GENERAL COMMENTS


ALCÁNTRARA, José María, Estado de la regulación internacional sobre transporte puerta-a-puerta: el Proyecto de UNCITRAL y el CMI, I Congreso Internacional de Transporte: los retos del transporte en el siglo XXI: Castellón de la Plana, 4-6 mayo 2004, Coord. por Fernando Martínez Sanz, María Victoria Petit Lavall, Vol. 1, 2005, ISBN 84-8456-381-2 , pp. 735-742

ALCANTARA, HUNT, JOHANSSON, OLAND, PSYDEN, RAMBERG, SCHMITT, TETLEY, VIDAL, Particular concerns with regard to the Rotterdam Rules, available online at www.amya.es

ANTAPASSIS, Anthony-BERLINGIERI, Francesco, Mise en œuvre et interprétation des conventions internationales, in Droit Maritime Français, 2008, p. 309

ARROYO, Ignacio, UNCITRAL: la labor de la conferencia de Naciones Unidas para el comercio y el desarrollo en el transporte marítimo, Anuario de Derecho Marítimo, ISSN 0211-8432, Nº 23, 2006, pp. 545-552

ARROYO, Ignacio, Las Reglas de Rotterdam ¿para qué?, Anuario de Derecho Marítimo, Vol. XXVII, pp. 25-43

ASARIOTIS, Regina, Draft instrument on transport law: an update on proceedings at the UNCITRAL Working Group, Journal of International Maritime Law, 2003, p. 400


BEARE, Stuart, Strengths and Weaknesses of the new Convention, paper delivered at the Congress “The Rotterdam Rules: A New Era in Uniform Transport Law”, held at Carlos III University of Madrid on the 17th and 18th of September 2009

BERLINGIERI, Francesco-DELEBECQUE, Philippe-FUJITA, Tomotaka-ILLESCAS, Rafael-STURLEY, Michael-VAN DER ZIEL, Gertjan-VON ZIEGLER, Alexander-ZUNARELLI, Stefano, The Rotterdam Rules, an attempt to clarify certain concerns that have emerged, on CMI and UNCITRAL websites

FB 25.02.2013


BONASSIES, Pierre, *Du Harter act aux Règles de Rotterdam*, in *Les Règles de Rotterdam: le droit des transports maritimes au XXIe siècle*, Institut


CARLSON, Mary Helen, *U.S. participation in private international law negotiations: Why the UNCITRAL Convention on contracts for the international carriage of goods wholly or partly by sea is important to the United States*, in *Texas International Law Journal*, Vol. 44, Spring 2009, p. 269


CHAMBER OF SHIPPING OF THE UNITED KINGDOM, *Rotterdam Rules: why we should support early ratification*, by Donald Chard, available online at www.british-shipping.org


CHRISTOFFERSEN, Kaare, *Rotterdam Rules from shipowners*, in *Les Règles de Rotterdam: le droit des transports maritimes au XXIe siècle*, Institut


CMI, *A Brief History of the Involvement of the CMI*, in *CMI Yearbook* 2009, p. 252

CMI INTERNATIONAL WORKING GROUP ON THE ROTTERDAM RULES, *Questions and Answers on the Rotterdam Rules*, available on line at [www.comitemaritime.org](http://www.comitemaritime.org)


DELEBECQUE, Philippe, *ICC commission on transport and logistics - Draft convention on the carriage of goods (wholly or partly) (by sea)*, in *ICMA XVI Congress papers*, Singapore, ICMA, 2007, p. 316


ENRÍQUEZ, David, *UNCITRAL y las oscilaciones del régimen jurídico del transporte marítimo internacional de mercancías. Advertencias en torno a la búsqueda de una tercera vía*, in *Anuario mexicano de derecho internacional*, 2008, p. 79.

