

Article 22. General rule

Alternative B

(The consignor shall be liable for loss sustained by the multimodal transport operator if it is proved that he or his servants or agents acting within the scope of their employment did not take all measures that could reasonably be required to avoid the occurrence and its consequences.)^{12/}

^{12/} This alternative was proposed by a number of Group D countries.

Article 29. Contractual stipulations

(4. Where the claimant in respect of the goods has incurred loss as a result of a stipulation which is null and void by virtue of the present article, or as a result of the omission of the statement referred to in paragraph 3 of this article, the multimodal transport operator must pay compensation to the extent required in order to give the claimant compensation in accordance with the provisions of this Convention for any loss of or damage to the goods as well as for delay in delivery. The multimodal transport operator must, in addition, pay compensation for costs incurred by the claimant for the purpose of exercising his right, provided that costs incurred in the action where the foregoing provision is invoked are to be determined in accordance with the law of the State where proceedings are instituted.)^{15/}

^{15/} At the 53rd meeting of the Intergovernmental Group, the spokesman for the Group of 77 indicated that a paragraph 4 should be inserted here in square brackets, the text of which should follow closely paragraph 4 of article 23 of the Hamburg Rules. Accordingly, the text of paragraph 4 in the present draft reproduces paragraph 4 of article 23 of the Hamburg Rules, with the word "carrier" replaced by the term "multimodal transport operator" in both cases.

Član 22. Opće pravilo

Alternativa B

(Pošiljatelj odgovara za štetu koju je pretrpio poduzetnik multimodalnog prijevoza ako se dokaže da on ili njegovi službenici ili punomoćnici koji djeluju u granicama njihova zaposlenja nisu poduzeli sve mjere koje bi se mogle razumno zahtijevati radi izbjegavanja događaja i njegovih posljedica.)^{12/}

^{12/} Ovu alternativu je predložio određeni broj zemalja Grupe D.

Član 29. Ugovorna utanačenja

(4. Kada tužitelj pretrpi štetu na teretu kao posljedicu uglavka koji je ništav i bez učinka na temelju ovog člana ili kao posljedicu propuštanja navoda spomenutog u stavu 3. ovog člana, poduzetnik multimodalnog prijevoza mora platiti naknadu u tolikoj visini da tužitelj bude u cijelosti namiren u skladu s odredbama ove Konvencije za svaki gubitak ili oštećenje tereta kao i za zakašnjenje u predaji. Poduzetnik multimodalnog prijevoza osim toga mora platiti i naknadu troškova koji su tužitelju nastali u izvršavanju njegovih prava, no s time da će troškovi, nastali u postupku u kojem se pozvalo na prije navedenu odredbu, biti utvrđeni u skladu s pravom države u kojoj je postupak pokrenut.)

^{15/} Na 53. sastanku Medjuvladine grupe, predstavnik Grupe 77 predložio je da se doda stav 4. u zagradama kojeg će tekst strogo slijediti stav 4, člana 23. Hamburških pravila. Suglasno tome tekst stava 4. u ovom nacrtu ponavlja stav 4, člana 23. Hamburških pravila, s tim što su riječi "vozar" u oba slučaja zamijenjene riječima "poduzetnik multimodalnog prijevoza".