

No. 19487

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**MULTILATERAL**

**Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR). Concluded at Geneva on 5 July 1978**

*Authentic texts: English and French.*

*Registered ex officio on 28 December 1980.*

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**MULTILATÉRAL**

**Protocole à la Convention relative au contrat de transport international de marchandises par route (CMR). Conclu à Genève le 5 juillet 1978**

*Textes authentiques : anglais et français.*

*Enregistré d'office le 28 décembre 1980.*

## PROTOCOL<sup>1</sup> TO THE CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR)<sup>2</sup>

The Parties to the present Protocol,

Being Parties to the Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 19 May 1956,<sup>2</sup>

Have agreed as follows:

*Article 1.* For the purpose of the present Protocol, "Convention" means the Convention on the Contract for the International Carriage of Goods by Road (CMR).

*Article 2.* Article 23 of the Convention is amended as follows:

(1) Paragraph 3 is replaced by the following text:

"3. Compensation shall not, however, exceed 8.33 units of account per kilogram of gross weight short."

(2) At the end of this article the following paragraphs 7, 8 and 9 are added:

"7. The unit of account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amount mentioned in paragraph 3 of this article shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgement or the date agreed upon by the Parties. The value of the national currency, in terms of the Special Drawing Right, of a State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

<sup>1</sup> Came into force on 28 December 1980, i.e., the ninetieth day after five of the States referred to in article 3, paragraphs 1 and 2, of this Protocol had deposited their instruments of ratification or accession, in accordance with article 4 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Denmark . . . . .	20 May 1980	United Kingdom of Great Britain and Northern Ireland . . . . .	5 October 1979
Finland . . . . .	15 May 1980	(In respect of the United Kingdom of Great Britain and Northern Ireland and Gibraltar.)	
Germany, Federal Republic of . . . . .	29 September 1980		
(With a declaration of application to Berlin (West).)			
Luxembourg . . . . .	1 August 1980		

<sup>2</sup> United Nations, *Treaty Series*, vol. 399, p. 189.

“8. Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 7 of this article may, at the time of ratification of or accession to the Protocol to the CMR or at any time thereafter, declare that the limit of liability provided for in paragraph 3 of this article to be applied in its territory shall be 25 monetary units. The monetary unit referred to in this paragraph corresponds to 10/31 gram of gold of millesimal fineness nine hundred. The conversion of the amount specified in this paragraph into the national currency shall be made according to the law of the State concerned.

“9. The calculation mentioned in the last sentence of paragraph 7 of this article and the conversion mentioned in paragraph 8 of this article shall be made in such a manner as to express in the national currency of the State as far as possible the same real value for the amount in paragraph 3 of this article as is expressed there in units of account. States shall communicate to the Secretary-General of the United Nations the manner of calculation pursuant to paragraph 7 of this article or the result of the conversion in paragraph 8 of this article as the case may be, when depositing an instrument referred to in article 3 of the Protocol to the CMR and whenever there is a change in either.”

#### FINAL PROVISIONS

*Article 3.* 1. This Protocol shall be open for signature by States which are signatories to, or have acceded to, the Convention and are either members of the Economic Commission for Europe or have been admitted to that Commission in a consultative capacity under paragraph 8 of that Commission's terms of reference.

2. This Protocol shall remain open for accession by any of the States referred to in paragraph 1 of this article which are Parties to the Convention.

3. Such States as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of that Commission's terms of reference which have acceded to the Convention may become Contracting Parties to this Protocol by acceding thereto after its entry into force.

4. This Protocol shall be open for signature at Geneva from 1 September 1978 to 31 August 1979 inclusive. Thereafter, it shall be open for accession.

5. This Protocol shall be subject to ratification after the State concerned has ratified or acceded to the Convention.

6. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

7. Any instrument of ratification or accession deposited after the entry into force of an amendment to the present Protocol with respect to all Contracting Parties or after the completion of all measures required for the entry into force of the amendment with respect to all Contracting Parties shall be deemed to apply to the Protocol as modified by the amendment.

*Article 4.* 1. This Protocol shall enter into force on the ninetieth day after five of the States referred to in article 3, paragraphs 1 and 2, of this Protocol have deposited their instruments of ratification or accession.

2. For any State ratifying or acceding to it after five States have deposited their instruments of ratification or accession, this Protocol shall enter into force on the ninetieth day after the said State has deposited its instrument of ratification or accession.

*Article 5.* 1. Any Contracting Party may denounce this Protocol by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the notification of denunciation.

3. Any Contracting Party which ceases to be Party to the Convention shall on the same date cease to be Party to this Protocol.

