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Additional Protocol to the CMR concerning the Electronic Consignment Note

Harmonization of requirements concerning international road transport and facilitation of its operation

Electronic Contract for the International Carriage of Goods by Road (e-CMR)

Survey on electronic consignment note (e-CMR)

Transmitted by International Road Transport Union

I. Introduction

1. This item was discussed by the Goods Transport Council of the International Road Transport Union (IRU) at its meeting held on 15 April 2010 and the following decision was taken:

"The IRU Goods Transport Council requested Council Members to lobby for the ratification by their national authorities of the Additional Protocol to the CMR concerning the electronic consignment note (e-CMR) as soon as possible.

The IRU and its Goods Transport Council Members should lobby for a more extended use of e-CMR Consignment Notes once the legal and other preconditions for such a use have been created. They should dissipate fears and call for solving problems linked to the use of e-CMR, e.g. related to insurance matters. Furthermore, authorities should take the necessary steps, including investment in equipment, for the acceptance of e-CMR Consignment Notes without the need for paper duplicates."

II. Background

2. The use of e-documents in road transport will hopefully continue to increase in the second decade of the twenty-first century. Therefore, the IRU Secretariat General has conducted a double survey on the potential utility of the Electronic CMR Consignment Note (e-CMR) issued, sent, received and stored by computer.

3. The two questionnaires enclosed have been issued to gain insight into the actual use of electronic CMR by hauliers, as well as the perception by IRU Member Associations and hauliers of its advantages and possible disadvantages, while highlighting important questions on the status of the e-CMR Protocol.

4. It is in the interest of the road transport industry, in particular, the international sector to collect as much information as possible on this subject in order to lobby and prepare for an extended use of electronic CMR Consignment Notes in the future.

III. International Road Transport Union member associations' and hauliers' replies

A. There have been 22 Association replies.

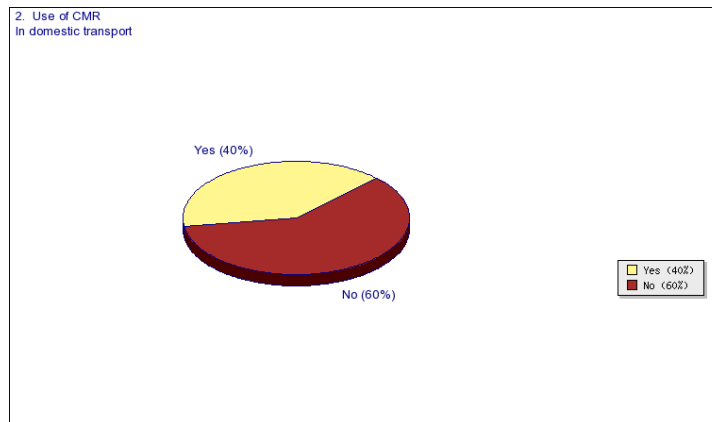
5. The number of hauliers' replies has reached 218 individual inputs on the internet. The IRU thanks those Associations which have translated the hauliers' questionnaire into their national language and supported the direct operator answers in any way possible. The distribution of hauliers by country seems to be a little disproportionate: 44 per cent of the haulier replies have been sent from three countries (Hungary, Kazakhstan and Romania) where IRU Members have been most active in promoting the survey.

B. Use of CMR for Domestic and International Road Freight Transport

6. According to Associations, CMR is currently used for domestic transport in 40 per cent of the countries they represent (Graph 1). It is important to note that hauliers have replied very similarly, with more than 38 per cent stating that they use CMR for domestic purposes.

Graph 1

Countries currently using CMR in Domestic Transport (Association replies)



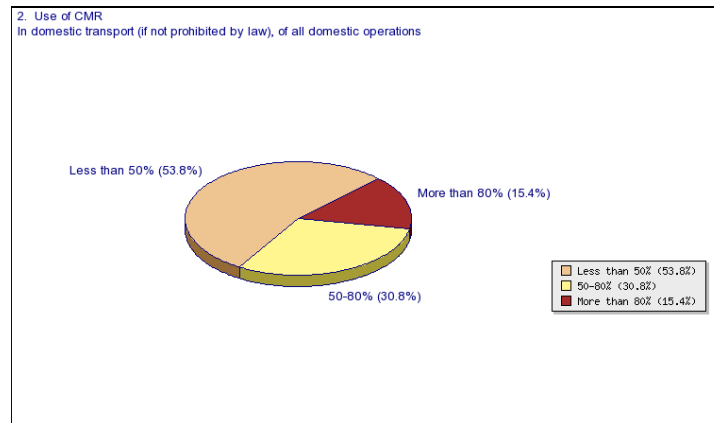
7. This share reported by both Associations and hauliers seems to be too high and possibly mistaken since according to information available to the IRU there are only a few countries where the use of the CMR Consignment Note is compulsory for domestic transports. However, the question may have been interpreted by some respondents for the domestic leg of international road freight transport operations where CMR is indeed in frequent use. Furthermore, in most countries, even if not compulsory, the CMR Consignment Note and the CMR conditions of contract may be used if the parties so decide.