EUROPEAN SHIPPERS' COUNCIL, View of the European Shippers' Council on the Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea also known as the “Rotterdam Rules”, March 2009

FABRE-TESTE, Pascale, Le projet de Convention de la CNUDCI sur le transport transmaritime multimodal, Faculté de droit et de sciences politiques aix Marseille III, année universitaire 2005-2006, Centre de droit maritime et des transports, p. 52

FIATA, UNCITRAL Convention so-called Rotterdam Rules, a complex issue, Doc. MTI/507-2009-03-25 with four Annexes


GARD, New UNCITRAL carriage of goods convention, GARD News, 2009, p. 6


HERBER, Rolf, Welcome and introduction [to: UNCITRAL’s attempt toward global unification of transport law], in Transportrecht, 2004, p. 274

HONKA, Hannu, The legislative future of carriage of goods by sea; could it not be the UNCITRAL draft?, in Scandinavian Studies in Law, 2004, p. 93


HOOPER, Chester D., Comments on Self executing Treaties, in Library of the Maritime Law Association of the United States, June 2010


ILLESCAS ORTIZ, Rafael, *El nuevo Convenio sobre el Contrato de Transporte Marítimo de Mercancías*, in *Derecho de los negocios*, 2009, p. 1


INTERNATIONAL CHAMBER OF SHIPPING, *The Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the “Rotterdam Rules”) – A Position Paper by the International Chamber of Shipping*


JACQUES, Linda, *The Rotterdam Rules: how are they different from the Hague Visby regime?*, in *Mondaq*, June 2009

JOHANSSON, OLAND, PYSDEN, RAMBERG, TETLEY, SCHMITT, *A response to the attempt to clarify certain concerns over the Rotterdam Rules published 5 August 2009*, [www.pysdens.com](http://www.pysdens.com)


LANNAN, Kate, Overview of the Convention – The UNCITRAL perspective, in CMI Yearbook 2009, p. 271


LANNAN, Kate, Navigating the Rotterdam Rules, paper delivered at the Congress “The Rotterdam Rules: A New Era in Uniform Transport Law”, held at Carlos III University of Madrid on the 17th and 18th of September 2009


Li, Xiaonian, Reunification of certain rules relating to sea transport documents: some observations on the UNCITRAL draft instrument on transport law, in Uniform Law Review, 2007, p. 121

LLOYD’S LIST, Opinion: Onward to Rotterdam, 1 July 2009.

LOPEZ SANTANA, Nieves, Ambito de aplicación del convenio, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 21

LOPUSKI, Jan, The UNCITRAL preliminary draft instrument on the carriage of goods by sea: some reflections on the transformation and future of maritime law, Revista Europea de Derecho de la Navegación Marítima y Aeronáutica, ISSN 1130-2127, Nº 19, 2003, pp. 2665-2674

MARTIN, Patrick V., Rotterdam Rules, in ASBA News, October 2008

MCLAUGHLIN, J., Carriage of goods: finishing line finally in sight in long race for liability reform, in Lloyd’s List, 2003, p. 6


NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, Response of the National Industrial Transportation League to the European Shipper’s Council Position
Paper on the Rotterdam Rules, 5 May 2009, available on line at UNICTRAL website


he UNCITRAL draft instrument on the carriage of goods [wholly or partly] [by sea]: multimodal at last or still all at sea?, in Journal of Business Law, 2005, p. 647

NIKAKI, Theodora, Conflicting laws in "wet" multimodal carriage of goods: The UNCITRAL draft convention on the carriage of goods [wholly or partly] [by sea], in Journal of Maritime Law & Commerce, 2006, p. 521


PAGE, Paul, Rotterdam Rules, in Journal of Commerce, 2009, p. 27


PONTOPPIDAN, Knud, Shipowner’s view on the UNCITRAL Convention on contracts for the international carriage of goods wholly or partly by sea, Summary and Speech, in CMI Yearbook 2009, p. 282

Proyecto de “Convenio de las Naciones Unidas sobre el Contrato de Transporte Internacional de Mercancías Total o Parcialmente Marítimo”, in Derecho de los Negocios, 2008, n. 210, p. 19-22

RADZIK, EDWARD C., Proposed resolution, in Library of the Maritime Law Association of the United States, May 2010

RAMBERG, Jan, UN Convention on Contracts for International Carriage of Goods wholly or partly by sea, in CMI Yearbook 2009, p. 277


ROSAEG, Eriik, The Rotterdam Rules as a Model for Multimodal Transport Law, in European Journal of Commercial Contract Law (EJCCL), 2010-1/2 issue, p. 94


