



REPUBLIKA SLOVENIJA  
VLADA REPUBLIKE SLOVENIJE

Gregorčičeva 20–25, SI-1001 Ljubljana

T: +386 1 478 1000

F: +386 1 478 1607

E: gp.gs@gov.si

<http://www.vlada.si/>

PRESEDNIK DRŽAVNEGA ZBORA

REPUBLIKA SLOVENIJA - DRŽAVNI ZBOR

EVA: 2013-1811-0155  
Številka: 00724-27/2013/5  
Datum: 22. 8. 2013

|                           |     |
|---------------------------|-----|
| Prejeto: 23-08-2013       |     |
| Šifra: 326-07   13-27   1 |     |
| Povezava:                 |     |
| EPA: 1358-VI              | EU: |
| Sign. zn.:                |     |
| Kratica:                  |     |

Vlada Republike Slovenije je na 20. redni seji dne 22. 8. 2013 določila besedilo:

- Predloga zakona o ratifikaciji Protokola h Konvenciji o pogodbi za mednarodni cestni prevoz blaga (CMR),

ki vam ga pošiljam v obravnavo in sprejem na podlagi 169. člena Poslovnika državnega zbora (Uradni list RS, št. 92/07 – uradno prečiščeno besedilo in 105/10) in tretjega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD).

Vlada Republike Slovenije je na podlagi 45. člena Poslovnika Vlade Republike Slovenije (Uradni list RS, št. 43/01 (23/02 – popr.), 54/03, 103/03, 114/04, 26/06, 21/07, 32/10, 73/10, 95/11 in 64/12) in 235. člena Poslovnika državnega zbora določila, da bodo kot njeni predstavniki pri delu Državnega zbora in njegovih delovnih teles sodelovali:

- Karl Erjavec, minister za zunanje zadeve,
- Samo Omerzel, minister za infrastrukturo in prostor,
- dr. Božo Cerar, državni sekretar, Ministrstvo za zunanje zadeve,
- mag. Bojan Babič, državni sekretar, Ministrstvo za infrastrukturo in prostor,
- mag. Bojan Kumer, državni sekretar, Ministrstvo za infrastrukturo in prostor,
- Borut Mahnič, generalni direktor Direktorata za mednarodno pravo in zaščito interesov, Ministrstvo za zunanje zadeve,
- mag. Bojan Žlender, vodja Direktorata za promet, po pooblastilu ministra št. 020-1/2013/25, z dne 4. 6. 2013, Ministrstvo za infrastrukturo in prostor,
- Mihael Zupančič, vodja Sektorja za mednarodno pravo, Ministrstvo za zunanje zadeve,
- Bogdan Potokar, vodja Sektorja za prevoze v cestnem prometu, Ministrstvo za infrastrukturo in prostor.

PRILOGA: 1

Tanja ŠARABON  
GENERALNA SEKRETARKA



REPUBLIKA SLOVENIJA  
VLADA REPUBLIKE SLOVENIJE

Gregorčičeva 20–25, SI-1001 Ljubljana

T: +386 1 478 1000

F: +386 1 478 1607

E: [gp.gs@gov.si](mailto:gp.gs@gov.si)

<http://www.vlada.si/>

PREDLOG  
EVA 2013-1811-0155

**ZAKON O RATIFIKACIJI  
PROTOKOLA H KONVENCIJI O POGODBI  
ZA MEDNARODNI CESTNI PREVOZ BLAGA (CMR)**

**1. člen**

Ratificira se Protokol h Konvenciji o pogodbi za mednarodni cestni prevoz blaga (CMR), sestavljen v Ženevi 5. julija 1978.

**2. člen**

Besedilo protokola se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

**PROTOCOL TO THE CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL  
CARRIAGE OF GOODS BY ROAD (CMR)**

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,

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.  
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 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 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.

## PROTOKOL H KONVENCIJI O POGODBI ZA MEDNARODNI CESTNI PREVOZ BLAGA (CMR)

POGODBENICE TEGA PROTOKOLA,

KI SO POGODBENICE Konvencije o pogodbi za mednarodni cestni prevoz blaga (CMR), sklenjene v Ženevi 19. maja 1956,

SO SE DOGOVORILE:

### 1. člen

V tem protokolu pomeni "konvencija" Konvencijo o pogodbi za mednarodni cestni prevoz blaga (CMR).

