



Comité international  
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International Rail  
Transport Committee

## Unified railway law: Harmonization of the liability rules

Informal Group of Experts on Unified Railway  
Law

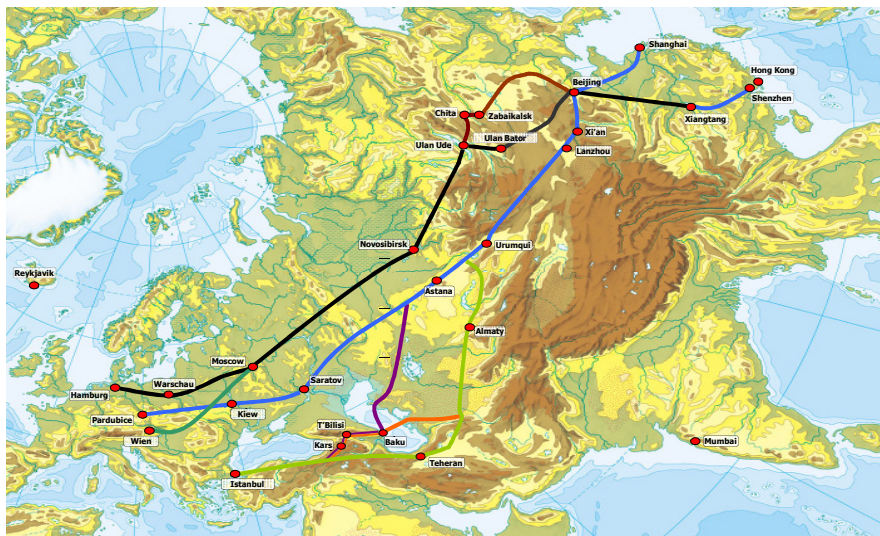
*Second session*

St. Petersburg, 8 July 2010

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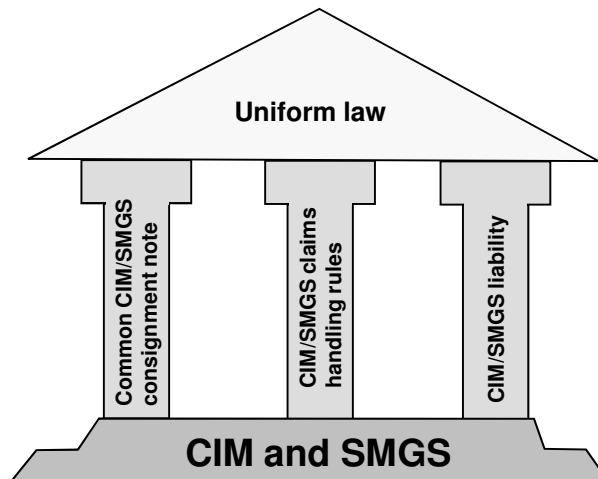
## Global supply chain from railway prospective



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## Uniform law for CIM/SMGS traffics



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## Common CIM/SMGS consignment note

- “**Sum**” of the CIM- and SMGS-consignment notes
- **Based** on the United Nations Layout Key for Trade Documents
- **Recognition** as:
  - Customs document
  - Letter of credit

The image shows a complex form for a Common CIM/SMGS consignment note. It is divided into several sections with various fields for data entry. The form includes sections for 'Particulars of Goods', 'Transportation Details', 'Particulars of Parties', 'Particulars of Carriage', 'Particulars of Insurance', and 'Particulars of Claims'. It also features a large table at the bottom for 'Particulars of Goods' with columns for description, quantity, weight, and value. The form is densely packed with text and lines, typical of a legal or trade document.



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## Common CIM/SMGS formal report, legal presumption and claims handling rules

- **CIM/SMGS formal report** (Annex 8, 8.1)
  - used by the RU when it sees loss or damage
- **Legal presumption** (28 § 3 CIM / 23 § 10 SMGS)
  - when there is no formal report of loss or damage
  - advantage for the consignee: the last carrier must handle his claim
- **Claims handling rules** (Point 12.3)
- **Payment of compensation rules** (Point 12.4)

## Principles for harmonized CIM/SMGS liability

- *Special Conditions for CIM/SMGS traffic (SC CIM/SMGS)*
- Inspired by CIM and SMGS principles
- The *contract of carriage* refers to them
- Successive carriers on a long distance
- On some *transcontinental axes*
- Carriers taking part accept *joint* liability
- *Relief* from liability in accordance with the CIM and/or SMGS

### Further questions:

- Single paper consignment note and / or only *electronic records*?
- Liability to the customer limited to the *value* of the goods?
- Optional: Compensation up to the *value declared*?
- Liability for exceeding the *transit period*?
- Limits against whom can be taken action (contractual and/or last carrier)?
- Compensation between the carriers *sharing* in proportion to tariff kilometres or carriage charges?



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