THOMAS, Rhidian, The position of shippers under the Rotterdam Rules, in European Journal of Commercial Contract Law (EJCCL), 2010-1/2 issue, p. 22

TSCHILSCHKE, Anna, Panel discussion and its results, in Transportrecht, Vol. 32, No. 9, September 2009, p. 371
ULFBECK, Vibe, Contracts of logistics under the Rotterdam Rules, in Journal of International Maritime Law, 2011, p. 219


WOOD, David, An Australian perspective on the Rotterdam Rules, in Journal of International Maritime Law, 2011, p. 147


CHAPTER 1. GENERAL PROVISIONS


CHAPTER 2. SCOPE OF APPLICATION


STURLEY, Michael F., *Scope of Application, Duration of Coverage, and Exceptions to Coverage in International Regimes Relevant to International Transport Law*, in *CMI Yearbook*, 1999, p. 122


**CHAPTER 3. ELECTRONIC TRANSPORT RECORDS**


CMI, *A guide to the e-commerce features in the draft instrument on the carriage of goods [wholly or partly] [by sea]*, in *CMI Yearbook*, 2003, p. 250


VAN DER ZIEL, Gertjan, *The legal underpinning of e-commerce in maritime transport by the UNCITRAL draft instrument on the carriage of goods by sea*, in *Journal of International Maritime Law*, 2003, p. 461

**CHAPTER 4. OBLIGATIONS OF THE CARRIER**

BERLINGIERI, Francesco, The Discipline in the Rotterdam Rules of the Obligations of the Carrier and of his liability, paper delivered at the Congress “The Rotterdam Rules: A New Era in Uniform Transport Law”, held at Carlos III University of Madrid on the 17th and 18th of September 2009

CHAMI, Diego Esteban, The Obligations of the Carrier, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


DELEBECQUE, Philippe, Obligations and liability exemptions of the carrier, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009, in European Journal of Commercial Contract Law (EJCCL), 2010-1/2 issue, p. 87


ESTRELLA FARIA, José Angelo, Règles claires ou obscures, Articles 6, 12, in Les Règles de Rotterdam: le droit des transports maritimes au XXIe siècle, Institut Méditerranéen des Transports Maritimes-IMTM and Centre de Droit Maritimes et des Transport-CDMT, Colloquium in Marseilles 20-21 May 2010, Annales IMTM 2010, p. 92

HONKA, Hannu, Main obligations and liabilities of the carrier, in Transportrecht, 2004, p. 278


SÁENZ GARCÍA DE ALBIZU, Juan Carlos, Las obligaciones del porteador hasta la entrega de las mercancías en destino, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 111

TSIMPLIS, Michael, Analysis of Chapter 4, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 29 and, for a review of this article, BERLINGIERI,

**CHAPTER 5. LIABILITY OF THE CARRIER FOR LOSS, DAMAGE OR DELAY**

ARIA VARONA, Francisco Javier, *La delimitación del período de responsabilidad y las operaciones de carga y descarga*, in *Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar*, Marcial Pons, 2010, p. 51


BEARE, Stuart, *Liability regime: where we are, how we got there and where we are going*, in *Lloyd’s Maritime and Commercial Law Quarterly*, 2002, p. 306


DELEBECQUE, Philippe, *The liability of the sea carrier in the UNCITRAL Draft Convention on contracts for the international carriage of goods wholly or partly by sea*, Colloque Athènes, Mai 2008


FUJITA, Tomotaka, Performing Parties and Himalaya Protection, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


MARTÍN OSANTE, José Manuel, Responsabilidad del porteador por pérdida, daño o retraso en las Reglas de Rotterdam, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 253

MBIAH, Kofi, The Convention on contracts for the international carriage of goods wholly or partly by sea: the liability and limitation of liability regime, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009

NIKAKI, Theodora, Shipping law: the statutory Himalaya-type protection under the Rotterdam Rules: capable of filling the gaps?, in Journal of Business Law, 2009, p. 403

RAMBERG, Jan, The carrier's liability for loss other than loss of or damage to goods or delay, in Il Diritto Marittimo, 2010, p. 289


THOMAS, Rhidian, An appraisal of the liability regime established under the new UN Convention, in International Maritime Law, Vol. 14, Issue 6, November-December 2008, p. 496