### 2. člen

23. člen konvencije se spremeni:

(1) tretji odstavek se nadomesti z besedilom:

"3. Odškodnina ne sme presegati 8,33 obračunske enote za kilogram kosmate teže primanjkljaja."

(2) Na koncu tega člena se dodajo sedmi, osmi in deveti odstavek:

"7. Obračunska enota iz te konvencije je posebna pravica črpanja, kakor jo je opredelil Mednarodni denarni sklad. Znesek, naveden v tretjem odstavku tega člena, se pretvori v nacionalno valuto države, v kateri je sodišče, ki mu je zadeva dodeljena, in sicer na podlagi vrednosti te valute na dan sodbe ali na dan, za katerega sta se sporazumeli pogodbenici. Vrednost nacionalne valute, izražena s posebno pravico črpanja države, ki je članica Mednarodnega denarnega sklada, se izračuna v skladu z metodo vrednotenja, ki jo je na ta datum za svoje lastne operacije in transakcije uporabljal Mednarodni denarni sklad. Vrednost valute, izražene s posebno pravico črpanja, države, ki ni članica Mednarodnega denarnega sklada, se izračuna tako, kot določi ta država."

"8. Ne glede na to pa lahko država, ki ni članica Mednarodnega denarnega sklada in katere zakonodaja ne dopušča uporabe določb sedmega odstavka tega člena, ob ratifikaciji ali pristopu k protokolu k CMR ali kadar koli pozneje izjavi, da je meja obveznosti, zagotovljena s tretjim odstavkom tega člena, ki se uporablja na njenem ozemlju, 25 denarnih enot. Denarna enota, na katero se nanaša odstavek, ustreza 10/31 grama zlata s čistostjo 900 tisočink. Znesek, določen v tem odstavku, se pretvori v nacionalno valuto v skladu z zakonodajo te države."

"9. Izračun iz zadnjega stavka sedmega odstavka tega člena in pretvorba iz osmega odstavka tega člena se opravi tako, da v valuti države čim bolj izražata enako realno vrednost zneska iz tretjega odstavka tega člena, kakor je tam izražena v obračunskih enotah. Države generalnemu sekretarju Združenih narodov sporočijo način izračuna na podlagi sedmega odstavka tega člena ali rezultat pretvorbe iz osmega odstavka tega člena, ko deponirajo listino iz 3. člena protokola k CMR in ob vsaki spremembi pri enem ali drugem."

## KONČNE DOLOČBE

### 3. člen

1. Ta protokol je na voljo za podpis državam, ki so podpisnice konvencije ali so pristopile k njej in so ali članice Ekonomske komisije za Evropo ali pa so sprejete v to komisijo s posvetovalnim statusom po osmem odstavku poslovnika komisije.
2. Ta protokol je na voljo za pristop katere koli države iz prvega odstavka tega člena, ki je pogodbenica konvencije.
3. Države, ki lahko sodelujejo pri posameznih dejavnostih Ekonomske komisije za Evropo v skladu z enajstim odstavkom poslovnika komisije, ki so pristopile k konvenciji, lahko postanejo pogodbenice tega protokola s pristopom k protokolu po začetku njegove veljavnosti.
4. Ta protokol je na voljo za podpis v Ženevi od 1. septembra 1978 do vključno 31. avgusta 1979. Po tem je na voljo za pristop.
5. Ta protokol se ratificira, potem ko je država ratificirala konvencijo ali pristopila k njej.
6. Ratifikacija ali pristop velja, ko je deponirana listina pri generalnem sekretarju Združenih narodov.
7. Za vse pogodbenice, ki so deponirale listino o ratifikaciji ali pristopu po začetku veljavnosti sprememb tega protokola ali po izpolnitvi vseh ukrepov, potrebnih za začetek veljavnosti sprememb, velja protokol s spremembami.

### 4. člen

1. Ta protokol začne veljati devetnajsti dan po tem, ko je pet držav iz prvega in drugega odstavka 3. člena tega protokola deponiralo svoje listine o ratifikaciji ali pristopu.
2. Za vsako državo, ki je ratificirala ali pristopila k protokolu po tem, ko je pet držav deponiralo svoje listine o ratifikaciji ali pristopu, začne ta protokol veljati devetnajsti dan po tem, ko je omenjena država deponirala svojo listino o ratifikaciji ali pristopu.

