

C/M/S/ Hasche Sigle

German Maritime Law Reform

Practical introduction and guidelines on the new law
with synopsis of new/old and old/new law



© 2013 CMS Hasche Sigle, Partnerschaft von Rechtsanwälten und Steuerberatern
Stadthausbrücke 1–3
20355 Hamburg, Germany
Editors: Christoph Zarth, Dr Carolin Stumm, LL.M. (Tulane)
CMS Hasche Sigle on the Internet: www.cms-hs.com

This publication does not constitute legal advice and cannot replace such advice
in an individual case.

Information current at April 2013

Table of contents

A. Foreword	4
B. Introduction to the new maritime law	7
I. Overview	8
II. Liability for damage, loss and delay	16
III. Statutory rules governing marine contracts of carriage, transport documents, arrest	22
IV. Contract drafting requirements for carriers and freight forwarders	31
C. The new liability law compared with the old German Commercial Code and Hague-Visby Rules (tabular overview)	39
D. The CMS Hasche Sigle Maritime Practice Group	49
E. Synopsis	53
I. Table comparing new/old law	54
II. Table comparing old/new law	91
F. Reference to further materials on the reform	111

CMS Hasche Sigle is one of the leading commercial law firms. More than 600 lawyers serve their clients in nine major German commercial centres as well as in Brussels, Moscow and Shanghai. CMS Hasche Sigle is a member of CMS Legal Services EEIG, a European Economic Interest Grouping that coordinates an organisation of independent member firms. CMS Legal Services EEIG provides no client services. Such services are solely provided by the member firms in their respective jurisdictions. In certain circumstances, CMS is used as a brand or business name of, or to refer to, some or all of the member firms or their offices. CMS Legal Services EEIG and its member firms are legally distinct and separate entities. They do not have, and nothing contained herein shall be construed to place these entities in, the relationship of parents, subsidiaries, agents, partners or joint ventures. No member firm has any authority (actual, apparent, implied or otherwise) to bind CMS Legal Services EEIG or any other member firm in any manner whatsoever.

CMS member firms are:

CMS Adonnino Ascoli & Cavasola Scamoni (Italy);
CMS Albiñana & Suárez de Lezo (Spain);
CMS Bureau Francis Lefebvre S.E.L.A.F.A. (France);
CMS Cameron McKenna LLP (UK);
CMS DeBacker SCRL/CVBA (Belgium);
CMS Derks Star Busmann N.V. (The Netherlands);
CMS von Erlach Henrici Ltd (Switzerland);
CMS Hasche Sigle, Partnerschaft von Rechtsanwälten und Steuerberatern (Germany);
CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH (Austria) and
CMS Rui Pena, Arnaut & Associados RL (Portugal).
www.cmslegal.com

CMS offices and associated offices:

Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dresden, Dubai, Düsseldorf, Edinburgh, Frankfurt, Hamburg, Kyiv, Leipzig, Lisbon, Ljubljana, London, Luxembourg, Lyon, Madrid, Milan, Moscow, Munich, Paris, Prague, Rio de Janeiro, Rome, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

The sole purpose of this publication is to provide information about specific topics. It makes no claims to completeness and does not constitute legal advice. The information it contains is no substitute for specific legal advice. If you have any queries regarding the issues raised or other legal topics, please get in touch with your usual contact at CMS Hasche Sigle or the publisher of this document.

CMS Hasche Sigle Partnerschaft von Rechtsanwälten und Steuerberatern, registered office: Berlin (Charlottenburg District Court, PR 316 B), list of partners: s. website.

www.cms-hs.com