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Geneva, 26 April 2012

IRU POSITION ON THE INTRODUCTION OF THE ELECTRONIC CMR CONSIGNMENT NOTE

Unanimously adopted by the IRU Goods Transport Council (CTM) on 26 April 2012 in Geneva

IRU Position on the introduction of the electronic CMR Consignment Note

I. ANALYSIS

In a globalised economy, road transport has become a production tool and, with growing trade volumes and increasingly complex supply chain procedures, ensuring the efficient movement of goods is crucial. Sharing information about the movement of goods allows for improvements to supply chain procedures and to effectiveness.

Traditionally the goods transport industry has relied heavily on paper and on the sharing and exchanging of printed documents. However, poor documentation and poor document management causes difficulties at an operational level and from a dispute resolution perspective.

The most frequently experienced problems tend to be documentation inaccuracies and the inability to correct errors in real time; failure of one goods carrier to hand over a document to a subsequent carrier; multiple documents covering different parts of the journey; the loss of documentation or delays in finding documentation which also impact timely billing.

To this end, Governments have worked towards changing paper-based systems into paperless systems and, in 2008, the United Nations Economic Commission for Europe (UNECE) Inland Transport Committee adopted the "Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note" (or "Additional Protocol").

On 5 June 2011, the Additional Protocol entered into force in accordance with Article 8(1) after five Governments ratified it. To date, only seven States have ratified or acceded to the Additional Protocol, including Bulgaria, Czech Republic, Latvia, Lithuania, Netherlands, Spain and Switzerland.

The entry into force of the Additional Protocol establishes a legal framework and standards for using electronic CMR (E-CMR) Consignment Notes. As a result, any demand, declaration, instruction, request, reservation or other communication relating to the performance of a contract of carriage to which the CMR Convention applies, may be carried out by electronic communication.

For transport operators, the most important provisions of the Additional Protocol are contained in Articles 2, 3 and 5 which address the scope and effect of the E-CMR

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Consignment Note (Article 2), the authentication of the E-CMR Consignment Note (Article 3) and the implementation of the E-CMR Consignment Note (Article 4).

To adapt to the Additional Protocol of the E-CMR, the IRU drafted a model clause for Consignment Notes and also inserted specific clauses related to the use of E-CMR Consignment Notes into its General Conditions for the International Carriage of Goods by Road and related documents.

In addition to legal issues, practical issues are causing a debate amongst transport operators, particularly the fact that only seven countries accept E-CMR Consignment Notes hinders the operational efficiency gains. This problem is amplified by the fact that some authorities of contracting parties nonetheless request a paper copy in addition to an E-CMR Consignment Note. The planning certainty and efficiency gains for transport operators are therefore lost.

II. IRU POSITION

1. The IRU reiterates that it welcomes the entry into force of the Additional Protocol and supports the introduction of the E-CMR Consignment Note as a step to improving supply chain efficiency by effectively contributing to ongoing efforts to change paper-based systems to paper-less systems.
2. The IRU urges all Contracting Parties to the CMR Convention to also accede or ratify the Additional Protocol and to recommend to any country willing to accede or ratify the CMR Convention to simultaneously accede to the Additional Protocol.
3. The IRU requests that Governments agree on practical implementation requirements and procedures for the E-CMR with a specific focus on agreeing on internationally harmonised technical standards in the domain of electronic signatures and authentication methods.

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