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ENTERPRISE DEVELOPMENT

Centre for the Facilitation of Procedures and
Practices for Administration, Commerce and Transport
Sixth session, 27-30 March 2000
Item 4 of the provisional agenda,

**REPORT OF THE UN/CEFACT LEGAL WORKING GROUP (LWG)
TO THE UN/CEFACT PLENARY**

Submitted by the Chairman of the UN/CEFACT Legal Working Group (LWG) *

This document has been submitted to the Centre for discussion and
noting.

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secretariat.

UN/CEFACT Permanent Legal Working Group

Purpose:

The purpose of this working group is to undertake current legal processes and issues within the mission of CEFACT in accordance with its mandate. The strategy is to identify legal constraints that have an adverse effect on the CEFACT mission and objectives and to propose practical improvements to resolve these legal constraints.

Accomplishments

In 1999 the working group had three meetings in January, May, September.

During the first meeting the working group discussed an updated version of the draft Model Electronic Commerce Agreement. Furthermore it resolved to submit new Terms of Reference for the Legal Rapporteurs to the CEFACT plenary for consideration.

During the second meeting the working group finished its discussions with regard to the draft Model Electronic Commerce Agreement. Furthermore it decided to send the draft model agreement through the UN/CEFACT secretariat to groups and organisations within and outside the CEFACT organisation and ask for their comments. It discussed the communication plan for the introduction of the model agreement and decided to draft among others a press release. Finally, it reviewed its work programme and decided to add the following items to this program: (i) electronic commerce convention, (ii) model Intermediary Agreement and (iii) code of conduct for e-commerce.

During this meeting Mrs. Anne Troye-Walker resigned as chair of the working group and Professor Rob van Esch was elected as the new chair of the LWG. Professor Samaranayake (chair of the AFACT LWG) and Mr. David Marsh were elected as vice-chairs of the LWG and Mr. Marsh was also appointed as UN/CEFACT Legal Liaison Rapporteur. Mr. Renaud Sorieul, Legal Secretary of UNCITRAL, was re-appointed by the working group as the second Legal Liaison Rapporteur.

During the third meeting the working group discussed the comments received by several other groups with regard to the Model Electronic Commerce Agreement and based on these comments made some amendments to the draft Model Electronic Commerce Agreement.

It also discussed the Draft Uniform Rules for Electronic Trade and Settlements (URETS) of the International Chamber of Commerce (ICC). It decided that the chair of the working group would communicate the comments of the Working Group to the Secretariat of the ICC.

The chair of the working group explained the self-regulation initiatives in the Netherlands by the Electronic Commerce Platform Netherlands (ECP.NL). The working group decided that it would consider the possibility of supporting this initiative because it would contribute to the

use of e-commerce by business, consumers and governments. Finally, it decided that Mr. David Marsh would write a discussion paper with regard to an International Convention on Electronic Signatures.

Objectives

According to its Work Programme the main objectives are:

- a. To have the Model Electronic Commerce Agreement adopted as a UN/CEFACT recommendation.
 - b. To prepare a draft Recommendation for a Model Intermediary Agreement.
 - c. To consider the possibility of supporting the present work in ECP.NL Netherlands for the development of a code of conduct for e-commerce activities.
 - d. To explore the possibility of the establishment, in co-operation with UNCITRAL and other relevant UN and international bodies of an international convention on electronic signatures.
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