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**Economic Commission for Europe****Inland Transport Committee****Working Party on Road Transport****Group of Experts on the Operationalization of eCMR****Fifth session**

Geneva, 3-5 April 2023

**Report of the fifth session of Group of Experts on the Operationalization of the Additional Protocol****I. Attendance**

1. The Group of Experts on operationalization of eCMR (GE.22) held its fifth session on 3 to 5 April 2023 chaired by Ms. Annija Novikova, Latvia.
2. Representatives of the following ECE member States participated: Germany, Latvia, Slovakia, Slovenia, Sweden, Türkiye, and Ukraine.
3. The United Nations Environment Programme (UNEP), non-ECE member State Jordan and the following intergovernmental organizations also attended: Azerbaijan International Road Carriers Association (ABADA), Intergovernmental Organisation for International Carriage by Rail (OTIF), International Federation of Freight Forwarders Associations (FIATA) and International Road Transport Union (IRU).

**II. Adoption of the agenda (agenda item 1)**

4. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.22/9).

**III. Report of the fourth session (agenda item 2)**

5. The Group of Experts noted the report of its fourth session which was approved on 13 February 2023 (ECE/TRANS/SC.1/GE.22/8). It included the list of decisions which was adopted by the Group on 27 January 2023.

**IV. Programme of work (agenda item 3)****A. Proposed concepts and processes of the future eCMR system**

6. The Group of Experts discussed ECE/TRANS/SC.1/GE.22/2023/3 and ECE/TRANS/SC.1/GE.22/2023/4, provided comments and requested the secretariat to revise these documents based on the discussions of the Group. To assist the secretariat, participants

were invited to send their comments and revisions to the document/s prior to the deadline of the submission of documents for the next session. These concepts and processes when agreed will form the basis of the high-level architecture of the future eCMR system.

7. IRU conveyed comments received from the Association of International Road Carriers of Uzbekistan (AIRCROUZ), the Turkmen Association of International Road Carriers (THADA) and the Road Hauliers Association of Latvia (LATVIJAS AUTO) to the documents which are contained in Annex 1.

8. The Chair of the Group stated that most probably those comments raised due to the fact that these organizations do not participate on a regular basis at the sessions of the group. Therefore, a technical workshop might be required to be organised by the secretariat in order to properly inform the organizations about the scope and the objectives of the group including the challenges that the eCMR operationalisation stipulates. The secretariat fully shared the opinion of the chair and agreed to contact these organizations and prepare such a technical workshop as soon as possible.

## **B. Customs practices concerning the use of consignment notes**

9. At the fourth session, the Group of Experts agreed to keep populating ECE/TRANS/SC.1/GE.22/2022/3/Rev.1 on the uses of paper consignment notes by customs authorities in different regions.

10. The secretariat tabled ECE/TRANS/SC.1/GE.22/2022/3/Rev.2 which included information on cabotage provided by the Danish police at the third session and the results of the survey concerning the use of consignment notes by customs authorities tabled at the last session (Informal document No. 1/Rev.1). The document was well received by the experts of the group who acknowledged the extended usage of the paper CMR consignment note today by the national authorities, especially the customs authorities and the police, in different regions and for different purposes.

## **C. Good practices from other digitalization initiatives**

11. The Group of Experts received, and expressed its appreciation for, the presentations received from UNEP on the CITES e-permits and OTIF on eCIM respectively.

12. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) (CITES) regulates international trade in the specimens of species of wild fauna and flora listed in its appendices through a system of permits and certificates. The permits ensure legality, sustainability and traceability of trade. There is a phased implementation of the four stage system comprising of electronic permit, electronic control, electronic report and electronic exchange. To date, a total of fourteen Contracting Parties have some form of eCITES and more than 40 countries are planning to implement it. The CITES representative explained that an off the shelf for fee solution had been developed by UNCTAD ASYCUDA. Contracting parties may decide to use this solution or develop their own.

13. The Intergovernmental Organization for International Carriage by Rail (OTIF) representative provided background on the organization and on the Convention concerning International Carriage by Rail 1999 (COTIF). He also provided information on the Uniform Rules concerning COTIF (CIM UR) and their scope of application including the current status of an electronic consignment note for rail-based transport contracts – that is, an uneven situation with regard to the use of electronic transport documents in national and international rail transport. Accordingly, OTIF has organized a meeting on 19 April 2023 to discuss whether the CIM UR provide a comprehensive, easily applicable and uniform legal framework for paperless carriage, or if they need to be revised.

## **V. Other business (agenda item 4)**

14. There was no other business.

**VI. Adoption of list of decisions (agenda item 5)**

15. The Group of Experts adopted a list of decisions for the session (per paragraphs 4, 5, 6, 10 and 11).

**VII. Date of next/final session (agenda item 6)**

16. The next/final session of the Group of the Experts is scheduled to take place on 5 to 7 July 2023. The deadline for the submission of formal documents is 26 April 2023.

