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Conference of Passenger Claims Departments

Staff of the claims, sales and legal departments of UIC and CIT member companies were actively involved in the conference held on 25 September 2014 in Bern. The main topics of this year's conference included a view of the new political landscape in Brussels, the latest developments in the implementation of the Passengers' Rights Regulation and data protection. Topics such as the securing of revenue and revenue control on international passenger services, in addition to the Train Information System (TIS,) were also presented.

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General Assembly of the CIT

We are delighted to be able to invite our members to take part in the General Assembly of the CIT. It will take place in Bern in the CIT's building (conference room A on the first floor) at Weltpoststrasse 20. The official part of the meeting will start at 09:00 on 20 November 2014 and will finish at 11:30 at the latest.



International Rail Transport Committee

**General Assembly
20 November 2014**

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EDITORIAL



Dear Readers,

The European Parliament elections are now history. The positions on the European Commission have been filled. The legislative work is slowly getting back into gear. Many regulatory issues relating to the railway sector have been inherited in an “unfinished” state from the previous legislative period. Are we to expect that everything will now proceed as usual? May I be so bold as to pass on a recommendation to all those involved from the philosopher Karl Popper, who once said: “Nobody is exempt from making mistakes. The great thing is to learn from them.” The European rail reform began with EU Directive 91/440. We have been rolling from one year to the next with our “unfinished” reform now for almost 25 years. We have enough practical experience meanwhile with diverse regulatory models to be in a position, with the facts and figures we have at our disposal, to identify those measures that were successful and those that took us nowhere. I would like to see a little “critical rationalism” in the rail regulation to come. With this in mind, the problems that undoubtedly remain should be examined and resolved undogmatically, methodically and sensibly! The CIT would in future be delighted to implement high quality, meaningful and company-friendly rules and regulations in practice!

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



CCTT – a platform for Euro-Asian transport integration

According to a survey of over 5,500 companies conducted worldwide by the HSBC Bank, global trade in goods will have more than tripled by 2030. Asia remains the driver of growth.

Increasing economic integration in Asia

This year's XXIII Plenary Meeting of the Coordinating Council on Trans-Siberian Transportation (CCTT) was dedicated to the arrival of a new era – not only because it was held for the first time since the CCTT was set up 20 years ago at the key node of Ekaterinburg (formerly Sverdlovsk) on the Trans-Siberian transport corridor (Transsib), which links up with the Silk Road in the south – but also because new strategic ideas were put forward for greater economic integration of the Eurasian economic region. The backbone of these efforts to bring about greater Eurasian economic integration will be formed by both the Trans-Siberian transport corridor and the Baikal-Amur Mainline running north. Clear trends emerged from the various presentations held at the XXIII CCTT meeting: 60% of all global rail freight shipments are handled between the Russian Federation and the People's Republic of China, for example, while 30% of China's GNP for 2013 was generated by the export of goods and services. 16% of these exports went to the European Union, while just 0.5% of all goods exported from China to Europe are transported by rail. This was subsequently pointed out in no uncertain terms by Wu Yuntian, President and General Manager of China Railway Container Transport Co., Ltd (CRCT). The potential available to the railways was not overlooked by the 200 and more delegates attending.

Rail freight shipments on the Transsib to Europe in 9 days

Chinese consignors are currently sending rail freight shipments to Europe through three border crossings – 105 block trains a month via the Alshankou border crossing in transit through Kazakhstan, 19 block trains with a direct connection to the Transsib in the north-eastern part of the country via the border crossing at Manguli, and 4 such trains via the border crossing at Erljan in transit through Mongolia. The time components have now been significantly optimised as a result of the RZD's "Transsib for 7 days" project. Several speakers confirmed that covering a distance of 1,000 km a day was a realistic figure – this means that a shipment from China to Central Europe in just 9 to 10 days can be the rule if the time spent at the border is sufficiently optimised and customs procedures simplified.

Both Japan and South Korea also wish to link up with the emerging economic region, not least of course in the transport sector, where rail freight shipments are practically the only transport solution for these landlocked regions (if Mongolia is also included). The Japanese and South Korean presidents of the respective freight forwarder associations are members of the Executive Committee of the Coordination Council. According to Kenjiro Masuda, President of the Trans-Siberian Intermodal Operators Association of Japan,



CIT was invited as a guest speaker to the Annual Assembly meeting of the CCTT in Ekaterinburg

the alignment of maritime and rail tariffs on the Transsib is vitally important for Japan. He would like to initiate an economic conference on Trans-Siberian shipments under the auspices of the CCTT in Japan, which is expected to be held as early as next year. The South Korean freight forwarders were also hoping there would be good prospects of using the Transsib when the new line between Port Rajin in North Korea and Port Hasan south of Vladivostok becomes operational.

