



Comité international
des transports ferroviaires

Internationales
Eisenbahntransportkomitee

International Rail
Transport Committee

Transport interoperability CIM/SMGS

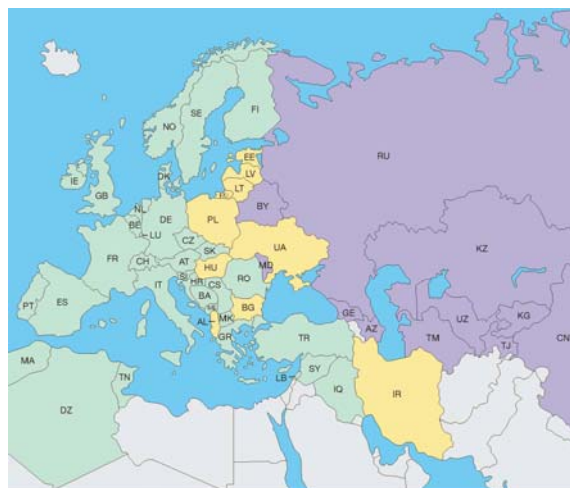
UN Economic Commission for Europe
Inland Transport Committee
Working Party on Rail Transport (SC.2)
Geneva, 18-20 November 2009

Dr. Erik Evtimov
Senior Legal Advisor & Project Coordinator

09-11-04

Scope of the CIM and SMGS

State of 1. January 2009



■ = CIM ■ = CIM/SMGS ■ = SMGS



04.11.2009

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Differences in law

CIM (Uniform Rules concerning the Contract of International Carriage of Goods by Rail - Appendix B to COTIF)

Consensual contract

Contractual freedom

Consignment note design within the competence of RUs

Joint and several liability

SMGS (Agreement on International Goods Transport by Rail)

Formal contract

Obligation to set and publish tariffs and to carry

Consignment note defined in SMGS itself

Individual liability

Differences in organisations

OTIF (Intergovernmental Organisation for International Carriage by Rail)

Bern

Since 1985

43 Member States

Only Member States

Majority

German/French/English

OSJD (Organisation for Cooperation between Railways)

Warsaw

Since 1956

27 Member States

States *and* railways

Unanimity

Russian and Chinese

CIT/OSJD Project: Legal Interoperability CIM/SMGS

Phase 1:

Common CIM/SMGS consignment note

Phase 2:

Standardised claims handling mechanism

Phase 3:

Single Eurasian Rail Transport Law

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, multi-sectioned form for a Common CIM/SMGS consignment note. It is divided into numerous rectangular boxes and sections, each containing specific fields for data entry. The form includes sections for sender and receiver information, goods description, transport details, and administrative fields. The layout is dense and structured, typical of a standardized trade document form.

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
- Electronic consignment note CIM/SMGS:
 - √ Functional specifications
 - √ Legal specifications
 - √ Technical specifications
 - Practical Implementation – the participating railways (support Raildata / OSJD / CIT)

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)

The image shows a complex form titled 'Konsignationsart CIM/SMGS Nr.' and 'Tatbestandaufnahme CIM/SMGS Nr.'. It contains numerous fields for data entry, including sections for 'Beschreibung des Schadens', 'Ursache des Schadens', and 'Bemerkungen'. There are also checkboxes and tables for recording details of the incident and the reporting process.

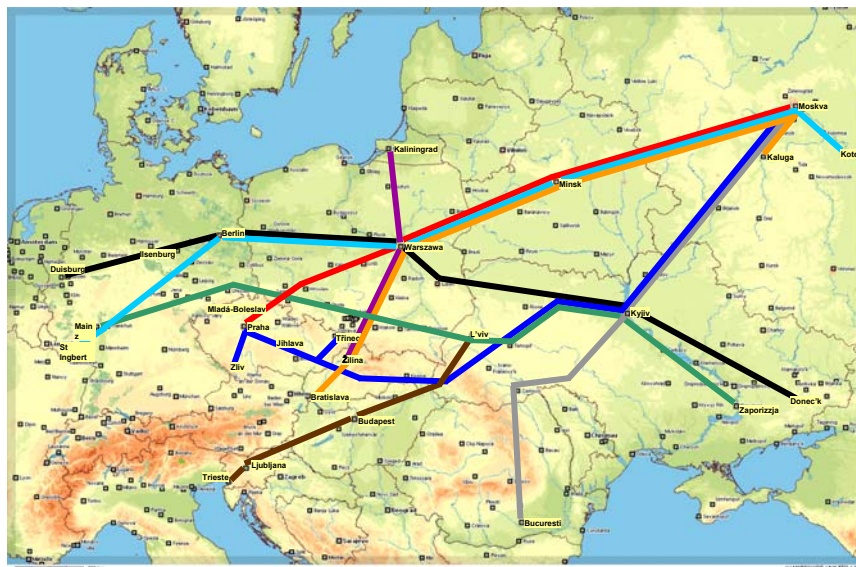
Practical use of the CIM/SMGS consignment note

- Traffic movements: *More* than 30 traffic axes in 4 TEN Corridors
- Examples:
 - Germany – Russia (via Poland and Belarus)
 - Germany – Ukraine
 - Czech Republic / Slovak Republic – Russia / Ukraine
 - Romania – Russia
- The CIM/SMGS consignment note:
 - Saves time – 40 minutes per wagon
 - Saves money – 30-40 € per consignment note
 - Improves the overall legal certainty reducing possible red tapes

