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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

**Working Party on Transport
of Dangerous Goods**
**(Seventy-first session,
Geneva, 5-9 November 2001)**

CONVENTION ON CIVIL LIABILITY FOR DAMAGE CAUSED DURING CARRIAGE OF DANGEROUS GOODS BY ROAD, RAIL AND INLAND NAVIGATION VESSELS (CRTD)

Addendum 7

Note by the secretariat

The secretariat reproduces below the reply to the questionnaire related to the CRTD, submitted by Austria.

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(1) *What are the reasons that your country has not yet signed/ratified, approved, acceded to or accepted the Convention; what are considered to be the main obstacles for a possible decision to ratify, approve, accede or accept the Convention?*

Discussion on the national level showed economic concerns on the side of the transport operators and no indications of an urgent need for such specific legislation on the side of bodies acting in the interest of potential victims.

(2) *Are the limits of liability regarding the different modes of transport considered to be appropriate, too low or too high? Would ratification be facilitated by amending the present limits? If so, at what level should the limits be set in order to facilitate acceptance of the Convention by your country?*

Any provision for limitation of liability as requested by those who may be held liable for damage should take account of the general principle that victims should receive full compensation.

(3) *Can you provide (statistical) information on the average height of damage (in SDR's) for the different modes, in your country, caused by accidents during transport of dangerous goods?*

No such information is available.

(4) *Would the process of accession be facilitated by a lower level of compulsory insurance in comparison to the liability limits or even by complete abandonment of the compulsory insurance obligation? If so, what level should be appropriate?*

There are at present provisions in our national legislation stating levels of compulsory insurance below the liability limits. To lower the level of compulsory insurance may facilitate the process of accession but should not go so far as to be in apparent contradiction to the principle of full compensation. It could also be taken into consideration to give the States Party to the CRTD a certain degree of freedom in defining levels for the compulsory insurance.

(5) *Does the obligation to have a compulsory insurance certificate create difficulties for insurance institutions to (re-)insure the limits of liability provided for in the Convention?*

The question of certification of compulsory insurance should be discussed not only from the viewpoint of insurance institutions but also in the light of its role in monitoring compliance with the pertinent provisions and how this could be achieved with as little bureaucracy as possible.

(6) *Are there any other concerns about (the level of) the limitation of liability?*

No.