

# 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

**CCH Australia, Limited**



## **Standard Form Contracts For The Carriage Of Goods:**

Standard Form Contracts for the Carriage of Goods David A. Glass, Paul Todd, Malcolm A. Clarke, 2000 A reference book to the most frequently used forms in the carriage of goods      *The Law of Tug and Tow and Offshore Contracts* Simon Rainey, 2017-12-12 Fully updated and revised to take into account the new BIMCO Supplytime 2017 contract with a detailed analysis of the changes since the Supplytime 2005 form and including a new analysis for the first time of the BIMCO Bargehire form this is the only modern work on the law of towage and offshore vessel services It gives a comprehensive and extensively researched account of the general law coupled with a detailed clause by clause commentary and analysis of all of the major standard contracts used in the international offshore towage and heavylift sectors comprising the BIMCO Towcon Towhire Supplytime and Heavylift forms the full suite of BIMCO Wreck Removal forms and now also the BIMCO Bargehire form as well as the ISU Salvcon and Salvhire forms The Law of Tug and Tow and Offshore Contracts has rapidly established itself as a leading text and is written by Simon Rainey QC one of the foremost shipping practitioners with unrivalled experience in the field Key reasons to buy The Law of Tug and Tow and Offshore Contracts Fourth Edition the only clause by clause commentary on all of the major standard form contracts used by the offshore industry the only in depth analysis of the drafting history of the BIMCO standard form offshore contracts comparing the recent amended versions in their drafting context the only authoritative analysis of the case law and arbitration decisions affecting the towage and offshore industries written from the perspective of a leading practitioner with unrivalled practical experience over many years of the contract forms and of the issues which arise under them many of which are unreported and involved in almost all of the leading cases and arbitrations in the field written with an eye on the practicalities of how the contracts work given the everyday problems which arise in the industry with guidance where the standard forms may require amendment      *Contracts of Carriage by Land and Air* Malcolm A. Clarke, David Yates, 2013-12-17 This book provides In depth clause by clause analysis and commentary of the major international conventions and standard form contracts within these areas New editions of two standard forms of contract for international carriage by rail Citation of the relevant case law and statutes Footnote annotations and cross references for each clause or provision      *Theory, Law and Practice of Maritime Arbitration* Eva Litina, 2020-12-10 Theory Law and Practice of Maritime Arbitration The Case of International Contracts for the Carriage of Goods by Sea Eva Litina It is estimated that over 80% of global trade by volume is carried by sea making maritime transport a cornerstone of the global economy Most disputes in the shipping industry are settled by distinctive private arbitral proceedings that are best understood by a close examination of the standard form contracts that are used in practice and of the case law arising therefrom Extrapolating insightfully from these sources the author of this book examines in depth the phenomenon of maritime arbitration with a specific focus on contracts for the carriage of goods by sea She offers the first comprehensive and comparative analysis of arbitral practice in the three jurisdictions where the most frequently selected

maritime arbitral seats are located London New York and Singapore An analysis of the applicable rules and relevant case law in each jurisdiction provides the basis from which a comparative assessment of maritime arbitral seats is achieved The book addresses the following key aspects of maritime arbitration maritime arbitration s definition origins theoretical underpinnings socioeconomic context and significance the maritime specific reasons for wide use of ad hoc versus institutional arbitration the international instruments governing arbitration in contracts for the carriage of goods by sea the shipping industry s pursuit of self regulation via standard form contracts the arbitration agreement contained in standard form charterparties and bills of lading maritime arbitration s unique approach to judicial review confidentiality and arbitrator impartiality the specific dispute resolution objectives that compel a comparative assessment of maritime arbitral seats and the future of maritime arbitration in light of international political financial and technological developments In addition to the three main maritime arbitral seats the analysis touches on maritime arbitration in other relevant jurisdictions such as Hong Kong Greece Japan and Korea thus affording a comparison of the process in common and civil law jurisdictions The book concludes by considering the potential impact of the current international political landscape and suggesting future perspectives and research in international maritime arbitration An important addition to scholarship in this field of law the book s thorough assessment of the merits of the competing maritime arbitral seats and its specific focus on maritime disputes will prove of significant importance to arbitrators law firms in house counsel of shipping companies international organizations and arbitration institutions and associations Practitioners will discover all tools necessary to examine any case before the main maritime arbitral seats with full awareness of each applicable legal regime and its distinguishing features

