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Item 9 of the provisional agenda

MANDATE, TERMS OF REFERENCE AND PROCEDURES FOR UN/CEFACT
(CENTRE FOR TRADE FACILITATION AND ELECTRONIC BUSINESS)

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DRAFT DOCUMENT FOR APPROVAL

Submitted by the UN/CEFACT Bureau *

* This document includes the decisions taken at the Tenth UN/CEFACT Plenary and is submitted by the UN/CEFACT Bureau for intersessional approval with a review time for the Head of Delegations of 30 days (Decision 04-17 of the Tenth Plenary Session).

The provisions in this document shall become effective after its approval by the UN/CEFACT Plenary and all other necessary authorities and the implementation of the transition plan provided by the Bureau as found in document TRADE/CEFACT/2004/Misc.2.

Previous Documentation:

- 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 Establishement of CEFACT)
- TRADE/WP.4/R.1234 (Recommendations for the Establishment of CEFACT)

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Introduction

The original text of TRADE/R.650 was approved by WP.4, the predecessor to the United Nations Centre for Trade Facilitation and Electronic Business' (UN/CEFACT), at its final meeting in September 1996 and was later approved by the Committee on the Development of Trade in December 1996. Subsequently, organizational changes, a change in organization name and experience gained from operating the Centre resulted in revisions to the original document, the last being Revision 2 which was approved by the UN/CEFACT Plenary in March 2000 and by the Committee for Trade, Industry and Enterprise Development in May 2000.

During the intervening period, UN/CEFACT has experienced a significant process of transformation involving:

- adoption of a vision and operating strategy;
- approval of the Open Development Process (ODP) as the means for progressing its work;
- an organizational restructuring of its empowered Groups to operate within the ODP;
- confirmation of a need to augment available support resources beyond those available from the UNECE;
- development of an intellectual property policy; and
- approval of a unified UN/CEFACT management structure with streamlined operating processes.

This document, Revision 3 of R.650, has been developed after consultation with the United Nations Office of Legal Affairs (OLA), the United Nations Economic Commission for Europe (UNECE), Heads of Delegation, and empowered Groups, and it incorporates those changes arising out of the foregoing experience, consultation and implementation of the Tenth UN/CEFACT Plenary decisions.

INDEX

I. Mission Statement **4**

II. Mandate **4**

III. Terms of Reference for UN/CEFACT **4**

THE CENTRE 4
RULES OF PROCEDURE AND EMPOWERMENT 5
COOPERATION WITH OTHER BODIES 5
RECOMMENDATIONS, STANDARDS AND TECHNICAL SPECIFICATIONS 5
DISSEMINATION AND PROMOTION 5
SECRETARIAT 5
RESOURCES 6

IV. The Plenary **6**

THE OFFICERS 6
THE BUREAU
RESPONSIBILITIES OF THE BUREAU 7
ADDITIONAL RESPONSIBILITIES OF THE CHAIR 7
OTHER PLENARY APPOINTMENTS 8
FREQUENCY OF MEETINGS 8

V. The Forum Management Group (FMG) **8**

MEMBERSHIP 9
REPORTING 10
DECISION MAKING 10
QUORUM 10
ORGANIZATION OF MEETINGS 10

VI. Permanent Groups **11**

PRINCIPLES OF EMPOWERMENT 11

VII. Procedures for Empowerment of Permament Groups **11**

MANDATE 12
STATEMENT OF RESOURCE REQUIREMENTS 12
TERMS OF REFERENCE 12
DELIVERABLES 13
RESPONSIBILITIES AND REPORTING 13
GROUP CHAIRS 13
GROUP MEMBERSHIP, PARTICIPATION AND INTELLECTUAL PROPERTY RIGHTS POLICY 14
GROUP PROCEDURES 14
ORGANIZATION AND ADMINISTRATION 14

VIII. Linkages Between Groups and the Plenary **15**

IX. Amendement Procedure **15**

Annex I. Organizational Structure of UN/CEFACT

Annex II. Open Development process for Technical Specifications

Annex III. Inter-sessional Approval of Documents

I. Mission Statement

1. The United Nations, through its Centre for Trade Facilitation and Electronic Business (UN/CEFACT), supports activities dedicated to improving the ability of business, trade and administrative organizations, from developed, developing and transitional economies, to exchange products and relevant services effectively. Its principal focus is to facilitate national and international transactions, through the simplification and harmonisation of processes, procedures and information flows, and so contribute to the growth of global commerce. This is achieved by:

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

1.2 Developing methods to facilitate processes, procedures and transactions, including the relevant use of information technologies;

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

1.4 Coordinating its work with other international organizations such as the World Trade Organization (WTO), the World Customs Organization (WCO), the Organization 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); and

1.5 Securing coherence in the development of norms and standards by co-operating with other interested parties, including international, intergovernmental and non-governmental organizations. In particular, for electronic business standards, this coherence is accomplished 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) in the context of the ISO/IEC/ITU/UNECE Memorandum of Understanding (MOU). These relationships were established in recognition that UN/CEFACT's work has broad application in the areas beyond global commerce and that interoperability of applications and their ability to support multi-lingual environments, are key objectives.

II. Mandate

2. Trade facilitation, other commercial and governmental business processes and electronic business are vital factors in the development of world trade and, therefore, central to the remit of the United Nations Economic Commission for Europe (UNECE). The UNECE, which acts as the focal point within the United Nations for these matters, established UN/CEFACT with the mandate to achieve improved worldwide coordination and cooperation in these areas. The Centre is mandated to develop and undertake a work programme of global relevance that meets current and future demands as required by its mission.

3. The Centre will report to the Committee for Trade, Industry and Enterprise Development and, if requested, directly present reports on its activities to the UNECE.

III. Terms of Reference for UN/CEFACT

The Centre

4. UN/CEFACT shall provide a forum for the work necessary to achieve its mission. It encompasses the formal meetings of the Plenary, its elected officers and those meetings of its Permanent Groups and its Forum Management Group (FMG) held under delegated authority (See Annex I). It also includes virtual meetings of the Plenary and its Groups, where discussion takes place and consensus is reached through electronic communications.

5. Participants in the Plenary of the Centre shall include UNECE member States, other United Nations member States, intergovernmental organizations and non-governmental organizations recognised by the United Nations Economic and Social Council (ECOSOC).

6. The Plenary shall have the executive responsibility for the strategy, policy, work programme and resources necessary to carry out the Centre's mission. It shall develop and maintain a work programme, which shall include the work programmes of all the Permanent Groups and other initiatives approved by the Plenary. The Plenary shall ensure the efficient and effective functioning of the Centre's activities. It shall be the final arbiter of any appeal originating from a Group or a UN/CEFACT delegation.

Rules of procedure and empowerment

7. The Plenary shall develop rules of procedure for its work and shall elect a Chair and other officers in accordance with these rules.

8. Permanent Groups shall be empowered to undertake specialised activities of a non-policy nature agreed to in the work programme approved by the Plenary. Empowerment is the delegation of responsibility to a Group of the Centre to enable that Group to perform the functions within its mandate. This delegation shall be accomplished through well-defined terms of reference describing the deliverables, the methods to be used for their development and the requirements for regular reporting to the Plenary.

9. Once a Group has been empowered, the role of the Plenary shall be to support and follow the progression of the work rather than focusing on the detailed aspects of control.

10. All meetings of the Plenary, the Plenary officers, the FMG and the Groups shall be official United Nations meetings and shall conform to general United Nations rules for such meetings.

Cooperation with other bodies

11. As stated in its mission, the Centre shall coordinate its work with other organizations and, in particular, it shall ensure that practical work on specific tasks is undertaken in the appropriate forum and shall avoid duplication of work.

