

**Economic and Social Council**Distr.: General
8 August 2023

Original: English

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

Geneva, 5-7 July 2023

Report of the sixth 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 sixth session on 5 to 7 July 2023 chaired by Ms. Siv Ringstrom (Sweden) on 5 July, and by Ms. Annija Novikova (Latvia) on 6-7 July.
2. Representatives of the following ECE member States participated: Germany, Sweden and Türkiye.
3. The following non ECE member States participated: Iran (Islamic Republic of).
4. The European Union was represented, and the following non-governmental organizations attended: International Federation of Freight Forwarders Associations (FIATA), British International Freight Association (BIFA), Slovenian Logistics Association, and the International Road Transport Union (IRU) and its associations Azerbaijan International Road Carriers Association (ABADA), German Federal Association of Road Haulage, Logistics and Disposal (BGL), and Latvian Auto Association (LAA).

II. Adoption of the agenda (agenda item 1)

5. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.22/11).

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

6. The Group of Experts noted the report of its fifth session which was approved on 9 May 2023 (ECE/TRANS/SC.1/GE.22/10). It included the list of decisions which was adopted by the Group on 5 April 2023.

IV. Programme of work (agenda item 3)

A. Proposed concepts and processes of the future eCMR system

7. At the last session, 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.

8. Accordingly, the secretariat prepared ECE/TRANS/SC.1/GE.22/2023/3/Rev.1, ECE/TRANS/SC.1/GE.22/2023/4/Rev.1 and a new document on use cases analysis (ECE/TRANS/SC.1/GE.22/2023/5). These documents include and summarize the discussions of the group on:

(a) The requirements of article 5 of the Additional Protocol to CMR including requirements of other relevant provisions of the additional protocol important for the operationalisation of eCMR such as:

- (i) Stakeholders of the eCMR environment;
- (ii) The method for the issuance and the delivery of the electronic consignment notes to the entitled party;
- (iii) The way in which confirmation is given that delivery to the consignee has been effected;
- (iv) Scope / Objectives of a future eCMR system;
- (v) The procedures for supplementing or amending the electronic consignment note;
- (vi) The procedures for the possible replacement of the electronic consignment note by a consignment note issued by different means;
- (vii) Authentication;
- (b) The high-level architecture of the future eCMR system; and
- (c) The conceptual specifications as well as a draft of the functional specifications of the future eCMR system.

9. The Group of Experts discussed, changed and requested the inclusion of specific comments attributed to various participants in ECE/TRANS/SC.1/GE.22/2023/3/Rev.1, ECE/TRANS/SC.1/GE.22/2023/4/Rev.1 and ECE/TRANS/SC.1/GE.22/2023/5. IRU and its members also raised several concerns.

10. The Group requested the secretariat to submit a report to SC.1 for its 118th session comprised of ECE/TRANS/SC.1/GE.22/2023/3/Rev.1, ECE/TRANS/SC.1/GE.22/2023/4/Rev.1, ECE/TRANS/SC.1/GE.22/2023/5 and ECE/TRANS/SC.1/GE.22/2022/3/Rev.2 with the revisions that were made at this session. IRU and its members also raised several concerns.

11. The European Commission, and IRU associations Transport en Logistiek Nederland (TLN) and Latvijas Auto Association made statements which are included in Annexes I and II respectively to the report. IRU and its members also raised several concerns. Iran (Islamic Republic of) made a reservation which is included in Annex III.

12. The Group of Experts acknowledged the work done so far and the effort made by the experts in order to prepare the draft conceptual and functional specifications of the future eCMR system in accordance with its mandate and work plan.

13. The Group of Experts also acknowledged that there were some points in the analysis contained in the documents that require further elaboration for the Group to give concrete recommendations to SC.1 and to finalize the conceptual and functional specifications. Therefore the Group of Experts, with the exception of Iran (Islamic Republic of) which expressed a reservation, requested an extension of its mandate under its current terms of reference and workplan to complete its tasks and report to SC.1 at its 119th session in October

2024. It requested the secretariat to include this request in the agenda of SC.1 for its upcoming 118th session in October 2023. IRU also requested that a hybrid solution (ie foreseeing an option for the transport operator or driver to present the e-CMR data in different ways so it is humanly readable), is included in the future work of GE.22, should its mandate be renewed.

