



## CONTENTS

### We are delighted to present you our redesigned Annual Report

"To be there for the members" and "To prepare for the future". These were the two headings we set over the activities of the CIT in 2013.

They represented the approach taken by the Executive Committee of the CIT regarding the medium-term strategic focus in 2013. The result of this work was the establishment of six strategic priorities for the future activities and development of the CIT.

These strategic priorities are based on the statutes now in effect and are to be pursued with the financial and staff resources that are currently available, and are described in more detail on page 8 of the Annual Report.

➔ [CIT Annual Report 2013](#)

### CIT Annual Report 2013



- 2 Passengers' rights and ticketing
- 2 France and Italy set up their national enforcement bodies
- 3 SIAFI 2014: Interactive Sessions on International Rail Business
- 4 Latest news on the electronic CIM/SMGS consignment note
- 4 Legal Interoperability for Eurasian rail freight transport services: GTC EurAsia
- 6 The CIT is strengthening its partnership with the Forum Train Europe (FTE)
- 7 Law in practice - accidents and passengers at fault
- 8 Executive Committee 1/2014
- 9 Conference of Passenger Claims Departments 2014
- 10 CIT diary of events



## EDITORIAL



Dear Reader,

In this edition, I would in particular like to highlight the first meeting of the Executive Committee this year. In addition to the statutory business, the Executive Committee took note of the excellent end of year result for 2013 and the progress made in completing the work programme for 2014 that had been approved by the General Assembly in November 2013. In this leaflet, we also report on the meeting of the CIV Working Group on 13 and 14 May and the meeting of the CIM/SMGS Legal and Experts Group on 3 April. The implementation of the Regulation on Rail Passengers' Rights (PRR) and decisions of the various courts and regulatory authorities continue to keep the legal experts on their toes. Other important items discussed in the working groups were the latest developments in ticketing, such as the FSM project and the new Ticketing Manual. At the meeting of the CIM/SMGS Legal Group and Experts Group, participants dealt in depth with the specifications for the electronic CIM/SMGS consignment note and addressed the problems encountered in digitising the accompanying documents. You will also find an article on the new GTC EurAsia in this edition of the CIT-Info.

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



## PASSENGER TRAFFIC

### Passengers' rights and ticketing are firmly on the CIV Working Group's agenda

New suits involving rail passengers' rights are being pursued in France, in Italy, in the Netherlands, and even in the United States. The CIV Working Group has offered its support to members facing tricky problems. The working group also reviewed the new manual dealing with the CIV tickets.

#### Issues arising from the application of the PRR

Not all of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) has been written in a clear style; that lack of clarity presents numerous practical challenges for undertakings. At its meeting on 13 & 14 May in Bern, the CIV Working Group considered the cases currently awaiting judgment in several EU Member States. These cases concern the right to continue the journey using other carriers, the legibility of electronic tickets, the calculation of compensation for delay, the sale of tickets through the internet, etc.

#### Ticketing

At its most recent meetings the CIV Working Group has also been analysing the first version of the new CIV Ticketing Manual. Several months of work are still needed to finalise this new manual which is intended to replace the existing GTV-CIT and GTT-CIV manuals. The objective has been to modernise the legal, functional and technical specifications for ticketing and make them more accessible. The new manual will likewise explain the roles of the new players in this area and how the TAP TSI has changed the context and nature of the technical specifications. The manual is intended to be a flexible tool. It will continue to evolve in the next few years as a function of the progress being made in the Universal Rail Ticket and Full Service Model projects.

Electronic ticketing presents a number of challenges from the technical viewpoint but also legal challenges, particularly in protecting data. The CIV Working Group will consider that issue in more detail over the next few months; it will coordinate its work with the revision of the European Data Protection Directive which is currently in hand.



At its meeting in May, the CIV Working Group examined a number of issues relating to passengers' rights

#### CIV Committee

The CIV Committee, which will meet on 27 June, will take the opportunity to consider the work done by the CIV Working Group over the previous twelve months. Under the leadership of its chair, Carmen Filipescu (Regiotrans), the committee will decide the CIT's objectives for passenger traffic for the next few months.

