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UNITED NATIONS CENTRE FOR TRADE FACILITATION AND ELECTRONIC BUSINESS (UN/CEFACT)

LEGAL GROUP OF UN/CEFACT
TECHNIQUES AND METHODOLOGY GROUP OF UN/CEFACT

UN/CEFACT Project Proposal:
Unified Business Agreements and Contracts

Source: LG and TMG
Status: Draft
Action: For review at the LG meeting on 16-17 December 2002 in Tunis

1. Objectives

1.1 Purpose

This project relates to the UN/CEFACT key deliverable of an enforceable e-Business relationship through a common understanding of the potential legal implications of commitments, expectations and transactions; both business and technical.

The world of global commerce today is governed by various types of business arrangements, agreements and contracts. International, regional and local aspects of trade are performed according to trading practices and within legal domains.

The Unified Business Agreements and Contracts (UBAC) project build's upon and extends best practices, methods, methodologies to create a foundation for creating commercial relationships capable of being legally enforceable.

The UBAC project will generally define and show through example(s), what legal practitioners and business entities can reasonably expect and what the underlying technology must support within a fully compliant and enforceable UN/CEFACT e-Business relationship.

1.2 Scope

Building upon the concepts defined within ISO Open-edi lifecycle stages of an e-Business relation (Planning, Identification, Negotiation, Actualization, and Post actualization) there needs to be alignment with the legal processes of contract formation, performance and arbitration.

Regional surveys, such as recently conducted within the Swedish business community, indicate an immediate need for electronically interpretable, interoperable and enforceable e-Business agreements (taking into account the limitation in resources). Further analysis indicates a strong need for a combined business and technical agreement framework to ensure consistency, efficiency and flexibility; such as context specialization of legal domains and jurisdictions.

This project proposes to bring together key artifacts of work from the UN/CEFACT Groups by harvesting agreement patterns of components and practices from international, regional and local business and technical communities.

2. Deliverables

Project deliverables include:

- Unified Business Agreements and Contracts Technical Specification
- Documented business examples, used as business requirements and test cases, including the UN/CEFACT Modelling Methodology (UMM) (document CEFACT/TMWG/N090) catalog order example.
- Documented revisions to the UMM (CEFACT/TMWG/N090) Business Domain View (BDV) such as MOU and Letter of Intent, Requirements View (BRV) with new business agreement processes and Business Transaction View (BTV) with new Core (agreement) Components.
- New core components, new business processes and patterns of best practice.

- Standard, legally understandable descriptions of messages, processes, etc. for use by UN/CEFACT groups

3. Functional Expertise of Membership

The project team is a group of experts with broad knowledge and experience in the areas of national and international business processes crossing multiple vertical industry and service sectors, as well as representation from the legal community and the technical development community.

Each UN/CEFACT head of delegation may designate one or more experts to the project team. In doing so, they may delegate this task to one or more organizations, which may be national, regional or international. Experts are expected to contribute to the work based solely on their expertise.

4. Geographical Focus

The focus is global and cross vertical industry.

5. Initial Contributions

The following contributions are submitted as part of this proposal. It is understood that these are only for consideration by the project team and that other participants may submit their own contributions in order to ensure the gathering of as much information as possible from those with expertise and a material interest in the project but at the same time allow diverse voices to comment on the details of the projects and ensures that no single organization can dominate the process:

TMWG UN Modeling Methodology (CEFACT/TMWG/N090)
ISO Open-edi (ISO/IEC JTC 1/SC 32/WG1 N181 - FDIS 15944-1)
UN Recommendation 31 (UN/CEFACT)
UN Recommendation 26 (UN/CEFACT)
Research Report "Business Level Agreement" (Financial Toolsmiths AB)
BPAWG Reference Model of the International Supply Chain (UN/CEFACT/BPAWG/BP044)
ebXML Technical Specification - Business Process Specification Schema v1.01
ebXML Technical Specification - ebXML Technical Architecture Specification v1.04
ebXML Technical Report - Business Process Analysis Worksheets & Guidelines v1.0
ebXML Technical Report - E-Commerce Patterns v1.0
ebXML Technical Report - Catalog of Common Business Processes v1.0
ebXML Technical Report - Core Component Overview v1.05
ebXML Technical Report - Business Process and Business Information Analysis Overview v1.0
ebXML Technical Report - Context and Re-Usability of Core Components v1.04

Statement of resource requirements

Participants in the project shall provide resources for their own participation. The existence and functioning of the project shall not require any additional resources from the UN/ECE secretariat.