IRU RESOLUTION
FOR THE STANDARDIZATION OF THE LEGISLATIONS
CONCERNING THE NATIONAL CARRIAGE OF GOODS BY ROAD FOR REWARD
IN THE COUNTRIES HAVING BECOME A PARTY TO THE CMR CONVENTION

(Unanimously adopted by the IRU General Assembly on 15 April 1994)

The International Road Transport Union (I.R.U.):

concerned with achieving its statutory objective, namely the facilitation of the international exchanges of goods through the improvement of the conditions in which road transport is effected,

aware that such improvement can only be pursued in a stable, generally known and, in consequence, the most uniform legal framework possible,

- observes that the enlargement of the European Union also extends an open economic area and, following the progressive reconciliation of the national legislations of the member countries, increasingly uniform legally, thereby promoting, in the member countries, economic development in general and the development of professional road transport in particular;

notes that the EFTA countries are preparing to join the European Union by reconciling, among others, their national legislations - including the ones relating to transport - with European Union law;

notes with - satisfaction that the transition towards a market economy of the European countries having known a planned economy is also making headway by the adaptation of their internal private law to the needs of their economy, and especially to those of transport, on the basis of the experience of market economy countries, particularly that of the European Union countries;
- remarks that:

* if goods transport by road between all the European countries is subject everywhere to the same legal system, namely that of the Convention on the contract for the international carriage of goods by road (C.M.R. Convention) of 19 May 1956, regardless of the distance covered, goods transport by road on the territory of these European countries, considered as the extension of international transport, is subject to some thirty national legislations;

* the reciprocal commitments and liabilities arising from contracts of carriage subject to the C.M.R. Convention are well known to the clients and road transport operators of all the countries, whether members or not of the European Union, which is not the case of the commitments and liabilities arising from contracts of carriage subject to the national legislations of the European countries;

- considers that:

* with a view to future membership by new countries in the European Union, it would not at all be justified to subject on the one hand goods transport by road between the member countries of the European Union to the C.M.R. Convention and on the other hand goods transport by road on the national territory of the member countries of this Union to several different legal systems;

* the knowledge of the law by the commercial partners constitutes a condition for the fixing and transparency of prices as well as an indispensable condition for the free supply of transport services based on fair competition;

- is of the opinion that the enlargement of the European Union to new countries, without harmonization of the legislations of the countries concerned in the field of professional goods transport by road, would lead to greater confusion arising from the disparity of legal systems applicable to the contract of carriage because:

* it is materially impossible for the non-resident transport operators to be acquainted with some thirty foreign legal systems applicable to their commitments and liabilities arising from the performance of transport on the territory of another European Union country;

* the clients would be obliged to give preference to resident carriers for fear of entrusting the goods, for which they are liable, to carriers not knowing the systems governing their liability and, therefore, neither being able to fulfil their contractual commitments nor adequately assure them;
requests the European States having become parties to the C.M.R. Convention - and in particular the States intending to join the European Union - to adopt the principles of this Convention by way of their incorporation into domestic legislation applicable to the transport of goods by road and to harmonize the general conditions applicable to said transport;

- is convinced that the adoption of the principles of the C.M.R. Convention by way of their incorporation into domestic legislation and harmonization of the general conditions would contribute to lay the groundwork for a uniform pan-European area and greatly facilitate, particularly for the road transport operators of the countries preparing to join the European Union, their integration in the enlarged transport market of this Union;

- offers the collaboration and the know-how of the I.R.U. with a view to the attainment of this objective.