

A SURVEY OF THE CARGO BY SEA CONVENTIONS

COUNTRY	HAGUE	HAG/VISBY	HAMBURG	LIMITS
Algeria	4-13-1964			
Angola	2-2-1952			
Antigua/Barb	12-2-1930			
Argentina	4-19-1961	In Part		£100 gold ¹
Aruba	Commerc. Code			
Australia	7-4-1955	Rev. 7-1-1998 ²		667/2 SDR
Austria			7-29-1993 (LL)	835/2.5 SDR
Bahamas	12-2-1930			
Bahrain		In Part-1982		100 Dinar/pkg
Bangladesh	Commerc. Code			£100
Barbados ³	12-2-1930		2-2-1981	835/2.5 SDR
Belgium	6-2-1930	9-7-1978		667/2 SDR
Belize	12-2-1930			
Bermuda	12-2-1930 (d)	11-1-1980		667/2 SDR
Bolivia	5-28-1982 (LL)		multimodal ⁴	
Bonaire	Commerc. Code			
Botswana ⁵			2-16-1988 (LL)	835/2.5 SDR
Brazil	Commerc. Code		Signed Only	B/L controls
Bulgaria	Commerc. Code			280 Lev/unit
Burkina Faso			8-14-1989 (LL)	835/2.5 SDR
Burundi			9-4-1998 (LL)	835/2.5 SDR

Cameroon ⁶	12-2-1930	Signed Only	10-21-1993	835/2.5 SDR
Canada	revoked	Commerc. Code	Conditional	667/2 SDR
Cape Verde	2-2-1952			
Cayman Isl	12-2-1930 (d)	10-20-1983		667/2 SDR
Chile	Signed Only		7-9-1982	835/2.5 SDR
China ⁷		In Part	In Part	667/2 SDR ⁸
China-Macao	12-20-1999			
Colombia	In Part		multimodal ⁹	
Croatia	10-8-1991	10-28-1998		667/2 SDR
Cuba	7-25-1977			\$100 Cuban
Cyprus	12-2-1930		Signed Only	£100 gold
Czech Republic			6-23-1995 (LL)	835/2.5 SDR
Denmark	7-1-1938 (d)	11-20-1975 ¹⁰	Signed Only	667/2 SDR
Dominica	12-2-1930			
Dom. Republic				not allowed ¹¹
Ecuador	3-23-1977	3-23-1977	Signed Only ¹²	10,000/30 pgf
Egypt	11-29-1943 (d)	1-31-1983 ¹³	4-23-1979	835/2.5 SDR
Estonia	Commerc. Code			EEK2000/unit
Fiji	12-2-1930			\$236-Fiji
Finland	7-1-1939	12-1-1984 ¹⁴	Signed Only	667/2 SDR
France	1-4-1937	12-10-1977	Conditional	667/2 SDR
Gambia	12-2-1930		2-7-1996	835/2.5 SDR
Georgia		2-20-1996	3-21-1996	835/2.5 SDR
Germany ¹⁵	7-1-1939	Internally	Signed Only	DM1250/pkg
Ghana	12-2-1930		Signed Only	£100
Gibraltar	12-2-1930 (d)	12-22-1977		667/2 SDR

Goa	2-2-1952	see India		667/2 SDR
Greece	3-23-1993	3-23-1993		667/2 SDR
Grenada	12-2-1930			
Guinea ¹⁶	2-2-1952		1-23-1991	835/2.5 SDR
Guyana	12-2-1930			
HolySee/Vatica		Signed Only	Signed Only	
Hong Kong	12-2-1930 (d)	11-1-1980		667/2 SDR
Hungary ¹⁷	6-2-1930		7-5-1984 (LL)	835/2.5 SDR
Iceland		Commerc. Code		667/2 SDR
India ¹⁸	Commerc. Code	Commerc. Code - H/V limits		667/2 SDR
Indonesia		Commerc. Code		Dfl/Idr 600
Iran	4-26-1966			
Iraq			Commerc. Code	1250/350 Dinar
Ireland	1-30-1962	2-6-1997		Irish £100
Israel	11-5-1959	Commer Code ¹⁹		667/2 SDR
Italy	10-7-1938 (d)	7-22-1985	Conditional	667/2 SDR
Ivory Coast	12-15-1961			£200
Jamaica	12-2-1930			
Japan	7-1-1957 (d)	3-1-1993		667/2 SDR
Jordan			10-1-2001	835/2.5 SDR
Kenya ²⁰	12-2-1930		7-31-1989	835/2.5 SDR
Kiribati	12-2-1930			
Korea (South)	Revoked	Commerc. Code		500 SDR/pkg

