



# Economic and Social Council

Distr.: General  
29 January 2014

Original: English

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## Economic Commission for Europe

Executive Committee

### Centre for Trade Facilitation and Electronic Business

Twentieth session

Geneva, 10-11 April 2014

Item 6 of the provisional agenda

**UN/CEFACT structure, mandate, terms of reference and procedures**

### **Revised UN/CEFACT structure, mandate, terms of reference and procedures<sup>1</sup> submitted by the Bureau for information**

#### *Summary*

The Economic Commission for Europe, at its sixty-fifth session, adopted the “Outcome of the review of the 2005 reform of ECE”, as contained in Annex III to document E/ECE/1464.

Document ECE/TRADE/C/CEFACT/2010/15/Rev.3 “Mandate, Terms of Reference and Procedures for UN/CEFACT” was therefore amended to reflect the decisions and guidelines contained in document E/ECE/1464, and was presented to the nineteen session of the UN/CEFACT Plenary for discussion (ECE/TRADE/C/CEFACT/2010/15/Rev.4).

Further amendments proposed and approved by the nineteen UN/CEFACT Plenary, are contained in the current document, which was approved by EXCOM on its sixty-second meeting.

This document is presented to the Plenary for information.

Previous documentation:

- ECE/TRADE/C/CEFACT/2010/15/Rev.4 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- ECE/TRADE/C/CEFACT/2010/15/Rev.3 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- ECE/TRADE/C/CEFACT/2010/15/Rev.2 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- ECE/TRADE/C/CEFACT/2010/15/Rev.1 Mandate, Terms of Reference and Procedures for UN/CEFACT
- TRADE/R.650/Rev.4 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- TRADE/R.650/Rev.3 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- TRADE/R.650/Rev.2 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- TRADE/R.650/Rev.1 Mandate, Terms of Reference and Procedures for UN/CEFACT.
- TRADE/R.650 Recommendations for the Establishment of UN/CEFACT.
- TRADE/WP.4/R.1234 Recommendations for the Establishment of UN/CEFACT.

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<sup>1</sup> Approved by EXCOM on its sixty-second meeting on 11 July 2013.

## I. Introduction

1. The original document detailing the structure, mandate, terms of reference, and procedures for UN/CEFACT, TRADE/R.650, was approved by Working Party 4 (WP.4), the predecessor of the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), at its final meeting in September 1996 and by the Committee on the Development of Trade in December 1996. Subsequently, organizational changes, a change in organization name and follow-up experience resulted in revisions to the original document, the last being Revision 4, which was approved by the UN/CEFACT Plenary in 2005. In 2012, UN/CEFACT processes were streamlined and strengthened and the mandate, terms of reference and procedures for UN/CEFACT were revised accordingly (ECE/TRADE/C/CEFACT/2010/15/Rev.3).

2. The Economic Commission for Europe, at its sixty-fifth session, adopted the “Outcome of the review of the 2005 reform of ECE”, as contained in Annex III to document E/ECE/1464. Document ECE/TRADE/C/CEFACT/2010/15/Rev.3 was amended to reflect the decisions and guidelines contained in document E/ECE/1464, and was presented to the nineteen session of the UN/CEFACT Plenary for discussion (ECE/TRADE/C/CEFACT/2010/15/Rev.4).

3. Further amendments proposed and approved by the nineteen UN/CEFACT Plenary, are contained in the current document, which was approved by EXCOM on its sixty-second meeting.

## II. Mandate and terms of reference

4. Within the United Nations framework of the Economic and Social Council, the United Nations Economic Commission for Europe (UNECE) serves as the focal point for trade facilitation recommendations and electronic business standards, covering both commercial and government business processes that can foster growth in international trade and related services. In this context, the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) was established, as a subsidiary, inter-governmental body of the UNECE, mandated to develop a programme of work of global relevance to achieve improved worldwide coordination and cooperation in these areas.<sup>2</sup> Following the adoption of the outcome of the Review of the 2005 reform of ECE<sup>3</sup>, in April 2013, UN/CEFACT has been placed under the overall guidance of the UNECE Executive Committee<sup>4</sup>.