8. By contrast, responding Associations confirm the use of CMR for international operations in all the represented countries. This is underscored by hauliers, whereby more than 98 per cent use the CMR Consignment Note for the international road transport of goods.

9. In respect of the extent of such use compared to the total number of operations, for domestic operations more than half of Associations speak about a use for less than 50 per cent of all domestic operations (Graph 2), while all Associations confirm a use of more than 96 per cent, probably almost 100 per cent, of CMR documents for international operations. Hauliers indicate a lesser extent of CMR use in domestic operations than Associations, while they also confirm the almost exclusive use of CMR for international movements.

Graph 2

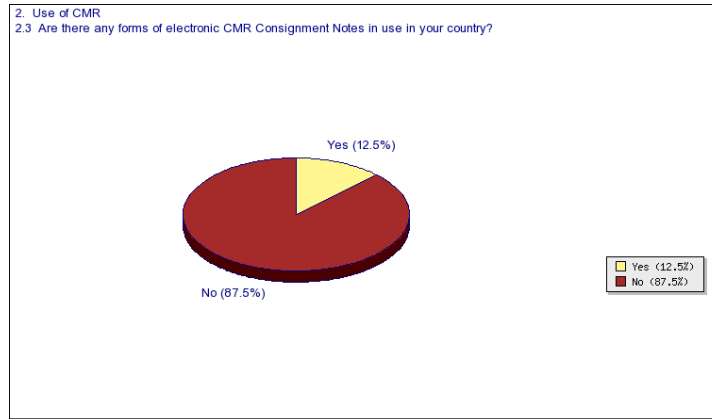
Domestic transport operations using CMR in individual countries (Association replies)



Is any form of e-CMR in use today?

10. An overwhelming majority of *Associations* (almost 90 per cent) states that no e-CMR is in use in their countries. Further investigation would be worthwhile to find out details on the real use of e-CMR Consignments Notes in the remaining countries (just over 10 per cent according to Associations). In contrast, a smaller share of hauliers (5.3 per cent) indicates the use of any form of e-CMR (Graph 3).

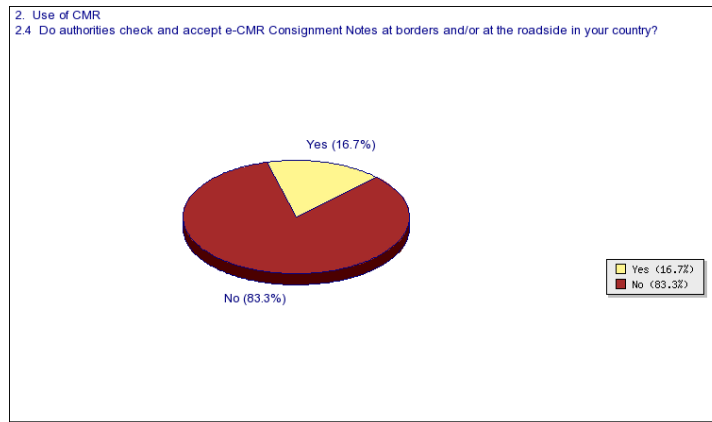
Graph 3
Share of countries where e-CMR is currently used (Association replies)



Acceptance of e-CMR by checking Authorities

11. Associations state for their countries that only a minority (17 per cent) of authorities accept the use of e-CMR by transport operators at borders and road-side checks. According to hauliers, the acceptance of e-CMR by authorities is somewhat higher (34 per cent (Graph 4)).

Graph 4
Share of countries where e-CMR is accepted by checking authorities (Association replies).



12. This low share of e-CMR acceptance is confirmed by the fact that, according to Associations, authorities in only 10 per cent of the countries represented in the survey do not request the operator to present a paper copy even in cases when using e-CMR documents. Once more, haulier replies reflect a more positive picture whereby a higher share, almost one quarter of the authorities (23 per cent) would not request paper copies in such cases.