14. Further, the Group of Experts requested the secretariat to organize a half day awareness raising workshop during the 118th session of SC.1 where the draft specifications prepared by the Group of Experts would be presented and different stakeholders would have the opportunity to participate, exchange views and be informed of the Group of Expert's work, objectives and mandate.

B. Customs practices concerning the use of consignment notes

15. Following its mandate and program of work, the Group of Experts has undertaken considerable work to identify the users and stakeholders of the CMR convention and the paper CMR consignment note. The analysis and conclusions of this work are summarised in ECE/TRANS/SC.1/GE.22/2022/3/Rev.2. The document includes a short historical review concerning the development of the CMR Convention and analysis on how and why the CMR consignment notes are used today in different geographical regions by customs. It also includes a summary of responses to a survey proposed by Uzbekistan to the Group of Experts following its third session in November 2022. This document provided a basis for the analysis and formulation of a high-level architecture of the future eCMR system, and the use case analysis which is the main information for the functional specifications of the future system.

16. At this session, there were no further revisions to ECE/TRANS/SC.1/GE.22/2022/3/Rev.2, and the Group of Experts requested the secretariat to include this document as part of its report to be submitted to SC.1 for its 118th session.

C. Good practices from other digitalization initiatives

17. During its sessions, and based on its mandate, the Group of Experts requested and received presentations on various pilot projects which had a similar objective of digitalizing other international agreements/conventions. These initiatives were:

- AEOLIX (Ertico-ITS Europe)
- CIM UR (OTIF)
- CITES (UNEP)
- eCPD (FIA)
- eFBL (FIATA)
- eFTI (European Commission)
- e-permits (Turkiye)
- eTTN (Ukraine)
- Greece eCMR pilot
- Slovenia eCMR pilot

18. The intention being to share experience and good practices so as to identify the best option(s)/solution(s) for the future eCMR system concerning its high-level architecture and design.

19. The secretariat prepared Informal document No. 1 which contained a summary of the various presentations. The Group of Experts appreciated and noted Informal document No.1.

V. Other business (agenda item 4)

20. There was no other business.

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

21. The Group of Experts adopted a list of decisions for the session (per paragraphs 5, 6, 9, 10, 11, 12, 13, 14 and 19 above).

Annex I

European Commission

1. The European Commission appreciates the work of this expert group, which brought many welcome clarifications in relations to the provisions of the Convention and of the Protocol. We welcome in particular the following elements:

(a) Overall, the proposed conceptual approach appears compatible to that we have developed for the implementation of the provisions of the EU Regulation 2020/1056 on electronic freight transport information (eFTI).

(b) Development at UNECE level only of functional and technical specifications, to be implemented independently by any interested party.

(c) The provision for the certification of the IT systems that would generate and hold the eCMR documents.

(d) Even the possible 'neutral central platform' to mediate the interaction between public authorities and the IT solutions. In the EU eFTI environment, a possibly similar mediation role is played in by so-called "eFTI Gates", established at national level or jointly by several Member States.

2. However, we have some reservations, since it seems that several of the proposals on the table may require some further reflection and detailing. These are the following:

(a) The functional and technical specifications are not yet, in our view, in a sufficient shape to be proposed for adoption. Even if some aspects are very detailed, others are in still a rather 'rough' state and would need some further detailing. For example:

(b) The option of a 'central neutral platform' vs full decentralisation. If there is a decision for the former, and indeed to allow a properly informed decision in that sense, then the functionalities of that central platform, and how to ensure its neutrality would need to be spelled out in much more detail.

(c) The use or not of 'designated certification bodies'. The documents shared present it as a choice dependent on whether the specifications are made mandatory, but it is not clear why having such bodies could not work in a scenario where the use of these specifications remain at the level of guidance as opposed to constituting legally binding specifications.

(d) Furthermore, the back-up role foreseen for these bodies, in addition to certification, create an extra-burden that is not necessary. This obligation can be imposed to the IT companies and make it one of the conditions to be complied with to obtain the certification. This is the approach we are taking in the EU with regard to the certification of the eFTI platforms.

(e) Or the apparent focus (at least as coming through from the documents shared) on customs as main public stakeholders in the system. Yet there are several other public authorities that rely on the information provided in CMR, such as police or tax authorities, but also courts. The documents acknowledge them as part of the list of the users of the future eCMR environment, but no further reflection is provided on how they would interact with this environment.

3. Lastly, we have some questions with regard to the possible "mandatory" status of these specifications. Could the Secretariat elaborate on the process of achieving that?