5. UN/CEFACT reports on its activities to the UNECE Executive Committee.

6. UN/CEFACT supports activities dedicated to improving the ability of business, trade and administrative organizations, from developed, developing and transition economies, to exchange products and relevant services effectively. Its principal focus is on facilitating national and international transactions, through the simplification and harmonization of processes, procedures and information flows, and so contributing to the growth of global commerce. This is achieved by:

(a) Analysing and understanding the key elements of international processes, procedures and transactions and working for the elimination of constraints;

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<sup>2</sup> See diagrams in Annex relating to UN/CEFACT.

<sup>3</sup> Decision adopted by the Economic Commission for Europe during its sixty-fifth session (E/ECE/1464, Annex III).

<sup>4</sup> At the end of 2014 EXCOM may decide, after evaluation, whether it is desirable for UN/CEFACT to report to the Committee on Trade.

(b) Developing methods to facilitate processes, procedures and transactions, including the relevant use of information and communication technologies (ICT);

(c) Promoting both the use of these methods and associated best practices through channels such as government, industry and service associations;

(d) Coordinating its work with other international organizations such as the World Trade Organization (WTO), the World Customs Organization (WCO), the Organisation for Economic Co-operation and Development (OECD), the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Conference on Trade and Development (UNCTAD);

(e) Securing coherence in the development of recommendations and standards by cooperating with other interested parties, including international, intergovernmental and non-governmental organizations. In particular, for UN/CEFACT standards, this coherence is facilitated by cooperating with the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and selected non-governmental organizations (NGOs), especially in the context of the ISO/IEC/ITU/UNECE Memorandum of Understanding on electronic business. These relationships have been established and maintained in recognition of the broad application that UN/CEFACT's work has in areas beyond global commerce and the key objectives of interoperability between applications and the ability to support multilingual environments.

### **III. Structure and procedures**

#### ***Framework***

7. The structure of UN/CEFACT consists of a Plenary, a Bureau and regional rapporteurs.

8. The Plenary convenes at least once a year and, between Plenary sessions, the Bureau meets at least once.

9. The Plenary is the highest authority regarding all aspects of UN/CEFACT work, subject to any approval required by the UNECE Executive Committee.

10. The Plenary elects a Bureau to act in the name of the Plenary between its sessions by, in particular, developing, implementing and managing its strategies and programme of work, including outreach activities in response to the needs and priorities of the Member States of the United Nations and other stakeholders. The Plenary also elects rapporteurs for specific tasks, in particular, for regional outreach.

11. Delegations to the Plenary shall include interested United Nations Member States, intergovernmental organizations and non-governmental organizations recognized by the Economic and Social Council of the United Nations (ECOSOC).

12. The preferred way of reaching decisions shall be by consensus, which may be defined as a general agreement characterized by the absence of formal objection to substantial issues. Deciding by consensus is a process that involves seeking to take into account the views of all parties concerned; and to reconcile conflicting arguments. Consensus is not to be equated with unanimity. If consensus cannot be reached, the matter will be put to a vote. For voting purposes, a majority of formally nominated delegations of United Nations member States to UN/CEFACT shall constitute a quorum, and delegates must be present in the meeting that puts the matter to a vote.

13. In view of the global character of UN/CEFACT's work on trade facilitation and electronic business standards, any member State of the United Nations can participate, on the basis of equality.
14. Member States nominate permanent heads of delegation, whose responsibilities include participating in Plenary and intersessional decision processes on the basis of equality, as well as nominating experts to participate in UN/CEFACT activities as independent volunteer experts in their own right, without representing any special interests of their countries or institutions. Among their activities, experts may assist the Bureau in the development and implementation of the programme of work, especially contributing to projects that involve the development of UNECE recommendations and UN/CEFACT standards in conformity with the provisions of the UN/CEFACT Intellectual Property Policy.
15. Subject to United Nations rules and regulations, the UNECE secretariat may invite observers to attend Plenary sessions, at the initiative of either the Bureau or the secretariat itself.
16. UNECE provides secretariat resources to support UN/CEFACT and the implementation of its programme of work, under the supervision of the UNECE Executive Secretary and in line with budgetary and extra budgetary resources. Planning for the implementation of the UN/CEFACT programme of work is undertaken annually by the Bureau (acting on behalf of the Plenary) and the UNECE secretariat, taking into account the resources available from both the United Nations and externally. The Bureau is also responsible for reviewing and reporting to the Plenary on the results of the implementation of the programme of work.
17. All meetings of the Plenary and the Bureau shall conform to general United Nations and UNECE rules, including EXCOM rules.
18. The Bureau shall coordinate its work with other organizations, ensure that practical work on specific tasks is undertaken at the appropriate level within UN/CEFACT, and avoid duplication of work both internally or externally.
19. UNECE recommendations and UN/CEFACT standards shall be approved by the Plenary on the basis of the project procedures specified in the UN/CEFACT Open Development Process (ODP) (ECE/TRADE/C/CEFACT/2010/24) and shall be made freely available to users.
20. UN/CEFACT widely disseminates, encourages and promotes the implementation of its deliverables among users in cooperation with, for example, national Governments, intergovernmental organizations, the Global Facilitation Partnership for Transport and Trade, non-governmental organizations and organizations representing industry and commerce. It does this with the assistance of the UNECE secretariat, which is responsible for official communications and other communications support, including maintenance of the website.
21. UN/CEFACT, with the assistance of the UNECE secretariat, provides publications through its website on a freely available basis and, whenever possible, in English, French and Russian.

