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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Ad Hoc Meeting of Experts on the Convention on  
Civil Liability for Damage caused during Carriage  
of Dangerous Goods by Road, Rail and Inland  
Navigation Vessels (CRTD)

(Third session, Geneva, 7-9 July 2003)

**DEFINITION OF “CARRIER”**

**Transmitted by the Central Office for International Carriage by Rail in agreement  
with the International Rail Transport Committee (CIT)**

1. The Central Office of the Intergovernmental Organization for International Carriage by Rail (OTIF) considers that third party civil liability for damages caused during carriage of dangerous goods by road, rail and inland navigation vessels should be borne in the first instance by those who exercise economic control over the dangerous goods, in other words, those who introduce such goods into the economy (see also OTIF answers to the questionnaire of the Central Commission for the Navigation of the Rhine (CCNR)); where appropriate, liability should be borne by the producer of the dangerous goods, who knows the potential dangers best.
2. If the principle of concentrating liability on the carrier should be followed, OTIF proposes bringing the definition of “carrier” with regard to rail transport into line with that given in article 1, paragraph 8 (a), of CRTD which applies solely to transport by road and inland navigation vessel. Thus, **the same definition of “carrier” would be used for the three modes.** “Carrier” would then refer to the company using the vehicle (wagon) onto which the goods have been loaded or (art. 8 (a), para. 3) the haulage company when the vehicle is towed (or sent back).

3. Furthermore, OTIF considers that the new version of CRTD should propose solutions that do not threaten to create distinctions between modes of transport, especially by favouring some over others. To that end:

(a) Article 16, paragraph 4, of the current text, which allows the State to dispense a carrier under its control from the obligation to cover its liability by insurance or other equivalent security, should be revised;

(b) The new wording for article 16, paragraph 4, proposed in annex 2 to the report of the second session (TRANS/AC.8/4), should be reconsidered.

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