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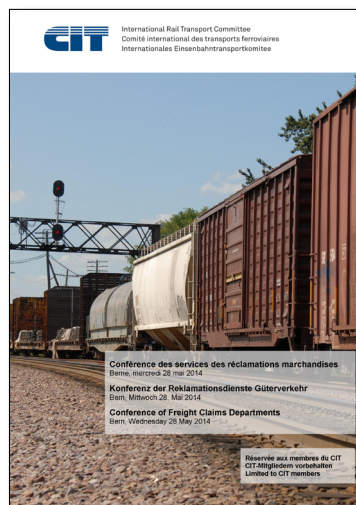
### Briefing on the contract of use of railway infrastructure

What experiences do railway undertakings have of negotiating contracts of use of railway infrastructure? How can national conditions of use be standardised for international movements?

The CIT invited specialist house lawyers from the railway undertakings and other experts on the use of infrastructure to a briefing under the title 'Quo vadis CUI?' The workshop was held in Bern on 8 April 2014. In the workshop speakers from academia, practice, international trade associations, the European Commission and OTIF presented aspects of the contract of use of rail infrastructure from various viewpoints.

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### Conference of Freight Claims Departments



Bern, 28 May 2014

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## EDITORIAL



Dear Reader,

The report on the discussions at the 7<sup>th</sup> Berner Tage conference on rail transport law is the main theme of the present issue of CIT-Info. The focus of this year's event was multimodality as the future of railway. Uniform passenger rights on international passenger transport services, more efficiency in freight transport through the use of electronic transport documents and simplified interfaces

between rail, road and sea transport modes – this is the direction participants at the Berner Tage would like to take. We also report on the results of the meeting of the CIM Committee on 25 March. The CIM Committee has a new addition to its family of CIT freight documents: the GTC EurAsia ! In the event that the parties to the contract reach agreement on the Eurasian corridor, they will make it possible for shipments to be carried out on the basis of a single contract.

**Best wishes from Bern**  
**Cesare Brand**  
**Secretary General of the CIT**



Jean-Luc Dufournaud,  
President of the CIT

## Multimodality – key to the future of the railway

Standardised rights for passengers making international journeys, more efficient freight operations thanks to electronic transport documents and simplified interfaces between rail, road and sea, those are the objectives that participants at the seventh Berner Tage for international rail transport law organised by the International Rail Transport Committee (CIT) intend to pursue.

Some 120 representatives of railway undertakings, customer groups and insurance companies with an interest in passenger and freight transport exchanged details of their experiences of multimodal transport and considered ways of improving the interfaces between the modes of transport.

Transport doesn't actually stop at the interfaces between the different modes of transport. Passengers and shippers of freight traffic rightly expect modern and clear rules for the whole of the transport chain. For international traffic by rail up to three statutory regimes may be involved (without taking national law into account). These include European law (for the twenty-six Member States of the European Union with railway infrastructure), the international law of carriage (for the forty-nine Member States of OTIF) and the SMPS and the SMGS Conventions for the vast Euro-Asiatic area. Regulations applicable to international road transport of passengers and freight and regulations applicable to maritime transport need to be added to that. These legal regimes diverge on numerous points and hamper the movement of passengers and freight.

During the conference, the CIT presented various ideas for resolving the problems by using contracts to help the various players transfer traffics between the different legal regimes (for example General Conditions of Carriage for Rail-Sea Traffic). Multimodal movements will thus be facilitated.

For the international carriage of passengers by rail, the participants at the conference were clearly in favour of passengers' rights being harmonised across Europe. In the interests of balanced competition passengers' rights should likewise be reasonably harmonised between modes of transport.

For the carriage of freight, the participants at the conference expected an increase in the efficiency of international carriage, thanks to the use of electronic documents. The participants therefore discussed and supported the CIT's proposals to provide a statutory reference to electronic consignment notes in the Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM).



More than 120 participants attended the Berner Tage 2014

In the passenger transport field, the Berner Tage provided an opportunity to start examining the issue of relationships between railway undertakings in the handling of claims, the rules for railway undertakings to work together and to be briefed on progress made in ticketing. In the freight transport field, the uniform rules intended to facilitate carriage by rail on Euro Asiatic corridors between China and Western Europe were examined. The importance of terms used in international trade (Incoterms) for freight traffic by rail was explained and participants were also able to examine the liability relationships between carriers, wagon keepers and infrastructure managers.