In the long-term, Eurasian rail freight shipments...

On a number of occasions during the meeting, various speakers expressed the wish for a joint Eurasian rail transport market. To make this possible, new legal concepts will undoubtedly be required also, which would make a gradual harmonisation of legislation necessary. As the President of RZD, Vladimir Yakunin, said at the start of his speech, Trans-Siberian shipments were no longer a matter of moving goods from A to B over a distance of 10,000 km, but were providing unrestricted, cross-border transport services between remote production and consumption centres in a huge economic region such as Eurasia. As a guiding principle, he summarised this as follows "Transport is the locomotive of this economic development" and the Trans-Siberian transport corridor is predestined for this role.

... need legal interoperability

This put the spotlight clearly on the issue of legal interoperability for international rail freight shipments, which was quite obvious from the statements made by representatives of other major players from Europe, such as DB Schenker and SNCF Geodis. In partnership with the OSJD, the CIT constantly seeks to overcome and harmonise the invisible barrier between two legal regimes and to implement transport documents such as the common CIM/SMGS consignment note in practice. New ideas in this direction have also come

from the Political Declaration signed by the 37 Ministers of Transport at the meeting of the UN Economic Commission for Europe (UNECE), on the basis of which both the General Terms and Conditions EurAsia (GTC EurAsia) and the harmonised model rules at UNECE level were prepared in parallel and as complementary documents.

The intention is to ensure that the two parts of EurAsia do not draw apart, but gradually come closer together. To this end, the CCTT provides an excellent environment for discussions and networking with experts.

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Original: DE



PASSENGER TRAFFIC

Conference of Passenger Claims Departments

Staff of the claims, sales and legal departments of UIC and CIT member companies were actively involved in the conference held on 25 September 2014 in Bern. The main topics of this year's conference included a view of the new political landscape in Brussels, the latest developments in the implementation of the Passengers' Rights Regulation and data protection. Topics such as the securing of revenue and revenue control on international passenger services, in addition to the Train Information System (TIS) were also presented

In May of this year, EU citizens were called on to vote for a new European Parliament. Ilja Lorenzo Volpi (CER) analysed the composition of the incoming Parliament to determine what this would mean for the railways and future EU transport policy: three groups could be identified – the “centre-right coalition“ and the “centre-left coalition“, two business-friendly blocs of practically the same size, and the heterogeneous Eurosceptics, who could tip the scales in future if the two coalition blocs are unable to agree on a compromise.

In the new legislative period, the Passengers' Rights Regulation (PRR) is to be further strengthened and made more customer-friendly. The PRR revision is scheduled to run until 2016 and enter into force in 2019. Exemptions from the PRR currently applicable to long-distance domestic services will definitely be removed. There is the risk, however, that the compensation guidelines for the railways will be brought in line with those of the airlines and fixed sums agreed upon. Travellers in future will have to be informed proactively of their passengers' rights. Compensation in the event of force majeure is to be provided by all carriers on the basis of the same rules. This means that CER and CIT will have to continue to monitor developments in Brussels closely and acquaint the MEPs with the world of railways to avoid the “copy-paste risk“ that would allow passengers' rights to be transferred unfiltered from the airlines into railway legislation.

Isabelle Saintilan (SNCF) presented details of the current implementation of passengers' rights. A report prepared by the European Commission awards quite good marks to the railways. No systematic misuse of the provisions of the regulations had been observed. Generally speaking, cases are dealt with promptly. There was criticism of the lack of through tickets, however, and, in the event of service disruptions, the frequently inadequate provision of meals and refreshments.



The opening of the conference, chaired by Carmen Filipescu

After the ECJ ruling of last year stating that compensation is to be paid to passengers even when the delay is attributable to force majeure, the CIT immediately amended the appropriate CIT documents (GCC-CIV/PRR and AIV). The issuing RU responsible for processing complaints of delays no longer needs to investigate other RUs to find the root cause of the delay.

Taking the Czech Railways (CD) as an example, Jan Vávra demonstrated that PRR compensation costs are on the increase. Travellers today are better informed of their rights, with the result that the number of claims submitted has also increased sharply in the Czech Republic since 2009. The CD has responded by setting up a service disruption management system. The aim is to ensure that, in the event of a disruption, as many travellers as possible arrive at their destination on the same day, whether by using replacement buses, trains from rival companies or frequently by using taxis. Refreshments are also offered. Train attendants can also provide vouchers, and a “call centre“ has been set up to provide 24-hour assistance to travellers in Czech, English, German and Russian.

