



Ministerial Declaration on Authentication for Electronic Commerce

**OECD Legal
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Date(s)

Adopted on 09/10/1998

Noted by the Council on 19/10/1998

Abrogated on 18/11/2016

THE GOVERNMENTS OF OECD MEMBER COUNTRIES¹ AT THE CONFERENCE "A BORDERLESS WORLD: REALISING THE POTENTIAL OF GLOBAL ELECTRONIC COMMERCE," OTTAWA, CANADA:

CONSIDERING the significant social and economic benefits offered by information and communication technologies and electronic commerce;

CONSIDERING the leading role of industry in developing information and communication technologies and electronic commerce;

CONSIDERING the need for government and industry to foster user confidence to facilitate the growth of global electronic commerce;

CONSIDERING the rapid development of authentication technologies and mechanisms, and their importance in the context of global information and communication technologies and electronic commerce; and

CONSIDERING the potential impact that diverse national solutions for electronic authentication could have on the development of global electronic commerce.

RECOGNISING that work is underway at the international level to facilitate transborder electronic transactions and the use of authentication technologies and mechanisms to foster the growth of global electronic commerce;

RECOGNISING that transacting parties may select appropriate mechanisms which meet their needs for authentication in conducting electronic commerce, including particular authentication technologies, contractual arrangements and other means of validating electronic transactions, and that they can use judicial and other means of dispute resolution to prove the validity of those transactions;

RECOGNISING that governments can play a role in promoting electronic commerce as a user of information and communication technologies, products and services, including electronic authentication mechanisms;

RECOGNISING that technology or media specific rules for recording, storing or transmitting information (for example, certain paper-based requirements) could impede the development of electronic commerce and the use of electronic authentication mechanisms;

RECOGNISING that, where appropriate, market-driven, rather than government-imposed, standards and codes of practice can provide a useful tool for developing user confidence in global electronic commerce; and

RECOGNISING the continuing dialogue within the OECD -- involving governments, business and industry, and user representatives -- to discuss the technologies and diverse models for authentication to facilitate global electronic commerce which are currently in use or emerging in Member countries, and in particular the ongoing work of the Organisation through its Information, Computers and Communications Policy (ICCP) Committee, to facilitate information exchange by compiling an inventory of approaches to authentication and certification and convening joint OECD-private sector workshops in the year ahead.

DECLARE THEIR DETERMINATION TO:

- Take a non-discriminatory approach to electronic authentication from other countries;
- Encourage efforts to develop authentication technologies and mechanisms, and facilitate the use of those technologies and mechanisms for electronic commerce;
- Amend, where appropriate, technology or media specific requirements in current laws or policies that may impede the use of information and communication technologies and electronic authentication mechanisms, giving favourable consideration to the relevant

provisions of the Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law (UNCITRAL) in 1996;

- Proceed with the application of electronic authentication technologies to enhance the delivery of government services and programmes to the public; and
- Continue work at the international level, together with business, industry and user representatives, concerning authentication technologies and mechanisms to facilitate global electronic commerce.

¹ Including the European Communities.

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OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

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- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
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- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.