

Operationalizing the e-CMR

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UNECE Sustainable Transport Division
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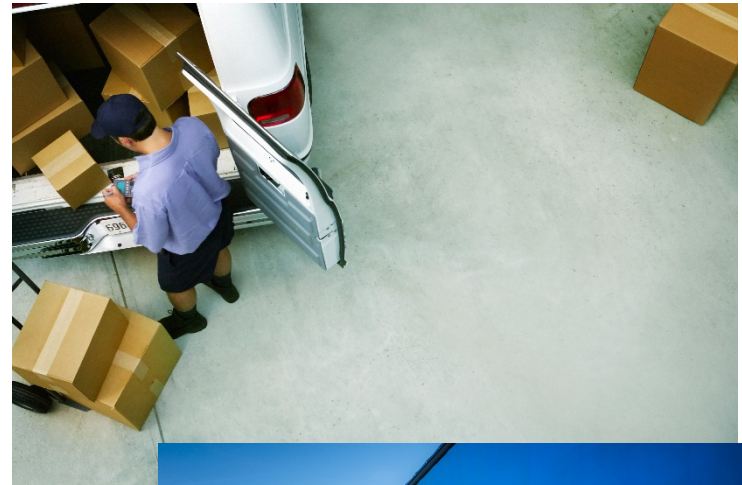
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Convention on the Contract for the International Carriage of Goods by Road (CMR) (1956) and the Additional Protocol to CMR concerning the electronic consignment note (eCMR) (2008)

Objectives

- To facilitate international road transport
... through a commonly agreed transport contract, including contract document and liabilities.

A consignment note is proof of the carriage contract between sender and carrier and is valid in a court of law.



http://www.unece.org/fileadmin/DAM/trans/conventn/cmr_e.pdf <http://www.unece.org/fileadmin/DAM/trans/conventn/e-CMRe.pdf>

1956 CMR: 55 CPs



Eleven mandatory particulars of a consignment note



1. Date of the consignment note and the place at which it is made out
2. Name and address of the sender
3. Name and address of the carrier
4. Place and date of taking over of the goods and the place designated for delivery
5. Name and address of the consignee
6. Description in common use of the nature of the goods and the method of packing, and in case of dangerous goods, their generally recognized description
7. Number of packages and their special marks and numbers
8. Gross weight of the goods or their quantity otherwise expressed
9. Charges relating to the carriage (carriage charges, supplementary charges, customs duties and other charges incurred from the making of the contract to the time of delivery)
10. Requisite instructions for Customs and other formalities
11. A statement that the carriage is subject, notwithstanding any clause to the contrary, to the provisions of this Convention

