

Distr.: General  
29 May 2017

English only

---

## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Customs Questions affecting Transport**

**146th session**

Geneva, 13-16 June 2017

Item 5 of the provisional agenda

**International Convention to Facilitate the Crossing**

**of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952**

### **International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952**

**Note by the secretariat**

#### **Introduction**

In Annex, the secretariat reproduces an email by the United Nations Office of Legal Affairs, Treaty Section (OLA-TS), with comments on the final clauses of the draft Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail, as contained in document ECE/TRANS/WP.30/2017/14 (Annex I), together with a comparative table of the various text proposals (Annex II).

-----

## Annex I

Dear Artur,

This is in reply to your request below for comments to the draft Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail, as contained in doc. ECE/TRANS/WP.30/2017/14.

Preliminarily, let me return to the question of the framework in which this Convention would be adopted. In your email, you indicated that the Convention would cover the Euro-Asian land mass, including UNECE and ESCAP members. It would be important for us to have greater clarity on the precise institutional framework of adoption. In particular, would this Convention be concluded in the framework of UNECE or outside from it? In the former case, would there be any formal participation of ESCAP in the framework of negotiations? As I mentioned earlier, the institutional framework of adoption is important insofar as the Secretary-General only accepts to serve as depositary for universal treaties concluded in the framework of the United Nations, and regional treaties concluded in the framework of regional commissions.

Upon review of the draft Convention, we consider that the final provisions (articles 21-31) still require some work and would benefit from a more thorough discussion among the negotiators.

From a reading of these clauses, it is quite apparent that they have been drafted on the basis of model clauses that are quite dated (in your email, you mention the TIR and Harmonization Conventions). These model clauses are in many instances obsolete, either because they include formulations that have posed difficulties in the past and have fallen out of use, or because they omit more modern language which has become standard in later treaties.

For example, Articles 30 and 31 contain provisions that are no longer used in modern United Nations treaties, since they only partially describe depositary functions and are sometimes superseded by later practice. On the other hand, it would be advisable for the draft Convention to include additional separate provisions on the designation of the Secretary-General as depositary or the authentic languages of the Convention, in line with recent practice.

The provisions concerning amendments to the Convention (Article 22, paragraphs 3 and 4, Article 27 and Article 28) present serious issues, and would require special attention. In the present draft, the regime is unclear and may pose problems in the future. For example, the current regime treats differently those States that are Parties prior to the acceptance of an amendment (who may choose whether to accept to be bound by the amendment or not) and those States that become Parties afterwards (who do not seem to be given that choice). The provisions also omit certain key aspects of the procedure (e.g., how a proposal of amendment is circulated) and contain certain major inconsistencies (e.g., paragraph 3 of Article 27 is not consistent with the procedure now provided for in paragraph 4; Article 28 refers to requests, communications and objections, which have been deleted in the prior Article). Lastly, this regime of amendments is very different from those of many modern treaties.

In view of the above, we would strongly recommend that negotiators be invited to engage in a detailed discussion on final provisions in order to come to an agreement on the mechanisms that they wish to establish (particularly, but not only, on amendments). In that discussion, negotiators may wish to consider models of final provisions from more recent multilateral treaties. Useful models could be, for example:

- The Convention on the Rights of Persons with Disabilities ([https://treaties.un.org/doc/Publication/CTC/Ch\\_IV\\_15.pdf](https://treaties.un.org/doc/Publication/CTC/Ch_IV_15.pdf));
- The United Nations Convention on the Use of Electronic Communications in International Contracts ([https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=X-18&chapter=10&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=X-18&chapter=10&clang=en));
- The Paris Agreement on climate change ([https://treaties.un.org/doc/Treaties/2016/02/20160215%2006-03%20PM/Ch\\_XXVII-7-d.pdf](https://treaties.un.org/doc/Treaties/2016/02/20160215%2006-03%20PM/Ch_XXVII-7-d.pdf)); or
- The Minamata Convention on Mercury (<https://treaties.un.org/doc/Treaties/2013/10/20131010%2011-16%20AM/CTC-XXVII-17.pdf>).

