Common CIM-SMGS consignment note for international rail transport

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UNECE / ECO
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The CIT

200 Railway Undertakings

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 members to authorities and other associations
Corridors Europe - Asia
Scope of CIM und SMGS
### 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
Project: Legal interoperability CIM/SMGS

Phase 1:
A common CIM/SMGS consignment note

Phase 2:
A unique claim handling mechanism

Phase 3:
Law harmonisation
Mostiska II

25 July 2006
CIM/SMGS consignment note

- “Sum” of the CIM- and SMGS-consignment notes
- Based on the United Nations Layout Key for Trade Documents
- Recognition as
  1. customs document
  2. letter of credit
CIM/SMG consignment note: Scope of use
Electronic common CIM/SMGS consignment note

• Data flow
• Content of messages
• Legal specifications
• Functional specifications
• Technical implementation
2nd stage of the project: A unique claim handling mechanism

- Guidelines for the CIM and SMGGS liability regimes
- Legal presumption following reconsignment
- Common CIM/SMGS formal report
- Mutual recognition of the formal report
- Unified CIM/SMGS claims handling rules
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

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 to standardise and harmonise the common CIM/SMGS consignment note and the electronic consignment note (still being developed) should be taken even further in order to facilitate Eurasian freight traffic,

Recognising the progress made in implementing the common CIM/SMGS consignment note which has allowed the international carriage of goods to be carried between the Member States of the OSJD without the need for completion of the consignment note since 2006 and which has thus reduced both the time spent and costs of crossing borders,

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 European 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 should be provided;
⇒ 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
Extending the scope of the CIM/SMGS consignment note

Land bridge between Europe and Asia

- in transit through Mongolia
- in Central Asia and Kazakhstan
- on TransSib
- on further traffic axes in the Russian Federation
Next steps
Demands for customs facilitations

- Common customs procedure for transcontinental transportation
- Single customs declaration based on single transport documentation
- Interconnection with the up-coming customs security obligation of the European Union

Possible solutions:
- Implementation of the existing UN Conventions
- Up-grading the existing UN Conventions
- Put in place a new UN Convention on simplified rail custom transit procedure for Eurasian rail corridors
Contractual harmonisation

COTIF

„GTC Eurasia“

SMPS/SMGS