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

Protocol additional to the CMR: EDI-CMR Protocol

Note transmitted by France

Following the questionnaire on the above-mentioned draft Protocol sent to the States members of UN/ECE, France has communicated the following reply to the secretariat.

“Following contacts with the competent services of the Ministry of Justice and the Ministry of Foreign Affairs and with the main professional road hauliers organizations, France can, in principle, accept the amendment of article 5 of the CMR in the form of the addition of a new protocol to the CMR.

However, the new paragraph 3 proposed in article 5 contains concepts which, it seems, should be more explicit. These are:

- the accessibility of the information ‘so as to be usable for subsequent *reference*’;
- access to the information recorded by these other procedures;

- or the equivalence of the procedure ‘*from the functional point of view, particularly so far as concerns the evidential value of the consignment note represented by those data*’.

The link between the new proposed paragraph 3 and article 5, paragraph 1, could be improved: paragraph 1 provides for the establishment, as a matter of principle, of a consignment note in writing, while the proposal provides for the use of paperless procedures, ‘*unless the parties concerned provide otherwise ...*’. This could be replaced by ‘*the consignment note may also be established ...*’.

The rest of the text could use the following type of wording (which already exists in French law): ‘*by any means, particularly electronic, permitting data storage*’.

The question of the evidential value of the consignment note is more delicate since it depends on its authentication, which comes from the signature. France proposes the following wording: ‘*The use of a reliable process of identification guaranteeing the link with the act to which it is attached.*’ Equivalent wording could also be found.

Lastly, it is essential to envisage a procedure for publishing the electronic consignment note, as in the case of the French regulations which provide (order of 9 November 1999) for the presentation to the inspecting officials of the computerized equivalent of the documents which should be on board the vehicles.

While it seems necessary to adapt the CMR to modern means of communication, it is nevertheless indispensable to aim for more carefully worked-out wording particularly so as to avoid inconsistencies with other articles of the Convention which could entail legal problems.”