Once the text of the final provisions is revised, the Treaty Section may provide detailed comments on a final draft. The Section also stands ready to provide further information or assistance on the drafting of final clauses as needed, subject to its limited resources.

I hope this will help.

Best regards,

Santiago

**Santiago Villalpando**

Chief Chef

Treaty Section / Section des traités

Office of Legal Affairs / Bureau des affaires juridiques

United Nations / Nations Unies

## Annex II

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><b>Article 21</b> <b>Signature, ratification, acceptance, approval and accession</b></p> <p>1. This Convention, which shall be deposited with the Secretary-General of the United Nations, shall be open to the participation of all States <del>and of regional economic integration organizations of sovereign States competent for the negotiation, conclusion and application of international agreements relating to the matters covered herein.</del></p> <p>2. <del>For the matters within their competence, the regional economic integration organizations referred to in paragraph 1 may on their own behalf exercise the rights and fulfil the obligations set out by this Convention for member States which are Contracting Parties to this Convention. In such cases, the member States of the organizations in question shall not be entitled to individually exercise such rights, including the right to vote.</del></p> <p><del>2-3.</del> States <del>and the regional economic integration organizations referred to above</del> may become Contracting Parties to this Convention:</p> <p>(a) By depositing an instrument of ratification, acceptance or approval after signature; or</p> <p>(b) By depositing an instrument of accession.</p> <p><del>3-4.</del> This Convention shall be open for signature at the United Nations Office at Geneva by all the States <del>and the regional economic integration</del></p>	<p><b>Article 21</b> <b>Signature, ratification, acceptance, approval and accession</b></p> <p>1. This Convention shall be open to the participation of all States and of regional economic integration organizations constituted by sovereign States which have competence to negotiate, conclude and apply international agreements on matters covered by the Convention.</p> <p>2. The regional economic integration organizations referred to in paragraph 1 may, for the matters within their competence, exercise on their own behalf the rights and fulfil the responsibilities which this Convention otherwise confers on their Member States which are Contracting Parties to this Convention. In such cases the Member States of the said organizations shall not be entitled to exercise individually such rights, including the right to vote.</p> <p>3. States and the regional economic integration organizations referred to above may become Contracting Parties to this Convention:</p> <p>(a) by depositing an instrument of ratification, acceptance or approval after signing it, or</p> <p>(b) by depositing an instrument of accession.</p> <p>4. This Convention shall be open from... until ... inclusive for signature at the [Office of the United</p>	<p><b>Article 21</b> <b>Signature, ratification, acceptance, approval and accession</b></p> <p><i>The terminology and structure of this draft provision does not correspond to that of modern multilateral treaties, which are more streamlined.</i></p> <p><i>In general terms, we would advise against the use of the expression “Contracting Parties”. It would be preferable to use “Parties”.</i></p> <p><i>Paragraph 1 is not needed. In general, modern multilateral treaties have one provision (similar to paragraph 4) that addresses both the matters of participation and signature, as follows:</i></p> <p>The present Convention shall be open for signature by all States and by regional economic integration organizations at United Nations Headquarters in New York from ... to ....</p> <p><i>If the SG is appointed as depositary, the Convention cannot be open for signature in Geneva, since the original will be kept by the Treaty Section at United Nations Headquarters in New York. At most, it would only be possible to organize a ceremony for the opening for signature in Geneva, but the Convention would then remain open at UN Headquarters in New York.</i></p>

