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

Geneva, 22-24 May 2024

**Report of the seventh 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 seventh session on 22 to 24 May 2024. The session was attended by representatives of the following countries: Azerbaijan, Iran (Islamic Republic of), North Macedonia, Russian Federation, Slovakia, Sweden, Saudi Arabia and Türkiye. Representative of the European Union was present. The following non-governmental organizations were represented: International Federation of Freight Forwarders Associations (FIATA), the International Road Transport Union (IRU), the Fédération Internationale de l'Automobile (FIA) and the Union of chambers and commodity exchanges of Türkiye (TOBB).

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

2. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.22/12) as amended by including as second agenda item the election of officers.

**III. Election of officers (agenda item 2)**

3. In accordance with the Commission's rules of procedure and established practice, the Group of Experts elected Mr. Ramin Bayramov (Azerbaijan) as Chair for its sessions in 2024. Governments were strongly encouraged to nominate candidates for the post of Vice Chair in order to facilitate any future election process.

**IV. Outcomes at SC.1, ITC and EXCOM (agenda item 3)**

4. The group of experts was informed by the secretariat that at the 118<sup>th</sup> session of the Working Party on Road Transport (SC.1), the Chair of the Group of Experts on the Operationalization of eCMR (GE.22), Mrs Novikova, informed SC.1 that GE.22 had met six times from July 2022 to July 2023. She updated SC.1 on the work undertaken by the Group of Experts and summarized its report which is comprised of documents ECE/TRANS/SC.1/2023/2 to 5 and incorporate the revisions that were made at its sixth

session. The GE.22 Chair emphasized 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.

5. SC.1 agreed to a two-year extension of GE.22 mandate for the completion of work based on its current terms of reference including the preparation of technical specifications (if time permits) and reporting back to SC.1 at its 120th session in October 2025. At its eight-sixth session in February 2024, Inland Transport Committee (ITC) endorsed the extension of the mandate of GE.22 for up to three, taking into account budget constraints, sessions per year comprised of up to three days/session, to complete its tasks and report to SC.1 at its 120th session in October 2025. The request was also endorsed by EXCOM in March 2024.

## **V. Programme of work: finalization of the report of GE.22 (agenda item 4)**

6. The representatives of Russian Federation presented in the group the pilot projects undertaken the period 2021-2023 on implementing an electronic international consignment note for road transport based on the CMR Convention between the Russian Federation and the Republic of Belarus. The pilot project included the replacement of the paper CMR document with a legally significant electronic document on eCMR and the application of the international standard eCMR D22A when converting CMR into electronic form. Furthermore, the project foreseen the construction of a decentralized system of cross-border electronic document management where each participating state uses its national EDI operators and applies electronic signatures that meet States standards. The experts from Russian Federation and Belarus are planning to submit a request to UN CEFACT secretariat in order to revise the eCMR data standards by introducing standards for electronic signatures.

7. The group had several questions on the operations of the pilot projects. Since the experts that performed the pilot projects could not attend the meeting this time, the group invited the experts of the pilot projects to attend the next session of the group while submitting also some questions to be addressed.

8. The group focused its discussions on the preparation of its final report to be submitted at the SC.1 session in October 2025. This final report is constituted by four main parts being reflected in formal documents ECE/TRANS/SC.1/2023/2, ECE/TRANS/SC.1/2023/3, ECE/TRANS/SC.1/2023/4 and ECE/TRANS/SC.1/2023/5. These parts are:

- (a) Part I: proposed conceptual and functional specifications of the future eCMR system;
- (b) Part II: operational procedures stipulated by the eCMR Additional Protocol – digital environment;
- (c) Part III: proposed conceptual and functional specifications of the future eCMR system / Use Case Analysis;
- (d) Part IV: Use of CMR consignment notes by Customs Authorities.

9. The representatives of IRU and Iran reiterated their position concerning the several comments provided during the 6th session of the Group and requested that these comments are duly reflected in the documents which will be discussed at the upcoming sessions.

10. Following the request of IRU and Iran representatives, extensively discussions took place about fundamental points (i.e. whether or not the CMR Convention/Protocol need to be amended, and if applicable, which would be the procedure; the role of other stakeholders in the framework of CMR Convention/Protocol (i.e. Customs/Police); if GE.22 work should encompass only eCMR digitalisation or the digitalisation of all events of the CMR Convention). IRU and Iran representatives, requested to continue discussing them at the upcoming session.

11. The secretariat, following specific questions requested by the representative of Iran (Islamic Republic of) had the opportunity to further explain and recall to anyone the arguments and the logic behind experts' decision during the 6 sessions of the group in

preparing the current version of the report. Those clarifications could be summarised as follows:

(a) The scope of the group is to finalise the functional and technical specifications (the latter, if time permits) of the future eCMR system(s). Those specifications following article 2 of the eCMR protocol should focus on the digitalisation of the paper CMR consignment note including the events being described in the CMR Convention. Only then the CMR Convention will apply in full also in the digital world and the electronic CMR will be “the equivalent to the consignment note referred to in the convention and shall therefore have the same evidentiary value and produce the same effects as the consignment note”;

(b) The secretariat will work closely with the UN CEFACT secretariat in order to revise, if needed, the existing eCMR data standards, ensuring interoperability among the different eCMR systems in the future. All specifications and the data standards will be offered as UN public goods to the private sector for immediate use and cannot be mandatory. However, when adopted by the UN intergovernmental bodies, UN ECE will ask governments to encourage the private sector to follow those specifications and standards since they ensure the implementation of the CMR Convention in the electronic world;

