

TRADE/CEFACT/1999/CRP.7

26 February 1999

**RECOMMENDATION TO UNCITRAL
REGARDING IMPLEMENTING ELECTRONIC EQUIVALENTS
TO "WRITING", "SIGNATURE" AND "DOCUMENT"
IN CONVENTIONS AND AGREEMENTS
RELATING TO INTERNATIONAL TRADE**

Submitted by the Legal Working Group (LWG)*

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Recommendation

DEFINITIONS OF 'WRITING', 'SIGNATURE' AND 'DOCUMENT' USED IN MULTILATERAL CONVENTIONS AND AGREEMENTS RELATING TO INTERNATIONAL TRADE

Recommends to the United Nations Commission on International Trade Law (UNCITRAL) the need to consider implementing the recommendations for further work contained in a revision of document TRADE/WP.4/R.1096

At its thirty third session in March 1991 the Working Party on Facilitation of International Trade Procedures (WP.4) adopted the programme of work relating to legal issues. This programme contained a specific project to conduct a survey that would:

- examine the definitions of 'writing', 'signature' and 'document' where they are used in multilateral conventions and agreements relating to international trade; and
- identify whether their use in those conventions and agreements requires revision or clarification to take account of electronic equivalents.

The results of this survey were published in document TRADE/WP.4/R.1096 dated 22 July 1994. This document provided an inventory of conventions and agreements and identified a number of problem areas where barriers exist to the increased use of electronic data interchange (EDI) and other means of electronic commerce. In many instances, under the rules set out in the agreements, electronic messages remain

potentially unacceptable as legal means of communication.

A further updating and expansion of this document was carried out in 1997 and notified to UNCITRAL. This revision forms the basis of this recommendation to UNCITRAL, Trade/CEFACT/1999/CRP.2.

RECOMMENDATION

The Centre for the Facilitation of Procedures and Practices for Administration, Commerce and Transport (CEFACT),

Being aware of the need to avoid disadvantage to electronic commerce and support efforts to achieve global parity in law between manual and electronic commerce,

Recommends that UNCITRAL consider the actions necessary to ensure that references to 'writing', 'signature' and 'document' in conventions and agreements relating to international trade allow for electronic equivalents.
