

Editorial

It all forms a consistent picture



This edition of CIT Info contains a number of stories, which – quite unintentionally – form a consistent picture.

A few weeks ago, the Russian Federation applied to accede to COTIF and hence to the Intergovernmental Organisation for International Carriage by Rail (OTIF) in Bern. If nothing unexpected occurs, the Russian Federation will accede to COTIF early next year.

The most recent meeting of the CIM/SMGS legal and expert groups took place in the Mongolian capital, Ulan Bator, as guests of the Mongolian Railways. At this meeting, suitable traffic axes for trial movements to and from China and Mongolia were agreed with both the Mongolian and Chinese Railways (KZD).

In mid-August, a trial train, for which the CIT had provided legal support, ran between Islamabad and Istanbul in just fourteen rather than forty days. Next year there will be regular movements. When the Bosphorus tunnel opens in 2012, it will create a direct link from Europe into the Central Asian countries.

Furthermore, at the beginning of September, the General Assembly of OTIF re-elected the outgoing General Secretary for a further period of three years in office. Bringing the CIM Uniform Rules and the SMGS closer together is to play a central part in his future plans.

Last but not least, the CIT has received an application for membership from the Azerbaijan Railways (AZ) and that even before Azerbaijan itself has joined OTIF. It would seem as if the railways (and their trade associations) want to push the interoperability of transport law forward without waiting for all the governmental and intergovernmental grinding and groaning.

All these facts fall into line with a consistent overall theme. There are now bridgeheads in various strategic locations from which a joint advance will be made: this advance will overcome the legal barriers which hinder through freight traffic between Europe and Asia by rail.

The CIT believes that this process cannot simply consist of an attempt to extend COTIF eastwards. Rather it must be a question of taking the various legal cultures and differing economic circumstances appropriately into account. That does not exclude providing for higher standards for particular regions, certainly not easy, but nevertheless with appropriate legal skills it can definitely be done.

Thomas Leimgruber
Secretary General to the CIT

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CIT Diary of Events

Date	Event	Location
12/13 Oct.	CIV Working Group	Bern
21/22 Oct.	CIM Working Group	Bern
5 Nov.	CIT General Assembly	Bern
9/10 Nov.	CIV Working Group	Bern
19 Nov.	CUI Committee	Bern
24 Nov.	CIM/SMGS Co-ordination Group	Bern
25 Nov.	CIM/SMGS Steering Group	Bern
4/5 Febr.	"Berner Tage"	Bern
30 March	CIM Committee	Bern

Transport Law and Policy

Russia accedes to COTIF

The Russian Federation made an application to accede to the Convention concerning International Carriage by Rail (COTIF) and thus to the Intergovernmental Organisation for International Carriage by Rail (OTIF) on 21 August 2009. Provided five (or more) Member States do not object, accession will take place in early 2010 (the exact date depends on the notification sent out by the OTIF Secretary General).

For the moment, the application for accession is restricted to the CIM Uniform Rules and to the very short sections between the ferry terminals in Ust-Luga/Baltiysk and the main Russian network. It is proposed, however, to extend the area to which the CIM Uniform Rules will apply progressively over the RZD network.

Nevertheless, application of the CIM Uniform Rules to these sections is important because the ferry link between Sassnitz and Baltiysk/Ust-Luga already carries large volumes of traffic and this traffic has the potential to be developed even further. Change of gauge from 1435 to 1520 mm takes place on German territory and that has greatly simplified and speeded up the movement.

The accession of Russia as the forty-fourth Member State of OTIF will probably take effect on 1 February 2010. Russian Railways (RZD) will then be able to become a member of the CIT; they have already indicated that they will make their application soon.

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Original: DE



OTIF General Assembly

Two issues that are important for the CIT were on the agenda of the ninth OTIF General Assembly, held in Bern on 9 & 10 September 2009. Firstly, amendments to the CUI Uniform Rules and secondly, the accession of the European Community to COTIF.

