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Liability limitations

Within Switzerland and worldwide

Liability for damage

When transporting goods, the individual modes of transport are liable for monetary losses due to damage, loss or late delivery of the goods. However, the individual modes of transport only pay damages up to a certain maximum amount. This is often well below the actual value of the goods.

Liability limitations

The following overview covers the liability limitations of the individual modes of transport. Freight carriers are liable for the entire period during which the goods are in their care. These values are extracts from national and international legal regulations. However, the relevant provisions agreed upon by the contracting parties are decisive.

To be noted in the event of a claim:

If damage occurs, the contracting parties involved must be informed immediately. In the case of outwardly discernible damage, a complaint must be made to the carrier at the time of delivery of the goods. Concealed damage must be reported immediately after said damage has been identified, but no later than within the period listed in the overview.

In the case of outwardly discernible damage, specific written notes of reserve must also be made on the delivery note or waybill when the goods are received. In the absence of such a notation the liability claim has no lasting effect.

The freight carrier is enabled to disclaim the liability. Indemnity claims expire at the end of one year. For air freight (“Montreal Convention”) and sea freight (“Hamburg Rules”), claims expire two years after delivery of the goods.

Legal basis	Liability limitations	Notification in the event of concealed damage
Rail		
Swiss Transport Act 1985 and Transport Ordinance 1986	Loss: CHF 150 per kg gross plus freight, customs duties, costs Damage: percentage depreciation of the goods Late delivery: → CHF 500 per package → CHF 2,000 per carriage	7 days
Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM), 1999, Appendix B	Loss: SDR 17 per kg gross plus freight, customs duties, costs Damage: percentage Late delivery: four times the value of the freight	7 days
Road – domestic		
Swiss Code of Obligations Art. 440 et seqq. or, if agreed:	Loss, damage or late delivery: full replacement of value	8 days
ASTAG regulations 2017	Loss or damage: → CHF 15 per kg effective freight weight → CHF 40,000 per event Late delivery: value of the agreed freight fee (if agreed)	8 days
AB SPEDLOGSWISS 2005	Loss or damage: → SDR 8.33 per kg gross → SDR 20,000 per event Late delivery: value of the freight amount	8 days
Road – cross-border		
Convention of 19 May 1956 on the Contract for the International Carriage of Goods by Road (CMR)	Loss or damage: → SDR 8.33 per kg gross weight plus freight, customs duties, costs → Countries that have not ratified the Convention: 25 “gold francs” per kg gross weight plus freight, customs duties, costs Late delivery: value of the freight	7 days
Airfreight		
Warsaw Convention (1929) as amended by the Hague Protocol (1955) and Montreal Protocol No. 4 (1975); ICAO 2019 decision	Loss, damage or late delivery: → SDR 22 per kg → Countries that have not ratified the Montreal Protocols: 250 “gold francs” per kg	14 days
Ocean freight		
Hague Rules 1924	Loss or damage: 100 pounds sterling per package or shipping unit	3 days
Hague-Visby Rules 1968 and Additional Protocol 1979	Loss or damage: → SDR 666.67 per package or shipping unit → SDR 2 per kg gross → Countries that have not ratified the Haag-Visby rules: 10,000 “gold francs” per shipping unit or 30 “gold francs” per kg	3 days
Hamburg Rules 1978	Loss or damage: → SDR 835 per package or shipping unit → SDR 2.5 per kg gross Late delivery: 2.5 times the freight amount	15 days

Legal basis	Liability limitations	Notification in the event of concealed damage
Inland waterways		
Swiss Rhine Transport Conditions (SRTB) 2002	Loss or damage: → SDR 250 per package or shipping unit → SDR 1 per kg → SDR 1,500 per container without goods → SDR 20,000 per container with goods → SDR 500,000 per event Late delivery: single amount of freight	3 days
Navigation Act (SSG) Navigation Ordinance (SSV)	Loss, damage or late delivery: with bill of lading, liability is according to SSG/SSV: → SDR 666.67 per package/shipping unit → SDR 2 per kg of the gross weight of the goods	3 days
Combined (multimodal) transport		
UNCTAD/ICC Rules for Multimodal Transport Documents	Loss or damage: → SDR 2 per kg → SDR 666.67 per package/shipping unit	Various
Forwarding, warehousing or shipping agent		
Usually the currently valid version of AB SPEDLOGSWISS	Loss or damage: → SDR 8.33 per kg gross → SDR 20,000 per event Late delivery: Value of the freight amount	8 days or period for which the delivering freight carrier is liable
Post		
According to the General Terms and Conditions of Swiss Post		Domestic: 8 days International: 7 days
Courier service		
According to the terms and conditions to be agreed		

The overview contains only preliminary information on national and international agreements and legal provisions, and makes no claim to completeness. Although this information has been compiled with the greatest care, Baloise Insurance declines any liability for its accuracy, completeness and up-to-dateness. The applicable contractual and legal provisions are decisive.

Abbreviations

ASTAG	Swiss Road Transport Association
CIM	Uniform Rules concerning the Contract for International Carriage of Goods by Rail
CMR	Convention of 19 May 1956 on the Contract for the International Carriage of Goods by Road
ICAO	International Civil Aviation Organization
ICC	International Chamber of Commerce
SPEDLOGSWISS	Swiss Freight Forwarding and Logistics Association
SDR	Special drawing rights
UNCTAD	United Nations Conference on Trade and Development

Advantage of a marine insurance

The maximum amounts, that are the individual modes of transport liable for, often are significantly below the effective value of the transported goods. For this reason, door-to-door transport insurance with comprehensive risk coverage is recommended.

We capably and reliably protect you against financial risks, that occur to your goods on the insured journey.