Readers will find further details in this edition under the passenger and freight traffic headings.

*Jean-Luc.Dufournaud(at)sncf.fr*

*Original: FR*



## PASSENGER TRAFFIC

### Berner Tage – summary of the passenger section

Ever since the EC regulation on passengers' rights (PRR) was adopted in 2007 the CIT has argued for passenger rights within the European Union to be interpreted and applied in the most standardised way possible. In fact a lot of progress has been made.

Since the PRR came into effect at the end of 2009, several million claims have been handled by railway undertakings. However, only two cases finally made it to the highest level of justice in the European Union and those were not even initiated by passengers making claims. Clearly railway undertakings have done a great deal of work to ensure they are applying the PRR correctly. As Isabelle Saintilan (SNCF – Chair of the CIV Working Group) mentioned in her presentation, these efforts have been recognised by the European Commission in its report on the implementation of the PRR.

That clearly doesn't mean that everything is trouble-free. Several cases are pending at the national bodies responsible for enforcing the PRR (NEB) or at national courts, particularly in Germany and in France. In every case, the CIT is encouraging dialogue between all the parties involved in order to resolve disputes and avoid long and expensive court cases.



The conference took stock of the rail transport law

#### Claims procedures: ways of resolving disputes between passengers and undertakings

In her presentation Sabine Wolf (ÖBB) showed how claims from passengers are handled in practice, providing details of the different procedures which are possible (railway undertaking, national enforcement body or court) and ÖBB's experience in Austria. The CIT strongly encourages pragmatic and transparent means of handling claims from passengers making international journeys by encouraging railway undertakings to apply the AIV and by parallel solutions between the NEBs.



Carmen Filipesco,  
President of the CIV  
Committee, chaired  
the passenger traffic  
section.

#### Railway undertakings working together to operate international trains

The CIT also works on other fronts, in particular on cooperation between railway undertakings for trains crossing frontiers. As Oliver Hirschfeld (DB) showed, several contractual models for working together are possible and the one chosen depends very much on the economic circumstances of the parties involved.

Although the traditional model of 'subsequent carriers' still remains the most common, an evolution, which is leading to more complex models, may be noted. The CIT, together with the UIC, is currently engaged in a major task to simplify and update the standards to take account of this evolution.

#### Ticketing: challenges for house lawyers too

Lastly, the CIT is also very much involved in ticketing issues. Historically, it was within the CIT that railway undertakings defined the first standards for international tickets. The UIC took on a more significant role in the 1970s on the development of all the technical aspects of timetables, tariffs and ticketing. Isabelle Oberson (CIT) explained how this friendly relationship between associations was totally disrupted by the TAP TSI coming into force in 2011. The legal framework has totally changed. That concerns both the players and the decision process. Governance of the standards has become a real legal headache.

Ticketing is an area where everything is changing, where the liberalisation of the market, but also technical developments are essential inputs. The challenges are numerous and likewise the legal issues. What's more, they must not be underestimated.

*Isabelle.Oberson(at)cit-rail.org*

*Original: FR*

#### Useful link

➔ [Report on the implementation of the PRR](#)



## Allocation of the compensation paid out for delay between carriers in the AIV

How is the compensation paid out to passengers for delay allocated between railway undertakings? The AIV answers these questions in detail. A new UIC leaflet will support the automatic allocation of compensation within sales and after sales systems.

At its recent meeting on 25 & 26 March the CIV Working Group considered the revision of the Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV). This revision essentially makes reference to the new technical options for which UIC leaflet 918-7 provides. UIC leaflet 918-7 was recently adopted by the UIC's Technical Group.

The leaflet describes the manual system which the AIV defines to allocate the compensation paid to passengers for delay. In addition, it describes two technical solutions which can be put into place by those railway undertakings that wish to facilitate the work of their customer service depart-



At its most recent meeting, the CIV Working group discussed the Revision of the AIV

ments. Communication between the systems of the issuing undertaking and the attributor will thus be simplified.

The new version of the AIV will be submitted to the CIV Committee for its approval when it meets in Bern on 27 June 2014.

*Isabelle.Oberson(at)cit-rail.org*

*Original: FR*



## FREIGHT TRAFFIC

### Berner Tage - summary of the freight section

A morning entirely devoted to the carriage of freight provided the opportunity to update participants on current events, on the work being done and to ask questions on interoperability and liability. Marianne Motherby (Legal Director DB AG) who chairs the CIT's CIM Committee led the discussion.