Revision of the CUI Uniform Rules

Consideration of the first item took very little time. The General Assembly took note of the text approved by the twenty-fourth session of the OTIF Revision Committee (held in Bern from 23 – 25 June 2009). This text provides complete compatibility between COTIF and Community law. The “Explanatory Report” on the revised CUI also needed to be approved.

The “Explanatory Report” set down that the European Community does not want to put the CUI liability framework, as such, in question, but simply wants to leave scope for recourse under the new Passengers’ Rights Regulation (see Regulation (EC) No 1371/2007) and for the “performance scheme” defined in Article 11 Directive 2001/14/EC. Since this reasoning will be regarded as “supplementary means of interpretation” within the meaning of Article 32 of the Vienna Convention on the Law of Treaties, it will be legally significant in its own right.

In the CIT’s view, all the barriers standing between CUI law and Community law have now been removed and so nothing more stands in the way of EU Member States rapidly withdrawing their reservations.

Accession of the European Community to COTIF

After protracted negotiations, the General Secretary of OTIF and the European Commission were able to agree on the text of an accession agreement. The agreement contains the following disconnection clause:

Article 2

Contracting Parties to the Convention which are Members of the European Community will, in their mutual relations, apply Community rules in so far as there are Community rules governing the particular subject concerned and applicable to the specific case, without prejudice to the object and purpose of the Convention and without prejudice to its full application with other Contracting Parties to the Convention.

This text is markedly different from earlier versions and takes account of discussions which have already been held in other international bodies (the Council of Europe and the United Nations International Law Commission) on the subject of disconnection clauses and of likely future developments.

The CIT General Secretariat considers that the text now proposed is satisfactory. Article 2 of the accession agreement specifically refers to the purpose and the (even better) content of COTIF. In addition, COTIF remains completely and exclusively applicable to rail traffic with non-EU Member States.

The position of members of the European Economic Area (EEA) (Norway and Liechtenstein) and Switzerland has also been satisfactorily resolved. Existing agreements which form part of the EEA Treaty and bilateral treaties have obliged those states to

apply European Community law to the rail mode. Article 11 of the accession agreement provides them with the same privileges as Member States of the European Community itself.

This accession agreement was to have been approved at the ninth General Assembly of OTIF (Bern 9 & 10 September 2009). Because, however, the Council of the European Union had not been able to consider it, this item of the agenda was omitted. An extraordinary OTIF General Assembly is now being proposed instead.

Election of the Secretary General

The present Secretary General, Stefan Schimming, was elected for a further period of three years in office. The CIT congratulates Herr Schimming on his election, wishes him all success and looks forward to continuing the productive relationship between the two organisations.

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Passenger Traffic

Competent court when a flight is cancelled

Choice of court as a function of the law applicable

A passenger whose flight has been cancelled has a choice between several courts within the European Union to take legal action based on Regulations 261/2004¹ and 44/2001². This choice is between:

1. the court of the registered office of the airline, its central administration or its main operating centre,
2. the court of the place of departure of the flight which was the subject of the contract of carriage,
3. the court of the place of arrival of the flight which was the subject of the contract of carriage.

This judgment was given by the European Court of Justice on 9 July 2009 in a case brought by a German citizen against Air Baltic (case C-204/08). The judgment is advantageous to consumers. Nevertheless, it does risk inviting forum shopping. In the case in point, the passenger, who was making a journey from Munich to Vilnius using a Latvian airline, will have the choice between three competent courts, Munich, Vilnius or Riga.

These choices only apply to rights arising directly from Regulation (EC) No 261/2004 (for example, the standardised compensation for cancellation of a flight). Other choices apply to rights arising from the Montreal Convention (for example, damages payable in the event of delay or cancellation); these choices are specified in Article 33 of the convention itself, i.e.:

1. the court of the domicile of the carrier or of its principal place of business, or where it has a place of business through which the contract has been made,
2. the court at the place of destination,
3. in the event of death or injury, the court of the state in which at the time of the accident the passenger has his or her principal and permanent residence and to or from which the carrier operates services for the carriage of passengers by air.

