



# Ministerial Declaration on Authentication for Electronic Commerce

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## Background Information

The Ministerial Declaration on Authentication for Electronic Commerce was adopted on 9 October 1998 on the occasion of the Ottawa Ministerial Conference held in Ottawa. The Declaration outlined a number of actions to promote the development and use of authentication technologies and mechanisms, including continuing work at the international level, together with business, industry and user representatives. Its call for action was implemented through an eight-year work stream on electronic authentication that led to the adoption of the OECD Recommendation on Electronic Authentication [[OECD/LEGAL/0353](#)]. The Declaration was abrogated on 18 November 2016.

**THE GOVERNMENTS OF OECD MEMBER COUNTRIES<sup>1</sup> 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

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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.

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<sup>1</sup> Including the European Communities.

## About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Türkiye, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

## OECD Legal Instruments

Since the creation of the OECD in 1961, around 460 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).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions** are adopted by Council and are legally binding on all Members except those which abstain at the time of adoption. They set out specific rights and obligations and may contain monitoring mechanisms.
- **Recommendations** are adopted by Council and are not legally binding. They represent a political commitment to the principles they contain and entail an expectation that Adherents will do their best to implement them.
- **Substantive Outcome Documents** are adopted by the individual listed Adherents rather than by an OECD body, as the outcome of a ministerial, high-level or other meeting within the framework of the Organisation. They usually set general principles or long-term goals and have a solemn character.
- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several other types of 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.