Will the CIT's General Conditions of Carriage for Rail-Sea Traffic become the common reference point for interoperability in future? Erik Evtimov provided three examples that showed that standardisation was often a solution adopted in the past. The Berne key which owes its name to the international conference to achieve technical unity held on 15 May 1886 in Bern is still used to lock passenger trains. More recently, the European palette with its standard dimensions of 800 x 1200 mm was created in the 1950s by the railway companies and today is the most used in the world. And the standardisation of 20 feet and 40 feet maritime containers in the 1970s which has contributed so much to the development of intercontinental trade patterns.

Transport of freight over long distances which links sea and land journeys continues to develop. Whether this is a long sea journey extended by a delivery trip by land or, taking the example presented, a long distance land journey with a subsequent sea section to cross the Black Sea or the Baltic Sea. To satisfy these developments and the expectations of



Marianne Motherby, President of the CIM Committee, chaired the freight traffic section.

its members, the CIT drew up a proposed new set of general conditions of carriage in 2013 (GCC Rail Sea Traffic), in which maritime carriers act as contractual carriers or successive carriers. This work involving the shipping companies will continue in 2014 and will update standard rules and create boilerplate bilateral contracts. To take this forward, the CIT has created a new Multimodal Committee which will meet in November 2014 for the first time.

Maria Sack (DB AG, Vice-Chair of the CIT) underlined the importance of the General Terms and Conditions of Eurasian carriage of goods by rail for the implementation of the Trans Eurasia Logistics 'Tiger-Train'. The corridor which this train uses between Europe and China allows block trains of containers to make the journey in eighteen days. Currently, following the work done by the CIT and the OSJD movements are covered by a common CIM/SMGS consignment note.

Taking account of the potential, how can this traffic be developed? What replies should house lawyers and economists give? Several avenues are worth exploring. These cover different areas such as long-term investment in infrastructure, the standardisation of transport units and the standardisation of the exchange of information.



Carlos Del Olmo (OTIF) presents intermodality developments

In February 2013, the ministers of transport of thirty-seven countries members of the United Nations Economic Commission for Europe (UNECE) signed a common declaration to achieve harmonised conditions of carriage by using the same basic contracts. Bolstered by this resolution and to address the requirements of its members in terms of liability and the need to simplify tasks, the CIT has created a group of experts to draw up general Eurasian terms and conditions. The CIT is also engaged in the work to develop uniform law for carriage between Europe and Asia. Today this traffic is subject to both the COTIF and the SMGS legal regimes.

Professor Thomas Kohler presented 'The importance of Incoterms in international freight movement'. First of all, he pointed out that Incoterms (international commercial terms) are terms which provide standardised definitions of the rights and obligations of buyers and sellers taking part in international and domestic trade. They are published by the International Chamber of Commerce in Paris (Incoterms 2010). They are composed of a three letter abbreviation in English, followed by three little dots. The three little dots define the exact location where the Incoterm negotiated is applied; this geographical definition is very important.

Of the total of eleven terms, four may only be used for carriage by sea and/or inland waterway (FAS, FOB, CFR, CIF) but the others can be used whatever the mode of transport, land, sea or air. The Incoterms are called multimodal because they allow several modes of transport to be used.

He gave some examples to show that the Incoterms are primarily used for contracts of sale. But contracts of carriage may equally be involved because Incoterms define the responsibilities and the obligations of a seller and a buyer, in particular for the loading, movement, the type of transport, insurance and delivery. They may also play a role in the choice of route and the allocation of charges for carriage.

In consequence, even if Incoterms are not directly involved in carriage, we have to become familiar with them and use them properly.

Erik Evtimov briefed us on the progress being made with the work on the 'electronic consignment note and the revision of COTIF'. Currently, to use an electronic consignment note national laws apply the principle of functional equivalence (Article 6§9 CIM), which proves very burdensome and complex. The CIM Committee proposes to replace this principle by giving precedence to the electronic consignment note. The replacement of the principle of functional equivalence by specific provisions is to be achieved using a new Article 6a in the CIM Uniform Rules. The paper consignment note should then become the exception. In consequence, several new principles will have to be accommodated, such as protecting data, taking various different accompanying documents into account (customs, RID, plant health documents, ...).