Impact on rail transport within the European Union

Once Regulation (EC) No 1371/2007 (PRR), superimposed on the CIV Uniform Rules, comes into force the situation will be comparable for international carriage by rail. Differing courts will then be competent, depending on whether the passenger takes action under the CIV Uniform Rules or under the PRR³.

flight	origin	time	status
BA6218	DURBAN	17:10	Indef. Delay
GE 723	CAPE TOWN	17:35	Delayed
IT 110	CAPE TOWN	17:35	Delayed
SA 352	CAPE TOWN	17:40	Delayed
LN 510	DURBAN	17:40	Delayed
SA1595	GEORGE	17:45	Delayed
BA6418	CAPE TOWN	18:00	Delayed
SA8846	NELSPRUIT - KRUGER	18:05	Delayed
SA1012	BLLOEMFONTEIN	18:10	Delayed
GE 433	DURBAN	18:25	Delayed
SA 354	CAPE TOWN	18:40	Expected
BA6220	DURBAN	18:40	Expected
SA8798	MAFIKENG	18:45	Delayed
LN 902	GEORGE	18:45	Delayed
GE 723	CAPE TOWN	18:45	Delayed
BA 480	EAST LONDON	18:50	On-Time

Regulation (EC) No 44/2001 and the Convention of Lugano⁴ provide that the passenger may take action in the courts "where, under the contract, the services were provided or should have been provided" for those rights arising from the Passengers' Rights Regulation. In the case of international carriage by rail involving several successive (and/or substitute) carriers, however, which court this is/which courts these are is unclear. The issue remains unresolved despite some useful pointers in the judgment of 9 July 2009.

To avoid forum shopping, the CIT General Secretariat recommends that the GCC-CIV/PRR are used because they contractually limit the competent courts to just the courts and tribunals on whose territory the defendant has his domicile or habitual residence, his principal place of business or the branch or office which concluded the contract of carriage. To be applicable however, the GCC-CIV/PRR must be incorporated into each individual contract of carriage; national legal requirements for general conditions will need to be taken into account when this is done, of course.

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- 1 Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJEU L46 page 1).
- 2 Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJEU L12 page 1).
- 3 A position also supported by Kunz, Wolfgang: *Der Ausfall eines Zuges im internationalen Zugverkehr*, [Cancellation of a Train in International Traffic by Rail] Transportrecht, 2009 issue 6, page 249.
- 4 Lugano Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, concluded on 16 September 1988.

Liability for the whole journey: the European Commission's reply

A Dutch Member of the European Parliament, Corien Wortmann-Kool, recently asked the European Commission a question on the rights of passengers by rail and more particularly on the liability of carriers for international journeys. Taking the example of a journey from Amsterdam to Paris with a change of train in Brussels and using just one ticket, she asked what was the scope of the carrier's liability, i.e. was this limited to the national section or did it extend to the international train. In follow-up questions she suggested that it was difficult for a passenger to deal with several carriers who could be liable and who could fairly easily have recourse between themselves on the basis of Article 62 CIV.

The European Commission's reply¹ was helpful to carriers in the sense that it described objectively how the liability regime specified by the CIV Uniform Rules (Articles 26, 32, and 38) actually worked. The Commission was not perturbed by the fact that the passenger had various possible contacts for liability

issues (and thus indirectly provided a reply to the three Dutch consumer associations who raised this issue with Antonio Tajani in March 2009).

As another plus point, the Commission emphasised that it isn't mandatory for railway undertakings to sell through tickets (i.e. to offer a single contract of carriage for the whole journey). Nevertheless, the Commission did refer to the report which it is to prepare in 2012 on the implementation of Regulation (EC) No 1371/2007 on passengers' rights (PRR) in which it may propose ways of making the Regulation more effective.