Recommendations, standards and technical specifications

12. The Centre shall, as deliverables of its work programme, develop formal Recommendations, standards and technical specifications. Those formal Recommendations that involve policy or regulatory action will be submitted to the Plenary for approval. Other recommendations, norms, standards and technical specifications shall be approved following the procedures identified in the Centre's Open Development Process (ODP) (see Annex II) or other processes that have been approved by the Plenary. The Centre, acting through the Plenary, shall make these Recommendations, standards and technical specifications directly to governments as well as other participants in international commerce and shall report them to the UNECE Committee for Trade, Industry and Enterprise Development.

Dissemination and promotion

13. The Centre shall disseminate, encourage and promote the implementation of its Recommendations and other deliverables among users in cooperation with national governments, intergovernmental organizations and organizations representing industry and commerce.

Secretariat

14. The UNECE, acting through its Executive Secretary, shall continue to place staff and facilities at the disposal of the Plenary to assist it in the accomplishment of its mission and work programme, within existing UNECE resources. Should adequate resources not be available from the UNECE secretariat, additional services may be provided by an external service provider engaged by the United Nations and administered by the UNECE secretariat who will coordinate the provision of services with

the FMG. Such an external service provider shall function in accordance with United Nations rules and any additional requirements agreed upon by the UN/CEFACT Plenary.

15. The secretariat shall advise the Plenary on United Nations policies and goals, including governance issues.

16. In cooperation with the Plenary, the Bureau and the Forum Management Group, the secretariat shall: i) work on the development of any MOU which may be proposed by the Centre to UNECE for signature between the UNECE and other organizations on activities relating to the work programme of UN/CEFACT; and ii) coordinate the input from the Plenary to any management or review mechanisms established under such MOUs.

Resources

17. The Centre shall consider all proposals for specific tasks with due regard to the need to establish appropriate priorities within available resources. Where appropriate, the Centre shall seek to obtain extra-budgetary resources within the framework set out above.

IV. The Plenary

18. The Plenary shall have the executive responsibility for the strategy, policy, promotion and resources necessary to carry out the Centre's mission. It shall develop and maintain the work programme as set out above and shall ensure the efficient and effective functioning of the activities of the Centre. It shall be the final arbiter of any appeal originating from a Group or a UN/CEFACT delegation.

19. The Plenary shall approve the mandates and terms of reference for all Groups. The Plenary may, in its own right, establish and mandate new Groups. In addition, the Plenary may decide to end the mandate of a Group.

The officers

20. The Plenary shall elect a Chair and a number of Vice Chairs (as decided by the Plenary), up to a total of five (5). A nomination process shall be established to propose candidates for election to the Plenary positions that will take into account expertise, leadership, ability and willingness to work and geographic balance.

21. Elections of the Chair and Vice Chairs shall be for terms of two (2) years. 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.

The Bureau

22. The Bureau of the Plenary shall consist of the Plenary officers, the Chair and Vice-Chair of the Forum Management Group and the UNECE secretariat. It shall be chaired by the Chair of the Plenary, who shall be free to invite Rapporteurs, Group Chairs and other experts, as appropriate, to participate in Bureau meetings and discussions. The Bureau shall meet at least once between Plenary sessions. Beyond that, it will be up to the members of the Bureau to decide how often they need to meet, either in-person, in teleconference or electronically, in order to fulfill their responsibilities.

23. The Bureau shall be responsible to the Plenary for the open, transparent and efficient operation of the Centre. Vice Chairs shall assist the Chair in meeting the requirements of the full portfolio of responsibilities held by the Bureau. To fulfil their responsibilities the officers may establish advisory teams which shall be open to members of the Plenary and the Forum. The establishment of such teams shall be reported to the Plenary.

Responsibilities of the Bureau

24. The responsibilities of the Bureau shall include:

24.1 Oversight, ensuring the effective implementation of Plenary decisions, mandates, terms of reference and work programmes;

24.2 Developing recommendations to the Plenary for the Centre's strategy and policy;

24.3 Developing relationships with other bodies at the level of the Centre and defining their scope, which may include contributing to their work programmes; this includes assisting Rapporteurs and Groups by coordinating liaison relationships with other international bodies, including standards organizations;

24.4 Representing the interests of the Centre within the United Nations, the UNECE (both to the Committee for Trade, Industry and Enterprise Development and to the Commission); with other United Nations Agencies and Regional Commissions; and with other relevant external bodies;

24.5 Promoting and encouraging the implementation of the Centre's Recommendations, standards, technical specifications and other results of its work to all nations trading internationally, especially to those with economies in development and transition; this includes, where appropriate, supporting relevant national initiatives;

24.6 Maintaining an active dialogue with regional interests through regional Rapporteurs and in cooperation with the United Nations Regional Commissions;

24.7 Coordinating work on the Centre's constitutional issues, including revisions to this document;

24.8 Ensuring the proper levels of oversight for Group operations and fostering the closest possible coordination and communication between the Plenary and its Groups.

24.9 On behalf of the Plenary, develop, manage and maintenan any MoU related to UN/CEFACT's work that is proposed for, or already has been signed by, the UNECE with an external organization;

24.10 Where the tasks relate to the requirements of the approved work programme, approving the establishment of ad hoc internal and, where appropriate, joint external working groups with other organizations, to accomplish specific tasks within a specified time scale (the establishment of such groups to be reported to the Plenary);

24.11 Giving provisional approval, subject to final Plenary approval, and taking into account any recommendations from the Forum Management Group, for the establishment of new Groups, where their activity is consistent with the requirements of the approved work programme.

24.12 Reviewing and making recommendations to the Plenary on the terms of reference for Groups;

24.13 Managing Plenary intersessional approvals according to approved procedures; and

24.14 Preparing for Plenary sessions, which shall include reviewing the documents submitted to the Plenary and making recommendations to the Plenary with regard to any decisions that need to be made.

Additional responsibilities of the Chair

25. In addition to the foregoing collective responsibilities, the Chair of the Plenary shall be responsible for:

25.1 Working with all delegations to ensure, in an impartial and consensual manner, effective decision taking by the Plenary;

25.2 Allocating amongst the Vice Chairs the collective responsibilities of the officers according to their special interests and skills (the allocation of responsibilities shall be reported to, and where appropriate endorsed by, the Plenary).

Other Plenary appointments

26. The Plenary may appoint Rapporteurs to undertake functional and representational tasks, where appropriate and in coordination with the secretariat, in any area of the Centre's mission. This shall be done according to an agreed mandate specifying a Rapporteur's role, responsibilities, duration of the appointment and reporting relationships.

27. Once a mandate has been agreed by the Plenary, candidates for the Rapporteurship in question may be nominated by any Plenary delegation.

Frequency of meetings

28. The Plenary shall meet once a year according to the schedule established in its procedures. Until otherwise decided by the Plenary, the current procedures for intersessional approvals shall continue in force (see Annex III.).

