



## The National Industrial Transportation League

### Resolution In

### Support Of U.S. Ratification of a New International Multimodal Convention on Ocean Cargo Liability Titled:

### *The Convention on Contracts for the International Carriage Of Goods ("Rotterdam Rules")*

**WHEREAS:** The current U.S. law governing the loss and damage of goods at sea is based on the 1924 Hague Rules codified in 1936 as the *Carriage of Goods by Sea Act* (COGSA);

**WHEREAS:** The U.S. international maritime shipping industry has undergone substantial operational, technical, commercial, and regulatory changes in the period since COGSA came into effect;

**WHEREAS:** U.S. law has not perfected amendments to COGSA reflecting these changes or those set forth in other internationally accepted cargo liability regimes, such as the Hague Rules as modified by the Visby Amendments, or governments that have ratified the Hamburg Rules;

**WHEREAS:** The League has participated and strongly supported maritime cargo liability reforms reflective of modern industry practices through the work the Organization for Economic Cooperation and Development (OECD); the Comité Maritime International (CMI); its 2001 Memorandum of Agreement with the World Shipping Council; and, as a private industry advisor to the United Nations Committee on International Trade Law's (UNCITRAL) Working Group;

**WHEREAS:** The UNCITRAL Working Group has developed a new international convention over the past seven years with the participation and support of the U.S. Government through the Departments of State and Transportation, as well as U.S. industry, through groups representing: ocean carriers, railroads, truckers, marine insurers, intermediaries, maritime practitioners, and shippers, including the League; and

**WHEREAS:** the UN General Assembly on December 11, 2008 formally adopted a new multimodal convention based on the declarations and work of the UNCITRAL Working Group known as "*The Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea*" and which will be referred to as, "The Rotterdam Rules" after it is signed by countries intending to ratify the Convention in September 2009 in the Netherlands.

**THEREFORE BE IT RESOLVED:** That the League strongly supports the new maritime liability convention titled- *The Convention on Contracts for the International Carriage of Goods Wholly or Partly By Sea* (Rotterdam Rules). This support is predicated on the basis that the new convention recognizes modern shipping practices and commercial arrangements, contains significant improvements over existing cargo liability conventions, promotes harmonization among trading partners, reduces legal obstacles to the flow of international trade, and taken as a whole will allow shippers, carriers and third parties to tailor their contracts to meet their commercial needs. Additionally, the League urges the U.S. Executive Branch to sign the new convention at the earliest possible opportunity and to support ratification of the convention, as well as its implementation into U.S. law, superseding the appropriate provisions found today under COGSA.

**ADOPTED:** By The National Industrial Transportation League on May 5, 2009