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Working Party on Road Transport

One-hundredth session
Geneva, 17-19 October 2006

**REPORT OF THE WORKING PARTY ON ROAD TRANSPORT
ON ITS ONE-HUNDREDTH SESSION**

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REPORT

I. ATTENDANCE

1. The Working Party on Road Transport held its one hundredth session in Geneva from 17 to 19 October 2006 under the chairmanship of Mr. Jouko Alaluusua (Finland). Representatives of the following ECE member States participated: Belarus, Czech Republic; Denmark; Estonia, Finland; France; Germany; Hungary; Latvia; Luxembourg, Netherlands; Norway, Poland; Portugal; Russian Federation; Spain, Sweden; Switzerland, Turkey; Ukraine and United Kingdom.

2. Also represented were the European Commission, the European Conference of Ministers of Transport (ECMT), the Trans-European North-South Motorway (TEM) Project, International Institute for the Unification of Private Law (Unidroit), United Nations Commission on International Trade Law (UNCITRAL), United Nations Conference on Trade and Development (UNCTAD) and the following non-governmental organizations: International Road Transport Union (IRU) and Council of Bureaux of the Green Card System. The Confederation of Organizations in Road Transport Enforcement (CORTE) participated as an Observer.

II. OPENING OF THE SESSION

3. Mr. Jouko Alaluusua, Chairman of the Working Party, welcomed delegates to the 100th session of the Working Party. He informed delegates that the SC.1 had been in existence for nearly 60 years having been established by Resolution No. 13 of the Inland Transport Committee on 5 February 1948.

4. In his introduction, the Director of the Transport Division spoke about the recent reform of the UNECE, which had recognized transport as a priority area of work. Governments had called for work on border crossing facilitation, Euro-Asian links, the TIR Convention and THE PEP to be strengthened and had assigned two additional professional staff members to the Transport Division. An Executive Committee had been established to oversee the work of UNECE and in future the Commission itself would meet only every two years. In the field of transport, the Committee on Inland Transport and its Bureau were, later in the year and in 2007, expected to discuss the intergovernmental structure of the various ITC subsidiary bodies. At the same time, he mentioned the possible consequences of the recent reform of the ECMT on the work of UNECE Working Parties.

5. He informed the Working Party that a system of mobility had been introduced in the United Nations, which would require staff of the secretariat to change post every five years. This would pose a threat to the work of bodies such as SC.1, which worked on highly complex issues such as the AETR. New staff could not be expected to be familiar with the issues involved and consequently it would be difficult if not impossible to ensure the same quality of secretariat services.

6. He encouraged the Working Party to make progress on important work such as the alignment of the AETR with EU Regulation 561 and the practical aspects of the implementation of the digital tachograph in non-EU countries. Moreover, he urged delegates to make every effort to complete work on the new CMR Protocol, which had been on its agenda for several

years. He mentioned that 2006 also marked the 50th anniversary of the CMR Convention, which had been celebrated by a conference organized by the IRU in Deauville, France. Finally, he mentioned that the last year had been exceptional in terms of the number of accessions to legal instruments administered by SC.1: 13 countries had adhered to the AETR, AGR, CMR or its Protocol.

III. ADOPTION OF THE AGENDA (*agenda item 1*)

(*Document: TRANS/SC.1/378*)

7. The agenda was adopted without modification.

IV. ADOPTION OF THE REPORT OF THE NINETY-NINTH SESSION (*agenda item 2*)

(*Documents: TRANS/SC.1/377*)

8. The Working Party adopted the report on its ninety-ninth session without modification.

V. ACTIVITIES OF ECE BODIES AND INTERNATIONAL ORGANIZATIONS OF INTEREST TO THE WORKING PARTY (*agenda item 3*)

(a) Inland Transport Committee and its subsidiary bodies

(*Document: ECE/TRANS/166*)

9. The secretariat informed the Working Party about the results of the sixty-eighth session of the Inland Transport Committee held in February 2006 and the Round Table on Security in the field of Transport held during the session. The Working Party had a discussion on this. It was agreed that other organizations were more involved in this subject and that care should be taken not to overlap with their work. There was currently a lack of resources and expertise to devote to this subject in UNECE. For its part, the European Commission had two big initiatives currently underway on critical infrastructure security and supply chain security. The SC.1 decided that it could address security issues by reinforcing relevant provisions in the legal instruments it dealt with, as well as by taking into account these questions when considering the reform of the intergovernmental structure of ECE bodies dealing with transport issues.

