



Comité international
des transports ferroviaires

Internationales
Eisenbahntransportkomitee

International Rail
Transport Committee

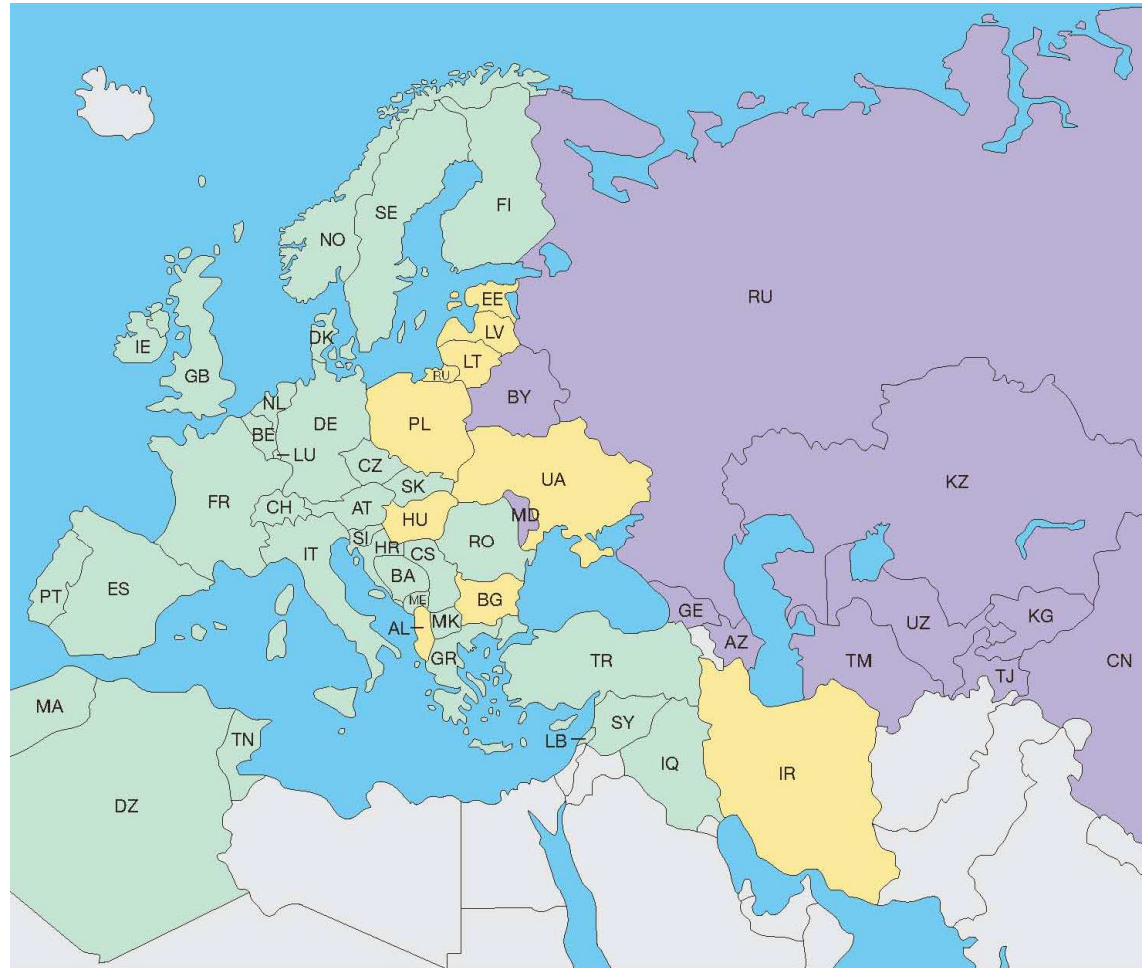
Rail Transport Interoperability CIM/SMGS

UNECE Working Party on Intermodal Transport and Logistics
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Scope of the CIM and SMGS

State of 1. January 2009



 = CIM

 = CIM/SMGS

 = SMGS

Differences in law

CIM (Uniform Rules concerning the Contract of International Carriage of Goods by Rail - Appendix B to COTIF)

Consensual contract

Contractual freedom

Consignment note design within the competence of RUs

Joint and several liability

SMGS (Agreement on International Goods Transport by Rail)