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><del>organizations referred to in paragraph 1 from ... until ..., inclusive.</del>  <del>4-5.</del> From ... it shall also be open for their accession.  <del>5-6.</del> The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.</p>	<p>Nations at Geneva] by all States and the regional economic integration organizations referred to in paragraph 1.</p> <p>5. From ...it shall also be open for their accession.</p> <p>6. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.</p>	<p><i>Paragraph 3 is confusing, in that it could be read as stating that the Convention enters into force for States upon deposit, which contradicts article 22, paragraph 2. Paragraph 5 is repetitive of paragraph 3(b). It would be better to streamline these two paragraphs into one single provision on the ways of expressing consent to be bound, such as:</i></p> <p>The present Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by any State or regional economic integration organization which has not signed the Convention.</p> <p><i>Paragraph 2 deals with a matter that is not within the title of this article. Modern multilateral treaties usually have a separate provision on regional economic integration organizations, dealing with matters relating to their participation.</i></p>
<p><b>Article 22</b>  <b>Entry into force</b></p> <p>1. This Convention shall enter into force three months after the date on which five States have deposited their instruments of ratification, acceptance, approval or accession.</p> <p>2. After the five States have deposited their instruments of ratification, acceptance, approval or accession, this Convention shall enter into force for all subsequent Contracting Parties three months after the date of the deposit of their instruments of ratification, acceptance,</p>	<p><b>Article 22</b>  <b>Entry into force</b></p> <p><i>No changes to paras. 1-4 (amendments apply to all Contracting Parties, either upon acceptance or upon accession. There is no possibility for Contracting Parties to consider themselves not bound by an amendment).</i></p> <p>5. The depositary shall notify all States of the dates of entry into force of this Convention.</p>	<p><b>Article 22</b>  <b>Entry into force</b></p> <p><i>As regards paragraph 2, the modern terminology is usually different and more precise. For example, as follows:</i></p> <p>For each State or regional economic integration organization that ratifies, accepts, approves or accedes to the present Convention after the deposit of the fifth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force three</p>

**Informal document WP.30 (2017) No. 11**

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p>approval or accession.</p> <p>3. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.</p> <p>4. Any such instrument deposited after an amendment has been accepted in accordance with the procedure in article 27, but before it has entered into force, shall be deemed to apply to the Convention as amended on the date when the amendment enters into force.</p>		<p>months after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.</p> <p><i>Paragraphs 3 and 4 pertain to amendments and it would be better to include them in article 27.</i></p> <p><i>Paragraph 5 is not needed. The depositary functions are codified in article 77 of the Vienna Convention on the Law of Treaties and include this, as well as other functions. By specifying this single function in particular, the Convention may raise doubts as to whether other depositary functions are intended to be excluded.</i></p>
<p><b>Article 23 Denunciation</b></p> <p>1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.</p> <p>2. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the notification of denunciation.</p>	<p><b>Article 23 Denunciation</b></p> <p>Any Contracting Party may denounce this Convention by a formal notification in writing addressed to the depositary. The denunciation shall become effective six months after the date of receipt by the depositary. The depositary shall notify all States of the denunciation by any Contracting Party to this Convention.</p>	<p><b>Article 23 Denunciation</b></p> <p><i>In the second sentence, add "... after the date of receipt by the depositary <b>of the notification of denunciation</b>". The last sentence is not needed for the same reasons explained above regarding article 22, paragraph 5.</i></p>

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><b>Article 24 Termination</b></p> <p>If, after the entry into force of this Convention, the number of States which are Contracting Parties is reduced to less than five for a period of 12 consecutive months, the Convention shall cease to have effect from the end of the 12-month period in question.</p>	<p><b>Article 24 Termination</b></p> <p>If, after the entry into force of this Convention, the number of Contracting Parties is reduced to less than five for a period of 12 consecutive months, the Convention shall cease to have effect from the end of the 12-month period in question. The depositary shall notify all Contracting Parties of the termination of this Convention.</p>	<p><b>Article 24 Termination</b></p> <p><i>The last sentence is not needed. It should be noted that, by referring to termination (as opposed to suspension), this provision implies that, if the conditions described therein are reunited, the Convention will cease to have effect irrevocably. It would follow that the depositary would not be accepting any further instruments of consent to be bound.</i></p>
<p><b>Article 25 Settlement of disputes</b></p> <p>1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall, so far as possible, be settled by negotiation between them or by other means of settlement.</p> <p>2. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled by the means indicated in paragraph 1 of this article shall, at the request of one of the Parties, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator, and these arbitrators shall appoint another arbitrator, who shall be the chair. If, three months after receipt of a request, one of the Parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the chair, any of the Parties may request the Secretary-General of the</p>	<p><b>Article 25 Settlement of disputes</b></p> <p>1. <i>No change.</i></p> <p>2. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration, the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p> <p>3. Each Contracting Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 2 of the present Article. The other</p>	<p><b>Article 25 Settlement of disputes</b></p> <p><i>The Treaty Section does not make any comment on the mechanisms of dispute settlement of this provision, which do not fall under the purview of the depositary.</i></p> <p><i>Paragraphs 3 and 4 of this provision address the same situation as article 26, paragraphs 1 and 2. These two sets of provisions are redundant and should be harmonized (probably by deleting one of the two). In addition, there are a number of problems with each of the provisions involved. For example, both sets seem to indicate that a declaration made only at the time of signature would be valid, which is usually not the case (it would need to be reaffirmed at the time of the expression of consent to be bound). Paragraph 3 does not refer to approval, acceptance and accession. Paragraph 3 indicates that the declaration concerns only article 25, paragraph 2, while article 26,</i></p>

