

Operationalizing the e-CMR

SC.1 Special Session
Rebecca Huang, UNECE, 4 April 2018

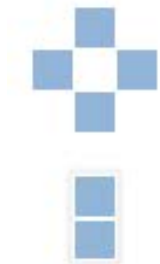


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Overview

1. Recap of the scope and application of the CMR and e-CMR additional protocol
2. Explanatory memorandum to the e-CMR
3. Recent accessions to e-CMR
4. Articles concerning the operationalization and implementation of the e-CMR
5. Issues

1956 CMR: 55 CPs

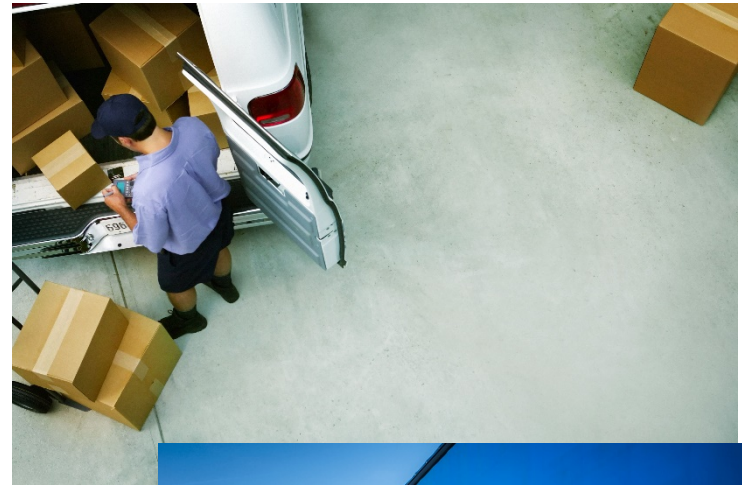


Convention on the Contract for the International Carriage of Goods by Road (CMR) (1956) and the Additional Protocol to CMR concerning the electronic consignment note (2008)

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.



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.



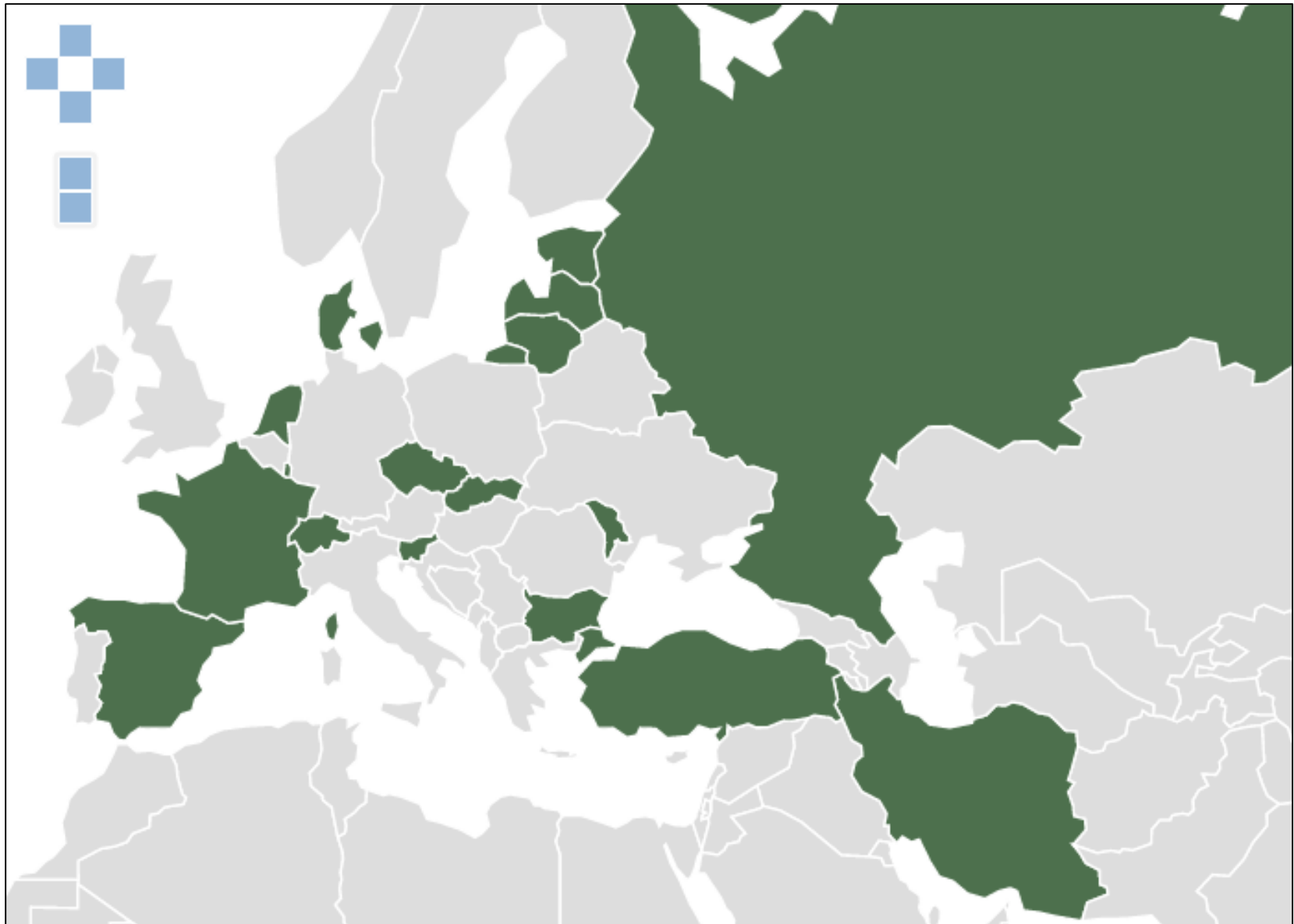
Explanatory memorandum to the e-CMR

The object of the additional Protocol to the CMR is therefore to authorise, for road transport, in the model of other existing conventions in the field of transport, the electronic consignment note by means of processes used for the recording and electronic processing of data.

However, it is essential that in legally contractual relations the best conditions for the protection and security of documents are offered to operators:

- the inalterability of the message, without the agreement of the parties, but also the possibility to change if there is agreement;
- understanding and acceptance of the message by the consignee;
- identification of the parties and security of the authentication of their signatures.

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

Issues

- What technology to use? What should be the philosophy behind the choice of technology?
- Who should be involved?
 - “Parties” vs “parties”
- How to fully persuade governments to go fully digital (ie paperless)
- Multi-modal electronic consignment note for the future

Thank you

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