Formal contract

Obligation to set and publish tariffs and to carry

Consignment note defined in SMGS itself

Individual liability

Differences in organisations

OTIF (Intergovernmental Organisation for International Carriage by Rail)

Bern

Since 1985 (before OCTI since 1893)

43 Member States

Only Member States

Majority

German/French/English

OSJD (Organisation for Cooperation between Railways)

Warsaw

Since 1956

27 Member States

States *and* railways

Unanimity

Russian and Chinese

CIT/OSJD Project: Legal Interoperability CIM/SMGS

Phase 1:

Common CIM/SMGS consignment note

Phase 2:

Standardised claims handling mechanism

Phase 3:

Single Eurasian Rail Transport Law

CIM/SMGS consignment note

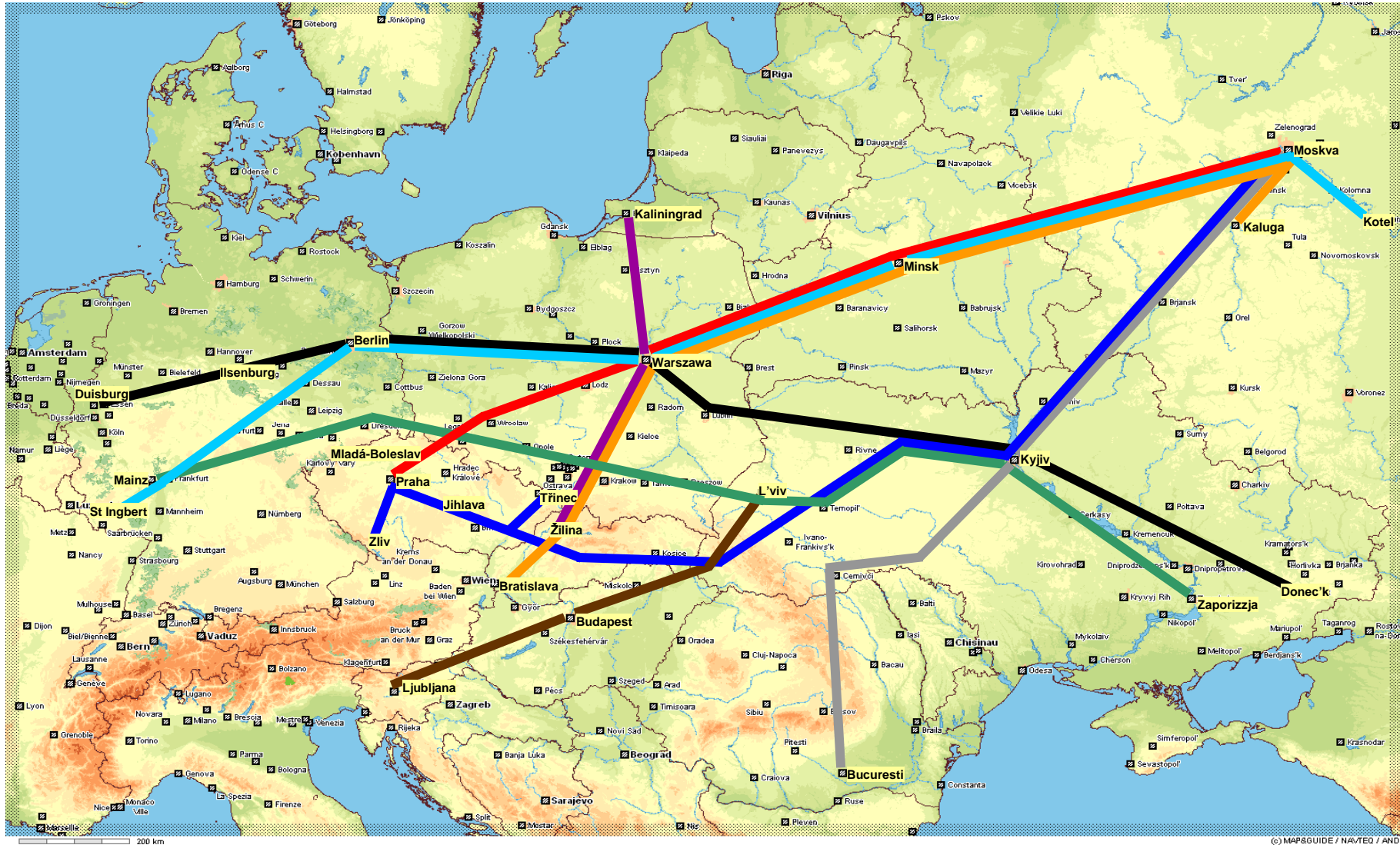
- “Sum” of the CIM- and SMGS-consignment notes
- Based on the United Nations Layout Key for Trade Documents
- Recognition as
 1. customs document
 2. letter of credit

