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

**OBSERVATIONS AND PROPOSITIONS
FROM THE FRENCH DELEGATION
(Item 3, 8 et 9 from the provisional agenda
ECE/TRADE/C/CEFACT/2012/1)**

Informal Note submitted by the UN/CEFACT Head of delegation of France

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Contribution française

Centre pour la facilitation du commerce et les transactions électroniques
Dix-huitième session
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Point 3 et 8 de l'ordre du jour provisoire

Observations et propositions de la délégation française (points 3, 8 et 9 de l'ordre du jour).
Point 3. Aperçu du Bureau de la Plénière sur les faits nouveaux
Point 8. Défis à relever concernant la facilitation du commerce et le commerce électronique: perspectives et réalités en matière de collaboration entre secteur public et secteur privé
Point 9.Programme de travail et étapes suivantes

Introduction :

The documents made available to delegates to the Plenary contain interesting information on the many initiatives undertaken since the July 2011 session. However, they are relatively silent on the production activity of standards and recommendations. One should not forget that this aspect of the activity is a necessary condition in order to see if the orientations of the strategic plan have been practically implemented. For actors still participating in CEFACT or for those who would consider contributing, the dynamism of this production is a strong element in their decision to remain or to join the CEFACT.

It is also interesting to take the opportunity of the session that follows the first Forum incorporating the new structure to compare the goals and achievements. This is what is attempted in the present contribution in an incomplete (only a few points were analyzed) and imperfect manner. The head of delegation for France by providing the elements below wishes to supplement the description of recent developments in CEFACT related to item 3 of the agenda. But these elements may also serve as the basis for identifying changes or improvements that should be discussed in item 9, and maybe during presentations provided in item 8 of the provisional agenda..

1) Entry into force of the new organisation and rules:

Firstly we have the following remarks about the documents submitted under item 6 of the provisional agenda
        - Doc 15/Rev3 is for approval but it is not easy to identify the changes with the previous revision approved at the 18th Plenary.
We suggest that, as a rule and in view of facilitating the tracking of the progress of discussions that the Bureau and the secretariat provide any revised document with visible changes to the previous version.
        - Doc 15/Rev3/Add1 is new but is for noting. Maybe this should be reviewed and approved. We have some remarks to submit.
The summary box provides more the history than a real summary. Is this needed for a document which will be part of the "bundle" of new procedural documents?
At a minimum we suggest to reword clause 1. As it is currently written one could interpret it to mean that the Bureau might consider that a draft decision or Recommendation could not be submitted for approval by the Plenary. It would be appropriate to find in this clause the conditions that permit the launching an intersessional approval process; in our opinion this is should generally only be used when the Bureau considers that there is a need to approve a document before the next Plenary session.

Secondly, we tried to check recent realisations with reference to the new rules and processes.
We noticed the following unclear situations (unless we missed some information)

- a) it appears that some structures are operational; but we cannot identify where and when they were described (purpose, members, possibility to register, etc.).

The Bureau Program support group is an example; it appears in the September 2011 Forum press release and in clause 40 of document 9. But what is it? A distribution list? Or a real team to fill a specific mission?

The process formerly known as "TBG17-harmonosation" seems to continue (which is a good thing and for which the convenor and contributors should be thanked.) but I did not find the actual decision of the Bureau establishing (or re-establishing) this activity which seems to have been renamed "Library Maintenance"..

With this remark we want to draw to your attention **the need for visibility on the actual and updated description of the work structure.** Annex 2 to document 15/Rev3 has remained unchanged for more than a year (which we definitely regret) and it does not represent in our view reality.

- b)Doc 1/Rev.3 in clause 25 makes it the responsibility of the Chair to ensure that decisions of the Bureau are recorded and published. The manner in which this appears to be done up to now is a matter of concern.

In our view this could be carried out with simply a concise list of conclusions distributed to all CEFACT experts (or at least to all HoDs) shortly after each Bureau meeting. We can presume that there have already been meetings or conference calls of the Bureau since the last Plenary (especially since clause 26 makes one mandatory between two Plenary meetings). But we have no historic schedule of such meetings and no specific outcome of each of them. We have received several "communications" but they seem to be more in a promotional style than factual and for us they do not meet clause 25 requirements.

This point is important in view of the **need for transparency of the whole of CEFACT's activities.** Failing to observe the minimum reporting provided by the rules could result in giving a "chèque en blanc" to the Bureau and leave the Plenary unaware of the real activities that are taking place. This is not our understanding of the decisions taken up till now by the Plenary.

As a final point we want to raise the issue of the **publication of** the different lists provided by the new organisation: principally the **roster of experts and domain coordinator** lists.