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

*Original: FR*

#### Useful links

- [Regulation EC 1371/2007 \(PRR\)](#)
- [Directive 95/46/EC on the processing of personal data](#)
- [Revision proposal of Directive 95/46/EC](#)

### France and Italy set up the bodies which will be responsible for ensuring passengers' rights are respected – the national enforcement bodies

France and Italy have just passed the laws necessary to create the bodies responsible for ensuring that Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) is applied, more than four years after the regulation came into force.

#### Obligation to create a national enforcement body

Under Article 30 PRR, EU Member States must designate an independent body responsible for taking the measures necessary to ensure that the rights of passengers are respected. Any passenger may complain to those bodies about an alleged infringement of the PRR.

The majority of states set up those organisations very quickly and also set up sanctions which the NEB could apply against railway undertakings which infringe the PRR. The legislation to implement this in France only came into effect in March of this year (it is available on the CIT website, see the link in the box opposite). Likewise in Italy, the decree has just been published. These two initiatives should put an end

to the infringement procedure which the European Commission started in March in the European Court of Justice.

### Working relationship between the NEBs and the European Commission

The list of national enforcement bodies is now finally complete; it is available on the European Commission's website (see the link in the box opposite). The Commission holds a meeting with the NEBs once a year, basically to exchange information on their working practices and decisions. The most recent meeting took place in October 2013 and representatives from railway trade associations and consumer groups also took part. The CIT demonstrated how the procedures defined in the AIV worked and thus demonstrated the pragmatic solutions which railway undertakings have adopted to handle claims from passengers making international journeys in a relatively short timescale (one month but up to three months as a maximum). The CIT invited the NEBs to learn from these practices so as to manage

the relationships between the NEBs themselves. The next meeting between the Commission and the NEBs is expected to consider a possible memorandum of understanding for that purpose.

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

*Original: FR*

#### Useful links

- ➔ [National laws of EU member states related to PRR](#)
- ➔ [List of NEB according to the European Commission](#)
- ➔ [Commission refers Italy to Court](#)



## FREIGHT TRAFFIC

### SIAFI 2014: Interactive Sessions on International Rail Business

The first session of SIAFI 2014, which took place at UIC headquarters, Paris from 14 – 18 April, was attended by participants from ten different countries and companies, which meant that virtually all railway sectors were represented. The varied backgrounds and skills of those attending the first session, combined with the practical experience and expertise of seasoned railway professionals and experts, favoured rich and fruitful exchange, debate and discussion.

During the first week, the participants were involved in extensive networking activities and the exchange of information and practices. The CIT also participated actively in this interactive session on international business and delivered a presentation focusing on international rail transport law with a special view to the upcoming revision of COTIF 1999 and what impact this will have on CIT documentation for international freight and passenger carriage by rail.

The first session was divided into different activities: presentations and discussions on topical subjects for the railways (the future of rail passenger transport, standardisation and interfaces, developments in the legal framework for international carriage by rail), project management and team work, business model innovation workshops, information sharing sessions, technical visit to a railway station and social events.

The results of the project work will be presented by the four teams at the second SIAFI session in September.



The results of the project work will be presented at the second SIAFI session in September

For further information, please contact Nathalie Amirault, Head of the Expertise Development Unit: [amirault@uic.org](mailto:amirault@uic.org) or consult the website at [www.uic.org/siafi/](http://www.uic.org/siafi/)

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

*Original: DE*

## Latest news on the electronic CIM/SMGS consignment note

Together with OSJD experts, significant progress was made in the preparation of the technical specifications at the last meeting of the Ad-Hoc Working Group of the OSJD Commission on 3 April 2014.

### Current situation

The project managers (CIT and OSJD) published the updated legal, functional and technical specifications on 1 October 2013. This updated version of the electronic CIM/SMGS consignment note is primarily an extended version of the technical specifications published in 2009 including descriptions of the EDIFACT messages.

