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INLAND TRANSPORT COMMITTEE

Working Party on Inland Water Transport
(Forty-seventh session, 7-9 October 2003,
agenda item 9)

**IMPLEMENTATION OF CONVENTIONS AND APPLICATION OF RESOLUTIONS
RELATING TO INLAND WATER TRANSPORT**

Note by the secretariat

At its forty-fifth session, the Working Party took note of a consolidated document on the status of UNECE legal instruments on inland navigation (TRANS/SC.3/2001/6) and noted that the Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), of 1976, as amended by the Protocol of 1978 (ECE/TRANS/20 and ECE/TRANS/33) has not yet entered into force and has only one Signatory State and one Contracting Party. The secretariat was requested to prepare and circulate a questionnaire with a view to identifying what difficulties might have prevented accession to CVN of UNECE member States and what action should be taken in this regard (TRANS/SC.3/155, paras. 40 and 41).

Reproduced below is a summary of responses by Governments to the questionnaire (TRANS/SC.3/2002/9) concerning the CVN Convention.

**Summary of responses by member Governments to the UNECE questionnaire concerning
the Convention on the Contract for the International Carriage of Passengers
and Luggage by Inland Waterway (CVN) of 1976**

1. The following 9 Governments have responded to the questionnaire circulated by the secretariat as reproduced in TRANS/SC.3/2002/9: Austria, Belarus, Finland, France, Hungary, Lithuania, Poland, Russian Federation and Slovakia.

2. The results may be summarized as follows:

Question 1: What are the reasons that your country has not signed/ratified or acceded to the Convention and to its Protocol?

3. Some of the replies (Belarus, Lithuania, Poland and Russian Federation) justify the non-ratification of the Convention by the fact that for the time being there is no or very little volume of international carriage of passengers and luggage in the countries concerned and, as a result, no accidents involved in the course of such a carriage. The Government of Poland believes, however, that its participation in the CVN Convention could facilitate the adjustment of national transport law to the EU standards. One respondent mentioned as a reason the lack of interest in the Convention by other States concerned. The Government of Finland pointed out that in Finland relevant national legislation is applied both to sea and inland navigation and is based on the Athens Convention as amended by the Protocol of 1990. The Government of France recalled that two conflicting tendencies dominated the discussion in the course of elaboration of the Convention. The one supported by France and aimed at bringing the provisions of the future instrument closer to the law of other land modes of transport and the other, aimed at an alignment of the draft CVN with the maritime law. As a result, the French Government was not able to sign the CVN Convention in 1976.

Question 2: Are the limits of liability envisaged in articles 7 and 11 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?

4. Two respondents found the limits of the liability of the CVN Convention as amended by the Protocol (66,667 SDR), acceptable and three others - as too low. The Government of Finland indicated that the national legislation currently provides for a maximum limit of 175,000 SDR per passenger for death and injury and that even that level is expected to be further increased in accordance with the provisions of a newly elaborated draft Protocol to the Athens Convention ^{1/}.

^{1/} According to the 2002 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea the liability of a carrier for the death of or personal injury to a passenger is limited to 250,000 SDR.

Question 3: Can you provide (statistical) information on the average height of damage (in SDR's), in your country, caused by accidents relating to the transport of passengers and luggage by inland waterway?

5. No information was provided.

Question 4: Are there any other concerns about the level of the limitation of liability?

6. One respondent expressed its concern with regard to a possible increase of the burden of responsibility on shipping companies in case of application of the CVN limits. The Government of Finland informed that it would not be possible for Finland to become a party to a revised CVN Convention if it provided for a liability regime less favourable to the passengers than the amended Athens Convention.

Question 5: May article 2 of the Convention, providing for full responsibility of the carrier for acts and omissions of his agents and servants, represent an obstacle for your Government to become a Party to the Convention?

7. Most of the respondents do not consider that article 2 of the Convention, providing for full responsibility of the carrier for acts and omissions of his agents and servants, represents an obstacle to their becoming Parties to the Convention. One Government pointed out that only the responsibility of a carrier in case of a navigation accident could be acceptable but not a responsibility for the accomplishment of conditions of the carriage in relations between passenger – carrier – vessel.

Question 6: Is there a need at all in setting up of an international regime of contractual liability in transport of passengers and goods by inland waterway?

8. The Governments of Austria and Lithuania believe that there is no need for them to set up an international regime of contractual liability in transport of passengers and goods by inland waterway (in the case of Lithuania because of a lack of international passenger traffic). The Government of Finland indicated that, since different circumstances prevail in different European countries, the Convention might be relevant especially for the countries with inland waterways (rivers and lakes) but without coastlines. Other respondents believe that work should be undertaken on setting up such a regime with a view to ensuring Pan-European harmonization in this field.