Ulrich Polanetzki examined liability issues between carriers, wagon keepers and infrastructure managers. The search between the carrier, the wagon keeper and the infrastructure manager for the parties liable in the event of damage was examined using several hypotheses and taking account of the uniform rules which are applicable.

The presentation emphasised that in every case the carrier has a central place in the contractual relationships with the customer, the wagon keeper and the infrastructure manager. Because of the liability regimes which the various different contractual relationships contain, the carrier rather than other players has to accept the burden of proof if he wants to decline liability or to assert his rights. Amongst the numerous cases of loss and damage there are only two exceptions to this general rule, when the loss or damage has been caused by a third party or when a damaged wagon causes loss or damage to a railway undertaking.

If the railway undertaking is not the source of the loss or damage there cannot be any presumption of liability on it. The position of the carrier in the chain of liability is sensitive.

*Joel.Forthoffer(at)cit-rail.org*

*Original: FR*

## The CIT's CIM Committee has approved two new documents for Eurasian and multimodal traffic

At the 17th meeting of the CIM Committee, the new CIT documents – the GTC EurAsia and the GCC Rail-Sea Traffic – were unanimously approved. They establish an important legal basis for any subsequent work by the CIT relating to the “CIM/SMGS Legal Interoperability” and “Multimodality” projects.

### CIM Committee

The 17th meeting of the CIT's CIM Committee was chaired by Mrs. Marianne Motherby, Head of Law at DB AG, on 25 March 2014 in Bern at the CIT premises. The committee meets once a year and is held in the CIT's three working languages – German, French and English – with 27 CIT member railways taking part in the work of the committee.

### GTC EurAsia and GCC Rail-Sea Traffic

The committee was informed of the creation of the GTC EurAsia as the implementation of Item 3 of the political declaration signed by the 37 ministers of transport within the UN Economic Commission for Europe (UNECE). The GTC EurAsia are available in draft form only and, in collaboration with the railways and railway customers, are now to be placed on the market quickly. They will come into effect when they have been agreed by the parties to the contract – consignor and carrier – (opting in). The ultimate objective is to standardise the laws applying to international rail traffic in the Eurasian area.

The application of the GTC EurAsia as General Terms and Conditions of Carriage will take place on the basis of Private International Law (PIL), including its conflict of laws rules. With a solution of this kind, international rail freight consignments could be sent between CIM and SMGS states on the basis of a single contract of carriage. At the same time, it is also necessary to examine national procedural law in details to determine what validity will be given to such General Terms and Conditions of Carriage in the respective countries along the corridor.

The launch of the GCC Rail-Sea Traffic as a new CIT document primarily regulates the commercial models in which the carrier by sea acts as the contractual or successive carrier. The model in which the shipping company acts as the auxiliary to the railway undertaking will be dealt with at a later date. In the successive carrier model, the carrier accepts the goods and a consignment note on the basis of the single transport contract. This offers considerable benefits – also for shipping companies who are CIT members.

The revised GCC Rail-Sea Traffic have now been supplemented by special features relating to carriage by sea, for which the representatives of the shipping companies had submitted proposals. The GCC Rail-Sea Traffic have also been supplemented by two additional appendices – Appendix 1 (CIM list of maritime services) and Appendix 2 (Provi-



The CIM Committee at its most recent meeting in Bern

sions for the carriage of dangerous goods). Further information on the CIT's work in the “Multimodality” project is also included as a special feature in this issue of CIT-Info.

### Who can be a carrier?

When the CIT's new freight documentation was being drawn up in preparation for the implementation of COTIF 1999, the question arose as to whether the carrier is required to be an RU or not; no definite answer to the question was given, however. As a result of new attempts at clarification and in view of the current situation, the following definition of the carrier has now been approved by the committee: “If the carrier is not a railway undertaking, insofar as national law allows that, then the carrier is to commission a railway undertaking to perform the carriage by rail and that railway undertaking will then act as a successive carrier, a substitute carrier or as an auxiliary within the meaning of Article 40 CIM. The CIM Committee thus notes that, in the view of the CIM Working Group and the CIT General Secretariat, only positive conclusions for the RUs involved can be drawn and that no major drawbacks can be identified, since any provisions of the applicable national law to the contrary will practically take precedence.

