

**Explanatory note to an issue of formation and functioning of transboundary trust space
of the CIS member states in the Internet and development of a transboundary trust
space operating model**

1. Now in the Internet there are zones of mainly anonymous information interaction, or there are some clearly criminal segments. Formation of the trusted space in a worldwide net as an alternative to the above-mentioned segments is a quite natural and urgent task for the developed states.

At the same time, the Internet gives a technological possibility to render quality business, medical and educational services, localized in several centers, usually, in capitals of the leading states with a sufficient number of qualified expert and advanced technologies, to inhabitants of various countries on remote access terms. The active development of transboundary services of electronic auctions, telemedicine and distance learning will improve a standard of living and economic growth in many countries.

A barrier to implement the newest electronic services is an unsolved complex of organizational, technological and legal problems in legalization of foreign electronic documents. They include a problem of a method to build up a transboundary trust space (hereinafter – TTS) which can be formed on the one-domain or multi-domain basis depending upon the usage of the uniform cryptographic algorithm for a digital signature or a set of national cryptographic algorithms for a digital signature according to the national legislation of a TTS member-country.

Some CIS-countries, such as Belarus, Kazakhstan and Russia, have already made a choice in favor of a multi-domain principle of TTS creation. The information system of the Customs Union is built up upon this principle. Such approach complies with a trend to create a multi-polar world and is based on the Trusted Third Party innovative development and legal norms of the Agreement on Application of Information Technologies in Exchange of Electronic Documents in Foreign and Mutual Trade in Single Customs Territory of the Customs Union.

2. This issue may be tackled as well in a broader aspect. Recently in a framework of trends, first of all, of economic regional integration, for example, in the international formats of the CIS, EvrAzES, Customs Union Commission (CUC), Collective Security Treaty Organization (CSTO), and also in connection with increasing interaction with economies of Asian-Pacific region, including China within a framework of Shanghai Cooperation Organization (SCO) and APEC as a whole, on the agenda there arises an issue of common information field formation. This problem is especially urgent in connection with the restricted budgetary financing for information systems creation, as well as a possible incompatibility of hardware-software complexes being created. It may be caused by lack of inter-format coordination based on some general approaches, accepted in various international formats.

3. The problem becomes especially urgent in the CIS format, including the framework of RCC - Regional Communication Commonwealth. Provision of the newest electronic services (medical, educational and business) are at present the specific subjects of the international lawmaking which are at different levels of completion:

- The Agreement of the CIS Member States Cooperation in Creation, Usage and Development of the Interstate Network of Information-Marketing Centers for Promotion of

Goods and Services to National Markets, and the Agreement of the CIS Member States Cooperation in Creation of Compatible National Telemedical Systems and their further development and usage have been concluded;

- The Model law «About Telemedical Services» has been passed;

- Model laws «On Electronic Document», «About Electronic Government», «On Transboundary Information Exchange of Electronic Documents», «On Usage Information-Communication Technologies in the Educational System», «On Technoparks», «On Interstate Exchange of Messages of Special Communication» are planned to be approved, and as well as Information and Innovative Codes for the CIS member states.

At the 16-th meeting of Coordination Council of the CIS Member States on Informatization under PCC, that took place on September, 28, 2010, in Kishinev, a task to develop common approaches to create TTS within the CIS framework was set up.

Such approaches can be elaborated on the basis of development, discussion and acceptance of Model of formation and functioning of CIS member states TTS Model in the Internet. In the future the approved statements may be fixed in an appropriate international standard legal act of the CIS in the form of Agreement or Convention and be harmonized with similar acts of other international formats supporting application of the general principles. Symmetrically accepted TTS Model may be developed in a package of the international technical standards and regulations.

Such coordinated actions may be adjusted in a framework of inter-format coordination, probably, possible with a leading role of the CIS as the most representative international format in the EuroAsian region - 11 participating countries, a number of observers and associated members. The organizational driver in this field could be the RCC Executive Committee.

Generally it may be added that similar problems which have not yet been solved positively, exist as well in other international geographic regions, for example, European and Latin American. That was confirmed by participation of CIS member states representatives in December, 2010, in work of the Center on Simplification of Trade Procedures and Electronic Business Operations of the United Nations (CEFACT).

