



Comité international  
des transports ferroviaires

Internationales  
Eisenbahntransportkomitee

International Rail  
Transport Committee

# Railways' single transport documentation: optimizing the Black Sea ferry connections

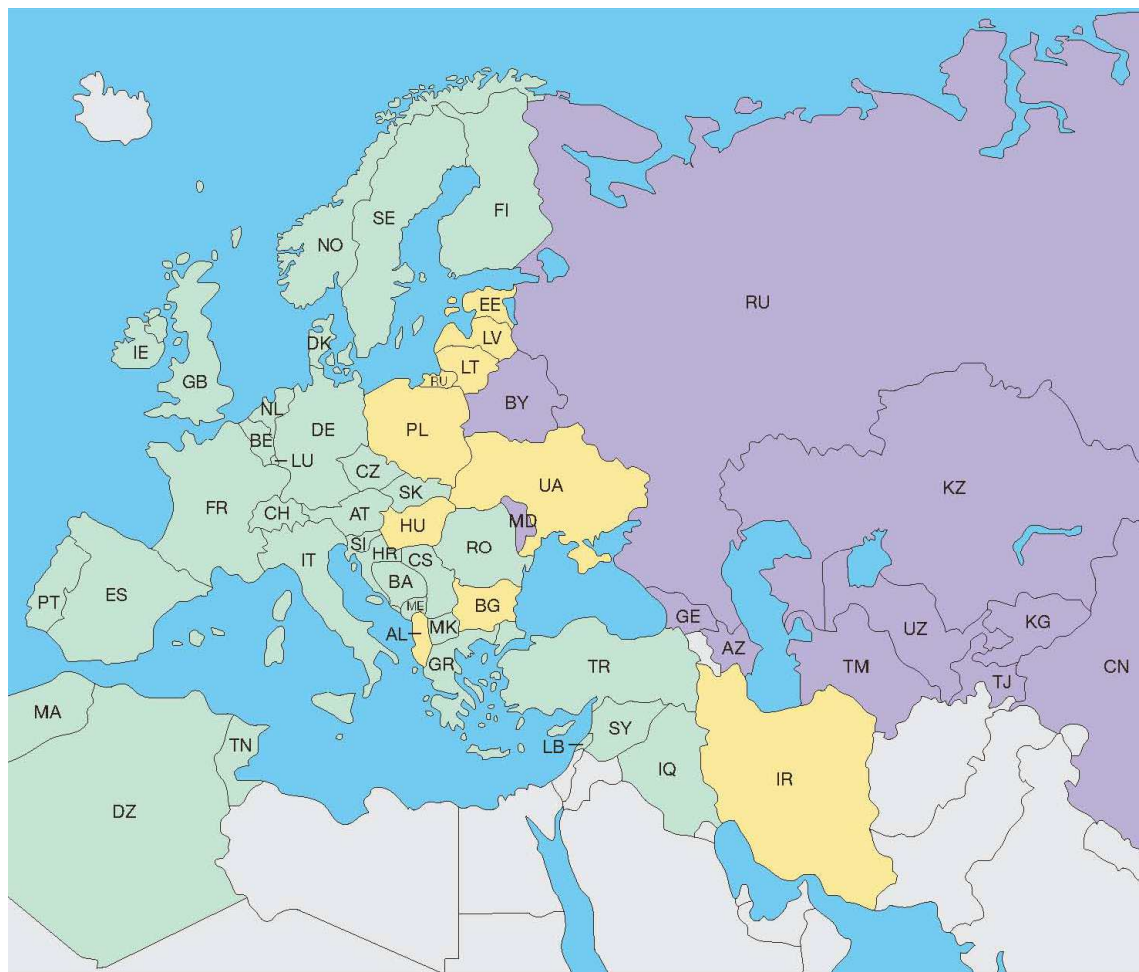
Third Expert Meeting and Inter-Regional Workshop  
on Developing Euro-Asian Transport Links  
Istanbul, 11-13 November 2009