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¹ Reply of 4 September 2009, E-3835/09
(<http://www.europarl.europa.eu/JP-WEB/home.jsp>)

Passengers' rights: railway undertakings are kept busy

Railway undertakings and associations have had to redouble their efforts to be able to implement *Regulation (EC) No 1371/2007 on rail passengers' rights and obligations* (PRR) on time since there are now only two months before it enters into force. According to the last survey made by the CER, and presented to the CER Passenger Working Group on 16 September 2009, the great majority of undertakings expect that they will have finished the work to implement the Regulation on 3 December 2009.

Exemptions to the PRR

It would seem that most states have clarified their position on the exemptions which they will allow to specific domestic rail services but nevertheless the legislative procedures within the national parliaments have not all been completed. The European Commission sent a letter to all the Member States in mid-August to find out exactly what exemptions will be allowed, i.e. which services will be exempted, which articles of the PRR they will be exempted from and the time period for which they will be exempted.

Since the PRR does not specify the date by which exemptions have to be made known, it may be that some states will grant them even after 3 December 2009. The fact that this legal uncertainty will continue beyond 3 December can only be regretted.

General conditions of carriage

The workshop held on 30 June 2009 on passengers' new rights revealed several small problems with the text of the *General Conditions of Carriage* (GCC-CIV/PRR) as they were approved by the CIV Committee on 30 April 2009. Accordingly, the CIV Working Group, meeting on 17 & 18 September 2009, decided to introduce four minor amendments to avoid any confusion on passengers' future rights. These amendments will be submitted to the CIV Committee in correspondence for its approval at the end of September/beginning of October so that they can be applicable with effect from 3 December 2009.

Special conditions of carriage

The UIC Commercial Group approved the new *Special Conditions of International Carriage* (SCIC) at its meeting on 22-23 September 2009. Those parts of these new conditions which are common to several ticket types will be shown in the new UIC leaflet 106. These common sections cover both international tickets including reservations and those without integral reservations. The common sections also cover the conditions applying to pass type offers.

Compensation for delays

The CIV Working Group, together with the UIC Commercial Group, is currently working on the revision of the AIV agreement which, inter alia, defines the relationships between carriers for handling claims from passengers in the event of delays. The AIV will maintain the current principle that prefers that it is the undertaking which issued the ticket that handles the claim and pays the compensation. However, this principle will be relaxed where the issuing undertaking is not itself a carrier party to the contract of carriage in question. The AIV naturally allows railway undertakings complete flexibility to adopt different bi or multilateral approaches to accommodate their needs.

The AIV will be on the agenda of the next meetings of the CIV Working Group on 12 & 13 October and 9 & 10 November 2009 before being approved by the CIV Committee on 3 December 2009.

Information for passengers

The European Commission will launch its communication campaign on rail passengers' rights on 3 December 2009 with a public event to mark the date. It also plans national campaigns differentiated to take account of the exemptions which the Member States have allowed. Since tenders for this campaign were only invited in September, it is probable that the twenty-five national campaigns will start in about February/March 2010.

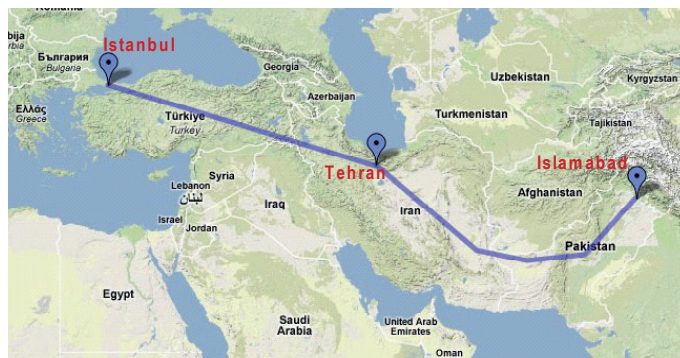
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Freight Traffic

Trial train from Islamabad to Istanbul

A trial train of twenty containers from Islamabad to Istanbul-Haydarpaşa via Iran was ceremoniously dispatched on 14 August 2009. This direct service by rail has only been possible since the railway between Kerman and Zahedan was completed and opened to traffic at the beginning of June 2009 (see CIT Info 5/09, p. 6). The trial train arrived in Istanbul on 28 August 2009, just fourteen days later. Previously forty rather than fourteen days were required for these 6 500 km. The next step in the project is to reduce the journey time between Islamabad and Istanbul to twelve days. Regular movements over the route are planned to start at the beginning of 2010.