*Article 6.* If, after the entry into force of this Protocol, the number of Contracting Parties is reduced, as a result of denunciations, to less than five, this Protocol shall cease to be in force from the date on which the last of such denunciations takes effect. It shall also cease to be in force from the date on which the Convention ceases to be in force.

*Article 7.* 1. Any State may, at the time of depositing its instrument of ratification or accession or at any time thereafter, declare by a notification addressed to the Secretary-General of the United Nations that this Protocol shall extend to all or any of the territories for whose international relations it is responsible and in respect of which it has made a declaration in accordance with article 46 of the Convention. This Protocol shall extend to the territory or territories named in the notification as from the ninetieth day after its receipt by the Secretary-General or, if on that day the Protocol has not yet entered into force, as from the time of its entry into force:

2. Any State which has made a declaration under the preceding paragraph extending this Protocol to any territory for whose international relations it is responsible may denounce the Protocol separately in respect of that territory in accordance with the provisions of article 5 above.

*Article 8.* Any dispute between two or more Contracting Parties relating to the interpretation or application of this Protocol which the Parties are unable to settle by negotiation or other means may, at the request of any one of the Contracting Parties concerned, be referred for settlement to the International Court of Justice.

*Article 9.* 1. Each Contracting Party may, at the time of signing, ratifying, or acceding to this Protocol, declare by a notification addressed to the Secretary-General of the United Nations that it does not consider itself bound by article 8 of this Protocol. Other Contracting Parties shall not be bound by article 8 of this Protocol in respect of any Contracting Party which has entered such a reservation.

2. The declaration referred to in paragraph 1 of this article may be withdrawn at any time by a notification addressed to the Secretary-General of the United Nations.

3. No other reservation to this Protocol shall be permitted.

*Article 10.* 1. After this Protocol has been in force for three years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing this Protocol. The Secretary-General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one fourth of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all the Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the Conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the Conference together with the texts of such proposals at least three months before the date on which the Conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all States referred to in article 3, paragraphs 1 and 2, and States which have become Contracting Parties under article 3, paragraph 3, of this Protocol.

*Article 11.* In addition to the notifications provided for in article 10, the Secretary-General of the United Nations shall notify the States referred to in article 3, paragraphs 1 and 2, of this Protocol and the States which have become Contracting Parties under article 3, paragraph 3, of this Protocol of:

- (a) Ratifications and accessions under article 3;
- (b) The dates of entry into force of this Protocol in accordance with article 4;
- (c) Communications received under article 2, paragraph 2;
- (d) Denunciations under article 5;
- (e) The termination of this Protocol in accordance with article 6;
- (f) Notifications received in accordance with article 7;
- (g) Declarations and notifications received in accordance with article 9, paragraphs 1 and 2.

*Article 12.* After 31 August 1979, the original of this Protocol shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the States mentioned in article 3, paragraphs 1, 2 and 3, of this Protocol.

DONE at Geneva, this fifth day of July one thousand nine hundred and seventy-eight, in a single copy in the English and French languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Protocol in the name of

Albania:  
De l'Albanie :

Austria:  
De l'Autriche :

Belgium:  
De la Belgique :

Bulgaria:  
De la Bulgarie :

The Byelorussian Soviet Socialist Republic:  
De la République socialiste soviétique de Biélorussie :

Canada:  
Du Canada :

Cyprus:  
De Chypre :

Czechoslovakia:  
De la Tchécoslovaquie :

Denmark:  
Du Danemark :

FAIT a Genève, le cinq juillet mil neuf cent soixante-dix-huit, en un seul exemplaire, en langues anglaise et française, les deux textes faisant également foi.

EN FOI DE QUOI les soussignés, à ce dûment autorisés, ont signé le présent Protocole au nom

JOHANNES DAHL-HANSEN

23 August 1979

Finland:

De la Finlande :

VELI SUNDBÄCK

17 August 1979

Subject to ratification<sup>1</sup>

France:

De la France :

The German Democratic Republic:

De la République démocratique allemande :

The Federal Republic of Germany:

De la République fédérale d'Allemagne :

PER FISCHER

1. November 1978

Greece:

De la Grèce :

Hungary:

De la Hongrie :

Iceland:

De l'Islande :

Ireland:

De l'Irlande :

Italy:

De l'Italie :

Luxembourg:

Du Luxembourg :

JEAN RETTEL

Sous réserve de ratification<sup>2</sup>

30 mars 1979

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<sup>1</sup> Sous réserve de ratification.

<sup>2</sup> Subject to ratification.