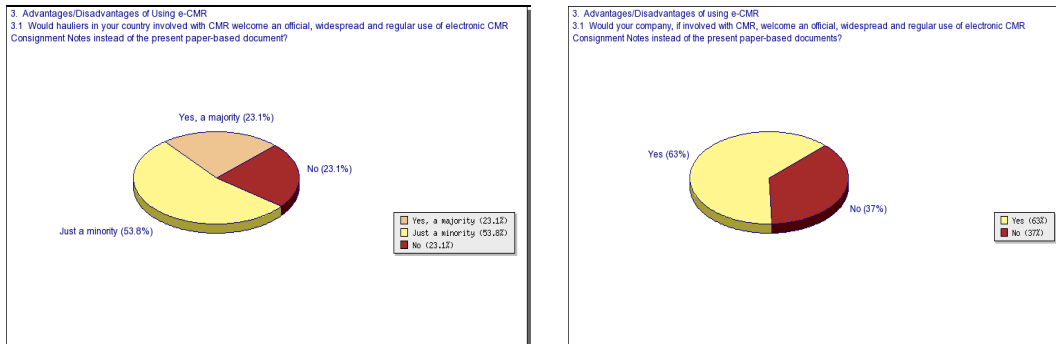
C. Advantages/Disadvantages of Using e-CMR

13. An astonishing distribution of replies has been received to the question whether hauliers would welcome a widespread use of e-CMR consignment notes. It seems from

Association replies that operators in only a quarter of represented countries (23.1 per cent) would welcome an official, widespread and regular use of electronic CMR Consignment Notes instead of the present paper-based document. Minority or no interest at all is characteristic for a significant majority of countries (77 per cent). This “cautious” judgment, however, does not seem to be reinforced by hauliers, 63 per cent of whom support a widespread use of e-CMR documents (Graph 5).

Graph 5

Distribution of countries and hauliers according to preference given to the use of e-CMR (Association and haulier replies)



14. Respondents have been requested to name the main advantages and disadvantages of using e-CMR consignment notes. The majority names three great advantages (more than one reply option possible):

- Less paperwork and faster administration of affairs (20 Association – 136 haulier replies);
- Increased accuracy of data entered into the e-CMR Consignment Note and easy and detectable amendments in case of need (12 – 118);
- Easy access to e-CMR Consignment Notes by all parties concerned (15–124).

15. In respect of the feared disadvantages, those of most importance are:

- The present level of transport companies' computerization does not make it possible to switch from paper to e-CMR and it is difficult to ensure that all parties involved (consignor/consignee/transport operator/transport operator subcontractors) have compatible e-technology for creating such Consignment Notes (22 Association – 122 haulier replies);
- Authorities will anyhow request a paper copy for checking purposes, even in cases of an e-CMR Consignment Note (19–166);
- Drivers would not be able to have easy access to e-CMR (15–154);
- Cost implications of introducing the e-CMR Consignment Note may be high for small operators (16–82).

16. The frequency of replies to advantages/disadvantages indicates that there is more concern with the disadvantages than appreciation of the advantages of the e-CMR. Again, this is a somewhat surprising reaction.

17. It is worth noting that while the order of advantages of the Association and haulier views are identical, the major concern for hauliers is their fear of the requirement of associations to present a paper copy for checking purposes, even in cases of an e-CMR Consignment Note, and a difficult access by drivers to e-CMR data stored on computers.

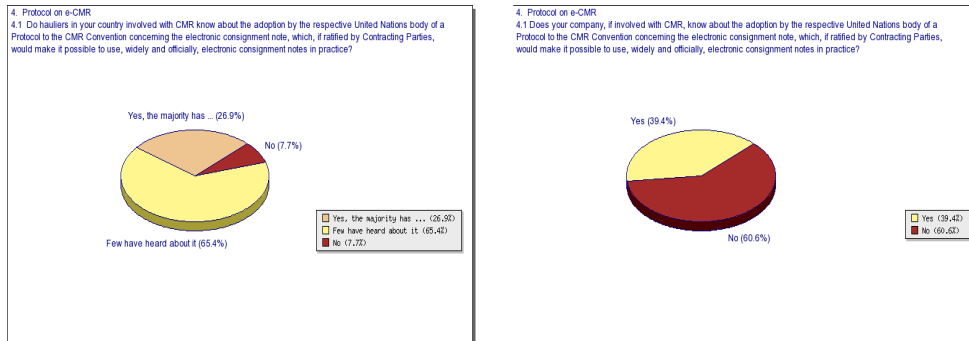
On the other hand Associations judge most problematic the present general “computerisation culture” of the sector. Please refer to Annex 1 for the comments that have been submitted by both Associations and hauliers on the advantages and disadvantages of using e-CMR.