The creation of this rail link is one of the Economic Cooperation Organization's (ECO) more important railway projects (the ECO is itself based in Tehran). Afghanistan, also a member of the ECO, would also like to be linked in to international rail freight corridors. It is proposed to build a new 1 250 km rail link from Herat on the Iran-Afghan frontier through to Mazar-e-Sharif in the east of the country. The project would be financed through the ECO. According to press reports, the People's Republic of China would be very interested in using such a new rail link for freight traffic to the Arabian Sea.



Once the 13.6 km long tunnel between Haydarpaşa and Kazlıçeşme is opened, the service between Islamabad, Tehran and Istanbul for freight by rail will permit a through link with Europe. In fact, break-through of the 1.4 km tunnel under the Bosphorus was achieved, on schedule, on 11 August 2009. Opening of the whole 13.6 km route is planned for 2012.

The CIT strongly supports this trial movement in which two CIT members (TCDD and RAI) have worked closely with Pakistan Railways to create through consignment documentation. At a meeting in Ankara at the beginning of July 2009, it was agreed to use the CIM consignment note for the whole journey, even for the section in Pakistan. In addition, the Pakistani customs authorities were prepared to recognise the CIM consignment note as a customs document for this movement. These decisions ensured that the legal regime used for the movement applied throughout and ensured that the movement could be processed quickly and with certainty. Rapid transshipment of the containers from wagons of 1676 mm gauge to wagons of 1435 mm gauge in Zahedan (Iran) also contributed to the success.

Finally, the CIT would like to offer its congratulations to TCDD, RAI and Pakistan Railways for the success of this cooperative venture.

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Interoperability of transport law all the way from Islamabad to Istanbul.

The latest developments in the project "CIM/SMGS Legal Interoperability"

The use of the CIM/SMGS consignment note is becoming increasingly more important for transcontinental transport between Europe and Asia/China. In support of this project, a joint meeting of the CIM/SMGS Legal Group and the Group of Experts took place from the 8th to the 10th September 2009 in the Mongolian capital Ulan Bator, at the invitation of the Mongolian Railways.

The principal purpose of this first working session in the Asiatic region was the creation of general set-up for the use of the CIM/SMGS consignment note in traffic with Mongolia and China. Hence the project sponsors, the CIT and the OSJD, are pursuing the realisation of the lines of action which foresee a succes-

sive, practical implementation of the CIM/SMGS single consignment note for traffics to Central Asia, Mongolia and China as short term objectives for the 2009-2010 schedule of work.

In the first instance, with this in mind, and taking into consideration the resolutions of the Kaliningrad Declaration (see: CIT-Info 10/2008, p. 7), the use of the Chinese language in the CIM/SMGS consignment note handbook was scheduled for the 1st January 2010.

Building on this, discussions were held with representatives of Chinese Railways (KZD), with the objective for the year 2010 of examining appropriate transport links for the organisation and carrying out of trial movements to and from the Peoples' Republic of China using the CIM/SMGS consignment note.



Representatives of railways from ten European and Asian countries took part in the first CIM/SMGS session in the Asiatic region (Ulan Bator, 8th-10th September 2009).