- in respect to the roster of experts as a HoD I am not at all sure to have the complete list of my country's experts that have been enlisted till now. I am indeed not sure to have been involved in the endorsement of the candidates (especially since in a new structure, all candidates are new!) either by the candidate or by the secretariat. The publicity, or the distribution to all HoDs of the present content of the roster in order to avoid legal issues of personal data, would enable everyone to have a more accurate picture than the qualitative statements made in the "communications".
- A similar situation may occur with the domain coordinator list; due to the limited role of this coordinator I have observed that some experts were reluctant to put forward their candidature. It would also be useful to know who the **presently designated domain coordinators** are.

2) Fulfilment of CEFACT remits

We have several concerns regarding the CEFACT production and its quality.

- We are forced to formally act now after several unsuccessful alerts to the Bureau about a severe **infringement to the rules for the creation of core components..**

During the audit in June 2011 of the draft CCL11A , it was clearly pointed out that several items were not compliant with the rules since for example they contained forbidden words. (such as adverbs and prepositions).

Despite this the decision has been taken to publish CCL11A without correcting the concerned items. I addressed in September 2011 a demand to the Bureau to take the necessary steps to correct this. I had to wait some time for the reply which was not satisfactory since nothing seems to have been done nor envisaged.

Our opinion is that the CCL11A has remained in error. This can be noted by anybody who consults the CCL and may be interpreted as the evidence that the CEFACT is not observing its own rules. Without any corrections it will raise doubts on its legitimacy to stand as a world wide recognised reference.

The Bureau should present to the Plenary a plan to clearly and rapidly correct this situation. Failing to do so would affect the confidence the Plenary can have in the ability of the Bureau to safeguard the position of CEFACT.

- The French head of delegation transmitted in January a demand to modify the provisional agenda. This was related to the **process of development of Draft Rec 37.**

For the French administration the whole CEFACT process has been correctly followed and there is no reason to delay a decision regarding the approval (or rejection) of this deliverable. Due to agenda constraints the French HoD will not be able to attend the first day of the session and he has stated that he should be considered as not accepting the provisional agenda if the agenda is not changed regarding this item. The draft Rec 37 has been circulated for more than 2 years now (within the TBG and at the Plenary level). The last Plenary agreed on an extension of the review as a compromise, and the provisional agenda is proposing a discussion and not a decision, which is not justified.

The demand is pending waiting for formal action from the Bureau or the Secretariat.

But behind this specific issue, we want to draw your attention on **the need for CEFACT observe its rules of procedures for the sake of reliability and predictability.** Opening the possibility to delay a due decision in a process would introduce a broad margin of uncertainty because it would become almost impossible to plan commitment and resources when volunteering to a project. Contributors could hesitate to join or make proposals in CEFACT.

We suggest that this issue could be discussed under point 8.

3) Restoring momentum and production

- We have tried to **trace the recent activities,** especially in view of the positive press release issued after the last Forum.

When connecting to the CEFACT site (uncefact.org) one can follow links to access the presentations of the different PDAs. But several pages are almost empty or the information dates from 2010. We also noted that the host of this site is not UNECE; but at least this tool exists and seems to work as a convenient interim solution. **We urge the Bureau and the Secretariat to present a plan to move the information on a more official site.**

From this visit we can conclude that only the Methodology and Technologies PDA seems to be active. And in general we were deceived but would like to transform this deception into some constructive suggestions for the near future.

We should immediately take stock of the situation and accept that the attendance at the last Forum cannot be called a success!

We clearly fear that since the start of the reorganisation project, partly due to the lack of clarity in the presentations and the insufficient consideration given to remarks, experts were discouraged from contributing further. Item 8 in the provisional agenda should be a good place to address this as the **restoration of CEFACT is a real short term challenge.**

Some guidelines are suggested but are not limitative:

1) Updating all project statuses and cleaning up of the data base
It seems that the 60 projects indicated in the last Forum press release, are far from having the same chance to be completed. A task would be to clean up this list, deleting any applicable projects that have no more resources, checking whether the remaining projects have the 3-country support, etc.
The project description of every remaining project should necessarily be updated or reviewed (at least concerning support, resources and schedule). The bureau should then be in a position to provide a realistic vision of the actual activity.

2) Restoring a significant role to Domain Coordinators and confidence between actors:
One strange piece of feedback that I had from my country's experts (specifically some with former TBG responsibility) is that they were invited to continue through the last forum, despite the fact that they Moreno longer had an operational role. Apparently their skills and experience were still needed!
The CEFACT is at risk to face a situation where an overburdened Bureau can not fulfil its mission. By enhancing the role of domain coordinators in complement of project teams, PDA managers could find a way to distribute the load. This is a mater of restoring confidence within the CEFACT but also for several sponsors who hesitate to send resources to an uncertain working context.

Conclusion:
Many of the suggestions made above do not require a large amount of resources. They need method and accuracy but if implemented, they could result in a significant improvement of the present situation and the visibility of CEFACT.