

13 English summary & keywords

LIABILITY OF THE CARRIER IN THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD:

The following rigorous thesis has been devoted to the most important parts of the unilateral legal regulation on the international carriage of goods by road. It tries to interpret the liability from the sight of the carrier, while using up-to-date Czech and foreign literature, European courts judiciary and legitimate legal statements from the recent period.

The international carriage of goods represents a major and irreplaceable role within the global market. Even though, the maritime carriage handles over a half of the total amount of goods carried around Earth, the road transport has its own indispensable advantages. Firstly, it offers so called 'house-to-house' delivery that could only hardly be done by any other type of transportation currently available. Secondly, the road carriage has proven itself to be relatively fast, safe, universal and convenient - especially in the terms of goods handling and consignor's manageability over the shipment while it undertakes the journey. This all has supported the very fast growing industry of the international carriage by road where demand still exceeds supply in favour of the carriers.

Having read the first article, being an international road carrier may appear as a trouble-free business, however in the terms of law it is not. From the essence of internationality, every international road carrier would have been eventually challenged with different national laws and regulations in the case of loss if the uniform regulation of the international road carriage had not been achieved. The main statutory regulation in this area is represented by The Convention on The Contract for the International Carriage of Goods by Road (C M R) signed at Geneva on 19 May 1956. Even these days – more than 50 years after its foundation, the result of one of the most successful international negotiations in the field of global carriage industry still serves well without any crucial updates taken so far. However, its complexity gave rise to thousands of pages in the legal publications and cases that sometimes tend to claim more divergence than uniformity among the member states to the Convention.

From the point of view of a lawyer, the Convention offers cross boarder legal service cooperation and interesting, yet complex area of legal practice. This has been partly emphasised by the key position of the Czech Republic in the hearth of the continent and its membership in the European Union, where a significant amount of road transport journeys is being done by transiting foreign carriers. Even though, there are still minor amount of lawyer offices specialising on this area of law compared to i.e. Germany or The United Kingdom.

Concerning the key part of the convention, the currently submitted rigorous thesis has focused on the liability of the international road transport carrier and related questions. Some chapters were emphasised with intention to bring an unbiased uniform point of view to the most problematic challenges arising from the Convention that can not be named as consistent across the contemporary judiciary and legal publications. Especially, chapter eight concerning carriers right to liberate himself from the liability and chapter concerning alternative dispute solutions deserves in Author's opinion somewhat special attention.

To conclude, the approach applied on this work was intended to offer a quality overview of the key points in question bearing in mind the prescribed page extension. Serving as a source of current legal praxis, theory and relative European case law, it does its purpose to highlight the major issues followed by their legal solutions. This all in the form suitable for legal experts, professional carriers or broader public either.

Klíčová slova: "CMR, dopravce, odpovědnost".

Keywords: "CMR, carrier, liability".