V. The Forum Management Group (FMG)

29. The FMG is a management body directly responsible for:

29.1 Ensuring, in coordination with the Bureau where appropriate, that the requirements of the Groups are met;

29.2 Realising an efficient harmonisation of the collective Group work programmes, within the context of the objectives of the Centre; and

29.3 Reporting on its work and making recommendations to the Plenary and the Bureau related to its responsibilities.

30. Subject to periodic review, the FMG's responsibilities shall further include:

30.1 Reviewing the work of the Groups to ensure that the work of the Groups falls within the mandates approved by the Plenary, ensuring coordination of related work among Groups, preventing any work duplication among Groups and reporting to the Bureau and Plenary on any issues that may arise;

30.2 Monitoring and coordinating progress on the approved work programme for the Groups;

30.3 Administering and planning for collective or individual Group meetings[1];

30.4 Developing and maintaining the general operational procedures for work taking place during Group meetings;

30.5 Managing the overall implementation of the Open Development Process and making recommendations to the Plenary for any required modifications to those procedures;

30.6 Coordinating the provision of resources to the Groups, working in conjunction with the UNECE secretariat, on any specific work activities with any external support service provider(s);

30.7 Providing recommendations to the Bureau on the establishment of new Groups; for example, advice as to whether their proposed activity is consistent with the requirements of the approved work programme and providing mentorship to any new Groups;

30.8 Dispute resolution among Groups[2] based on consensus;

[1] Collective Group meetings are currently referred to as UN/CEFACT Forums.
[2] Those disputes not resolved at the FMG level may seek resolution at the Bureau or finally at the Plenary level via petition to the Chair of the Plenary for a decision.

30.9 Succession planning among the FMG membership;

30.10 Coordination of FMG and Group promotion and communication activities in cooperation with the Bureau responsible for the overall promotion of UN/CEFACT;

30.11 Recommending new work items to the Plenary, including the mandates and new or revised terms of reference for any related Group(s);

30.12 Reviewing, at least annually, the progress towards deliverables of the Groups, as specified in their mandates and terms of reference; and

30.13 Providing, in time to permit normal United Nations document translation and distribution, a written report on FMG activities and recommendations to the Plenary at each of its sessions, including any observations by individual FMG members.

Membership

31. The FMG shall be comprised of an elected Chair, Vice Chair and, for each Group[3], one Permament Representative elected by the Group.

32. Recognising the need for open and frequent communications and coordination with the Plenary and the Secretariat, the Plenary Vice Chairs and a member of the secretariat shall be ex officio members of the FMG, without voting privileges.

33. Rapporteurs and other invited guests may participate in FMG meetings, in a consultative capacity.

34. The Chair and Vice Chair shall be elected by the collective membership of all the Groups. The Chair shall be ratified by the Plenary. Ratification by the Plenary conveys Rapporteur status on the Chair.

35. Nominees for the position of Chair shall come from the membership of a Permanent Group. If the nominee is an officer of a Group, the nominee shall resign from that position upon election. The term of office shall be for two (2) years. Upon election, the Chair shall act as a Candidate Rapporteur until the Plenary has made a decision regarding their ratification. The Chair shall be eligible for re-election for further terms of office without restriction.

36. Nominees for the position of Vice Chair shall come from either the membership of a Permanent Group or a Plenary delegation. If the nominee is an officer of a Group or the Plenary, the nominee shall resign from that position upon election. All elections of the Vice Chair subsequent to the initial transitional procedures and term of office shall be for a term of two (2) years. The Vice Chair shall be eligible for re-election for further terms of office without restriction.

37. The Plenary shall use all reasonable efforts to achieve ratification of the FMG Chair by consensus but shall decide the matter by formal vote if consensus cannot be achieved.

38. Should a Chair not be ratified by the Plenary, then the Plenary shall request the election and submission to the Plenary of another Candidate Rapporteur. In such cases, Plenary delegations may also nominate one or more candidates for the post. Then, the foregoing process shall be repeated until ratification is achieved with the following changes: i) the addition of any nominees from the Plenary to the election process; ii) any candidate that was not ratified shall be ineligible for two years to stand again for election to the post.

39. In the event of the resignation of the Chair, the Vice Chair shall succeed to the Chair position and complete the remaining portion of the Chair's term. Elections for a replacement Vice Chair shall be scheduled and conducted at the earliest appropriate opportunity to cover the remaining portion of the Vice Chair's term. The Vice Chair shall be eligible for re-election for further terms of office without

[3] TBG shall have two additional members/seats in the FMG assigned for the first two years. Subsequently it will be reviewed by the plenary.

restriction. Such elections will be in the same form, mutatis mutandis[4], as set out in the foregoing paragraphs.

40. Permanent Representatives shall be elected, one from each Group[5] for two (2) year terms of office. The elections shall take place according to the Forum Management group procedures. If the Group so wishes, officers of a Group may be FMG members. Such members shall be mindful of and respect the resource commitments associated with holding both positions. Members shall be eligible for re-election for further terms of office without restriction.

41. Permanent Representatives are expected to use their best endeavours to attend every meeting. Failure to attend three (3) consecutive meetings may lead to a request for the member to resign. The FMG shall develop appropriate procedures to fill mid-term vacancies in the membership of the FMG.

Reporting

42. The FMG Chair shall submit a written report for each session of the Plenary on the FMG‘s activities in time to permit normal United Nations document translation and distribution. The report shall describe the FMG’s activities and other relevant issues relating to the operation of mandated Groups, including:

42.1 Any recommendations to the Plenary regarding proposed new or revised Group mandates, new or revised Group terms of reference and new or revised work items to be included in the work programmes submitted by the Groups;

42.2 A report on the status of the Open Development Process; and

42.3 The identification of any Group(s) that have been consistently unable to reach a consensus in their work.

Decision Making

43. The preferred way of reaching decisions shall be by consensus. Consensus is characterised by the absence of significant and sustained opposition. Any voting shall be carried out in accordance with the internal procedures of the FMG. These internal procedures must be developed within six (6) months of establishment of the FMG and submitted to the secretariat so as to be made publicly available. The procedures will contain rules regarding decision making in both physical and electronic/virtual meetings.

Quorum

44. The FMG shall develop internal procedures defining the establishment of a quorum. The procedures shall provide for the event that if the FMG is not quorate or becomes inquorate during the course of a meeting, such meeting may continue but all decisions reached must be subsequently ratified by a quorate FMG meeting before they can be implemented.

Organization of meetings

45. The FMG shall establish an annual meeting schedule that permits the timely execution of its responsibilities. It shall meet during all collective/Forum meetings and at least once a year in Geneva. If required, emergency meetings may also be scheduled. In lieu of emergency meetings, specified topics or documents may be circulated for comments electronically. Where feasible, virtual meetings should be held where discussions can be conducted using e-mail, electronic conferencing means, provided that all members are capable of utilising the means chosen. Any two members of the FMG may request a meeting of the FMG on one month’s notice.

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[4] As before but modified as necessary

[5] TBG shall have two additional members/seats in the FMG assigned for the first two years. Subsequently it will be reviewed by the plenary.

46. Normally, the dates and locations of the physical FMG meetings shall be agreed by the FMG membership and minuted sufficiently in advance to permit efficient scheduling among the members and participants (i.e. a minimum of 6 months and, preferably, 12 months in advance). A draft agenda for each meeting shall be circulated at least four (4) weeks in advance of each physical meeting. The agenda for each virtual meeting shall be circulated at least one (1) week in advance.

47. The draft agenda of each meeting shall be circulated electronically to all FMG members, the Plenary officers, Rapporteurs, Group Chairs and UNECE secretariat.

48. The Chair shall ensure that there is an adequate record of decisions reached. Virtual meetings and official electronic discussions called by the Chair shall also be minuted to establish an official record. The FMG shall use all reasonable endeavours to ensure that a record of decisions reached is circulated to all those entitled to attend FMG meetings within one month following the date of commencement of the meeting in question. To ensure as much transparency as possible, a summary report from each FMG meeting shall be made available electronically on the United Nations Internet site within one month of the meeting in question and shall be published in the three official languages for the UN/CEFACT Plenary meetings.

VI. Permanent Groups

49. Permanent Groups shall be established with a mandate approved by the Plenary to undertake a long-term work programme.