TSIMPLIS, Michael, Analysis of Chapter 5, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 45 and, for a review of this article, BERLINGIERI, Francesco, A review of some recent analyses of the Rotterdam Rules, in Il Diritto Marittimo, 2009, p. 999

VON ZIEGLER, Alexander, Schadenersatz im internationalen Seefrachtrecht (Zurich: Nomos Verlag, 1989)


ZUNARELLI, Stefano, Elementi di novità e di continuità della regolamentazione della responsabilità del vettore marittimo di cose nell’attività del gruppo di lavoro dell’UNCITRAL, in Il Diritto Marittimo, 2006, p. 1022


ZURIMENDI ISLA, Aitor, Reclamaciones: aviso previo y plazo de ejercicio, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 297

Chapter 6. Additional Provisions relating to particular stages of carriage

BERLINGIERI, Francesco, *Multimodal aspects of the Rotterdam Rules*, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


HAAK, Krijn F., *Carriage preceding or subsequent to sea carriage under the Rotterdam Rules*, in *European Journal of Commercial Contract Law (EJCCL)*, 2010-1/2 issue, p. 63


NIKAKI, Theodora, *The UNCITRAL draft instrument on the carriage of goods [wholly or partly] [by sea]: multimodal at last or still all at sea?*, in *Journal of Business Law*, 2005, p. 647


YUZHOU, Si-Li, Henry Hai, *The New Structure of the Basis of Liability for the Carrier*, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009

**CHAPTER 7. OBLIGATIONS OF THE SHIPPER TO THE CARRIER**


DE LA GARZA, Nicholas, La responsabilité du chargeur dans ses relations avec le transporteur. Le point de vue français, in Droit Maritime Français, 2008, p. 112

DIALLO, Ibrahima Khalil, Obligations et responsabilité du chargeur, (dans les Règles de Rotterdam), CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


PULIDO BEGINES, Juan Luis, Identidad y obligaciones del cargador, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 73


CHAPTER 8. TRANSPORT DOCUMENTS AND ELECTRONIC TRANSPORT RECORDS


CZERWENKA, Beate, Scope of application and rules on multimodal transport contracts, in Transportrecht, 2004, p. 297
EMPARANZA SOBEJANO, Alberto, *Documentos de transporte: indicaciones sobre el porteador y sobre las mercancías: valor probatorio*, in *Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar*, Marcial Pons, 2010, p. 139


SCHELIN, Johan, *Documents under the UNCITRAL draft instrument on carriage of goods by sea*, in Scandinavian studies in law, 2004, p. 191


**CHAPTER 9. DELIVERY OF THE GOODS**


DEBATTISTA, Charles, *The Goods carried – Who gets them and who controls them?*, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


GARCÍÁ ÁLVAREZ, Belén, *La descarga de oficio de las mercancías en las Reglas de Rotterdam*, in *Revista de Derecho del Transporte*, no. 9, 2012, p. 179


**CHAPTER 10. RIGHTS OF THE CONTROLLING PARTY**

ARIAVARONA, Francisco Javier, *Los efectos del concurso de los agentes de asistencia en tierra y el mantenimiento de su actividad*, in *Revista de Derecho del Transporte*, no. 8, 2011


EMPARANZASOBiejANO, Alberto, *La presunción de contratación del transporte en nombre propio (art. 5 LCTTM) y la responsabilidad del porteador efectivo (art. 6 LCTTM): ¿una solución al problema de imputación de responsabilidades en eò transporte con pluralidad de intervinientes?*, in *Revista de Derecho del Transporte*, no. 8, 2011


RECALDECASTELLS, Andrés, *Documentación del contrato, derecho de control y transferencia de derechos sobre las mercancías*, in *Las Reglas de Rotterdam –*
La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 161

RECALDE CASTELLS, Andrés, El “derecho de control” en las Reglas de Rotterdam, in Revista de Derecho del Transporte, no. 8, 2011

RODAS PAREDES, Paola Nicolhe, El seguro maritime de mercancías después de las Institute Cargo Clauses 2009 (A): Nuevas propuestas y viejos problemas, in Revista de Derecho del Transporte, no. 8, 2011


CHAPTER 11. TRANSFER OF RIGHTS


RECALDE CASTELLS, Andrés, Documentación del contrato, derecho de control y transferencia de derechos sobre las mercancías, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 161