(b) International organizations

10. The representative of the IRU informed the Working Party about recent activities of his organization including the last IRU World Congress held in Dubai in March 2006. He emphasized that the priorities of his organization continued to be sustainable development and the facilitation of road transport. Security was also on top of its agenda and it had been working with the ECMT on the subjects of attacks against drivers and secure parking areas. He announced that the Fourth IRU Euro-Asian Road Transport Conference would be held on 14-15 June 2007 in Warsaw.

11. The Secretary-General of the Confederation of Organizations in Road Transport Enforcement (CORTE) introduced his organization, which had been set up in 2004 in Brussels.

It is an association gathering together at European level national bodies from various Member States, with a responsibility in the field of road transport. Members include 17 Member States of the European Union and 7 Contracting Parties of the AETR not EU members. They cover national enforcement agencies, the police, government transport departments and industry partners. CORTE is registered as an international non-profit association according to Belgian law and is currently applying for consultative status with the UN Economic and Social Council.

VI. IMPLEMENTATION OF THE AETR (*agenda item 4*)

(Documents: ECE/TRANS/SC.1/2006/2, ECE/TRANS/SC.1/AC.6/6, ECE/TRANS/SC.1/AC.6/2006/1/Rev.1, ECE/TRANS/SC.1/AC.6/2006/2, ECE/TRANS/SC.1/2006/7, ECE/TRANS/SC.1/2006/8, ECE/TRANS/SC.1/2006/9 and Informal documents No. 3 and 4)

(a) Status of AETR and of prior amendments

12. The Working Party was informed by the secretariat that Ukraine, Armenia and Albania had acceded to AETR in 2006. The secretariat drew attention to the consolidated and updated text of AETR (ECE/TRANS/SC.1/2006/2) and indicated that it hoped to finalize the English (and possibly the French) version of appendix 1B (over 250 pages) adapted to the AETR context by the end of 2006, so as to be able to submit the text for translation into Russian. The SC.1 expressed its thanks to the secretariat for its work.

(b) Development of new amendments

13. The representative of the European Commission outlined the background to the latest provisions adopted by the European Union on driving and rest times (Regulation 561/2006/EC). He welcomed the holding of an Ad hoc working group on the revision of the AETR in May 2006, which had made it possible to carry out an initial review of the proposed amendments intended to harmonize the AETR with the new European Union provisions. He emphasized the need for European-wide harmonization in this field. The Chairman of the Ad hoc working group, Mr. Piscitelli (Luxembourg), described the outcome of the meeting in May, indicating the main points of disagreement, specifically the 45 hours of rest every two weeks and the extraterritoriality of penalties for transport undertakings, on which the delegations of the Russian Federation, Ukraine and Belarus had had strong reservations. The representative of the Russian Federation gave a detailed presentation of informal document No. 3, which set out his Government's position on the proposed amendments contained in document ECE/TRANS/SC.1/AC.6/2006/1, which had since been revised. With regard to the use of the term "maximum permissible mass" instead of "maximum permissible weight" in Article 1 (f) of the AETR, the delegate of Turkey expressed her country's preference for the term "maximum permissible weight".

