



**United Nations Commission
on International Trade Law**
Working Group III (Transport Law)
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Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly] [by sea]

Comparative table on limitation levels of carrier liability

Note by the Secretariat

At its thirteenth session, the Working Group considered the provisions of the draft instrument on the carriage of goods [wholly or partly] [by sea] with respect to the limitation of carrier liability, and agreed that the time was not yet ripe for an exchange of views with respect to the appropriate level of limitation on liability (A/CN.9/552, paras. 39 and 44). The Working Group suggested that an analytical presentation of information be prepared of the different limitation levels in different States, and with respect to different transport regimes. The Comité Maritime International (“CMI”) offered to circulate to its members a questionnaire with respect to the limitation levels applicable to maritime claims, as well as any available information on the value of cargo claims. Member and observer States of the Working Group also agreed to submit to the Secretariat information regarding the limits of liability in their various domestic transport regimes, as well as any available statistics on claims figures.

All information received by the Secretariat appears in the comparative table attached as an annex to this Note.



**Transport Law: Preparation of a draft instrument on the carriage of goods
[wholly or partly] [by sea]**

Comparative table on limitation levels of carrier liability

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Argentina	<p><u>International:</u> Montreal Protocol 1975: 17 SDR per kilo; otherwise, Section 145 Aeronautic Code: 2 Argentinean gold pesos per gross kilo (currently US\$ 183).</p>			<p><u>International:</u> Hague Rules 1924: 100 sterling pounds (US\$9,545) per package/unit; otherwise, Sect. 24 Shipping Act No. 20.094: 400 Argentinean gold pesos for package/piece (currently US\$ 7,321). <u>Delay:</u> same as above.</p>	<p><u>Multimodal:</u> Localized damage: limit set by the rules specific to the mode of transport. Non localized damage: Sect. 24 Shipping Act No. 20.094: 400 Argentinean gold pesos for package/piece (currently US\$ 7,321). <u>Inland water transport:</u> no limitation.</p>
Austria	<p><u>International:</u> Montreal Convention 1999: 17 SDR per kilo; otherwise, 35 Euro per kilo “for damages caused with a minor degree of fault”. <u>Domestic:</u> no limitation.</p>	<p><u>International:</u> COTIF-CIM: 17 SDR per kilo. <u>Domestic:</u> carrier may fix a tariff to limit liability, not below limits fixed in international conventions.</p>	<p><u>International:</u> CMR as amended by 1978 Protocol: 8.33 SDR per kilo. <u>Domestic:</u> general terms of contract apply.</p>	<p><u>International:</u> Hamburg Rules: 835 units of account (SDR) per package/shipping unit or 2.5 units of account (SDR) per kilo of gross weight. <u>Domestic:</u> Commercial Code: 10,000 ATS per parcel/unit of value (7,031.5 Euros).</p>	<p><u>Inland water transport:</u> no limitation.</p>
Belgium	<p><u>International:</u> Montreal Convention 1999: 17 SDR per kilo.</p>	<p><u>International:</u> COTIF-CIM: 17 SDR per kilo. <u>Domestic:</u> same as international.</p>	<p><u>International:</u> CMR as amended by 1978 Protocol: 8.33 SDR per kilo. <u>Domestic:</u> same as international, insofar applicable.</p>	<p><u>International:</u> Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Domestic:</u> same as international.</p>	

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Canada	<u>International</u> : Montreal Convention 1999: 17 SDR per kilo.	<u>International</u> : lesser of (1) The value of goods, including freight, if paid; or (2) The value represented in writing by the shipper; or (3) The value agreed by the carrier and shipper; or (4) The value determined in accordance with tariff classification.	<u>International</u> : CND \$4.41 per kilo for shipments under a bill of lading.	<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : no limitation.	
Chile				<u>International</u> : Hamburg Rules: 835 units of account (SDR) per package/shipping unit or 2.5 units of account (SDR) per kilo of gross weight. <u>Delay</u> : 2.5 times the freight, not exceeding total freight payable.	
China	<u>International</u> : Warsaw Convention 1929, as amended by The Hague Protocol 1955: 250 gold Francs per kilo. Otherwise: art. 129 (1)(2) Civil Aviation Law: 17 SDR per kilo. <u>Domestic</u> : art. 45 (1)(1) Rules on domestic civil aviation cargo: 20 RMB per kilo.	<u>International</u> : art. 22 SMGS: “not exceed the amount of compensation for the loss of the goods”. For home appliances, the limit is 7.2 Roubles per kilo. <u>Delay</u> : art. 26 SGMS: from 6% to 30% of the freight charged, depending on the exceeding time to the transit period. <u>Domestic</u> : art. 56 (3) Rules on carriage of goods by rail: 100 RMB per ton if goods carried	<u>International/domestic</u> : no limitation, also for delay-related damages.	<u>International</u> : Art. 56 Maritime Code reproduces Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : amount equivalent to the freight payable for the goods (Art. 57 Maritime Code). <u>Domestic</u> : no limitation.	<u>Domestic coastal and inland water</u> : no limitation.

