

Internationales Eisenbahntransportkomitee International Rail Transport Committee

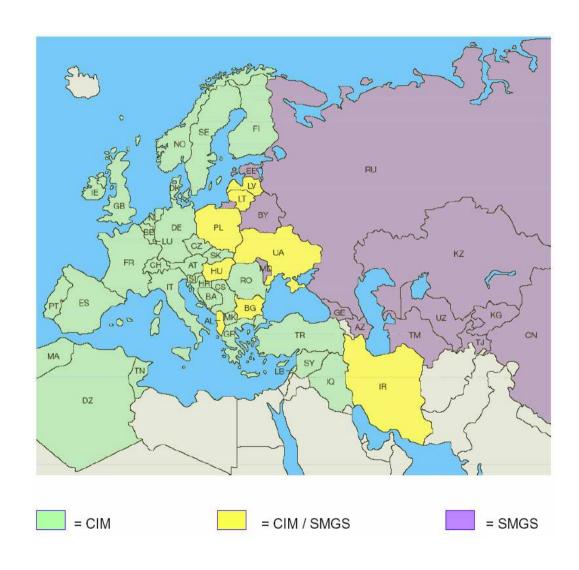
UNECE Working Party on Intermodal Transport an Logistics (WP.24) Geneva 6-7 October 2008

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 ..."

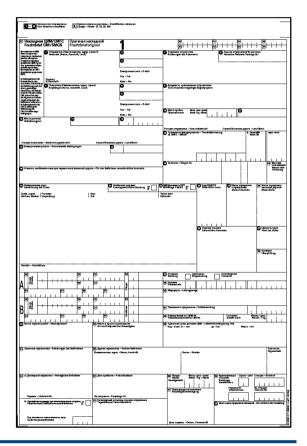
SMGS

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 nots
- 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

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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

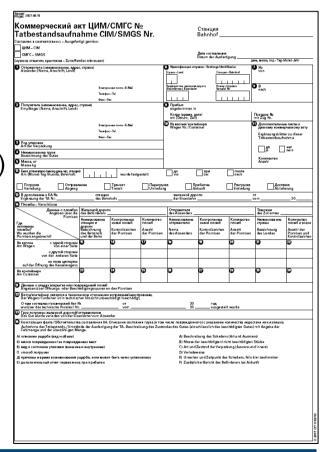
In practice:

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



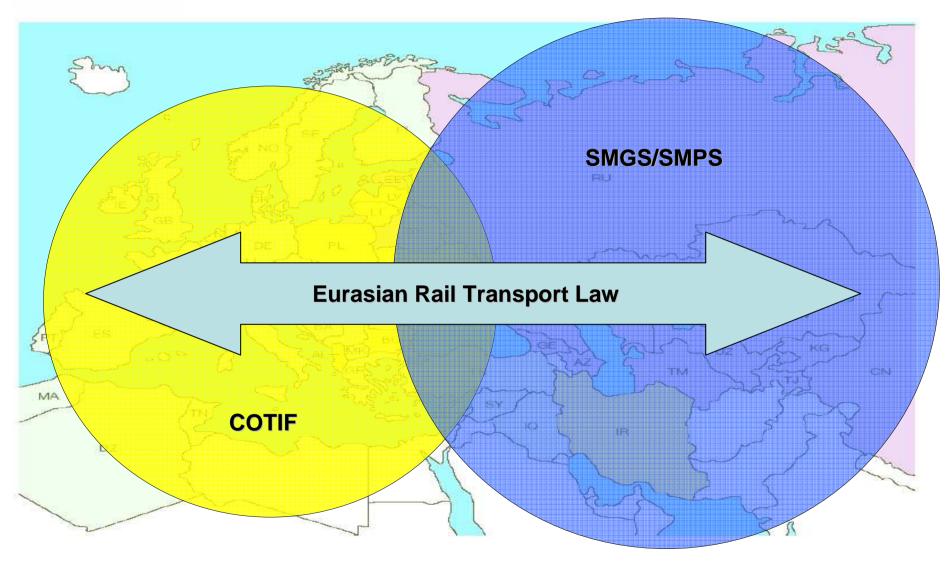
Common CIM/SMGS formal report and legal presumption

- 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



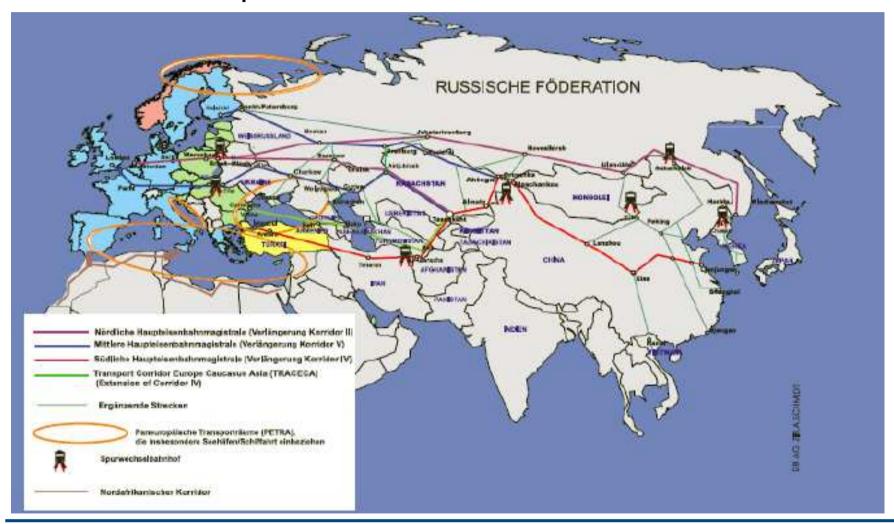


Phase 3: Two legal areas one single law





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!