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# Scope of the CIM and SMGS

State of 1. January 2009



 = CIM

 = CIM/SMGS

 = SMGS

# 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

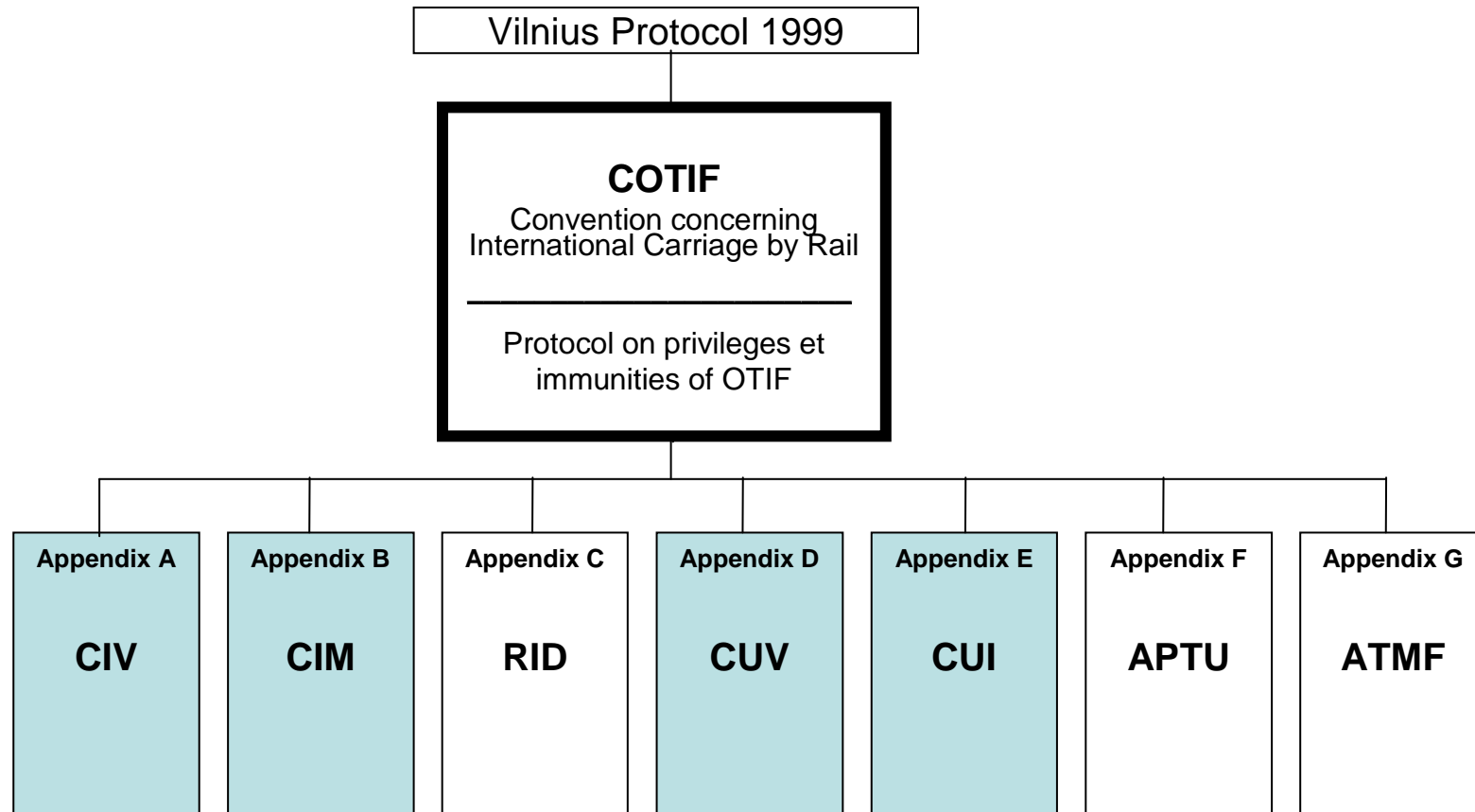
Russian and Chinese

# COTIF

- **COTIF** = Convention concerning International Carriage by Rail
- Aim = to establish **uniform rules** for international rail transport
- Entry into force: 1 July 2006
  
- **OTIF** = Intergovernmental organisation for International Carriage by Rail
- 43 Member States (from 1.2.2010 **44** after the accession of the Russian Federation to COTIF)
- Since 1985



# COTIF's structure



# List of the maritime lines

- COTIF/CIM – **rail+** agreement
- Legal base:

Article 1 § 4 CIM Uniform Rules: „When international carriage being the subject of a single contract of carriage includes carriage by sea (...) as a supplement to carriage by rail, these Uniform Rules shall apply if the carriage by sea (...) is performed on services included in the list of services provided for in Article 24 § 1 of the Convention.”

