

# **The liability of the carrier in road carriage of goods**

## **Abstract**

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This dissertation deals with contractual relations and liabilities between parties of carriage and freight forwarding contracts in domestic and international road carriage of goods. The work offers detailed analysis of current legislation (up to 31. 12. 2018) and examines judicial and doctrinal outcomes in national and international - namely German, Austrian and Slovakian - context.

The first part answers selected questions of freight forwarding contracts as set forth in the civil code. A special focus is given to freight forwarder's liability for loss and damage of forwarded goods, and other damages caused by a breach of contract. The work also looks at the change of legal and liability status of the freight forwarder enabled by their right to act as a carrier or failing to meet their obligations toward the principal. In offering a comparison between freight forwarding and carriage contracts, this work stresses the common practice of mixing up their obligations, answering questions of legal interpretation and offering a framework for practical application of the contracts.

The work further offers a thorough analysis of transport regulation as set forth in the civil code as well as the CMR Convention. It focuses specifically on receiving and dispatching goods, setting information and payment obligations and the right of disposal of goods by the parties of the contract, and the consignee as a third-party contract beneficiary. The dissertation extends to the study of the consignment note which the CMR Convention connects with legal presumptions, particularly important from the perspective of the carrier's liability.

The central part of the work looks at the carrier's liability set forth by national and international legislation for the loss and damage of transported goods, from the time the carrier takes possession of the goods. The work further focuses on pressing questions of loading and unloading duties, the entitlement to damage claims raised by the sender and consignee against the carrier and subcarrier, including the limitation and the extension of the carrier's liability. This also defines the extent of the carrier's payment duty and the list

of reasons for a relief from liability for the damage. Lastly, the dissertation deals with the carrier's liability for damage arising from a delay in delivery.

**Key words:** the liability of the carrier, the contract of carriage, CMR Convention