The image shows a complex form for a CIM/SMGS consignment note. It is divided into several sections with numbered fields. At the top, there are checkboxes for 'Зачисляется отправителем' and 'Указаны отсылки, краткие сведения о таможенном оформлении'. The main body of the form contains fields for:

- Sender and receiver information (fields 1-5).
- Transport details (fields 6-10).
- Cargo description and classification (fields 11-15).
- Origin and destination (fields 16-18).
- Weight and volume (fields 19-21).
- Special instructions (fields 22-24).
- Signature and date (fields 25-27).

 A large '1' is printed in the top right corner of the form. The bottom of the form includes a section for 'Подпись - Удостоверение' and 'Дата подписи - Дата отправления'.

Use of the CIM/SMGS consignment note



Electronic CIM/SMGS consignment note

- Legal basis for the electronic exchange of consignment note data:
 - Article 6 § 9 CIM: based on functional equivalence
 - Article 7 § 14 SMGS: based on an agreement between the carrier and the customer
- The following provisions for the CIM/SMGS e-consignment note are still being drawn up:
 - Functional specifications (Appendix 1)
 - Legal specifications (Appendix 4)
 - Recommendation for the “Specifications for the Electronic CIM/SMGS Consignment Note”
 - Technical implementation – Raildata/OSJD/CIT

Phase 2: Standardisation of the CIM/SMGS liability regimes

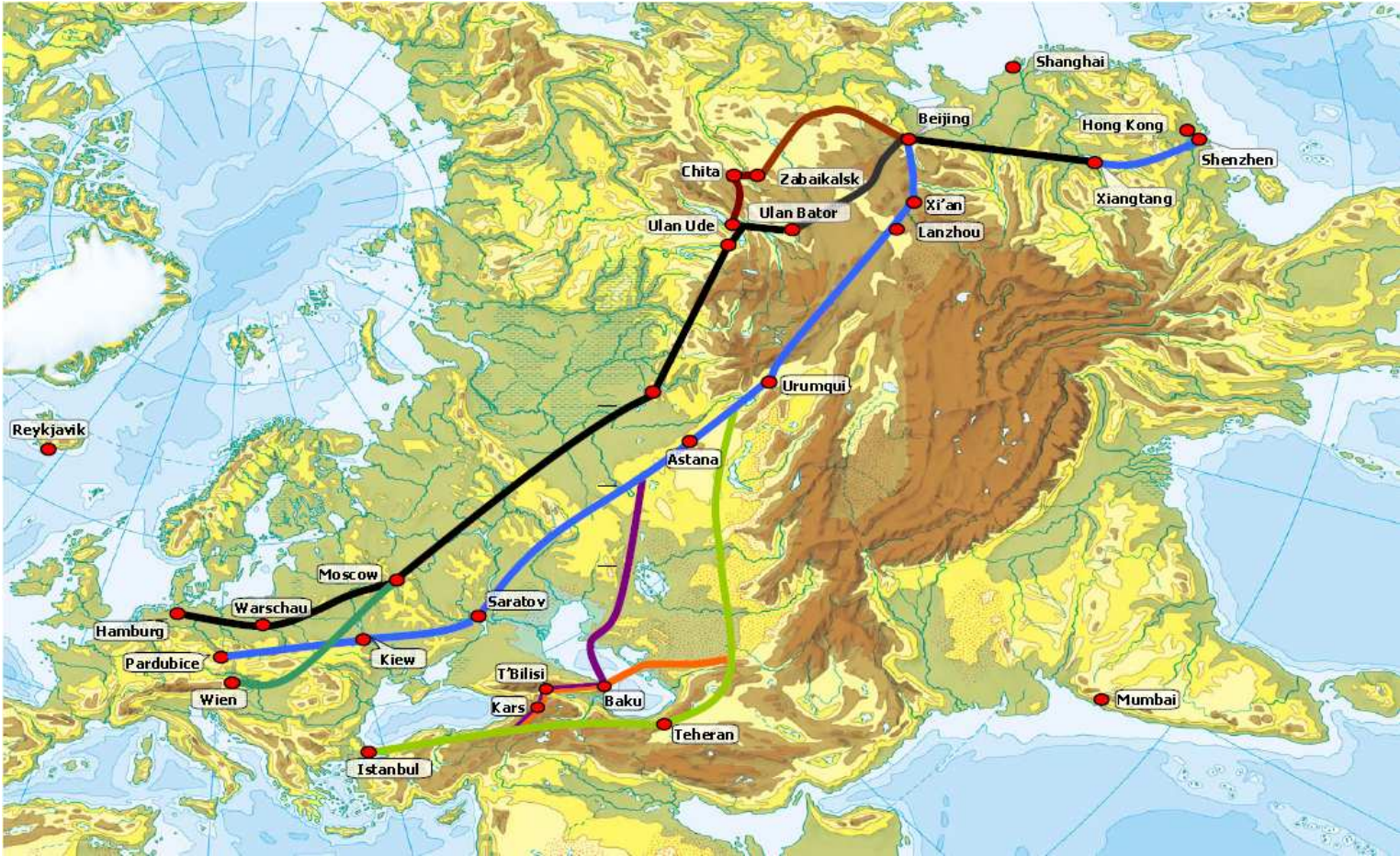
Objective:

- Harmonised provisions for the two legal relationships:
 - customer – RU
 - RU – RU

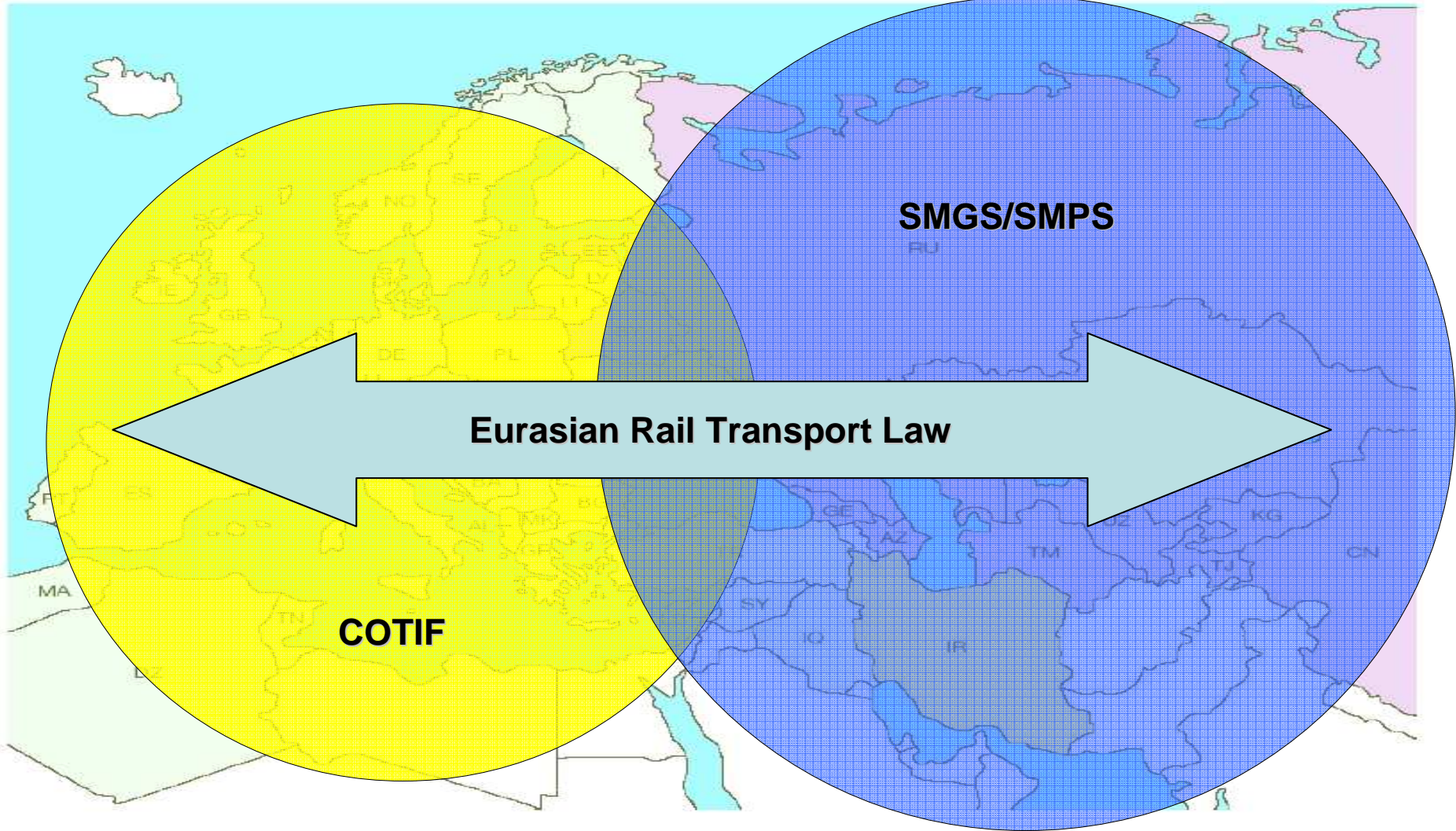
In practice:

- √ Guidelines for the CIM and SMGS liability regimes
- √ Common CIM/SMGS formal report
- √ Legal presumption following reconsignment
- √ Common CIM/SMGS claims handling rules

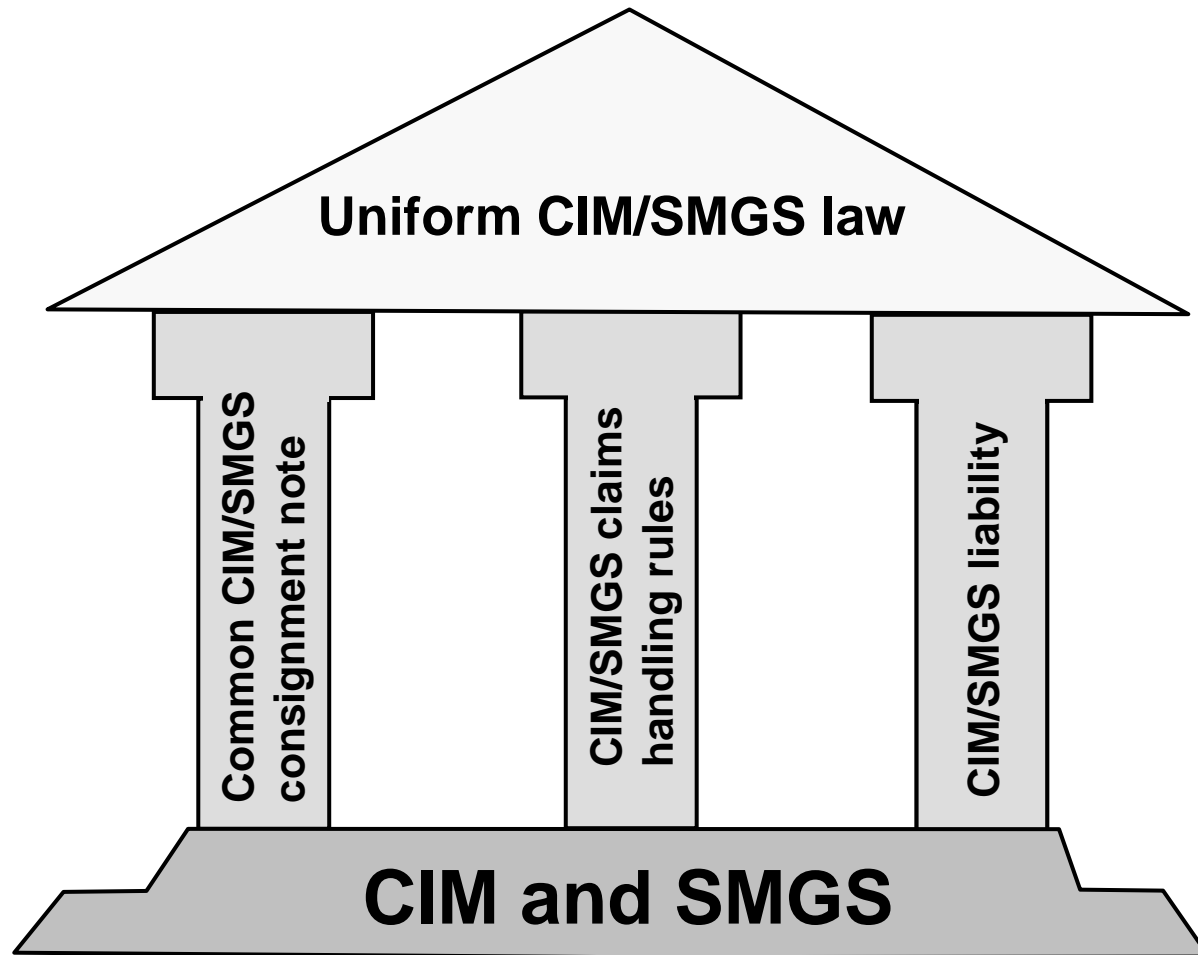
Global supply chains from railway prospective