4. Concerning the follow-up, if indeed the ITC route: Can the Secretariat provide explanations on the legal basis for this? Is that the view of the UNECE Legal unit?

Annex II

Transport en Logistiek Nederland (IRU association)

Note: written statement not present in the room

1. Transport en Logistiek Nederland (TLN) is the Dutch Association for Transport and Logistics with over 4000 members. TLN has been following closely the discussions held at the GE.22 session and would like to add its own observations on the proposed conceptual and functional specifications of the future e-CMR system. TLN has been actively involved in the topic of e-CMR since initiating the development of TransFollow over ten years ago together with the Dutch shippers association (evofenedex). Through its involvement in this project TLN recognizes the great potential of the e-CMR as well as obstacles to still overcome.
2. TLN took proactive steps on the adoption and implementation of e-CMR from a believe that a transition from paper to electronic consignment notes will benefit the sector in the short term but even more so in the long term. It is important for this transition that the right conditions are in place which are in line with the CMR Convention/the e-CMR Protocol whilst maintaining a level playing field 'business to business' and 'business to government'. The technical implementation of the e-CMR cannot be used as a means to change the scope and interpretation of the CMR Convention/the e-CMR Protocol. Nevertheless, this is exactly what will happen, if the proposed conceptual and functional specifications of the future e-CMR system is adopted and becomes mandatory. It is also important to bear in mind that any changes of that nature can only be made by following the amendment procedures laid down in the CMR Convention and the e-CMR Protocol.
3. Accordingly, public authorities cannot be introduced as users of the e-CMR within the scope of the CMR Convention /e-CMR protocol both of which are an instrument of private law. Transitioning from a paper consignment note to an electronic one should not bring a change in the rights that public authorities may have in relation to the access of consignment notes pursuant to national legislation. Moreover, the storage of the e-CMR should re- main under the exclusive control of the parties involved with the performance of the contract of carriage as is currently the case with paper consignment notes. The e-CMR Protocol already provides the (legal) framework for the use of the e-CMR. The obstacles to a more widespread use of the e-CMR are therefore not of a conceptual but of a technical nature. Nevertheless, these issues should be addressed and decided by the private sector, who is in fact, the e-CMR users.
4. The implementation of the e-CMR should take place within the current framework of the CMR Convention and the e-CMR Protocol as much as possible whereby technical challenges should be solved by the private sector.
5. TLN kindly asks IRU to convey this statement on TLN's behalf since TLN cannot attend in presence the GE.22 session.
6. Lastly, TLN kindly asks the TIR Secretariat to have this statement included in the final re- port to be submitted to SC.1.

Latvijas Auto Association (IRU association)

Dear delegates, dear colleagues, my name is Alberts Merzļakovs. I represent the interests of the members of the Latvian Association of Road Carriers "Latvijas Auto", which unites the entrepreneurs working in the field of transport and logistics. I have also been elected as a Vice President of the IRU Commission on Customs Affairs (CAD).

Before this meeting begins, I would like to clarify several points, which are the great importance for the private sector.

First of all, I would like to make reference to the statements read out by IRU, on behalf of several national associations, at the past session.

7. As you might have seen in the report, in response to these statements, Madame chair and the secretary made the following remarks:

“most probably those comments were 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.”

8. With all due respect, I believe that there is a misunderstanding. National Associations fully understand the scope and the objectives of this group, as well as the new concept which is being proposed. That is exactly the reason why we raised the comments at the previous session.

9. As a Vice-President of the IRU Commission on Customs Affairs, I can assure you that all national associations are following this matter closely. The fact of us not being present, does not mean that we are not aware of the discussions. On the contrary. This is really an important matter and is constantly being discussed by us.

10. I think you also aware of similar projects are being considered and discussed with national associations at the national level.

11. Regretfully, I was unable to attend previous sessions of the group of experts. But I would like to seize the opportunity of being present here today and to express my personal support for all the comments made by IRU on behalf of the national associations at the last session and ask to include them in the final report that will be submitted to the Working Group on road transport (SC.1).

12. Since the announcement of our position, it has become necessary to complement it. We believe that:

(a) the proposed amendments are complicated, foresee lots of new requirements and the creation of new bodies which are not required neither by the CMR Convention nor the e-CMR Protocol.

(b) Moreover, kindly take note that an important question has not been answered: who will pay for the implementation of this new concept and maintenance of the created system? In fact we are proposed to create an international administrative structure to implement the provisions of private law. Certainly, this burden cannot be put on the shoulders of the private sector, who has not even asked for any new solution.