On international rail passenger services, the majority of the tickets issued tend to be sold for travel with other carriers.

For this reason, UIC Leaflet 361 stipulates that at least 500 such tickets each year are to be inspected by the carriers involved to determine whether they have been sold and accounted for correctly – on the principle that “Trust is good, but control is better”. For this purpose, the CIT provides so-called replacement tickets. Philipp Käser subsequently presented a process that has been used successfully by SBB for the last two years, which eliminates the need to withdraw the traveller’s original ticket. The tickets are simply photographed using a smartphone and the photos sent to the accounting centre in Bern for verification. This more customer-friendly process makes the train attendant’s job a lot easier in terms of dealing with both the traveller and the administration process. In addition, it can be used for all types of ticket, including InterRail and Eurail passes.

In a live demonstration, the Technical Manager of the Train Information System (TIS), Josef Stahl (RailNetEurope), presented the current level of progress in the development of this online ticket scanning system for international train services in Central Europe. The latest version enables personalised query settings to be entered into the search function and saved in the user profile. The search function has also been optimised so that a specific train can be searched for using different national train numbers. Cross-border passenger trains can still be retrieved in the TIS for a period of up to twelve months after the service has been scheduled, with a one minute level of accuracy, even in the event of a (partial) service disruption or diversion.



Many interesting topics were discussed, including the implementation of PRR, data protection, application of TIS or Ticket inspection.

Data protection and data protection regulations in the claims departments were on the agenda for the afternoon session. Why that? Dr. Victorine Kossi promptly provided the answer: data privacy and data protection are fundamental rights. As a matter of principle, every individual should be able to decide for himself on the disclosure and use of his personal data. The continuing technological progress being made in automated data processing is leading to an increased risk of data misuse. There is a constant increase in the volume of data that can be stored, linked to other data and assessed in unlimited quantities. As a result, the individual person is being compromised in terms of his personal rights and freedoms, in particular when he does not know who has data associated with him, what data this could be, what will happen to the data and with whom this data is to be shared.

Any processing of personal data is subject to a legal principle. At EU level, Directive 95/46/EC of 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. It is to be superseded by a Regulation before the end of this year. In Germany, the Federal Data Protection Act applies at national level.

But how will this right to self-determination be applied? Can it be enforced at all? Protecting consumer data is important because it establishes a basis for building consumer trust and protecting them from unfair practices. There are three main factors that will improve the level of protection for consumers: ensuring that consumers are informed of their rights, providing a high degree of transparency on how the data is processed and providing self-determination whenever this is possible. Applying the principles of data economy and data avoidance will help to ensure that no or very little personal data is processed, will prevent personal data or data with a personal reference from being created in the first place and will place a strict limit on the amount of data that can be used. In short: the key is to reduce the amount of data collected to an absolute minimum.

In practice, this would mean that the traveller’s bank details, for example, are only required when it has been determined that the customer is in fact entitled to claim compensation and money will be refunded. Collecting bank details before the claim has been verified is in breach of the data protection principles. Furthermore, the customer must be informed of the procedure and the use of his personal data. In the event that such information has been permitted for use in some other commercial project, the customer’s consent is to be obtained beforehand and proactively.

Another interesting challenge in international collaboration is the transfer of data to other countries. Within the EU/EEA and in third countries with an acceptable level of data protection, this is allowed. In third countries without an acceptable level of data protection, however, this is strictly forbidden. In practice, in the latter case, a binding agreement on data protection is needed between the companies involved to ensure that complaints can still be exchanged and settled (hopefully) to the traveller’s satisfaction.

Data protection requirements and their implementation for collaboration between the railways and with respect to the traveller that comply with the law have already been included on the agenda of the next meeting of the CIV Working Group.

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Original: DE

Full Service Model Initiative (FSM)

The Full Service Model (FSM) Initiative was originally established in the context of the TAP TSI Phase One work, being a voluntary, business-driven working group jointly performed by railway undertakings and ticket vendors. From late 2014 the FSM Initiative will continue as a voluntary industry initiative aimed, in a first step, at developing Open IT Specifications for the booking of rail services. The FSM will however also consider the context of multimodality (later, other transport modes, such as local transport, air etc. can also be added).

Today the following railway undertakings participate in the FSM: ATOC, BeNeRail, DB, PKP InterCity, SNCF, SJ, Trenitalia and Renfe. From the Ticket Vendors' side Amadeus, Sabre, The Trainline and Travelport are taking part, supported by CER, ETTSA (The European Technology & Travel Services Association) and ECTAA (The European Travel Agents' and Tour Operators Associations). From July 2014 also the CIT is active in the FSM as an advisor.

