

Overview of liability regulations in Europe



Internationaler
Assekuranz-Makler

| Country | Period of Liability | Liability/Limits | Time bar of complaints | Period of limitation | Legal basis |
|-----------------------|--|--|---|--|--|
| Austria | · During custody (collection – delivery) | · Damage to goods: 8.33 SDR/kg · Delay: 1 times the freight · Other financial losses: acc. HGB (commercial code) | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery · Delay: 21 days after delivery | · 1 year, · 3 years in case of gross negligence | UGB (commercial code)/CMR* |
| Belgium | · Basically: during custody (collection – delivery) · Exception: with handover of transport documents | · Damage to goods: 8.33 SDR/kg · Delay: 1 times the freight | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery | · 1 year | National contract law from 3rd May 1999/CMR* |
| Bulgaria | · During custody (collection – delivery) | · Damage to goods: 8.33 SDR/kg · Delay: 1 times the freight · Other financial losses: national civil code | · 1 month after delivery | · 1 year, · 3 years in case of gross negligence | Transport law/CMR* |
| Czech Republic | · During custody (collection – delivery) | · Damage to goods: full amount (invoice price) | · Immediately on delivery | · 1 year, · 3 years in case of wilful act | HGB (commercial code) |
| Denmark | · During custody (collection – delivery) | · Damage to goods: no limitation | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery | · 5 years | Road Traffic Act (Faerdsloven LBK nr. 712 vom 02.08.2001) |
| Finland | · During custody (collection – delivery) | · Damage to goods: 20 EUR/kg · Delay: 1 times the freight | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery | · 1 year | Act of Parliament governing the domestic and international transport of goods by road 1979 |
| France | · During custody (collection – delivery) | · Damage to goods: · Consignment up to 3 tons: 23 EUR/kg, max. 750 EUR each package · Consignment over 3 tons: 14 EUR/kg, max. 2300 EUR each ton of consignment · Refrigerated transport: 14 EUR/kg max. 4000 EUR each ton of consignment | · 3 days after delivery (by registered letter) | · 1 year | Transport law/Code de Commerce L 133-1 et seq. and decree depending on contract type |
| Germany | · During custody (collection – delivery) | · Damage to goods: 8.33 SDR/kg · Delay: 3 times the freight · Other financial losses: 3 times amount of indemnification as for loss | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery · Delay: 21 days after delivery | · 1 year, · 3 years in case of gross negligence | HGB (commercial code) |
| Hungary | · During custody (collection – delivery) | · Damage to goods: full amount (invoice price) · Delay: 1 times the freight · Other financial losses: national civil code | · Visible damages: immediately on delivery · Concealed damages: 3 days after delivery | · 1 year | BGB (civil code) |
| Italy | · During custody (collection – delivery) | · Damage to goods: 1 EUR/kg | · Visible damages: immediately on delivery · Concealed damages: 8 days after delivery | · 1 year, · 18 months for transports from/to non-European countries | Codice Civile 1683-1702; law no. 450/1985, 162/1993; decree 286/2005 et seq. |
| Netherlands | · During custody (collection – delivery) | · Damage to goods: 3.40 EUR/kg · Delay: 1 times the freight (if AVC 2002 agreed) | · Immediately on delivery | · 1 year | Civil code, Book 8 or AVC 2002 |

* CMR adopted in national law with deviations

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| Norway | · During custody (collection – delivery) | · Damage to goods: 17 SDR/kg · Delay: 1 times the freight | · Visible damages: immediately on delivery · Concealed damages: 8 days after delivery | · 1 year | CMR |
| Poland | · During custody (collection – delivery) | · Damage to goods: full amount (invoice price) · Delay: 2 times the freight · Other financial losses: Polish civil code | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery delay: 21 days after delivery | · 1 year, · 6 months against other freight forwarders, in case of delay: 2 months after delivery | USTAWA z dnia 15 listopada 1984 r. Prawo przewozowe. Kodeks Cywilny |
| Portugal | · During custody (collection – delivery) | · Damage to goods: 8.33 SDR/kg · Delay: 1 times the freight | · Visible damages: immediately on delivery · Concealed damages: 8 days after delivery · Delay: 7 days after delivery | · 1 year, · also in case of gross negligence | Transport law: Decreto-Ley no. 239/2003 |
| Romania | · During custody (collection – delivery) | · Damage to goods: converted amount of USD 2.50 (in RON) per kg · Delay: 1 times the freight · Other financial losses: national civil code | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery · Delay: 21 days after delivery | · 1 year, · 3 years in case of gross negligence | CMR* (acc. VO 27/2011) |
| Slovakia | · During custody (collection – delivery) | · Damage to goods: full amount (invoice price) | · Immediately on delivery | · 1 year, · 3 years in case of gross negligence | HGB (commercial code)/CMR* |
| Slovenia | · During custody (collection – delivery) | · Damage to goods: 8.33 SDR/kg + freight · Delay: 2 times the freight | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery | · 1 year, · 3 years in case of gross negligence | ZPPCP |
| Spain | · Full truck load: during custody (collection – delivery) · Combined load: during custody (collection – delivery) · Carrier is also liable for loading and unloading | · Damage to goods: 1/3 IPREM/kg corresp. 5.92 EUR/kg (IPREM=annual amount of the public revenue index) · Delay: 1 times the freight · Move: 20 IPREM/m ³ | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery · Delay: 21 days after delivery | · 1 year, · 2 years in case of wilful act and gross negligence | LCCTM/Spanish commercial law |
| Sweden | · During custody (collection – delivery) | · Damage to goods: 150 SEK/kg | · Visible damages: immediately on delivery · Concealed damages: 7 days after delivery | · 1 year | Swedish Road Transport Act |
| Switzerland | · During custody (collection – delivery) | · Damage to goods: full amount (invoice price) · Delay: full compensation, max. invoice price (like compensation for damage to goods) | · Visible damages: immediately on delivery · Concealed damages: 8 days after delivery | · 1 year | Swiss code of obligations (CO) Art. 440 et seq. |
| United Kingdom | · During custody (collection – delivery) | · Damage to goods: max. 1.300 GBP each ton of consignment · Delay: 1 times the freight | · Written notification within 7 days of termination of transit | · 1 year | RHA Conditions of Carriage 2009 |

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