

Editorial

A milestone in the development of passenger traffic by rail



On 30 April 2009 the CIV Committee approved the new *General Conditions of Carriage for Rail Passengers (GCC-CIV/PRR)*. This marks the successful completion of a task which has taken many months. There is no doubt that the GCC-CIV/PRR, the most recent output from the CIT, represent a milestone in the development of passenger traffic by rail.

As readers will be aware, the new European Community Regulation on passengers' rights (Regulation (EC) No 1371/2007) comes into effect on 3 December 2009. It introduces fundamental changes and, in particular, mandatory provisions for liability for delay and cancellation of trains together with standard liability rules for death of and injury to passengers.

The new provisions overlay both national liability rules and the CIV Uniform Rules (which apply in forty-three states in Europe, the Middle East and North Africa). In order to ensure that national law, Community law and COTIF law can be put together without problem, the GCC-CIV/PRR bring the applicable legal rules together into a single fundamental text on which contracts of carriage may be based.

The GCC-CIV/PRR provide a basis which is certain in law. The various undertakings and marketing unions may add their own *special conditions of carriage* to these basic provisions. The GCC-CIV/PRR may be used in all cases, for domestic and international carriage, within and outside the European Union as well as in traffic between EU and non-EU Member States.

Experience in the airline industry suggests that it is worth organising things properly, right from the beginning. Legal disputes and subsequent corrections are much more expensive and will damage the image of the railway unnecessarily. The CIT is therefore recommending to its member undertakings that they apply the GCC-CIV/PRR without restriction.

The GCC-CIV/PRR were drawn up over the past eighteen months by a dozen specialist lawyers and experts from the largest European railways. Recognition and enormous gratitude is due to them for finishing this demanding task. The new conditions of carriage certainly provide the best option, so far, to be able to manage an extremely complex legal situation more effectively and with more certainty.

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Secretary General to the CIT

Contents

Sixty-third session of the Economic Commission for Europe during a world economic crisis	2
Anti-competitive practices: victims' rights to be strengthened?	2
Meeting with associations representing passengers	3
Report from UIC Passenger Forum – Paris, April 28th 2009	4
The GCC-CIV/PRR are in place !	5
Sweeping changes in liability law for railways	6
e-RailFreight – A significant new step has been taken	6
Current status of work on the CIT/OSJD project "CIM/SMGS Legal Interoperability"	7
Central Asia as the key region for Eurasian freight traffic by rail	8
How rail can succeed in the Europe-Asia freight market (Prague-Conference)	8
CIT Itself	9

CIT Diary of Events

Date	Event	Location
19/20 May	CIV Working Group	Bern
28 May	Conference of Freight After-Sales Service Departments	Bern
10 June	Executive Committee 2/2009	Varna (BG)
17/18 June	CIM Working Group	Bern
30 June	Workshop on "New Passengers' Rights"	Paris
7 July	CIM/SMGS Co-ordination Group	Bern
8 July	CIM/SMGS Steering Group	Bern

Transport Law and Policy

Sixty-third session of the Economic Commission for Europe during a world economic crisis

The sixty-third meeting of the United Nations Economic Commission for Europe (UNECE) took place in Geneva on 30 & 31 March 2009. It was opened by the new Executive Secretary of the UNECE, Ján Kubiš.

The meeting was focussed on the continuing world economic crisis and the options to counteract it. It was very clear from several comments in the panels that new approaches are even more important in the middle of an economic crisis. The transport industry plays a special role in achieving a reduction in world-wide environmental pollution. When railways extend their activities across national frontiers to permit transcontinental movement between Europe and Asia (including China) this provides a challenge which the CIT considers to be a mandate for simple, better and consistent legislation (see CIT Info 2/2009 pages 2 & 3).

Sustainable frontier simplifications for movements by rail are an important part of this process. Specific solutions were considered at a UNECE/International Transport Forum/World Bank seminar at the beginning of March in Paris. The conclusions¹ prepared subsequently will provide an input for the International Transport Forum (meeting of ministers of transport) which is to take place in Leipzig² 26-29 May 2009.

In the part of the conclusions dealing with the future railway policy of the participating states, giving the common CIM/SMGS consignment note a role as a customs transit document is recommended as one way of simplifying crossing frontiers.³

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¹ The conclusions of the seminars may be downloaded from <http://www.internationaltransportforum.org/Proceedings/Border2009/BorderConclusions.pdf>.

