

<b>Program: Doctoral Academic Studies</b>
<b>Course Title: TRANSPORT LAW</b>
<b>Teachers:</b> Dr Mirko Vasiljević, Dr Nebojša Jovanović, Dr Mirjana Radović
<b>Course status:</b> optional within Business Law scientific area
<b>Number of ECTS:</b> 10
<b>Requirements:</b> master degree (300 ECTS) cumulate with GPA at least eight (8) or equivalent for foreign student
<b>Aims of the course:</b> Acquiring an in-depth knowledge of the legal regime of transport at all, and specifically at particular branches of it as maritime, air, railway, road, multimodal, pipeline, and PTT traffic, which would enable student to have independent and critical view regarding institutions of transport law and it's contemporary problems. Thereby, it's an emphasis on acquiring knowledge of organizational and private law aspect of transport, but not safety and military, shortly, without public aspect of transport.
<b>Course result:</b> At the conclusion of the course student would be able to deal independently with contracts of carriage and other issues related to private aspect of Transport Law in science and practice, not only in domestic country, but in the whole world, due to uniformity of Transport Law worldwide. Additionally, after successfully passing exam, student should be independent in scientific research in transport law scientific area and could write on his own research, or even, scientific articles.
<b>Course content:</b> <u>Introduction to Transportation</u> – Transport - notion, (legal) significance, terminology, features, classifications of transport, usability and competitiveness of transport branches. Transport Law – notion, significance, terminology, subject, content, method, features, principles, position in legal system, legal sources (domestic, international). <u>Public Transport Law</u> – Organization of Transport – transportation system, transportation factors (classification, transport ways, transport devices, carriers), organization of domestic transport, organization of international transport (introductory remarks, international organization in transport, transit, export of carriage services). Customs (duty) in transport – notion and types, privileges for vehicles, customs in international transport (Istanbul Convention, custom's privileges, types and system of security). Jurisdiction of courts – significance of court jurisdiction, jurisdiction in domestic transport (special, territorial, prorogation), jurisdiction in international transport (subject of regulation, decisive factors, exclusive jurisdiction of domestic court). <u>Private Transport Law</u> – Introductory remarks, parts, ownership, maritime liens, and mortgages. <u>Freight Forwarding</u> – notion (commercial role, occurrence, significance, classification, features), contract of freight forwarding – basic consideration, legal relationship regarding freight forwarding, classification of freight forwarding contracts, obligations and rights of forwarder, liability of forwarder, termination of contract, obsolescence. <u>Contract of Carriage of goods</u> – legal definition, contractors and other participants, purpose of the contract, nature of rules, substantive elements, conclusion, transport documents, features, legal nature of contract (elementary consideration, commercially or classical civil nature?), types of contract, contract performance, termination of contract (consignor privilege, right to rescission). Contract of carriage goods - legal definition and obligations of contractors. Obligations of carrier – placing the vehicle, road/sea etc.-worthiness, receiving the goods, goods inspection, (un)loading, (dis)embarking, issuing transport document, voyage, bailment of goods, advocacy of user of carriage, performance of order, delivery. Obligations of consignor – ordering the vehicle, providing the port, delivery of goods, informing the carrier, paying the freight (types of freight), instructing the carrier, reward for additional services, right to the costs, lien. <u>Liability of Carrier</u> (in carriage of goods) – types of liability, nature of carrier's liability, restricted applicability, cases of carrier' liability (loss of goods, damage, delay, coincidence of damages), basis of liability - general and in different branches of transport law (definition and significance, different basis of liability, strict liability, (presumed) culpable liability, elimination of liability, excluded cases), limited liability (definition, methods of limiting liability, justification of limitation, methods of calculating limitation, limitation by damage, limitation by property), calculation unit, special drawing right, unlimited liability, liability for servants and agents, mandatory nature of liability regime (especially from carrier perspective), establishing loss and damage (definition and significance, methods of establishing damage on goods), calculating damages, compensation for damages (specificity of compensation in transport, form of compensation), subject of compensation for damage, right of action), liability of consignor. <u>Contract of carriage of passengers</u> – notion, legal sources, legal structure of relationship, passenger, carriage of passengers with transport of goods (including luggage), specificity relating to contract of carriage of goods, rights and obligations of carrier and passenger, ticket, liability of carrier (types and features), cases and period of carrier's liability, legal ground of liability for death and injury of passenger (systems of establishing legal grounds, system of two-tiers relationship), limitation of liability (methods and types of limits, unlimited liability), liability for servants and agents, liability of servants, right to action, stronger protection of passenger in cases of

disorder in transport, unilateral compulsory, rights of passengers), liability of passenger. Contract of carriage of luggage – definition of contract and legal sources, relations with other transport's contracts, substantive elements, conclusion of contract, luggage voucher, rights and obligations, liability of carrier (two legal regimes, liability for hand luggage, liability for registered luggage, right to action, obsolescence), liability of passenger. Special modes of transport – Successive transport – complex carriage, joint transport, carriage through actual carrier. Supplement transport (ro-ro) - definition and significance, delimitation, rights, obligation and liability of carrier (tripartite relationship, main, supplementary and between user and supplementary carrier). Successive carriage – definition, terminology and delimitation, organization, participants and structure, liability, limitation of liability), right to recourse (claim) – (specificity rules), freight (calculation, payment, division). Multimodal transport – definition, the reason for the phenomenon and legal problems (containerization, difficulties), legal sources, potential solution, operator, liability systems (own, network, uniform and combined liability), liability ground, exclusion of liability, duration of liability, limits of liability, unlimited liability, liability for servants and agents, liability for delay, unilateral mandatory regulation, obsolescence, multimodal carriage by hovercraft. Carriage of dangerous cargo - specificity of transport, dangerous cargo, legal sources, conditions of carriage, contract of carriage of dangerous goods, definition and substantive elements, obligations of consignor, obligations of carrier, liability of contractors (responsible person and risk sharing, liability of carrier, liability of consignor, general average at carriage of dangerous cargo).

