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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

**Working Party on Transport
of Dangerous Goods**
(Seventy-first session,
Geneva, 5-9 November 2001)

**Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods
By Road, Rail and Inland Navigation Vessels (CRTD)**

Note by the secretariat

The secretariat reproduces below replies to the questionnaire related to the CRTD, submitted by Finland and Lithuania.

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Lithuania would like to assent to the aspiration of the Inland Transport Committee of UN/ECE to establish liability for damage caused during carriage of dangerous goods and to ensure that the damage will be compensated. However, Lithuania will sign the Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail, and inland Navigation Vessels (CRTD) in case the Convention is reviewed and reformed.

Lithuania welcomes the ITC's desire to clear up the reasons why Member States had not yet become Contracting States to the CRTD.

- (1) What are the reasons that your country has not yet signed/ratified, approved, acceded to or accepted the Convention: what are considered to be the main obstacles for a possible decision to ratify, approve, accede or accept the Convention?

Finland

Finland participated in the drafting of the CRTD Convention in Inland Transport Committee in the late 1980's. At the time of its opening for signatures, the Convention represented a compromise acceptable to Finland. The main reason for Finland not signing and ratifying the Convention in the early 1990's was not related to substantive concerns but rather to the fact that the instrument failed to attract support from other States.

The position of Finland as regards the material content of the Convention has not been reassessed since the early 1990's. Were a reassessment carried out today, new concerns might emerge as a result of changes that have taken place in the last decade in carriage/insurance business environment. But it is unlikely that such concerns would be an unsurmountable obstacle to ratification in case a large number of other European States were to do so.

Lithuania

Lithuania has not signed the Convention due to several reasons. The first and the main reason is too high limits of liability prescribed in paragraphs 1 and 2 of Article 9 are too high. Secondly, the additional certification according to Article 14 will increase expenses for hauliers and will create conditions for the increase of carriage costs.

- (2) Are the limits of liability regarding the different modes of transport considered to be appropriate, too low or too high? Would ratification be facilitated by amending the present limits? If so, at what level should the limits be set in order to facilitate acceptance of the Convention by your country?

Finland

Cf. answer to question no. 1 above.

Lithuania

In our opinion the limits of liability are too high. For example, according to the new adopted Law on Compulsory Insurance of Civil Liability for Owners and Drivers of Transport Means, which entered into force from the 14 June 2001, the amount of the compulsory insurance for a person is about 8 000 USD and the amount for the property is the same.

We think that the limits of liability for loss of life or personal injury in all modes of transport should be the same. Also, we think that the limits of liability for other claims should be defined for each transport mode separately as amounts of dangerous goods, carried by each transport mode are different and damage inflicted to persons, environment and property in case of accident is also different.

- (3) Can you provide (statistical) information on the average height of damage (in SDR's) for the different modes, in your country, caused by accidents during the transport of dangerous goods?

Finland

The number of such accidents that have taken place in Finland in recent years is so low that no statistically relevant conclusions can be drawn on that basis.

Lithuania

As regards the amounts of dangerous goods carried by separate modes of transport as well as the information on damage caused by accidents, there are no specific data.

- (4) Would the process of accession be facilitated by a lower level of compulsory insurance in comparison to the liability limits or even by complete abandonment of the compulsory insurance obligation? If so, what level should be appropriate?

Finland

It is not possible to state what effect the relaxing of the compulsory insurance requirement might have on the Finnish position (cf. answer to question no. 1 above).

It should be borne in mind, however, that the compulsory insurance requirement is one of the key elements in the present Convention regime and as such does have wider political repercussions. On the one hand retaining the requirement of compulsory insurance up to liability limits would in all probability result in small carriers not being able to obtain insurance cover, at least not with reasonably priced premiums. Such development could arguably diminish the risks involved in transport of dangerous goods and thereby enhance environmental protection. On the other hand, much is to be said for a more flexible compulsory insurance requirement that would not interfere with the business environment to such an extent.

Lithuania

The process of accession would be facilitated by a lower level of liability limits of non-compulsory insurance.

- (5) Does the obligation to have a compulsory insurance certificate create difficulties for insurance institutions to (re-)insure the limits of liability provided for in the Convention?

Finland

No such difficulty has been noted.

Lithuania

According to the preliminary estimation of the situation no difficulties are foreseen.

- (6) Are there any other concerns about (the level of) the limitation of liability?

Finland

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Lithuania

The relations between CRTD and other international Conventions, which foresee the limits of liability (Annex to COTIF – CUI), should be defined and established.

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