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U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

Observations of the Central Office for International Railway Transport (OCTI)
on the preliminary draft Convention on the liability of international
terminal operators and the explanatory report thereto (Study XLIV - Doc. 14)

Rome, January 1983

"At this stage of the preparation of the text, OCTI would limit itself to the following observations of a general character:

During international carriage operations, the goods in principle remain in the custody of the railway. The railway is obliged only to accept consignments the carriage of which can take place without delay. Article 5, paragraph 3 of CIM refers to the regulations in force at the forwarding station for the purpose of determining the circumstances in which that station is obliged to store temporarily consignments not complying with this condition. In the event of circumstances preventing carriage or delivery, CIM refers to the regulations which are in force on the railway on which the goods have been held up (Article 24, paragraph 5) or to the laws or regulations in force on the railway responsible for delivery (Article 25, paragraph 2).

The provisions of the future Convention do not therefore perhaps have the same importance for international carriage by rail as in other modes of transport. Nevertheless, unification, albeit partial, of the national laws to which CIM refers would seem to be desirable.

OCTI is therefore favourable to the idea of a seminar which would give the necessary publicity to the UNIDROIT draft Convention and thus permit the reactions of the circles interested in such a Convention to be more widely known."