**Literature:**

**Mandatory:**

- 1) Jovanović Nebojša, *Transport Law – general part*, Belgrade, 2017; Carić Slavko et al., *Transport Law*, Belgrade, 2002;
- 2) Legros Cecile, *Transport Law in France*, Wolters Kluwer, Alphen, 2012.
- 3) Force Robert, *Transport Law in USA*, Kluwer, Hague, 2001.
- 4) Harris Brian, *Ridley's Law of the Carriage of Goods by Land, Sea and Air*, Sweet & Maxwell, London, 2010.

**Supplementary:**

**Monographs:** 1) Nebojša Jovanović, *Transport law of Serbia and Montenegro*, Kluwer, Hague, 2005; 2) Miodrag Trajković, *Pomorsko pravo*, Belgrade, 2004; 3) Mirko Vasiljević, *Trgovinsko pravo*, Belgrade, 2016, only parts regarding to transport law; 4) Branko Jakaša, *Land and Air Law*, Zagreb, 1969; 5) Branko Jakaša, *Udžbenik plovidbenog prava*, Zagreb, 1983; 6) Borislav Ivošević, *Saobraćajno pravo*, Beograd, 2005; 7) Slavko Carić et al., *Saobraćajno pravo*, Novi Sad, 1998; 8) Gaskell, Debatista, Swatton, *Chorley and Gile's Shipping Law*, Pitman Publishing, London, 1994; 9) Branko Jakaša, *Sistem plovidbenog prava Jugoslavije*, Ugovori o iskorišćavanju brodova (knjiga 3, svezak 1 i 2), Informator, Zagreb, 1980; 10) Malkolm A. Clark, *International Carriage of Goods by Road CMR*, Sweet & Maxwell, London, 1997; 11) Simon Baughen, *Shipping Law*, Cavendish Publishing, London, 2004; 12) Mirko Vasiljević, *Ugovor o prevozu robe železnicom*, Beograd, 1984; 13) Mirko Vasiljević, *Odgovornost železnice u domaćem i međunarodnom prevozu robe*, Beograd, 1987; 14) Drago Pavić, *Prijevoz kontejnerima*, Zrinski, Čakovec, 1983; 15) John Wilson, *Carriage of Goods by Sea*, Longman, Harlow, 2001.

**Articles:** Nebojša Jovanović: 1) Nautička (navigaciona) greška kao razlog isključenja prevoziočeve odgovornosti za štetu, *Privrednopravni priručnik*, 7-8/1992 ; 2) Posebni razlozi oslobođenja od odgovornosti rečnog prevozioca robe – slučajevi posebnih opasnosti, *Anali Pravnog fakulteta u Beogradu*, 5/1992; 3) Likvidacija zajedničke havarije, *Pravo i privreda*, 1-2/1993; 4) Pojam zajedničke havarije i uslovi za njeno nastupanje, *Pravo i privreda*, 5-6/1994; 5) Receptna i skripturna odgovornost brodaru za gubitak i oštećenje robe, *Pravo i privreda*, 11-12/1995; 6) Opšti način ograničenja odgovornosti rečnog prevozioca robe, *Pravni život*, 10-11/1995; 7) Odgovornost plovidbenog prevozioca za radnje pomoćnika, *Pravo i privreda*, 3-4/2000; 8) Tipični slučajevi zajedničke havarije po međunarodnim i domaćim pravilima, *Pravo i privreda*, 1-2/2001, Odgovornost preduzetnika mešovitog prevoza robe, *Pravo i privreda*, 1-4/2004; Dušanka Đurđev: Prevoz putnika morem, *Pravni život*, 11/2004; Ana Pavlović, Isključenje ugovorne odgovornosti brodaru u unutrašnjoj plovidbi, *Pravo i privreda*, 1-3/2003; Svetislav Janković: 1) Neophodnost pravnog uređenja kombinovanog prevoza stcari u građanskom zakoniku, *Pravni život*, 11/2016; 2) Odgovornost železnice za zakašwewe u predaj robe, *Pravo i privreda*, 7-9/2014; 3) Opšte ograničenje odgovornosti u unutrašnjoj plovidbi, *Pravo i privreda*, 1-3/2003.

**Number of lectures – active classes**

**Theoretical classes: 75**

**Practical classes: none**

**Instruction method: Lectures and individual consultatitons**

**Grading system (maximum number of points: 100)**

<b>Pre-exam Obligations</b>	points	<b>Final exam</b>	points
<b>Activities during lectures</b>	30	<b>Oral exam</b>	70