The main objective of the FSM is to create new and standardised Open IT Specifications for the distribution of rail services, not only between railway undertakings but also between railway undertakings and ticket vendors such as Global Distribution Systems (GDS) and on-line travel agencies. The primary scope is the sale of point-to-point tickets from chosen time table information, leaving rail passes and other open tickets to be dealt with in the second phase of FSM.

The FSM is organized in seven work streams following the sequence of the sales process starting with basic information, such as time table and master data followed by journey planning, offering, booking, after sales, fulfillment, accounting, settlement, legal and contractual considerations. The first part of the work will concentrate on the initial steps in the sales process: master data/time table data, journey planning, offering and booking, followed by a second part covering after sales, fulfillment, accounting, settlement etc. Final business requirements for the first part will be

ready and approved by the beginning of 2015 followed by the specification phase which will be finalized at the end of 2015 with a practical validation ("proof-of-concept") of the main assumptions and concepts of FSM.

The CIT is actively participating in the FSM through the work stream "Contractual and legal Considerations". The main task is to support all the work from a legal and contractual point of view, thereby particularly ensuring that the FSM is compliant with existing international railway law, such as the CIV, PRR, TAP-TSI etc. The CIT also helps the project in answering questions raised during the work such as "when is the contract of carriage considered as being closed" (important issue especially in internet sales) and "legal implications for personalized tickets" (more and more railway tickets nowadays are bound to a specific passenger as in the airline business).

The FSM will also have a major influence on CIT's future work and CIT's passenger products such as the new CIV Ticketing Manual as it is to be anticipated that the new sales interfaces created by the FSM will become the main future international standards for the sales of international rail products.

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Original: EN

OV Chipcard system endorsed by highest Dutch court

In its recent decision, the highest court of the Netherlands found that the transformation of e-tickets into legible written symbols should be provided by the RU upon request of passengers before, after and during the journey. The technical possibilities for this are already available today. Thus, there is no need for NS to reintroduce paper tickets.

Background of the case

As of 9 July 2014 NS fully shifted domestically to the system of e-tickets, also known as OV Chipcard, where all information is kept on the chip of a card. One passenger brought a claim related to Article 7(5) of Annex I to the Rail PRR (i.e. Article 7(5) of the CIV), which requires that e-tickets can

be transformed into legible written symbols. A passenger also requested NS to reintroduce paper tickets, since it was not possible to verify his tickets as envisaged by Article 7(3) CIV. Thus, the OV Chipcard allegedly lacked functional equivalence to a paper ticket. The case was finally heard on appeal by the highest Dutch court.

Decision of the Court

The "College van Beroep voor het bedrijfsleven" in its decision of 29 September 2014 found that NS does not need to reintroduce paper tickets. The court explained that the information on a paper ticket and on an e-ticket cannot be accessible in the very same way – and this does not fall within the requirement of functional equivalence under Article 7(3) CIV. At the same time, whenever a passenger wants to check the status of his Chipcard, the RU should make it possible, including on board a train by means of the controller's chip-card machine.

The NS was able to show that modern IT technologies, also in transport sector, make it possible to provide passengers with the information contained on their Chipcard. The court recognized that the passengers already had the possibility of accessing the up-to-date status of their Chipcards at the check-in, on ticket-vending machines, via the NS webpage or to receive a print-out of the electronic information at the NS office. In addition, it is possible for passengers to check the current status of the Chipcard during the trip by means of the controller's machine. Whereas beforehand, such checks depended on the discretion of the controller, the court ruled that this option must always be available to a passenger and the controller has to cooperate. The court decided that taken together, all these options ensure the equivalent authentication in accordance with Article 7(3) CIV in Annex I to the Rail PRR. Following this decision, the NS will instruct its entire staff to show their ticketing devices to passengers on request.

The case has no direct impact in other EU Member States but it nevertheless represents a best practice that could be taken into account – if the same question was raised elsewhere in Europe – by the domestic courts. The CIV Working Group closely follows the topic of e-ticketing and carries out work on functional equivalence of paper tickets and e-tickets.

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Original: EN

Useful links

- [Regulation EC no. 1371/2007 \(PRR\)](#)
- [College van Beroep voor het bedrijfsleven, AWB 13/398, 29-09-2014](#)

Dutch court denies the right to be compensated for self re-routing

The highest Dutch court decided recently that if a passenger did not make use of alternative transport (bus) organized by the rail carrier, and instead independently took the train of another rail undertaking, he cannot claim compensation for that extra fare.

