

**International
Rail Transport Committee**

Editorial

Thank you for placing your confidence in me!



Since it began operating as an independent legal entity in 2004, the CIT, under the prudent guidance of Thomas Leimgruber, has developed into a powerful and effective railway organisation that is held in high esteem by its members. One of my main concerns is to preserve and continue to develop this valuable heritage in keeping with the purpose and spirit of my predecessor.

What excites me about this new challenge?

With the adoption of EU Directive 91/440, a market opening process got underway for the railways, primarily for freight transport and in addition since 2010, following the adoption of the third railway package, for international rail passenger services. In the medium term, on the basis of the white paper for a future European transport policy published in 2011, the European Commission is planning to create a single European rail transport market.

To ensure that such a rail transport market can be successfully established and that future-compatible and profitable business models can be pursued by the railways, the general regulatory conditions will have to be clear, fair and stable. The boundary between state regulation and solutions from within the industry itself will also have to be established with care to ensure that the innovative and development skills available within the business sector are promoted and not discouraged. As a prerequisite for the quality and attractiveness of the services provided for the customers, it is absolutely essential that railway undertakings are given enough entrepreneurial freedom.

The creation of a regulatory framework is primarily the task of the supranational and national legislators and regulators. At the same time, we should not forget that we are not only dealing with an EU single market, but that the rail market extends way beyond its borders to the East as far as China and to the South into the Maghreb. This means that the EU's accession to OTIF is to be seen as a decisive step in the right direction.

This in itself, however, is not enough: the rail industry, from a technical, operational and legal point of view, is a challenging one. The carriage of passengers and freight across international borders by rail in particular results in numerous interfaces in both the competition model and the cooperation model that need to be resolved amicably between the various undertakings involved on a contractual basis. And this is where the CIT comes in. As a result of the development and provision of products and processes designed to ensure a uniform application and implementation of international rail transport law for passenger and freight transport services, the CIT's intention is to support the implementation of profitable business models.

It is extremely motivating for me and also a privilege to have the opportunity to join hands with the member railways and the partner organisations to work for the success of rail as the sustainable mode of transport of the future for freight and passenger services!

With best wishes from Bern
Cesare Brand, Secretary General of the CIT

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Journées bernoises
du droit international du transport ferroviaire
Berne, 8/9 mars 2012

Berner Tage
zum internationalen Eisenbahntransportrecht
Bern, 8/9. März 2012

„Berner Tage“
on International Rail Transport Law
Bern, 8/9 March 2012

Further information is available on page 9 and:
http://www.cit-rail.org/media/files/public/Publications/Flyer_Berner_Tage_2012-03-08_09.pdf

Transport Law and Policy

New Directive on Consumer Rights

Directive 2011/83/EU on consumer rights was published in the Official Journal of the EU on 22 November 2011 (OJEU L-304/64). The objective of the directive is to improve pre-contractual information for consumers and also to harmonise consumers' rights to withdraw from contracts concluded online or off-premises (e.g. doorstep selling). Passengers are also consumers: that's why this directive will have an impact on railway undertakings. For CIT members, the most important points to note about this new directive are the following:

1) Contracts of carriage for rail passengers are not subject to this new directive (Article 3 § 3 k), with the exception of the following provisions:

- a) Online selling (Article 8 § 2): websites selling rail tickets have to make the passenger aware in a clear and prominent manner, and directly before the passenger places his order, of the following information (Article 6 § 1):
 - o the main characteristics of the rail services;
 - o the total price inclusive of ALL taxes and costs;
 - o the duration of the contract where applicable or, if the contract is of indeterminate duration or is to be extended automatically, the conditions for terminating the contract (i.e. conditions of validity, exchange and refund);

- o the minimum duration of the passenger's obligations under the contract, where applicable (e.g. obligation to validate ticket before boarding, obligation for PRM to notify their need for assistance 48 hours in advance, etc.).

b) Fees for the use of means of payment (Article 19): these fees should not exceed the cost borne by the trader for the use of the payment means (e.g. credit or debit card, etc.).

c) Refund of pre-selected options (Article 22): the website should not contain pre-selected options which involve extra charges for passengers (e.g. travel insurance), otherwise they are entitled to have it refunded. In principle the trader must seek passengers' express consent to any extra charges over and above those for carriage.