CHAPTER 12. LIMITS OF LIABILITY

ARIAS VARONA, Francisco Javier, La delimitación del período de responsabilidad y las operaciones de carga y descarga, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 51

ARROYO, Ignacio, Las Reglas de Rotterdam ¿para qué?, Anuario de Derecho Marítimo, Vol. XXVII, pp. 25-43

ESCUIN IBAÑEZ, Irene, La limitación de responsabilidad del porteador, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 285


KARAN, Hakan, Revising liability limits in international maritime conventions: a Turkish perspective, in Journal of Maritime Law and Commerce, 2003, p. 615


MBIAH, Kofi, The Convention on contracts for the international carriage of goods wholly or partly by sea: the liability and limitation of liability regime, CMI Colloquium on the Rotterdam Rules, Rotterdam, September 21, 2009


TSIMPLIS, Michael, Analysis of Chapter 12, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 181 and, for a review of this article, BERLINGIERI, Francesco, A review of some recent analyses of the Rotterdam Rules, in Il Diritto Marittimo, 2009, p. 1020


CHAPTER 13. TIME FOR SUIT

BAATZ, Yvonne, Analysis of Chapter 13, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 195 and, for a review of this article, BERLINGIERI, Francesco, A review of some recent analyses of the Rotterdam Rules, in Il Diritto Marittimo, 2009, p. 1024


CHAPTER 14. JURISDICTION – CHAPTER 15. ARBITRATION

ÁLVAREZ RUBIO, Juan José, Jurisdicción y arbitraje en el Nuevo convenio UNCITRAL, in Las Reglas de Rotterdam – La regulación del contrato de transporte internacional de mercancías por mar, Marcial Pons, 2010, p. 313


BAATZ, Yvonne, Analysis of Chapter 14, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 211 and, for a review of this article, BERLINGIERI, Francesco, A review of some recent analyses of the Rotterdam Rules, in Il Diritto Marittimo, 2009, p. 1028

BERLINGIERI, Francesco, Giurisdizione e arbitrato nel Progetto UNCITRAL di Convenzione sul trasporto di cose, in Il Diritto Marittimo, 2007, 694

BERLINGIERI, Giorgio, Jurisdiction and arbitration in the UNCITRAL draft convention on carriage of goods (wholly or partly) (by sea), in ICMA XVI Congress papers, Singapore, ICMA, 2007, p. 308

CACHARD, Olivier, Jurisdictional Issues in the Rotterdam Rules: Balance of Interests or Legal Paternalism?, in European Journal of Commercial Contract Law (EJCCL), 2010-1/2 issue, p. 1

HERBER, Rolf, Jurisdiction and arbitration: should the new Convention contain rules on these subjects?, in Lloyd’s Maritime and Commercial Law Quarterly, 2002, p. 405

HETHERINGTON, Stuart, Jurisdiction and arbitration, in CMI Yearbook, 2003, p. 245


CHAPTER 16. VALIDITY OF CONTRACTUAL TERMS

ARROYO, Ignacio, Las Reglas de Rotterdam ¿para qué?, Anuario de Derecho Marítimo, Vol. XXVII, pp. 25-43

BERLINGIERI, Francesco, Ambito di applicazione e libertà contrattuale, in Il Diritto Marittimo, 2006, p. 1016


MUÑOZ FERNÁNDEZ, Alberto, La autonomia de la voluntad en las Reglas de Rotterdam, in Revista de Derecho del Transporte, no. 9, 2012, p. 11


CHAPTER 17. MATTERS NOT GOVERNED BY THIS CONVENTION


SCHELIN, Johan, Exclusive or alternative Rules, articles 26 and 82, in Les Règles de Rotterdam: le droit des transports maritimes au XXIe siècle, Institut Méditerranéen des Transports Maritimes-IMTM and Centre de Droit Maritimes et des Transport-CDMT, Colloquium in Marseilles 20-21 May 2010, Annales IMTM 2010, p. 84


CHAPTER 18. FINAL CLAUSES


SERDY, Andrew, Analysis of Chapter 18, in The Rotterdam Rules, A practical annotation, Informa, 2009, p. 263