Article 24 § 1 COTIF: „The maritime (...) services referred in Article 1 of the (...) CIM Uniform Rules, on which carriage is performed in addition to carriage by rail subject to a single contract of carriage, shall be included in two lists:

(...)

b) the CIM list of maritime (...) services.

- Procedure:

Article 24 § 3 COTIF:

- COTIF member states shall notify the maritime lines
- Two member states are necessary (in the praxis is notification of one member enough)
- OTIF Lists of the maritime lines

# Special Liability in respect of rail-sea traffic

- Article 38 § 1 CIM – additional exemptions from the general liability in the rail-sea traffic
  - Fire;
  - Saving or attempting to save life or property at sea;
  - Loading the goods on the deck;
  - Perils, dangers and accidents of the sea or other navigable waters
- Notification from the member states together with the maritime lines
- Article 23 § 2 CIM – basis of the liability
  - Fault of the person entitled
  - Inherent defect of the goods
  - Circumstances which the carrier could not avoid and the consequences of which he was unable to prevent (*force majeure* but not in the sense of the nautical fault of the Haag-Visby)
- Article 30 § 2 CIM – compensation for loss shall not exceed 17 SDR (about 25 € per kg.)



# 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 design of the consignment note is defined in the SMGS itself (Annex 12.1 SMGS – competence of the OSJD)

# The CIT

125 Railway undertakings (soon also RZD)

Association under Swiss law  
located in Bern

Tasks:

1. Implementation of COTIF for practical use
2. Standardisation of contractual relationships
3. Representation of the interests of the members



# 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

Затвердить отправление mit Absender bestätigen  Пускай отклик, протесты – Zurechnende Adresse  (Прочт. – Folter 21, 22, 23, 68)

