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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Inland Water Transport  
(Forty-eighth session, 19-21 October 2004,  
agenda item 8 (a))

**BUDAPEST CONVENTION ON THE CONTRACT FOR THE  
CARRIAGE OF GOODS BY INLAND WATERWAY (CMNI)**

**Transmitted by the Governments of Belarus, the Republic of Moldova,  
Ukraine and Switzerland**

At its forty-seventh session, the Working Party took note of the text of the draft resolution containing in its annex the texts of the former additional protocols to the CMNI Convention prepared by the secretariat in accordance with the instructions of the Working Party and requested Governments to transmit their views with regard to its possible adoption. It was noted that no detailed consideration of the texts of the protocols was envisaged; they should not be considered as a piece of legislation but rather as a reference document to be taken into account by Governments that might wish to use it in the course of elaborating or improving their domestic legislation (TRANS/SC.3/161, para. 48).

Reproduced below are comments and suggestions on this matter received from various Governments.

## **BELARUS**

1. We believe that it is possible to adopt a resolution under the agenda item concerning the CMNI Convention. We support the use of the former additional protocols to the CMNI Convention as reference documents.

## **REPUBLIC OF MOLDOVA**

2. The text of the draft resolution has been transmitted to the competent bodies for consideration. The matter is being studied.

## **UKRAINE**

3. Ukraine's comments and suggestions on the text of the additional protocols to the CMNI Convention appear in document TRANS/SC.3/2001/5. Its attitude to the protocols is that, given the special importance of the matters which they regulate, Working Party SC.3 should at least reach agreement on the protocols: this was not fully done by the Preparatory Committee to the Diplomatic Conference.

4. In addition, the draft resolution prepared by the secretariat of the United Nations Economic Commission for Europe (UNECE) is primarily intended to assist Governments whose national legislation does not elaborate in sufficient detail on matters concerning the regulation of legal relations between transport stakeholders in inland navigation.

5. Bearing in mind the nature of the resolution and the fact that it provides for a periodic review of the question of its implementation in Working Party SC.3 (which leaves open the possibility of discussing the content of the additional protocols in the future), Ukraine's competent bodies have no objection to the resolution being adopted at the forty-eighth session of Working Party SC.3.

6. In this connection, the following drafting changes are proposed to the resolution:

- Replace the words “domestic legislation” by “**national legislation**” throughout;
- Amend the end of the third preambular paragraph to read: “... **States whose national legislation does not, for the time being, fully regulate matters falling within the scope of the protocols**”;
- Add the following phrase at the end of the final preambular paragraph: “... **on the agenda of the Working Party on Inland Water Transport with a view to determining, in particular, the possibility of agreeing on the provisions of the additional protocols to the CMNI Convention in the future**”.

## **SWITZERLAND**

7. Switzerland has ratified the CMNI Convention. However, it considers that the object of the two former additional protocols does not justify them also being adopted.

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