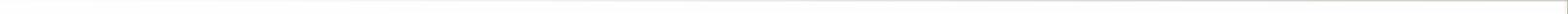




The Relevance of Unification by CMNI and CLNI for the Insurance and Legal Practice

Dr. Johannes Trost, LEBUHN & PUCHTA Hamburg





The Relevance of Unification

Where we are today:

- Success of CMNI, CLNI and further conventions in inland shipping
- Outstanding tradition of international regimes...
 - Vienna Danube Shipping Act of 1857
 - Mannheim Rhine Navigation Act of 1868
 - Belgrade Act of 1948
- Still fundamental deviations in domestic laws for inland shipping



The Relevance of Unification

The deviations in domestic laws for inland shipping - Germany as an example

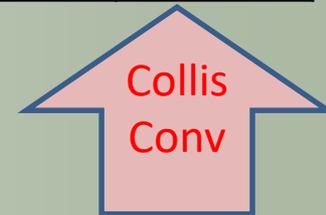
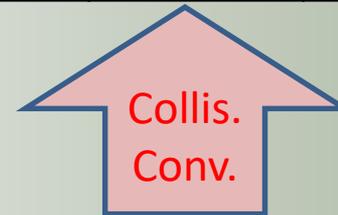
- Long tradition of a specific inland navigation code – BinSchG of 1895
- Transformations and adoptions from other transportation law sources
- Frictions with CMNI



The Relevance of Unification

Sources of German Inland Navigation Law

§ 1-3 Owner, Operator	4-5m Global Limitation	6-11-25 Master, Crew	26, 27 Contract of Carriage, C/P	77 Passen- ger	78 General Average	92-92f Collisions	93 Sal- vage	102- 116 Lien	117/118 Time bar
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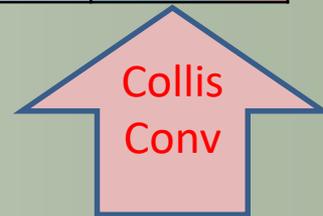
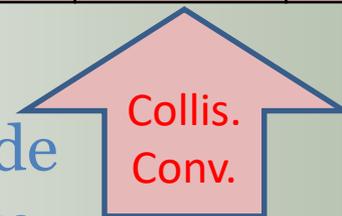
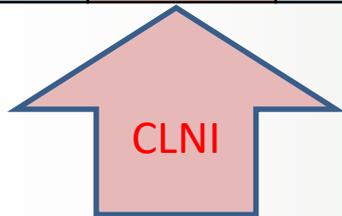


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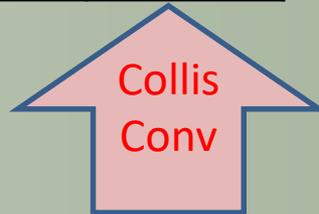
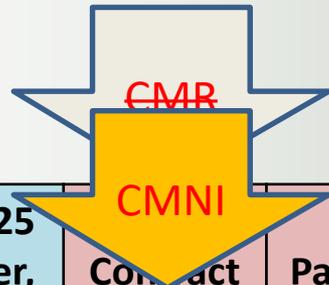
- Germ. Comm. Code
- CMR road carriage
- Athens Convention, Salvage Convention
- IVR rules, IVTB terms



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The Relevance of Unification

- The need and relevance of unification is undisputed
- Unification is an ongoing process, but also diversification
- Unification and national legislation is a political process



The Relevance of Unification

What are the most disputed and discussed issues?

- Which model to follow?
- Liberty to agree terms, Freedom of Contract vs. strict rules , protection of involved parties (passengers)
- Limits of liability?



The Relevance of Unification

From a practical approach: What are the most relevant issues?

- No loop holes in the application of the conventions CMNI and CLNI
- No contradicting local laws to CMNI and CLNI
- A predictable and materially no-nonsense regime



The Relevance of Unification

Example of deviations:

- Limit of liability for cargo claims – 8.33 SDR (Germany) versus 2 SDR (CMNI)
- Shipowners' limit of liability for claims – CLNI 2012 versus CLNI 1988 versus other regimes or unlimited liability



The Relevance of Unification

Consequences of the deviations 8.33 to 2 SDR:

- For cargo interests and cargo underwriters practically none, as values of goods on inland barges are significantly lower:
 - General cargo values: 0.01 to 0.3 SDR/kg



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 - Lack of understanding foreign laws and regimes
 - Need of foreign law advice
 - Risk assesment
 - Unnecessary cost impact



The Relevance of Unification

A call for unification

- Let us focus on the outstanding benefits of unification within the conventions
- We should not let very rare cases which trigger the limitations lead the discussion
- Application of CMNI on domestic carriages



Thank you!

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