D. Knowledge about and Approach to the Additional Protocol to the CMR Convention concerning the Electronic Consignment Note

18. According to Associations, operators in only a minority of countries (27 per cent) have heard about the additional Protocol to the CMR, which is the basic multilateral legal instrument (not yet in force) governing the introduction and use of the e-CMR Consignment Note. In a great majority of countries a base knowledge about this legal facility seems to be very limited. This information is confirmed by hauliers, 61 per cent stating they have never heard of an additional protocol to CMR (Graph 6).

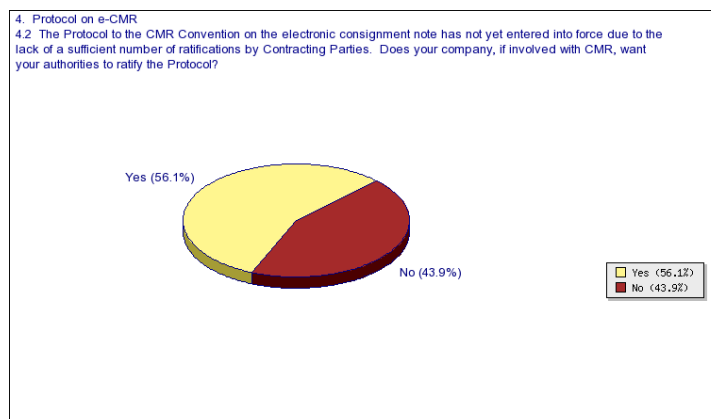
Graph 6

Distribution of countries and hauliers according to the rate of knowledge about the e-CMR Protocol (Association and haulier replies)



19. According to Association replies, only 48 per cent of their countries’ hauliers using CMR would approach authorities with the request to ratify the Protocol on e-CMR. It seems surprising that there is no clear majority in favour of requesting such ratification. Hauliers seem to be more in favour with 56 per cent wanting to ask their authorities to ratify the Protocol (Graph 7).

Graph 7

Distribution of hauliers wanting authorities to ratify the Protocol (haulier replies)

20. By contrast, all Associations have indicated their intention to take specific steps towards governments to proceed to ratification. Almost three-quarters of responding hauliers would do the same. This is certainly encouraging in light of the latest information about the status of ratifications¹ as indicated (Table 2).

Table 2

Status of signatures and ratifications of the additional Protocol to the CMR on the e-CMR Consignment Note – 5 ratifications required for entry into force

| Contracting Party | Signature | Ratification, Accession |
|-------------------|-------------|-------------------------|
| Belgium | 27 May 2008 | |
| Finland | 27 May 2008 | |
| Latvia | 27 May 2008 | 22 January 2010 |
| Lithuania | 27 May 2008 | |
| Netherlands | 28 May 2008 | 7 January 2009 |
| Norway | 27 May 2008 | |
| Sweden | 27 May 2008 | |
| Switzerland | 27 May 2008 | 26 January 2009 |

¹ The Protocol, Article 8.1 reads as follows: "This Protocol shall enter into force on the ninetieth day after **five** of the States referred to in article 7, paragraph 3, of this Protocol, have deposited their instruments of ratification or accession."

Annexes

Annexe I

Textual Replies to the IRU Survey on e-CMR

I. Member Associations' Textual Replies

- 3.2 Name advantages of the introduction and the use of e-CMR in daily operations, please specify:
- Mistakes made by manual input to the e-CMR become replicated on paper copies which can have severe effects on Carriers Liability during roadside checks. Association, United Kingdom
- 3.3 Name disadvantages of the introduction and use of e-CMR in daily operations, please specify:
- The above opinions are risks to be assessed rather than actual known disadvantages. Association, United Kingdom

