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FACILITATION OF INTERNATIONAL RAIL TRANSPORT

Progress of the common consignment note (CIM/SMGS) project

Transmitted by the International Rail Transport Committee (CIT)

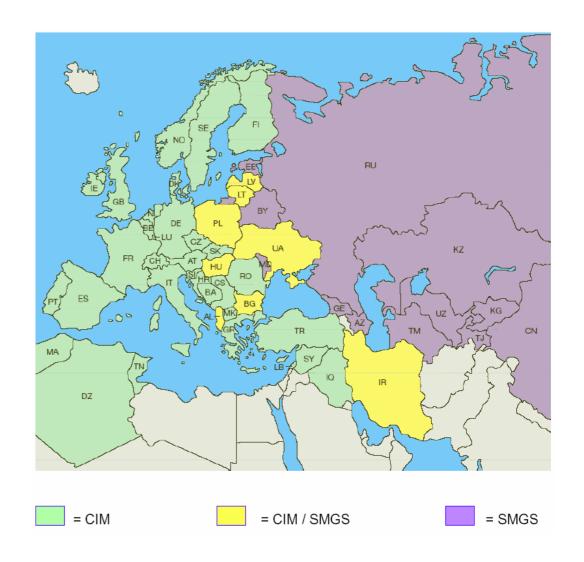
UNECE Working Party on Rail Transport (WP.5) Geneva 18 November 2008

Transport interoperability CIM/SMGS

Dr. Erik Evtimov, Legal Advisor & Project Coordinator



Scope of CIM und SMGS





Differences in law

CIM

Consensual contract

Contractual freedom

Consignment note in the competence of RUs

Joint and several liability

SMGS

Formal contract

Obligation to establish tariffs and to carry

Consignment note regulated in SMGS itself

Singular liability



Differences in organisations

OTIF

Bern

Since 1890

42 Member States

Only Member States

Majority

German/French/English

<u>OSShD</u>

Warsaw

Since 1956

27 Member States

States and railways

Unanimity

Russian and Chinese



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 (Annex 12.1 SMGS) – in competence of the OSJD



The CIT

200 railway undertakings

Association under Swiss law located in Bern

Tasks:

- Implementation of COTIF for practical use
- Standardisation of contractual relationships
- Representation of the interests of members to authorities and other associations





CIT/OSJD Project: Legal Interoperability CIM/SMGS

Phase 1:

A common CIM/SMGS consignment note

Phase 2:

A unique claim handling mechanism

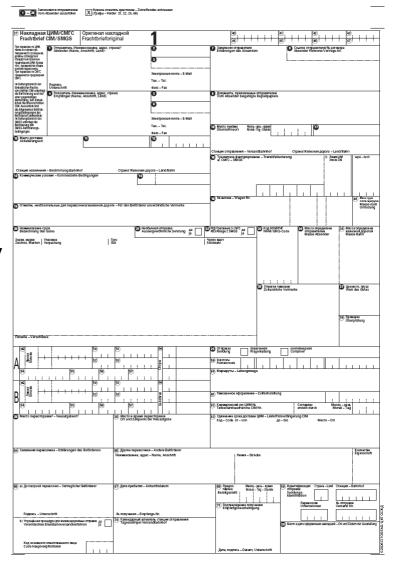
Phase 3:

A single Eurasian Rail Transport Law



Consignment note CIM/SMGS

- "Sum" of the CIM- and SMGSconsignment notes
- Based on the United Nations Layout Key for Trade Documents
- Recognition as
 - customs document
 - 2. letter of credit





Practical use of the CIM/SMGS consignment note

Traffic movements:

