

# Carriage of goods

## 1. INTRODUCTION

**Contract of sale** = between buyer + seller

→ Contract determines which party has to arrange the transport

**Contract of carriage** = between shipper - carrier - consignee

\* *Shipper* = party instructing the carrier (can be either seller or buyer)

There is a factual link between the contract (however no legal link)

Shipper/ consignee can have a claim under:

1. Both contracts
2. Only contract of sale
3. Only contract of carriage
4. None contract

Type of claim depends on 1. The type of contract 2. Parties position under that contract

Relevance:

1. Determines which party has to bear the risk for damage during transport
2. Who bears the cost of the transport

Rules applicable: CISG/ INCOTERMS / national law or EU consumer directives

### **CISG**

- Article 31 CISG → place of delivery
- Article 32 CISG → Seller's obligations
- Article 33 CISG → delivery time

### **Transport modes**

Types of transport modes with their applicable convention:

- Ocean
  - o Hague rules
  - o Hague-Visby Rules (HVR)
  - o Hamburg rules
- Road
  - o CMR
- Rail
  - o COTIF- CIM
- Air
  - o Warsaw/ Montreal

# Standard Form Contracts For The Carriage Of Goods

**E Durkheim**



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