### Additional matters

The CIM Committee has also unanimously approved the following operational solutions for CIT freight documents prepared by the CIM Working Group in 2013:

- Sealing of wagons and UTI;
- Colour in which consignment notes and wagon notes are printed;
- Wagon list;
- Handover between carriers – processing of the consignment note and accompanying documents;
- Return of empty wagons in the event of there being no instructions;
- Indication of the wagon keeper on the CUV wagon note;
- New simplified transit procedure for rail based on the electronic consignment note.

*Erik.Evtimov(at)cit-rail.org*

Original: DE



## Seals on international rail freight shipments

When the liberalisation of rail freight transport began in Europe, there were constant efforts to eliminate formalities at border crossings in order to speed up the international carriage of goods by rail. These included the attachment of seals to covered wagons and closed intermodal transport units to comply with customs requirements and to provide evidence in transport law issues. In May 2007, a new UIC leaflet, UIC Leaflet 426 on standardised railway seals – Europlombs – was published in order to resolve difficulties arising from railway undertakings using seals with very different markings and technical features.

This leaflet has since demonstrated its value. To further improve the competitiveness, quality and security of the international carriage of goods by rail, however, the Working Group on Seals set up within the CER Customs Group has undertaken a thorough revision of the leaflet. The aim is to make it more user-friendly and also provide answers to numerous new questions relating to the seals and their use. At its meeting on 16 October 2013, the Working Group on Seals, in which the CIT is also represented to deal with aspects of transport law and the provisions covering its implementation, finalised the draft of the new leaflet, which was recently approved by members of the UIC Freight Forum in a vote by correspondence.

Approval of the new leaflet will result in a number of amendments to the CIT Freight Traffic Manual (GTM-CIT) that were accepted during the previous meeting of the CIM Committee that was held on 25 March 2014. To simplify the application of the provisions on seals, three new appendices will now be included in the GTM-CIT:

- Appendix 1 “Sealing irregularities”: this appendix is presented in tabular form and specifies what action is to be taken in the event of sealing irregularities, with a distinction made between irregularities that are noted on dispatch, during the journey or on arrival at their destination, and whether the consignments are under customs supervision or not;



The Europlomb has demonstrated its effectiveness

- Appendix 2 “Addresses of contact persons responsible for dealing with issues relating to seals”: on the CIT website, the section entitled “CIT members’ address book” will be supplemented with an appropriate new directory;
- Appendix 3 “Flow chart for attaching seals to freight wagons in international transport”: this appendix is presented in the form of a diagram and is provided as an example only.

These amendments will come into effect on 1 July 2014.

*Henri.Trollet(at)cit-rail.org*  
Original: FR

## Latest news from CIT's "Multimodality" project

A new document has been developed for railway undertakings and shipping companies as CIT members – the GTC Rail-Sea Traffic.

### GTC Rail-Sea Traffic

The launch of the GTC Rail-Sea Traffic as a new CIT document regulates the commercial models in which the sea carrier acts as the contractual or successive carrier in addition to the rail carrier. The new GTC Rail-Sea Traffic thus offers shipping companies who are CIT members the possibility of providing multimodal transport services on the basis of CIM consignment note.

The new GTC were adjusted and further developed at the last meeting of the "Multimodality" Group of Experts, which was held on 26 March 2014. They will be presented for approval at the next meeting of the CIT's newly established "Multimodality" Committee, and could thus come into force as of 1 January 2015.



Connecting the rail and the sea: the ambitious task of the Multimodality Committee

### CIT's "Multimodality" Committee

The continuing development and updating of the CIT document for rail-sea traffic will be dealt with by the new Multimodality Committee, in which the shipping companies will also have a significant role to play. The first meeting of the Multimodality Committee has been planned for 12 November 2014 in Bern. The CIT General Secretariat will send out a circular letter inviting CIT members to participate in the work of the committee and to submit proposals to the Chairman. The proposals are to arrive no later than the end of June 2014 to ensure that they can be presented to the CIT Executive Committee on the day of the meeting, which will be held on 18 September 2014.

In addition to the further development of the GTC Rail-Sea Traffic, one of the tasks of the new committee will be to examine whether a general rule can be drafted for allocation of compensation between the railway undertaking and the shipping company. The committee is also to deal with the issue of including services into the in the CIM and CIV list of maritime or inland waterway services and prepare concrete proposals for the OTIF Secretary General. The need for model contracts or checklists for the organisation of internal relations between the carriers by rail and the shipping companies or the carriers by road is also to be examined.