II. Hauliers' Textual Replies

- 3.2 Name advantages of the introduction and the use of e-CMR in daily operations, please specify:
- Less paper for the driver. Haulier, United Kingdom
 - Would be in line with progress made with Customs and Excise regarding New Computerized Transit System (NCTS) and paperless customs and excise Single Administrative Document (SAD) within the EC. In these difficult times simplification procedures and promoting paperless administration should be encouraged rather than protecting financial benefits of national entities which have a monopoly on issuing CMR. Petro-chemical plant, Belgium
 - At this moment in time there are no advantages for my company. Haulier, Spain
 - In case of a system breakdown, data for insurance purposes are lost. Haulier, Hungary
 - Only environmental advantages. Haulier, France
 - Less time to get e-CMR, costs lower. Haulier, Kazakhstan
 - It requires less time to fill it in, register and to deliver it to the parties concerned. Haulier, Kazakhstan
 - Easier to establish product descriptions, grades, types etc. Less mistakes and therefore less claim potential. Increased reduction of language/translation problems. Better completed and presented CMR documentation. Haulier, United Kingdom

- Easier to read and a better chance of correct data.
Haulier, Denmark
 - Too often we see missing reservations and signatures. Often the handwriting is very hard to read. An e-CMR would be a great advantage. A good idea to be pro-active.
Haulier, Denmark
 - We'll also save money on postage.
Haulier, Denmark
 - We have been using e-CMR for the last 2–3 years and it works very well. There haven't been any problems with authorities or insurance.
Haulier, Denmark
 - It would depend who designed this. If it's the same people who designed the digital tachograph then NO THANKS. ... I don't hold out much confidence. Increasingly, every area of life becomes complicated by computerization rather than easier. More so in the EU.
Haulier, United Kingdom
 - Immediate access to CMR when delivery is completed.
Haulier, United Kingdom
- 3.3 Name disadvantages of the introduction and use of e-CMR in daily operations, please specify:
- There is no inconvenience if all paper CMR data are properly reproduced in the e-CMR. The additional costs will rapidly be absorbed both from the point of view of rapidity of data access, good for the company image and the ease of data processing and archiving.
Anonymous
 - One of the disadvantages is the loss of data protection; another is that not all parties have access to information technology.
Haulier, Spain
 - We have never heard about e-CMR and do not use it. Haulier, Hungary
 - If the consignee is a private person, the e-CMR does not work. Other documents are also requested; therefore the digitalization of one single document does not help.
Haulier, Hungary
 - On the basis that a European / EC wide acceptance at all levels of an e-CMR, there should be no problems or disadvantages with this implementation. Should various authorities insist, manual copies will need to accompany the driver and therefore limit any advantages with this system. Cost to the operator will always have a bearing on the success or not of such an implementation - too costly, won't work!
Haulier, United Kingdom
 - It would be an advantage if it could be integrated in our fleet management.
Haulier, Denmark
 - Would foreign customers/forwarders accept it?
Haulier, Denmark

Annexe II

Survey on the Electronic CMR Consignment Note (e-CMR) for *IRU Member Associations*

Top form

1. Identification Data

1.1 Name of Member Association

1.2 Name of Contact Person

2. Use of CMR

2.1 Do hauliers use the CMR Consignment Note for their daily transport operations?

In domestic transport

Yes No

In international transport

Yes No

2.2 If the answer is yes to either of the above two questions, estimate the extent of such use:

In domestic transport (if not prohibited by law), of all domestic operations

- Less than 50per cent
 50-80per cent
 More than 80per cent

In international transport, of all international operations

- Less than 50per cent
 50-80per cent
 More than 80per cent

2.3 Are there any forms of electronic CMR Consignment Notes in use in your country?

Yes No

2.4 Do authorities check and accept e-CMR Consignment Notes at borders and/or at the roadside in your country?

Yes No

2.5 Do authorities always request the presentation of a paper copy of the CMR Consignment Note, even if it has been created in an electronic format?

Yes No

3. Advantages/Disadvantages of Using e-CMR

3.1 Would hauliers in your country involved with CMR welcome an official, widespread and regular use of electronic CMR Consignment Notes instead of the present paper-based document?

