

SYMPOSIUM INTERNATIONAL
60^{ÈME} ANNIVERSAIRE DE LA CONVENTION CMR

CMR - Convention internationale de Genève relative au contrat
de transport international routier de marchandises du 19 Mai 1956

INTERNATIONAL SYMPOSIUM
60TH ANNIVERSARY OF THE CMR CONVENTION

CMR - International Convention on the Contract
for the International Carriage of Goods by Road, 19 May 1956

**L'application de la convention CMR
par les Etats parties :
Quelles divergences ?**

Perspectives comparatistes

**The application of the CMR Convention
by Contracting States:
What are the differences?**

Comparative Reflections

19 et 20 mai 2016 / 19 and 20 May 2016
ROUEN (FRANCE)

PROGRAMME

Traduction simultanée des travaux en Français / Anglais

JEUDI 19 MAI 2016

Amphithéâtre Union Portuaire Rouennaise

Accueil 9h00

9h30 - Propos de bienvenue : Secrétaire général IRU /
Président IDIT / Président Université de Rouen

10h00 - Propos introductifs : Jacques Putzeys - Professeur
émérite, Université Catholique de Louvain - Belgique

Genèse ; historique de la convention CMR

1^{ère} session : Interprétation de la CMR

10h20 - Cécile Legros - Professeur, Université de Rouen (CUREJ)
**Modalités d'amélioration de l'interprétation
uniforme de la CMR**

10h40 - Johan Schelin - Associate Professor in Private Law
(Johnson Institute for Maritime and other Transport Law
- Stockholm University)
CMR Convention in a law and economics perspective

11h00 - PAUSE CAFÉ

2^e session : Champ d'application - Impérativité

11h20 - Prof. Dr. Frank Smeele - Professor Erasmus University
Rotterdam - Director of Rotterdam Institute for Shipping &
Transport Law (RISTL)
**CMR's scope of application in relation to the
carrier's liability for breach of contract resulting in
other kinds of damage than loss of or damage to the
cargo or delay in delivery.**

11h40 - Dr. Wouter Verheyen - Assistant professor Erasmus
University Rotterdam - Researcher Odisee UC and University
Leuven
**Ceci n'est pas un contrat de transport international
de marchandise par route : national judges as
gatekeepers of CMR**

12h00 - Nikoleta Radionov, Professor, Departement for
Maritime and Transport Law - University of Zagreb School
of Law
**Limitation of Liability Right in Road Freight Carriage
in Croatia: an Extinct Institute.**

12h20 - Julie Ha Ngoc, Maître de conférences, Université de
Rouen (CUREJ)
**Transport multimodal : Relations entre la CMR et les
Règles de Rotterdam**

12h40 - Débat

13h00 - DÉJEUNER À L'UNION PORTUAIRE ROUENNAISE

3^e session : Transporteurs successifs

14h40 - Dr. Simone Lamont-Black- Director of Internationalisation
- Lecturer in Private International Trade Law - The University
of Edinburgh, School of Law
**The UK Supreme Court on Jurisdiction over
successive CMR carriers and European Union Rules**

15h00 - Isabelle Bon-Garcin, Professeur à l'Université
Lyon 2 - Louis Lumière - directrice du DCT - Présidente de la
Commission des Affaires Juridiques de l'IRU
**Distinction entre le transporteur successif, le sous-
traitant et le «commissionnaire» en droit français.**

15h20 - Michiel Spanjaart, Advocaat - Kneppelhout & Korthals
- Rotterdam - The Netherlands

The successive carrier : a relic from the past

15h40 - Débat

16h00 - Fin des travaux

A partir de **17h00** - Visite historial Jeanne d'Arc

19h30 - DÎNER

VENDREDI 20 MAI 2016

Hémicycle Région Normandie-Rouen

Accueil 9h00 - Propos de bienvenue : Président de la Région
Normandie ; Johanna Guillaumé, Doyen de la Faculté de droit
- Université de Rouen

4^e session : Responsabilité du transporteur routier

- Circonstances inévitables

9h30 - Dr. G. Beate Czerwenka, LL.M. (Duke Univ.) -
Ministerialrätin Bundesministerium der Justiz
**Notion de «circonstances inévitables de l'article
17-2 de la CMR au sens de la jurisprudence
allemande**