<b>37 Накладная CIM/SMGS</b> Frachtbrief CIM/SMGS		<b>Оригинал накладной</b> Frachtbrieftoriginal		<b>1</b>	
1) Отправитель (Наименование, адрес, страна) Absender (Name, Anschrift, Land)		2) Станция отправления Entstehung des Absenders		3) Станция отправления по договору Absender, Empfänger, Vertragsort	
4) Подпись, Уполномоченный Unterschrift		5) Документ, оригинальный отправление Vom Absender beigelegte Befragenschein		6) Место прибытия Bestimmungsort	
7) Получатель (Наименование, адрес, страна) Empfänger (Name, Anschrift, Land)		8) Место отправления Ursprungsort		9) Станция назначения – назначения Bestimmungsort	
10) Место доставки Abfertigungsort		11) Станция назначения – назначения Bestimmungsort		12) Станция назначения – назначения Bestimmungsort	
13) Коммерческие условия – Коммерziale Bedingungen		14) Страна назначения – Bestimmungsort		15) Страна назначения – Bestimmungsort	
16) Отметка, необходимая для перевозчика/станции доставки – für den Beförderer erforderliche Vermerke		17) Страна назначения – Bestimmungsort		18) Страна назначения – Bestimmungsort	
19) Наименование груза Bezeichnung des Gutes		20) Необходимая отправка Aussergewöhnliche Sendung		21) Код CIM/SMGS CIM/SMGS-Code	
22) Место отправления Ursprungsort		23) Место отправления Ursprungsort		24) Место отправления Ursprungsort	
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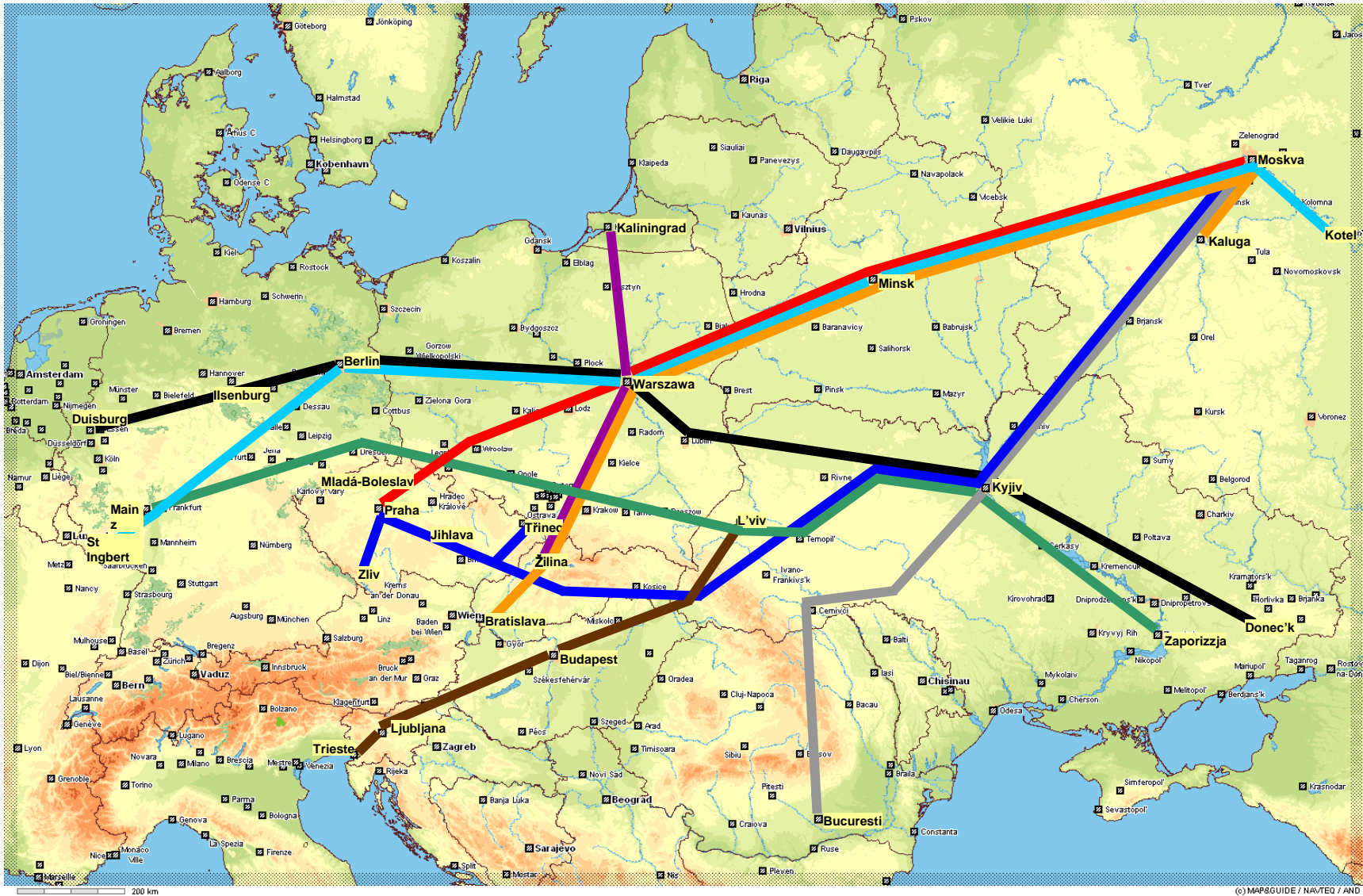
# Practical use of the CIM/SMGS consignment note

- 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

## Declaration

The representatives of the railways of the states of the Eurasian area – the Republic of Belarus, the Federal Republic of Germany, the Republic of Kazakhstan, the People's Republic of China, Mongolia, the Republic of Lithuania, the Republic of Poland, the Russian Federation, the Republic of Slovenia, the Ukraine, the Czech Republic – and the representatives of the CIT and OSJD international organisations, of the forwarding agents and of customers who took part in the seminar on the topic of "Extending the scope of the common CIM/SMGS consignment note" held in Kaliningrad on 6 & 7 November 2008,

*Conscious* of the important role of rail transport for the lasting economic and social development of Asia and Europe against the backdrop of the geostrategic importance of the Eurasian Continent in the twenty-first century,

*Noting* the growing demand for reliable, effective, safe and environmentally friendly transport by rail between Europe and Asia to facilitate international trade,

*Considering* that administrative and legal barriers represent a significant barrier to the development of Eurasian freight traffic by rail,

*Believing* that efforts so far (the common CIM/SMGS consignment note and the standardised handling of claims, still being developed) should be taken even further in order to facilitate Eurasian traffic,

*Recognising* the progress made in implementing the common CIM/SMGS consignment note which has allowed the international carriage of freight between participants in the SMGS and the Member States of COTIF without recompletion of the consignment note since 2006 and which has thus reduced both the time spent and costs of crossing frontiers,

propose to the participants in the SMGS and the railways and organisations involved that the geographical scope of this new consignment note should be extended and that its extension and use in the Eurasian railway space should be supported.

