

Scope of the CIM and SMGS State of 1. February 2010



Differences in organisations OTIF (Intergovernmental Organisation for International Carriage by Rail) between Railways) Warsaw Since 1985 (Central Office 1893) Since 1956 44 Member States 27 Member States Only Member States with Infrastructure States and railways Unanimity Majority German/French/English Russian and Chinese

Competence for the consignment note

CIM

Article 6 § 8 CIM: "The international associations of carriers (as the CIT) 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)

26.07.2011

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 SMGSconsignment notes
- Based on the United Nations Layout Key for Trade Documents
- Recognition as:
 - Customs document
 - Letter of credit



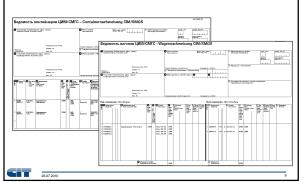


Electronic consignment note CIM/SMGS

- Legal basis for the electronic exchange of consignment note
 - Article 6 § 9 CIM: based on functional equivalence
 - Article 7 § 14 SMGS: based on an agreement between the carrier and the customer
- Electronic consignment note CIM/SMGS:
 - $\sqrt{\ \ \text{Functional specifications}}$
 - √ Legal specifications
 - √ Technical specifications
 - > Practical Implementation the participating railways (support Raildata / OSJD / CIT)



Further improvements: CIM/SMGS wagon and container lists



Practical use of the CIM/SMGS consignment note

Traffic movements:

- More than 50 traffic axes in 4 TEN Corridors
- · Examples:
 - Germany Russia (via Poland and Belarus)

 - Germany Ukraine Czech Republic Russia / Ukraine Romania Russia
- Saves time 40 min per wagon
- Saves money 40 € per wagon
- · Improves the overall legal certainty

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



Standardisation of the CIM/SMGS liability regimes

Objective:

- > Harmonised provisions for the two legal relationships:
 - Customer RU
 - RU RU

In practice:

- $\ensuremath{\sqrt{}}$ Guidelines for the CIM and SMGS liability regimes
- $\sqrt{}$ Common CIM/SMGS formal report
- $\sqrt{\text{ Legal presumption following reconsignment}}$
- $\sqrt{}$ Common CIM/SMGS claims handling rules
- $\sqrt{}$ Payment of compensation rules



Common CIM/SMGS formal report, legal presumption and claims handling rules

- CIM/SMGS formal report (Annex 8, 8.1)
 - > used by the RU when it sees loss or damage
- Legal presumption (28 § 3 CIM / 23 § 10 SMGS)
 - > when there is no formal report of loss or
 - > advantage for the consignee: the last carrier must handle his claim
- Claims handling rules (Point 12.3)
- Payment of compensation rules (Point 12.4)





Further objectives:

- Objectives 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 on the Silk Road
- Using for the Container train between Turkey and Central Asia (Haydarpaşa – Almaty)
- Using for the intermodal transportation on the Black See Connections between Turkey, Russian Federation and the Ukraine



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

| The representatives of the railways of the states of the Eurasian area - the Republic of Belanu |
|--|
| Federal Republic of Germany, the Republic of Kazakhatan, the People's Republic of China. Monooli |
| Republic of Lithuania, the Republic of Poland, the Russian Federation, the Republic of Sloveni |
| Ukraine, the Czech Republic - and the representatives of the CIT and OSID international organisation |
| the forwarding agents and of oustoners who took part in the seminar on the topic of "Extending the |
| of the common CBB/SMGS consignment note" held in Kaliningrad on 6 & 7 November 2008, |
| |

- Conscious of the important role of rail transport for the leating economic and social development of Asia and Europe against the busicious of the geostrategic importance of the Eurasian Cooliner in the terceyfort century. Noting the growing demand for nelable, effective, sale and environment by real between Europe and Asia to facilitate international toole.

 Considering that administrative and legal barriers represent a significance for the sale of the
- Believing that effects so far (the corranon CIMSBAGS consignment note and the standardised handling of claims, still being developed) should be taken even further in order to facilitate Corranses traffic,
- oses to the participants in the SMGS and the nalways and organisations involved that the geographics so of this new consignment note should be extended and that its extension and use in the Eurasian yay space should be supported.
- especia transic de supposent.

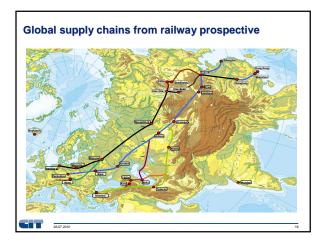
 sense de participat in the seminar would like

 In the acque of the common CMMSMS consignment note to be extended to traffic with
 Kazafattan, Mongolis and China. To support this objective, use of Chinese to complete the
 CMMSMS consignment note is to be provided for.
- Invining and communications initiatives to be undertaken;
 In aggre of the common CM/SMGS consignment note to be extended to the throughout freely links;
- on work to create the electronic CM/DBIGS consignment note to be completed quickly

 bits CIT and the CISUD to evaluate proposals for further representates to the legal force
 the use of the contrate CM/DBIGS consignment rute.

26.07.2010

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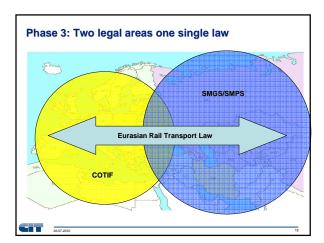


Extending the scope of the CIM/SMGS consignment note for

- On the land bridge between Europe and Asia/China
- In transit through Mongolia
- In Central Asia and Kazakhstan on the Silk Road
- · On the TransSib
- On further traffic axes in the Russian Federation
- · Pilot movements



26.07.2010



The next steps in the third stage: "STC-Eurasia"

- Special Terms and Conditions for CIM/SMGS traffic (STC-CIM/SMGS)
- Inspired by CIM and SMGS principles
- The contract of carriage can refer to them
- On some transcontinental axes?
- Single paper consignment note and/or only electronic records?
- · Carriers taking part accept joint liability
- Liability to the customer limited to the value of the goods
- Optional: Compensation up to the value declared
- Relief from liability in accordance with the CIM and/or SMGS
- Limits against whom can be taken action (contractual and last carrier)
- Compensation between the carriers *sharing* in proportion to tariff kilometres or carriage charges?



Uniform law for CIM/SMGS traffics

Uniform CIM/SMGS law

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