² The programme and documentation may be downloaded from <http://www.internationaltransportforum.org/home.html>.

³ See page 6 in particular: "A specific issue concerned the critical need to extend the use of the uniform CIM/SMGS consignment note to more railway routes and corridors. Major advantages for cross border rail traffic could be obtained if the uniform consignment note were also to be accepted as a customs document beyond the CIM area."

Anti-competitive practices: victims' rights to be strengthened?

Anti-competitive practices (cartels or abuse of dominant position) cost up to thirty-seven billion euro every year, according to a study made by the European Commission in 2008. These enormous amounts are paid by the companies and individuals who are victims of these practices. The majority of these infringements are followed up by national competition authorities and the European Commission which have extensive powers in this area and can impose heavy fines on the guilty parties (up to 10% of turnover). In parallel, victims of anti-competitive practices may take these companies to court and demand compensation for their losses.

Community law guarantees victims of anti-competitive practices the right to compensation. However, the European Commission noted that in practice victims are only rarely compensated for the losses they suffered because of numerous legal and procedural obstacles at national level. That is why the Commission launched a consultation initiative in 2005 on the action to be taken at European level to improve the outcome for victims and strengthen their rights. That consultation led to a *white paper* being published in 2008¹; in March 2009 the European Parliament officially added its support.

The European Commission's objective is to guarantee victims in every EU Member State the effective right to obtain damages as a minimum in the event of infringements of Community competition law (Articles 81 and 82 of the EC Treaty). The Commission envisages the following action:

- 1) to permit representative actions either through consumer associations or professional organisations or by victims themselves who might decide to group their claims for compensa-

tion together; this proposition forms part of the *Green paper on Consumer Collective Redress* which has a much wider scope (see CIT Info 1/2009 p.2);

- 2) to facilitate access to evidence by deciding the conditions in which national courts may order parties to the proceedings or third parties to disclose precise categories of relevant evidence;
- 3) to authorise national courts to impose sufficiently deterrent sanctions to prevent the destruction of evidence and any refusal to comply with an injunction to disclose facts;
- 4) to authorise national courts to recognise a final decision of another Member State finding infringements of competition law as irrefutable proof of anti-competitive practices;
- 5) to reverse the burden of proof in proceedings requiring a "fault" on the part of the undertaking whose processes are believed to be anti-competitive so as to require that undertaking to demonstrate that its behaviour results from a "genuinely excusable error";
- 6) to harmonise the concept of the "real value of the loss suffered" in order to guarantee compensation of the "actual loss" attributable to an anti-competitive increase in prices as well as the "loss of profit" resulting from any reduction in sales;
- 7) to allow the infringer to defend himself against the claimant by citing the fact that the overcharge was passed on to the customers of the claimant whilst permitting those customers to make claims based on the refutable presumption that the illegal overcharge was passed on to them in its entirety;

- 8) to partially harmonise the limitation period and ceilings for the costs of proceedings.

Most of these measures were supported by the European Parliament², nevertheless with some important qualifications. In fact, Parliament preferred to wait for the results of the consultation on representative actions before introducing this procedure just for infringements against competition law. In addition, it rejected the obligation for national courts to recognise the decisions of national competition authorities from other Member States automatically as well as any intrusion of Community law into national systems of liability for fault.

The position taken by Parliament, supported by the three largest political parties, was very favourably received by the European Commission. The Commission will study the suggestions made by Parliament and soon decide on how to take its white paper forward.

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1 White paper on Damages actions for breach of the EC antitrust rules, COM(2008)165 final.

2 European Parliament resolution of 26 March 2009 (non legislative) (A6-0123/2009).

Passenger Traffic

Meeting with associations representing passengers

The railway trade associations (CER, UIC and CIT) met associations representing passengers [European Passengers' Federation (EPF), European Disability Forum (EDF), European Cyclists' Federation (ECF) and the European Blind Union (EBU)] on 8 April 2009 in Brussels to discuss implementation of *Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR)*. The issues raised were mainly those of the rights of handicapped persons and those of reduced mobility (PRM) as well as the new *General Conditions of Carriage (GCC-CIV/PRR)*.

