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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
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**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL
ROAD TRANSPORT AND FACILITATION OF ITS OPERATION**

Protocol additional to the CMR: EDI-CMR Protocol

Note by the secretariat

Following the transmission by the German authorities of the proposed Protocol additional to the CMR (TRANS/SC.1/2003/1), the International Road Transport Union (IRU) has sent the secretariat the communication reproduced below.

**COMMUNICATION FROM THE INTERNATIONAL ROAD
TRANSPORT UNION (IRU)**

After considering the draft Protocol additional to the CMR, prepared by the representative of the Government of Germany (TRANS/SC.1/2003/1), the Commission on Legal Affairs of IRU at its seventy-fifth session, held in Prague on 23 May 2003:

“realized that the implementation of the draft submitted by Germany would require a revision of the CMR Convention, which would currently need the agreement of at least 12 Contracting Parties. It decided in favour of an additional protocol with a simpler procedure.”

This means that the IRU Commission on Legal Affairs, whose members include lecturers in transport law, lawyers and jurists representing some 30 member Associations of IRU, gives its preference to the draft submitted by the International Institute for the Unification of Private Law (UNIDROIT) which, contrary to the German proposal, requires no revision of the CMR Convention.

The UNIDROIT draft complements the CMR Convention, as was the case of the 1978 Protocol to the CMR Convention. It may be recalled that, at the time, the CMR Convention made no provision for the conversion of the gold franc into local currencies. The 1978 Protocol filled this gap and added a measure of enforcement to the CMR Convention facilitating the calculation of the amount of compensation due to the consignor of the goods by introducing parity between the gold franc and the SDR. This measure was not, however, subject to the procedure for which article 49 of the CMR Convention provided.

The German draft requires a substantive modification of the CMR Convention, making it necessary to implement the procedure for which article 49 provides.

It should also be borne in mind that, contrary to the German draft, the UNIDROIT draft is based on solutions recently adopted in the context of the COTIF Convention (carriage by rail) and the Warsaw Convention (carriage by air).
