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Transport interoperability CIM/SMGS

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Scope of CIM und SMGS
Project: Legal interoperability CIM/SMGS

Phase 1:
A common CIM/SMGS consignment note

Phase 2:
A unique claim handling mechanism

Phase 3:
A single Eurasian Rail Transport Law
Competence for the consignment note

CIM

Article 6 § 8 CIM: “The international associations of carriers shall establish uniform model consignment notes in agreement with the customers’ international associations and the bodies having competence for customs matters …”

SMGS

Article 7 SMGS: The Consignment note is established in the SMGS itself
Phase 1: Common Consignment note CIM/SMGS

- Sum of the CIM and SMGS consignment notes
- Today used on several lines: listed in CIT’s Manual for CIM/SMGS consignment note
- Examples:
  - Germany – Ukraine
  - Czech Republic – Russia / Ukraine
  - Rumania – Russia
- Objective for the next months: extend the application of the consignment note in practice
- Especially for the VW transportation to Kaluga near Moscow and for the transcontinental transportation between Europe and China
- Corridor V – Triest/Koper – Kiev/Moscow
Further improvements in the Phase 1: Wagon and Container lists CIM/SMGS
Electronic consignment note CIM/SMGS

• Legal basis for the electronic exchange of consignment note data:
  – Article 6 § 9 CIM: based on functional equivalence
  – Article 7 § 14 SMGS: based on an agreement between the carrier and the customer

• The following provisions are still being worked on:
  – Functional specifications
  – Legal specifications
  – Technical implementation –Raildata/OSJD/CIT
Phase 2: Standardisation of CIM/SMGS liability regimes

Objective:

- Harmonised provisions for the 2 legal relationships:
  - customer – RU
  - RU – RU

In practice:

- Guidelines to the liability regimes of CIM and SMGS
- Common CIM/SMGS formal report
- Legal presumption following reconsignment
- Common CIM/SMGS claims handling rules
Common CIM/SMGS formal report and legal presumption

- **Formal report CIM/SMGS**
  - used by the RU when it sees lost or damage
- **Legal presumption** (28 CIM / 23 § 10 SMGS new)
  - when there is no formal report on the damage
  - advantage for the consignee: the last carrier must handle his claim
- **Claims handling rules CIM/SMGS**: work in progress
Phase 3: Two legal areas one single law

Eurasian Rail Transport Law

SMGS/SMPS

COTIF
Corridors Europe - Asia
In seventeen days from China to Europe

Pilot transportations

European Rail Shuttle (ERS)

with

- Chinese Railways (KZD)
- Mongolian Railways (MTZ)
- Russian Railways (RZD)
- Railways of the Republic of Belarus (BC)
- Polish State Railways (PKP)
- Czech Railways (ČD)

From Shenzhen (China) to Pardubice (Czech Republic)
Eurasian Rail Transport Law

1. CIM and SMGS as basis and starting point
2. Attention paid to the different legal cultures
3. Freedom for higher liability standards

Legal interoperability from Atlantic to the Pacific

Thank you for your attention!