

THE LIMITATION OF ACTIONS BETWEEN THE CARRIERS

Summary

Article 78 (1) of Polish Transportation Act provides that the limitation period of actions between the carriers is 6 months and it will begin to run either on the date of statement of claim against the first carrier or, if there is no such action, from the actual date of the payment.

The author of the article criticizes the construction of this provision. In his opinion it is contradictory to the nature of the claims between the carriers. This regulation causes the situation that the period of limitation may be terminated before the very claim originates. In author's opinion this provision is superfluous.

The better solution than the above mentioned is provided by the Article 39 (4) CMR. According to this provision, the period of limitation will begin to run either on the date of the final judgment fixing the amount of compensation payable under the Convention by the carrier sued by the cargo interests, or if there is no such judgment, from the actual date of payment. This regulation does not create practical problems so the author recommends this solution for new Polish regulations.

Translated by Krzysztof Wesolowski