



**Economic and Social
Council**

Distr.
GENERAL

TRANS/SC.1/2004/3
11 August 2004

ENGLISH only

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.

* * * * *

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

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
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	Yes, 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 Debelis Road Transport Administration 1011 Riga martinsd@atd.lv

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
Lithuania	UNIDROIT	No	No answer	Yes	Yes	No answer	Mr. Jaunius Jasiunas Ministry of Transport and Communications 2679 Vilnius j.jasiunas@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

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
Poland	UNIDROIT	Yes 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). 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.	UNIDROIT	No	---	No answer	Ms. Zelichowska Hanna Ministry of Infrastructure Road Transport Department 00-928 Warszawa hzelichowska@mi.gov.pl
Portugal	UNIDROIT	No	UNIDROIT	No answer	No answer	No answer	Maria Luisa Nunes Division de Relations Internationaux Direcção-Geral de Transportes Terrestres 1649-022 Lisboa Codex lnunes@dgtt.pt
Switzerland	UNIDROIT	No	No answer	No answer	No answer	No answer	Mr Rusca Vincent Office Fédéral des Transports Berne vincent.rusca@bav.admin.ch

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
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"	