



Cargo Claims in the European Union – Perspective of US Claimant – Impacts of Brexit

1. Access to claims for US-Claimants in Europe

- Overview of the possible jurisdictions, Conflict of Laws (Rome I Regulation: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:en:PDF>), in what way does a conflict with US law (for example COGSA) exist
- The right to sue of the Insurer: explanation of some issues that usually come up when dealing with US-claims in Europe, especially the difference between the legal concepts of subrogation and assignment of rights in insurance-matters, handling of claims when the insurance has not yet paid the insured, co-insurers, deductibles
- what needs to be respected with regard to double insurance, how is it handled, what happens with different coverages

2. Overview of the applicable international transport laws in Europe

- CMR (Convention on the Contract for the International Carriage of Goods by Road)
<https://www.ius.uio.no/lm/un.cmr.road.carriage.contract.convention.1956/doc.html>
- CIM (Uniform Rules Concerning the Contract of International Carriage of Goods by Rail)
https://www.cit-rail.org/secure-media/files/documentation_de/freight/cim/cim_1999_2010-12-01_fr-de-en_rev_ns.pdf?cid=21957
- CMNI (Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway)
https://www.ccr-zkr.org/files/conventions/cmni_en.pdf

3. Differences of application of the international transport laws in Europe in important jurisdictions and main differences between national transport law

- Differences of the application of CMR, CMNI etc. for example with regard to the limitations in different countries
- Differences in the concepts of Freight forwarders liability and Carriers liability in Germany, France and Italy in national law

4. Impacts of the Brexit

Practical issues which will need to be taken into consideration once the Brexit is in place