14. SC.1 then held a general exchange of views on the matters that had been raised including the application of the AETR in the European Union during the transition period, an issue raised by the delegates of the Russian Federation and Ukraine. In view of the difficulties, it requested the Ad hoc Group to reconvene, stipulating that, in order for such a meeting to be productive, constructive proposals should be drafted in advance. Accordingly, it was decided to set up an informal working party to identify solutions to the outstanding questions on the basis of the new

text contained in ECE/TRANS/SC.1/AC.6/2006/1/Rev.1. The group, which would meet on 11-12 January 2007, would include at least representatives of the European Commission, the Russian Federation, Ukraine, Sweden, the Netherlands, Luxembourg, France, the secretariat of the Transport Division and the IRU. The IRU offered to host the meeting, which would be held in Brussels, and to provide English and Russian interpretation. However, the invitations would be sent out by the ECE secretariat. The secretariat reminded participants that the deadline for submitting proposals for the AETR meeting scheduled from 14 to 16 May 2007 was the end of February 2007, so that documentation could be made available in the three official languages. Several delegations referred to the difficulties that inspectors and drivers would encounter during the transitional period between the entry into force of the European Union regulation on 11 April 2007 and the entry into force of the new AETR amendments. It was therefore requested that the period should be as short as possible.

15. The secretariat introduced document ECE/TRANS/SC.1/AC.6/2006/2 envisaging the possibility of opening up the AETR to non-UNECE member States. SC.1 accepted the principle of such an extension but considered that the subject should be re-examine at a later date once the discussion under way on driving and rest times was completed. The delegate of the Netherlands reserved the position of his country due to the potential difficulty of exchanging information with countries outside Europe as required by the AETR.

16. It was decided to consider document ECE/TRANS/SC.1/AC.6/2006/7 on establishing a new appendix to the AETR in which forms could be added during the meeting of the Ad hoc working group in May 2007. However, several delegations expressed support in principle for the insertion of such provisions. The representative of the European Commission said that the Commission was in the process of harmonizing several forms.

(c) Practical matters related to the implementation of the digital tachograph

17. The representative of the European Commission introduced document ECE/TRANS/SC.1/2006/8, describing the measures that non-European Union AETR Contracting Parties could take during the four-year transition period prior to the introduction of the digital tachograph so as to ensure that all digital tachographs used in their vehicle fleets would be properly activated and calibrated. He also briefly introduced the project plan for the nationwide introduction of the digital tachograph in AETR countries (ECE/TRANS/SC.1/2006/9). He stressed the need to think about the legal and practical consequences of introducing the digital tachograph.

18. Some of the proposals contained in these documents were queried by the delegations of the Russian Federation and Ukraine, in particular the question of calibration following failure of inspection equipment (ECE/TRANS/SC.1/2006/8) and the procedure for obtaining security keys covered by section 2 of ECE/TRANS/SC.1/2006/9. It was recalled that according to document ECE/TRANS/SC.1/2006/8 the use of the digital tachograph in non-EU vehicles was possible in advance of the issuance of driver and workshop cards on condition that the tachograph was calibrated by an approved workshop on its first trip into EU territory. The ad hoc working group was asked to study those two documents in detail at its meeting in May 2007.

19. The secretariat reminded participants of the reservations that the Director of the Transport Division had expressed regarding the proposal to involve the secretariat in the management of certain tasks. The Working Party took the view that the legal position should be clarified, taking account of the current provisions of the AETR, and that consideration should be given to the impact on the secretariat's workload.

VII. DRAFT ADDITIONAL PROTOCOL TO THE CMR (*agenda item 5*)

(*Documents: ECE/TRANS/SC.1/2005/1/Rev.1, ECE/TRANS/SC.1/2006/1 and informal documents INF.1 and 2*)

20. The SC.1 had a detailed discussion of the two alternative draft texts presented, the version proposed by Unidroit and UNCITRAL (ECE/TRANS/SC.1/2005/1/Rev.1) and the version proposed by the IRU (ECE/TRANS/SC.1/2006/1). Having established that the majority of countries supported the Unidroit and UNCITRAL text, the SC.1 then proceeded to an in-depth examination of the draft.

21. Regarding Article 3.3, "The particulars contained in the electronic consignment note shall be accessible to any party entitled thereto", it was underlined that issues addressed under public law such as the treatment of dangerous goods would remain unaffected by the present Protocol.