Factual background

A passenger was travelling from Rotterdam to Venlo on a train operated by NS. The rail tracks were blocked before Eindhoven. When changing trains in Tilburg, the passenger was informed about the situation and was instructed to wait for the alternative transport that had been arranged. NS organized alternative transport to Venlo by bus within 30 minutes. However, the passenger bought a ticket and immediately took a train operated by Veolia to Nijmegen and then to Venlo. As a consequence he requested NS to compensate him for the Veolia fare (8 EUR).

Decision of the court

The “College van Beroep voor het bedrijfsleven”, following the two decisions of the Dutch NEB in favour of the NS, also decided that Article 16 of the Rail PRR does not grant passengers the right to compensation in cases of self-rerouting where alternative transport was organized by the initial rail carrier. While the passenger alleged that buses do not constitute “comparable transport conditions” and connections operated by Veolia constituted the “earliest opportunity” for continuation as required under Article 16 of the Rail PRR, the court disagreed. The court supported the position of NS and ruled that Article 16 does not oblige a carrier to offer an

onward journey with a different carrier in case of delay of more than 60 minutes, as NS provided alternative transport by bus. Thus, the passenger had no right to compensation in this case.

This decision of the court is in line with the position of the CIT on continuation required under the Rail PRR, which is reflected in point 9.1.3 of the GCC-CIV/PRR explaining that continuation is only possible using the carriers taking part in the performance of the contract of carriage, whereas the conditions have to be comparable to the initial journey.

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Original: EN

Useful links

- [Regulation EC no. 1371/2007 \(PRR\)](#)
- [College van Beroep voor het bedrijfsleven, AWB 13/942, 12/09/2014](#)



Euro-Asian rail freight shipments – new business opportunities for the railways

This key message – in addition to the current revision of the SMGS – was a recurring theme during the last meetings of the CIM/SMGS Coordination and Steering Groups in mid-September. The representatives of over 35 CIT member railways, in addition to those of the Chinese and Kazakh railways, agreed that the increasing globalisation of the markets and Internet shopping are opening up new prospects for the railways.

A practical example

A Bernese schoolboy orders a pair of the latest Vans sneakers on the Internet for 15 Swiss Francs. The Chinese producer now has the job of getting them to Bern without generating high shipping costs. The sea route will take around 45 days, but our schoolboy in Bern is not willing to wait that long. Sending them by air freight is quicker, and will take just two days, for which he would have to pay an additional 60 Swiss Francs - but that is what he will also pay for them in the summer sales in a Bernese shoe shop. Why did nobody think of the new option for parcel delivery using container groupage services by rail in nine days from China to Europe? This would also be the ideal solution for this young man, since the price-performance ratio is just right.

The representatives of the People's Republic of China on the OSJD Committee also presented a report on this new option at the meeting. Is it just a coincidence that, over 100 years ago, the founding fathers of the Universal Postal Union also set up the OTIF and the CIT in Bern?

The global logistics operator UPS has also announced that it has been operating a regular rail service on the Land Bridge between China and Europe since 30 June 2014. The Chinese cities of Chengdu and Zhengzhou have been named as the starting points of the service, with Lodz in Poland and Hamburg in Germany as the destinations in Europe. According to information provided by UPS, the service is twice as fast as the corresponding sea route and up to 70% cheaper than a comparable air freight service. Results of a customer survey conducted by UPS indicate that 71% of those interviewed would switch their shipments to rail in the next years.

A land bridge between Europe and Asia

The key role played by the joint CIT/OSJD "CIM/SMGS legal interoperability" project is being repeatedly confirmed by the steady increase in traffic volume. According to information published by the InterRail Group, a record transit time was achieved for the transport of goods between Brest on the Polish-Belorussian border and Erenhot on the border between Mongolia and China. The journey of more than 8,000 kilometres was completed in just 9 days, which

represented a record speed of 900 km a day. The train carried forty-one 40ft high cube containers, loaded primarily with steel equipment to be used for the development of the infrastructure in the Chinese Province of Zhengzhou. The Provincial Government is now providing major support for the development of international rail traffic, in particular with Europe, with the aim of improving new development potential for the emerging economic region.

Following the success of the first container train journey from Zhengzhou to Hamburg in summer 2013, the aim is now to operate this container service in both directions. The train pair will be designated the "East Wind" and "West Wind". Use of the common CIM/SMGS consignment note for the shipments in both directions is an important prerequisite for the successful and trouble-free movement of goods. Key data relating to these services is available on the DB Schenker AG website (DBSR).