### *The Plenary*<sup>5</sup>

22. The Plenary shall meet at least once a year in accordance with its procedures. As part of its procedures, the Plenary may reach decisions via an intersessional approval process (ECE/TRADE/C/CEFACT/2010/15/Rev.3/Add.1).

23. The Plenary shall have the executive responsibility for determining the strategy, policy and promotion necessary to carry out UN/CEFACT's mandate. In particular, the Plenary shall approve the UN/CEFACT programme of work.

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<sup>5</sup> Sections: The Plenary, The Bureau and Regional Rapporteurs, were reverted to ECE/TRADE/C/CEFACT/2010/15/Rev.3 by decision of the 19th UN/CEFACT Plenary, pending further advice from EXCOM.

24. The Plenary shall elect a Chair of UN/CEFACT and at least four vice-chairs, which constitutes the Bureau. The Plenary procedures shall include a nomination process for candidates for election to Plenary positions which will take into account criteria such as expertise, leadership, ability, willingness to work and geographic balance.

25. The Chair and vice-chairs of the Bureau shall be elected for terms of three years from the date of election. All officers are eligible for re-election. In the election or re-election process, due consideration shall be given to the need to achieve consistency, continuity and renewal in the work of UN/CEFACT. Whenever possible, elections for approximately one third of the members of the Bureau shall take place each year.

26. The Plenary may, taking into due consideration guidance from the Bureau, appoint regional rapporteurs to undertake specific functional and representational tasks as described below and in coordination with the Bureau and the UNECE secretariat.

### *The Bureau*

27. The Bureau consists of a Chair and at least four vice-chairs.

28. The Bureau shall be responsible to the Plenary for the open, transparent and efficient functioning of UN/CEFACT and the implementation of its programme of work. Bureau members shall act in their personal capacity, in line with the Code of Conduct, without representing any special interests, their countries or institutions. The vice-chairs shall assist the Chair in meeting the requirements of the full portfolio of responsibilities held by the Bureau.

29. To fulfil their responsibilities, the Chair and the Bureau may be supported by experts nominated by Plenary delegations. The Bureau may also appoint, subject to UNECE rules, advisors and task teams to support its activities, for example to focus on particular aspects of the programme of work and related proposals for projects within the context of a programme development area. The purpose of advisors and task teams, as well as the names of those involved in such support, will be reported to the Plenary.

30. UN/CEFACT shall establish a code of conduct for all participants and, within the procedures associated with its monitoring, the Bureau may nominate an advisor to address specific matters of concern.