Kuwait	7-25-1969	Commerc. Code		250Din/750fil
Latvia	4-4-2002	4-4-2002		667 SDR
Lebanon ²¹	7-19-1975	4-26-1982	4-4-1983	835/2.5 SDR
Lesotho ²²			10-26-1989(LL)	835/2.5 SDR
Liberia	Revoked	Commerc. Code		667/2 SDR
Lithuania				700 LT
Macao	2-2-1952	(see China	Macao)	
Madagascar	7-13-1965 (as	Malagasy Rep.)	Signed Only	
Malaysia	12-2-1930			£100 gold
Malawi ²³			3-18-1991 (LL)	835/2.5 SDR
Malta	Commerc. Code			
Mauritania		Signed Only		
Mauritius	8-24-1970			
Mexico	Revoked	5-20-1994	Signed Only	667/2 SDR ²⁴
Monaco	5-15-1931			
Montserrat	12-2-1930	10-20-1983		667/2 SDR
Morocco			6-12-1981	835/2.5 SDR
Mozambique	2-2-1952			
Nauru	7-4-1955			
Netherlands	8-18-1956	4-26-1982		667/2 SDR
New Zealand	Revoked	12-20-1994		667/2 SDR
Nigeria ²⁵	12-2-1930		11-7-1988	200 Naira/pkg
Norway	7-1-1938 (d)	3-19-1974 ²⁶	Signed Only	667/2 SDR
Oman		Commerc. Code		667/2 SDR
Pakistan	Commerc. Code		Signed Only	

Panama	Commerc. Code		Signed Only	B/L controls
Papua New G.	7-4-1955			
Paraguay	11-22-1967	Signed Only		
Peru	10-29-1964		multimodal ²⁷	£100 gold ²⁸
Phillipines	US COGSA	Signed Only	Signed Only	\$500
Poland	8-4-1937	2-12-1980		667/2 SDR
Portugal	12-24-1931	In Part	Signed Only	100,000 Escud
Qatar		Commerc. Code		1000 Riyal/pkg
Romania	3-18-2002 (d)		1-7-1982	835/2.5 SDR
Russia	Commerc. Code	4-29-1999 ²⁹		667/2 SDR
Sabah	Commerc. Code			MSR 850
Sao Tome	2-2-1952			
Sarawak	11-3-1931			MSR 850
Senegal	2-14-1978		3-17-1986	835/2.5 SDR
Seychelles	12-2-1930			
Sierra Leone ³⁰	12-2-1930		10-7-1988	835/2.5 SDR
Singapore	12-2-1930	4-25-1972	Signed Only	\$1563.65/4.69
Slovakia			5-28-1993 (LL)	? ³¹
Slovenia	6-25-91			\$4.
Solomon Isl.	12-2-1930			
Somalia	12-2-1930			
South Africa	Revoked	Commerc. Code		10,000/30 pgf
Spain	6-2-1930	1-6-1982		667/2 SDR
Sri Lanka	12-2-1930	10-21-1981		10,000/30 pgf
St Kitts-Nevis	12-2-1930			

St Lucia	12-2-1930			
StMartinN.Ant.	Commerc. Code			
St Vincent & Grenadines.	12-2-1930 7-22-2003		9-12-2000	835/2.5 SDR?
Sweden	7-1-1938 (d)	12-9-1974 ³²	Signed Only	667/2 SDR
Switzerland	5-28-1954	12-11-1975(LL)		667/2 SDR
Syria	8-1-1974	8-1-1974	10-17-2003	835/2.5 SDR
Taiwan	US COGSA	Comm Code ³³		667/2 SDR
Tanzania	12-3-1962		7-24-1979	835/2.5 SDR
Thailand		Commerc. Code		THB 10,000/30
Timor	2-2-1952			
Tonga	12-2-1930	6-13-1978		10,000/30 pgf
Trinidad/Tob.	12-2-1930			
Tunisia			11-15-1980	835/2.5 SDR
Turks/Caicos	12-2-1930	10-20-1983		667/2 SDR
Turkey	7-4-1955			100,000 T.Lira ³⁴
Tuvalu	12-2-1930			
Uganda			7-6-1979 (LL)	835/2.5 SDR
Ukraine		Commerc. Code	In Part	667/2 SDR
UAE		Commerc. Code		Dh 10,000/30
U. Kingdom	7-2-1930 (d)	10-1-1976		667/2 SDR
UK Virgin Isl.	12-2-1930 (d)	10-20-1983		667/2 SDR
United States	7-29-1937		Signed Only	\$500/pkg
Uruguay		Signed Only		None ³⁵
Venezuela		In part	In part	667/2.5 SDR ³⁶

Vietnam		Commerc. Code		10,000/30 pgf
Yemen		Commerc. Code		30,000/100Y.R1
Yugoslavia	4-17-1959	Commerc. Code		667/2 SDR
Zaire (Congo)	7-17-1967		Signed Only	
Zambia ³⁷			10-7-1991 (LL)	835/2.5 SDR

TOTALS

149 States*:	61 (1-LL) ³⁸	53 (1-LL) ³⁹	30 (11-LL) ⁴⁰	
--------------	-------------------------	-------------------------	--------------------------	--

[*5 States - no Convention applies, nor does their Commercial Code incorporate any Convention.]

Abbreviations: (d) = Denounced; (LL) = Landlocked, no ports; SDR = Special Drawing Right
 pgf = Poincarre Gold Franc; pkg = Package; B/L = Bill of Lading
 Conditional = In the Commercial Code, but awaiting future events.
 Commerc. Code = Not a party to the Convention, but in its Commercial Code.
 Signed Only = Signatory to the Convention, but no ratification or accession.