Well developed railway infrastructure for Eurasian rail freight corridors

Railways need to collaborate successfully

Collaboration between Russian Railways (RZD) and China Railways (CR) will also become an important factor for the promotion of freight shipments between Europe and China in future. To this end, an agreement on strategic cooperation between RZD and CR was signed on 20 May 2014. On the basis of this cooperation agreement, new border crossings will be set up for international rail freight transport services, in addition to the construction of the required rail infrastructure. The aim is to reduce transit times for shipments and to provide a higher level of safety.

Both the Chinese and the Mongolian railways remain interested in developing their trade and rail transport potential by introducing simplified and more efficient procedures for handling Eurasian shipments. At the moment, the railway of the People's Republic of China handles just 60% of the demand for Eurasian shipments, which confirms there is considerable development potential available.

Common CIM/SMGS consignment note and uniform GTC EurAsia of the CIT

To provide concrete support for the use of the common CIM/SMGS consignment note on transport services to and from the People's Republic of China, in addition to guaranteeing the use of the Chinese language for completing the CIM/

SMGS consignment on transport services from China, the CIT plans to include three prioritised routes:

- Alshankou – Dostyk, between the People’s Republic of China and Kazakhstan;
- Erljan – Zaminuud, between the People’s Republic of China and Mongolia;
- Manzuli – Zabaikalsk, between the People’s Republic of China and the Russian Federation.

This means that the common CIM/SMGS consignment note is now in the process of building a legal bridge between the different CIM and SMGS legal regimes, in addition to overcoming language barriers and crossing national borders. Each CIM/SMGS consignment note is backed by a contractual agreement between those involved in the CIM or the SMGS region - the consignor of the goods, the carrier and the consignee of the goods. In this way, the common CIM/SMGS consignment note provides greater legal certainty. The common CIM/SMGS consignment note is also recognised as a customs transit document and a bank document. It is used for block trains, wagon groups, single wagons or containers, in either paper or electronic format. The IT company OLTIS has produced “Documents+“, a computer-based application for completing the common CIM/SMGS consignment note, which is now available in Chinese.

In addition to that, the GS CIT has now finalised the General Terms and Conditions of Carriage EurAsia (GTC EurAsia). They were unanimously adopted by the CIM Committee of the CIT in March 2014 and published on 1 July 2014 by the GS CIT. They apply only if the individual contracts of carriage refer to them (opt-in principle). For this reason, the development and execution of an implementation strategy is vital for the success of the GTC EurAsia. An important aspect for speedy implementation is good rapport with the customer representatives in the various committees and organisations. In addition to that, their compatibility with the compulsory provisions of the national law – in particular on the trans-Siberian corridors – must not be ignored.



The challenge for the future: connecting the place of production and the place of consumption by rail

This means that the application of the GTC EurAsia in the form of general conditions of carriage would take place on the basis of Private International Law, including its rules relating to conflict of laws. With such a solution, cross-border rail freight shipments between CIM and SMGS states could be sent on the basis of a single contract of carriage.

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Original: DE



USE OF THE INFRASTRUCTURE

Publication of a new, three language version of the CUI Uniform Rules in November 2014

The Revision Committee of OTIF approves an editorial change to Article 5bis § 1 and 2 of the CUI Uniform Rules

The OTIF Secretary General had proposed to OTIF’s Revision Committee an editorial change to Article 5bis of the CUI Uniform Rules for the purpose of correcting a term. The reference to ‘European Community law’ was to be replaced by ‘European Union law’ in Article 5bis § 1 and 2 of the CUI Uniform Rules. The Revision Committee adopted the proposal at its 25th meeting on 25 June 2014.

The change will enter into force on 1 July 2015. The CIT has modified its three language edition of the CUI Uniform Rules accordingly in the middle of November 2014 and sent out a circular letter to inform its members about the change.

There is no substantive change to the CUI Uniform Rules.

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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.

How do successive carriers allocate liability among themselves?

For the cross-border carriage of goods, the successive carriers agree to exceed the limits of liability as stipulated in the CIM Uniform Rules (CIM UR).

Are they bound by the limit of liability as stipulated in the CIM UR or can they agree among themselves on an increased limit of liability? How do they allocate liability among themselves?

The CIM UR in Article 23 et seq. govern the carrier's liability during the period between taking over the goods and delivering the goods. The maximum limit of this causal liability of the carrier with respect to the customer in the event of total or partial loss of the goods is specified at SDR 17 (approx. €23) per missing kilogram of gross mass (Article 30 § 2 CIM) and in the event of damage at a percentage of the loss of value of the goods noted at the place of destination (Art. 32 § 1 CIM). In accordance with Article 5 CIM, the carrier is permitted to extend his liability and his obligations as stipulated in the CIM UR.