### Technical specifications for the electronic CIM/SMGS consignment note

The technical specifications will be prepared by an Ad-Hoc Experts Groups consisting of CIT and OSJD experts. The work will be supervised by Lothar Schneemann and Peter Šabik. The main objective is to convert the various XML data messages for the CIM area and EDIFACT/IFTMIN, primarily for the SMGS area – in particular the Russian Federation – for the transfer of data.

The experts from RZD pointed out at this meeting that the CIM railways had approved the technical specifications that represent the basis of the EDIFACT messages implemented in the SMGS area at the project level and that the CIT had

published them on its website. In view of this situation, they expressed the urgent wish that the descriptions of the XML messages for the electronic CIM/SMGS consignment note, which is taken as the basis for implementation, also be based on these jointly developed and harmonised documents in terms of the structure (field lengths, etc.).

The CIM/SMGS Legal Group and Experts Group also examined the feasibility of standard clauses in the relationship between the parties to the EDI contract that would affect the applicable law, the place of jurisdiction and the term, amendment and termination of the EDI contract.

### Digitisation of accompanying documents

In addition to updating the legal, functional and technical specifications of the electronic CIM/SMGS consignment note, concrete solutions are needed for problems associated with documents accompanying the electronic CIM/SMGS consignment note.

Difficulties result from the lack of a legal basis for the use of specific administrative documents in electronic form. For this reason, in addition to the accompanying documents available in electronic form, other scanned documents will be added from an approved list.

*Erik.Evtimov(at)cit-rail.org*  
Original: DE

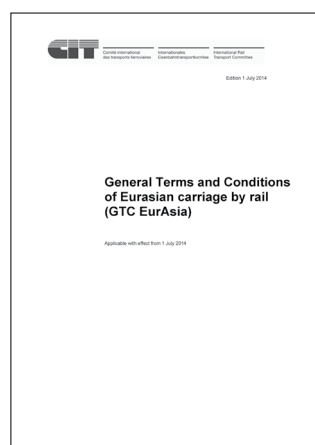
## Legal Interoperability for Eurasian rail freight transport services: GTC EurAsia

At the meeting on 25 March 2014, the CIM Committee of the CIT unanimously approved the General Terms and Conditions of Carriage EurAsia (GTC EurAsia). This means they will be available for use by interested CIT members on the relevant Eurasian corridors as of 1 July 2014.

### Current situation

The declared goal of the ministers of transport relating to the Eurasian corridor, according to the declaration signed on 26 February 2013, is to establish a unified railway law. In anticipation of the new unified legal framework at state level, the Economic Commission for Europe (UNECE) is to support the railways and railway organisations involved in the implementation of harmonised solutions on a contractual basis.

The growing interest in the use of the common CIM/SMGS consignment note on the Land Bridge from China to



the GTC EurAsia offer a wide range of benefits

Europe, the current 20-30% increase in its use compared with last year, which at 70-80% means close to full coverage on CIM/SMGS transport services (confirmed by DB, UZ and RZD) and the imminent implementation of the CIM/SMGS consignment note for multimodal shipments on the Baltic and the Black Sea provide fertile ground for preparing harmonised contractual solutions.

### Work at state level under the auspices of the UNECE

In Item 3 of the Political Declaration of 26 February 2013, which was signed by 37 Ministers of Transport at the Inland Transport Committee meeting, reference is made explicitly to the General Terms and Conditions of Carriage EurAsia (GTC EurAsia). With the signing of this declaration, the Transport Ministers of the UNECE Member States have



committed themselves officially to begin work on simplifying the law in the rail sector. The GS CIT is actively involved in this work, with the aim of producing good legislation from the point of view of the carriers.

### General Terms and Conditions of Carriage EurAsia (GTC EurAsia) at corporate level

The CIT drafted the GTC EurAsia at corporate level and has now finalised them. The next step will be to present the GTC EurAsia to various committees and organisations for discussion. 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.