Malta:

De Malte :

The Netherlands:

Des Pays-Bas :

Norway:

De la Norvège :

Poland:

De la Pologne :

Portugal:

Du Portugal :

Romania:

De la Roumanie :

CONSTANTIN EHE<sup>1</sup>

August 28, 1979

Subject to the reservation concerning article 8 as stated in letter No. 750 of 27 August 1979 addressed to the Secretary-General of the United Nations.<sup>2</sup>

Spain:

De l'Espagne :

Sweden:

De la Suède :

Switzerland:

De la Suisse :

Turkey:

De la Turquie :

The Ukrainian Soviet Socialist Republic:

De la République socialiste soviétique d'Ukraine :

<sup>1</sup> See p. 441 of this volume for the texts of the reservations and declarations made upon signature— Voir p. 441 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

<sup>2</sup> Sous réserve de la réserve relative à l'article 8 formulée dans la lettre n° 750 du 27 août 1979 adressée au Secrétaire général de l'Organisation des Nations Unies.



The Union of Soviet Socialist Republics:  
De l'Union des Républiques socialistes soviétiques :

The United Kingdom of Great Britain and Northern Ireland:  
Du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

K. F. BURNS  
25 September 1978  
Subject to ratification<sup>1</sup>

The United States of America:  
Des Etats-Unis d'Amérique :

Yugoslavia:  
De la Yougoslavie :

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<sup>1</sup> Sous réserve de ratification.

## DECLARATIONS AND RESERVATION MADE UPON SIGNATURE

## ROMANIA

[TRANSLATION - TRADUCTION]

*Reservation:*

The Socialist Republic of Romania declares, pursuant to article 9 of the Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 19 May 1956, that it does not consider itself bound by article 8 of the Protocol, under which any dispute between two or more Contracting Parties relating to the interpretation or application of the Protocol which the Parties are unable to settle by negotiation or other means may, at the request of any one of the Contracting Parties concerned, be referred to the International Court of Justice.

The Socialist Republic of Romania considers that such disputes may be referred to the International Court of Justice only with the consent of all parties to the dispute in each individual case.

*Declarations:*

The Socialist Republic of Romania further declares that the provisions of article 3, paragraphs 1 and 2, of the Protocol are not in keeping with the principle that multilateral international treaties must be open for participation by all States for which the aim and purpose of such treaties are of concern.

## DÉCLARATIONS ET RÉSERVE FAITES LORS DE LA SIGNATURE

## ROUMANIE

*Réserve :*

« La République socialiste de Roumanie déclare en s'appuyant sur les dispositions de l'article 9 du Protocole à la Convention relative au contrat de transport international de marchandises par route (CMR), faite à Genève le 19 mai 1956, qu'elle ne se considère pas liée par les dispositions de l'article 8 du Protocole, selon lesquelles tout différend entre deux ou plusieurs Parties contractantes touchant l'interprétation ou l'application du Protocole que les Parties n'auraient pu régler par voie de négociation ou par un autre mode de règlement pourra être apporté, à la requête d'une quelconque des Parties contractantes intéressées, devant la Cour internationale de Justice.

« La République socialiste de Roumanie considère que de tels différends ne pourraient être soumis à la Cour internationale de Justice qu'avec le consentement de toutes les Parties en litige. donné séparément pour chaque cas. »

*Déclarations :*

« La République socialiste de Roumanie déclare aussi que les dispositions de l'article 3, points 1 et 2 du Protocole, ne sont pas en conformité avec le principe selon lequel les traités internationaux multilatéraux doivent être ouverts à la participation de tous les Etats pour lesquels l'objet et le but de ces traités présentent un intérêt.

The Socialist Republic of Romania likewise declares that the maintenance of the dependent status of certain territories, to which reference is made in article 7 of the Protocol, is not in conformity with the Charter of the United Nations concerning the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, unanimously adopted in 1970 by the General Assembly in its resolution 2625 (XXV)<sup>1</sup>, which solemnly proclaims the duty of States to promote realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

« La République socialiste de Roumanie déclare en même temps que le maintien de l'état de dépendance de certains territoires, auxquels se réfère la disposition de l'article 7 du Protocole, n'est pas en conformité avec la Charte des Nations Unies relative à l'octroi de l'indépendance aux pays et aux peuples coloniaux, y compris la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les Etats, conformément à la Charte des Nations Unies, adoptée à l'unanimité par l'Assemblée générale dans sa résolution 2625 (XXV) de 1970<sup>1</sup>, qui proclame solennellement l'obligation des Etats de favoriser la réalisation du principe de l'égalité en droits des peuples et de leur droit de disposer d'eux-mêmes, afin de mettre immédiatement fin au colonialisme. »

<sup>1</sup> United Nations, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28* (A/8020), p. 121.

<sup>1</sup> Nations Unies, *Documents officiels de l'Assemblée générale, vingt-cinquième session, Supplément n° 28* (A/8020), p. 131.