Rotterdam Rules
9th December 2009

THE ROTTERDAM RULES

A SUMMARY

The Rotterdam Rules is a new international Convention, likely to come into force soon, governing rights and obligations relating to carriage of goods wholly or partly by sea.

Its key features are:

• Sponsored by the United Nations and supported amongst others by BIMCO, the International Chamber of Shipping, the International Group of P&I Clubs, the World Shipping Council, the National Industrial Transportation League and the European Communities Shipowners’ Associations

• Requiring formal ratification by 20 States. Signed by 16 States on 23 September 2009 expressing their intention to ratify it in due course. Signatories to date include the United States and in the European Union, France, Spain, Denmark, Netherlands, Greece and Poland

• Likely to be formally ratified and to come into force within the next 2 to 5 years

• Designed to replace the Hague/Hague-Visby and Hamburg Rules and the US Carriage of Goods by Sea Act

• Aiming to provide greater global uniformity in legal regimes governing carriage of goods

• Linked effectively with existing regimes governing land and air carriage

• Maintaining broadly the same type of liability regimes as Hague/Hague Visby and US COGSA, but puts greater liability on the sea carrier:
  ? No exemption from liability for errors in navigation
  ? Continuing obligation of seaworthiness during a cargo voyage
  ? Higher limits of carrier’s liability

• Providing greater freedom of contract in volume contracts

• Extending time limits to bring claims from 1 year to 2 years

• Extending a legal regime for cargo carriage to maritime performing parties such as stevedores, forwarders and terminals, as well as sea carriers

• Facilitating electronic trading

• Including new provisions relating to cargo carried on deck, deviation, and dangerous goods

• Including new provisions relating to jurisdiction, court proceedings and arbitration