Compared with the situation we have today, the GTC EurAsia offer a wide range of benefits:

- Single, end-to-end contracts of carriage
- End-to-end liability, even in the case of liability for delays
- Uniform rules and contract structure between the RUs and their customers (incl. forwarding companies and multimodal transport contracts with shipping company members of the CIT (cf. CIT-Info 2/2014, p. 8)

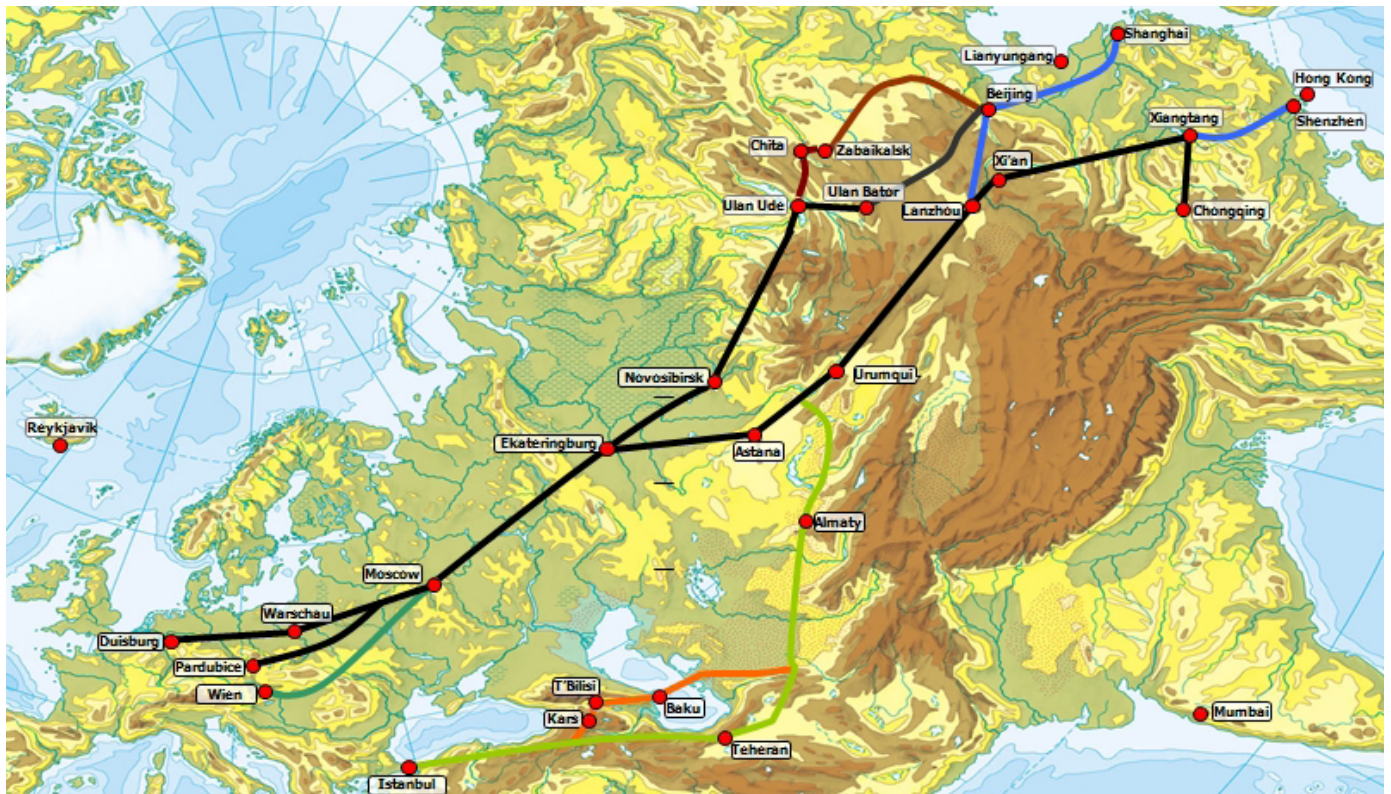
- Joint liability between the carriers and allocation of compensation based on traffic revenue
- In the final analysis, a closed legal system for dealing with complaints and the use of standardised CIM/SMGS accident reports.