22. With the incorporation of a number of modifications proposed by a small working group, the SC.1 adopted the final text of the Additional Protocol to the CMR as reproduced in Annex 3. The secretariat informed the SC.1 that the final text would be sent to the United Nations Treaty Section in New York so that the Final Provisions could be checked.

23. Following the 100th session, further modifications were proposed to the text by the representative of Germany and to the Final Provisions by the United Nations Treaty Section. Since the secretariat cannot incorporate these modifications without the official approval of SC.1, the text will consequently have to be resubmitted for final adoption by SC.1 at its 101st session in October 2007.

VIII. ROAD TRANSPORT INFRASTRUCTURE (*agenda item 6*)

(a) European Agreement on Main International Traffic Arteries (AGR)

(*Documents: ECE/TRANS/SC.1/2006/4; ECE/TRANS/SC.1/2006/3; ECE/TRANS/SC.1/AC.5/40*)

(i) Status of prior amendments to the AGR, Annex I

24. The Working Party was informed that the proposals for amendments to Annexes I and II of the AGR, adopted by SC.1 at its ninety-eighth session in 2004 (TRANS/SC.1/375, annex 1, and Add. 2) had entered into force on 7 January 2006. The proposals to amend annex I of the AGR regarding new E roads or the extension of E roads in Bulgaria, Sweden and Turkey, adopted by SC.1 at its ninety-ninth session (TRANS/SC.1/377, annex 1) had been circulated to Contracting Parties by the Secretary-General on 23 February 2006 in depositary notification C.N.160.2006.TREATIES-1. They were considered accepted on 23 August 2006 and would enter into force on 23 November 2006.

(ii) Consideration of new proposals to amend the AGR

25. The Working Party adopted a proposal made by the Netherlands and the secretariat to amend Article 9 of the AGR to clarify that a Contracting Party, which makes an objection to a proposed amendment to Annex II to the AGR is not bound by it when it subsequently enters into force (ECE/TRANS/SC.1/2006/4). The draft amendment appears in Annex 1 to the present report.

(iii) Consideration of new proposals for amendments to the AGR, Annex I

26. The Working Party adopted the proposal for a new E-road transmitted by Estonia (ECE/TRANS/SC.1/2006/3). The amendment can be found in Annex I to the present report.

27. The secretariat informed the meeting that a new map of the AGR network containing all the amendments adopted since 2003 would be published in early 2007.

(iii) Consideration of new proposals for amendments to the AGR, Annex II

28. The Chairman of the Ad hoc Meeting on the Implementation of the AGR reported on the meeting held on 9 June 2006 (ECE/TRANS/SC.1/AC.5/40). He said that concerning the proposal made by France regarding road safety audits and inspections (TRANS/SC.1/2005/5), the Ad hoc Meeting had considered that it was premature to launch an in-depth discussion given that the European Commission was currently working on a Directive on this subject.

29. The SC.1 discussed draft amendments to Annex II to the AGR proposed by the Ad hoc Meeting and adopted the revised draft amendments, which appear in Annex 1 to the present report. The Working Party requested the secretariat to transmit all proposed amendments in Annex 1 to the United Nations Secretary-General for notification to AGR Contracting Parties.

(b) Trans-European North-South Motorway (TEM) Project

(Document: ECE/TRANS/SC.1/2006/5)

30. The TEM Project Manager, Mr. Marian Hantak, recalled the objectives of the TEM Project and informed the Working Party about the latest developments in the Project as reflected in ECE/TRANS/SC.1/2006/5. He informed the Working Party that Armenia and Slovenia had been admitted as new members.

31. He recalled that the TEM Master Plan defined a strategy for the implementation of the road transport infrastructure needs of TEM member countries and had identified and prioritized 319 projects. The Master Plan offered a substantial contribution to the extension of TEN-T and the practical implementation of the Pan-European Transport Corridors.

32. In accordance with the approved TEM Master Plan conclusions and recommendations, specific follow-up actions and activities had been envisaged to promote the implementation of the Master Plan and dissemination of its results and outcomes.