Principles of empowerment

50. All Groups must have a mandate, terms of reference, a work schedule indicating the timing of key deliverables and a statement of resource requirements accompanied by a plan for how those resources are to be provided.

51. Mandates, terms of reference and work schedules which have been approved prior to the date of this document coming into force do not need to be re-submitted for approval although there is a continuing obligation on the part of all Groups to ensure that their documentation is regularly kept up-to-date and reviewed by the FMG.

52. The mandate is the agreement between the Plenary and the Group on overall objectives (scope and purpose), key deliverables and delegated responsibilities.

53. The terms of reference shall identify time frames for deliverables, reporting procedures and other operating mechanisms.

54. Groups shall have detailed operating procedures appropriate to their function(s) approved by the FMG, which shall be provided to the secretariat, who shall make them publicly available.

55. Groups must be led and supported by relevant users and open to all organizations and bodies recognised by the Plenary.

56. Consensus is the normal way to achieve agreements. When consensus cannot be attained, voting may be employed.

57. Groups should endeavour to include representatives of all affected parties to assure sufficient expertise and broad visibility of their work products.

VII. Procedures for Empowerment of Permanent Groups

58. A request to establish a new Group, or to revise the mandate of an existing Group, must be formally submitted by any delegation or already Permanent UN/CEFACT Group to the FMG for review. The FMG will then forward a recommendation on the approval of the mandate and the resource plan to the Bureau who will decide whether the proposals should be rejected, provisionally approved (for, later, final approval by the Plenary) or submitted directly to the next Plenary (for example, where the date of the Plenary is relatively close). A request for the empowerment of a new

Group can be made. The FMG may also prepare and submit a request for empowerment for a new Group directly to the Plenary.

59. The Bureau and Plenary shall evaluate each request to establish and empower a Permanent Group. The Plenary officers and Plenary shall either:

59.1 Approve the mandate with or without modification; or

59.2 Reject the mandate and provide reasons why it cannot approve the request; or

59.3 Defer its decision to a specified future meeting/date and request further development of the draft mandate.

60. The Bureau and Plenary may also choose to consult with the FMG and/or the officers and/or members of Groups already empowered before reaching a decision on the empowerment of a new Group. If the Bureau reject the request for a mandate, the requester shall have the right to appeal to the Plenary.

Mandate

61. The mandate for empowerment of a Permanent Group may be prepared by an existing Group, the FMG, or the Plenary. The mandate must be accompanied by a statement of resource requirements. All mandates must specify:

61.1 The objectives of the work (scope and purpose);

61.2 The key deliverables;

61.3 The geographical focus, i.e. global, regional or national;

61.4 The functional expertise for membership; and

61.5 Any request for delegated responsibilities.

62. The FMG and Plenary may recommend specific international or intergovernmental organizations that should be invited to participate in the work, or with whom cooperation/liaison should be undertaken.

63. On approval, the mandate constitutes the agreement between the Plenary and the Group.

Statement of resource requirements

64. The statement of resource requirements shall be accompanied by a plan of how they are to be provided. In particular, the statement and the plan shall indicate whether any Centre resources are required, apart from those needed for the preparation of documentation for the Plenary sessions of the Centre.

Terms of reference

65. Within 6 months of approval of its mandate, a Group shall submit its terms of reference to the Chair of the Plenary for review and approval by the Bureau. Revised terms of reference should go through the same process. After approval, the new or revised terms of reference shall be published on the UNECE Internet site and in the three official languages for the Plenary.

66. Terms of reference shall include a business plan covering the following:

66.1 A definition of the specific issue(s) to be addressed;

66.2 A detailed description of the proposed deliverables;

66.3 The proposed membership;

66.4 The administrative team structure of the Group, including a mechanism for replacement of officers who cannot fulfil their functions;

66.5 A time schedule and milestones for completion of the Group work programme;

66.6 A mechanism for reporting annually to the FMG and the Plenary on the progress of the Group; and

66.7 Proposals for liaison with other Groups and any external organizations.

Deliverables

67. A Group's key deliverables are defined in its mandate. All of a Group's deliverables shall be defined, in detail, in the Group's terms of reference. The deliverables for a Group may include any deliverable under the responsibility of the Plenary.

Responsibilities and reporting

68. When developing a Group's terms of reference, the requester is expected to consult with relevant community members (Community members are defined to be potential or actual participants in the Group). When necessary, members may be added to assist in the development of the terms of reference.

69. When new work proposals are put forward these must be first reviewed by the FMG in order to allow proper coordination among Groups and avoid duplication. The Groups must also present their work at least once a year to the FMG so that they can evaluate how well the Group is implementing its mandate and terms of reference.

70. Group Chairs shall submit a written report for each session of the Plenary on their Group's activities. This report shall include any recommendations to the Plenary, work accomplished during the past year, the Group's work programme for the coming year (or longer) and any new work items and other relevant issues relating to the operation of the Group. These reports will be submitted in time to permit normal United Nations translation and distribution.

Group Chairs

71. The Chair of a Group is expected to have the background and experience to allow them to lead a global working group involved in the UN/CEFACT process. The Chair should possess the knowledge and skills in the relevant work area to qualify them to be considered as and designated a Rapporteur, capable of offering expert advice to the Plenary on the direction and detail of the substantive items of work in which their Group is participating.

72. A Group Chair shall be elected by the Group membership and ratified by the Plenary. Ratification will convey Rapporteur status to the Chair. The term of office shall be for two years.

73. The Chair for each Group shall be elected by the members of that Group, in accordance with the Group's procedures.

74. Upon election, a Group Chair shall act as a Candidate Rapporteur until the person has been formally ratified as a Rapporteur by the Plenary.

75. The Plenary shall use all reasonable efforts to achieve ratification by consensus but shall decide the matter by formal vote if consensus cannot be achieved.

76. Should a Chair not be ratified by the Plenary, then the Plenary shall request the election and submission to the Plenary of another Candidate Rapporteur. In such cases, Plenary delegations may also nominate one or more candidates for Chair. Then the process described in the preceding paragraphs will be repeated, mutatis mutandis, until ratification is achieved with the following changes: i) the addition of any nominees from the Plenary to the election process; ii) the candidate that was not ratified shall be ineligible, for two (2) years, to stand again for election to the post in question.

Group membership, participation and intellectual property rights policy

77. All members of UN/CEFACT Groups shall be nominated by a Head of Delegation. Nominations shall be made to the UNECE secretariat who will keep records on membership.

78. Contributions to the work of the Centre, or any of its Groups, shall only be allowed in accordance with the terms of the Centre's intellectual property rights policy.

79. A formal registration process shall be established for participants in the Groups. The participants shall be required, as a condition to participating in the Groups, to formally accept the Centre's published terms and conditions for their participation, including adherence to the agreed UN/CEFACT policy on intellectual property rights (see Annex IV).

80. During meetings, Group participants and Rapporteurs who are registered in accordance with the procedures established by the UNECE secretariat shall have the status of "experts on mission" in the sense of Section 22 of Article VI of the Convention on the Privileges and Immunities of the United Nations.

Group procedures

81. Following the approval of its mandate, and within six (6) months, a Group shall provide its procedures to the FMG for review and approval. If voting is envisaged, the procedures should demonstrate that consensus is a prime goal and shall be strived for; but if a vote is to be taken, then, as a minimum, the majority in favour of a particular decision shall not be less than 2/3 of the votes cast. Results of such votes shall be recorded in the minutes and provided to the UNECE secretariat. Groups shall, where required by the FMG, take action to harmonize their procedures.

82. If a Group revises its procedures, the revised procedures must be provided to the FMG within thirty (30) days of their revision.