With such a solution, cross-border rail freight shipments could be sent between CIM and SMGS states on the basis of a single contract of carriage. In the next step, a comparison is to be made between the national procedural laws and customs regulations and the GTC EurAsia and their validity in the corridor countries examined.

The GTC EurAsia prepared by the CIT will increase the appeal and competitiveness of rail transport compared with other transport modes and will provide the railway undertakings and their customers with a new legal instrument of practical benefit that would allow them to process rail shipments between Europe and Asia under improved and unified legal conditions.

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

*Original: DE*



The GTC EurAsia prepared by the CIT will provide the railway undertakings and their customers with a new legal instrument of practical benefit that would allow them to process rail shipments between Europe and Asia under improved and unified legal conditions



## USE OF THE INFRASTRUCTURE

### The CIT is strengthening its partnership with the Forum Train Europe (FTE)

In the interests of their joint members, the CIT and the FTE signed a Memorandum of Common Understanding in May 2014, to prevent duplication and to exploit synergies.

#### **The CIT and the FTE – two railway organisations that represent railway undertakings**

Like the CIT, the FTE provides services for railway undertakings. In the case of both railway organisations, infrastructure managers cannot be accepted as members. Other features they have in common are that members do not come solely from within the European Union and that the key focus of both railway organisations is on promoting international rail transport services. Many railway undertakings are members of both organisations.

#### **Areas of contact with the infrastructure managers and the terms and conditions of use of the infrastructure**

One of the key services the FTE makes available to its members is that of providing a coordination platform, in addition to updating and synchronising an international process designed to harmonise the planning of its members' international freight and passenger transport operations. This process is closely aligned with the train path ordering and allocation procedures of the infrastructure managers. As is the case with the CIT in the harmonisation of contracts for the use of the railway infrastructure, the FTE represents the interests of its members in its area of activity at association level with respect to the European association of infrastructure managers, RailNetEurope.



Peter Jäggy, Secretary General of the FTE, Stephan Pfuhl, President of the FTE and Cesare Brand, Secretary General of the CIT, following the signing of the MoU (from left to right)

#### **Exploiting synergies**

In signing the MoU, the aim of the two railway organisations is to avoid duplication for their members and to exploit synergies. At meetings that will take place on annual basis, the Secretaries General will discuss their projects and plans. On the basis of the resources it has available, the CIT will also provide FTE with legal advice on legal issues.

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

*Original: DE*



*In this section, we publish details of legal decisions concerning rail transport and related areas of law, statements from public authorities and legal advice from the CIT General Secretariat on the practical legal issues that arise in daily life.*

## Accidents and passengers at fault - first application of the PRR in France

A passenger from Paris fell when she left her train in Marseille St Charles. She took legal action against SNCF, claiming some €10,000, but the claim was disallowed by the Marseille District Court on the grounds of Article 26 of Annex 1 to the PRR. In effect, the court recognised passengers being at fault as grounds for carriers by rail to be relieved of liability.

This was the first application of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) in France. The judgment is nevertheless not yet final. Other cases in which French judges have decided to apply French law rather than the PRR are still outstanding (see our position on this subject in CIT Info 1/2014, page 3).

In this particular case, the lady travelled by TGV from Paris to Marseille on 15 December 2009. When she arrived in Marseille she was unfortunately injured by falling into the space between the train and the platform. The emergency services helped her out shortly afterwards without serious injury.



Carriers are relieved of liability in the event of passengers being at fault when boarding or leaving trains

The court allowed Article 11 PRR to be applied to this case; Article 11 refers to Article 26 CIV which is attached as an annex. The court underlined the principle of the carrier being liable for passengers leaving trains and the potential grounds for relief, in particular, the passenger being at fault. In this case it held that the passenger had slipped on the running board for reasons which are not understood (no reason for the running board being particularly slippery was mentioned). The court therefore held that the cause of the injury was therefore a momentary lack of attention or awkwardness on the part of the passenger and that SNCF was therefore not liable.