As a result of successful negotiations with the representatives of the Mongolian Transport Ministry and the Mongolian Railways, pilot movements are planned with "Mongolian Vector" of the route between Europe and Mongolia. For these consignments, RZD, together with the Ulan Bator Railway company, will approve the use of the CIM/SMGS consignment note on the Trans-Siberian and further routes in Mongolia, in good time. The subsequent registration of Mongolia as an SMGS participant in Annex 1 of the CIM/SMGS consignment note handbook was also announced by the representatives of the Transport Ministry.

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Use of the Infrastructure

Use of infrastructure: current issues

The CUI Committee met on 8 September 2009 to review three use-of-infrastructure issues that are live:

Timescale for the revised CUI Uniform Rules to come into effect

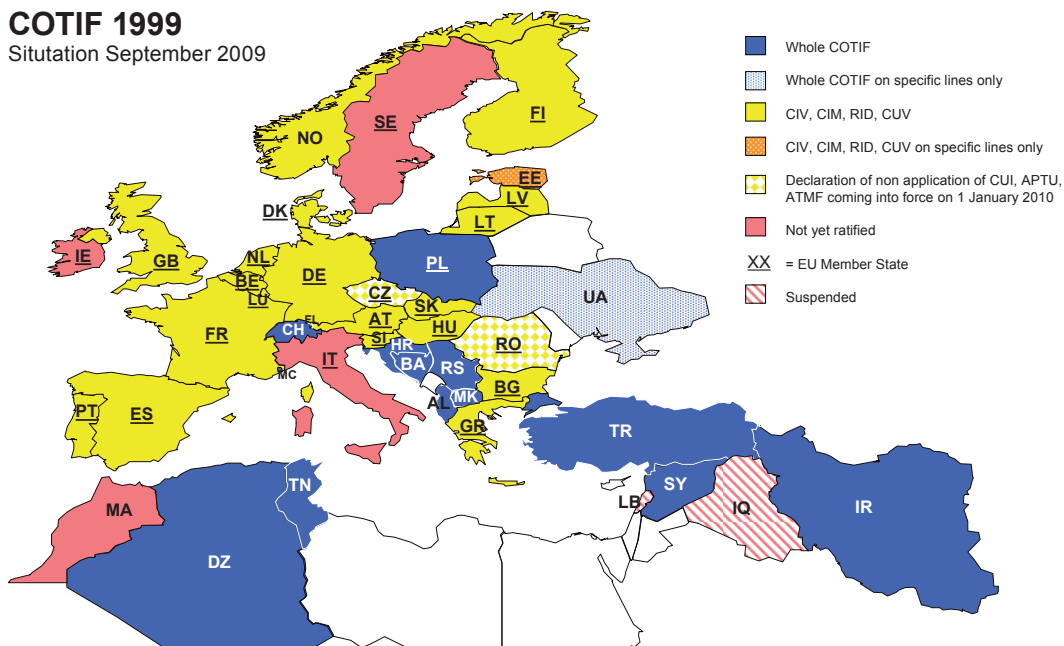
The revised text for the CUI Uniform Rules was approved in June 2009 by the OTIF Revision Committee using English as its working language (also see the article published on page 2 of this CIT-Info). The terminology in French and German is currently being checked. Once that work is finished (probably in October 2009), OTIF will send a notification to the sixteen members of OTIF which have not made a reservation against the application

of the CUI Uniform Rules. Those states will have four months to accept or to object to the amendments (up to March/April 2010). If four objections are made to OTIF then the revision of the CUI Uniform Rules will be considered as rejected. If fewer than four states object, then the amended text will come into force twelve months after the date of initial notification by OTIF (October 2010 at the earliest).

It will be possible for the reservations against the CUI Uniform Rules made by all the Member States of the European Union (with the exception of Poland) to be withdrawn once the amended text of the CUI Uniform Rules has been finally adopted.

COTIF 1999

Situation September 2009



Scope of COTIF: things should improve at the end of 2010.