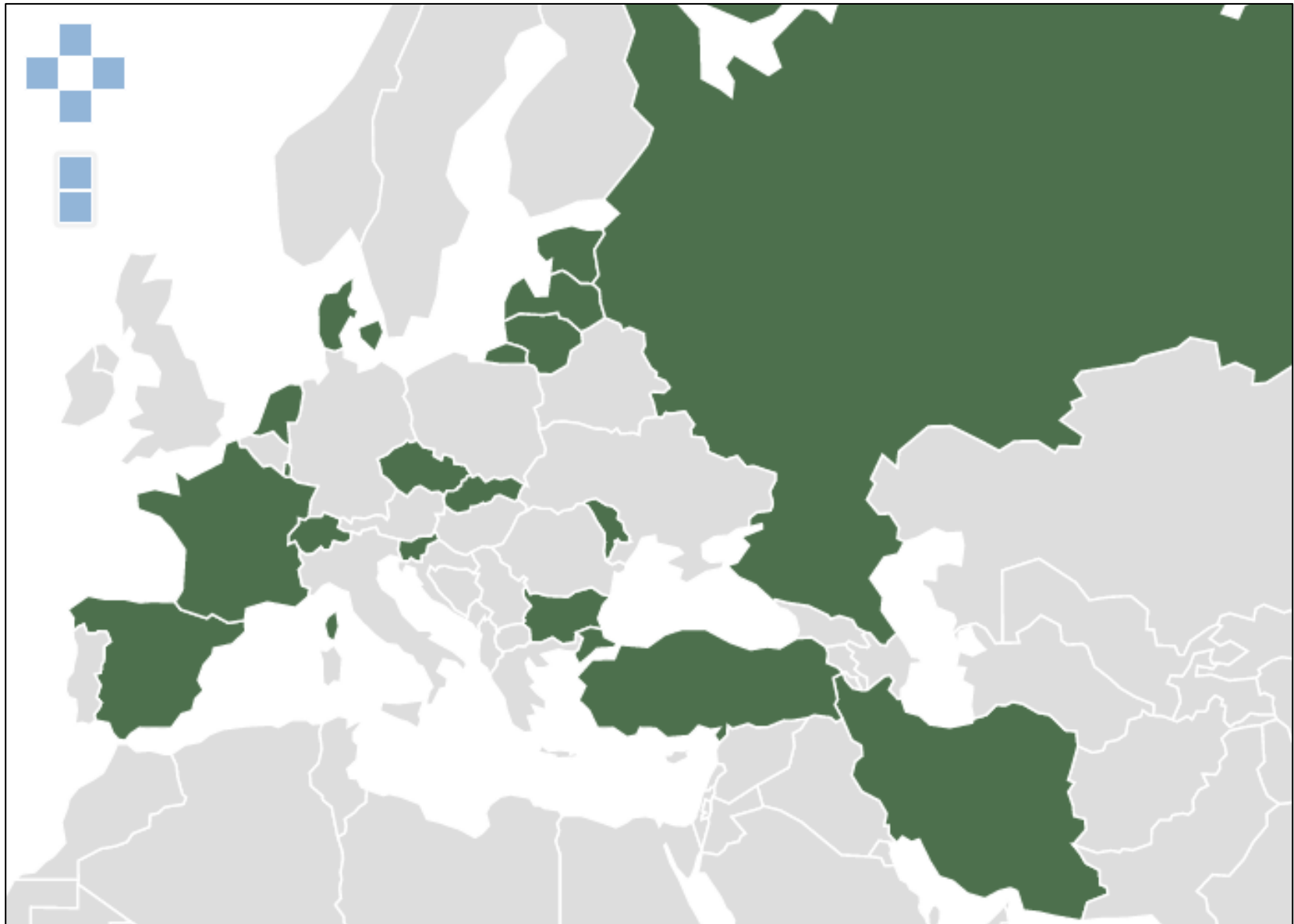
2008 e-CMR

Objective

The 2008 Additional Protocol to the CMR (e-CMR) is the legal instrument which seeks to “modernize” the current system of paper consignment notes to electronic format.



2008 e-CMR: 17 CPs



Operationalizing the e-CMR

(1) Data integrity (2) Agreement on procedures and implementation

- Authentication of the e-CMR (art.3)
 - ‘Reliable electronic signature’
- Conditions for the establishment of the e-CMR (art.4)
 - ‘procedure... shall ensure integrity of the particulars... from the time when it was first generated...make it possible to detect ..any supplement or amendment...’
- Implementation of the e-CMR (art.5)
 - ‘parties interested in the performance of the contract of carriage shall agree on the procedures and their implementation...’

Implementation of the e-CMR

Per art. 5 of the e-CMR, sender, carrier and consignee have to agree on the following items:

1. Method for the issuance and delivery of the e-CMR to the entitled party
2. Assurance that the e-CMR retains its integrity
3. Manner in which the party entitled to the rights arising out of the e-CMR is able to demonstrate that entitlement
4. Way in which confirmation is given that delivery to the consignee has been effected
5. Procedures for supplementing or amending the e-CMR
6. Procedures for the possible replacement of the e-CMR by a consignment note issued by different means

Recent developments

- New accessions
- Special SC.1 (Working Party on Road Transport) session on 4 April 2018:
 - Launch of the UN/CEFACT technical standards
http://www.unece.org/cefact/brs/brs_index.html
 - Contracting Parties discussing how to operationalize the e-CMR
- 113th session of SC.1 (16-18 October 2018):
 - Guidance note on the legal aspects of the e-CMR
http://www.unece.org/fileadmin/DAM/trans/doc/2018/sc1/ECE-TRANS-SC1-2018-1e_01.pdf
 - Discuss technical questions regarding the implementation of the e-CMR
http://www.unece.org/fileadmin/DAM/trans/doc/2018/sc1/ECE-TRANS-SC1-2018-2e_01.pdf

Thank you

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