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

*Original: FR*

### Useful link

➔ [Regulation EC no 1371/2007 \(PRR\)](#)





## The CIT Executive Committee held its first meeting this year in Bern

The first meeting of the CIT Executive Committee was held on 24 April 2014 in Bern and was chaired by CIT's President, Jean-Luc Dufournaud (SNCF).

### Pleasant Annual Accounts 2013

The profit and loss account for 2013 closed with a surplus of CHF 48,538. Equity increased accordingly to CHF 447,787. The auditors certified that the financial statements had been prepared in accordance with recognised financial reporting standards and authorised that they be sent to the General Assembly for approval.

### Changes on the CIT Executive Committee

In a letter dated 17 February 2014, the Chairman of the Executive Committee of ÖBB Holding, Mag. Christian Kern, nominated Mag. Andrea Scholz, Head of the Legal Department of ÖBB-Personenverkehr AG, for the Executive Committee.



The Executive Committee at its most recent meeting in Bern

The Hellenic Railways Organisation, in a letter dated 28 April 2014 from the Chairman & CEO of TRAINOSE, Athanasios Ziliaskopoulos, expressed its interest in taking part in the work of the Executive Committee of the CIT and would like to fill the vacancy with Mrs. Aikaterini Vitou, Head of International Cooperation.

The General Assembly will meet on 20 November 2014 to elect members to fill the vacancies on the Executive Committee of the CIT.

### Changes in the General Secretariat of the CIT

The Executive Committee welcomed the procedure to be used to fill the vacancy for a junior lawyer. Details of the vacant position were published in April 2014. It also noted the upcoming retirement of General Secretariat staff member Mrs. Michèle Kühni.

### Status of the work in Freight and Passenger Traffic Divisions, Wagon Law and Infrastructure

The Executive Committee members noted with satisfaction the report presented by the General Secretariat on the progress made in completing the work programme approved by the General Assembly for 2014.

### 2014 General Assembly

The General Assembly of the CIT will take place as planned on 20 November in the CIT head office building in Bern.

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

*Original: DE*

## Michèle Kühni retires

At the end of June 2014, Michèle Kühni leaves us to begin her well-earned retirement.



After many years at SBB, she joined the CIT in 1989. As a result of her wealth of experience, she was able to perform the duties required of her in all the administrative areas of our association at short notice and under her own initiative. The focus of her work was on preparing the CIT-Info newsletter.

However, she also provided valuable service in the preparation of supplements for passenger and freight traffic documentation and in the design of flyers and other publications.

Dear Mrs Kühni, we would like to thank you for the many years of excellent work as a member of the CIT staff. You can look back on what you have accomplished with pride and satisfaction. The entire CIT team wishes you most sincerely a long and happy retirement.

*Katja.Siegenthaler(at)cit-rail.org*

*Original: DE*



# Conference of Passenger Claims Departments Bern, 25 September 2014

This year once again the focus of the first group of topics discussed at the joint UIC and CIT Passenger Claims Departments' Conference will be the rights and obligations of rail passengers. The conference is to be held on 25 September 2014 in the Universal Postal Union building in Bern. It is intended primarily for staff of the claims, sales and legal departments of CIT members.

During the morning session participants will be given an overview of the most recent developments concerning the EU Regulation on rail passengers' rights and obligations (PRR). This will include how the European Commission evaluates the implementation of the PRR by carriers in particular with regard to the implementation of passengers' rights to information. We will of course also discuss the impact of the judgment handed down by the European Court of Justice last year. That judgment ruled that compensation must be paid in the event of delay, even in the event of force majeure. We will go on to show what efforts are being undertaken by railway undertakings to reduce the effects of disruptions and delays on passengers as much as possible.