9h50 - Frédéric Letacq - Chercheur Institut du droit
international des transports - IDIT
**Notion de «circonstances inévitables de l'article
17-2 de la CMR au sens de la jurisprudence française**

**- Article 29 CMR : Faute équipollente au dol
- Wilful misconduct**

10h10 - Jean Lecaroz - Conseiller référendaire à la Cour de
cassation (Ch. commerciale) / Nicolas Michon - Auditeur à la
Cour de cassation (Ch. commerciale)
**La faute équipollente au dol : perspectives de droit
comparé**

10h30 - Dr. Francisco Sánchez-Gamborino, avocat à la Cour
(Madrid), Vice-président de la Commission des Affaires
Juridiques de l'IRU
L'art. 29 CMR ne prévoit pas que le dol du transporteur

10h50 - PAUSE CAFÉ

11h10 - Malcolm Clarke - Professor Emeritus of Commercial
Contract Law - St John's College - University of Cambridge
**Wilful misconduct under English law.
Wilful misconduct under English law**

11h30 - Débat

5^e session : Compétence juridictionnelle & arbitrage

11h50 - Cécile Legros - Professeur, Université de Rouen
(CUREJ)
**Les règles de compétence juridictionnelle de la CMR :
interférences avec le droit français et le droit de
l'Union européenne**

12h10 - Manuel Ignacio Herrero de Egaña Muñoz-Cobo -
LL.M. (Tulane) - Abogado DIKEOS Madrid
**L'arbitrage obligatoire des « petits litiges » CMR en
Espagne**

12h30 - Débat

12h45 - Conclusion : Isabelle Bon-Garcin et Cécile Legros

13h - Fin des travaux

PROGRAM

Simultaneous interpretation of the meetings in English / French

THURSDAY 19TH MAY 2016

Union Portuaire Rouennaise - Amphitheatre

Welcome 9:00

9:30 - Introductory statement: IRU Secretary General / President of IDIT / President of Rouen University

10:00 - Introductory talk: Jacques Putzeys - Professor Emeritus, Université Catholique de Louvain - Belgium
Genesis; the story of the CMR Convention.

1st session: Interpretation of the CMR

10:20 - Cécile Legros - Professor, University of Rouen (CUREJ)
Methods for improving the uniform interpretation of the CMR

10:40 - Johan Schelin - Associate Professor in Private Law (Johnson Institute for Maritime and other Transport Law - Stockholm University)
CMR Convention in a law and economics perspective

11:00 - COFFEE BREAK

2nd session: Scope of application; The binding force of the CMR

11:20 - Prof. Dr. Frank Smeele - Professor Erasmus University of Rotterdam - Director of Rotterdam Institute for Shipping & Transport Law (RISTL)
CMR's scope of application in relation to the carrier's liability for breach of contract resulting in other kinds of damage than loss of or damage to the cargo or delay in delivery.

11:40 - Dr. Wouter Verheyen - Assistant professor Erasmus University of Rotterdam - Researcher, Odisee UC and University of Leuven
This is not an international contract for the carriage of goods by road: national judges as gatekeepers of the CMR.

12:00 - Nikoleta Radionov, Professor, Department for Maritime and Transport Law - University of Zagreb, School of Law
Limitation of Liability Right in Road Freight Carriage in Croatia: an Extinct Institute.

12:20 - Julie Ha Ngoc, University lecturer, University of Rouen (CUREJ)
Multimodal Transport: Relationship between the CMR and the Rotterdam Rules.

12:40 - Debate

13:00 - LUNCH

3rd session: Successive carriers

14:40 - Dr. Simone Lamont-Black- Director of Internationalisation - Lecturer in Private International Trade Law - University of Edinburgh, School of Law
The UK Supreme Court on Jurisdiction over successive CMR carriers and European Union Rules

15:00 - Isabelle Bon-Garcin, Professor at University of Lyon 2 - Louis Lumière - Director of DCT - President of the IRU Commission on Legal Affairs.
Différence between successive carriers, subcontractors and "freight forwarders" in French Law.

