



# Rules for international carriage of goods

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# Application of CIM – Appendix B to the COTIF

-  CIM (48)
-  Membership suspended (2)
-  Associate Members (1)

**UA** : Halmeu/Dyakovo-Batyovo-Chop / Ciernanad  
Tisou-Chop/Záhony

- Epereszke/batyovo-Mukacheve
- Medyka/Mostiska II - Mostiska I
- Dorohusk/Yagodn-Kovel
- Dornesti/Vadul-Siret
- Illichivsk ferry Terminal - Izov/Hrubieszów
- Uzgorod - Matevce; total: 1228 km

**GE** : Port of Poti – Poti Railway station  
Port of Batumi - Batumi Railway station  
• Gardabani – Kartsakhi, total 248,6 km

**EE** : Tallinn – Tapa – Valga, total 272,9 km

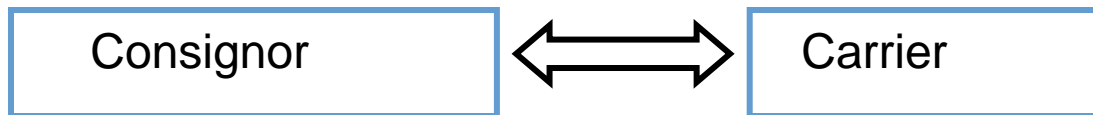
- RU** : Port of Baltiysk – Baltiysk Railway Station  
• Port of Ust-Luga – Luzhskaya Railway station;  
total 4,54 km  
Lines operated by Russian undertakings.  
**Art 38 CIM UR** :
- Ust-Luga – Baltiysk-Sassnitz 1128 km

- AZ** : Baku – Boyuk-Kesik  
• Alyat Port – Alyat Railway Station total 509 km



## Legal regime for rail freight traffic

- Private law – regulation of the relationship of the parties to the contract of carriage



- Cross border carriage of goods by rail under one single legal regime (Between COTIF Member States)
- As in CIV, the rights and obligations of the parties to the contract of carriage clearly defined and a certain harmonisation in liability issues is guaranteed = legal certainty

## CIM and Azerbaijan's neighbours

Azerbaijan neighbours Iran, Armenia, Turkey, apply CIM in full.

Georgia applies these rules on :

- a) The section from "Poti" Port - to "Poti" Railway Station – 2,7 km;
- b) The section from "Batumi" Port - to "Batumi" Railway Station – 1,9 km;
- c) The section from Gardabani to the station Kartsakhi, to the state border – 244 km

Russia only applies these rules on the parts of the railway infrastructure from the landing stage of the ferry terminal Baltiysk to the near-port railway station Baltiysk (2.84 km) and from the landing stage of the ferry terminal Ust-Luga to the near-port railway station Luzhskaya (1.745 km)".

## Scope of application

- COTIF State → COTIF State:

mandatory application of CIM (Art. 1 § 1)  
(sea and inland navigation services only on lines entered into  
List of lines)

- COTIF State → NON - COTIF State:

CIM UR applicable if the parties to the contract of carriage  
so agree (Art. 1 § 2) – choice of law:

either the State of departure or the State of destination  
in an OTIF Member State

## Contract of carriage of goods by rail

- The contract of carriage is concluded as soon as the consignor and the carrier so agree (consensual contract).
- CIM contain certain **suppletory rules** that only applies if nothing else has been agreed – The actual contract and/or the Consignment note can then include **other specific rules**.
- The actual taking over of the goods for carriage can follow later.
- The contract of carriage is always for reward.
- **CIM offers a legal uniform and neutral regime for the transport of goods by rail**

## CIM Consignment note

- has only evidential value and does not affect the existence of the contract (Art. 6 § 2), but
- is obligatory for customs purposes (carriage taking place in the European Union - Art. 6 § 7 CIM)
- CIT which is an International association of carriers establish uniform model consignment notes based on Art. 6 § 8 CIM.
- Electronic consignment note (Art. 6 § 9 CIM)



