Recommendation 14
Authentication of Trade Documents

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1979 version of Recommendation 14

• Approved and published in 1979
• Seeks to encourage the use of electronic data transfer in domestic & cross border trade
• Remove (all methods of) signatures where possible
• Meet requirements through authentication methods or guarantees that can be electronically transmitted
1979 version of Recommendation 14

The need for an updating:

• Evolution of vocabulary
• Evolution of technologies
• Official documents reduced to customs requirements
• All annexes were dated
• Evolution of legal references
Rec14 current outline

• Part I: Recommendation
  – Scope, Benefits, Use of International Standards, Recommendation
• Part II: Guidelines to Implement the Recommendation
  – Introduction
  – Authentication and Signature (Definition & Function of Signature, Authenticity)
  – Requirement for Signatures in Trade Documents (parties, legal context)
  – Use of electronic authentication methods (technology neutrality, levels of reliability, typologies of electronic methods, electronic signature definition)
  – Aspects for consideration (security of data, transmission of data, archival/retrieval)
    – Recommendation Review process
    – Recommendations further definition
• Annex A – Legally enabling environment
• Annex B – Technical implementations (standards available and repository of implementations)
Rec14 Recommends:

• removal of the requirement for a signature (manual or its functional equivalent) except where essential for the function of the document
• introduction of other methods to authenticate documents
• creation of a legal framework that permits and gives equal status to authentication methods other than manual-ink signature
• regular review of documentation used for domestic and cross border trade, possibly by a joint public and private sector effort
Rec14 « Levels of Reliability »

- Efforts should be made to avoid creating electronic solutions which are more cumbersome or costly than the manual process.

- The chosen method of authentication should be “as reliable as was appropriate for the purpose for which the data message was generated or communicated, in the light of all the circumstances, including any relevant agreement.”

I. LEGAL CONTEXT (VERY BRIEF)
   a. Type of legal system (civil law / common law / other...)
   b. What is the fastest that a legally enabling environment can be created? (delay, process)
   c. Environment for adding / amending laws
      i. Fast track, parliamentary ...?
   d. What types of trade documents must be signed/authenticated?
   e. Are there trade documents which do not legally require a signature?

II. TRANSITION TO ELECTRONIC ENVIRONMENT
   a. What considerations needed to be addressed before passing any laws creating the legally enabling environment?
   b. How was the private sector involved in the process (public outreach, commentary period, etc.)?
   c. Were there any unexpected obstacles or complications that needed to be addressed?

III. REMOVING MANUAL SIGNATURE LEGAL ENVIRONMENT
   a. Please briefly note current laws and their role in removing manual signature / enabling electronic exchange of trade-related documents.

IV. RESULTING IMPLEMENTATION IN PUBLIC SECTOR (RELATING TO TRANS-Boundary TRADE)