

GENERAL ASSEMBLY 18 MAY 2018 STRASBOURG

REPORT BY THE CHAIR OF THE LEGAL COMMITTEE
DR. MARTIN FISCHER

NEW MEMBER

DENIS RABOMIZO,
UKRAINE | Kyiv & Odessa



MAIN ACTIVITIES

International
conventions

International
conditions

Collection of
case law

Advices,
Publications
&
Colloquia

MAIN TOPICS 2017/18

**International
conventions**

INTERNATIONAL CONVENTIONS

Unifying transport- and liability law

Budapest Convention on the contract for the carriage of goods by inland waterways (*CMNI*)

Strasbourg Convention 1988 on limitation of liability for inland navigation vessels (*CLNI 1988*)

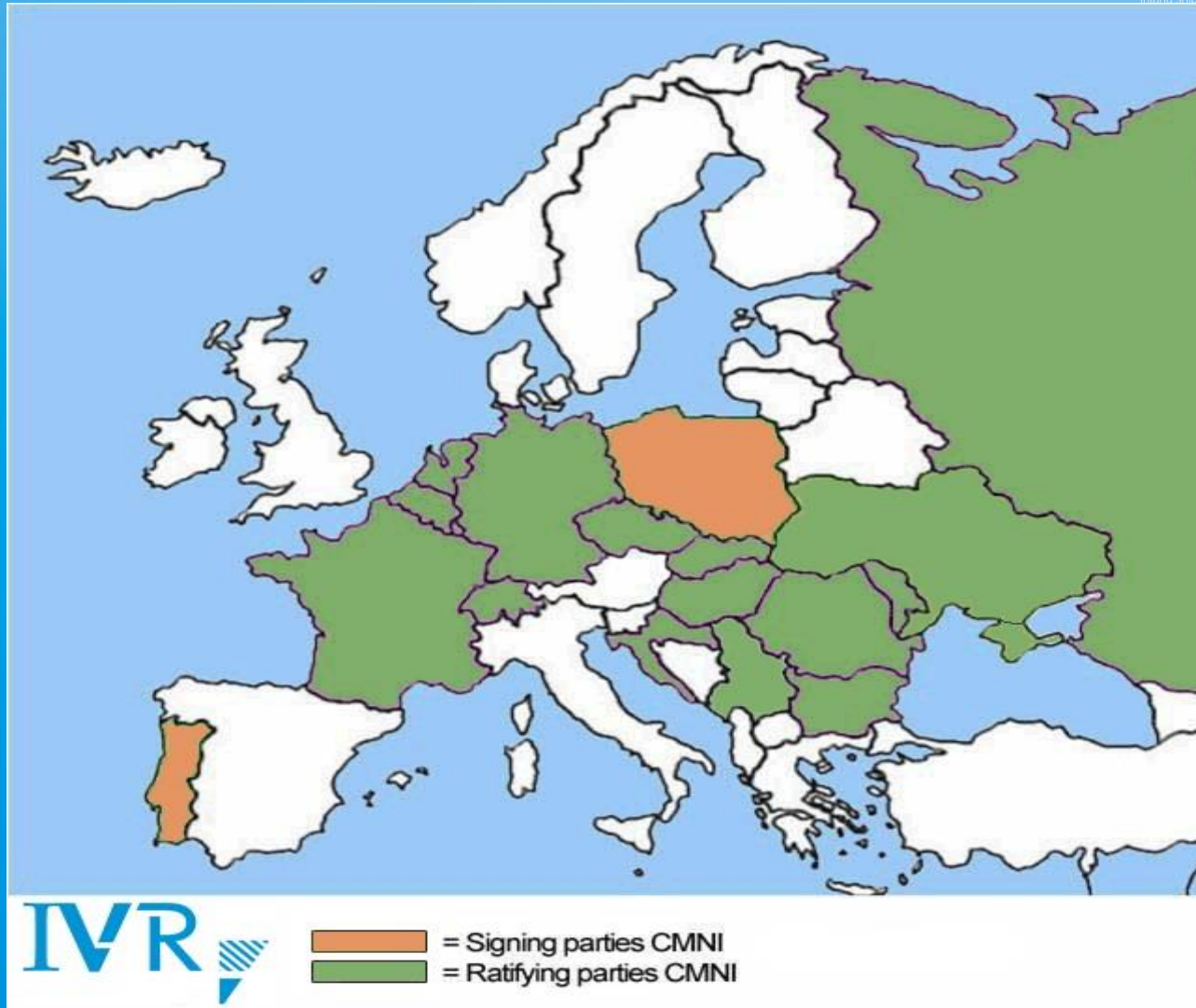
Strasbourg Convention 2012 on limitation of liability for inland navigation vessels (*CLNI 2012*)

