

A N N E X I

SELECTED PROVISIONS OF MAJOR INTERNATIONAL TRANSPORT CONVENTIONS

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<u>Convention</u>	<u>Standard of liability</u>	<u>Limit of liability for loss of or damage to goods (per kilo)*</u>	<u>Limitation period</u>
<u>Carriage by sea</u>			
International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1924) ("Hague Rules")	Based on duties and immunities in articles 3 and 4; broadly, a duty of reasonable care	(No per-kilogramme limit: 100 pounds sterling per package or unit (article 4(5))	1 year (article 3(6))
Hague Rules as amended by Protocol done at Brussels on 23 February 1968 ("Hague Rules")	Essentially as Hague Rules, above	30 francs (Poincaré) (article 4(5)(a))	1 year (article 3(6))

* The Poincaré franc referred to in this column consists of 65 1/5 milligrammes of gold of millesimal fineness 900; The Germinal franc consists of 10/31 of a gramme of gold of millesimal fineness 900. The relative values of these units is therefore approximately 1 Germinal franc = 5 Poincaré francs. Most of the Conventions listed in this chart, either in the Conventions themselves or in Protocols, contain equivalences between these units and the SDR; in general, 1 SDR = 15 Poincaré francs or 3 Germinal francs. For cases in which these provisions do not apply (e.g. to a State which is a party to a Convention but not to the Protocol which contains the provision) there is no international agreement on the method of converting the Poincaré or Germinal franc into national currencies. This has led to disparities in the conversion of liability limits expressed in these units.

<u>Convention</u>	<u>Standard of liability</u>	<u>Limit of liability for loss of or damage to goods (per kilo)</u>	<u>Limitation period</u>
Protocol amending the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading, 25 August 1924 as amended by the Protocol of 23 February 1968 (1979)(not yet in force)	(not applicable)	2 units of account (SDR)(non-IMF members which cannot apply SDR provision may fix limit at 30 monetary units (1 monetary unit equal to 1 Poincaré franc)) (article II)	(not applicable)
United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg) ("Hamburg Rules") (not yet in force)	Carrier liable unless he proves that he, his servants or agents took "all measures that could reasonably be required to avoid the occurrence and its consequences" (article 5(1))	2.5 units of account (SDR) (article 6(1)) (non-IMF members which cannot apply SDR provision may fix limit at 37.5 monetary units (1 monetary unit equal to 1 Poincaré franc) article 26))	2 years (article 20)
<u>Carriage by air</u>			
Convention for the Unification of Certain Rules relating to International Carriage by Air (1929) ("Warsaw Convention")	Carrier liable (article 18(1)): (a) unless he proves he and his agents have taken "all necessary measures to avoid the damage or that it was impossible for him or them to take such measures" (article 20(1)), or (b) unless he proves that the damage was occasioned by negligent pilotage, negligence in handling of aircraft or in navigation, and that in all other respects he and his agents have taken all necessary measures to avoid the damage (article 20(2))	250 francs (Poincaré (article 22(2))	2 years (article 29)

Convention

Warsaw Convention as amended by Protocol done at The Hague on 28 September 1955

Standard of liability

Warsaw Convention standard "(a)", above, only (article 20)

Limit of liability for loss of or damage to goods (per kilo)

250 francs (Poincaré) (article 22(2))

Limitation period

2 years (article 29)

Montreal Protocol No.4 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 as amended by the Protocol done at The Hague on 28 September 1955 (1975) (not yet in force)

Carrier liable unless he proves that destruction, loss or damage resulted solely from inherent defect, etc., defective packing by one other than carrier, his servants or agents, act of war or armed conflict, or act of public authority in connection with entry exit or transit of cargo (article IV)

17 SDRs (non-TMF members which cannot apply SDR provision may fix limit at 250 monetary units (1 monetary unit equal to 1 Poincaré franc)) (article VII)

(not applicable)

Carriage by road

Convention on the Contract for the International Carriage of Goods by Road (CMR) (1956)

Carrier liable (article 17(1)) unless he proves loss or damage caused by wrongful act or neglect of claimant, by instructions of claimant not resulting from wrongful act or neglect of carrier, by inherent vice, or through "circumstances which the carrier could not avoid and the consequences of which he was unable to prevent" (article 17(2)); or unless he proves that loss or damages arose from an enumerated special risk (article 17(4)) (generally loss or damage is rebuttably presumed to have arisen from a special risk if carrier establishes it could have so arisen (article 18))

25 francs (Germinal) (article 23(3))

1 year; 3 years if wilful misconduct (article 32)

<u>Convention</u>	<u>Standard of liability</u>	<u>Limit of liability for loss of or damage to goods (per kilo)</u>	<u>Limitation period</u>
Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) (1978)	(Not applicable)	8.33 units of account (SDR) (non-IMF members which cannot apply SDR provision may fix limit at 25 monetary units (1 monetary unit equal to 1 Germinal franc)) (article 2)	(not applicable)
<u>Carriage by rail</u>			
Agreement concerning the International Carriage of Goods by Rail (SMGS) (1966)	Carrier liable unless he proves that loss or damage resulted from circumstances he could not avoid or consequences of which he could not prevent or unless they resulted from other enumerated circumstances (article 22)	Price of goods or declared value (articles 24, 25)	9 months (article 30)
International Convention concerning the Carriage of Goods by Rail (CIM) (1970)	Essentially same as CMR Convention, above (articles 27, 28)	50 francs (Germinal) (articles 31(1), 33)	1 year; 2 years if wilful misconduct, fraud, others (article 47)
Complementary provision concerning method of conversion of gold franc under the CIM Convention (1977)	(not applicable)	3 francs = 1 SDR	(not applicable)
Appendice B à la Convention relative aux transports internationaux ferroviaires (COTIF) du 19 Mai 1980 (not yet in force)	Same as CIM Convention, above (articles 36, 37)	17 units of account (SDR) (articles 40(2), 42) (for non-IMF members which cannot apply SDR provision the unit of account equals 3 Germinal francs (article 7))	Same as CIM Convention (article 58)

Convention

Standard of liability

Limit of liability
for loss of or damage
to goods (per kilo)

Limitation
period

Multimodal transport

United Nations Convention
on International Multi-
modal Transport of Goods
(1980) ("Multimodal
Convention")
(not yet in force)

Essentially same as Hamburg Rules,
above (article 16)

2.75 units of
account (SDR)
(article 18(1))
(non-IMF members which
cannot apply SDR provision
may fix limit at 41.25
monetary units (1 monetary
unit equal to 1 Poincaré
francs) (article 31))

2 years
(article 25)