33. At the invitation of the DG TREN of the European Commission, the TEM Project Manager, together with UNECE Transport Division Director and Regional Advisor, had participated in a coordination meeting in Brussels on 1 February 2006 focused, *inter alia*, on the implementation of the Master Plan's results.

34. The Working Party expressed its gratitude to the Project Manager and its continued support for the TEM Project.

IX. HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION (*agenda item 7*)

(a) Review of questions concerning facilitation of international road transport

(Document: ECE/TRANS/SC.1/2006/6)

(i) International Motor Insurance System (Green Card)

35. The President of the Council of Bureaux, Mr. Ulf Blomgen, informed the Working Party about the latest facts and developments concerning the International Motor Insurance System on the basis of ECE/TRANS/SC.1/2006/6, a summary of which appears in Annex II to this report.

36. The President of the CoB underlined again the problem of uninsured driving which was a major problem, particularly in Eastern Europe. A recent European Commission survey had shown several EU member States with levels of uninsured driving of between 5 and 10%. The problem was compounded by the wide range of methods used by individual countries to calculate their national rate of uninsured driving. One country used different methods of calculation that resulted in a variation of between 3% and 23% in its estimates of uninsured driving. Experience in Western Europe had shown that there were no simple or quick methods to reduce levels but a first step had to be the introduction of a standard method to calculate the rate of uninsured driving applied across all countries.

(ii) Accession to and implementation of UNECE international legal instruments on road transport

37. The secretariat provided information on the status of accession to UNECE legal instruments on road transport. Albania, Armenia and Ukraine had acceded to the AETR bringing the total number of Contracting Parties to that instrument to 46. Albania, Armenia and Moldova had acceded to the AGR bringing the total number of Contracting Parties to that instrument to 36. Albania, Armenia, Azerbaijan and Lebanon had acceded to the CMR bringing the total number of Contracting Parties to that instrument to 50 and finally Armenia, Czech Republic and Lebanon had acceded to the Protocol to the CMR bringing the total number of Contracting Parties to that instrument to 34.

38. The meeting was reminded that detailed up-to-date information on the status of the legal instruments was available on the website of the UNECE Transport Division at the following address: <http://www.unece.org/trans/conventn/legalinst.html>.

X. ELECTION OF OFFICERS (*agenda item 8*)

39. In accordance with its rules of procedure, the Working Party elected its Officers for its 101st and 102nd sessions. Mr. Jouko Alaluusua (Finland) was reelected as Chairman and Mr. Bob Oudshoorn (Netherlands) was elected as Vice-Chairman.

XI. OTHER BUSINESS (*agenda item 9*)

40. The Working Party was informed that its 101st session would be held from 16 to 18 October 2007.

41. The Working Party examined an Informal document presented by its Chairman in response to a request from the Director of the Transport Division for proposals regarding the intergovernmental structure of subsidiary bodies of the Committee on Inland Transport (CIT). All Chairmen of subsidiary bodies had been requested to make proposals, which would be examined by the CIT and its Bureau.

42. The Informal document suggested, *inter alia*, that the work of SC.1 be divided into different sessions dealing with infrastructure and transport facilitation. It was proposed that the session dealing with infrastructure issues could possibly be held back-to-back with meetings of the TEM Project or with meetings of the Working Party on Transport Trends and Economics (WP.5) and that the session on transport facilitation could be held in conjunction with the ECMT. Several countries expressed their reservations to some of the proposals made.

XII. ADOPTION OF DECISIONS (*agenda item 10*)

43. The Working Party adopted a list of decisions taken at its one-hundredth session on the basis of a draft prepared by the secretariat. The present report, prepared by the secretariat in cooperation with the Chairman of the Working Party, will be submitted for adoption by the SC.1 at its 101st session.