European GTC of Use of Infrastructure

When the revised CUI Uniform Rules enter into force towards the end of 2010, they will provide a solid and standardised statutory basis for the contractual relationship between carriers and infrastructure managers right across Europe. The imposition of this new statutory framework is therefore likely to lead to revisiting several aspects of the *European GTC of Use of Infrastructure*. The CIT and RNE have already been negotiating general conditions for some years but two points still remain unresolved:

- liability for delays and disruption
- the financial consequences of the cancellation of train paths and restrictions in their use.

RNE made proposals to the CIT in mid-June to resolve these two points. Negotiations should therefore restart this autumn; the negotiations will also take account of the new statutory framework.

European Performance Regime

The European Performance Regime is a project which is jointly sponsored by the UIC and RNE. It is intended to improve infrastructure performance. It is based on a computerised system which codes delays recorded on the rail network and attributes those delays to carriers, to infrastructure managers or to external causes. The project raises several legal questions which the EPR Legal Group (formed of the infrastructure managers and railway undertakings taking part in the pilot project, the RNE, the UIC and the CIT) is trying to address. These questions include:

- 1) what is the link between the EPR and Article 11 of Directive 2001/14/EC?



- 2) what is the link between the EPR and national performance regimes?
- 3) what is the link between the EPR and liability for delay?
- 4) what legal means (bi- or multilateral contract, infrastructure manager's reference document) are to be used to implement the EPR?
- 5) what should the scope of the EPR be: mandatory for all or optional and limited to certain corridors?

The "EPR Handbook" which will describe the way the EPR system works will take the results of this work into account. The EPR legal group has already met three times to consider these issues. A consensus between the infrastructure managers and railway undertakings on the issue of the link between the EPR and liability for delay has already become apparent: the EPR may neither replace nor exclude liability for delays.

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Law in practice

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.

Are the costs of experts "other sums" within the meaning of Article 30 § 4 CIM?

This issue concerns the external liability of the carrier to customers for the "other sums paid in relation to the carriage of the goods lost". The provisions of Article 30 § 4 also apply *mutatis mutandis* to damage to goods in accordance with Article 32 § 4 CIM.

Compensation for the goods lost is composed of two parts. Firstly, Article 30 § 1 CIM provides for compensation in accordance with the current market price of the goods or, failing that, with the usual value of the goods lost at the point they were accepted.

Article 30 § 4 CIM provides for the second part of the total amount; carriage charges, customs duties and similar amounts paid out in relation to the carriage of the goods lost. Under "other costs" the costs for, *inter alia*, escorting the consignment, repairing the packaging, (not however for the packaging of the goods

itself since that is included in the value of the goods) as well as the costs of examination of the contents of the consignment by the courts or by an expert¹.

The costs of experts therefore fall within the scope of Articles 30 § 4 CIM and 32 § 4 CIM as "other sums paid in relation to the carriage of the goods" lost or damaged. Fees for experts, other costs of establishing loss and damage together with court and legal costs are to be shared between the participating carriers in accordance with point 3.3.6 AIM. They form part of the compensation to be paid to the customer for the loss of or damage to his goods.

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¹ Also see Nánássy, Das internationale Eisenbahnrecht, Wien 1956, [International Railway Law, Vienna, 1956] page 607 *in fine* with a reference to other authors.

CIT Itself

The Executive Committee prepares for the General Assembly 2009

The CIT Executive Committee held its third meeting of 2009 in Bern on 24 September 2009. One of the most important items on the agenda was preparation for the General Assembly on 5 November 2009. The drafts for the work programme for 2010, the budget for 2010 and the agenda for the General Assembly were all approved.

The Executive Committee also approved submitting a recommendation to the General Assembly to amend the Statutes and the finance regulations to provide for future membership subscriptions to be paid to the CIT in two instalments, due on 1 February and 1 July, instead of the present system of four instalments, due at the beginning of each quarter. This arrangement will allow the administrative work involved with collecting subscriptions from CIT members to be reduced. Following on from the action decided at its previous meeting (of reducing some activities without bringing the purpose of the association or its core activities into question), the Executive Committee started to consider the options for re-examining the system for calculating member subscriptions. This review would be intended to investigate options for matching the CIT's costs for passenger and freight traffic activities to subscriptions. The discussions will be continued at the Executive Committee's next meeting.

