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INLAND TRANSPORT COMMITTEE

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

Addendum 5

Note by the secretariat

The secretariat reproduces below the reply to the questionnaire related to the CRTD, submitted by Turkey.

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(1) The liability of the General Directorate of Turkish Railways (TCDD) as a railway operator is determined by COTIF and its annexes CIM and CIV for international transports and by Turkish Trade Law for national transports. These regulations are quite sophisticated and they are revised by legal decisions or additional protocols to enable them to meet the required needs. Therefore, there is no need for Turkey to be a party to the Convention, since the limits of liability of such are very high.

Moreover, TCDD does not have a very intense transportation of dangerous goods which should be subject to this agreement. Furthermore, according to international regulations, in case damage or theft of transported goods occurs, the cost of such is paid to the owner by one of the countries that shared the transportation and the amount paid is divided among the other countries that shared the transportation according to a principle. However, there is no such sharing article in CRTD. This may put the railway administration where the accident occurred in a financially difficult position.

(2) It is considered that the conditions stated in the "Limitation of Liabilities" (Article 9) are too heavy.

(3) There are no statistical data regarding the average damage (including environmental effects) caused by accidents occurring during transportation of dangerous goods in TCDD. Therefore, this information cannot be provided.

Nevertheless, TCDD pays indemnities amounting to approximately SDR 62,500 per year to the owners for the damage of transported goods, occurring in domestic and international transports.

4-5) The compulsory insurance proposed in CRTD includes a wide range of risks since it will also cover the damage to third persons besides the loss of dangerous goods.

Besides transportation, the storing of liquid fuels are done in TCDD. Considering the vast amount of liquid fuel used or transported per year, it is found that the amount of the premium to be paid for the possible damages dangerous goods and liquid fuels might cause, would reach very high amounts in the case that Turkey becomes a party to the said agreement. In fact, it is understood that other organizations and administrations do not have this kind of insurance either.

Therefore, considering that there have been no such accidents during transportation or storing of dangerous goods in TCDD up to the present time, it is considered inappropriate to be a party to the mentioned agreement.

6) Finally, for the time being, it would be considered that it would be more appropriate for TCDD not to take part in this agreement and accept its conditions, but instead in the case of any accidents, to continue with procedures according to the legal regulations valid in Turkey.