In the relations between the successive carriers, Item 23 of the GTC "joint contract" in the implementation of the CIM UR governs two specific cases:

- Item 23(1) specifies the general cases (lex generalis) regarding compensation in accordance with CIM UR - Article 30 § 2 CIM in the event of loss, Article 32 §

1 CIM in the event of damage or Article 33 § 1 CIM in the event exceeding the transit period - in the internal relations between the carriers;

- Item 23(2) on the other hand offers successive carriers as a special case (lex specialis) the possibility of specifying the maximum amount of the compensation to be paid in the case of an extension of liability.

Article 23 et seq. CIM and Article 5 CIM thus govern the external relations between the customer and the carrier as parties to the contract of carriage. By contrast, the GTC "joint contract" of the CIT govern the internal relations between the successive carriers themselves and are applied only when they have been agreed between several carriers and have been included in the individual contracts of carriage (opting-in).

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Original: DE



Autumn meeting of the CIT Executive Committee in Lucerne

The Executive Committee of the CIT, chaired by its President Jean-Luc Dufournaud, met on 18 September 2015 in Lucerne. A visit to the Swiss Museum of Transport ensured that the Executive Committee members were in the right technical frame of mind for the meeting on the shore of Lake Lucerne.

Ms. Andrea Scholz, Head of the Legal Department of ÖBB-Personenverkehr AG and Ms. Aikaterini Vitou, Head of International Cooperation at Trainose, who were nominated by their companies to fill a vacant seat on the CIT Executive Committee also took part in the Executive Committee meeting and were able to present themselves in light of the recommendation of the Executive Committee to the General Assembly.

The Executive Committee said farewell to Ms. Marie-Ghislaine Hénuset (SNCB/NMBS) as a long-standing member of the Executive Committee, in view of the expiry of her mandate at the end of the year. The President thanked Ms. Hénuset for her excellent work on the Committee. As a result of her high level of specialised expertise and excel-

lent international networking skills, she made a major contribution to the CIT's successful development.

Main topic of the meeting: the current revision of COTIF 1999

The Executive Committee discussed in depth the results of the meeting of the OTIF Revision Committee from 25 to 27 June in Bern and specified what steps were to be taken next.

In addition to amendments to the COTIF Basic Convention and detailed amendments to the technical appendices on APTU and ATMF Uniform Rules relating to the so-called "Entity in Charge of Maintenance" (ECM), the OTIF Revision Committee dealt with the regulation on workshops for roll-

ing stock (ECM). In Article 9 CUV, the ECM is to act as the vicarious agent of the wagon keeper in accordance with international rail transport law.

With regard to CIT's suggestions relating to the CIM UR, which were primarily aimed at creating a standardised basis for the electronic consignment note, the deliberations resulted in the need for an additional formal consultation with the EU Commission to ensure that possible interfaces to the new EU Customs Code can be clarified. The GS CIT was authorised to take all appropriate measures to ensure this strategic plan is implemented satisfactorily.

The result of the Revision Committee's deliberations on the suggestions put forward by the CIT relating to the CUI UR was ultimately seen as positive by the Executive Committee, with the CIT's suggestions attracting the interest of the OTIF Member States and the European Commission. The Secretary General of OTIF announced that an ad hoc CUI working group is to set up to prepare proposals for a revision of the CUI UR to be submitted to the General Assembly of OTIF. The GS CIT will be actively involved in the interest of its members.

Cooperation agreement with the OSJD supported by the Executive Committee

The Executive Committee noted with approval the progress of negotiations being conducted by the GS CIT to conclude a cooperation agreement with the OSJD. The aim is to formalise the current work being carried out in the various projects – common CIM/SMGS consignment note, electronic freight documents, multimodality, cooperation on the CIV/SMPS project. This cooperation is also important for the work at UNECE level to harmonise international rail transport law.



The Executive Committee at its meeting in Lucerne

The CIT training programme starts in 2015

The Executive Committee was informed of the progress made in preparing the CIT's training courses. TRAINOSE has already announced its interest in organising a decentralised seminar in Athens, probably in September 2015.

Next meeting

The next meeting of the CIT Executive Committee will be held on 23 April 2015 in the CIT headquarters in Bern.

Erik.Evtimov(at)cit-rail.org

Original: DE

New member of staff in the freight traffic legal department



At the end of August, the temporary period of employment of Dominic Quiel was drawing to a close (see CIT-Info 4/2014). For this reason, the position of "Junior Legal Adviser" in the legal department of the General Secretariat had to be filled.

Nina Sziládi-Scherf, who has studied law in Germany, specialising in "International Private and Procedural Law" and "International Public Law" wished to take up this exciting challenge. In addition, she completed a Master of Laws degree (LLM) in "Negotiating and designing contracts", in which she acquired the knowledge required for the field of contract law.

