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Item 6 of the provisional agenda

The way forward and UN/CEFACT structure, mandate, terms of reference and procedures

**Clarifying the role and promoting wider involvement of HoDs in
UN/CEFACT activities**

**UN/CEFACT country heads of delegation:
Guidance on responsibilities, duties and procedures**

Submitted by the Russian delegation for discussion and approval

Summary

The original version of this proposal by the Head of Delegation of the Russian Federation was sent out to other heads of delegation on 25 February 2011. A revised proposal was sent out on 24 March for discussion during the Global Meeting of Experts in Washington and then for submission to the July Plenary for final discussion and approval.

That revised proposal reflected comments made by the delegation of Finland on the original version of this proposal and editorial changes made upon request by the secretariat.

The present document constitutes a further revised version of the proposal by the delegation of the Russian Federation, reflecting comments made by the delegation of Japan.

I. Introduction

1. This document comprises the responsibilities, duties and procedures for the UN/CEFACT country heads of delegation. These rules are based on the Revised mandate, terms of reference and procedures of UN/CEFACT (ECE/TRADE/C/CEFACT/2010/15/Rev.1).

II. UN/CEFACT heads of delegation.

2. The main purpose of the position of heads of delegations (which does not exist in other UNECE working parties) is to represent their member States or international organizations on a standing basis, as well as to provide a mechanism to ensure effective public-private partnership in this UNECE programme and its monitoring by member States. For the purpose of UN/CEFACT activity, there are two types of heads of delegation.

Country permanent Head of Delegation (HoD): A person nominated by a Member State of the United Nations to head a delegation to UN/CEFACT on a standing basis.

Plenary Head of Delegation (PHoD): A person nominated to head a delegation to a specific session of the UN/CEFACT Plenary by a UNECE or other United Nations member State, an intergovernmental organization (IGO) or a non-governmental organization (NGO) recognized by the United Nations Economic and Social Council to participate in Plenary activities.

III. Nomination of country permanent heads of delegation

3. Each UNECE or other United Nations Member State may nominate a country permanent Head of Delegation to facilitate intersessional cooperation between member States, UN/CEFACT and the UNECE secretariat. This nomination should be made in writing to the UNECE secretariat, through the country's Geneva-based Permanent Mission or Ministry of Foreign Affairs.

IV. General responsibilities and duties of country permanent heads of delegation

4. Within their mandate, HoDs in coordination with the UN/CEFACT Plenary, the Plenary Bureau and the UNECE secretariat are expected to:

- (a) Reflect the official position of the UNECE or United Nations Member State on UN/CEFACT matters, including during the intersessional approval process, as well as before the Plenary (unless another person has been nominated as PHoD);
- (b) Operate as national contact and coordinating point on UN/CEFACT issues, including by: coordinating UN/CEFACT activities in their own country; promoting UN/CEFACT interests and activities among Governments, intergovernmental organizations, relevant trade associations and business and trade facilitation organizations in their own country; and ensuring coordination of national companies' participation in UN/CEFACT activities and specific projects;

- (c) Nominate experts to participate in UN/CEFACT activities (including the Plenary) and projects as independent volunteer experts in their own right, without representing any special interests of their countries or institutions;
- (d) Encourage the participation of national experts in the UN/CEFACT work programme and stimulate the implementation of UN/CEFACT standards, recommendations and other deliverables. Nominate experts to the UN/CEFACT expert list;
- (e) Review, support or reject a proposal for a new project or any of the main types of UN/CEFACT publications mentioned in the Mandate, terms of reference and procedures of UN/CEFACT (ECE/TRADE/C/CEFACT/2010/15, para. 13) and the Open Development Process (ECE/TRADE/C/CEFACT/2010/24, para. 14);
- (f) Take part in the Open Development Process (ODP), making comments on the proposals on all of the steps of the process. Approve the UN/CEFACT publications not requiring Plenary approval, in particular by disseminating them to stakeholders during the public review (ODP Step 4) upon announcement by the UNECE secretariat; the purpose being to reflect the review by the stakeholders (including the HoD's own review) in developing consensus regarding the project deliverables in question to facilitate timely action by UN/CEFACT;
- (g) Monitor and participate in various aspects of the work of UN/CEFACT between Plenary sessions by contributing to exchange of information and comments (by involving public and private stakeholders) as required on papers/documents on current developments and projects disseminated between sessions.