### Legal solutions for multimodal transport services

Since legal improvements at intergovernmental regulation level will only be achieved in the long term, contractual solutions in the form of CIT documents provide a practicable alternative for handling multimodal shipments that offers operational and time benefits for both railways and shipping companies.

*Erik.Evtimov(at)cit-rail.org*

*Original: DE*



## USE OF THE INFRASTRUCTURE

### Briefing on the contract of use of railway infrastructure

What experiences do railway undertakings have of negotiating contracts of use of railway infrastructure? How can national conditions of use be standardised for international movements?

The CIT invited specialist house lawyers from the railway undertakings and other experts on the use of infrastructure to a briefing under the title 'Quo vadis CUI?' The workshop was held in Bern on 8 April 2014. In the workshop speakers from academia, practice, international trade associations, the European Commission and OTIF presented aspects of the contract of use of rail infrastructure from various viewpoints. In doing so, they concentrated on the current legal framework and the experiences of railway undertakings

with the contract of use of railway infrastructure as it has evolved in practice over the past ten years.

In a lively discussion representatives of traditional as well as new providers of passenger and freight services, of international railway organisations, of national and international authorities debated the strengthening of the negotiating position of railway undertakings, the need for harmonisation, options to improve the legal framework and reduce the legal complexity for international movements.



## European Union law and COTIF-CUI Uniform Rules as complementary legislation?

Academic contributors, the speaker from the European Commission and from OTIF were unanimous that the provisions of European Union law in Articles 28 and 38 of Directive 2012/34/EU on a single European railway area and the CUI Uniform Rules did not conflict with each other or have the potential to discriminate.

Nevertheless, the event showed other weaknesses in the legal framework. The differing and complex processes of national implementation in practice can lead to significant legal uncertainty and legal work. The contracts have provisions in both private law and public law underpinned by differing statutes and subject to differing legal processes. Although the CUI Uniform Rules define the details of the conditions of use of the infrastructure in terms of what the contract must cover (in Article 5 - Contents and form), these contents are laid down unilaterally by infrastructure managers in network statements. The formulation of the scope of the CUI Uniform Rules is proving to be insufficiently clear. In practice it is insufficiently recognised that the CUI Uniform Rules are applicable to all contracts of use which do not prohibit the use of infrastructure for traffics covered by a CIM consignment note or CIV tickets. Nevertheless the discussion showed that as a rule in practice claims are handled in accordance with the infrastructure managers' general terms and conditions.

### A contract between equal parties?

The network statements, the contracts themselves and the general terms and conditions are currently stipulated unilaterally by the national infrastructure managers. As a rule for international movements carriers must conclude a single (and different) contract of use for each rail network, so that to make a single international movement a variety of contracts with several infrastructure managers and conflicting conditions of use have to be managed.

Railway undertakings hardly have an opportunity to negotiate conditions of use alone. The infrastructure managers have merely room to negotiate the conditions of use after their publication due to the prohibition of discrimination. Currently infrastructure managers have neither incentive to harmonise the conditions of use of several networks nor incentives for balanced regulations for use. That the interests of the various parties conflict is in the nature of the relationship and was clearly demonstrated in a report on SNCB/NMBS experiences. As the weaker party to the contract railway undertakings cannot prevail and must accept the contractual conditions offered.



The discussions showed the need for further development of the legal framework

In the way that the conditions of use are framed current practice is not fair to the differing interests of the parties to the contract. The industry is therefore invited to seek solutions for balanced and harmonised conditions in the contracts of use.

### Contractual harmonisation of the conditions of use as an opportunity?

RailNetEurope (RNE<sup>(1)</sup>) presented the "European general terms and conditions for the use of railway infrastructure" (EGTC<sup>(2)</sup>). They were negotiated on international level by RNE and CIT over a period of many years with the support of the CER, ERFA und EIM and have been updated jointly over the past two years. Despite insufficient implementation in practice they are an example of how conditions of use to be adopted in contracts can be successfully negotiated by trade associations representing railway undertakings and infrastructure managers and be non-discriminatory. The EGTC offer the opportunity to harmonise contracts of use for international movements independently of the number of contracts of use which are to be concluded.

The UIC presented the requirements of carriers operating along freight corridors as revealed by the 'Efficient Corridor Coordination Organisation (ECCO<sup>(3)</sup>)' project and pointed out which differing national conditions currently made the operation of international transport services by rail along the freight corridors more difficult.