At its next meeting, the Executive Committee will also continue considering the need to clarify point 2.4 of the CIT Statutes, given that the association's decisions tend to be compelling. It will also consider the issue of undertakings joining the CIT even if they have not (yet) carried any international traffic by rail.

Finally, the Executive Committee welcomed the progress which the CIV, CIM and CUI working groups and committees had made with the development of the CIT passenger and freight documentation. It noted with satisfaction the increasing use of the CIM/SMGS consignment note (which forms part of the project to make the CIM and SMGS interoperable). It likewise welcomed the action being taken to extend the use of the consignment note in 2010 to traffic to and from Mongolia and China.

In accordance with the decision taken at the previous meeting, in future, the Executive Committee will hold just two meetings annually.

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Original: FR



Events with CIT participation

Date	Event	Location	CIT contact
13/14 October	The OSJD'S Committee II Meeting (Transport Law)	Warsaw	Erik Evtimov
14 October	CER General Assembly	Gdansk	Thomas Leimgruber
14 October	UIC Freight Steering Committee	Paris	Henri Trollet
15 October	CER Customs Working Group	Brussels	Nathalie Greinus
16 October	UIC Wagon Users Study Group	Paris	Erik Evtimov
21/22 October	UIC Passenger Messages Management Group	Paris	Max Krieg
22 October	EPR Legal Group	Paris	Isabelle Oberson
22/23 October	UIC/FIATA Market Place Seminar	Istanbul	Erik Evtimov
27/28 October	UIC Seminar Use of Freight Wagons	Soči	Erik Evtimov
28/29 October	UIC's Expert Group on the Transport of Dangerous Goods	Clervaux (LU)	Max Krieg
3 November	UIC Freight Steering Committee	Paris	Henri Trollet
4 November	UIC Freight Forum	Paris	Henri Trollet
16-20 November	Committee of Experts for the Transport of Dangerous Goods	Sofia	Max Krieg
18/19 November	UNECE Working Party on Rail Transport (SC2)	Geneva	Erik Evtimov
19 November	SBB Conference: "Eisenbahnregulation in Europa und der Schweiz"	Bern	Thomas Leimgruber
25 November	UIC Dangerous Goods Policy Co-ordination Group	Paris	Max Krieg
1 December	CER General Assembly	-	Thomas Leimgruber
2 December	UIC European Management Committee	-	Thomas Leimgruber
8/9 December	CER Sub-working group on Seals	Ljubljana	Nathalie Greinus

The “Berner Tage” on the international law of carriage by rail

Bern 4 & 5 February 2010



The main topics for the 2010 event will be: the protection of consumers in the law of carriage, application of the principle of subsidiarity to transport law, the boilerplate contract for use of infrastructure and pursuing rights in transport law through the courts.

The following topics will be considered in separate modules:

Passenger traffic:

- Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR)
- The new General Conditions of Carriage CIV/PRR
- Paperless tickets

Freight traffic:

- The electronic consignment note
- Making the laws for Eurasian freight traffic by rail interoperable
- Wagon and liability law

Case studies on the liability of the carrier to customers and on recourse against infrastructure managers will reinforce the link between theory and practice. These case studies, using actual cases, will allow participants to evaluate risk accurately and take adequate precautions.

The “Berner Tage” not only provide participants with the most recent information and current thinking on these issues but also provide a unique opportunity for the exchange of views and experience between international experts.

Documentation and further information is available from the General Secretariat of the CIT at Weltpoststrasse 20, CH-3015 Bern, tel. +41 (0)31 350 01 90.

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

An information leaflet and a registration form may be downloaded from our website:

http://www.cit-rail.org/fileadmin/public/Seminare/Flyer_Berner_Tage_2010.pdf

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