- Yes, a majority
 Just a minority
 No

3.2 Name advantages of the introduction and the use of e-CMR in daily operations. You may tick one or more boxes.

- Less paperwork and faster administration of affairs
 Increased accuracy of data entered into the e-CMR Consignment Note and easy and detectable amendments in case of need
 An efficient tool to combat fraud
 Easy access to e-CMR Consignment Notes by all parties concerned
 Easy settlement of freight payment or insurance issues
 There are no advantages
 If other, please specify below:

Please specify:

3.3 Name disadvantages of the introduction and use of e-CMR in daily operations. You may tick one or more boxes.

- Authorities will anyhow request a paper copy for checking purposes, even in cases of an e-CMR Consignment Note
 Loss of data protection due to hackers/competitors and too easy access to business secrets by authorities
 The present level of transport companies' computerization does not make it possible to switch from paper to e-CMR and it is difficult to ensure that all parties involved (consignor/consignee/transport operator/transport operator subcontractors) have compatible e-technology for creating such Consignment Notes
 Drivers would not be able to have easy access to e-CMR

- Cost implications of introducing the e-CMR Consignment Note may be high for small operators
- There are no disadvantages
- If other, please specify below:

Please specify:

4. Protocol on e-CMR

4.1 Do hauliers in your country involved with CMR know about the adoption by the respective United Nations body of a Protocol to the CMR Convention concerning the electronic consignment note, which, if ratified by Contracting Parties, would make it possible to use, widely and officially, electronic consignment notes in practice?

- Yes, the majority has heard about it
- Few have heard about it
- No

4.2 The Protocol to the CMR Convention on the electronic consignment note has not yet entered into force due to the lack of a sufficient number of ratifications by Contracting Parties. Do hauliers in your country involved in CMR want your authorities to ratify the protocol on e-CMR?

- Yes No

4.3 If the answer is yes to the above question, will you undertake steps to ask your competent national authority to accede to and/or ratify the Protocol, if it has not yet done so?

- Yes No

Survey on the Electronic CMR Consignment Note (e-CMR) for Road Freight Transport Companies

Top form

1. Identification Data (All personal information received will be treated confidentially)

1.1 Name of Company

1.2 Name of Contact Person

1.3 Registered Office

2. Use of CMR

2.1 Does your company use the CMR Consignment Note for its daily transport operations?

In domestic transport

Yes No

In international transport

Yes No

2.2 If the answer is yes to either of the above two questions, estimate the extent of such use:

In domestic transport (if not prohibited by law), of all domestic operations

- Less than 50per cent
 50-80per cent
 More than 80per cent

In international transport, of all international operations

- Less than 50per cent
 50-80per cent
 More than 80per cent

2.3 Does your company, if involved with CMR, use any form of electronic CMR Consignment Notes?

Yes No

2.4 Do authorities check and accept e-CMR Consignment Notes at borders and/or at the roadside in your country?

Yes No

2.5 Do authorities always request the presentation of a paper copy of the CMR Consignment Note, even if it has been created in an electronic format?

Yes No

3. Advantages/Disadvantages of using e-CMR

3.1 Would your company, if involved with CMR, welcome an official, widespread and regular use of electronic CMR Consignment Notes instead of the present paper-based documents?

Yes No

3.2 Name advantages of the introduction and use of the e-CMR in daily operations. You may tick one or more boxes.

- Less paperwork and faster administration of affairs
- Increased accuracy of data entered into the e-CMR Consignment Note and easy and detectable amendments in case of need
- An efficient tool to combat fraud
- Easy access to e-CMR Consignment Notes by all parties concerned
- Easy settlement of freight payment or insurance issues
- There are no advantages
- If other, please specify below:

Please specify:

3.3 Name disadvantages of the introduction and use of e-CMR in daily operations. You may tick one or more boxes.

- Authorities will anyhow request a paper copy for checking purposes, even in cases of an e-CMR Consignment Note
- Loss of data protection due to hackers/competitors and too easy access to business secrets by authorities
- The present level of computerization does not make it possible to switch from paper to e-CMR and it is difficult to ensure that all parties involved (consignor/consignee/transport operator/transport operator subcontractors) have compatible e-technology for creating such Consignment Notes
- Drivers would not be able to have easy access to e-CMR
- Cost implications of introducing the e-CMR Consignment Note may be high for small operators
- There are no disadvantages
- If other, please specify below:

Please specify:

4. Protocol on e-CMR

4.1 Does your company, if involved with CMR, know about the adoption by the respective United Nations body of a Protocol to the CMR Convention concerning the electronic consignment note, which, if ratified by Contracting Parties, would make it possible to use, widely and officially, electronic consignment notes in practice?

Yes No

4.2 The Protocol to the CMR Convention on the electronic consignment note has not yet entered into force due to the lack of a sufficient number of ratifications by Contracting Parties. Does your company, if involved with CMR, want your authorities to ratify the Protocol?

Yes No

4.3 If the answer if yes to the above question, will you undertake steps to ask your competent national authority to accede to and/or ratify the Protocol, if it has not yet done so?

Yes No