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
		<p>according to weight; 2000 RMB per ton if goods carried according to weight and package; 30 RMB per 10 Kilos for home appliances or shipments by individuals.</p> <p><u>Delay</u>: from 5% to 20% of the freight charged, depending on the exceeding time to the transit period.</p>			
Czech Republic	<u>Domestic</u> : no limit of liability of carrier (Para. 629 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Para. 629 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Para. 629 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Para. 629 Commercial Code).	
Denmark	<p><u>International</u>: Montreal Convention 1999: 17 SDR per kilo. (Same for <u>delay</u>.)</p> <p><u>Domestic</u>: same as international.</p>	<p><u>International</u>: COTIF-CIM: 17 SDR per kilo.</p> <p><u>Delay</u>: COTIF-CIM: four times the carriage charges.</p> <p><u>Domestic</u>: 17 SDR per kilo; 8,33 SDR per kilo if general cargo.</p> <p><u>Delay</u>: four times the carriage charges, but only carriage charges if general cargo.</p>	<p><u>International</u>: CMR as amended by 1978 Protocol: 8.33 SDR per kilo.</p> <p><u>Delay</u>: CMR: carriage charges.</p> <p><u>Domestic</u>: no limitation, but limits are agreed contractually, usually along the lines of NSAB 2000 which reproduces the above (same for <u>delay</u>).</p>	<p><u>International</u>: Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight.</p> <p><u>Delay</u>: 2,5 times the freight for the delayed cargo, not exceeding the total freight.</p> <p><u>Domestic</u>: same as international (also for <u>delay</u>).</p>	
Finland	<p><u>International</u>: Montreal Convention 1999: 17 SDR per kilo.</p> <p><u>Domestic</u>: same as international, but with unlimited liability in case of wilful misconduct or gross negligence.</p>	<p><u>Domestic</u>: Sec. 15 Railway Transport Act, 2000: 25 Euro per kilo plus transport expenses. Unlimited liability in case of wilful misconduct or gross negligence.</p>	<p><u>Domestic</u>: Sec. 32 Act on Road Transport Agreement, 1979: 20 Euro per kilo. Unlimited liability in case of wilful misconduct or gross negligence.</p>	<p><u>International</u>: Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight.</p> <p><u>Domestic</u>: same as international.</p>	<p><u>Multimodal</u>: determined in the bill of lading, limit commonly used is 8.33 SDR except for the sea leg, in which case the relevant limit applies.</p>

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Germany	<p><u>International</u>: Montreal Convention 1999: 17 SDR per kilo.</p> <p><u>Domestic</u>: (applies also to international, insofar Convention is not applicable): 8.33 SDR per kilo (Sect. 431 (2) HGB). Parties can agree on different limits, provided they are between 2 and 40 SDR per kilo.</p> <p><u>Delay</u>: three times the freight (Sect. 431 (3) HGB).</p>	<p><u>International</u>: COTIF-CIM: 17 SDR per kilo.</p>	<p><u>International</u>: CMR as amended by 1978 Protocol: 8.33 SDR per kilo</p> <p><u>Domestic</u>: 8.33 SDR per kilo (Sect. 431 para 2 HGB). Parties can agree on different limits, provided they are between 2 and 40 SDR per kilo.</p> <p><u>Delay</u>: three times the freight (Sect. 431 (3) HGB).</p>	<p><u>International</u>: Hague Rules: loss or damage: 666,67 SDR per package/shipping unit.</p> <p><u>Delay</u>: no limitation.</p> <p><u>Domestic</u>: Commercial Code (based on Hague-Visby Rules): loss or damage: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight.</p> <p><u>Delay</u>: no limitation.</p>	<p><u>Inland navigation</u>: same as air/road./rail</p> <p><u>Multimodal</u>: if event is not localized in a specific leg of the voyage, general rules apply (same as air/road/rail). If event is localized, network system (can be replaced by the general provisions of the German Transport Law, unless such replacement is inconsistent with mandatory provisions of an international agreement binding on Germany (Sect. 452 (d) (2) and (3) HGB).</p>
Ghana				<p><u>International/domestic</u>: Para. 414 (b) Ghana Shipping Act, n. 645 of 2003: 167,000 unit of accounts for a ship with a tonnage not exceeding 500 tons; for a ship with a tonnage exceeding 500 tons, in addition to the above:</p> <ul style="list-style-type: none"> - 167 units of account for each ton from 501 to 30,000 tons; - 125 units of account for each ton from 30,001 to 70,000; - 83 units of account for each ton in excess of 70,001. 	