A meeting which took place on 24 February 2009 between the UIC PRM Working Group and the European Disability Forum had already considered the effects of the implementation of the Regulation on passengers with reduced mobility. Although that meeting had allowed constructive discussions on several issues in the Regulation, certain points which remain unresolved, in particular the provision of free telephones for persons with reduced mobility and assistance points around stations are to be discussed on 12 May 2009.

The CIT presented the most recent changes made to the GCC-CIV/PRR and commented on the three points which the European Passengers' Federation thought were contrary to the PRR (see the item on the "Berliner Tage" in CIT Info 2/2009). The CIT decided to maintain its position on:

- 1) the right of a passenger to continue his journey at a later date but always within a limit of 48 hours. The CIT considers that a journey some 6 months after the initial departure no longer fulfils the original objective of the journey and should not provide a right to a ticket which could be much more expensive than the original one (this could be the case in a holiday period, for example);
- 2) a passenger's right to continue his journey or be rerouted only using the carriers taking part in the performance of the original contract of carriage. The CIT considers that carriers do not have an obligation to have their passengers carried by competing undertakings;
- 3) the three grounds for the carrier being relieved of liability for delay. The CIT considers that the PRR forms part of the same system of liability as the CIV Uniform Rules, i.e. strict liability from which the carrier may be relieved if he is able



Photo© SBB

Helping passengers

to prove that the delay was caused by unavoidable external circumstances, the fault of the passenger, or the behaviour of a third party.

The European Disability Forum and the European Blind Union considered that the obligation contained in the current version of the GCC-CIV/PRR, i.e. that passengers with reduced mobility had to notify their need for assistance 48 hours in advance should be made more flexible. The CIT's CIV Committee nevertheless rejected the option of allowing for individual arrangements in the text of the general conditions of carriage. Despite that, the CIV Committee did accept the principle of making the 48 hour rule more flexible to take account of the shorter time periods which some carriers already accept.

The meeting also provided the opportunity for an update on the progress being made with the TAP-TSI project and a discussion of the letter sent to Transport Commissioner Antonio Tajani on 19 March 2009 by three Dutch consumer's associations. The letter (to which the Commissioner has not yet replied) asked him to declare that forcing a passenger to make several contracts of carriage for one and the same journey is contrary to the spirit of the PRR.

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Report from UIC Passenger Forum – Paris, April 28th 2009

Preliminary information on the new UIC Director General, Mr. Jean-Pierre Lubinoux (who replaced Mr. Aliadière) was provided by the Chairwoman, Mrs Cécile Queille, as well as the upcoming change in the Commercial Group leadership (Dr. Wolfgang Zoller will be retiring this year and the Steering Committee has proposed the new DB representative, Marc Giesen, to replace him in this role).

A presentation on the impact of the *Regulation on Passengers' Rights and the new General Conditions of Carriage (GCC-CIV/PRR)* developed by CIT was illustrated by Enrico Trapazzo (representing CIT in this Forum). It has been highlighted that such GCC aim at creating for the first time a homogeneous contractual framework Europe wide. To reach this goal, the GCC contain only the minimum standards to be delivered to passengers: railway undertakings are in fact free to provide better standards in their own special conditions of carriage. Of course such a minimalist approach – according to the strategy always shared with UIC – could also lead to litigations involving national judges as well as the European Court of Justice. As the GCC are a mix of legal rules and commercial decisions, both the CIV Committee and the Passenger Forum have confirmed this strategy, bearing in mind that judicial rulings (particularly from the European Court of Justice) will contribute to clarifying specific areas. During the Q&A session, it was clarified that the new GCC will in any case represent a benchmark and a useful tool to minimise the risk of “chaos” that would be provoked once the Regulation has come into force.

Consumers' protection was revealed to be a key topic in the EU agenda. CER representatives are monitoring the intention of the EU to launch a campaign to support the application of the Regulation on Passenger Rights, even though they are confident the EU approach will not be aggressive – unlike the one experienced in the airline sector a few years ago – if the railways are providing their customers with proper information. In view of this, UIC and CER will create an internal guidance document (not an official brochure) to be sent to their member carriers, which will then have the task of implementing their own proper communication locally. Customer organisations will in any case be kept in touch: regular meetings with them will probably be arranged by CER even after December 3rd (the last meeting took place on April 8th). Finally, information was given on airline passengers' rights rules (they will be reviewed soon).