2) Contracts of carriage for rail passengers issued at automatic vending machines are totally excluded from the directive (Article 3 (3) l).

EU Member States must transpose the *Directive on consumers' rights* into their national law within 24 months. National laws implementing this directive will enter into force on 13 June 2014.

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Original: EN

Click on this link for the full text of the directive:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0064:0088:EN:PDF>

SSC Sea Freight Seminar in Interlaken

The 15th Sea Freight Seminar – organised by the Swiss Shippers Council (SSC) – took place in Interlaken in the Bernese Oberland. Over 100 participants, primarily representing maritime carriers, freight forwarders and port authorities (in particular the Mediterranean and the North Sea) accepted the invitation to attend this major event. At the invitation of SSC's Managing Director, Conrad Tobler, a representative from the CIT attended the seminar on day two.

The main topics dealt with were of interest to the recently created CIT "Multimodality" working group. The new Rotterdam Rules (RR) were the focus of the presentation given by Prof. Alexander von Ziegler. Together with the Hague-Visby Rules and the Hamburg Rules, they are included in the triad of the most important international maritime conventions.

Unlike earlier agreements, the Rotterdam Rules relate to *door-to-door* shipments and accordingly have a multimodal character.

In terms of the importance of the Rotterdam Rules for multimodal rail-sea shipments, the following three key points are to be highlighted:

- The Rotterdam Rules are designed not to fundamentally change the legal position of the rail carrier, since, in accordance with Articles 26 and 82 of the RR, COTIF/CIM continues to apply in full for rail shipments (see the detailed article by Prof. R. Freise, in CIT Info 2/2010). In accordance with the Rotterdam Rules, railway



undertakings that operate as port railways may now act as the maritime performing party (actually the freight carrier/ performing party). For railway undertakings from landlocked countries, it is possible to act as a freight forwarder and to act as such vis à vis the customer for the entire transport operation, incl. sea and road sections.

- The SMGS Agreement is not affected by the Rotterdam Rules, since it does not apply to rail-sea shipments (except for a reference in bilateral state contracts).
- The leading trading nations, such as the USA, Russia, Japan and China, still have to ratify the Rotterdam Rules. To put the Rotterdam Rules into effect, 20 ratifications are necessary (24 nations have signed to date and only Spain has ratified).

Following the discussions, it was clear to the representatives of the shipping companies and the freight forwarders alike that the right kind of linkup of the port infrastructure to the rail infrastructure was of paramount importance, which can be seen in the case of the ports in Lower Saxony. Only the railways have the capacity to handle container ships carrying as many as 14,000 containers and move the entire load from the ports quickly and effectively. The discussions and presentations during the SSC Sea Freight Seminar were able to demonstrate that the Rotterdam Rules are able to provide the legal solutions for such shipments.

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Original: DE

Passenger Traffic

Communication on Passenger Rights in all transport modes

On 19 December 2011, the European Commission published its *European vision for Passengers: Communication on Passenger Rights in all transport modes* (COM/2011/898). This communication describes the rights arising from the four European Union regulations for carriage by air, rail, sea and road¹ adopted between 2004 and 2011. Annexed to the paper is a summary of the main EU passenger rights; those rights are specified in great detail in the individual regulations (see the box below).

Main EU Passenger Rights

1. Right to non-discrimination in access to transport
2. Right to mobility: accessibility and assistance at no additional cost for disabled passengers and passengers with reduced mobility
3. Right to information before purchase and at the various stages of travel, notably in case of disruption
4. Right to renounce travelling (reimbursement) when the trip is disrupted
5. Right to the fulfilment of the transport contract (re-routing or rebooking) in case of disruption
6. Right to assistance in case of long delay at departure or at connecting points
7. Right to compensation
8. Carrier liability towards passengers and their luggage
9. Right to a quick and accessible system of complaint handling
10. Right to full application and effective enforcement of EU passenger rights

Differing interpretation and application

The communication makes it very clear that in many areas the rail legislation is the most demanding. It also shows that the texts of the regulations give rise to numerous problems of interpretation which in turn cause differences of opinion between the authorities responsible for enforcing the regulations. In consequence, the rigorousness of implementation varies, depending on the state. The Commission therefore considers that enhanced cooperation between these national enforcement bodies is needed to ensure passenger rights are applied and enforced in a consistent way. This will

also be in the interests of passengers and transport undertakings. The CIT, in conjunction with the CER, is supporting these initiatives. The two organisations are even organising a workshop on 10 May 2012 to exchange points of view and experiences between national enforcement bodies and railway undertakings (see the article on page 5 below).