**The Hamburg Rules** Francesco Berlingieri, European Institute of Maritime and Transport Law, 1994      Regulation of Risk Abhinayan Basu Bal, Trisha Rajput, Gabriela Argüello, David Langlet, 2022-12-28 Regulation of Risk provides comprehensive insight into regulation of risk in transport trade and environment Contributions provide national regional and international perspectives on pressing questions How is risk conceived in light of novel technological deployment climate change political upheaval evolving geopolitics and the COVID 19 pandemic What legal tools such as contractual frameworks and governance structures are available to manage the changing landscape of risk This book highlights the importance of dialogue and collaborative decision making on risk between policymakers institutions societal stakeholders and the scientific community      Contracts for the Carriage of Goods by Land, Sea and Air, 2000      *International Maritime Law and Practice* Časlav Pejović, 2025-04-23 This book provides a different perspective on the ever popular topic of maritime law emphasising historical and comparative aspects It provides the reader with a broader view of how maritime law has developed throughout history and operates within various legal systems Each chapter starts with historical development meticulously explaining the development of various maritime law concepts to enable a higher level of understanding in the contemporary context The text adopts a comprehensive comparative approach that has two segments One segment is related to the coverage of several

major maritime jurisdictions Focusing mainly on English law it also provides selected legislation and essential case law information from several other jurisdictions US France Germany Italy Japan China etc many of which are not easily accessible in English The other relates to the comparison between common law and civil law on a general level This book will be of significant interest to lawyers working in shipping companies law firms specializing in shipping international organizations related to shipping and maritime law and international traders It also provides invaluable aid to shipmasters and ship officers empowering them with the knowledge to effectively deal with various maritime law issues in their professional activities The book's content will be of direct relevance to maritime law scholars and students enhancing their understanding of this complex field

*Jurisdiction and Arbitration Clauses in Maritime Transport Documents* Felix Sparka, 2010-01-11 Jurisdiction and arbitration clauses are two different mechanisms that help to ensure impartiality and predictability in international dispute resolution Despite their benefits these clauses can be inconvenient for parties that are forced to litigate before distant fora Moreover particular problems arise in the context of maritime transport documents Based on a broad comparative approach this study seeks to explain the existing rules within their legal context and to develop a coherent system for such clauses which takes into account the underlying interests as well as economic theory While offering detailed answers to most issues surrounding jurisdiction and arbitration clauses in maritime transport documents the book confronts the fundamental question of the limits of freedom of contract in an international setting

The International Sale of Goods 5e Michael Bridge, 2024-02-08 The fifth edition of this leading authority continues to provide comprehensive analysis of the law and practice of sale of goods under English and international law It is an indispensable resource for practitioners scholars and postgraduate students

*International Trade Law* Indira Carr, Peter Stone, 2010 International Trade Law offers a comprehensive and informed analysis of the complexities of an international sale transaction through case law policy documents legislation international conventions and rules adopted by international organisations such as the ICC Focusing on international sales of goods and the various relations that arise as a result of sale contract this book considers and discusses standard trade terms major conventions and principles issues relating to E Commerce international transportation of cargo insurance and payment mechanisms dispute resolution Accessible to students encountering this often challenging area of the law for the first time International Trade Law clarifies a range of topics through tables and diagrams and directs the reader to relevant further reading online resources and journal articles throughout

*Regulatory Competition in Contract Law and Dispute Resolution* Horst Eidenmüller, 2013-08-01 In many regions of the world and across various fields law has become a product Individuals and companies seek attractive legal regulations and countries advertise their legal wares globally as they compete for customers To analyse this development and to develop policy recommendations with respect to contract law and dispute resolution a conference was held in Munich in October 2011 bringing together leading scholars in the field of contract law and dispute resolution from the US and