Annex I

PROPOSED AMENDMENTS TO THE AGR

1. Modify Article 9, paragraph 5 of the AGR to read:

“Any amendment accepted shall be communicated by the Secretary-General to all Contracting Parties and shall come into force three months after the date of its communication **with respect to all Contracting Parties except those which, during the six-month period referred to in Article 9.4, make a declaration that they do not accept all or part of the amendment.**”

2. Modify Annex I to the AGR as follows:

B. Branch, link and connecting roads

- *New road* E 264 from Jõhvi (Estonia) to Incukalns (Latvia)

Overall reference

E-264: Jõhvi – Tartu – Valga – Valka – Valmiera – Incukalns

3. Modify Annex II to the AGR:

III.3.1

Modify the fourth paragraph to read:

“Operational measures **with a view to temporarily increasing capacity, *inter alia*, counterflow traffic, speed reductions and a reduction in the width of lanes**, may also ensure a steady flow of traffic under certain special conditions **and during certain periods.**”

III.3.2

Insert the text in bold in the second paragraph:

“The recommended minimum width of shoulders is a range from 2.50 m for ordinary roads to 3.25 m for motorways. On difficult sections of mountainous terrain and on sections crossing intensively urbanized areas, **with constructions such as fly-overs, viaducts, bridges and tunnels** and also on sections equipped with acceleration or deceleration lanes, the width of shoulder can be reduced.

Annex II

SUMMARY OF THE REPORT OF THE PRESIDENT OF THE COUNCIL OF BUREAUX OF THE GREEN CARD SYSTEM

The 40th General Assembly of the Council of Bureaux (CoB) was held on 1-2 June 2006 in Sofia. In 2006, the following main issues have been addressed:

1. A CoB Working Group has been established to look at Green Card security. The problem of forged Green Cards is particularly significant in some Eastern European countries. The Group has proposed that there should continue to be a single format of Green Card, but that bureaux should be permitted to introduce security features such as holograms.
2. To limit the inappropriate use of frontier insurance, the 2006 General Assembly decided that frontier insurance could be issued with Green Cards in the EEA territories and Switzerland to vehicles registered outside the EEA but that it could not be issued outside EEA territory.
3. The Council has established a small working group to look at the financial strength and stability of the Green Card system and its 44 component insurance markets and bureaux in the face of potential large or catastrophic claims.
4. The Council of Bureaux identified uninsured driving as a major problem, particularly in Eastern Europe. One problem is the wide range of methods used by individual countries to calculate their national rate of uninsured driving.
5. The UNECE has invited the Council of Bureaux to attend the meetings of the Working Party on Road Traffic Safety (WP1) as an observer. The CoB will consider ways in which it could become involved in the road safety events organised by UNECE.
6. Both Bulgaria and Romania are expected to become signatories of the Multilateral Agreement before they join the EU but this may be delayed due to the time it is taking to reduce uninsured driving in both countries to acceptable levels.
7. The General Assembly confirmed the decision of the Management Committee to continue monitoring the bureau responsible for the territory of Serbia and Montenegro.
8. The Russian Association of Motor Insurers (RAMI) has been in negotiation with the Council of Bureaux since 2002. The RAMI has now received financial support from the European Union to establish the technical basis for a Green Card infrastructure and work is expected to be completed at the end of 2006.
9. The Secretariat of the Council of Bureaux relocated from London to Brussels on 1 July 2006. The new offices of the Secretariat are located in Avenue Louise, a central district with good facilities.

Annex III

DRAFT ADDITIONAL PROTOCOL TO THE CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR) CONCERNING THE ELECTRONIC CONSIGNMENT NOTE

THE PARTIES TO THIS PROTOCOL

BEING PARTIES to the Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 19 May 1956,

DESIROUS OF supplementing the Convention in order to facilitate the optional making out of the consignment note by means of procedures used for the electronic recording and handling of data,

HAVE AGREED as follows:

Article 1

Definitions

For the purposes of the present Protocol,

“Convention” means the Convention on the Contract for the International Carriage of Goods by Road (CMR);

“Electronic communication” means information generated, sent, received or stored by electronic, optical, digital or similar means with the result that the information communicated is accessible so as to be usable for subsequent reference;

“Electronic consignment note” means a consignment note containing particulars that originate from one or more messages issued by electronic communication by a carrier, a sender or any other party interested in the performance of a contract of carriage to which the Convention applies, including particulars logically associated with the electronic communication by attachments or otherwise linked to the electronic communication contemporaneously with or subsequent to its issue, so as to become part of the electronic consignment note;

“Electronic signature” means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

Article 2

Scope and effect of the electronic consignment note

1. Subject to the provisions of this Protocol, the consignment note referred to in the Convention, as well as any demand, declaration, instruction, request, reservation or other communication relating to the performance of a contract of carriage to which the Convention applies, may be made out by electronic communication.