A special focus on Persons with Reduced Mobility (PRM) highlighted the projects and solutions proposed at UIC level as well as the development of a specific PRM assistance booking tool (some railways – including ATOC, DB and SNCF – have already decided to participate in the project). Moreover, a specific up-

date of the website www.railpassenger.info has been planned by UIC. All and more than this will be discussed in a workshop on passengers' rights arranged in cooperation with the CIT (Paris, June 30th); this workshop is intended for decision makers in passenger transport departments dealing either with commercial strategy or claims handling procedures.

On the MERITS/PRIFIS project, the Forum allowed Eurail and Railteam access to the system in order to cover their own commercial needs (possibility to download from Eurail websites tailor-made PDF itineraries and to display timetables on mobiles through a specific Railteam application). The decision was taken considering that both Eurail and Railteam cannot be considered as third parties, such as Amadeus, Greenpeace or others (who has also requested commercial access). In all cases a contract is needed.

Trenitalia's representative illustrated the impressive commercial development of the new high speed system in Italy. In fact, the opening of the new line between Milan and Bologna last December allowed a journey time of 3hrs and 30min on the main domestic route Rome-Milan (no-stop trains). The journey time between the two cities will be cut to 3hrs in December 2009 (opening of the new Bologna-Florence line). Customers seem to appreciate the new high speed environment, which is formed by new lines, new trains (the brand new Frecciarossa), new or renovated stations (in Florence, Bologna and Milan) and new yield managed prices. Airlines are suffering from the increasing competition of the new AV (alta velocità) trains on the main routes, and Trenitalia overtook the air transport sector, becoming the main carrier on the main Italian route, with a 50% market share.

After the reports from the UIC Experts Group (Commercial and Technical), the project “Train to Copenhagen” and the benchmark “Japan East Railways” were illustrated. The first is a PR campaign to promote rail as part of the solution for climate change: two express trains will cover the distance to Copenhagen (location of the 2009 summit), respectively from Brussels and Kyoto, blogging from the whole trip. The second was a report showing how Japanese railways are high-tech, focussed on complementary services and, above all, clean. Cleanliness everywhere, from stations to trains, outside and inside (a real benchmark!).

The Forum ended after a short discussion on the budget and a call for new applicants launched by the UIC auditing team. The next UIC Passenger Forum will take place in Paris on October 7th, 2009.

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The GCC-CIV/PRR are in place!

On 30 April 2009, the CIT's CIV Committee approved the text of the *General Conditions of Carriage CIV/PRR (GCC-CIV/PRR)*.

The GCC-CIV/PRR (in future only the English abbreviation will be used) have been consistently structured to take account of the fact that the *EC Regulation 1371/2007 on the rights and obligations of passengers (PRR)* has extended the scope of the CIV Uniform Rules to domestic traffic in EU Member States. In this way, for the first time in railway history, CIT members, whether they operate in an EU Member State or not, may use just one set of conditions for all their contracts of carriage.

This approach, consciously chosen by the CIV Committee and the Passenger Forum, means that the GCC concentrate only on the minimum standards from the CIV Uniform Rules and of PRR. Members nevertheless have the opportunity to derogate from the GCC; however in specific cases (which follow from the PRR), only to the benefit of the passenger. This option is also open to marketing groups (of several carriers) for specific services or to international tariff-groups. What is not covered by the GCC-CIV/PRR must instead be laid down in the carrier's *special conditions of carriage (SCC)*. The same applies to derogations from the GCC.

The GCC-CIV/PRR contain no specific information on the exemptions from PRR which will be granted by Member States. The CIT General Secretariat has been instructed to make an area on its website available to hold this information. The CIV Committee took note of the fact that Germany intends to introduce the PRR in advance, probably with effect from July 2009 and to apply it to all services (only tourist and museum trains will be excluded).

The GCC-CIV/PRR are to come into effect on 3 December 2009. This May, the CIT will send a letter to all the general managers of passenger railway undertakings asking them to approve the GCC-CIV/PRR formally and to apply the GCC in their own undertaking and in the associations in which they participate. In this context, the CIT General Secretariat has helped the UIC Commercial Group (formerly the Study Group Price) and its TCV Working Group to draw up new SCC for international tickets for which reservations are not compulsory. Likewise, the CIT General Secretariat is also able to advise marketing groups.

