



# Economic and Social Council

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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Rail Transport

##### Group of Experts towards Unified Railway Law

###### Seventh session

Geneva, 3–4 April 2014

Item 3 of the provisional agenda

##### **Unification of international railway law with the objective to allow rail carriage under a single legal regime**

## Comparison of relevant legal provisions in CIM and SMGS

### Corrigendum

#### Page 88, Column headed “SMGS Agreement (2013)”, § 3, line 4

After as follows: *add*

- (1) The period for forwarding shall be divided equally between the dispatching railway and the destination railway;
- (2) The period for carriage shall be calculated on the basis of the distance travelled on each individual railway;
- (3) The additional periods referred to in article 14, §§ 3 to 6, shall be added to the period for the relevant railway.

**§ 4.** Any railway to which a demand is made for reimbursement of compensation may not contest the payment of compensation by the railway submitting the demand if that compensation was determined by court decision and the railway to which the demand was made had been given adequate advance notice of the judicial summons.

**§ 5.** Demands for the return of compensation paid for claims must be filed within 75 days of the actual date of payment of the amount of the claim.

Demands for compensation in line with court decisions must be lodged within 75 days of the date of entry into force of the court decision. The period shall be calculated from the date of the postmark of the place of sending.

If the relevant period is not respected, liability for claims lies fully with the railway that did not respect the time limit.

§ 6. Demands for compensation that give rise to disputes between railways shall, on the request of an interested party, be subject to review by the OSJD Committee. The Committee's decision in respect of such demands shall be final.

§ 7. Two or more railways involved in the carriage of goods may conclude an agreement, on the basis of which compensation for amounts within agreed limits paid by one of the railways to a person so entitled will be divided in proportion to the tariff distance actually travelled by the cargo on the railways covered by the agreement.

In this case, proof of fault shall not be required as a basis for compensation for those railways entering into the agreement.

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