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Working Party on Rail Transport

Group of Experts towards Unified Railway Law

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Item 2 of the provisional agenda

Unification of international railway law with the objective of allowing rail carriage under a single legal regime

Comments to the document “draft of relevant legal provisions”

Submitted by the International Rail Transport Committee

1. Article 2 “Definitions”, point 12

Under point 12 the electronic consignment note is defined as a consignment note established in the form of electronic communication with an electronic signature and which assures the authenticity and integrity of the electronic communication at all times.

Under Article 5 § 4 the electronic consignment note can be signed also with other means of identification. Therefore, we would suggest to include the words “or other means of identification” in the definition under point 12 : “Electronic consignment note” means a consignment note established in the form of electronic communication with an electronic signature or other means of identification and which assures the authenticity and integrity of the electronic communication at all times.

On the other hand it might be also possible to delete the electronic signature from the definition under point 12 as in point 11 (“Consignment note”) the used signature is not mentioned.

2. Article 5 “Contract of carriage”, § 4 sentence 2:

At the moment, the use of an electronic consignment note shall be agreed upon by all parties involved in the carriage of goods.

The fact that all parties involved in the carriage of goods have to agree on the use of an electronic consignment note makes the use very difficult. Possibly the Group of Experts should reconsider if this hurdle is necessary (e.g. it could be also sufficient that all parties to the contract agree upon the use).