CMNI RATIFICATIONS

Participants	Signature	Ratification	Entry into Force
Belgium	22 June 2001	10 October 2008	1 December 2008
Bulgaria	22 June 2001	19 April 2006	1 August 2006
Croatia	22 June 2001	7 December 2004	1 April 2005
Czech Republic	22 June 2001	14 November 2005	1 March 2006
France	22 June 2001	11 May 2007	1 September 2007
Germany	22 June 2001	10 July 2007	1 November 2007
Hungary	22 June 2001	7 May 2002	1 April 2005
Luxembourg	6 September 2001	25 March 2004	1 April 2005
Moldova	21 December 2001		1 August 2008
Netherlands	22 June 2001	20 June 2006	1 October 2006
Poland	20 June 2002		
Portugal	22 June 2001		
Romania	31 July 2001	3 April 2004	1 April 2005
Russian Federation		11 April 2007	1 August 2007
Serbian Republic	21 October 2010	01 November 2010	1 November 2010
Slovakia	22 June 2001	27 November 2007	1 March 2008
Switzerland	22 June 2001	13 May 2004	1 April 2005
Ukraine	20 June 2002		1 January 2015

In accordance with its article 34, paragraph 1, the Convention entered into force on 1 April 2005.

CMNI RATIFICATIONS



Strasbourg Convention (*CLNI 2012*)

On limitation of liability for inland navigation vessels



Adopted on 27 September 2012 under auspices of
CCNR

With participation of 13 countries

Enlarging the scope of the CLNI 1988

Strasbourg Convention (*CLNI 2012*)

Signatory State	Signature	Ratification
Germany*	11.07.13	
Austria		
Belgium	27.09.12	
Bulgaria		
France	27.09.12	
Hungary		07.03.2018
Luxembourg*	27.09.12	25.09.2014
Netherlands	29.11.12	
Poland	03.12.13	
Serbia	18.06.13	18.06.2013
Slovakia		
Switzerland*		

***State which ratified the 1988 Strasbourg Convention**

MAIN TOPICS 2017/18

Collection of
case law

COLLECTION CASE LAW CMNI

RB Rotterdam 30.09.2009	ECLI:NL:RBROT:2009:9227	Arts. 3, para.2; 10, para. 2; 16, para. 1	The term 'delivery'
<p>The term delivery (“Ablieferung”, “aflevering”, “livraison”) is not defined in the CMNI. In the light of the CMNI as a whole, and of Art. 10, para. 2 in particular, the term delivery as used in Art. 3, para. 2 or Art 16, para. 1 of the CMNI is understood to mean the moment at which the carrier gives the consignee (or any other person entitled to receive them) the opportunity to take charge of the goods on board the ship.</p> <p>The damage caused to the goods transported from Germany to the Netherlands by rain during unloading occurred after the ship had been prepared for unloading and is therefore not the liability of the carrier.</p>			

COLLECTION CASE LAW CLNI

<p>Hof Den Haag 26.10.1999</p>	<p>ECLI:NL:GHSGR:1999:4181 (Appeal re: ECLI:NL:RBROT:1996:2984, S&S 1997,41), S&S 200, 132</p>	<p>Art. 2</p>	<p>Liability for costs and measures to prevent water pollution</p>
<p>To limit liability for preventive costs related to environmental contamination, it is not sufficient to constitute a property fund; rather the specific water pollution fund should be constituted</p>			

MAIN TOPICS 2017/18

Advices:
**ELECTRONIC DOCUMENTS
FOR FREIGHT CARRIAGE**

Colloquium 2019:
Preparation & topics

MANY THANKS FOR YOUR ATTENTION

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