Ms. Sziládi-Scherf came to us from Deutsche Bahn in Frankfurt am Main, where she had initially been employed, after completing her bar examination, in the taxation department before transferring to the property management department.

Nina Sziládi-Scherf took up her position at the CIT at the beginning of October. We wish her a warm welcome and look forward to working with her as a new member of our team.

Katja.Siegenthaler(at)cit-rail.org

Original: DE

Goodbye and thanks for everything



At the beginning of October, the General Secretariat of the CIT said farewell to Thomas Gyger, who had given notice of his intention to terminate his employment at the CIT at the end of November 2014 in order to pursue a new personal challenge. He is succeeded by Jan Svensson (see CIT-Info 4/2014).

Thomas Gyger has been employed as a technical expert in Passenger Services since 2011, and was primarily responsible for the “security background“ and “Ticket Manual“ areas.

We would like to express our thanks to Mr. Gyger for his work and wish him every success in his new field of activity.

Katja.Siegenthaler(at)cit-rail.org
Original: DE

The CIT warmly welcomes the new members!

METRANS Danubia Kft.

The Metrans Group is an intermodal services provider, whose main aim is to organise global container services in European ports and in Central and Eastern European countries.

Rapidly increasing traffic volume in Hungary led to METRANS Danubia Kft. being set up in Budapest in 2003 (subsidiary of METRANS Danubia a.s. based in the Slovak Republic).

METRANS Danubia Kft is today regarded as one of the leading intermodal rail freight undertakings in Hungary. The company runs its own offices in the ports, which enable it to guarantee favourable transport costs.



CENTRAL RAILWAYS a.s

is a young, dynamic company based in Košice (SK) that intends to secure a relevant position among railway companies in Central Europe.

The company's main objective is to provide a high level of service quality and high standards in terms of customer support, in addition to offering competitive prices in the railway sector.



Katja.Siegenthaler(at)cit-rail.org
Original: DE



CIT DIARY OF EVENTS

Date	Event	Location	CIT contact
20 November	General Assembly	Bern	Cesare Brand
3/4 December	CIM Working group	Bern	Erik Evtimov
4/5 February	CIV Working group	Bern	Tetyana Payosova
10 March	CUI Committee	Bern	Myriam Enzfelder
25 March	Multimodality Working group	Bern	Erik Evtimov
26 March	CIM Committee	Bern	Erik Evtimov
15 April	CIV/SMPS Working group	Bern	Erik Evtimov
23 April	Executive Committee 1/2015	Bern	Cesare Brand
28-29 April	CIV Working group	Bern	Tetyana Payosova
21 May	Conference of Freight Claims Departments	Bern	Joël Forthoffer
10/11 June	CIM Working group	Bern	Erik Evtimov
24 June	CIV Committee	Bern	Isabelle Oberson
7/8 July	Legal and experts group CIM/SMGS	Bern	Erik Evtimov

Events with CIT participation

Date	Event	Org	Location	CIT contact
18 November	TAP-TSI CCM Meeting	ERA	Lille	Jan Svensson
27 November	TAP-TSI CSG meeting	CER	Frankfurt	Jan Svensson
24/25 November	(SC.2) Working Party on Rail Transport	UNECE	Geneva	Cesare Brand
25 November	Study group Wagon user	UIC	Paris	Erik Evtimov / Nina Sziladi-Scherf
26 November	Freight Steering Committee	UIC	Brussels	Erik Evtimov
27 November	Freight Forum	UIC	Brussels	Erik Evtimov
26 November	Presentation of the E-GTC-I with CER, RNE and EIM	EC	Brussels	Cesare Brand Myriam Enzfelder
26/27 November	Working Group of Appendices D (CUV) and E (CUI) of COTIF	EC	Brussels	Cesare Brand Myriam Enzfelder
2 December	19th Regional Assembly Conference	UIC	Paris	Cesare Brand
3 December	85th General Assembly	UIC	Paris	Cesare Brand
9 December	Working group on the revision of the CIM UR	OTIF	Bern	Erik Evtimov / Nina Sziladi-Scherf
9 December	EPF Inaugural Summit	EPF	Brussels	Tetyana Payosova
9 December	FSM Steering Committee	FSM	Brussels	Jan Svensson / Tetyana Payosova
10 December	Working Group for the preparation of the Revision of Appendix E (CUI UR)	OTIF	Bern	Cesare Brand Myriam Enzfelder
11 December	Assistants Meeting	CER	Brussels	Erik Evtimov
12 December	General & Regional Assembly	CER	Brussels	Cesare Brand

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