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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
(Ninety-eighth session, 27-29 October 2004,
agenda item 6 (c))

HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD
TRANSPORT AND FACILITATION OF ITS OPERATION

Consideration of the development of a Protocol to the CMR

Note by the secretariat

At its sixty-sixth session, the Inland Transport Committee noted that SC.1, which had before it two proposals, one submitted by UNIDROIT, the other by Germany, for a new draft Protocol to the CMR with a view to the introduction of an electronic consignment note, had at its ninety-seventh session requested the secretariat to write to member countries to ask them to define their preference as to the approach to be used in drafting the text of the Protocol. The Committee was informed that a questionnaire prepared for the purpose by the secretariat had been sent to the members of SC.1. It asked the secretariat to make a careful analysis of the replies and report to SC.1.

The replies to the secretariat questionnaire are contained in the present document. On the basis of the replies received, which show a clear majority in favour of the UNIDROIT proposal, SC.1 will be invited to pronounce on the follow-up to be given to this survey. It could in particular be proposed to hold an ad hoc meeting on the CMR in 2005 in order to finalize the text of the new Protocol.

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Replies to the questionnaire on CMR*The numbers in brackets correspond to question numbers of the questionnaire*

Country	In favour of which version? (1)	To be supplemented/ amended on certain points? (2/3)	Draft to be proposed by UNIDROIT/ Germany? (2/3)	In favour of a solution which would keep functional equivalence and leave up to the operators to define the modalities for the use of the electronic consignment? (4)	Modalities to be defined in electronic communication agreements? (4)	Another approach? (5)	Coordinates of the person who replied to the questionnaire
Austria	Germany	Yes, If possible the instrument should be extended also to other forms of electronic signatures than those provided in the German proposal.	No	No	—	No answer	Dr. Martin Adensamer Federal Ministry of Justice 1070 Wien martin.adensamer@bmj.gv.at
Azerbaijan	UNIDROIT	No	No	No	—	No answer	Rauf Pashayev Ministry of Transport Baku city R.Pashayev@mintrans.az
Belarus	UNIDROIT	No	UNIDROIT	Yes	No	No answer	Mr. Valery Milenky Ministry of Transport 220029 Minsk mail@mintrans.by
Belgium	UNIDROIT	No	No answer	Yes	Yes	No answer	Mr. Johan Vandekerckhof SPF Mobilité et Transports 1000 Brüssels johan.vandekerckhof@mobilit.fgov.be

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Croatia	UNIDROIT	No	No answer	Yes	No answer	No answer	Ante Nevescanin Ministry of the sea, tourism, Transport and Development Zagreb Ante.nevescanin@mppu.hr
France	UNIDROIT	No	No answer	No	—	No answer	Xavier Guérin Ministère des Transports DTT/SI2 Paris Xavier.Guerin@equipement.gouv.fr
Hungary	Germany	In the 4 th Article of paragraph 4 of the minute draft, a more exact definition of the device is necessary	Germany	No	—	No answer	Mrs. Zita Egyhazy Ministry of Economy and Transport 1054 Budapest zita.egyhazy@gkm.hu
Latvia	UNIDROIT	Yes	No	Yes	Yes	No answer	M. Mārtiņš Dēbelis Road Transport Administration 1011 Riga martinsd@atd.lv

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Lithuania	UNIDROIT	No	No answer	Yes	Yes	No answer	Mr. Jaunius Jasiunas Ministry of Transport and Communications 2679 Vilnius ljasiunas@transp.lt
Netherlands	UNIDROIT	No	No answer	Yes	No	No answer	Mr. Wouter Pietersma Ministry of Transport, Public Work and Water Management 2500 EX The Hague
Norway	UNIDROIT	Yes The regime laid down in the CMR presupposes written consignment documents. Adaptation to electronic documents calls for a supplement to the CMR article 5, as is suggested in the draft Protocol by UNIDROIT. In addition, we think it would improve the application of the CMR to electronic documents if also the handling of the three original copies of the consignment note were to be regulated in the draft Protocol.	UNIDROIT	Yes	No	No answer	Ingeborg B.Holtskog Olebakken Ministry of Justice 0030 Oslo ingeborg.olebakken@jd.dep.no

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Poland	UNIDROIT	<p>Yes</p> <p>Art 2, para. 3 of the draft Protocol: Poland suggests to consider covering also by the new wording the documents attached to the consignment note (mentioned in Art. 11 of CMR).</p> <p>If the consignment note "may be made out by all other means of transmission of information", the documents attached to it would also be transmitted by electronic or similar means of communication.</p>	UNIDROIT	No	—	No answer	<p>Ms. Zelichowska Hanna</p> <p>Ministry of Infrastructure</p> <p>Road Transport Department</p> <p>00-928 Warszawa</p> <p>hzelichowska@mi.gov.pl</p>
Portugal	UNIDROIT	No	UNIDROIT	No answer	No answer	No answer	<p>Maria Luisa Nunes</p> <p>Division de Relations Internacionaux</p> <p>Direcção-Geral de Transportes Terrestres</p> <p>1649-022 Lisboa Codex</p> <p>lnunes@dgtt.pt</p>
Switzerland	UNIDROIT	No	No answer	No answer	No answer	No answer	<p>Mr Rusca Vincent</p> <p>Office Fédéral des Transports</p> <p>Berne</p> <p>vincent.rusca@bav.admin.ch</p>

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Turkey	Germany	No	No answer	No	—	No answer	Feriha Göktoprak General Directorate of road Transport Ministry of Transport Ankara feriha@ubak.gov.tr
United Kingdom	UNIDROIT	No	No answer	Yes	Yes		Armour Donald Freight Transport Association St. John's Road, Tunbridge Wells Kent TN4 942 darmour@fra.co.uk
TOTAL: 16 replies of which: - 10 MS of EU - 1 EEA - 2 CIS - 3 others	13 UNIDROIT 3 Germany	2 in favour of the German text 3 in favour of the UNIDROIT text 1 "No" for the German text 10 "No" for the UNIDROIT text	4 in favour of UNIDROIT 3 "No" for UNIDROIT 1 in favour of Germany 8 "No answer"	8 "Yes" 6 "No" 2 "No answer"	4 "Yes" 6 " 3 "No" 3 "No answer"	16 "No answer"	