13. We understand that the work is being carried out following a mandate received by SC.1. We also understand that this concept aims at solving some of the problems faced by the authorities with respect to the presentation of CMR to them.

14. However, if we read the text of the CMR Convention and the e-CMR Additional Protocol, we can see that:

(a) Authorities are not parties to the contract of carriage.

(b) All original CMR consignment notes are intended for the parties to the contract of carriage (consignor, consignee, carrier), but not for the competent or control authorities;

15. Therefore, we as representatives of the private sector:

(a) are the ones who have the right to decide on the terms of the agreement that we will enter with the other party.

(b) are the ones who should decide on how to exchange information electronically.

(c) Nothing can be or should be imposed onto us.

16. We demand respect for private law. The CMR Convention and the additional Protocol are private law not public or customs law! Therefore, before and foremost, the solution should work for us, the private sector, who are eCMR users!

17. Currently, there are already solutions which are working and used by the industry in an efficient manner. It does not require UNECE's involvement at the operational level nor the creation of standards or specifications.

18. And although in some countries competent authorities ask CMR to be presented, as well as other transport documents (invoice, packing list, etc.), this can be simply solved by presenting a printed version of CMR, which is the current practice for CMR users (at least on cross-border transportations).

19. I do not see any advantages of this concept to the private sector. On the contrary. If this concept is validated, whereby new specifications become mandatory; the current e-CMR solutions will have to adapt their business and this will lead to higher costs for them.

20. Moreover, I believe that a new concept should retain all the benefits of its paper form while modernising the system. The future e-CMR system should be developed and seen as an opportunity to remove paperwork and handlings costs, but not an additional administrative and financial burden for the private sector. Otherwise, why the private sector should move to digital? It is easier to stick to the paper Consignment Note. It is accepted by all relevant authorities and is simpler, easier and less cumbersome than the concept proposed.

21. Having said that and taking into account that these points have not been considered when creating this high-level structure, I kindly ask you that my full statement is included in the final report to be submitted to SC.1., notably because, GE.22 work is being carried out further to a mandate received by SC.1.

Annex III

Reservation by the Islamic Republic of Iran on the whole documents were discussed during the three-day session of G.22

Madam Chair,

Distinguished delegates

Ladies and gentlemen,

At the very outset allow me to thank you Chair for your unsparing efforts during this session. I would also like to thank the secretariat for the arrangements.

Madam Chair,

First of all, I would like to reiterate all the arguments raised by the Islamic Republic of Iran in the documents that were discussed during the present session. If I may summarize them, our understanding is that the proposed conceptual and functional specifications of the future e-CMR system is not in line with the provisions of the CMR Convention and its additional Protocol and will imply changes in the current practices.

Having said that, it can also be understood that the proposed concept implies in amendments to the provisions CMR Convention and e-CMR Protocol which are currently in force. However, amendments can only be made under the terms set out in Article 49 of the CMR Convention and on article 13 of the e-CMR Protocol. To move forward these challenges should be addressed.

Madam Chair,

Moreover, the proposed concept does not take into account the practices currently implemented (i.e.; hybrid solution), which could be used a starting point for the work to be produced by GE.22. The proposed concept also does not bring any advantages to the parties of the e-CMR Protocol nor to its signatories (i.e., more costly, more cumbersome). Therefore, instead of being a solution that will promote the use of e-CMR, this concept will hinder its use by the industry and by Contracting Parties.

Based on the above, it is requested that:

- (a) the legality of the proposed concept is properly assessed by SC.1
- (b) after such analysis is finalised, and if it is decided by SC.1 that the work carried out by GE.22 is in line the current CMR/ e- CMR provisions, that GE.22 mandated is prolonged for another two years.

In case the mandate is prolonged for another two years it is requested:

- (a) the hybrid solution to be also included as an alternative method for the eCMR digitalisation;
- (b) the outcome of GE.22 group to be considered only as a proposal for e_CMR digitalisation and not mandatory.

I conclude my words by requesting the secretariat to place on record my reservation and incorporate it in the final report of the session to be submitted to upcoming SC1, in October 2023. Also the name of the Islamic Republic of Iran as the supporter of the ideas should be stipulated beside of the comments made by IRU representative.. They well reflect our position with respect to the documents that were discussed during this session .Last but not least it is reminded that this reservation is also supported by IRU as well as other Associations present to the current session.

I thank you.