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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Inland Water Transport  
(Forty-fifth session, 23-25 October 2001,  
agenda item 8 (a))

**BUDAPEST CONVENTION ON THE CONTRACT FOR THE  
CARRIAGE OF GOODS BY INLAND WATERWAY (CMNI)**

**Note by the Secretariat**

At its forty-fourth session the Working Party decided to put in its Programme of Work an additional element "Consideration of additional protocols to the CMNI Convention" with a view to their possible adoption in the form of a resolution of SC.3 or of the Inland Transport Committee (TRANS/SC.3/153, para. 28). The text of the protocols, as drafted and submitted by the Preparatory Committee to the Diplomatic Conference, is reproduced in TRANS/SC.3/2001/3. Observations by the delegation of Ukraine on the text of the additional protocols are reproduced below.

**Additional protocols to the Budapest Convention on the Contract  
for the Carriage of Goods by Inland Waterway (CMNI)**

1. These comments and proposals by Ukraine concern the text of the additional protocols (Nos. 1 and 2) to CMNI, as agreed at the six sessions of the Preparatory Committee and finalized by the Drafting Committee (Geneva, 29 June-1 July 1999, see ECE/TRANS/CMNI/CONF/2).
2. Given the exceptional importance of the matters regulated by the additional protocols (loading and discharge times, payment of demurrage, calculation of freight and apportionment of the navigation charges connected with inland navigation), it would make sense for Working Party SC.3 to reach agreement on the text at its forty-fifth session, and to adopt the protocols as a resolution of its own or a resolution of the Inland Transport Committee, as was proposed during the forty-fourth session of the Working Party (TRANS/SC.3/153, para. 28).
3. If for some reason (time constraints or the specialized commercial and legal nature of the documents necessitating work by experts, etc.) the Working Party is unable to accomplish this task during the current session, a mechanism for reaching agreement on the protocols should be specified at the session, since without them it will be impossible to apply CMNI in practice irrespective of the scheduled signature of the Convention at a ceremony in Budapest on 22 June 2001.

**Protocol No. 1**

4. [Stylistic change to Russian text only]

**Article 1**

**Loading and discharge times**

5. In paragraph 1 and throughout the text of the Protocol, replace the word “weight” by the word “mass”. The same applies to Protocol No. 2.
6. [Stylistic change to Russian text only]
7. [Stylistic change to Russian text only]
8. [Stylistic change to Russian text only]

**Article 2**

**Points of loading and discharge**

9. [Stylistic change to Russian text only]
10. The beginning of paragraph 4 should be formulated more explicitly: “In the case of paragraphs 2 and 3 *of this article*...”.

### **Article 3**

#### **Beginning and end of the loading and discharge times**

11. [Stylistic change to Russian text only]
12. [Stylistic change to Russian text only]
13. [Stylistic change in Russian text only]
14. [Stylistic change in Russian text only]

### **Article 4**

#### **Loading and discharge times for parts of the cargo**

15. [Stylistic change in Russian text only]
16. [Stylistic change in Russian text only]
17. [Stylistic change in Russian text only]

### **Article 6**

#### **Waiting period**

18. [Stylistic change in Russian text only]

### **Article 7**

#### **Impediments to delivery**

19. The first sentence of paragraph 1 contains a non sequitur: "loading" should be replaced by "unloading".

### **Protocol No. 2**

#### **Article 1**

#### **Calculation of freight**

20. Paragraph 1 should begin: "Freight covers only transport of goods. [Stylistic change in Russian text only]"
21. Paragraph 2 should be formulated more explicitly: "When freight is defined by the mass, dimensions or number of packages of goods, it must be calculated on the basis of the corresponding particulars in the transport document unless there is proof to the contrary."
22. Paragraph 3 should be formulated more explicitly: "When goods are accepted for carriage in the absence of an agreement concerning the size of the freight, the freight shall be paid in accordance with national regulations or custom applicable at the place and time of unloading."

### **Article 2**

### **Navigation charges**

23. [Stylistic change in Russian text only]

24. [Stylistic change in Russian text only]

### **Article 4**

#### **Obstacles to navigation**

25. [Stylistic change in Russian text only]

26. In paragraphs 3 and 4, replace the phrase “under paragraph 2 above” with “under paragraph 2 of this article”.

27. [Stylistic change in Russian text only]

28. In paragraph 7, replace the phrase “subject to paragraphs 5 and 6 above” with “subject to paragraphs 5 and 6 of this article”.

29. [Stylistic change in Russian text only]

30. In paragraph 8, replace the phrases “under paragraph 6 above” and “in accordance with paragraphs 3, 4, 5, and 6 above” with “under paragraph 6 of this article” and “in accordance with paragraphs 3, 4, 5, and 6 of this article”.

31. The last sentence of paragraph 8 should read: “In this case, the additional charges and expenses, with the exception of general average, are also the responsibility of the shipper or the consignee.”

### **Article 5**

#### **Shipper’s right of termination**

32. [Stylistic change in Russian text only]

33. In paragraphs 2, 3, and 4, replace the phrase “under paragraph(s) ... above” with “paragraph(s) ... of this article”.

34. Paragraph 3 should be formulated more explicitly: “Freight received by the carrier in accordance with paragraphs 1 and 2 of this article shall be calculated separately from freight for the transport of other goods.”

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