Rules for international carriage of goods

Workshop „Passengers, goods and dangerous goods“, Baku, 3-4.5.2016
01 Application of CIM
02 Legal regime for rail freight traffic
03 CIM and Azerbaijan's neighbours
04 Scope of application
05 Contract of international carriage of goods by trail
06 CIM Consignment note
07 Liability of the carrier. Compensation – maximum amounts
08
Application of CIM – Appendix B to the COTIF

UA: Holmeu/Dyakovoy-Chop-Chop/Clemanad
Tsou-Chop/Zahony
- Epereaszke /Batylovvo-Muakheve
- Medyglava/Mostiska II – Mostiska I
- Donovsk/Yagodin-Kovel
- Domesti/Vadiul-Stret
- Ilitvisk ferry Terminal – Izou/Hrubieszow
- Ugason – Matevts; total: 1226 km

GE: Port of Piri – Pot Railway station
- Port of Batumi – Batumi Railway station
- Gavrshani – Kartazhli, total: 248.6 km

EE: Tallinn – Valga, total: 272.9 km

RU: Port of Baltiysk – Baltiysk Railway Station
- Port of Ust-Luga – Lushkaya Railway station; total 4,54 km
Lines operated by Russian undertakings.
Art 38 CIM UR:
- Ust-Luga – Baltijsk-Sassnitz 1128 km
- AZ: Bakou – Bayak-Kapik
- Aylit Port – Aylit 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
- NON - 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

- OTIF legal appendixes: uniform rules for Contracts
  - Legal requirements covered by COTIF: mandatory
- Standards contracts defined by CIT
  - Publicly available standard contracts: voluntary
- Company contracts / Specific developments (e-bookings, etc.)
  - Not public

Agreement between States makes it mandatory to comply with uniform rules.

Multilateral agreement between railways undertakings defining General Terms and Conditions to comply with OTIF uniform rules.

Intellectual property of a company. Compliance with GTC and COTIF.
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 experiments.

• The revision of SMGS is a good opportunity to harmonize CIM and SMGS on Euro-Asian routes.