



International Chamber of Commerce

The world business organization

Policy and Business Practices

ICC Commission on Transport and Logistics

ICC Committee on Maritime Transport

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 3rd 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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38 Cours Albert 1er, 75008 Paris, France
Tel +33 (0)1 49 53 28 28 Fax +33 (0)1 49 53 28 59
E-mail icc@iccwbo.org Website www.iccwbo.org

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