The EGTC can make a particular contribution to the requirement for harmonisation laid down in EU law (Regulation (EU) No 913/2010) on the nine freight corridors. Given further joint development in future they also have the potential to provide harmonised rules for further issues which are currently treated inconsistently in network statements.

### Useful links

- ➔ [CUI UR](#)
- ➔ [EGTC](#)
- ➔ [RL 2012/34 EU](#)
- ➔ [Vo 913/2010](#)

(1) 'RailNetEurope', European infrastructure managers association based in Vienna ([www.rne.eu](http://www.rne.eu))

(2) the General Terms and Conditions for the Use of Railway Infrastructure agreed in 2010 by the RNE and CIT ('European General Terms and Conditions')

(3) UIC 'Efficient Corridor Coordination Organisation' project to coordinate the representation of the interests of railway undertakings in the corridor organisation's advisory boards.

### Further insights for CIT activities

The workshop provided the CIT with three insights for the future work of the CUI Committee:

- any revision of the CUI Uniform Rules must be drawn up carefully;
- a unified contract should be negotiated on international level by the railway associations for international movements using several railway infrastructures (particularly for freight corridors);

- the EGTC should be developed further to include additional material from network statements so as to harmonise more conditions on the freight corridors.

*Myriam.Enzfelder(at)cit-rail.org*

*Original: DE*



## CIT ITSELF

### Goodbye Gaston!

On 11 February 2014, Gaston Zens (CFL Cargo), Chairman of the CER Seals Working Group, took well earned retirement. His retirement coincided with the most recent meeting of the group he led.

On 11 February 2014, Gaston Zens (CFL Cargo), Chairman of the CER Seals Working Group, took well earned retirement. His retirement coincided with the most recent meeting of the group he led.

Henri Trolliet, former Deputy Secretary General of the CIT as well as being the CIT's representative in the CER Seals Working Group and Wessel Sijl, Chairman of the CER's Customs Group thanked Gaston for his commitment and enthusiasm and his always-pragmatic proposals for solutions to customs and transport problems. His objective was always to optimise the transport processes in the interests of customers and railway undertakings.

Fabienne Vaisson (SNCF Fret) will succeed Gaston as the chair of the working group. There are numerous tasks before the working group, topics such as further development of the UIC leaflet 426 and updating the checklist for sealing wagons, options for bilateral discontinuation of sealing and resolution of other problems in the international transportation process. The members of the working group and the CIT look forward to working with Fabienne Vaisson. The CIT is convinced that Fabienne Vaisson as a member of the CIT's CIM Working Group will deal with the close relationships between customs law and the law of carriage in the most optimal way.



*Juergen.Scholz(at)dbbschenker.eu*

*Original: DE*

# Conference of Freight Claims Departments, Bern, 28 May 2014

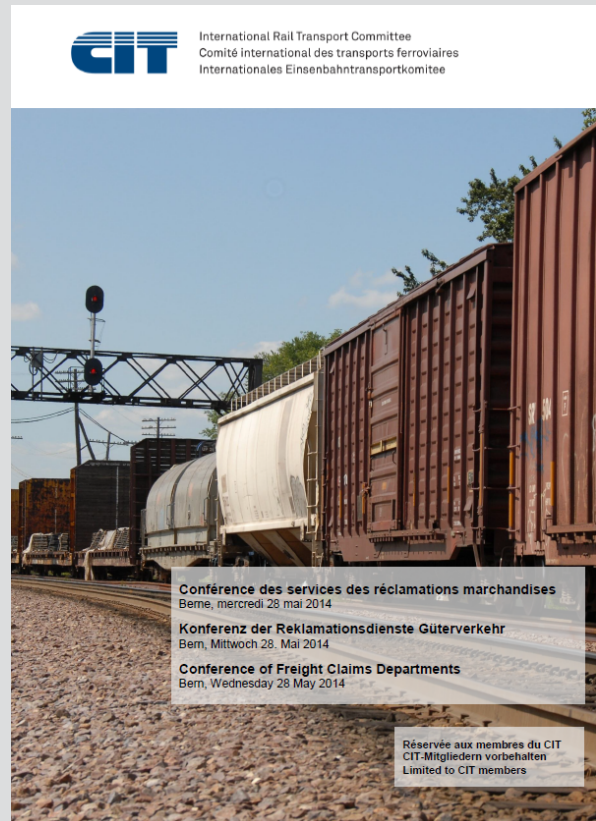
It gives us great pleasure to be able to invite you to the Freight Claims Departments' Conference 2014. The conference will be held on Wednesday 28 May 2014 in the CIT offices in Bern. The conference is designed for members of the CIT, and in particular staff from claims departments, commercial departments and legal departments. As always, the conference will make a contribution to CIT members' continuous professional development programmes and to the development of CIT freight documentation.