The GCC are written in legal language. Accordingly, the CIV Committee also decided to provide a shorter form drawn up to meet the needs of passengers. It is intended to provide guidance to members to help them draft their own more detailed information for customers. In addition, the railway trade associa-



The CIV Committee completes its work.

tions (UIC/CER/CIT) will provide a set of recommendations for summary information. These initiatives will help members to be ready by 3 December 2009 to inform their passengers of their new rights and obligations in a way that is appropriate to the actual situation.

The CIT manuals, firstly for the issue of tickets (GTV-CIT) and secondly for specimens of tickets (GTT-CIV) have also been aligned with the PRR. At the same time, new requirements (such as a reference to the GCC applicable, details of service charges, better legibility of 2D barcodes and the issue of tickets on A4 paper with the security background on just part of the sheet) have been covered. The first set of provisions for the issue of tickets which only consist of electronic data was adopted.

The work on the AIV, *the Agreement concerning the Relationships between Carriers in respect of International Passenger Traffic by Rail*, has been slightly delayed. The CIV Working Group has been remitted to submit a revised version by October 2009 so that the CIV Committee can approve it at its next meeting on 3 December 2009.

Readers may like to be reminded of the UIC/CIT workshop to prepare for the PRR coming into effect. The workshop is to be held on 30 June 2009 in the UIC building in Paris (see the announcement in this edition of CIT Info). The workshop is intended to support decision makers within member undertakings in implementing the PRR properly and on time, but within the context of their own commercial policies.

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Sweeping changes in liability law for railways

With effect from 3 December 2009, there will be a single standard liability regime for domestic traffic by rail in all the EU Member States, that of the CIV. This could have enormous repercussions for French jurisprudence. The French *Cour de cassation* [the main court of last resort in France] interprets force majeure and fault of the passenger very restrictively with the consequence that SNCF is still liable for the grossest passenger misconduct (train surfing, for example [moving along on the running board of a moving train after having deliberately forced open the automatic door locking mechanism]). It would not seem possible to continue to follow this precedent if the rules for liability are to be based on the CIV.

These and other topics were considered in the SNCF's *Matinée débat* [Morning Debate] held on 7 May 2009. The Director of SNCF's Legal Department, Henriette Chaubon, arranges these biannual seminars for all the lawyers in SNCF in order to review current issues and to develop a common approach over the whole organisation.

The most recent meeting was dedicated to the law concerning railway liability. Christophe Paulin, Professor at the University of Toulouse, spoke on the problems of overlap between the



From left to right: Christophe Paulin, University of Toulouse; Henriette Chaubon, Director of SNCF's Legal Department; Isabelle Bon-Garcin, University of Lyon II; Thomas Leimgruber, Secretary General, CIT.



SNCF's *Matinée débat* holds the attention of the participants.

CIV and the EC Passengers' Rights Regulation. Isabelle Bon-Garcin, Professor at the University of Lyon II, gave an insight into transport law for air and road traffic. Under the chairmanship of Jean-Luc Dufournaud, Deputy Director of SNCF's Legal Department (and Vice-Chairman of the CIT), Maître Bruno Odent, Advocate to the *Conseil d'Etat* [Council of State] and the *Cour de cassation*, and Anne-Elisabeth Credeville, Adviser to the *Cour de cassation*, described the most recent case law.

The CIT was invited to present the new GCC-CIV/PRR. There was great interest in this topic. Describing it as "an attempt to harmonise", the CIT Secretary General said that he was certain that this most recent output from the CIT provided the best legal means so far to take some level of control over the new legal environment. The GCC-CIV/PRR were unanimously approved by the CIT's CIV Committee on 30 April 2009 after eighteen months of intensive work by specialist lawyers and experts from all the larger European railways.

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Freight Traffic



A significant new step has been taken

Judging by the most recent project leaders' meeting on 29 April 2009 and the e-RailFreight Steering Group meeting on 30 April 2009, we can now certainly be sure that the railway trade associations have finished the important basic preparatory work which they had to do.

The technical specifications for the system, based on the functional and legal specifications which the CIT made available what is now some time ago, have been finished by the UIC and RAILDATA. These technical specifications include the data catalogue, the message transmission structure, and the catalogue of messages. They cover both the electronic consignment note and the electronic wagon note. They also provide for the option of creating a mixed system to allow both the electronic consign-

ment note and the electronic wagon note to be used for just part of the journey in advance of their general introduction on certain flows of traffic.

