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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
(Ninety-sixth session, 7-10 October 2002,
agenda item 5 (b))

**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL
ROAD TRANSPORT AND FACILITATION OF ITS OPERATION**

Protocol additional to the CMR: EDI-CMR Protocol

Transmitted by Germany

In accordance with the request made by the Working Party on Road Transport (SC.1) at its ninety-fifth session, the secretariat has requested in writing the opinion of the Contracting Parties to the CMR by means of a questionnaire prepared by UNIDROIT (contained in document TRANS/SC.1/2002/1) on the specific follow-up to its draft additional Protocol, and particularly on the best solution to implement in the context of the CMR (TRANS/SC.1/369, paras.44 and 45). The analysis of the replies is given in the attached table.

Replies to the questionnaire on a Protocol additional to the CMR

The numbers in brackets correspond to the numbers of the questions in the questionnaire

Country	Should a new paragraph 3 be added to article 5 of the CMR? (1)	Include: “ <i>Unless the parties concerned provide otherwise, the consignment note may be established</i> ”? (2a)	Include: “ <i>by any other means of transmitting information, ... including, but not limited to, ... electronic mail or electronic data interchange (EDI)</i> ”? (2b)	Include: “ <i>provided the information is accessible so as to be usable for subsequent reference</i> ”? (2c)	Include: “ <i>The procedure used for the registration and treatment of data must be equivalent from the functional point of view, particularly so far as concerns the evidential value of the consignment note ...</i> ”? (2d)	Include: “ <i>... deliver to the consignor a cargo receipt permitting identification of the consignment and access to the information contained in the record preserved by such other means</i> ”? (2e)
Germany	See document TRANS/SC.1/2002/2/Add.1					
Austria	Yes	Yes	No ¹	Yes	Yes	Yes
Belarus	Yes	No ²	Yes	No ^{2bis}	No ^{2ter}	Yes
Belgium	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes
The former Yugoslav Republic of Macedonia	Yes	No	-	No	-	-
France	Yes (See also document TRANS/SC.1/2002/2/Add.2)					
Lithuania	Yes	Yes	Yes	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes	Yes	Yes ³	Yes
Poland	Yes	Yes	Yes	No ⁴	No ^{4bis}	Yes
Switzerland	Yes	Yes	Yes	Yes	Yes	Yes
Tunisia	Yes ⁵	-	-	-	-	-
Turkmenistan	Yes	Yes	Yes	Yes	Yes	Yes
TOTAL: 13 replies, 11 of which are carried over in full to the table	12 Yes	8 Yes 2 No 1 Not relevant or no reply	8 Yes 1 No 2 Not relevant or no reply	7 Yes 3 No 1 Not relevant or no reply	7 Yes 2 No 2 Not relevant or no reply	9 Yes 2 Not relevant or no reply

¹ Express the idea to read: “*By any other means of transmitting information, by electronic or other similar means of communication [...].*”

² Express the idea to read: “With the agreement of the parties, the consignment note may be established ...”.

^{2bis} Express the idea to read: “provided the consignment note can remain subsequently usable as a source of original information”.

^{2ter} Express the idea to read: “The procedure used for the registration and treatment of the consignment note established in a different form must be equivalent from the functional point of view, particularly so far as concerns the evidential value of the consignment note ...”.

³ Add the following idea: “*This also means that, at any moment, at the request of the authorities, the data may be transformed into legible written symbols (printed)*”.

⁴ Express the idea to read: “provided the information is filed in such a way that it is accessible to the persons and authorities concerned and to others so as to be usable for subsequent reference, even where they do not have access to the necessary electronic equipment.”

^{4bis} *from the functional point of view*, Express the idea to read: “The procedure used for the registration and treatment of data must be equivalent, from the functional point of view, to the paper-based version of the consignment note, particularly so far as concerns the equivalent value of the consignment note represented by these data.”

⁵ Agrees with the new §3 provided that the procedure mentioned in article 5 §1, which provides for the need for the goods transported to be accompanied by a copy of the contract of carriage, is taken into consideration.