83. The UNECE secretariat shall make the procedures for all Groups electronically available to members of the Centre.

Organization and administration

84. The following are guidelines related to organization and administration that each Group shall adhere to within their procedures.

84.1 Each Group must have defined members and an administrative team.

84.2 A Group may propose, depending upon its mandate, an organization and procedures that include a general assembly, a steering committee, a management board, sub-groups, supporting teams and observers.

84.3 The rules and conditions for membership of a Group must be defined in its terms of reference.

84.4 Participation in Group meetings shall be open to members that have fulfilled the defined membership rules. Contributions from non-members, including individuals, shall be encouraged and considered in the work of the Group.

84.5 Only Group members are entitled to participate in the decision-making procedures of the Group. Voting rights shall be limited to members of the Group.

84.6 Administrative positions (i.e., the officers of the Group) must be filled prior to the start of work by the Group. This may be accomplished at the first meeting.

84.7 Only members of the Group can nominate officers of the Group.

84.8 If agreed under the mandate, the officers of the Group have the authority to establish sub-groups or supporting teams and to determine the terms of reference for such sub-groups or teams.

84.9 A Group organises its own relationships with external organizations as specified in its mandate and terms of reference, in line with the UN/CEFACT Liaison Policy (See Annex V), but must also coordinate these liaisons through either the Standards Liaison

Rapporteur or the Plenary officer responsible for external relations (depending upon the type of organization in question).

VIII. Linkages Between Groups and the Plenary

85. The linkage between the Groups and the Plenary is a key function of the Bureau, the FMG and Group officers.

86. The Plenary, Bureau or FMG may nominate an observer to participate in a Group.

87. Officers of the Plenary are observers to any Group established by the Plenary and are entitled to participate in any meetings of the Group.

88. The work and direction of the Groups shall be reviewed by the FMG on a regular basis. The Chair of the FMG will report the result of these reviews to the Bureau and the Plenary.

89. The annual review shall include a review of the Group's terms of reference, which may result in recommendations to the Plenary for modification or dissolution.

90. Delays in meeting target delivery dates shall be advised by a Group to the FMG as soon as a delay is identified.

91. Any Plenary Rapporteur, shall, after notification to the FMG Chair, have the right to attend any FMG meeting in a consultative capacity.

IX. Amendment Procedure

92. In order to ensure that the provisions of this document accurately reflect relevant developments in global commerce, trade facilitation and electronic business, it shall be reviewed periodically. The power to amend this document shall be vested in the Plenary. Proposals for such amendment may be made by:

92.1 Plenary participants;

92.2 Bureau;

92.3 The FMG;

92.4 Rapporteurs;

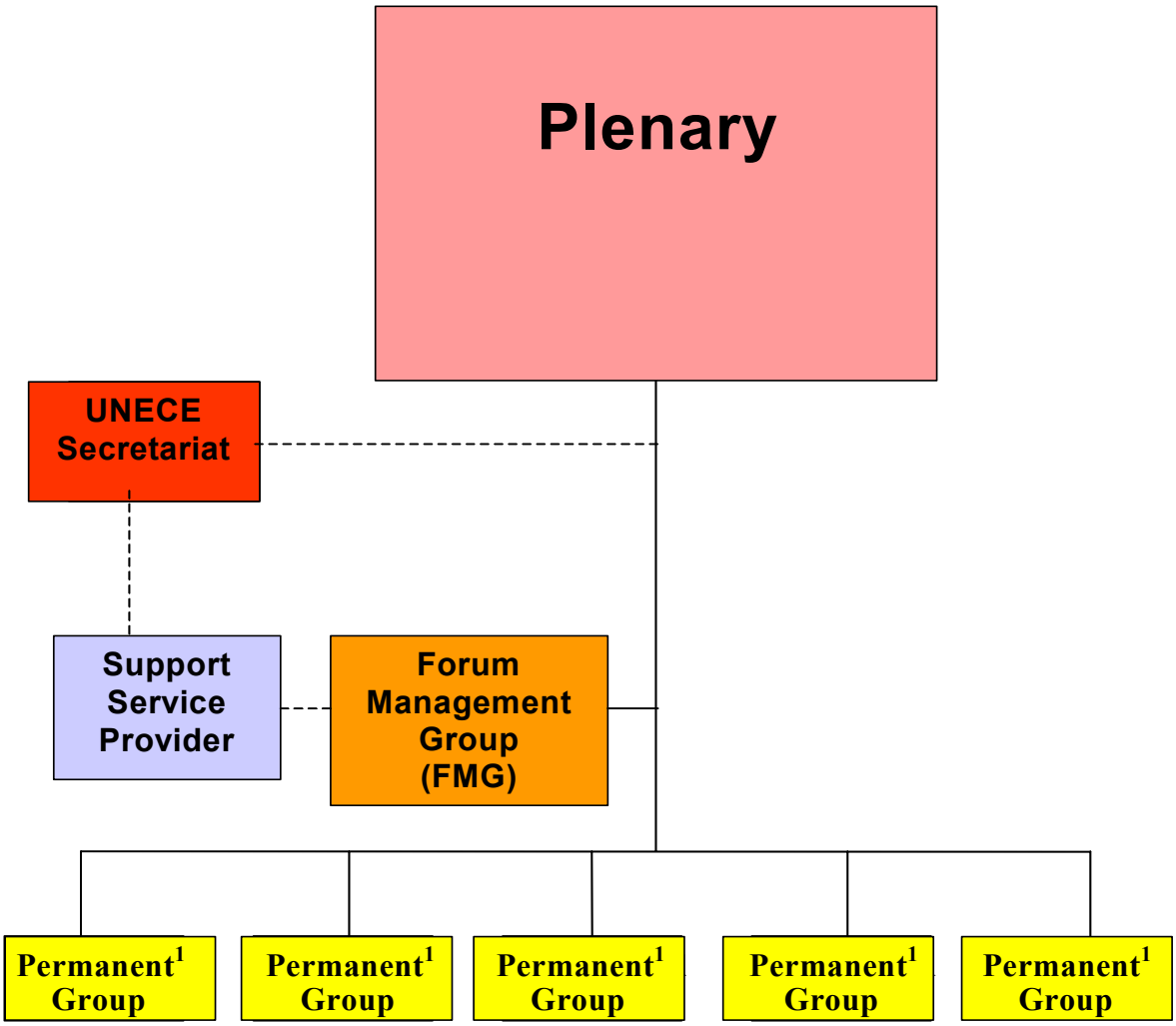
92.5 The secretariat; and

92.6 Groups.

93. Amendments approved by the Plenary shall be submitted to the Committee for Trade, Industry and Enterprise Development for endorsement at its meeting.

ANNEX I. Organizational Structure of UN/CEFACT (TRADE/CEFACT/2004/Misc.10)

Figure 1: Reporting Structure



[1] Each Group chair shall be elected by the Group Membership and shall be ratified by the Plenary. Ratification will convey Rapporteur status.

Figure 2: The Bureau

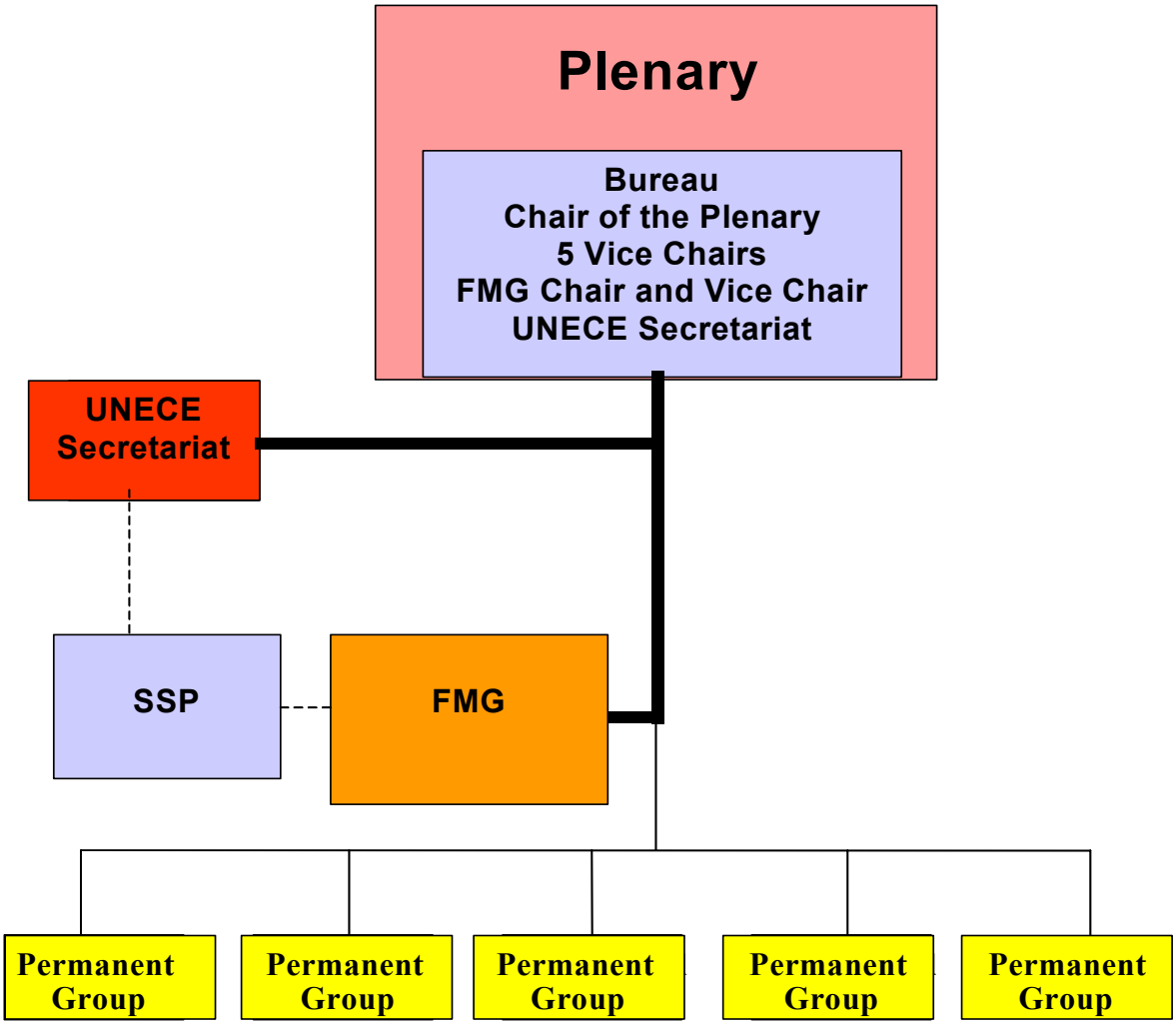
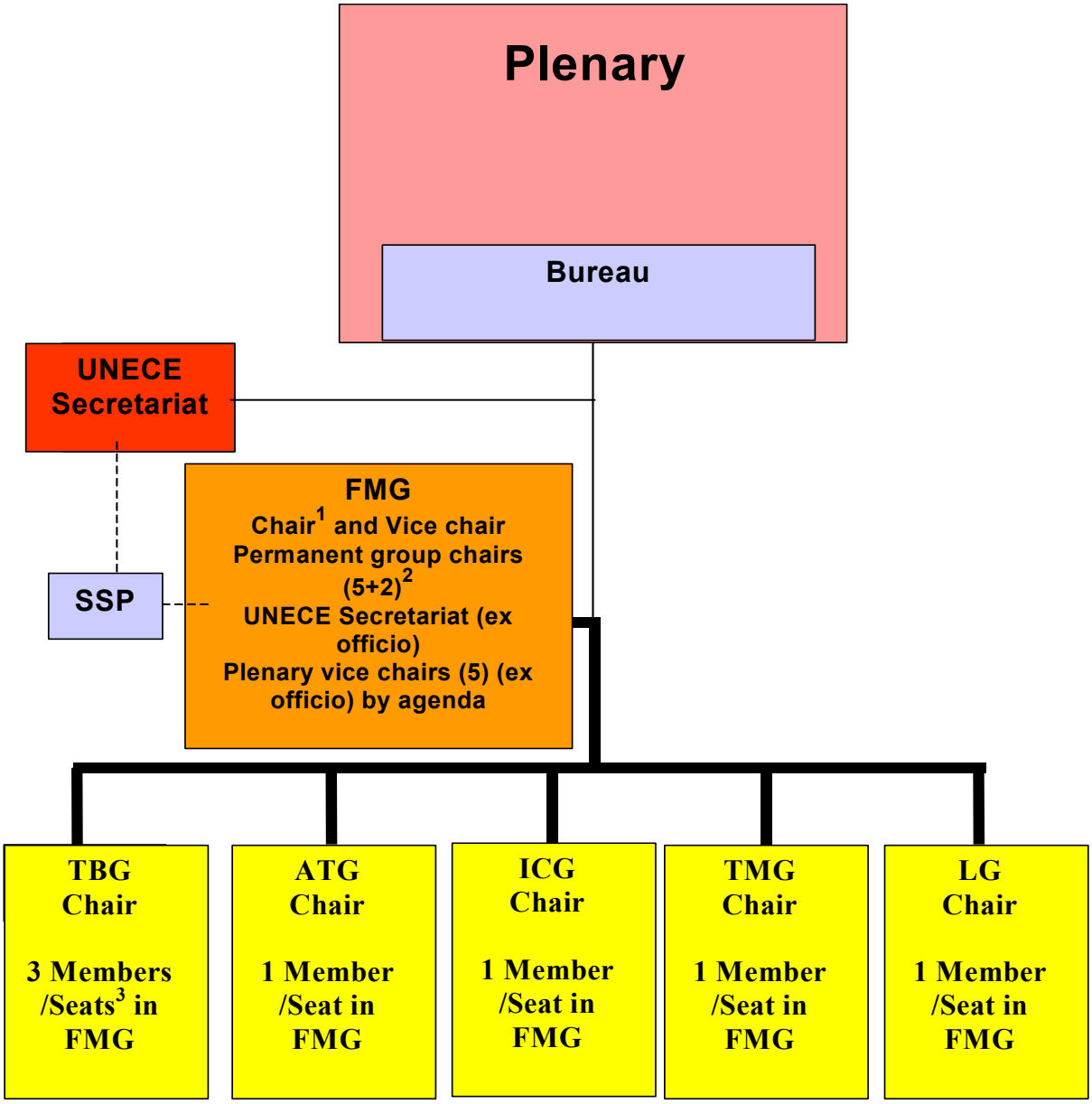


Figure 3: Forum Management Group

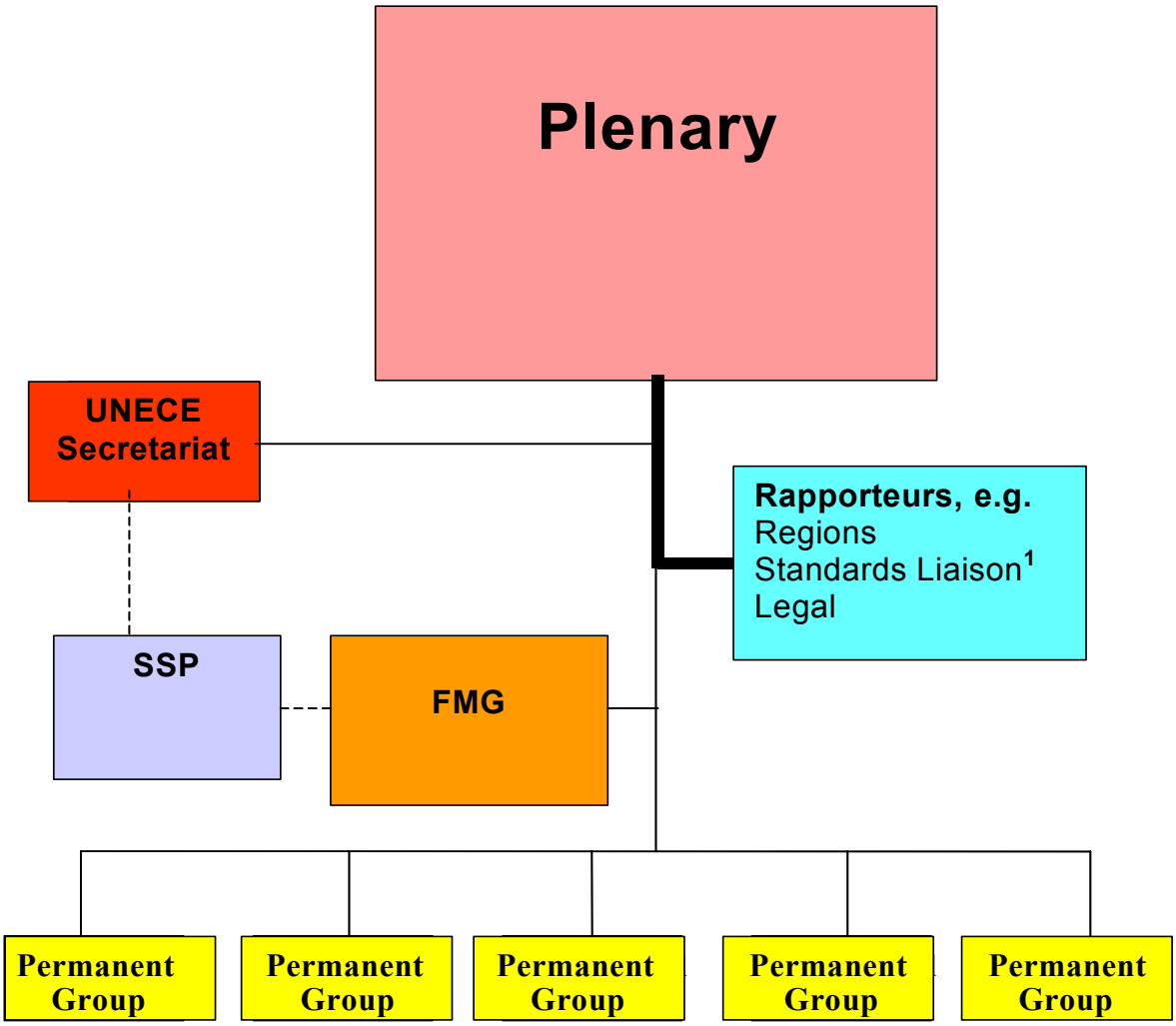


[1] The FMG Chair and Vice Chair shall be elected by the Forum Membership

[2] Chairs, Vice Chairs or permanent representatives elected by the Group.

[3] TBG shall have two additional members/seats in the FMG assigned for the first two years. Subsequently it will be reviewed by the plenary.

Figure 4: Rapporteurs



[1] The Standard Liaison Rapporteur shall be nominated by the forum and elected by the plenary

ANNEX II. Open Development Process for Technical Specifications (TRADE/CEFACT/2000/22)

Executive summary

1. As part of a broad move to encourage electronic working, the UN/CEFACT Steering Group (CSG) are recommending that UN/CEFACT Groups develop and evolve Technical Specifications using an open and inclusive process that produces high-quality specifications in "Internet-time."

2. This document describes the open process and the five goals that drive it: openness, world-wide participation, speed, compatibility, and technical excellence. The CSG believes that this process is fundamental to UN/CEFACT's large and accelerating acceptance as a modern standardisation organisation by the international community and by Electronic Business implementers (such as software developers) around the world and is also vital to maintaining the technical quality and cross-industry compatibility that a Electronic Business platform requires.

UN/CEFACT Technical Specifications

3. UN/CEFACT Technical Specifications are for all implementers and end-users. They are unique in providing a single set of specifications for any technical application independent of communication protocol, underlying operating systems and hardware platforms.

4. UN/CEFACT's open development process is designed to involve all materially interested parties in the creation and evolution of Technical Specifications. UN/CEFACT's goal is to produce specifications that are timely, technically excellent, implementable on any platform, and relevant both to industry participants and to end-user communities.

The goals of the UN/CEFACT process

UN/CEFACT has five goals for developing Technical Specifications. They are:

Openness

5. All specifications must be open, free of any constraints or restrictions associated with intellectual property rights (IPR) (See Annex V). Anyone wishing to contribute to the Technical Specifications must be willing to do so without imposing IPR barriers. UN/CEFACT believes strongly in fostering competition around the technologies described by Technical Specifications. Anyone should be able to produce a complete implementation of the specifications described by Technical Specifications without IPR related cost or red tape.

World-wide Participation

6. All interested parties should have the opportunity to review, comment on, and contribute to Technical Specifications. In the age of the Internet, the best way to do this is to carry out a web-wide public review of UN/CEFACT working draft specifications, which UN/CEFACT will make freely available at their web site: www.cefact.org. This ensures that developers from Bangalore to São Paulo to Munich can help shape the Technical Specifications - without having to pay any fees and without incurring travel expenses to attend standards development meetings. The UN/CEFACT process builds consensus on a truly international scale at the cost of a simple Internet connection.

[NOTE 1: Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of concerned interests and by a process that involves seeking

to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus needs not to imply unanimity.]

Speed

7. In an area increasingly moving "at Internet speed", it is vitally important that the process of developing specifications be speedy so that the resultant specifications are relevant to the needs of the industry, developers, and users.

Compatibility

8. Technical Specifications must not depend on features that are available only on one application or industry specification. Software developers and end-users around the world must be able to depend on technical applications that can be implemented the same way, and give the same results, on all hardware platforms and operating systems.

Technical Excellence

9. UN/CEFACT Groups will develop all Technical Specifications with the active participation of experts, and liaisons. In this way, each specification embodies best of breed along with innovation that benefits every user of these Technical Specifications. As such, no specification will ever lock implementers or users into a single proprietary solution or be tied to just one industry specification. However, this approach enables companies/industries to employ their expertise and existing technology, when implementing Technical Specifications, resulting in high quality, and mature implementations which will come to the market place sooner.

Reasons behind the process

10. UN/CEFACT's open development process is not revolutionary. It is evolutionary because it builds upon specification development processes already used by industry consortia and standards developing organisations.

11. Perhaps the most unique feature of this process is the use of iterative refinement and web-wide participation to build international consensus. The premise is that people are usually much better at reviewing and criticising a specification than they are at compiling a requirement list and writing a first working draft. UN/CEFACT's Groups delegate that important task to a small, dedicated editing group that works with recognised experts. That first working draft is then refined in three steps. First, Group experts and implementers review and comment on it. When this group reaches consensus, UN/CEFACT makes the second working draft available for public review at their web site, open to anyone. As comments are received, the editors update the working draft and republish it at UN/CEFACT's web site until broad consensus is achieved. The final step is to verify the working draft via at least two independent implementations that will identify any technical problems. Once the validation review is concluded, UN/CEFACT will publish the Technical Specification on their web site, open to anyone with access to the Internet.

The Open Development process

12. UN/CEFACT's experience has proven that the best way to develop a specification that meets all its process goals is to start with a very small editing group and have them write a first working draft in close consultation with industry experts who have a deep understanding of the business process in question. Consensus is then built using an iterative review process that allows an ever-widening audience to participate. UN/CEFACT's iterative approach allows consensus to be achieved rapidly because reviewers are able to see their comments and suggestions incorporated into successive versions of the document.

[NOTE 2: Technical specifications are developed within UN/CEFACT Working Groups]

Step 1. Proposing a new specification

13. A request for a new specification that extends or enhances UN/CEFACT's Technical Specifications can either be filed directly with the appropriate UN/CEFACT Group or with the UN/CEFACT secretariat, in which case it will be forwarded, after review, to the appropriate Group. Sometimes end-users or industry groups request a new specification. Sometimes one or more industries or expert groups propose one. In any case, UN/CEFACT Working Group's first step is to form an editing group and assign a project editor.

14. UN/CEFACT's goal of speed demands that this group be kept as small as possible. Typically, the editing group will comprise of the project editor and two or three associate editors selected from within the UN/CEFACT Group's experts.

Step 2. Compiling a requirement list

15. The group begins work by compiling a requirement list. The group will hold discussions with the specification requesters, participating industry experts, software developers, end-users, and implementers. They gather as much information as possible from those with expertise and a material interest in the specification.

16. UN/CEFACT's goal of technical excellence demands that contributors must be experts in the business area in question. This allows diverse voices to comment on the details of the specification and ensures that no single organisation can dominate the process. UN/CEFACT's other goal of compatibility means that contributors must try to include features, if possible, that are applicable to more than one business and/or industry area.

Step 3. Writing the first working draft

17. The editors write the first working draft. To satisfy UN/CEFACT's goal of openness, everyone that has made a contribution to this working draft, or a subsequent working draft, must agree to remove any IPR constraints or restrictions that might be associated with their contribution.

18. Since most people are usually much better at reviewing and criticising a specification than they are at compiling a requirements list and writing a first working draft, the editors work to produce a document that is suitable for review and comment. They are not expected to produce a nearly final, polished version.

Step 4. Refining the first working draft

19. UN/CEFACT's iterative improvement process begins when the first working draft is distributed to members of the responsible UN/CEFACT Working Group, technical implementers and other interested industry experts for their review and comment. This initial review serves to identify potential problems, point out areas for improvement, and build consensus among the Technical implementers (who are likely to be implementing the final specification). The editors collect the comments, revise the working draft, and re-circulate it until the reviewers are satisfied with the content. Experience has shown that 2 or 3 revisions are usually enough to arrive at a stable second working draft.

20. Speed dictates that the initial review period is limited to a month or two at most. The goal is to get the first working draft into a form suitable for public review as quickly as possible. The technical implementers help UN/CEFACT to meet the goal of compatibility early in UN/CEFACT's development process. The implementers have a wealth of experience in implementing the Technical Specifications for different business areas and industries. They are invaluable in identifying potential problems.

Step 5. Public review

21. UN/CEFACT's secretariat publishes the second working draft at their web site and allows the public to review and comment on the specification. In keeping with the goal of world-wide participation, UN/CEFACT allows anyone with access to the Internet to comment on the proposed specification. The public review period lasts for at least a month (or longer if there are many comments).

22. The public review period is a critical part of the development process. Comments from the public have frequently raised fundamental process and technical issues - missed by the expert reviewers - that have considerably improved the specifications.

23. As the editing group collects the comments, criticisms, and suggestions from the public, they use them to further refine and improve the specification. As changes are made, the updated document will be republished at the web site. In UN/CEFACT's open process, everyone can see the changes, and the broad participation helps to build international consensus. Again, experience has shown that 2 or 3 iterations over a month or two are enough to address the public comments and to build consensus for the final version of the specification.

Step 6. Implementation verification

24. After the public review period, the UN/CEFACT Group makes the final working draft available for download at UN/CEFACT's web site to allow verification through implementation. Implementers (especially those that contributed to the working draft) are encouraged to verify the validity of the technical specification by implementing them.

25. The verification review period is the most critical part of the development process. Problems and issues identified will result in considerable improvement in order to move the working draft towards a UN/CEFACT Technical Specification.

26. As the editing group collects the problems and issues identified from the implementers, they use them to further refine and improve the specification. As changes are made, the updated document will be forwarded to the implementers, as well as being re-published at the web site. In UN/CEFACT's open process, everyone can see the changes, and the broad participation helps to build international consensus. Again, experience has shown that 2 or 3 iterations over a month or two are enough to address the public comments and to build consensus for the final version of the specification.

Step 7. Final Technical Specification release

27. After the successful verification by at least two independent implementations, and conformation from the editing group, the UN/CEFACT Group releases the work as a UN/CEFACT Technical Specification available for download at UN/CEFACT's web site. Given the diverse group from around the world that contributed to refining the working draft, it should receive broad industry endorsement upon final release and be quickly implemented. UN/CEFACT's goal of openness ensures that the final specification contains no barriers to implementation: anyone with Internet access can freely download a copy of the specification and produce an implementation without paying any additional licensing fees or royalties.

28. The specifications are published as part of the "UN/CEFACT Technical Specification Series". These printed versions, translated into various languages, will be available world-wide at moderate cost from the UN/CEFACT secretariat and/or International Industry User Groups. When the final specification is released, the editing group has completed its work and disbands. Steps 1-7 typically consume 9-15 months total, which meets the industry's need for speed.

Step 8. Maintenance

29. As the specification is implemented in various industry and business sectors UN/CEFACT's Groups begin to receive feedback that points out problems or suggests improvements. Maintenance of the specification is handled by forming an editing group (where deemed necessary by the Working Group) and restarting the process at step 2 with the errata and suggestions forming the core of the new requirements list. UN/CEFACT's Groups will maintain a list of problems, errors and misprints at their web site so that the public can access them as easily as the Technical Specifications.

How to review Technical Specifications

30. All working draft and final specifications as well as E-mail addresses for comments will be available at www.cefact.org

ANNEX III. Inter-sessional Approval of Documents (TRADE/CEFACT/2000/23)

1. Documents eligible for this procedure are such that are deemed necessary for urgent publication and for which a delay for publishing would hamper their usage. After consultation with the Chairman of the Bureau[6], the document should be submitted to the secretariat by the chairman of the respective working group no less than 5 months before any Plenary session.

2. The procedure involves the publication of the draft document on UN/CEFACT's web-site and its circulation to all Heads of delegation clearly indicating that it is a draft document for approval. The circulation will be carried out through an electronic procedure according to the list of Heads of delegation established after each Plenary session by the secretariat.

3. In the absence of negative comments or substantive change requests, after a two-month comment period, the document will be considered as approved for official publication. Absence of response form a Head of Delegation will be considered as support for the document. The two-month comment period will take effect on the date of the first publication of the document on the UN/CEFACT web-site.

4. Comments on the draft document should be submitted to the secretariat.

5. Editorial comments by Heads of delegation and editorial changes by the UN Editor may be accepted before final publication. However, if changes are made to the text, the final version should also receive the approval of the submitting working group chairman.

6. If substantive comments or objections are made, the document shall then be withdrawn form publication and the comments transmitted to the submitting working group chairman.

[6] Implements the decision of the Tenth Session of UN/CEFACT. In the original document, it was mentioned 'Chairman of the Steering Group'.