Phase 3: Two legal areas one single law



Uniform law for CIM/SMGS traffics



The Kaliningrad Declaration

1. Extension of the CIM/SMGS Consignment note to
 - Kazakhstan, Mongolia and China
 - International ferry links
2. Completion of the work on the electronic CIM/SMGS Consignment note
3. Training and spread of information
4. Further Improvements of the legal framework
5. Evaluation of different proposals through CIT and OSJD

Declaration

The representatives of the railways of the states of the Eurasian area – the Republic of Belarus, the Federal Republic of Germany, the Republic of Kazakhstan, the People's Republic of China, Mongolia, the Republic of Lithuania, the Republic of Poland, the Russian Federation, the Republic of Slovenia, the Ukraine, the Czech Republic – and the representatives of the CIT and OSJD international organisations, of the forwarding agents and of customers who took part in the seminar on the topic of "Extending the scope of the common CIM/SMGS consignment note" held in Kaliningrad on 6 & 7 November 2008,

Conscious of the important role of rail transport for the lasting economic and social development of Asia and Europe against the backdrop of the geostrategic importance of the Eurasian Continent in the twenty-first century,

Noting the growing demand for reliable, effective, safe and environmentally friendly transport by rail between Europe and Asia to facilitate international trade,

Considering that administrative and legal barriers represent a significant barrier to the development of Eurasian freight traffic by rail,

Believing that efforts so far (the common CIM/SMGS consignment note and the standardised handling of claims, still being developed) should be taken even further in order to facilitate Eurasian traffic,

Recognising the progress made in implementing the common CIM/SMGS consignment note which has allowed the international carriage of freight between participants in the SMGS and the Member States of COTIF without recompletion of the consignment note since 2006 and which has thus reduced both the time spent and costs of crossing frontiers,

propose to the participants in the SMGS and the railways and organisations involved that the geographical scope of this new consignment note should be extended and that its extension and use in the Eurasian railway space should be supported.

