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**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL
ROAD TRANSPORT AND FACILITATION OF ITS OPERATION**

**Revision of the Convention on the Contract for the International Carriage
of Passengers and Luggage by Road (CVR)**

Transmitted by the Russian Federation

After considering the letter dated 17 May 2001 concerning the Convention on the Contract for the International Carriage of Passengers and Luggage by Road, the Ministry of Transport of the Russian Federation wishes to comment as follows.

The amount of damages for which the Convention provides, and first and foremost the amount of compensation for personal injury, expressed in gold francs (250,000 francs, or more than US\$ 600,000.-), is too high to be able to constitute the actual amount of damages payable by the carrier at fault.

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According to the Protocol of 5 July 1978, the ceiling for the amount of damages may be expressed in units of account (SDRs). While in 1978 the upper limits expressed in gold francs and in SDRs were identical, the value of the gold franc in 2000 had sextupled.

A federal bill concerning the carrier's mandatory civil liability insurance for injury to passengers and freight provides that the ceiling for the insurance compensation to be awarded to a passenger should be set at 100,000 roubles.

Furthermore, the provisions of the Convention are mandatory for each transport line or each road transport operation and even for each part of the route of that line or transport operation on the territory of at least two States, one of which at least is a party to the Convention, under all contracts for the carriage of passengers and luggage by road, that is, including carriage by light vehicle; this lies outside the statutory jurisdiction of the Russian Ministry of Transport.

The Russian Federation's accession to the Convention would certainly have very useful repercussions for the protection of passengers' interests. Carriers, however, in view of the limits of liability and the fact that the provision of guarantees of compensation for damage caused by carriers in the context of the Convention, which must be brought into effect through the insurance, will not allow the domestic insurance market to develop and will give rise to a considerable increase in the cost of transport, very probably even if the SDR were adopted as the unit of account instead of the gold franc, would be unable to comply in the near future with the provisions of the CVR Convention.

In view of the foregoing, the Ministry deems it premature for the Russian Federation to accede to the Convention at the present time.

It considers that it would be useful:

1. To make provision for only one limit of liability in article 13, paragraph 1 for all States Parties to the Convention. Otherwise, a situation may possibly arise in which the carrier's liability would be unlimited; this would be contrary to insurance principles.
2. In view of the fact that the upper limit of damages per injured party liable to be paid by the carrier is too high, to carry out an expert review of accidents occurring during the carriage of passengers by road in order to establish and insert in the Convention a standard amount for the carrier's liability per incident. The introduction of a limit of this nature would not only enable the amount of carriers' liability to be made more realistic, but would also reduce their core expenditure on insurance.
3. To incorporate in the Convention a provision to the effect that the carriage of passengers under the CVR Convention must be subject to the carrier's having taken out liability insurance.