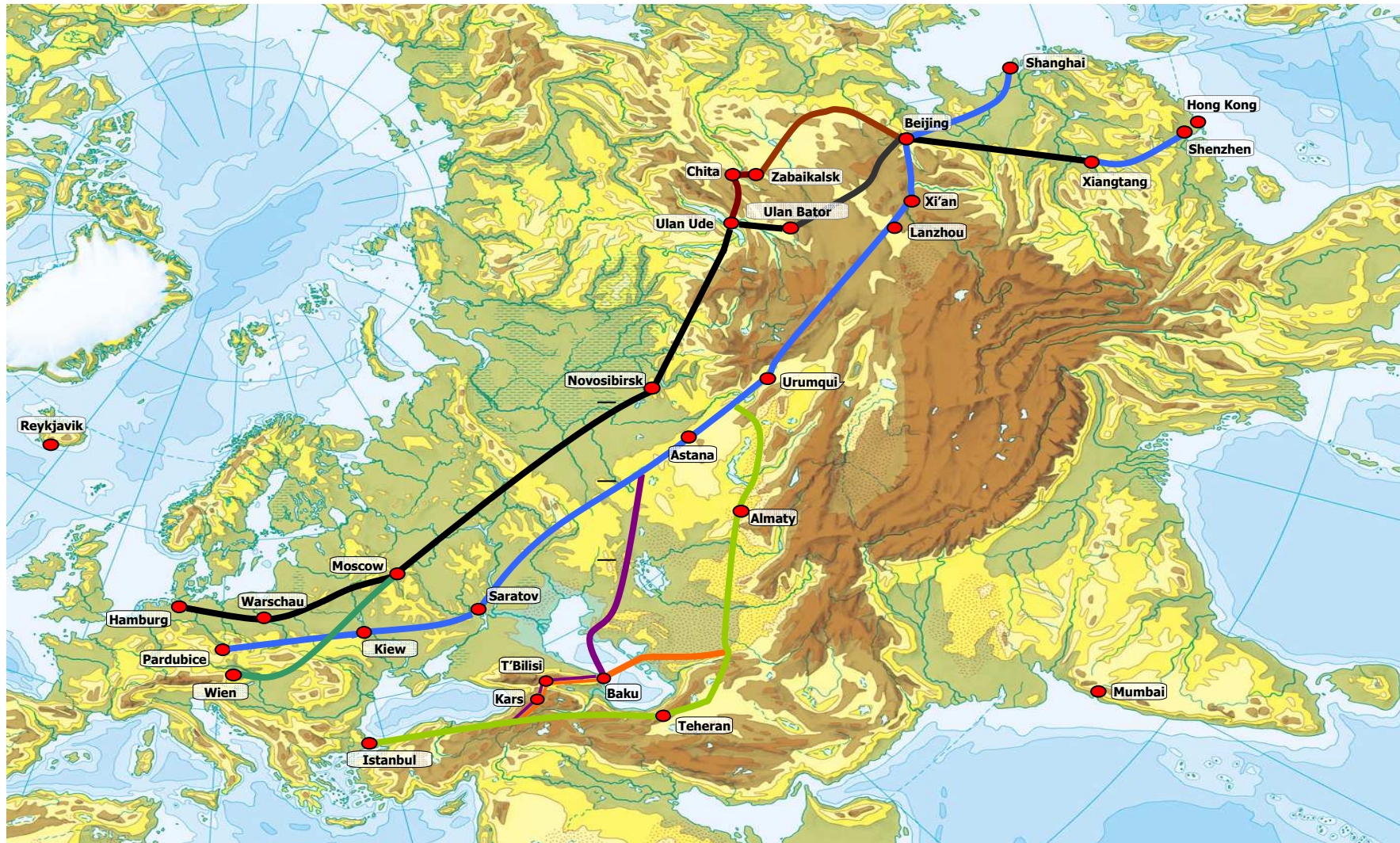
In this sense the participants in the seminar would like

- > the scope of the common CIM/SMGS consignment note to be extended to traffic with Kazakhstan, Mongolia and China. To support this objective, use of Chinese to complete the CIM/SMGS consignment note is to be provided for;
- > training and communications initiatives to be undertaken;
- > the scope of the common CIM/SMGS consignment note to be extended to the through international ferry links;
- > the work to create the electronic CIM/SMGS consignment note to be completed quickly;
- > the CIT and the OSJD to evaluate proposals for further improvements to the legal framework for the use of the common CIM/SMGS consignment note.