### 5. člen

1. Pogodbenica lahko ta protokol odpove z uradnim obvestilom generalnemu sekretarju Združenih narodov.
2. Odpoved začne veljati dvanajst mesecev po dnevu, ko generalni sekretar prejme uradno obvestilo o odpovedi.
3. Isti dan, ko pogodbenica preneha biti pogodbenica konvencije, preneha biti tudi pogodbenica tega protokola.

### 6. člen

Če se po začetku veljavnosti tega protokola zaradi odpovedi število pogodbenic zmanjša na manj kot pet, ta protokol preneha veljati z dnem, ko je začela veljati zadnja odpoved. Prav tako preneha veljati z dnem, ko preneha veljati konvencija.

### 7. člen

1. Država lahko ob deponiranju svoje listine o ratifikaciji ali pristopu ali kadar koli po tem z uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, izjavi, da se ta protokol razširi na vsa ali katero koli ozemlje, za mednarodne odnose katerega je odgovorna in za katero je dala izjavo v skladu s 46. členom konvencije. Ta protokol se razširi na ozemlje ali ozemlja, navedena v uradnem obvestilu, devetnajsti dan po tem, ko uradno obvestilo prejme generalni sekretar, ali če tega dne protokol še ni začel veljati, takrat, ko začne veljati.



2. Država, ki je dala izjavo po prejšnjem odstavku o razširitvi tega protokola na katero koli ozemlje, za mednarodne odnose katerega je odgovorna, lahko odpove protokol ločeno za to ozemlje v skladu s 5. členom.

#### 8. člen

Spor med dvema ali več pogodbenicami zaradi razlage ali uporabe tega protokola, ki ga pogodbenice ne morejo rešiti s pogajanjem ali kako drugače, se lahko na zahtevo katere koli pogodbenice predloži v obravnavo Meddržavnemu sodišču.

#### 9. člen

1. Pogodbenica lahko ob podpisu, ratifikaciji ali pristopu k temu protokolu z uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, izjavi, da je 8. člen tega protokola ne zavezuje. Pridržek, ki ga je dala pogodbenica po 8. členu tega protokola, ne zavezuje drugih pogodbenic.

2. Izjava iz prvega odstavka tega člena se lahko kadar koli umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov.

3. K temu protokolu niso dovoljeni nobeni drugi pridržki.

#### 10. člen

1. Po triletni veljavnosti protokola lahko vsaka pogodbenica z uradnim obvestilom generalnemu sekretarju Združenih narodov zahteva sklic konference za pregled izvajanja tega protokola. Generalni sekretar o tej zahtevi uradno obvesti pogodbenice in skliče konferenco, če ga v štirimesečnem obdobju po dnevu njegovega uradnega obvestila najmanj ena četrtna pogodbenic uradno obvesti o soglasju.

2. Če je konferenca sklicana v skladu s prejšnjim odstavkom, generalni sekretar uradno obvesti vse pogodbenice in jih povabi, da v treh mesecih predložijo predloge, ki jih želijo obravnavati na konferenci. Generalni sekretar pošlje vsem pogodbenicam začasni dnevni red konference skupaj z besedili teh predlogov najmanj tri mesece pred dnevom, ko bi se morala začeti konferenca.

3. Generalni sekretar povabi na vse konference, sklicane v skladu s tem členom, vse države iz prvega in drugega odstavka 3. člena, ki so postale pogodbenice po tretjem odstavku 3. člena tega protokola.

#### 11. člen

Poleg uradnih obvestil iz 10. člena mora generalni sekretar Združenih narodov države iz prvega in drugega odstavka 3. člena tega protokola in države, ki so postale pogodbenice po tretjem odstavku 3. člena tega protokola, uradno obveščati o:

- (a) ratifikacijah in pristopih po 3. členu,
- (b) datumih začetka veljavnosti tega protokola v skladu s 4. členom,
- (c) sporočilih, prejetih po drugem odstavku 2. člena,
- (d) odpovedih po 5. členu,
- (e) prenehanju veljavnosti tega protokola v skladu s 6. členom,
- (f) uradnih obvestilih, prejetih v skladu s 7. členom,
- (g) izjavah in uradnih obvestilih, prejetih v skladu s prvim in drugim odstavkom 9. člena.

