any area of the Centre's mission. This shall be done according to the mandate for rapporteurs described below.

21. The Plenary shall meet at least once a year according to the schedule established in its procedures. As part of its procedures, the Plenary may reach decisions via an inter-sessional approval process.

V. The Bureau

22. The Bureau consists of a Chair and at least four vice-chairs.

23. The Bureau shall be responsible to the Plenary for the open, transparent and efficient operation of the Centre. The vice-chairs shall assist the Chair in meeting the requirements of the full portfolio of responsibilities held by the Bureau.

24. To fulfil their responsibilities, Bureau members may be supported by experts nominated by Plenary delegations. The Bureau may also establish advisors, teams of specialists as well as advisory, operations, and task teams. The purpose and names of those involved in such support will be reported to the Plenary

25. The principal functions of the Bureau are:

(a) To manage the ongoing strategic planning and external coordination for the UN/CEFACT programme of work between Plenary sessions;

(b) To verify that UN/CEFACT activities are compliant with its Mandate, Terms of Reference and Procedures;

(c) To prepare the Plenary sessions;

(d) To establish and guide teams of specialists, each of which will be supervised by a Bureau vice-chair, in order to give consideration to and advance issues on strategic topics in the fields of trade facilitation and electronic business, informing the Plenary of their purpose, scope, expected length of duration and their progress. The Bureau will specify principles associated with activities of teams of specialists and, when necessary, may appoint a convener;

(e) To review proposals from Plenary delegations and teams of specialists concerned with projects to develop UN/CEFACT recommendations and standards, and, where appropriate, to approve the formation of project teams and appoint conveners, subject to the provisions of the UN/CEFACT Open Development Process.

(f) To foster opportunities for cooperation and collaboration of teams of specialists and project teams wherever possible, particularly through meetings of experts, which may be designated as “Forums”;

(g) To supervise matters dealing with promotion, communication and cooperation with other bodies, and policy matters;

(h) To be accountable for operational functions of UN/CEFACT activities, e.g. audit, project control, library maintenance, ombudsman activities.

26. Bureau members shall meet at least once between Plenary sessions, and shall decide on the meeting arrangements, either physically or through teleconferences or electronic means, in order to fulfil their responsibilities. The Chair may invite rapporteurs and others to participate in its meetings and discussions. In the case of absence of the Chair of the Plenary at a Bureau meeting, the Chair will appoint a replacement.

27. The Bureau shall appoint an Ombudsman to resolve in an impartial and objective manner all disputes between UN/CEFACT members or to hear appeals to the Bureau in all matters. The Ombudsman’s decisions are final as far as the Bureau is concerned, but a Head of Delegation may appeal any such decision to the Plenary.

VI. Bureau procedures

28. The Bureau maintains appropriate procedures to fill mid-term vacancies in its membership. Failure by a member of the Bureau to constructively participate in the work of the Bureau may lead to a request by the Bureau to the Plenary for a replacement.

29. The preferred way of reaching decisions shall be by consensus. Any voting within the Bureau shall be carried out in accordance with the quorum that is established by the internal procedures of the Bureau. The Bureau procedures contain rules on decision-making in both physical and electronic/virtual meetings.

30. The Chair, together with the secretariat, is responsible for coordinating and scheduling the Bureau, Plenary, and Forum meetings, and circulating draft and final agendas.

31. The Chair shall ensure that Bureau decisions are recorded and published. An annual summary report of those decisions shall be provided to the UN/CEFACT Plenary.

32. In order to ensure that this document in its provisions accurately reflects relevant developments in global commerce, trade facilitation and electronic business and general methods of collaboration (e.g. the Internet and the World Wide Web), it shall be reviewed periodically. The authority to amend this document shall be vested in the Plenary. Proposals for such amendment may be made by the Plenary delegations or the Bureau.

33. Amendments approved by the Plenary shall be submitted to the Committee for Trade for endorsement.

34. A diagram of UN/CEFACT’s structure appear in the annex to this document.

VII. Regional rapporteurs

35. The mandate of a regional Rapporteur shall be carried out, where appropriate, in liaison with heads of delegation to UN/CEFACT from the region, as well as with the secretariat of the United Nations Economic Commission for Europe (UNECE) and other regional commissions and the UN/CEFACT Bureau.

36. Within the region, the Rapporteur shall:
- (a) Promote and represent UN/CEFACT's interests and activities to Governments, intergovernmental organizations, relevant trade associations and business and trade facilitation organizations;
 - (b) Encourage the participation of experts in UN/CEFACT's work programme and stimulate the implementation of UN/CEFACT's standards, recommendations and other deliverables;
 - (c) Coordinate UN/CEFACT's activities in the region.
37. Each Rapporteur shall present a report at each UN/CEFACT Plenary. They may raise issues directly with the UN/CEFACT Bureau and have an open invitation to attend the Bureau meetings in a consultative capacity.
38. The appointment as Rapporteur is for two years, renewable.

Annex Diagram of UN/CEFACT's structure

A-1: UN/CEFACT within the UN Framework



**United Nations Center for Trade Facilitation and Electronic Business
(UN/CEFACT)**



A-2: Internal structure of UN/CEFACT

United Nations Center for Trade Facilitation and Electronic Business (UN/CEFACT)