V. Procedure for proposal support¹

5. A proposal for any of the main types of UN/CEFACT publications must be accompanied by written expressions of support (see annex IV template at the end of ECE/TRADE/C/CEFACT/2010/24) from three HoDs.
6. To obtain such support, the proposer(s) may contact HoDs individually. Upon request, the secretariat will provide contact information or transmit the proposal to HoDs identified by the proposer(s), as appropriate. Within 60 days, the HoDs concerned should reply to the request for support (either expressing support or lack of support for the proposed project). Should a request be rejected, an explanation of the reasons for the rejection is useful but it is not obligatory. Proposals that do not obtain support from three HoDs may be submitted to the Plenary for formal discussions and final decision.
7. The secretariat will maintain a record of all written expressions of support and of approved projects. Information on projects approved between Plenary sessions will be provided to the upcoming Plenary. After receipt of support from three HoDs and formal endorsement of a project, information on the project should be sent to all HoDs.

¹ The delegation of Finland has queried whether general procedures related to project proposals or expert nominations should be given in a document describing the roles of HoDs, or in a separate document. It has also indicated that it considers it helpful for HoDs to have guidance on how soon they should respond to project proposals or expert nominations, but finds the guidance in the draft too detailed on explanations.

VI. Procedure for nominating experts

8. Any expert who wishes to participate in UN/CEFACT activities (including the Plenary) as an independent volunteer expert or is interested in being placed on the UN/CEFACT list of experts should request the national HOD to make the nomination in writing to the UNECE secretariat. Upon request, the secretariat will provide contact information or transmit the proposal to the specified HOD, as appropriate.

9. Within 30 days, HoDs are expected to reply to the request to be nominated for inclusion in the list. If the request is refused, an explanation of the reasons for the rejection is useful but it is not obligatory. Experts should be nominated in writing, on an official form, for two years, with a renewable mandate.

10. Within 15 days, HoDs are expected to reply to a request to participate in UN/CEFACT activities (including Plenary meetings). HoDs should keep a list of their nominated experts.

VII. HoD participation in the intersessional approval process

11. The preferred way of discussing and adopting UN/CEFACT products and publications is through the annual Plenary. The intersessional approval process is considered an exceptional way of reaching consensus; for example, in cases when timely release of publications is vital. The Plenary Bureau makes a decision in consultation with the secretariat and, if required, with HoDs on the need for this process for a particular publication. During the process, decisions are reached by consensus.

12. HoDs participate in this process in accordance with the procedures laid down in the document "Procedures and organization of future sessions of the Committee on Trade: guidelines and procedures" (ECE/TRADE/C/2007/15). The secretariat maintains a record of all positions expressed by HoDs and distributes all the comments received from any HOD among the other HoDs.

13. If consensus cannot be reached, the interested party or parties can present the document for Plenary approval.

VIII. PHoD and HoD

14. Any UNECE or other United Nations Member State can nominate a PHoD irrespective of whether it has nominated a HoD. If a country wishes to nominate a PHoD who is different from the HoD, this should preferably be done not later than 5 days before a Plenary session. IGOs, as well as NGOS recognized to participate in Plenary activities, should also preferably nominate their PHoDs not later than 5 days before a Plenary session.

15. Nomination of PHoDs should be made in writing through a country's Geneva-based Permanent Mission or Ministry of Foreign Affairs. HoDs are not authorized to nominate PHoDs.

16. If no PHoD is nominated, UNECE should automatically recognize the HoD participating in the Plenary as the PHoD.

17. The mandate of a PHoD is completed after final adoption of the session report.

IX. Confirmation of HoD status

18. Normally the authority of HoDs should be confirmed through a country's Geneva-based Permanent Mission or Ministry of Foreign Affairs every 2 years.

19. The secretariat will maintain an updated list of HoDs and publish it on the UN/CEFACT website.