Informal document WP.30 (2017) No. 11

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p>United Nations to appoint an arbitrator or the chair of the arbitration tribunal.</p> <p>3. The decision of the arbitration tribunal established under the provisions of paragraph 2 shall be final and binding on the parties to the dispute.</p> <p>4. The arbitration tribunal shall determine its own rules of procedure.</p> <p>5. The arbitration tribunal shall take its decisions by majority vote and on the basis of the treaties existing between the parties to the dispute and general international law.</p> <p>6. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgment to the arbitration tribunal which made the award.</p> <p>7. Each party to the dispute shall bear the costs of its own appointed arbitrator and of its representatives in the arbitral proceedings; the costs of the chair and the remaining costs shall be borne in equal parts by the parties to the dispute.</p>	<p>Contracting Parties shall not be bound by that paragraph with respect to any Contracting Party that has made such a declaration.</p> <p>4. Any Contracting Party that has made a declaration in accordance with paragraph 2 of this Article may at any time withdraw that declaration by notification to the depositary.</p>	<p><i>paragraph 1, says that the declaration concerns “article 25, paragraphs 2 to 4” (which does not make sense). Article 26 qualifies this declaration as a reservation, while article 25 does not. Since this is a reservation, it is not necessary to specify that the declaration has a reciprocal effect nor that it may be withdrawn at any time, since these rules are part of customary international law.</i></p>
<p><b>Article 26 Reservations</b></p> <p>1. Any Contracting Party may, at the time of signing, ratifying, accepting or approving this Convention or acceding to it, declare that it does not consider itself bound by Article 25 <i>paragraphs 2</i> to 7 of this Convention. Other Contracting Parties shall not be bound by these paragraphs in respect of any</p>	<p><b>Article 26 Reservations</b></p> <p>1. Any Contracting Party may, at the time of signing, ratifying, accepting or approving this Convention or acceding to it, declare that it does not consider itself bound by Article 25 paragraphs 2 to 4 of this Convention. Other Contracting Parties shall not be bound by these paragraphs in respect of any</p>	<p><b>Article 26 Reservations</b></p> <p><i>On paragraphs 1 and 2, see comments above (article 25).</i></p> <p><i>Paragraph 4 is not needed for the reasons explained</i></p>