## 12. člen

Po 31. avgustu 1979 je izvirnik tega protokola deponiran pri generalnem sekretarju Združenih narodov, ki pošlje overjene kopije vsaki državi iz prvega, drugega in tretjega odstavka 3. člena tega protokola.

SKLENJENO v Ženevi petega julija tisoč devetsto oseminsedemdeset v enem izvodu v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni.

V POTRDITEV TEGA so podpisani, ki so za to pravilno pooblaščen, podpisali ta protokol.

### 3. člen

Za izvajanje protokola skrbi ministrstvo, pristojno za infrastrukturo in prostor.

### 4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

## OBRAZLOŽITEV

Konvencija o pogodbi za mednarodni cestni prevoz blaga – CMR (v nadaljevanju konvencija CMR) je konvencija Organizacije združenih narodov, ki ureja področje mednarodnih prevozov blaga v cestnem prometu. Sklenjena je bila v Ženevi 19. maja 1956 in je temeljni akt, ki na evropskem nivoju ureja pravice in obveznosti prevoznika, pošiljatelja, prejemnika in naročnika prevoza, kot tudi tistih strank pri prevozni pogodbi, ki sicer pri njeni sklenitvi ne sodelujejo (zavarovanja).

Konvencija CMR določa objektivno odgovornost prevoznika za blago in sicer prevoznik odgovarja za delno ali popolno izgubo ali poškodbo blaga, razen če škoda ni nastala kot posledica naravnih lastnosti blaga ali višje sile. Konvencija CMR velja za vse cestne prevoze, če je država pošiljatelja ali prejemnika podpisnica te konvencije. Republika Slovenija je konvencijo CMR nasledila z Aktom o notifikaciji nasledstva (Uradni list RS – Mednarodne pogodbe, št. 9/92).

Dne 5. julija 1978 leta je bil v Ženevi sklenjen Protokol h Konvenciji o pogodbi za mednarodni cestni prevoz blaga (v nadaljevanju protokol), ki spreminja obračunsko enoto za odškodnino, obračunano na kilogram kosmate teže primanjkljaja. Po konvenciji CMR je bila odškodnina za izgubo omejena po kilogramu kosmate teže primanjkljaja s 25 zlatimi franki (10/31 grama zlata s čistostjo 900 tisočink), protokol pa določa, da odškodnina ne sme presegati 8,33 obračunske enote. Obračunska enota je posebna pravica črpanja (Special Drawing Rights – SDR), kakor jo določi Mednarodni denarni sklad.

Protokol je začel veljati 28. decembra 1980 in je bil na voljo za podpis v Ženevi do vključno 31. avgusta 1979. Po tem je na voljo za pristop, in sicer katere koli države, ki je pogodbenica konvencije CMR. Protokol začne veljati devetnajsti dan po tem, ko država, ki je ratificirala ali pristopila k protokolu, deponira svojo listino o ratifikaciji ali pristopu pri generalnem sekretarju Združenih narodov. Generalnemu sekretarju Združenih narodov je potrebno v skladu z devetim odstavkom 2. člena sporočiti tudi način izračuna vrednosti valute, izražene s posebno pravico črpanja ali rezultat pretvorbe v nacionalno valuto v skladu z zakonodajo Republike Slovenije.

Za izpolnitev protokola ni potrebno zagotoviti dodatnih finančnih sredstev iz proračuna.

Sklenitev protokola ne zahteva izdaje novih ali spremembe veljavnih predpisov.

Protokol ni predmet usklajevanja s pravnim redom Evropske unije.

PROTOCOL TO THE CONVENTION ON THE CONTRACT FOR THE  
INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR)

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,  
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.

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

I hereby certify that the foregoing text is a true copy of the Protocol to the Convention on the contract for the international carriage of goods by road (CMR), done at Geneva on 5 July 1978, the original of which is deposited with the Secretary-General of the United Nations.

*For the Secretary-General:  
The Legal Counsel*



United Nations, New York,  
31 August 1978

Je certifie que le texte qui précède est une copie conforme du Protocole à la Convention relative au contrat de transport international de marchandises par route (CMR), en date à Genève du 5 juillet 1978, dont l'original se trouve déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

*Pour le Secrétaire général :  
Le Conseiller juridique*

Organisation des Nations Unies, New York,  
31 août 1978