Rights in the event of delay challenged

In its description of the rights of passengers in the event of delay, the communication contains various interpretations of the rail and air regulations which are contentious. In addition, for the air mode, several points relating to the *Sturgeon* case (joined cases C-402/07 and C-432/07)² are being challenged in the European Court of Justice at this very moment.

These differences in interpretation are essentially due to a problem of linkage between international conventions (Montreal Convention and COTIF/CIV) and European Union law. In the next few months the European Court of Justice will decide several cases which relate to this very issue of linkage (in particular the *ÖBB* case C-509/11)³. The communication is therefore somewhat careful on these issues, aware that they have still to be decided, but even so it gives welcome support to the rail mode on the issue of the conditions in which compensation for delay has to be paid (25 or 50%). In sum, the Commission considers that carriers by rail have the right to exonerate themselves from the requirement to pay compensation in the case of force majeure, fault of the victim or fault of a third party. This confirms the position of the CIT and of its various members.

Proposals for tickets

Although on the whole the Commission is satisfied with the legislation on passengers' rights, it identifies several areas where it could still take useful action. It suggests, for example, that "a harmonised, intermodal vision of the content of the passenger transport service and of the elements of the

¹ Regulation (EC) No 261/2004 (air), Regulation (EC) No 1371/2007 (rail), Regulation (EU) No 1177/2010 (sea), Regulation (EU) No 181/2011 (road).

² See CIT Info 4/2011, page 4.

³ See CIT Info 6/2011, page 3.

price to be included in the basic fare for all transport modes is required". These would cover all operational costs necessary for transporting passengers, for providing tickets and carrying a minimal amount of luggage together with those costs arising from the carrier's legal obligations, safety, security and passenger rights, etc.⁴ In addition, the Commission considers that tickets, whether paper or electronic, should show:

- all indispensable features of a transport service,
- its price,
- a summary of the terms and conditions, including the clauses that allow unilateral changes to the contract or that limit the service conditions, and
- the legal conditions related to PRM access to the journey.

The Commission would likewise like to take action to improve the issue of tickets and access to on-line services for PRM; it is therefore planning to propose a directive – the "European Accessibility Act".

The CIV Working Group meeting on 7 & 8 February considered these new proposals and the communication in general. The CIT will publish a position paper on these issues, drawn up in conjunction with the CER, in the next few weeks.

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Original: FR

⁴ See point 3.2 of the communication.

Revision of the regulation on air passenger rights

In parallel with the *Communication on Passenger Rights in all transport modes* (see the article above), the European Commission has launched a *Public consultation on the possible revision of Regulation (EC) No 261/2004 on air passenger rights*. The Commission welcomes contributions from citizens, organisations and public authorities before the closing date of 11 March 2012.

Importance for the rail industry

The rail industry has every interest in following developments in air passenger rights since there is a high probability that developments in the air world will have repercussions for the rights of rail passengers in the short or medium term. In point of fact, the Commission is proposing a series of measures targeted to address the problems identified in the most recent consultations and communications on this issue. However, the Commission's proposals do not address fundamental issues such as the need to link European law with the Montreal Convention (which the European Union has ratified) or the need to use more consistent and precise terminology for contractual relationships between undertakings, measured in hundreds, and individuals, measured in millions.

Proposals being consulted on

The Commission suggests introducing more than twenty measures to strengthen air passengers' rights, amongst these are:

- creation of an exhaustive list of extraordinary circumstances which can be cited by airlines to relieve themselves from liability in the case of disruption,
- imposition of financial sanctions if carriers fail to offer a choice between three options: refund, re-routeing or re-booking,
- an obligation for carriers to offer re-routeing and/or re-booking on other airlines, even competing airlines and other modes of transport, even competing ones,
- an obligation for carriers to nominate at least one person with the responsibility to provide assistance on the ground in the event of disruption,
- an obligation for airport managers to provide assistance on the ground in the event of major disruption,



New rights for passengers by air in future?

