



**International Chamber of Commerce**

*The world business organization*

**Policy and Business Practices**

## **ICC Commission on Transport and Logistics**

### **ICC Committee on Maritime Transport**

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## Comments on the UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the “Rotterdam Rules”)

### **Introduction**

The United Nations Commission on International Trade Law (UNCITRAL) reviewed the draft Convention on the International Carriage of Goods in June 2008, and approved the text last July 3<sup>rd</sup> 2008. It was adopted by the UN General Assembly in December 2008 and will be signed at a ceremony in Rotterdam in September 2009. Afterwards the Convention will be open for ratification, and will be known as the “Rotterdam Rules”.

The convention aims to provide uniformity for the international carriage of goods, which at the current time is governed by a number of maritime liability regimes, absent of a global convention for multimodal transport.

As the World Business Organization, the International Chamber of Commerce (ICC), recognizes the importance of developing a harmonized, international ocean cargo regime, that is both sound and balanced, and takes into account modern developments such as containerization, multimodal transport and e-commerce.

### **Key issues for international business**

Given that the proposed regime will underpin an important element of international commerce, ICC asks governments to consider ratification of the convention. This should be done in active consultation with international business—including shippers, carriers, forwarders and insurers, noting that these constituencies may have differing views on the regime.

In considering their position on the Rotterdam Rules, international business asks that governments give particular consideration to the following issues:

- the importance of a harmonized liability regime for maritime transport and related door-to-door transportation and the need to avoid regionalism;
- the clarity of the burdens of proof for all parties and the defenses of a carrier or intermediary against whom a claim is made;

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27 May 2009 VS/ciy



- the robustness of procedures regarding cargo liability to minimize the burden on international trade resulting from excessive litigation;
- the ability of parties to enter into customized ocean transportation contracts to agree to depart from the requirements of the international ocean transportation cargo liability regime;
- the appropriateness of the balance in the risk allocation between carrier and cargo interests;
- the overall impact of the regime on legal certainty.

ICC stands ready to proactively facilitate business input into national and international discussions on the ratification of the Rotterdam Rules, with a view to bringing about uniformity in this important area of international law.

#### **About ICC**

ICC is the world business organization, the only representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world. ICC promotes an open international trade and investment system and the market economy. Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment, transport policy and on vital technical subjects. ICC was founded in 1919 and today it groups thousands of member companies and associations from over 130 countries.

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