2. An electronic consignment note that complies with the provisions of this Protocol shall be considered to be equivalent to the consignment note referred to in the Convention and shall therefore have the same evidentiary value and produce the same effects as that consignment note.

Article 3

Authentication of the electronic consignment note

1. The electronic consignment note shall be authenticated by the parties to the contract of carriage by means of a reliable electronic signature that ensures its link with the electronic consignment note. The reliability of an electronic signature method is presumed, unless otherwise proved, if the electronic signature:

- (a) is uniquely linked to the signatory;
- (b) is capable of identifying the signatory;
- (c) is created using means that the signatory can maintain under his sole control; and
- (d) is linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.

2. The electronic consignment note may also be authenticated by any other electronic authentication method permitted by the law of the country in which the electronic consignment note has been made out.

3. The particulars contained in the electronic consignment note shall be accessible to any party entitled thereto.

Article 4

Conditions for the establishment of the electronic consignment note

1. The electronic consignment note shall contain the same particulars as the consignment note referred to in the Convention.

2. The procedure used to issue the electronic consignment note shall ensure the integrity of the particulars contained therein from the time when it was first generated in its final form. There is integrity when the particulars have remained complete and unaltered, apart from any addition or change which arises in the normal course of communication, storage and display.

3. The particulars contained in the electronic consignment note may be supplemented or amended in the cases authorized by the Convention. The procedure used for supplementing or amending the electronic consignment note shall make it possible to detect as such any supplement or amendment to the electronic consignment note and shall preserve the particulars originally contained therein.

Article 5

Implementation of the electronic consignment note

1. The parties interested in the performance of the contract of carriage shall agree on the procedures and their implementation in order to comply with the requirements of this Protocol and the Convention, in particular as regards:
 - (a) The method for the issuance and the delivery of the consignment note to the entitled party;
 - (b) An assurance that the electronic consignment note retains its integrity;
 - (c) The manner in which the party entitled to the rights arising out of the electronic consignment note is able to demonstrate that entitlement;
 - (d) The way in which confirmation is given that delivery to the consignee has been effected;
 - (e) The procedures for supplementing or amending the electronic consignment note; and
 - (f) The procedures for a replacement of the electronic consignment note by a consignment note issued by different means.
2. The procedures in paragraph 1 must be referred to in the electronic consignment note and shall be readily ascertainable.

Article 6

Documents supplementing the electronic consignment note

1. The carrier shall in any case hand over to the sender, at the latter's request, a receipt for the goods and all information necessary for identifying the shipment and for access to the consignment note to which this Protocol refers.
2. The documents referred to in article 6, paragraph 2 (g) and article 11 of the Convention may be furnished by the sender to the carrier in the form of an electronic communication, if the documents exist in this form, and if the parties have agreed to procedures enabling a link to be established between these documents and the consignment note to which this Protocol refers in a manner that assures their integrity.

FINAL PROVISIONS

Article 7

Signature, ratification, accession

1. This Protocol shall be open for signature by States which are signatories to, or have acceded to the Convention and are either members of the Economic Commission for Europe or have been admitted to the Commission in a consultative capacity under paragraph 8 of that Commission's terms of reference.
2. This Protocol shall remain open for accession by any of the States referred to in paragraph 1 of this article which are Parties to the Convention.

3. Such States as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of that Commission's terms of reference which have acceded to the Convention may become Contracting Parties to this Protocol by acceding thereto after its entry into force.

4. This Protocol shall be open for signature at Geneva from ... to ... inclusive. Thereafter, it shall be open for accession.