4. For setting and implementation of the task to develop TTS Model at present there are already certain pre-conditions. For example, the Node of International Interaction implementing technology of the trusted third party, has successfully passed for a number of years a test in the following configurations:

- Russia – Poland, in a framework of experiment to hold an electronic auction with participation of a foreign supplier from Poland (private company UNIZETO) in Administration of the Belgorod region, with Russian cryptography means and their analogs accepted in the NATO countries being used;

- Russia – Belarus, in a framework of operating commercial electronic trading platform B2B-energo with usage of Russian and Belarusian cryptography means;

- Belarus – Kazakhstan – Russia, in a framework of preparation to create Integrated Information System for mutual and foreign trade of the Customs Union Commission;

- Moldova – Poland, on the basis of hardware-software complexes of trusted third party;

- Russia – Cyprus – Switzerland, in a framework of operations performed by company «Gazinformservice» on the order of «Gazprombank» to ensure legally significant information interaction of the head office of bank with its branches.

These examples show that search for a decision of the urgent task on organization of transboundary electronic document circulation is undertaken by both government authorities of various countries, and by commercial structures which invest their funds in R-@-D to form trading customs under the aegis of International Chamber of Commerce and Industry.

Within a framework of participation in CEFACT work in December, 2010, by CIS member states representatives, a draft of 37th Recommendation 'Recommendation Concerning Functional Compatibility of Signed Digital Documents' has been considered. An official conclusion by Mincomsvyaz' of Russia with a package of constructive proposals which are actively discussed now in this international format together with remarks and proposals submitted by USA and Canada concerning 37th CEFACT Recommendation. As a part of the Russian proposals a draft of the conceptual framework which can be used in a context of development of TTS Model, was offered.

5. The task on mutual harmonization of national legislations, as well as technical standards and regulations in sphere of transboundary electronic document circulation hasn't been set up earlier, therefore to promote its solution basically two options are possible:

- To take the approaches accepted in one of the CIS countries as a basis for harmonization, and to develop "road maps" for other countries to form TTS on the above basis;

- To take as a basis for harmonization approaches of the higher level, being formed, for example, in United Nations structures, to take this into account and to develop a general TTS Model, as well as unique "road maps" per each country for the coordinated effort to solve common problems.

The last option looks more promising, as it is made up on an assumption to take into account all worldwide community's developments and updated practices. Besides that, successful TTS creation of CIS member states will make it possible to introduce an initiative for other international formats – near and far foreign countries – to join it, or to start negotiations on interaction organization among various regional analogs if those appear.

6. As basic documents of high level can be used materials of the Commission of the United Nations on International Trade Law (UNCITRAL), for example:

Document UNCITRAL № A/CN.9/692 - Current and would-be future work in the field of electronic trade, materials of 43 session of General Assembly of the United Nations, New York, June, 29 - July, 9, 2010;

Materials of UNCITRAL Colloquium on Electronic Trade, that took place in New York, on February, 14-16, 2011, were published at <http://www.uncitral.org/uncitral/en/commission/colloquia/electronic-commerce-2010program.html> .

In these documents the problems of formation of Electronic Transferable Records (ETR), Registration Systems (Registry System), as well as Identification Data Management Systems (Identity Management System) are analyzed in detail. Tasks to search optimal decisions are set up, but ready-made decisions are not offered, as it is obvious that it is a prerogative of individual states and their associations related to documentary support of transboundary electronic services including electronic trade, telemedicine, distance learning and others.

These terms and the basic approaches became a basis of the conceptual framework offered by Russia to be used in the project of 37th CEFACT Recommendation.

7. The analysis conducted allows us to make the following conclusions:

7.1. The task on TTS formation in the Internet to support provision of the newest electronic business (electronic auctions, informatization of check points), social (telemedicine, distance education) and other legally significant services is urgent not only for CIS format but also for other international formats of near and far foreign countries.

7.2. In a number of the CIS countries there are certain technological, legal and organizational pre-conditions which allow to include the task specified in item 7.1. on the actual agenda and to make necessary efforts for its transfer in practice. The first step in this field may be development, discussion and acceptance of TTS Model. In the future harmonization of the national legislation on this basis by the CIS countries, as well as harmonization of technical standards and rules to remove barriers and improve generally a living standard and ensure economic growth on the basis of implementation of the newest electronic services will be possible.

7.3. To create a required TTS Model it is expedient to develop the above- mentioned statements on the basis of the experience utilization, revealed defects and in the context of the problem introduction by international structures of high level, first of all, the United Nations Commissions, such as UNCITRAL and CEFAC. For entrepreneurial structures interaction with the International Chamber of Commerce and Industry within a framework of formation of trading customs for transboundary electronic document circulation is urgent. Thus, for business a right to select – to join an interstate infrastructure of electronic document circulation, or to create its own analog of such infrastructure - should be saved, but anyway it is desirable to do it on the general principles for interoperability.