## Liability of the carrier. Compensation – maximum amounts

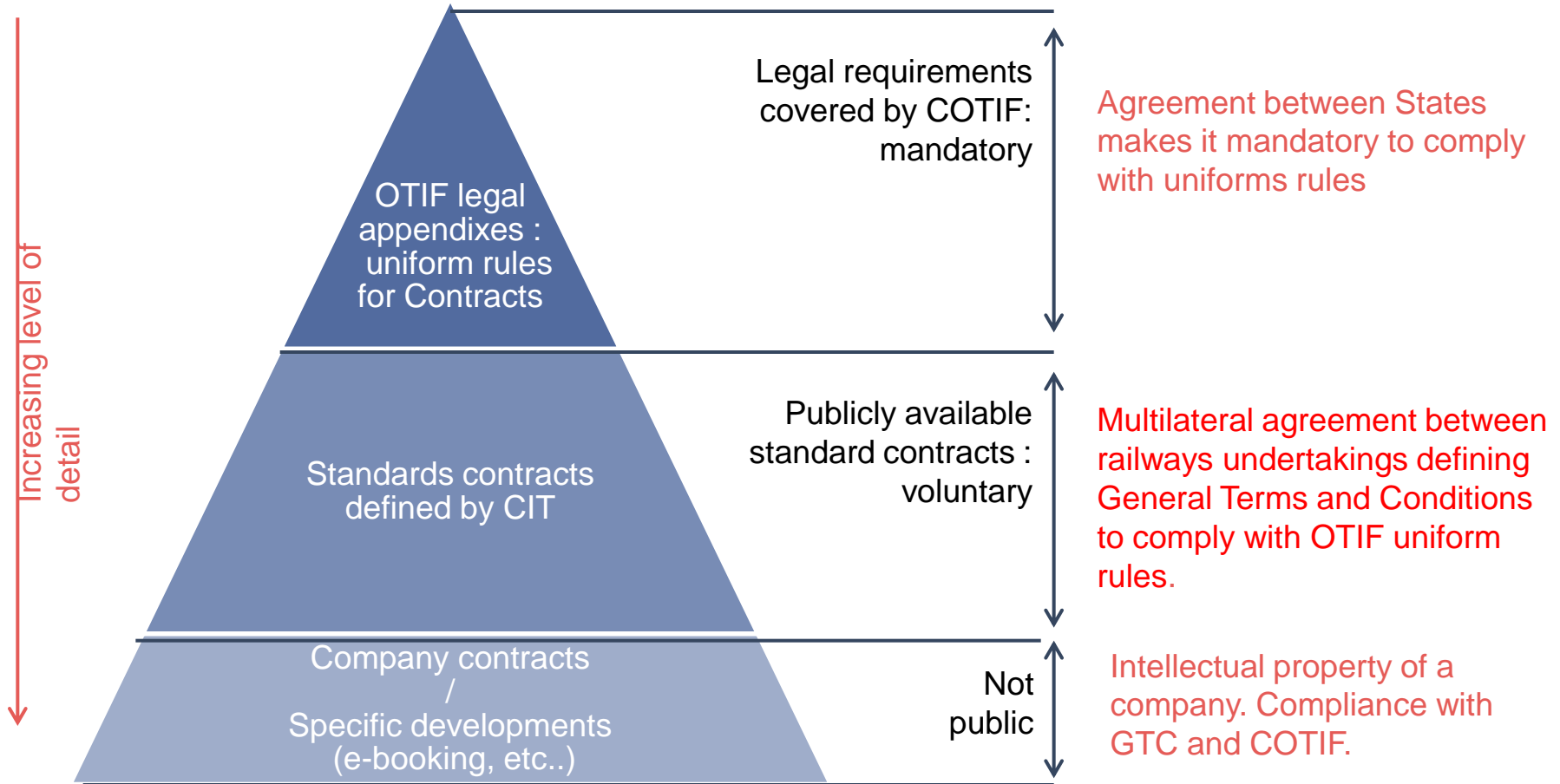
- **For loss or damage:** 17 units of account/kg (SDR = special drawing right) = (~ 23,7 \$/ kg) of gross mass of the goods
- **For exceeding the transit period:** four times the carriage charge

Other limits in accordance with the consignment note: declaration of value / amount of the interest in delivery

Limits not applied: qualified fault of the carrier

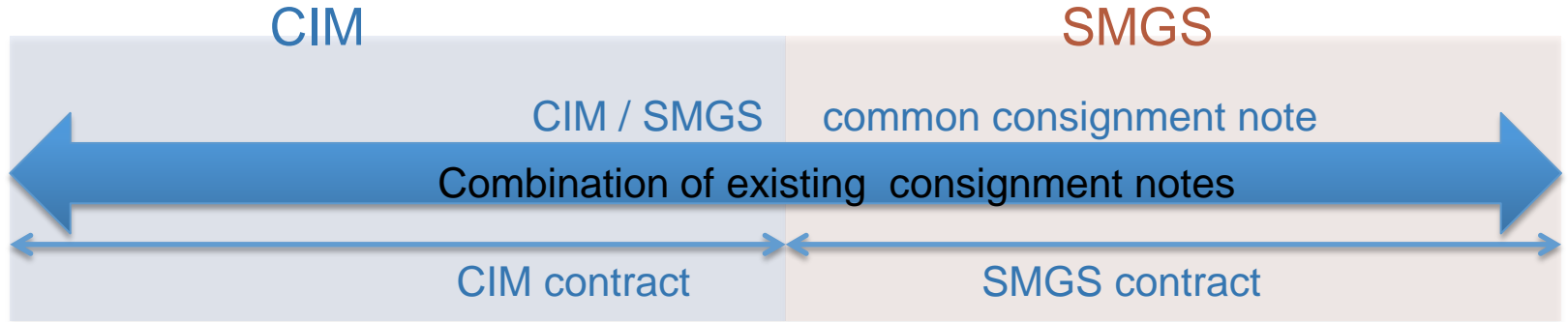
Voluntary extension of the liability (Art. 5)

# CIM : Legal pyramid



# Unifying transport contracts for freight

## How International law covers Euro-Asiatic trafic



- The unified railway law (EURL) developed under the aegis of UNECE provides an interface law between CIM and SMGS
- Single contract would improve Euro-Asian rail traffic dramatically



- The GEURL process provides a good basis for developing an interface law through experimentations.
- The revision of SMGS is a good opportunity to harmonize CIM and SMGS on Euro-Asian routes.



Organisation intergouvernementale pour les transports internationaux ferroviaires  
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Intergovernmental Organisation for International Carriage by Rail

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