5. This Protocol shall be subject to ratification after the State concerned has ratified or acceded to the Convention.

6. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

7. Any instrument of ratification or accession deposited after the entry into force of an amendment to the present Protocol with respect to all Contracting Parties or after the completion of all measures required for the entry into force of the amendment with respect to all Contracting Parties shall be deemed to apply to the Protocol as modified by the amendment.

Article 8

Entry into force

1. This Protocol shall enter into force on the ninetieth day after five of the States referred to in article 7, paragraphs 1 and 2 of this Protocol, have deposited their instruments of ratification or accession.

2. For any State ratifying or acceding to it after five States have deposited their instruments of ratification or accession, this Protocol shall enter into force on the ninetieth day after the said State has deposited its instrument of ratification or accession.

Article 9

Denunciation

1. Any Contracting Party may denounce this Protocol by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect 12 months after the date of receipt by the Secretary-General of the notification of denunciation.

3. Any Contracting Party which ceases to be Party to the Convention shall on the same date cease to be Party to this Protocol.

Article 10

Termination

If, after the entry into force of this Protocol, the number of Contracting Parties is reduced, as a result of denunciations, to less than five, this Protocol shall cease to be in force from the date on

which the last of such denunciations takes effect. It shall also cease to be in force from the date on which the Convention ceases to be in force.

Article 11

Declaration concerning the application to territories

1. Any State may, at the time of depositing its instrument of ratification or accession or at any time thereafter, declare by a ratification addressed to the Secretary-General of the United Nations that this Protocol shall extend to all or any of the territories for whose international relations it is responsible and in respect of which it has made a declaration in accordance with article 46 of the Convention. This Protocol shall extend to the territory or territories named in the notification as from the ninetieth day after its receipt by the Secretary-General or, if on that day the Protocol has not yet entered into force, as from the time of its entry into force.

2. Any State which has made a declaration under the preceding paragraph extending this Protocol to any territory for whose international relations it is responsible may denounce the Protocol separately in respect of the territory in accordance with the provisions of article 9 above.

Article 12

Dispute

Any dispute between two or more Contracting Parties relating to the interpretation or application of this Protocol which the Parties are unable to settle by negotiation or other means may, at the request of any one of the Contracting Parties concerned, be referred for settlement to the International Court of Justice.

Article 13

Reservations

1. Each Contracting Party may, at the time of signing, ratifying, or acceding to this Protocol, declare by a notification addressed to the Secretary-General of the United Nations that it does not consider itself bound by article 12 of this Protocol. Other Contracting Parties shall not be bound by article 12 of this Protocol in respect of any Contracting Party which has entered such a reservation.

2. The declaration referred to in paragraph 1 of this article may be withdrawn at any time by a notification addressed to the Secretary-General of the United Nations.

3. No other reservation to this Protocol shall be permitted.

Article 14

Convening of a diplomatic conference

1. After this Protocol has been in force for three years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be

convened for the purpose of reviewing this Protocol. The Secretary-General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General not less than one-fourth of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all the Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the Conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the Conference together with the texts of such proposals at least three months before the date on which the Conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all States referred to in article 7, paragraphs 1 and 2 and States which have become Contracting Parties under article 7, paragraph 3 of this Protocol.

Article 15

Notifications to States

In addition to the notifications provided for in article 13, the Secretary-General of the United Nations shall notify the States referred to in article 7, paragraphs 1 and 2, of this Protocol and the States which have become Contracting Parties under article 7 paragraph 3, of this Protocol, of:

- (a) Ratifications and accessions under article 7;
- (b) The date of entry into force of this Protocol in accordance with article 8;
- (c) Denunciations under article 9;
- (d) The termination of this Protocol in accordance with article 10;
- (e) Declarations and notifications received in accordance with article 11;
- (f) Declarations and notifications received in accordance with article 13, paragraphs 1 and 2.

Article 15

Depositary

After, the original of this Protocol shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the States mentioned in article 7, paragraphs 1, 2 and 3 of this Protocol.

DONE at Geneva, this, in a single copy in the English and French languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Protocol in the name of:
