



UNCITRAL legal texts on electronic transactions

Luca Castellani

Head, UNCITRAL Regional Centre for Asia and the Pacific

Incheon, Republic of Korea

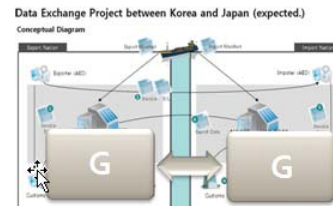
Challenge

- How to set up an enabling legal environment for national and cross-border single windows, so that the single window facility is integrated in the paperless cross-border supply chain?



Actors in electronic transactions

- Electronic transactions have all the same nature
- However, we identify three main types of users:
 - Business (B)
 - Government (G)
 - Consumers (C)
- They interact constantly



Current legal status

- In the cross-border supply chain, most transactions are:
 - Purely commercial transactions (B2B);
 - Purely governmental transactions (G2G, also called e-government);
 - B2G transactions.
- B2B exchanges fall under a general, comprehensive legislation **BUT**
- E-government often adopts different rules for each sector:
 - fragmented legislation;
 - in particular, difficulty of re-using data contained in commercial documents in single window environments.

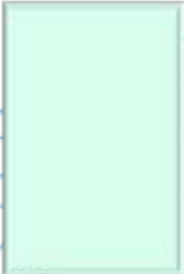
Current legal status: consequence



E-government applications, such as single window facilities, lie at the heart of paperless trade facilitation



However, e-government may mandate the use of legal rules different from those of B2B transactions



This leads to additional compliance costs and lack of clarity in applicable legislation

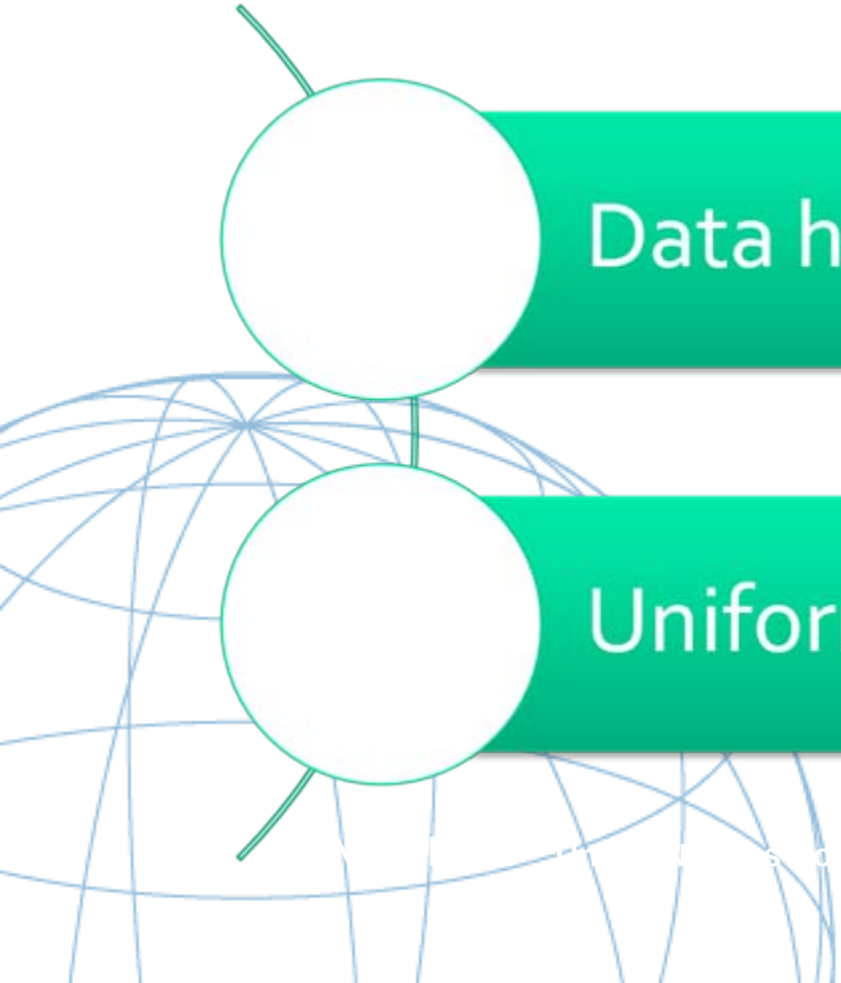


Successful exceptions exist: e.g., Singapore

Need for same rules for B and G transactions

- As single windows move towards B2G integration, the limits of the sectoral e-government approach become clear.
- The economic operation at the core of the cross-border movement of goods is the same for B and G → the same data could be used for B and G transactions.
- This would also facilitate the deployment of cross-border applications.
- Benefits arising from such approach include:
 - o cross-verification of data (e.g., e-certificates of origin);
 - o early notification for integrated border management;
 - o transparency and accountability in customs operations.

What is needed to implement a common B2G framework for cross-border trade?



Data harmonization.

Uniform legal framework.

al principles of UNCITRAL texts on electronic transactions

UNCITRAL Model Laws implement three legal principles:

non-discrimination of electronic transactions;
technological neutrality;
functional equivalence.

Each principle applies to e-signatures:

which non-discrimination

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7659

