Border crossing facilitation in combined and multimodal transportations

OSJD/FIATA Workshop “New possibilities of Europe-Asia-Europe multimodal transportations”

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Summary

• Multimodal solutions for border crossing

• CIT Documents for multimodal transport

• GTC and boilerplate contracts for multimodal transports

• Perspectives
The global railway context
New global market developments for the transport sector

- In 2017 the rate of growth in demand exceeded rate of growth of supply
- Current conditions are leading to a stronger pricing environment since 2010
- Better capacity utilization of infrastructure is positive for rail freight delivery
- The global model split between the transport modes are as follows:
  - Sea 94%
  - Air 5%
  - Rail 1%
- E-commerce and multimodal door-to-door delivery will account for an increasing share of retail sales
- The mega-trends for global rail freight delivery
Legal reality

Hague, Visby, Rotterdam Rules
CMNI

CMR

CIM

SMGS

Montréal

Geneva Convention 1980 on multimodality
Scope of application of CIM and SMGS: Legal Duality

Situation on 1 January 2018
Common CIM/SMGS consignment note: Practical Use

- for east west rail freight traffic
- on the Eurasian land bridge/BTK
- 85% Container transportation
- 18% Single wagon load
- .30 Min pro Wagon
- further facilitations (wagon and container list, formal report and formal procedure, etc.)
- further legal harmonisation for multimodal carriage
Electronic CIM/SMGS Consignment Note

Functional specifications:
updated based on the revision of SMGS

Legal specifications:
to be published on 1\textsuperscript{st} January 2019

Current work: *Ad hoc* technical WG on e-consignment note CIM/SMGS (CIT, OSJD, RAILDATA and experts from CIM & SMGS RUs)

Tasks:
- revision of the technical specifications;
- work towards development of the XML/EDIFACT converter;
- the role of electronic signature in SMGS area.
Multimodality – Difficulties and model based statutory framework

Legal difficulties
- Often mandatory modal conventions
- Different liability conditions and limitations
- Limitation of the network liability system

International conventions
- CMR – Art. 2
- Montreal Convention – Art. 38
- CIM – Art. 1 §§ 3 and 4
- Geneva Convention of 1980
- Rotterdam Rules

Contractual solutions
- Through bill of lading
- UNCTAD/ICC Rules
- GTC CIT for RU acting as multimodal transport undertaking
Scope of application

Situation on 1 January 2018

- CIM+CMR
- SMGS+CMR
- CIM ONLY
- CIM+CMR+SMGS
- SMGS ONLY
- CMR ONLY
- No membership

* CIM-Application only on part of the railway infrastructure (specific lines)

** CIM applicability is suspended

Note: No state where only CIM and SMGS together are applicable
Example of CIT Solutions: Multimodal Transport: Rail-Sea

- GTC Rail – Sea Traffic and
- CIT Boilerplate contract for Rail-Sea traffic

- to **promote** solution based on the approach of the **CIM**
- **commercial models**: sea carrier acts as contractual or successive carrier
Multimodality Rail-Sea traffic—Perspectives

Stop opposing one transport mode against others – Think together about how to work in harmony

Statutory solutions can be envisaged as long term solutions – determinedly the path of contractual solutions and build bridges between the rules drawn up by the International Business Organisations like CCTT and CIT
CIT Documentation and Procedures for International Railway Transport

→ 130 railway undertakings and maritime companies as full members
→ 6 associated members
→ Association under Swiss law with legal personality

Objectives:
1. Implementation of the COTIF and European law that has an impact upon transport law
2. Standardisation of the contractual relationship between carriers and between carriers and their customers for passenger and freight traffic
3. Representation of its members’ interests with the authorities and other organisations
CIT Products for Freight Traffic: Where can you find all of them?

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