The central system developed by RAILDATA to allow those railway undertakings that wish to exchange their EDI messages via a single interface has been finished and is ready to be tested.

All the conditions for the implementation of the e-RailFreight system have thus been satisfied. It is now up to the railway undertakings to complete this next phase. The project leaders' meeting nominated the first potential traffic flows. Nevertheless, it must be recognised that some delays may be caused by the economic crisis.

Readers will not need to be reminded that in addition to the advantages which the electronic consignment note provides for the exchange of information concerning the contract of carriage, it also contains most of the information which the railway undertakings are now required to supply to customs authorities for European Union entry and exit summary declarations. It should be noted however, that the obligation to send these declarations has been postponed to 1 January 2011. In addition, the e-RailFreight system will offer higher levels of safety for the movement of dangerous goods because it makes information for these traffics more widely available to allow for checks or in the event of incidents.

The railway trade associations will leave a small project organisation in place. This organisation will provide a structure for the railway undertakings that will be implementing the application early on to exchange views and will provide for further specific requirements to be investigated, for example, the needs of combined transport.

Readers should also be aware that the signature issue is about to be resolved. Firstly, advantage will be taken of the option offered by the CIM Uniform Rules to the parties to the contract to agree

an alternative to the manual signatures of the consignor and the carrier on the consignment note. Except where the consignor and the carrier specially agree otherwise, their signatures will be replaced by the consignment number taken from box 62 of the consignment note. Likewise for the electronic signature, the CIM Uniform Rules provide for the principle of functional equivalence between the electronic consignment note and the paper consignment note to avoid difficulties with various national systems of law. To satisfy this principle, appropriate requirements have been written into the e-RailFreight system both for the system itself (e.g. identification of the various parties) and for the data (security, integrity, archiving, etc.). An electronic signature need not be systematically provided therefore, but agreed where necessary by the parties in question. Amendments to CIT documentation to reflect these changes are sent to the members of the CIM Committee for their approval in correspondence. It is intended that they will come into effect 1 July 2009 at the same time as the specifications revised at the most recent meeting of the CIM Committee in March 2009 (see CIT Info 3/2009).

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Current status of work on the CIT/OSJD project “CIM/SMGS Legal Interoperability”

Subsequent to the decisions of the CIM/SMGS Steering Group, the Group of Experts and the Legal Group met in Warsaw at the end of April, at the invitation of the OSJD Committee.

The first item on the agenda for the Group of Experts was the finalisation of work connected with the CIM/SMGS electronic consignment note and the technical specifications in particular. The functional and legal specifications were issued jointly by the CIT and the OSJD at the beginning of March 2009, in the form of recommendations.

With respect to stage 2 of the CIM/SMGS electronic consignment note project, i.e. the “Hybrid System” (paper + electronic), the current EU customs law and the national customs codes of SMGS States always insisted on a paper consignment note being used as customs transit document. The Group of Experts therefore recommends that the realisation of stage 2 of the project on the CIM/SMGS electronic consignment note be postponed for the time being in order to concentrate on the implementation of stage 1 of the project, i.e. electronic advance declarations. This position will be re-assessed on the one hand after the realisation of the “NCTS-Rail” system, and after the coming into effect of the new Russia-Belarus-Kazakhstan customs code on the other.

With a view to the expansion of the scope of validity of the CIM/SMGS single consignment note to the transcontinental corridors between Europe and Asia/China, the Group of Experts finalised its recommendations for securing the inclusion of the Chinese language in the handbook. They will be submitted to the next meeting of the Steering Group for approval at project level, with the objective of putting them into effect after the final approval of Project Managers CIT und OSJD, on the 1st January 2010.

The agenda for the CIM/SMGS Legal Group included two important plans resulting from the decisions of the CIM/SMGS Steering Group in Warsaw on the 8th December 2008.

- 1) The first plan concerns the elaboration of uniform rules for the payment of compensation in connection with the handling of claims under CIM/SMGS. The rules thus elaborated will complement the “CIM/SMGS Consignment Note” handbook, and should substantially simplify the work of the claims handling services in dealing with CIM/SMGS claims, as they foresee a standardised procedure for this work.
- 2) The second plan concerns the elaboration of procedural rules for the revision of the handbook. With the widespread use of the CIM/SMGS single consignment note soon as far as the Urals, a firm and well-rehearsed procedure to ensure that amendments are applied quickly to the various language versions of the handbook is decisive.

