

### *Article 6a CIM - Form of the consignment note*

§ 1 The consignment note and accompanying documents shall be established in the form of electronic data registration [, provided that a technical procedure for the registration and treatment of data, which is operable for all parties interested in the performance of the contract of carriage is agreed between the parties].

The text in brackets is not necessary as it poses a question on the agreement between the parties and on the interested parties. Some party might be interested but is not able to join the agreement yet. Other party might decide to join later and would like to change something in the technical procedure.

Alternatively I propose to delete the text ', which is operable for all parties interested in the performance of the contract of carriage'. The common technical procedure should be agreed between all parties so that they all can implement the procedure, even though in different time frame.

The parties to the contract of carriage may agree to establish the consignment note and the accompanying documents in paper form.

This sentence should be a separate paragraph. It would serve as an easier reference.

§2 The procedure used for the registration and treatment of data must be equivalent from the functional point of view to the paper form, particularly so far as concerns the evidential value of the consignment note represented by those data.

It is not very clear what is meant by the *functional point of view*. The procedure is not the same for paper and electronic environment. Functional specification is usually needed for the electronic environment. However, it must be ensured that data are the same and have the same value. I don't think it is necessary to specify this fact.

§ 3 The procedure for establishing the electronic consignment note and the accompanying electronic documents shall ensure the integrity and reliability of the information they contain from the time they are established [ *alternative* : the information contained therein from the time it was first generated in its final form].

The initial text seems preferable to the alternative proposal in brackets.

§ 4 The procedure agreed between the parties to the contract of carriage for filling out or amending the electronic consignment note shall enable identification of the amendments made.

It shall also enable the original information contained in the electronic consignment note to be kept.

§ 5 The electronic consignment note shall be authenticated [by the parties to the contract of carriage.]

Authentication may [*alternative*., shall] be carried out by means of an electronic signature or another appropriate method [that ensure its link with the electronic consignment note].