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p>Contracting Party which has entered such a reservation.</p> <p>2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.</p> <p>3. Apart from the reservations set out in paragraph 1 of this Article, no reservation to this Convention shall be permitted.</p>	<p>Contracting Party which has entered such a reservation.</p> <p>2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.</p> <p>3. Apart from the reservations set out in paragraph 1 of this Article, no reservation to this Convention shall be permitted.</p> <p>4. The depositary shall notify all Contracting Parties of any reservation.</p>	<p><i>above.</i></p>
<p><b>Article 27</b> <b>Procedure for amending this Convention</b></p> <p>1. This Convention, including its annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this article.</p> <p>2. <del>Any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting three months after the expiry of a period of 12 months following the date of communication of the proposed amendment, during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State or by a regional economic integration organization which is a Contracting Party, and which then acts within the conditions specified in article 21 (2) of this Convention. <i>Thirty days after two third of the Parties have deposited their instrument of ratification.</i></del></p>	<p><b>Article 27</b> <b>Procedure for amending this Convention</b></p> <p>1. Any Contracting Party may propose an amendment to this Convention, including its annexes, and submit it to the depositary. The depositary shall communicate any proposed amendment to all Contracting Parties.</p> <p>2. The amendment shall be deemed to have been accepted unless within a period of X months following this communication a Contracting Party to the present Convention has expressed an objection, in which case the amendment shall be deemed to have been rejected. If the amendment is deemed to have been accepted, it shall enter into force at the end of a further period of X months for all Contracting Parties.</p>	<p><b>Article 27</b> <b>Procedure for amending this Convention</b></p> <p><i>While acceptable, the proposed procedure of amendment is proper of older treaties: it is rarely used in recent times.</i></p> <p><i>It should be noted that this procedure implies that an amendment proposed by one party may become binding to all without any collective discussion, if it is not objected by any party within the set deadline. On the other hand, a proposed amendment that is supported by a majority of the parties could be blocked by the objection of one single party.</i></p> <p><i>Many modern multilateral treaties require the adoption of the amendment by the parties before submitting it for acceptance. For this purpose, they often rely on the institutional structure established by the treaty itself: for example, they provide that a proposed amendment shall be submitted for consideration by the Conference</i></p>

Informal document WP.30 (2017) No. 11

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><u>acceptance or approval of any proposed amendment communicated in accordance with the preceding paragraph, it shall come into force with respect to any of these Contracting Parties which has deposited an instrument of ratification, acceptance or approval. Afterwards, the amendment will come into force with respect to any other Party on the day when such Party deposits its instrument of ratification, acceptance or approval of the amendment.</u></p> <p>3. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.</p>		<p><i>of the Parties, which shall discuss and adopt the amendment before it is circulated to all parties for their acceptance. When no institutional structure exists, some modern multilateral treaties provide that the proposed amendment be circulated to the parties, with a request for them to state whether they wish to convene a conference for the purpose of discussing and adopting the proposed amendment (similar to the Review Conference procedure in article 29 below).</i></p> <p><i>This provision should be considered in detail by the negotiators to determine whether it corresponds to their objectives.</i></p> <p><i>As noted above, paragraphs 3 and 4 of the current article 22 would be better placed in this article.</i></p>
<p><b>Article 28</b> <b>Requests, communications and objections</b></p> <p>The Secretary-General of the United Nations shall inform all Contracting Parties and all States of any request, communication or objection under Article 27, and of the date on which any amendment enters into force.</p>	<p><b>Article 28</b> <b>Requests, communications and objections</b></p> <p>The depositary shall inform all Contracting Parties of any request, communication or objection under Article 27, and of the date on which any amendment enters into force.</p>	<p><b>Article 28</b> <b>Requests, communications and objections</b></p> <p><i>This provision should probably be deleted. There is no reference to communications in article 27. The requirement that proposed amendments and objections be circulated could be included in article 27. The function of informing of the entry into force of the amendment is a normal depositary function that goes without saying.</i></p>