After the approval of the recommendations by the CIM/SMGS Steering Group, and subsequently by the project managers CIT and OSJD, at the project level, it is intended that these regulations should take effect from the 1st January 2010.

At the meeting of the Legal Group at the end of April, initial discussions also took place regarding the feasibility of the creation of General Conditions of Carriage (“GCC Eurasia”) on the basis of international private law. Such a solution would allow consignments between CIM and SMGS States based on a single contract of carriage.

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Central Asia as the key region for Eurasian freight traffic by rail

A workshop organised by the United Nations Economic Commission for Europe (UNECE) and the Economic Cooperation Organization (ECO) entitled "Facilitation of Euro-Asian Transport in the ECO Region" took place in Tehran on 27-29 April 2009. The ECO region comprises the following states: Afghanistan, Azerbaijan, Iran, Kazakhstan, Kirgizstan, Pakistan, Tajikistan, Turkmenistan, Turkey and Uzbekistan.

The CIT was invited to present the CIT/OSJD project to make the CIM and SMGS legally interoperable. The CIT was very pleased to learn that the common CIM/SMGS consignment note already has a gratifying level of recognition and gives rise to high levels of interest on the part of both governments and the commercial world.

As readers will be aware, the CIM/SMGS consignment note will also be used for traffic to and from Asia in accordance with the Kaliningrad Declaration (see CIT Info 10/2008). In this respect, the Central Asian states and their railways play a crucial role. The project work to achieve this is moving forward on schedule and a Chinese version of the CIM/SMGS consignment note will soon be available for use.

The CIT takes every worthwhile opportunity to take forward the project to make the CIM and SMGS interoperable. As well as hard work in the office, lobbying and systematic networking in conferences is necessary. The workshop in Tehran made it very



The Economic Cooperation Organisation (ECO) is also involved with promoting Eurasian traffic.

clear that the railways have something to learn in this respect. Road hauliers' trade associations in particular were conspicuously present and very professionally represented.

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How rail can succeed in the Europe-Asia freight market (Prague Conference)

An event entitled "International Conference and Exhibition on Railway Cargo Transports between Asia and Europe" took place in Prague from 4-6 March 2009. The conference brought together the most important decision makers from trade and politics who are currently engaged in promoting Europe-Asia traffic. Trade associations and governmental organisations (UIC, OSJD, OTIF, CIT, IBS and FIATA) gave an overview of current work-in-progress and initiatives to promote Europe-Asia land corridors. In particular, they gave details of the "paperless documentation" project and spoke about practical experience with the introduction of the common CIM/SMGS consignment note as well as about the progress being made in the negotiations on the extension of the geographical scope of COTIF and the reform of the SMGS.

Representatives from the ministries of transport of China, Russia, the Czech Republic and other states confirmed the special interest which the political world attaches to the promotion of these traffic flows by rail. In China, there is increasing investment in the extension of the rail network including upgrading of intercontinental links across Chinese frontiers.



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To complement this there were reports of practical experience of traffic between Europe and Asia. Representatives of companies such as Trans Eurasia Logistics (TEL) and Far East Land Bridge (FELB) reported on their actual experience in making these movements. Problems which the current economic crisis had exacerbated were raised and discussed candidly. The main problem currently is the dramatic reduction in sea freight rates with which rail finds it difficult to compete. Higher charges for rail can be defended to customers, in particular because of the transit time advantage which rail offers, but only within certain limits. Participants were unanimously of the view that only by abandoning the link with their national tariffs could railways increase their market shares for these traffics. At the same

time, the railway undertakings themselves and their trade associations must emphatically continue their work to improve and speed up frontier processes in order to become competitive.

Fundamentally, movement by rail needs to satisfy several market-oriented parameters to ensure success:

- the frequency the market expects (at least weekly)
- reliable departures (guaranteed departures in accordance with a fixed timetable)
- short and fixed transit times as a competitive advantage against sea freight
- movement in trainloads along the whole route to optimise transit times, avoid standing time and shunting (security en route)
- constant flow of information about operations by means of daily reports (GPS)
- competitive pricing

Events such as the Prague conference are of great importance to bring all the decision makers for these traffics together and to develop and extend business relationships. It is in the interests



Traffic arteries between Europe and Asia

of all the railway undertakings and logistics companies involved with this traffic to address the problems effectively and flexibly in order to open up this promising market for traffic between Europe and Asia to rail.