Further improvements:

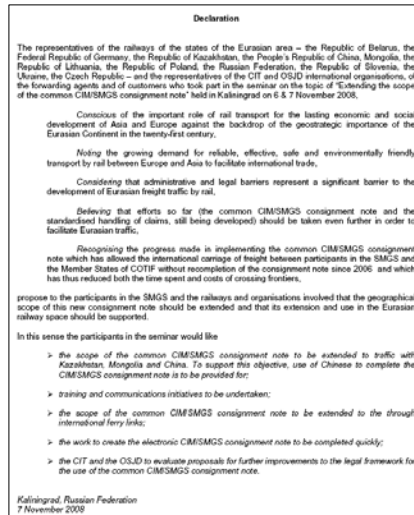
- Using *one* CIM/SMGS consignment note plus a wagon list or container list
- *Extending* the scope of the CIM/SMGS consignment note

Use of the CIM/SMGS consignment note



The Kaliningrad Declaration

1. Extension of the CIM/SMGS Consignment note to
 - Kazakhstan, Mongolia and China
 - International ferry links
2. Completion of the work on the electronic CIM/SMGS Consignment note
3. Training and spread of information
4. Further Improvements of the legal framework
5. Evaluation of different proposals through CIT and OSJD

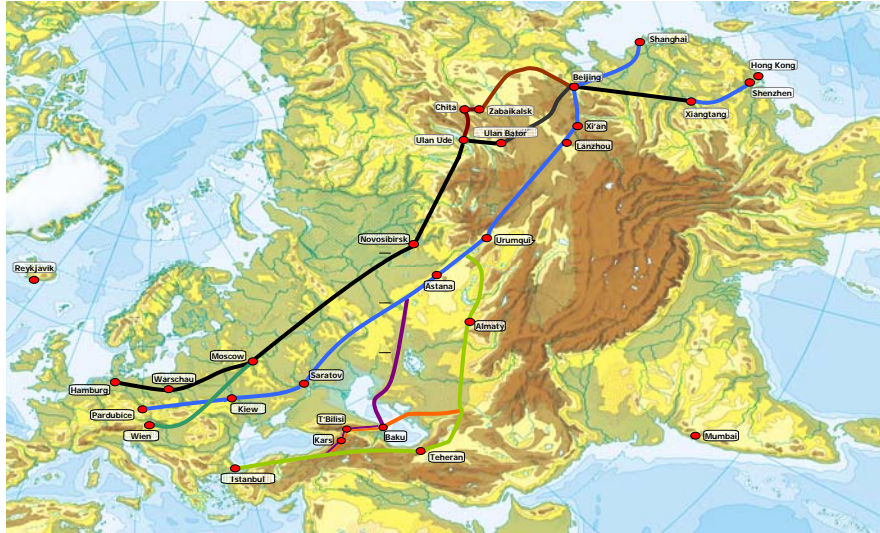


Extending the scope of the CIM/SMGS consignment note

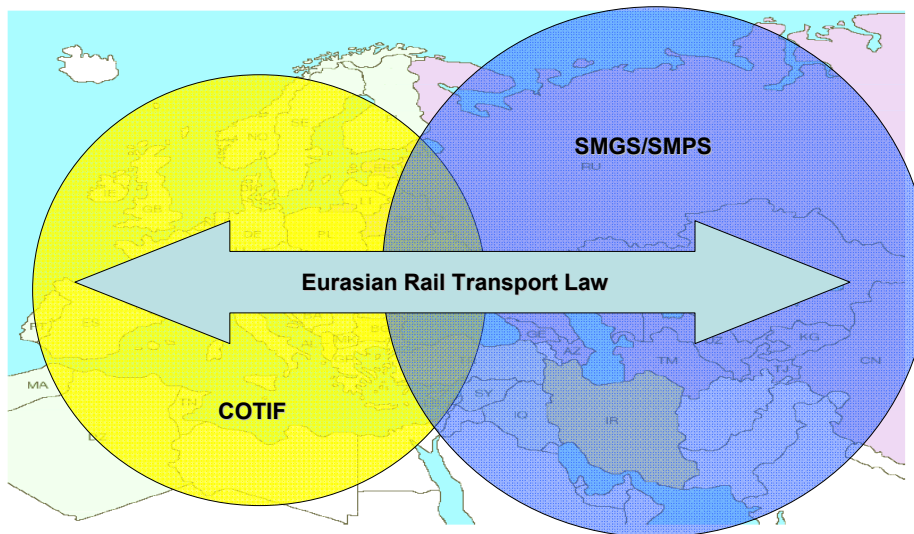
- On the land bridge between Europe and *Asia/China*
- In transit through *Mongolia*
- On the *TransSib*
- In the Central Asia and on the *Silk railroad* to the ports
- *Ferry connections* on the *Baltic* and *Black Sea* between the different ports and hinterland connections
- Starting with test transportations (Mongolian Vector)



Global supply chain from railway prospective



Phase 3: Two legal areas one single law



Uniform law for CIM/SMGS traffics