31. The principal functions of the Bureau are:

(a) To manage the ongoing strategic planning and coordination for the UN/CEFACT programme of work between Plenary sessions;

(b) To verify that UN/CEFACT activities are compliant with its mandate, terms of reference and procedures;

(c) To prepare UN/CEFACT meetings, including the Plenary and the Forums, in collaboration with the secretariat;

(d) To appoint and guide experts supporting the programme of work, especially in the context of programme development areas, each of which will be supervised by a Bureau vice-chair, in order to give consideration to strategic issues in the fields of trade facilitation and electronic business, provide advice on these issues to the Plenary and, where appropriate, work with experts on issues concerning related projects;

(e) To develop and maintain procedures associated with the review and launch of project proposals, especially those submitted for the development of UNECE recommendations and UN/CEFACT standards, and, where appropriate, to approve the formation of project teams and appoint project leaders, subject to the provisions of the UN/CEFACT Open Development Process;

(f) To foster opportunities for outreach, cooperation and collaboration in order to advance the programme of work and projects, particularly through meetings of experts;

(g) To help ensure coherence in matters dealing with policy, promotion, communication, cooperation and capacity-building, particularly in the context of activities with other bodies, with the support of the secretariat;

(h) To be accountable for operational functions of UN/CEFACT activities, (e.g. audit, project control, library maintenance activities), with the support of the UNECE secretariat, volunteer experts and task teams.

32. Bureau members shall meet at least once between Plenary sessions, and shall decide on the meeting arrangements (physical, through teleconferences or electronic means) to be made in order to fulfil their responsibilities. The Chair may invite rapporteurs and others to participate in Bureau meetings and discussions. In the case of absence of the Chair at a Bureau meeting, if the Chair is unable to appoint a replacement beforehand, the Bureau will agree on a replacement for the duration of the meeting by consensus as the first item of the agenda of the meeting.

33. The Chair, with the assistance of members of the Bureau and the UNECE secretariat, is responsible for preparing the programme of work for approval by the Plenary, with a view to providing a coherent framework that serves the needs of United Nations Member States and other stakeholders within the context of UN/CEFACT's mandate and terms of reference, particularly by fostering outreach to and collaboration with those parties interested in working with UN/CEFACT to achieve common goals and, wherever possible, to avoid duplication of work both within and outside of UN/CEFACT.

34. The Bureau maintains procedures to fill mid-term vacancies in its membership.

35. Failure by a member of the Bureau to constructively participate in the work of the Bureau may lead to a request by the Bureau to the Plenary for a replacement.

36. The preferred way of reaching decisions shall be by consensus. Any voting within the Bureau shall be carried out in accordance with the quorum established in the internal procedures of the Bureau. The Bureau procedures contain rules on decision-making in both physical and electronic/virtual meetings.

37. The Chair, with the assistance of members of the Bureau and the UNECE secretariat, is responsible for scheduling, coordinating and developing agendas for meetings of the Plenary, the Bureau and, when necessary, experts.

38. The Chair shall ensure that Bureau decisions are recorded and published. An annual summary report of these decisions shall be provided to the Plenary.

### ***Regional rapporteurs***

39. The mandate of regional rapporteurs shall be carried out, wherever possible, in coordination with the UN/CEFACT Bureau, heads of delegation to UN/CEFACT from the region, the UNECE secretariat and other regional commissions of the United Nations.

40. Within their defined region, the Rapporteur shall:

(a) Promote UN/CEFACT's interests and activities among Governments, intergovernmental organizations, relevant trade associations and business and trade facilitation organizations, with the assistance of the UNECE secretariat, which is responsible for official communications;

(b) Encourage the participation of experts in UN/CEFACT's work programme and stimulate the implementation of UN/CEFACT's standards, recommendations and other deliverables;

(c) Coordinate UN/CEFACT's activities in the region.

41. All regional Rapporteurs shall present a report at each UN/CEFACT Plenary. They may raise issues directly with the UN/CEFACT Bureau and have an open invitation to attend the Bureau meetings in a consultative capacity.

42. Regional rapporteurs are elected for two years, renewable.

#### **IV. Periodic review**

43. In order to ensure that this document in its provisions accurately reflects relevant developments in global commerce, trade facilitation and electronic business and general methods of collaboration (e.g. the Internet and the World Wide Web), it shall be reviewed periodically.

44. The authority to amend this document shall be vested in the Plenary. Proposals for amendments may be made by Plenary delegations or the Bureau.

45. Amendments approved by the Plenary shall be submitted to the EXCOM for approval.

## Annex

### Diagrams relating to UN/CEFACT

#### (1) UN/CEFACT within the United Nations framework



**(2) Structure of UN/CEFACT**

**UN CENTRE FOR TRADE FACILITATION AND ELECTRONIC BUSINESS**

