

<b>Program: Master Academic Studies</b>
<b>Course Title: TRANSPORT LAW</b>
<b>Teachers:</b> Dr Mirko Vasiljević, Dr Nebojša Jovanović, Dr Mirjana Radović, Dr Svetislav Janković
<b>Course status:</b> optional within Commercial contracts Program
<b>Number of ECTS:</b> 10
<b>Requirements:</b> Bachelor Degree
<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. 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 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.
<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>Contract of Carriage</u> – legal definition, contractors and other participants, purpose of the contract, nature of rules, essentials, 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 of 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>Special modes of transport</u> – Successive transport – complexed carriage, joint transport, carriage through actual carrier. Supplement transport (ro-ro) - definition and significance, delimitation, rights, obligations 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), basis of liability, exclusion of liability, period of liability, limits of liability, unlimited liability, liability for servants and agents, liability for delay, unilateral mandatory regulation, obsolescence, multimodal carriage by hovercraft,
<b>Literature:</b> <b>Mandatory:</b> Jovanović Nebojša, <i>Transport Law</i> – general part, Belgrade, 2017; <b>Supplementary:</b> <b>Monographs:</b> 1) Nebojša Jovanović, <i>Transport law of Serbia and Montenegro</i> , Kluwer, Hague, 2005; 2) Miodrag Trajković, <i>Pomorsko pravo</i> , Belgrade, 2004; 3) Mirko Vasiljević, <i>Trgovinsko pravo</i> , Belgrade, 2016, only parts regarding to transport law; 4) Branko Jakaša, <i>Land and Air Law</i> , Zagreb, 1969; 5) Branko Jakaša, <i>Udžbenik plovidbenog prava</i> , Zagreb, 1983; 6) Borislav Ivošević, <i>Saobraćajno pravo</i> , Beograd, 2005 <b>Articles:</b> <u>Nebojša Jovanović:</u> 1) Nautička (navigaciona) greška kao razlog isključenja prevozičeve

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 broдача 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; Duškanka Đurđev: Prevoz putnika morem, *Pravni život*, 11/2004; Ana Pavlović, Isključenje ugovorne odgovornosti broдача u unutrašnjoj plovidbi, *Pravo i privreda*, 1-3/2003; Svetislav Janković: 1) Neophodnost pravnog uređenja kombinovanog prevoza steari u građanskom zakoniku, *Pravni život*, 11/2016; 2) Odgovornost železnice za zakašewe u predaj robe, *Pravo i privreda*, 7-9/2014; 3) Opšte ograničenje odgovornosti u unutrašnjoj plovidbi, *Pravo i privreda*, 1-3/2003.

<b>Number of lectures – active classes</b>	<b>Theoretical classes: 15</b>	<b>Practical classes: none</b>	
<b>Instruction method: Lectures and individual consultatitons</b>			
<b>Grading system (maximum number of points: 100)</b>			
<b>Pre-exam Obligations</b>	points	<b>Final exam</b>	points
<b>Activities during lectures</b>	10	<b>Oral exam</b>	90