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Greece	<u>International</u> : Montreal Convention 1999: 17 SDR per kilo. <u>Domestic</u> : same as international.	<u>International</u> : COTIF-CIM: 17 SDR per kilo. <u>Domestic</u> : no limitation. <u>Delay</u> : twice the freight paid.	<u>International</u> : CMR as amended by 1978 Protocol: 8.33 SDR per kilo. <u>Domestic</u> : Commercial Code applies, no limitation.	<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Domestic</u> : same as international.	
Guatemala				<u>International</u> : determined on the forwarder's bill of lading. (often, Hague-Visby rules). <u>Domestic</u> : no limitation (arts. 817, 819 Commerce Code).	
Hong Kong (SAR of China)				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : same as above, insofar applicable.	
Italy				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : same as above.	
Japan				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight, but carrier is not liable for "pure economic loss" or "consequential loss". <u>Delay</u> : same as above for loss of market price.	

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Korea				<u>International/domestic</u> : 500 SDR (art. 789-2 Commercial Code).	
Lebanon				<u>International</u> : Hamburg Rules: 835 units of account (SDR) per package/shipping unit or 2.5 units of account (SDR) per kilo of gross weight.	
Mali			<u>International</u> : no limitation. (Insurance is mandatory for all imported goods whose value exceeds 500,000 CFA: this mechanism seems to apply to all forms of transportation of imported goods.)		
Mexico				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : no limitation.	
Morocco			<u>International/domestic</u> : in absence of contractual provisions, the contract-type applies, which contains no limitation (decree of the Ministry of Transport n. 1744-03 of 23 September 2003).		

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Netherlands				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : same as above, but carrier may contract out.	
Nigeria				<u>International</u> : Hague Rules 1924: 200 Naira per package/unit. <u>Delay</u> : same as above.	
Norway	<u>International</u> : Montreal Convention 1999: 17 SDR per kilo.	<u>International</u> : COTIF-CIM: 17 SDR per kilo.	<u>International</u> : CMR as amended by 1978 Protocol: 8.33 SDR per kilo. <u>Domestic</u> : 17 SDR/kilo of gross weight.	<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : same as above. <u>Domestic</u> : 17 SDR/kilo of gross weight.	
Senegal				<u>International</u> : Hamburg Rules: 835 units of account (SDR) per package/shipping unit or 2.5 units of account (SDR) per kilo of gross weight.	
Singapore				<u>International</u> : Hague-Visby Rules (unamended): Singapore \$1,563.65 per package/shipping unit or Singapore \$4.69 per kilo of gross weight. However, if there is no actual fault or privity, the limit is set to Singapore \$156.36 for each ton of the ship's tonnage (Sections 135 and 136 of the Merchant Shipping Act).	

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
Spain	<u>Domestic</u> : 17 SDR (per kilo). <u>Delay</u> : freight cost.	<u>Domestic</u> : 3.61 Euro per kilo. <u>Delay</u> : freight cost.	<u>Domestic</u> : 4.5 Euro per kilo. <u>Delay</u> : freight cost.	<u>Domestic</u> : no limitation, but limits are agreed contractually.	
Switzerland	<u>International</u> : Montreal Protocol 1975: 17 SDR per kilo. <u>Domestic</u> : 72.50 CHF per kilo.	<u>International</u> : COTIF-CIM: 17 SDR per kilo.	<u>International</u> : CMR as amended by 1978 Protocol: 8.33 SDR per kilo. <u>Domestic</u> : 150 CHF per kilo of gross weight. <u>Delay</u> : 2,000 CHF per car or 500 CHF per parcel.		<u>International inland water</u> : CLNI (Convention de Strasbourg sur la limitation de la responsabilité en navigation intérieure, 4 novembre 1988). <u>Domestic</u> : 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight (1 SDR per kilo if navigation is on the Rhine).
Turkey	<u>Domestic</u> : no limit of liability on carrier (Art. 762 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Art. 762 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Art. 762 Commercial Code).	<u>Domestic</u> : no limit of liability on carrier (Art. 762 Commercial Code).	
United Kingdom				<u>International</u> : Hague-Visby Rules as amended by SDR Protocol: 666,67 units of account (SDR) per package/shipping unit or 2 units of account (SDR) per kilo of gross weight. <u>Delay</u> : no specific limit, and carrier may contract out.	

<i>Country</i>	<i>Air</i>	<i>Rail</i>	<i>Road</i>	<i>Sea</i>	<i>Other</i>
USA	<p><u>International</u>: Montreal Convention 1999: 17 SDR per kilo.</p> <p><u>Domestic</u>: set in conditions of contract, usually \$0.50 per pound (about \$1.10 per kilo).</p>	<p><u>International/domestic</u>: unlimited when transported under a bill of lading, but limits can be agreed in writing or in the tariff of freight rates and conditions.</p>	<p><u>International/domestic</u>: unlimited, but limits can be agreed in writing or in the tariff of freight rates and conditions.</p>	<p><u>Domestic</u>: when transport is governed by bill of lading: value of vessel and freight at the end of the voyage plus freight earned on the voyage (46 USC app. 183 (a), Limitation of Liability Act).</p>	