## Annex

IRU appreciates all the work carried out by GE.22 (Group of Experts on the operationalisation of eCMR) within its mandate and would like to convey the comments received from its Associations.

1. Comments received from the: Association of International Road Carriers of Uzbekistan (AIRCUZ), Turkmen Association of International Road Carriers (THADA) and Road Hauliers Association of Latvia "Latvijas Auto" (LATVIJAS AUTO) to document ECE/TRANS/SC.1/GE.22/2023/3.
  - (a) As per the terms of the survey carried out by GE.22 (ECE/TRANS/SC.1/GE.22/2022/3/Rev.2), the presentation of CMR is not mandatory in all countries but only in some of them. In this case, such a request is based on national decisions and not on the grounds of the CMR Convention/e-CMR Protocol provisions. If necessary, as it is the case today, transport operators can print e-CMR, have it stamped, and bring it with them during the transport to prove that all legal requirements have been duly fulfilled. In case of an international contract of carriage, both the paper version and the electronic version should be accepted as they have the same legal value.
  - (b) The CMR Convention, as well as the Protocol, are not customs conventions but constitute private law. The role and the parties, to whom the CMR Convention and the e-CMR Protocol are applicable are already defined in its provisions. They cannot be modified by this new scheme, which proposes the introduction of third parties (i.e. customs, police) as if they were users of these legal instruments. Likewise, concepts, functional and technical specifications cannot be imposed for generating and operating e-CMR. This role is left to the parties of the contract of carriage, as per the e-CMR Protocol provisions. Moreover, the CMR Convention as well as the Protocol, are both currently implemented by the interested parties, regardless of the existence of an e-CMR IT solution, as proposed in the document discussed.
  - (c) The proposed new scheme cannot be easily implemented, will imply further costs for the private sector and hinder the use of eCMR for the following reasons:
    - (i) The actors who already benefit from e-CMR would have to adapt their business to the new scheme proposed.
    - (ii) The private sector would have to connect with all those new actors.
    - (iii) Anything that goes beyond, will not be in line with the provisions of CMR and eCMR Protocol.
  - (d) Despite of the mandate received from SC.1, the only harmonisation needed relates to data set, in order to allow it to be exchanged among different actors because:
    - (i) CMR and e-CMR have the same legal value.
    - (ii) Several countries have already put in place a regulatory framework clearly defining a legal status of digital documents, validation of IT providers, and authentication mechanisms.
    - (iii) If the presentation of e-CMR is requested by any authority (i.e. police, customs), its printed version will serve to this purpose as it is currently the case.
2. Comments received from Turkmen Association of International Road Carriers (THADA) to document ECE/TRANS/SC.1/GE.22/2023/4.
  - (a) As previously mentioned, both CMR and e-CMR have the same legal value. Therefore, no new mechanism needs to be created. Moreover, the operational procedures proposed in the document are not in line with the provisions of both legal instruments, as follows:
    - (b) Authentication of the user, as well as the parties who shall decide on the different authentication methods (i.e. users, ITC, SC.1) and the proposal to have generated a unique national ID for each user is outside of the scope of both legal instruments. As per article 3.1 of the e-CMR Protocol, only the consignment note needs to be authenticated.

As per the terms of Article 3.2 of the e-CMR Protocol, the electronic consignment note may be authenticated by any other electronic authentication method permitted by the law of the country in which the electronic consignment note has been made out. Therefore, the proposal of having the electronic signature as the only authentication method is not in line with the e-CMR Protocol.

(c) Article 5 of the e-CMR Protocol already sets the conditions for the establishment of the electronic consignment note, leaving it to the parties of the contract of carriage to decide on the procedures for its implementation. Therefore, the creation of mandatory functional and technical specifications for generating e-CMR are not in line with the legal text.

(d) There is no need for the establishment of a National Validation Body to ensure the compliance of the functional and technical specifications. The establishment of such a body, among other cumbersome procedures (i.e. creation of a platform to generate e-CMR, publication of a list of IT solutions, storage of data, backup, etc) is based on the compliance with the functional and technical specifications, which would be considered mandatory. However, the latter is not in line with Article 5 of the e-CMR Protocol (item “C” above).

(e) The safe storage of data is connected with the functions of the national validation body to prevent the dissemination of commercially sensitive information. If the creation of the national validation body is not necessary (item “D” above), the same applies to the safe storage of data.

(f) Cyber Security/backup methods are connected to the need of the data to be self-stored and the possibility of having it backed-up. If the safe storage of data is not necessary (item “E” above), the same applies to cyber security/backup methods. The parties to the contract of carriage already have at their disposal methods to reinforce cyber security or ensure data backup, if they wish to do so.

(g) The airwaybill became electronic in the 90’s without the need of any technical and functional specifications as the ones proposed by ECE.

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