In this sense the participants in the seminar would like

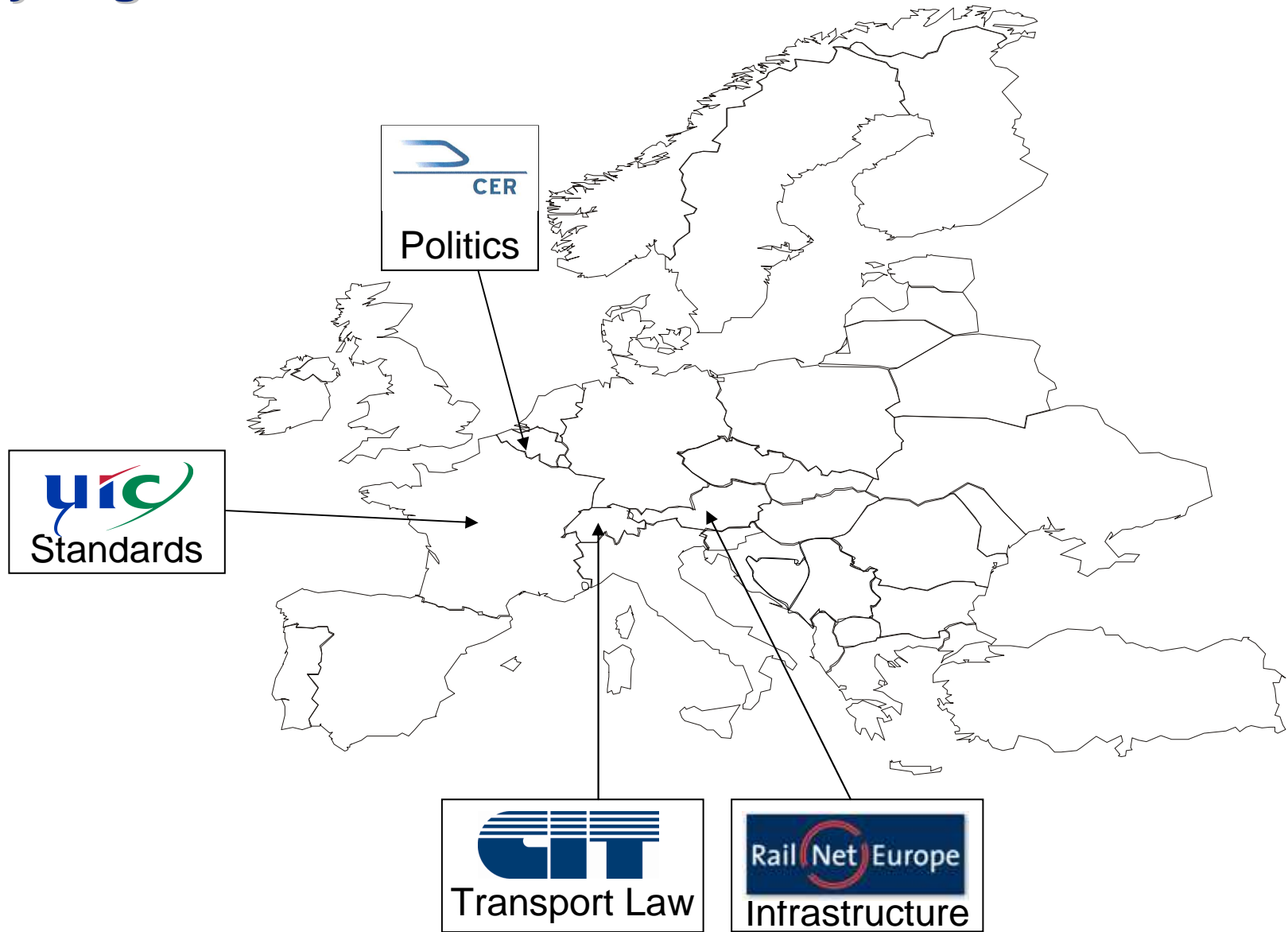
- *the scope of the common CIM/SMGS consignment note to be extended to traffic with Kazakhstan, Mongolia and China. To support this objective, use of Chinese to complete the CIM/SMGS consignment note is to be provided for;*
- *training and communications initiatives to be undertaken;*
- *the scope of the common CIM/SMGS consignment note to be extended to the through international ferry links;*
- *the work to create the electronic CIM/SMGS consignment note to be completed quickly;*
- *the CIT and the OSJD to evaluate proposals for further improvements to the legal framework for the use of the common CIM/SMGS consignment note.*

Kaliningrad, Russian Federation
7 November 2008

The next steps in the third stage: „GTC-Eurasia“

- General Terms and Conditions (GTC)
- Based on international private law (IPR)
- Inspired by CIM and SMGS principles
- On some transcontinental axes
- Single paper consignment note and/or electronic records
- Carriers taking part accept joint and several liability
- Liability to the customer limited to the value of the goods
- Optional: Compensation up to the value declared
- Relief from liability in accordance with the CIM and/or SMGS
- Limits against whom can be taken action (contractual and last carrier)
- Compensation sharing (in proportion to tariff kilometres or carriage charges)

Railway organizations



Demands for customs facilitations

- Common customs procedure for transcontinental transportation
- Single customs declaration based on single transport documentation
- Safety and security transportation on a long distances
- Better interconnection with the up-coming customs security obligation of the European Union
- Securing the comparative advantages of the railway on a global level
- Possible solutions:
 - Implementation of the existing UN Conventions
 - Up-grading the existing UN Conventions
 - Put in place a new UN Convention on simplified rail custom transit procedure for Eurasian rail corridors

- The role of the UN Bodies in the process?