15:20 - Michiel Spanjaart, Lawyer - Kneppelhout & Korthals - Rotterdam - The Netherlands

The successive carrier: a relic from the past

15:40 - Debate

16:00 - End of talks

From **17:00** - **Historial Jeanne d'Arc visit**

19:30 - DINNER

FRIDAY 20TH MAY 2016

Normandy Region - Hemicycle

Welcome 9:00 - Introductory statement: President of Normandy Region; Johanna Guillaumé, Dean of the Faculty of Law - Rouen University

4th session: Responsibilities of Road Transport Operators

- **Circumstances which the carrier could not avoid**

9:30 - Dr. G. Beate Czerwenka, LL.M. (Duke Univ.) - Federal Ministry of Justice and Consumer Protection
Notion of "unavoidable circumstances" in article 17-2 of the CMR within the meaning of German jurisdiction.

9:50 - Frédéric Letacq - Researcher, Institute of International Transport Law - IDIT
Notion of "unavoidable circumstances" in article 17-2 of the CMR within the meaning of French jurisdiction.

- **Article 29 CMR: Wilful misconduct**

10:10 - Jean Lecaroz - Chief Clerk of the French Supreme Court of Appeal (Commercial Chamber) / Nicolas Michon - Auditeur of the French Supreme Court of Appeal (Commercial Chamber)
Wilful misconduct: Perspectives of Comparative Law.

10:30 - Dr. Francisco Sánchez-Gamborino, Attorney (Madrid) Vice-president of the IRU Commission on Legal Affairs.
Article 29 CMR concerns nothing but wilful misconduct of the carrier.

10:50 - COFFEE BREAK

11:10 - Malcolm Clarke - Professor Emeritus of Commercial Contract Law - St John's College - University of Cambridge
Wilful misconduct under English law.

Wilful misconduct under English law.

11:30 - Debate

5th session: Jurisdiction & arbitration - Compétence juridictionnelle & arbitrage

11:50 - Cécile Legros - Professor, University of Rouen (CUREJ)
Rules of Jurisdiction within the CMR: Interference with French Law and European Union Law

12:10 - Manuel Ignacio Herrero de Egaña Muñoz-Cobo - LL.M. (Tulane) - Lawyer DIKEOS Madrid
Binding arbitration of "small claims" with the CMR in Spain

12:30 - Debate

12:45 - **Conclusion** : Isabelle Bon-Garcin et Cécile Legros

13:00 - End of talks

LUNCH - NORMANDY REGION

LIEUX DU SYMPOSIUM :

- 1 19 mai** - Amphithéâtre Union Portuaire Rouennaise : 66, quai de Boisguilbert
- 2 20 mai** - Hémicycle de la Région Normandie - Site de Rouen : 5, rue Robert Schuman

Accès Rouen :

Autouroute : A28 / A 13 - Train : Paris Saint Lazare / Rouen (1h15)

DROITS D'INSCRIPTION :

Membres IDIT - IRU : 195 € TTC - Non membres : 340 € TTC

Les frais d'inscription incluent :

- la participation au symposium et la remise de supports documentaires
- le dîner du 19 mai
- les déjeuners du 19 et 20 mai
- les pauses café
- la visite de l'historial Jeanne d'Arc (19 mai à partir de 17h00)

SYMPOSIUM LOCATIONS:

- 1 19 May** - Amphithéâtre Union Portuaire Rouennaise : 66, quai de Boisguilbert
20 minutes walking distance from the historical center (Cathedral)
- 2 20 May** - Hémicycle de la Région Normandie - Site de Rouen : 5, rue Robert Schuman
8 minutes walking distance from the historical center (Cathedral)

Rouen access:

Motorways: A28 / A 13 - Train : Paris Saint Lazare / Rouen (1h15)

FEES:

IDIT – IRU members: 195 € TTC - Non-members: 340 € TTC

Registration fees include:

- participation in the seminar and supporting documents
- dinner on 19 May
- unches on 19 and 20 May
- coffee breaks
- social programme: Historical Jeanne d'Arc visit (19th May from 17:00)



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