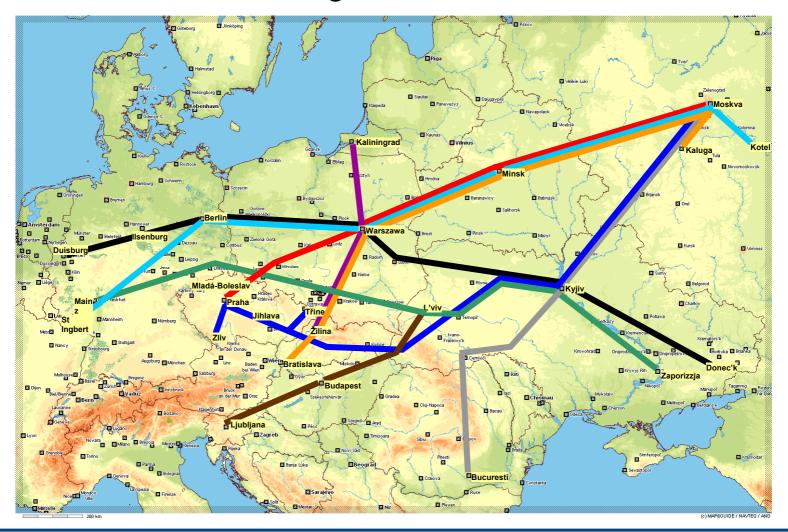
- More than 20 traffic axes in 4 TEN Corridors
- Examples:
 - Germany Russia (via Poland and Belarus)
 - Germany Ukraine
 - Czech Republic Russia / Ukraine
 - Rumania Russia
- Save time 16 hours per train
- Save money 40€ per wagon

Further improvements

- Using one CIM/SMGS consignment note and wagon list and container list
- Extending the scope of the CIM/SMGS consignment not



Use of CIM/SMGS Consignment Note





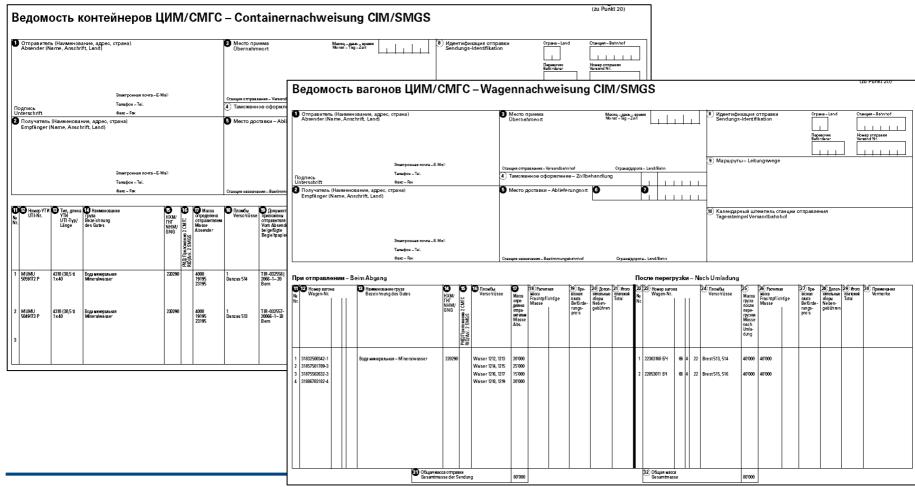
Extending the scope of the CIM/SMGS consignment note

- On the land bridge between Europe and Asia/China
- In Transit through Mongolia
- In Central Asia and Kazakhstan
- On TransSib
- On further traffic axes in the Russian Federation
- Pilot transportations
- ERS From Shenzhen (China) to Pardubice (Czech Republic)





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

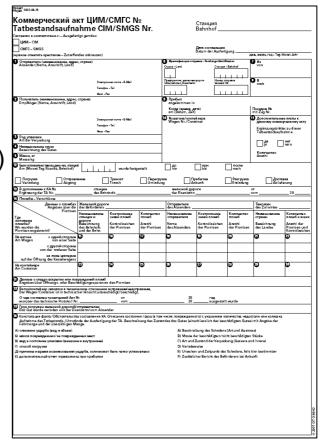
In practice:

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



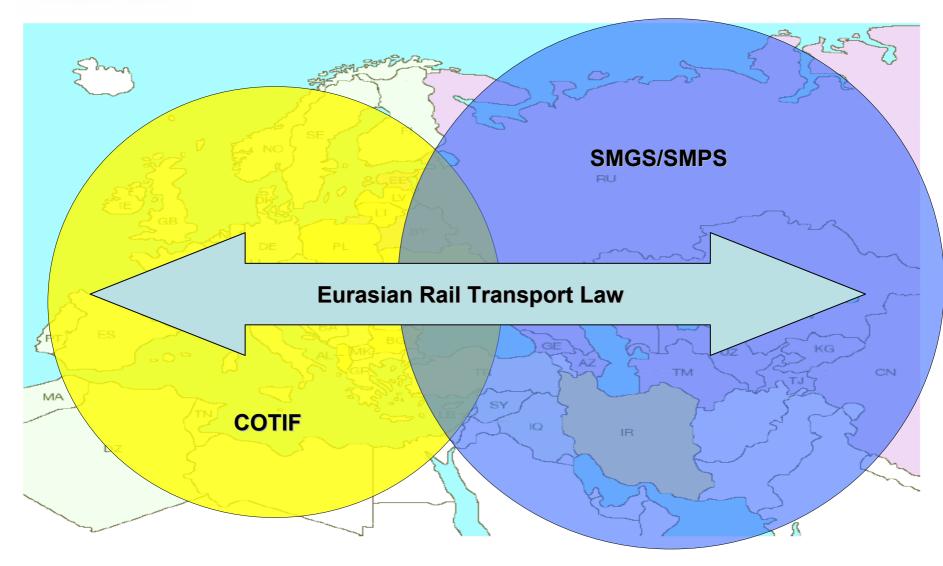
Common CIM/SMGS formal report and legal presumption

- 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



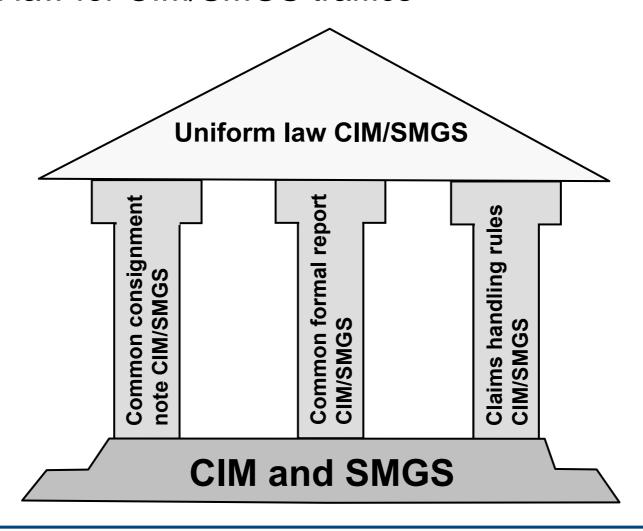


Phase 3: Two legal areas one single law



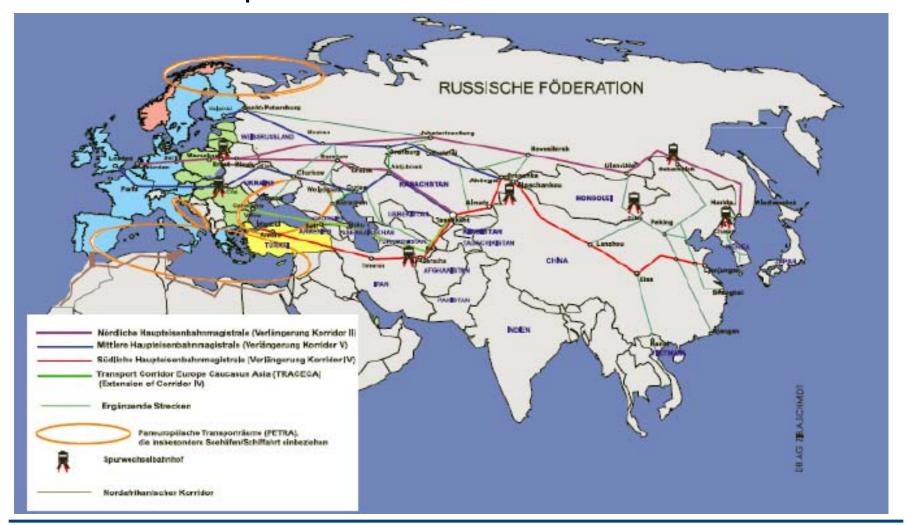


Uniform law for CIM/SMGS traffics





Corridors Europe - Asia





Single legal regime

- 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 the Atlantic to the Pacific

Thank you for your attention!