



## Economic and Social Council

Distr.: General  
5 December 2011

Original: English

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### Economic Commission for Europe

#### Committee on Trade

#### Centre for Trade Facilitation and Electronic Business

##### **Eighteenth session**

Geneva, 15-17 February 2012

Item 5 of the provisional agenda

**UN/CEFACT recommendations and standards**

### **Explanatory note on draft Recommendation N° 37**

**Submitted by the UN/CEFACT Bureau for discussion**

#### *Summary*

This document provides background information on the development and the current status of the draft Recommendation N° 37 on Signed Digital Document Interoperability.

The delegations are invited to review the status of the draft and give guidance for further action.

1. The draft Signed Digital Document Interoperability Recommendation (SDDIR), draft UNECE Recommendation N° 37, sets out one approach to message security and interoperability. Alternative methods may achieve the same functional results.

## **I. Original submission**

2. The UN/CEFACT Architecture, Engineering and Construction Working Group (TBG6) submitted the original draft Recommendation 37 on "Signed Digital Evidence Interoperability" for approval to the sixteenth session of UN/CEFACT in document ECE/TRADE/C/CEFACT/2010/14, dated 27 September 2010.

3. At the session, the delegation of the Russian Federation pointed out that the Russian translations of the Recommendation had been made available too late to conclude the national review in time for the Plenary. Therefore, the delegation requested that the Recommendation be re-submitted for intersessional approval.

4. The Plenary therefore decided to submit to member States the draft Recommendation 37 for intersessional approval, with the approval period ending on 11 February 2011 (Decision 10-04). This would provide an opportunity for all delegations to submit comments on these documents.

## **II. Intersessional approval process**

5. The secretariat announced on 16 February 2011 that the intersessional approval period for Recommendation 37 had ended and comments had been received from Canada, the Russian Federation and the United States. A further review of the draft recommendation would, therefore, be taken up.

## **III. Seventeenth session of UN/CEFACT, July 2011**

6. At the meeting, the Chair of the Forum Management Group (FMG) informed the delegation of a change in the agenda whereby draft Recommendation 37 (document ECE/TRADE/C/CEFACT/2010/14) had been submitted for discussion, not for approval. The session was invited to discuss the draft to examine different options, including withdrawing the draft, extending the ODP comment period until 12 September, or widening the scope of the project in a second phase.

7. In the discussion that followed, the delegation of the United States favoured the withdrawal of recommendation 37, which it did not consider to fall within UN/CEFACT's technical expertise and programme of work. That delegation could not accept the option of widening the scope of the recommendation.

8. The delegation of the Netherlands had thought that after the Global Meeting of Experts in March 2011, the draft Recommendation would have been returned to the project team for an update.

9. The delegation of France urged that a final decision be reached on it in time for the eighteenth Plenary.

10. The delegation of the Russian Federation accepted the extension of the comment period, with the revised text to be sent to delegations well in advance and with the proposed revisions clearly identified.

11. The representative of the International Organization for Standardization (ISO) expressed preferences for extending the comment period (so as to allow for comprehensive reference to ISO standards) or for widening the project scope.

12. The Plenary decided to extend the review period for recommendation 37 within the Open Development Process until 12 September 2011. It invited delegations to send comments to the Project Team, which would respond to the comments with the objective of having a revised version submitted to the next Plenary. (Decision 11-8)

#### **IV. Review period August - November 2011**

13. In August 2011, the Bureau requested the project team to organize consultations on the Recommendation. A series of conference calls were organized in September and October, during which the comments received from Canada, Japan, the Russian Federation, the United States as well as the United Nations Commission for International Trade Law (UNCITRAL) were discussed.

14. The current revision of the draft takes into account content related comments submitted before (and after) an extension of the public review (September 2011).

15. Generally speaking the comments fell into 3 categories:

- Technology (neutrality, PKI, certificates, etc.)
- Legal aspects (implications, wording, etc.)
- Scope (technical versus organizational and legal, geography, etc.)

16. The current draft Recommendation addresses these comments in the following ways:

- On the technology side:
  - Removed the annexes, the size of which made the Recommendation look as a technical document. This considerably shortens the text.
  - Deleted or changed any remaining technical term. For example changing the word Certificate (which to many implied the mention of Public Key Infrastructure technology) to Digital Identity.
- On the legal side, the project team made significant changes:
  - Changed the name of the recommendation from “Signed Digital Evidence Interoperability Recommendation” to “Signed Digital Document Interoperability Recommendation”.
  - Changed the word "Signatory" and "Certifier" to "Purported signatory" and "Purported certifier". This is a very important change because it stresses the fact that the Recommendation does not assume that the digital identity or signature is a legal identity or signature.
  - Added very clear and specific warnings and disclaimers stating that this Recommendation does not deal with legal issues nor are they dismissed by the Recommendation.
- On the scope side, the main comment wanted the Recommendation to also deal with legal and organizational aspects at the same time as functional aspects, but the project team felt that this was neither possible nor desirable.

## **V. Current status**

17. During the seventeenth Plenary and in subsequent deliberations, the Bureau has been informed by some member States and intergovernmental organizations of projects related to the work of the Project Team. Clearly, the significant discussion around this topic exposes the wide-ranging implications of such a recommendation.

18. The Bureau has discussed the status of the draft Recommendation and different ways of addressing the related policy issues. The Bureau is keen to ensure that the project team's work on the draft Recommendation contributes to and fits within a complete set of recommendations for the interoperability of signed documents.

19. With this in mind the Bureau has started to identify possible next steps. It is, in particular, reviewing the comments made by Working Group IV - Electronic Commerce - of the United Nations Commission on International Trade Law (UNCITRAL) about policy implications.

20. Discussions have also been held with standards development organizations, such as ISO TC 154 under the guidance of the Memorandum of Understanding Meeting Group (MOUMG) as well as the European Telecommunications Standards Institute (ETSI).

21. The Bureau will report further on these deliberations and next steps during discussion on this item at the eighteenth Plenary.

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