Europe This book presents the papers and main comments produced for that conference The chapters include important papers on inter alia law and economic theory legal transplants theories of private law choice of law the characterisation of contract law and the English and American civil procedural traditions      **The Code Napoléon Rewritten** John Cartwright, Simon Whittaker, 2017-10-05 The provisions of the French Civil Code governing the law of obligations have remained largely unchanged since 1804 and have served as the model for civil codes across the world In 2016 the French Government effected major reforms of the provisions on the law of contract the general regime of obligations and proof of obligations This work explores in detail the most interesting new provisions on French contract law in a series of essays by French lawyers and comparative lawyers working on French law and other civil law systems It will make these fundamental reforms accessible to an English speaking audience      *Law of International Business in Australasia* Robin Burnett, Vivienne Bath, 2009 This book is a successor to Robin Burnett's *Law of International Business Transactions* It provides an up to date analysis of the legal environment for international trade and covers the changes made to payment and letters of credit by reason of the adoption of the UCP 600 which became effective in 2007 and other means of payment which are currently used the provisions and possible adoption of the UNCITRAL Draft Convention on the Carriage of Goods Wholly or Partly by Sea recent developments in the law relating to international sale of goods the question of international arbitration and other means of dispute resolution and the strategies and issues of international operations while incorporating and building on the comprehensive information and material in the previous book It will assist practitioners and students in their understanding of the legal and practical aspects of international and overseas trade and operations      **The Law of Contract** Hugh Collins, 2003-07 This volume provides an advanced analysis of the law of contract for undergraduate courses covering the law of contract and the law of obligations      The Politics of Private Transnational Governance by Contract A. Claire Cutler, Thomas Dietz, 2017-03-31 This edited volume provides critical reflections on the interplay between politics and law in an increasingly transnationalized global political economy It focuses specifically on the emergence and operation of new forms of governance that are developing through a variety of transnational contractual practices institutions and laws in multiple sectors and areas of economic activity Interdisciplinary in nature the volume includes contributions from law political science sociology and international politics with the focus on the political foundations of transnational contract being both original and path breaking Placing power at the center of the analysis the volume reveals the heterogeneous landscape of contemporary law making and the different kinds of politics giving rise to this form of global ordering As the contributors note this new form of governance requires a different type of political theory and legal theory with the volume advancing understanding of the analytical theoretical and normative dimensions of private transnational governance by contract making a valuable contribution to new theory in law and politics It will be of great interest to students and academics in law political science international relations international political economy and sociology as well as international commercial arbitration

lawyers trade and investment lawyers and legal firms

### **Sea Cargo: International Maritime Law and Regulations**

Pasquale De Marco, 2025-05-20 In the vast expanse of global trade the carriage of goods by sea remains a cornerstone of international commerce Navigating the legal intricacies of this complex and ever shifting landscape requires a comprehensive understanding of maritime law This comprehensive guide offers a thorough examination of the key legal principles practical considerations and emerging trends that shape the carriage of goods by sea Delving into the fundamental concepts and principles of maritime law this book establishes a solid foundation for understanding the subsequent chapters It explores the various types of contracts of carriage providing a clear understanding of their essential elements interpretation and enforcement The duties and responsibilities of carriers are meticulously examined encompassing issues of seaworthiness proper cargo handling and liability for cargo damage or loss Furthermore the book explores the rights and remedies available to cargo owners in the event of a breach of contract or cargo damage It elucidates the intricate legal framework governing marine insurance highlighting the types of policies insurable interest and claims handling procedures The complexities of resolving maritime disputes are also addressed encompassing arbitration litigation and the enforcement of maritime judgments To ensure a comprehensive understanding of the subject the book delves into emerging issues and challenges in maritime law It examines the impact of technological advancements such as autonomous shipping and cybersecurity on the legal landscape Environmental regulations sustainable shipping practices and the legal implications of climate change are also explored Written in a clear and accessible style this comprehensive guide is an invaluable resource for maritime professionals legal practitioners students and anyone seeking a deeper understanding of the legal framework governing the carriage of goods by sea It provides a thorough overview of the key legal principles and practical considerations equipping readers with the knowledge and insights necessary to navigate the complexities of this dynamic and ever changing field Drawing upon a wealth of case studies legal precedents and expert insights this book offers a practical and up to date analysis of maritime law It is an indispensable reference tool for anyone involved in the carriage of goods by sea providing essential guidance on the legal aspects of this critical aspect of global trade If you like this book write a review on google books

Understanding Australian Consumer Credit Law CCH Australia, Limited, 2011-01-05 *The Carriage Of Goods By Sea Under The Rotterdam Rules* Rhidian Thomas, 2017-09-19 This book is based on papers presented at the Sixth International Colloquium organised by the Institute of International Shipping and Trade Law Swansea University in September 2009 The sixteen contributions have been written by a team of international experts who collectively submit the newly proposed Rotterdam Rules to a sustained penetrative and comprehensive analysis The scale of the Rotterdam Rules is staggeringly wide as also are their detail and complexity and coming to a full understanding of the provisions and implications of the Rules represents a challenge even to those experienced in the law and practice of commercial shipping This book examines virtually all aspects of the Rules and will provide an effective reliable and readable guide to everyone

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Bamford,2018-01-22 Commercial and Intellectual Property Law and Practice provides a detailed guide to the four major  
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