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><b>Article 29</b> <b>Review Conference</b></p> <p>After this Convention has been in force for five years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention, indicating the proposals which should be dealt with by the conference. In such a case:</p> <p>(i) The Secretary-General of the United Nations shall notify all the Contracting Parties of the request and invite them to submit, within a period of three months, their comments on the original proposals and such other proposals as they may wish the conference to consider;</p> <p>(ii) The Secretary-General of the United Nations shall also communicate to all the Contracting Parties the text of any other proposals made and shall convene a review conference if, within a period of six months from the date of that communication, not less than one third of the Contracting Parties notify him of their concurrence with the convening of such a conference;</p> <p>(iii) However, if the Secretary-General of the United Nations considers that a review proposal may be regarded as a proposed amendment under Article 27 (1), he may, by agreement with the Contracting Party which has made the proposal, implement the amendment procedure provided for by Article 27, instead of the review procedure.</p>	<p><b>Article 29</b> <b>Review Conference</b></p> <p>After this Convention has been in force for five years, any Contracting Party may, by notification to the depositary, request that a conference be convened for the purpose of reviewing this Convention, indicating the proposals which should be dealt with by the conference. In such a case:</p> <p>(i) The depositary shall notify all Contracting Parties of the request and invite them to submit, within a period of three months, their comments on the original proposals and such other proposals as they may wish the conference to consider;</p> <p>(ii) The depositary shall also communicate to all Contracting Parties the text of any other proposals made and shall convene a review conference if, within a period of six months from the date of that communication, not less than one third of the Contracting Parties notify him/her of their concurrence with the convening of such a conference;</p> <p>(iii) However, if the depositary considers that a review proposal may be regarded as a proposed amendment under Article 27 (1), he/she may, by agreement with the Contracting Party which has made the proposal, implement the amendment procedure provided for by Article 27, instead of the review procedure.</p>	<p><b>Article 29</b> <b>Review Conference</b></p> <p><i>This article requires redrafting.</i></p> <p><i>The convening of a Review Conference is <u>not</u> a depositary function. The functions referred to in this article are to be performed by the substantive secretariat of the Convention (in this case, the Executive Secretary of the Economic Commission for Europe). The depositary will only come into play once the proposed amendments are adopted, for the purposes of their acceptance and entry into force.</i></p> <p><i>This provision is also problematic in that it does not indicate what procedure is to be followed for the adoption, acceptance and entry into force of amendments submitted to a Review Conference. The procedure of article 27 cannot be applied, insofar as it does not include a discussion in a conference.</i></p> <p><i>It would be possible to consider the procedure of adoption by a Review Conference as the sole procedure for amending the Convention.</i></p>

Text proposal draft ECE/TRANS/WP.30/2017/14	Proposal by the secretariat	Comments by the Treaty Section
<p><b>Article 30 Notifications</b></p> <p>In addition to the notifications and communications provided for in Articles 28 and 29, the Secretary-General of the United Nations shall notify all States of the following:</p> <p>(a) Signatures, ratifications, acceptances, approvals and accessions under Article 21;</p> <p>(b) The dates of entry into force of this Convention in accordance with Article 22;</p> <p>(c) Denunciations under Article 23;</p> <p>(d) The termination of this Convention under Article 24;</p> <p>(e) Reservations under Article 26.</p>	<p><b>Article 30 Notifications</b> <i>Deleted</i></p> <p><b>New Article 30 Depositary</b></p> <p>1. The Secretary-General of the United Nations shall be the depositary of this Convention.</p> <p>2. The Executive Secretary of the Economic Commission for Europe shall provide the Committee with secretariat services.</p>	<p><b>New Article 30 Depositary</b></p> <p><i>Paragraph 2 should be taken out from this provision and inserted in another part of the Convention (e.g., in a separate article). The title of the article indeed only refers to the “depositary”.</i></p> <p><i>It should be emphasized that the decision for the Secretary-General to accept depositary functions for a certain treaty is discretionary, and that the established practice is that the Secretary-General generally only accepts to be depositary of universal treaties adopted under the auspices of the United Nations or regional treaties adopted in the framework of economic commissions.</i></p>
<p><b>Article 31 Certified true copies</b></p> <p>After ... the Secretary-General of the United Nations shall transmit two certified true copies of this Convention to each of the Contracting Parties and to all States which are not Contracting Parties.</p> <p>Done at__ in __copies, on __, in the __ language, the English, Russian <del>and</del> __ texts being equally authentic.</p> <p>In Witness Whereof, the undersigned plenipotentiaries, being duly authorized thereto, have signed this Convention.</p>	<p><b>Article 31 Authentic texts</b></p> <p>The English and Russian texts of this Convention, being equally authentic, shall be deposited with the depositary.</p> <p>In WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized, have signed this Convention.</p>	<p><b>Article 31 Authentic texts</b></p> <p><i>What is the reason for the choice of these two languages as sole authentic languages? It is noted that most multilateral treaties adopted in economic commissions also include other authentic languages. For example, UNECE treaties often include a French authentic text. It should be noted that economic commissions have sometimes faced problems when the authentic language of regional treaties were only some of the working languages of the commission concerned. In this regard, it should be taken into account that this Convention is open for participation by all States.</i></p>