(c) An assurance that the electronic consignment note retains its integrity and that a manner should exist that the party entitled to the rights arising out of the electronic consignment note is able to demonstrate that entitlement are provisions stipulated in article 5 to the eCMR protocol. In that sense, the experts identified a possible challenge with the storage of the original data. The CMR applies when something goes wrong, and the parties need to solve their disputes at the court. The courts therefore (Articles 31-33 to the CMR Convention) must have access to the original data. The question raised by the experts was very simple. The carrier supposes to have the original data stored in her/his mobile phone or systems. If the carrier is at risk paying a fine who can ensure that the carrier will not manipulate this data with the assistance or not of the application provider? Also, if the application provider goes bankrupt what will happen with the original data? The experts therefore recommend – not impose or making mandatory – the existence at national level, therefore being administered by national law, of a place (new agency, chambers, transport association etc) – where the original data will be stored automatically when generated. The States should decide if they wish to follow this recommendation, and if yes, which agency will store the data;

(d) As it concerns the electronic signatures, the experts have recommended that the national laws should apply. The experts suggested to include one recommendation in order to ensure smooth operations of the future system: the States are encouraged to mutually recognise the procedures administering the electronic signatures of other States;

(e) The experts had no reservations about the use of CMR consignment notes by the Customs and other authorities since the CMR Convention makes specific reference to this requirement (Articles 1 para 5, 6 para 1 and 11). For these reasons the experts prepared a document and delivered a study which lists the national laws that provide the right to the customs and other authorities to have access to the CMR consignment note data and if required to provide written comments. Also, the experts described the processes that the future eCMR system(s) should include in order to ensure reading access of the data by the authorities. It should be noted that the experts agreed that the use of the data by the authorities and the submission of valid data to the authorities is strictly connected with the liability of the carriers (article 11) and it is therefore a requirement that the CMR Convention stipulates. The customs and police authorities that attended the sessions of the group insisted that this reading access of the data should be one of the main functions of the future eCMR system(s);

(f) Connected with the reading access of customs and other authorities to the eCMR data is the discussion on the existence or not of central platform(s). The experts agreed that when the specifications and the data standards are available, then thousands of applications generating eCMRs will eventually exist. In order for customs authorities to have ad hoc reading access to the eCMR data of the truck arriving at their borders from all over the world, the customs authority should have made an interconnection with the company that generated the eCMR. But this, in practical terms, means that customs authorities should perform hundreds or thousands of interconnections, a fact that it is impossible to happen for

several reasons including security. Then, the idea of a central platform or platforms was introduced. The existence of a platform or platforms that operate as technological bridge, that do not administer or have no access to the data would facilitate a lot those interconnections since customs would have to do only one interconnection, this to the platform. Customs authorities that attended the meeting mentioned that UN ECE could develop such a platform. However, the secretariat made it clear in all meetings that UN ECE cannot play this role for several reasons including liability, resources and sustainability of such a platform. However, the concept is valid and the specifications will recommend to the States to develop such a platform or platforms (regional) that would facilitate interconnection of authorities with private sector application providers. Principles for the operations of those platforms might be also included.

12. The secretariat, based on the above-mentioned clarifications and also on further comments received by the experts (IRU, Slovenia), will further review the four documents constituting the final report of the group. Therefore, revised versions of the current documents will be prepared for the next session of the group.

13. Furthermore, the secretariat, considering that the next session of the group will take place only in January 2025, invited the experts to further review the documentation and provide concrete inputs. The objective of the group should be to finalise its work during 2025 and deliver its final report. In order for this objective to be achieved, the experts should provide concrete input and constructive alternatives where they feel that current text needs to be improved. Finally, the secretariat stands ready to organise any informal online meetings / capacity building workshops in case is required to further clarify the proposals and analysis of the group.

14. The representative of European Union attended the session and delivered the following statement.

15. The eFTI Regulation implementation, just as the eCMR, are meant primarily to facilitate the life of businesses/economic operators – reduce costs and administrative burden. Given the high overlap between the scope of the eFTI Regulation and the eCMR use in the EU, and the weight of the EU in global trade and transport, we can well understand the industry concerns that a parallel development of the two implementation frameworks could lead to divergences. Divergences which might turn out more costly for them than carrying on with the status quo. We are steadily progressing with the definition of the eFTI Regulation functional and technical implementation specifications (even if somewhat slower than anticipated and hoped). The first important set of these specifications will be adopted by the Commission by the end of June this year, in the form of EU implementing law. They will contain the specifications for the systems to be put in place by the authorities in EU Member States, the specifications for the overall eFTI exchange architecture, as well the definitions of the data to be exchanged. These will be accompanied by more detailed, supporting guidance documents, that we aim to finalise in the fall. In parallel we are working on the second (and last) set of specifications – focusing on the requirements for the IT platforms to be used by businesses – which we aim to finalise by the end of this year and have formally adopted as EU implementing law in the first half of next year. As committed earlier, we will share with the UNECE expert group those legal implementation requirements, as well as accompanying documents, as soon as they can be made publicly available.

## **VI. Tentative dates of future sessions (agenda item 5)**

16. The Group was informed that the tentative dates of the eighth and ninth sessions of the Group of Experts are 20–22(am) January 2025, and 5–7(am) May 2025. The secretariat informed the experts that a formal invitation through diplomatic channels will be send towards the end of November ensuring an increase to the number of experts participating in group's sessions.

## **VII. Other business (agenda item 6)**

17. Nothing was reported under other business.

**VIII. Adoption of list of decisions (agenda item 7)**

18. The draft report of the session will be prepared by the secretariat, and it will be disseminated by the secretariat to all experts providing adequate time to receive their comments, amendments and have it finalised. Then, the report will be submitted for information at the next session of working party on road transport (SC.1).

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