CIT work on inland waterways connections of ports by rail

63rd session of the Working Party on Inland Water Transport (SC.3), Geneva 6th of November 2019

Dr Erik Evtimov, Deputy Secretary General of the CIT
Legal reality

Hague, Visby, Rotterdam Rules
CMNI

CMR

CIM
SMGS
Montréal

Geneva Convention 1980 on multimodality
Situation on 1 May 2019

Scope of application of COTIF/CIM, CMNI 2000, CLNI 2012

Remark:
Please note that on 15 February 2019 some States have signed CMNI 2000 and CLNI 2012 but the conventions did not enter into force yet:
- BE: CLNI
- FR: CLNI
- DE: CLNI
- PL: CMNI and CLNI
- PT: CMNI

*membership suspended
**application on specific lines only
Interaction btw. railway law and inland waterway law

Drafting a Guideline for rail / inland waterway law

• Interaction between railway law and inland waterway law
• Comparison of the relevant legislation on rail freight transport (COTIF/CIM) with inland waterway law (in particular, CMNI, CLNI 2012, parts of the Athens Convention)
• The CIT/IRU Guideline structure serves as a model:
  Introduction
  Synthesis (main principles)
  Map
  Comparative Matrix
• Future collaboration with the CCNR (Central Commission for Rhein Navigation) to finalise the guideline and hold a dedicated Seminar in 2020
Drafting a Guideline for rail/inland waterway law

Synthesis (main principles)

- The Synthesis underlines the general legal principles applicable to both freight and inland waterway transport of goods with regards to specific topics
- Structure:
  I. Scope of application
  II. Multimodal transport
  III. Documentary requirements
  IV. Contractual relations
  V. Provisions concerning liability
  VI. Compensation
  VII. Procedural provisions
The comparative matrix is an article-by-article analysis of the different conventions applicable to rail and inland waterway transport. The table provides a comparison of the legal texts and a column of comments related to the topic dealt with.

**Comparative Matrix**

<table>
<thead>
<tr>
<th>Regime</th>
<th>COTIF/CIM</th>
<th>CMNI</th>
<th>CLNI (2012)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mode</td>
<td>Rail</td>
<td>Inland Waterway</td>
<td>Inland Waterway and Maritime</td>
</tr>
<tr>
<td>Date</td>
<td>5 May 1980 - 3 June 1999 (Protocol)</td>
<td>1 April 2005</td>
<td>27 September 2012 and 1 December 1974, including the Protocol of 1 November 2002</td>
</tr>
<tr>
<td>Comments</td>
<td>COTIF/CIM</td>
<td>CMNI</td>
<td>CLNI (2012)</td>
</tr>
<tr>
<td>Scope of application of the Conventions</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Art. 1 § 1</td>
<td>These Uniform Rules shall apply to every contract of carriage of goods by rail for reward when the place of taking over of the goods and the place designated for delivery are situated in two different Member States, irrespective of the place of business and the nationality of the parties to the contract of carriage.</td>
<td>Art. 2 § 1</td>
<td>This Convention is applicable to any contract of carriage according to which the port of loading or the place of taking over of the goods and the port of discharge or the place of delivery of the goods are located in two different States of which at least one is a State Party to this Convention. If the contract stipulates a choice of several ports of discharge or places of delivery, the port of discharge or the place of delivery to which the goods have actually been delivered shall determine this choice.</td>
</tr>
<tr>
<td>Art. 1 § 2</td>
<td>These Uniform Rules shall apply also to contracts of carriage of goods by rail for reward, when</td>
<td>Art. 2 § 2</td>
<td>This Convention is applicable if the purpose of the contract of carriage is the carriage of goods, without</td>
</tr>
<tr>
<td>Art. 15 § 1</td>
<td>This Convention shall apply to the limitation of liability of the vessel owner or the salvor at the time of the</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>