



Actions of the inland transport sector to  
join the global fight against climate change

85<sup>th</sup> Session

**INLAND TRANSPORT COMMITTEE**



**UNECE**

# **Operationalizing the eCMR Additional Protocol**

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# Success of the CMR Convention

Use of paper consignment notes since the 1960s



- The Convention on the Contract for the International Carriage of Goods by Road (CMR) came into effect in 1961.
- To date, there are 58 Contracting parties.
- Paper consignment notes based on the CMR Convention have been used for the past 70 years in Europe, Central Asia, West Asia and the Middle East. They are treated like “a passport for goods to move from one country to another.
- The success of it is due to the quality of the legal text which prescribes conditions of carriage and distribution of liability, a compensation ceiling, and clarity of steps for claims of compensation.

# The CMR Convention



- **Scope:** the contract conditions, the contract document (known as consignment note) as well as the carrier's liability limits in case of total or partial loss of the goods carried or if there is a delay.
- **Application:** Applies where 3 conditions are present (1) there is a contract for the carriage of goods by road in vehicles for reward (commercial transaction) (2) if the origin and the destination are situated in two different countries and (3) at least one of them is a contracting party.
- A matter for private law
- Three contractual parties: Sender, Carrier, Consignee (Recipient of goods).
- Eleven mandatory particulars (art. 6).
- Seven optional particulars.
- Plus any other particulars which the parties deem useful.

# eCMR Additional Protocol



- The Additional Protocol to the CMR Convention concerning the electronic consignment note was prepared over a ten year period from 1998 to 2008 when the legal text was completed and became available for signing and ratification by countries.
- The Additional Protocol facilitates/legitimises the use of electronic consignment notes in place of paper ones. Accession only possible for countries that are already contracting parties to CMR.
- To date, there are 33 contracting parties from Europe, Central Asia, South Asia and the Middle East.
- Secretariat has prepared a paper on the operationalization of the eCMR for ITC (ECE/TRANS/2023/30) and why it is taking time to operationalize it.

# What the eCMR Additional Protocol stipulates



## (1) Data integrity/trust (2) Agreement by the contracting parties on procedures and implementation

- Authentication of the eCMR (art.3)
  - ‘Reliable electronic signature’
- Conditions for the establishment of the eCMR (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 eCMR (art.5)
  - ‘parties interested in the performance of the contract of carriage shall agree on the procedures and their implementation...’

# Article 5 eCMR Add Protocol



- **Per art. 5 para 1 of the e-CMR, “parties interested in the performance of the contract of carriage” shall 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

# Embracing digitalization



- The requirements of a digital world include:
  - Authentication of users
  - Mutual recognition of authentication mechanisms by contracting parties
  - Privacy and security
  - An international/sustainable solution accepted by all contracting parties

# UN's objectives for the future eCMR system/s



- eCMR the new successful CMR convention for the years to come
- Attract more contracting parties
- Trucks do not stop at the borders
- Sustainable solution that covers the interests of all stakeholders (public authorities and private sector) from all regions





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**Thank you!**

SC.1 secretariat

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