- a right for passengers to reject their flight and to be refunded if the schedule for the flight is changed by a given number of hours within a certain period before the time of departure,
- extension of the scope of the regulation to flights provided by non-EU airlines and leaving from airports situated outside the EU, etc.

Recourse against airport management companies

The Commission makes one very interesting suggestion: setting down a right for carriers to have recourse against third parties, and in particular against airport management companies where the latter are responsible for the delay. The Commission recognises that it is difficult for a carrier, a weaker party than the management company when negotiating a contract of use of airport infrastructure, to negotiate a fair right of recourse.

The *European GTC of Use of Railway Infrastructure* do provide carriers by rail with such a standard right of recourse. Nevertheless, these general terms and conditions still need to be incorporated into bilateral contracts between railway undertakings and infrastructure managers in practice. The CIT will monitor all those developments in the air mode which could have repercussions for the rail mode.

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Original: FR

2012 security background

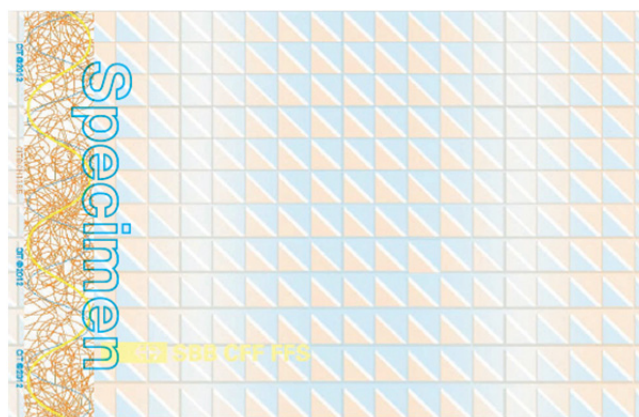
The CIV Committee authorised the CIT General Secretariat in April 2011 to further develop the existing CIT security background in the course of the standardisation work being carried out with the UIC for the *Rail Credit Card Sized Ticket* (RCCST). The new 2012 security background is to be available in parallel to the established security background for RCT2 tickets (so-called IATA tickets) that were first issued in 1996.

The CIT 2012 security background will provide considerable flexibility, particularly for electronically issued paper-based tickets, and is therefore economically interesting for reducing production and selling costs and at the same time increasing protection against fraud. It will be available to all CIT members and can be used for electronically issued international, national and regional tickets, even if they do not introduce the RCCST. When printing from rolls, the new security background will in future provide the possibility of issuing all tickets from a single roll of paper.

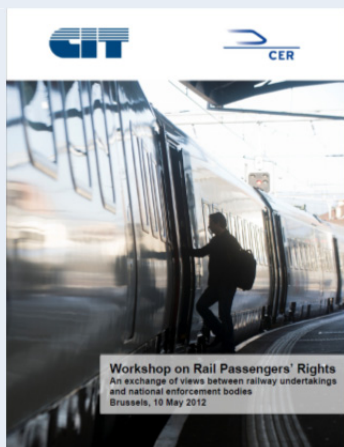
The CIT 2012 security background is based on a section of the RCT2 security background. The colours of the new security paper are the same as those used for the 1996 security background: blue and luminous orange. A luminous orange security stripe replaces the current bright orange bar. This stripe includes diverse security features with a variety of elements (guilloche patterns and other “wavy lines”), which increase protection against fraud.

To achieve what is intended to be a uniform international standard, the CIT General Secretariat plans to enable individual railway undertakings to order the tailor-made security background with the relevant production date in each case. The new security background will be presented to the CIT and UIC committees in the next few months and discussed, and is to be finally approved during the next meeting of the CIV Committee on 28 June 2012. It could then be ordered from CIT as from 1 July 2012.

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Original: DE



2012 security background, showing the fluorescent luminous orange security stripe, which replaces the current “orange bar” with the serial number. The data required for stock control will in future be shown on the reverse side of tickets with this security background.