Kaliningrad, Russian Federation  
7 November 2008

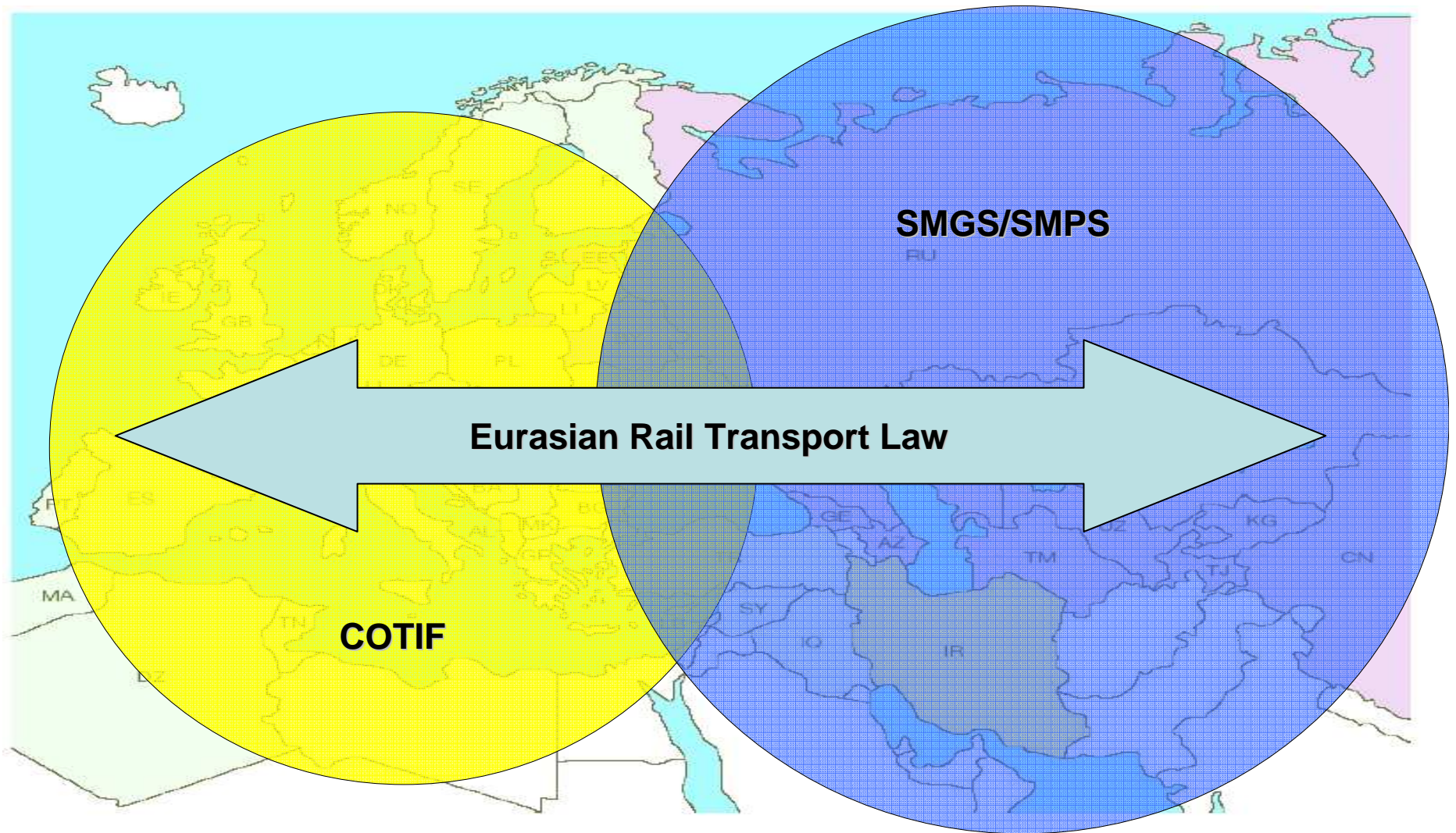


# Global supply chain from railway prospective





## Phase 3: Two legal areas one single law



# Uniform law for CIM/SMGS traffics