The ÖBB will explain how it implements the PRR in practice and present the procedures in use: by taking immediate steps in the event of train cancellations or delays, organising alternative transport (e.g. taxi) or arranging for overnight accommodation; many complaints are prevented by taking a proactive approach. An alternative dispute resolution scheme (ADR) is also becoming increasingly important to ÖBB when complaints or disputes arise nevertheless.

For clarifying claims for PRR compensation, the Train Information System (TIS) managed by RailNetEurope is used more frequently these days. We will be showing you the current stage of development of TIS, how the web-based tool works and what requests are possible.

In the afternoon session, the focus will be on data protection and data security. When purchasing tickets online, many passengers ask themselves questions such as: is my personal data really secure? Can my credit card be misused?



Can others also read the data I have entered? Online travel agencies and portals are required to guarantee that they provide comprehensive protection of personal information. This not only applies to the secure transmission and storage of data. Data protection principles for booking and payment are an absolutely fundamental requirement when rail passengers and companies make use of electronic

distribution and sales channels. The new possibilities also present new challenges in terms of international cooperation: who has access to this data? How and where will the (largely personal) data be used? What additional precautions must be taken to secure revenues and prevent misuse? What do claims departments consider is required? We will present the possibilities and discuss them.

The final part of the conference will be dedicated to networking; that will give participants the opportunity to discuss unresolved issues or disputed cases.

From the end of June, the flyer, which will include the programme and the registration form, will be available for download from the CIT website.

## Useful link

➔ [CIT website : www.cit-rail.org](http://www.cit-rail.org)



## CIT DIARY OF EVENTS

Date	Event	Location	CIT contact
12/13 June	CIM Working group	Bern	Erik Evtimov
27 June	CIV Committee	Bern	Isabelle Oberson / Tetyana Payosova
2/3 July	Legal and experts group CIM/SMGS	Bern	Erik Evtimov
28 August	Experts group «Revision COTIF»	Bern	Erik Evtimov
9/10 September	Coordinators & Steering group CIM/SMGS	Warsaw	Erik Evtimov
18 September	Committee 2/2014	Bern	Cesare Brand
25 September	Conference of Passenger Claims Departments	Bern	Thomas Gyger
2 October	Ad-hoc technical group ECN CIM/SMGS	Warsaw	Lothar Schneemann
21 October	CIV/SMPS Working group	Bern	Erik Evtimov
12/13 November	CIV Working group	tbd	Tetyana Payosova
12 November	Multimodality Committee	Bern	Erik Evtimov
21 November	General Assembly	Bern	Cesare Brand
3/4 December	CIM Working group	Bern	Erik Evtimov

## Events with CIT participation

Date	Event	Org	Location	CIT contact
17/18 June	Univeral Rail Ticket (URT) meeting N°8	UIC/DB	Frankfurt	Thomas Gyger
18 June	CER Assistants Meeting	CER	Brussels	Erik Evtimov
23-26 June	Global Rail Freight Conference	UIC	Wien	Jean-Luc Dufournaud
25-27 June	COTIF Revision Committee	OTIF	Bern	Cesare Brand / Erik Evtimov
3 July	Passenger Working Group	CER	Brussels	Tetyana Payosova
10 July	Universal 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	General Assembly VöV	VöV	Leysin	Cesare Brand
16/17 September	Commercial Group and Technical Group	UIC	Paris	Thomas Gyger
22-26 September	CER General Assembly	CER	Berlin	Cesare Brand
23-26 September	Innotrans 2014		Berlin	Cesare Brand
7/8 October	Railway Days	Club Feroviar	Bucarest	Erik Evtimov
8 October	High Level Passenger Meeting	CER/UIC	Amsterdam	Cesare Brand
9 October	Steering Committee Freight	UIC	Paris	Erik Evtimov
14/15 October	Rail Freight Conference	FIATA	Istanbul	Erik Evtimov
21 October	Seals Working group	CER	Bucarest	Joël Forthoffer
22 October	Customer Liaison Group	CER	Brussels	Tetyana Paysova
29 October	Commercial and Distribution Forum	UIC	Paris	Cesare Brand

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