This table is an on-going project, so all additions, corrections, and comments are sought.
 Please direct your communications to:

George F. Chandler, III
 Hill Rivkins & Hayden LLP
 712 Main Street, Suite 1515
 Houston, Texas 77002-3209
 Tel: 713-222-1515
 Fax: 713-222-1359
 E-mail: gchandler@hillrivkins.com

© G. Chandler (March, 2005)

notes:

1. The value of gold would be based on current values of gold (about \$6,000.00).

2. Australian COGSA has been amended as part of a compromise to forestall the imposition of the Hamburg Rules in Australia. Specific provisions took effect on July 1, 1998. See Carriage of

Goods by Sea Regulations 1998.

3. Has not renounced the Hague Rules as required by Article 31 of the Hamburg Rules thereby creating a conflict between conventions.

4. Under the Andean Pact, multimodal shipments between member countries (Bolivia, Columbia, Ecuador, Peru and Venezuela) are subject to the UNCTAD/ICC Rules with the Hague exemptions and the Hamburg limitations.

5. Has not incorporated the Hamburg Rules into its code such that it is in doubt if its courts will apply Hamburg.

6. See note 3, also has not incorporated the Hamburg into its national code such that Hamburg would not be applied by its courts.

7. China has devised its own rules using some features of Hague Visby and Hamburg.

8. China has converted the 667SDR to 700RMB. This would apply to claims within China. Claims outside China should be converted into the local currency from SDRs (on the basis that the conversion from RMBs should yield 667SDRs).

9. See note 4.

10. For domestic trade and trade between Denmark, Finland, Norway and Sweden, each country has added the Hamburg Rules to its code, but retained H/V's limitation, one year time for suit, and defense of navigation or management error.

11. Actual and consequential damages will be awarded, and monetary limitations will not be enforced. Time for suit is one year from date of arrival, rather than delivery.

12. See note 4.

13. Egypt had invoked Article 31(4) of the Hamburg Rules to defer denunciation of H/V for five years until Nov. 1, 1997, such that Hamburg would only apply to voyages between contracting states through Nov. 1, 1998. No further action is known to have been taken.

14. See note 10.

15. Germany has incorporated H/V into its code for domestic use and for shipments to H/V countries only. Other international shipments are under the Hague Rules (at DM1250/pkg). The ratification of H/V by the former GDR, expired when the GDR was absorbed into Germany.

16. See note 3.

17. Has not incorporated the Hamburg Rules into its code such that Hamburg would not be applied by its courts.

18. India incorporated the Hague Rules into the Carriage of Goods by Sea Act, 1925, and amended COGSA-1925 by adding the H/V limits under the Multi-Modal Transportation act of 1993.

19. Carriage of Goods by Sea Ordinance, 1992.

20. See note 5.

21. Has not renounced the Hague or H/V Rules as required by Article 31 of the Hamburg Rules thereby creating a conflict between conventions.

22. See note 17.

23. See note 17.

24. Mexico has incorporated the UN Multimodal Convention into its code, such that multimodal bills of lading would be subject to the Multimodal Limitation of 920 SDR's per package or 2.75 SDR's per kilogram.

25. The Hamburg Rules have not been enacted into domestic law, such that the Hague Rules must be applied by the courts.

26. See note 10.

27. See note 4.

28. See note 1.

29. Russian law adopted Hague-Visby on January 15, 1999, and this took effect on May 1, 1999, when the new Russian Merchant Shipping Code came into force.

30. See note 3.

31. Slovakia succeeded to the former Czechoslovakia, which declared that the limits were to be converted into Czechoslovak currency. It is not known how Slovakia would make the conversion, or that it is bound to the convention. UNCITRAL lists Slovakia under Succession, but not Ratification or Adherence. The Czech Republic withdrew the Czechoslovakian declaration on limits when it ratified the convention.

32. See note 10.

33. Effective July 14, 1999 through the new Taiwanese Maritime Law.

34. Pursuant to Article 1114 of the Turkish Commercial Code, as amended in 1982.

35. If foreign law is applicable, the current value of gold would be used. Under the Hague Rules, that would be about US\$6,000. Under H/V, it would be less than US\$5,000.

36. Venezuela has devised its own rules using parts of Hague/Visby and Hamburg in its Law on Maritime Commerce, Chapter III, Title V (2001). The limits are expressed in "units of account" which is understood to mean SDRs. See also note 4.

37. See note 17.

38. For ratifications and accessions, see www.cmi.org. [International convention for the unification of certain rules of law relating to Bills of Lading and protocol of signature (Hague Rules 1924)]

39. For ratifications and accessions, see www.cmi.org. [Protocol to amend the International Convention for the unification of certain rules of law relating to bills of lading signed at Brussels on 25 August 1924 (Hague/Visby Rules, 1968); and the Protocol to amend the International Convention for the unification of certain rules of law relating to bills of lading as amended by the Amending Protocol of 23rd February 1968 (SDR Protocol, 1979)]

40. For ratifications and accessions, see www.uncitral.org [the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules)]