Firstly, there will be a follow-up to the discussions in last year's conference, we shall also review the changes being made to CIT freight documentation (including some points that refer to wagon law). We will provide participants with an update on the work the CIT is doing with OTIF to advance the revision of COTIF (this work will start formally this year). Finally, we will examine the procedures for recording loss and damage, identifying the problems which arise in practice and the ways in which IT techniques can help.

In the second part of the conference, issues of general interest will be analysed in syndicate groups. These issues will include: the application of the CIM Uniform Rules and the AIM, identifying loss and damage and the Claims Handling Agreement Checklist. The results of this work will be presented and discussed in the plenary session.

As normal, the last part of the conference will be given over to contacts between participants. This will provide the opportunity to improve working relationships between various departments and to resolve specific outstanding issues. The CIT General Secretariat will be pleased to assist in organising appointments if necessary.

We are already looking forward to being able to greet you in Bern in May.



➔ [Further information / registration](#)





## CIT DIARY OF EVENTS

Date	Event	Location	CIT contact
13/14 May	CIV Working group	Bern	Isabelle Oberson
20 May	CIV/SMPS Working group	Paris-Berlin	Erik Evtimov
28 May	Conference of Freight Claims Departments	Bern	Erik Evtimov
11 June	Conference with customer organisations	Bern	Erik Evtimov
12/13 June	CIM Working group	Bern	Erik Evtimov
27 June	CIV Committee	Bern	Isabelle Oberson/ Tetyana Payosova
2/3 July	Legal / experts group CIM/SMGS	Bern	Erik Evtimov
28 August	Group of experts « Revision COTIF »	Bern	Erik Evtimov
9/10 September	Coordination / steering group CIM/SMGS	Warsaw	Erik Evtimov
18 September	Executive Committee 2/2014	Bern	Cesare Brand
25 September	Conference of Passenger Claims Departments	Bern	Thomas Gyger

## Events with CIT participation

Date	Event	Org.	Location	CIT contact
5/6 May	5th Annual Middle East Rail Opportunities	SAR	Riyadh	Cesare Brand
13 May	Global Team of Experts (GTC)	UIC	Paris	Erik Evtimov
13 May	Freight Steering Committee	UIC	Paris	Erik Evtimov
14 May	Freight Forum	UIC	Paris	Erik Evtimov
20 May	SG Wagon user	UIC	Paris	Dominic Quiel
21 May	CER General Assembly	CER	Paris	Cesare Brand
21 May	Customs working group	CER	Den Haag	Erik Evtimov
22 May	Joint meeting customs-rail	CER	Den Haag	Erik Evtimov
3/4 June	Ost-West Tarif (EWT)	UIC	Linz	Tetyana Payosova
4/5 June	High Level Freight Meeting	CER-UIC	Stockholm	Erik Evtimov
17/18 June	Univeral Rail Ticket (URT) meeting N°8	UIC/DB	Frankfurt	Thomas Gyger
16 June	U.S. – E.U. Legal Summit	Focus-EU	Brussels	Erik Evtimov
18 June	CER Assistants Meeting	CER	Paris	Erik Evtimov
23-25 June	Global Rail Freight Conference	UIC	Wien	Jean-Luc Dufournaud
25-27 June	COTIF Revisionsausschuss	OTIF	Bern	Cesare Brand / Erik Evtimov
10 July	Univeral Rail Ticket (URT) meeting N°9	UIC	Paris	Thomas Gyger
10/11 July	Group of Experts towards Unified Railway Law	UNECE	Geneva	Cesare Brand / Erik Evtimov
4/5 September	Generalversammlung VöV	VöV	Leysin	Cesare Brand
16/17 September	Commercial Group and Technical Group	UIC	Paris	Thomas Gyger

Produced by:  
International Rail Transport Committee (CIT)  
Secretariat General  
Weltpoststrasse 20, CH-3015 Berne

Phone        +41 31 350 01 90  
Fax            +41 31 350 01 99  
E-Mail        info(at)cit-rail.org  
Internet      www.cit-rail.org