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ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE

Ad hoc Working Party on the International
Road Transport Contract
(First session)

PRELIMINARY DRAFT CONVENTION

Text proposed by the United Kingdom representative

Article 2 (Fourth Version)

Where the goods are carried with the vehicle over part of the journey by sea, rail, inland waterways or air and except where the provisions of Article 13 of this Convention are applicable are not transhipped, this Convention shall nevertheless apply to the whole of the carriage provided that:-

(1) where the goods are carried with the vehicle by sea, rail, inland waterways or air by a person other than the carrier by road and loss, damage or delay in delivery occurs to the goods by reason of a cause arising from and inherent in the nature of such carriage, or by reason of some act or omission on the part of the carrier by sea, rail, inland waterways or air, the carrier by road shall be relieved of liability under this Convention in respect of such loss, damage or delay in delivery, except to the extent that some cause arising from and inherent in the nature of the carriage of goods in a road vehicle or some act or omission of his contributed to the loss, damage or delay in delivery.

(2) Where the carrier by road is himself the carrier by sea, rail, inland waterways or air, and loss, damage, or delay in delivery occurs to the goods by reason of a cause arising from and inherent in the nature of such carriage or by reason of an act or omission on the part of the carrier in his capacity of carrier by sea, rail, inland waterways or air, the carrier shall be relieved of liability under this Convention in respect of such loss, damage or delay in delivery, except to the extent that some cause arising from and inherent in the nature of the carriage of goods in a road vehicle, or some act or omission of his in his capacity of carrier by road contributed to the loss, damage, or delay in delivery.

(3) Where, and to the extent that, the carrier by road, whether or not he is the same person as the carrier by sea, rail, inland waterways or air, is, under this Article, relieved of liability under this Convention in respect of loss, damage or delay in delivery which occurs to the goods by reason of a cause arising from and inherent in the nature of carriage by sea, rail, inland waterways or air, or by reason of an act or omission on the part of a carrier by sea, rail, inland waterways or air or on the part of the carrier by road in his capacity of carrier by sea, rail, inland waterways or air, the rights and liabilities of the parties concerned in respect of such loss, damage or delay in delivery shall be governed by the law applicable to carriage by sea, rail, inland waterways or air, as the case may be.