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CIT Itself



Workshop on new rights for passengers by rail

The UIC and CIT are organising a workshop to be held in the UIC building in Paris on 30 June 2009. It will focus on the new rights to be enjoyed by passengers by rail. It is primarily intended for the managers of CIT and UIC member undertakings who will have to organise the implementation of *Regulation (EC) No 1371/2007 on rail passengers' rights and obligations* (PRR) within their undertakings, i.e. those responsible for:

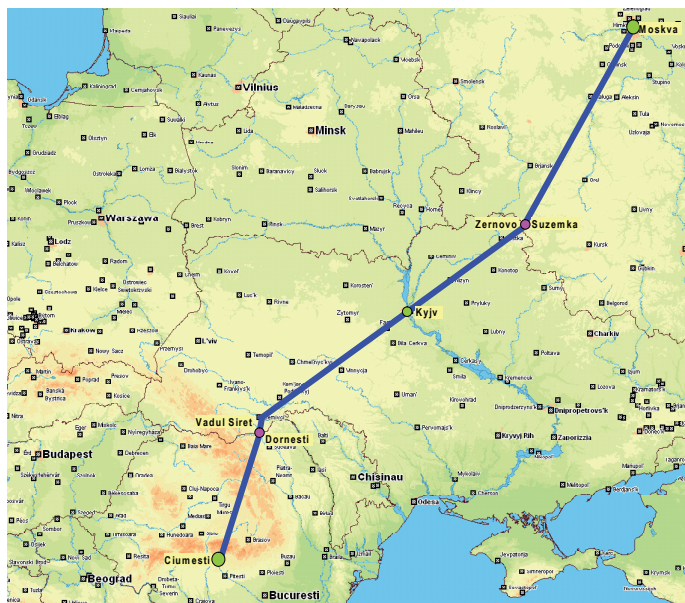
- drawing up and implementing tariffs and special conditions of carriage
- organising and supervising after-sales services
- training members of staff and preparing internal briefing material.

The workshop will provide the opportunity for participants to become familiar with the text of the *General Conditions of Carriage* (GCC-CIV/PRR) and to understand what is at stake legally and commercially. Seminar work in small groups will consider liability for delay, passenger claims and the commercial freedom which undertakings will still have in concluding contracts of carriage with passengers.

Further information together with the documentation for this workshop may be obtained from the CIT General Secretariat,
Weltpoststrasse 20, CH-3015 Bern, telephone +41 (0)31 350 01 92.

Bookings may be made by e-mail to [info\(at\)cit-rail.org](mailto:info(at)cit-rail.org) or by fax to +41 (0)31 350 01 99.

The prospectus for the workshop together with the booking form are also available on our website:
http://www.cit-rail.org/fileadmin/public/Seminare/Flyer_Workshop_Passengers-New-Rights.pdf



Corrigendum:

The CIT General Secretariat apologises for the incorrect representation of the forwarding station Clujmesti for the regular traffics using the CIM/SMGS consignment note for Renault in CIT Info 3/2009, p. 8. The forwarding point of this traffic flow is shown correctly herewith.

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Original: DE

Events with CIT participation

Date	Event	Location	CIT contact
26 May	CER Passenger Working Group	Brussels	Isabelle Oberson
3 June	UIC Freight Steering Committee	Paris	Henri Trolliet
4 June	UIC Freight Forum	Paris	Henri Trolliet
9/10 June	COTIF/ECO Workshop "Rail Transport between Europe and Asia"	Istanbul	Erik Evtimov
15 June	CER General Assembly	Paris	Thomas Leimgruber
15 June	UIC European Management Committee	Paris	Thomas Leimgruber
18 June	CER High level meeting Passenger	Rome	Thomas Leimgruber
23 June	UNECE Expert Group Meeting on Hinterland Connections of Seaports	Geneva	Erik Evtimov
23-25 June	OTIF Revision Committee	Bern	Henri Trolliet
24/25 June	UIC Passenger Messages Management Group	Paris	Max Krieg
2 July	East-West-Tariff Meeting	Vilnius	Isabelle Oberson
16 July	CER Sub-working group on Seals	Bern	Nathalie Greinus

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