Workshop on Rail Passengers' Rights

An exchange of views between railway undertakings and national enforcement bodies

Brussels, 10 May 2012

On 10 May, the CIT and CER are organising a Workshop on Rail Passengers' Rights that will give representatives of railway undertakings the opportunity to exchange views and share experiences with representatives of National Enforcement Bodies (“NEB”). The Workshop will be held in Brussels and is open to all interested participants.

Further information may be obtained from the General Secretariat of the International Rail Transport Committee (CIT), Weltpoststrasse 20, CH-3015 Bern, Tel. +41 (0)31 350 01 90.

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

http://www.cit-rail.org/media/files/public/Publications/Flyer_Workshop_on_Rail_Passengers_Rights_2012-05-10.pdf

Freight Traffic

CIM electronic consignment note: work begins to take shape

What positive impact will accompany the precedence to be given to electronic transport documents? What drawbacks in practical terms will accompany the currently applicable principle of functional equivalence as specified in CIM Article 6 § 9? Where will the e-RailFreight project meet its limits?

In an attempt to find answers to such questions, the CIT started work on the CIM electronic consignment note at the end of October 2011. In the course of its second, the most recent meeting, key proposals relating to the new COTIF/CIM rules and the relevant CIT products were prepared. Credit for this is due primarily to the excellent teamwork of the group of experts and the well established working relationship with the OTIF. A very pleasing aspect is that a hard core of experts was quickly established under the CIT's guidance, which is committed to pushing ahead with the project.

Two courses of action have been given priority:

- Preparation of a new provision under COTIF/CIM Article 7a "Electronic Consignment Note". The key element of the proposal is the principle of functional equivalence of the CIM electronic consignment note; this specifies that the paper-based consignment note is to be used in exceptional cases only. The proposal will be made by the OTIF prior to the 25th session of the Revision Committee in October 2013. For this purpose, the OTIF will prepare a table on further CIM provisions, which would affect the new CIM Article 7a. The related parallel provisions in accordance with CIV Article 7 § 5 were also discussed with the experts from the OTIF and the CIT.
- In accordance with CIM Article 7a, the new principle must be implemented in the CIT's "Freight Transport" products, primarily the GLV-CIM and GTM CIT. This new strategic focus will result in all transport documents being converted into electronic form, in particular in external relations to the customer in accordance with the GLV-CIM.

The paper-based consignment note continues to be completely covered in the CIT's products; it is valid primarily however for internal relations between the carriers in the GTM CIT. Based on the experience gained in the e-RailFreight project, the mixed system is not to be continued.

This means a uniform use of the electronic or paper-based consignment note in terms of its main functions as proof of electronic data exchange and authentication of the relations between the customers and the carriers along the entire route (in particular in the case of successive carriers) in accordance with CIM Article 26.

Final discussions will take place at the next meeting on 9 May 2012 before an interim report is prepared for the CIM working group containing the relevant proposals.

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Original: DE



Group of Experts "CIM Electronic Consignment Note"

Work in hand on the carriage of dangerous goods

The CIT is taking part in a programme of work on the carriage of dangerous goods by rail in conjunction with OTIF and the UIC. This work arises from a number of questions which have arisen in practice and to which appropriate answers are required. Procedures that are capable of being specified in the regulations are required and, above all, they must also be such that they can be used for the practical everyday movement of dangerous goods.

Archiving documents in accordance with the RID

The first issue raised in this way concerns the archiving of documents in accordance with the provisions of the RID. The regulations specify that the consignor and the carrier must keep a copy of the dangerous goods transport docu-

ment. In accordance with the RID, complementary data and documentation must also be kept. In 5.4.4.1, the RID stipulates that these documents must be kept for three months. At the RID/ADR/ADN Joint Meeting, held in Bern from 21 to 25 March 2011, it was clarified that the documents in question must be kept by each of the carriers involved in the chain of carriage.

The value of each of the carriers in the chain having to collate and conserve all the papers can be debated, but nevertheless it remains important that the documents can be made available to any supervisory body and to the emergency services in the event of an incident. It is important that that can be done just by asking the consignor or contractual carrier.

Entering the NHM code on transport documents

This further topic of discussion relates to showing the NHM (Nomenclature harmonisée des Marchandises) commodity code on transport documents. The issue arises primarily because of the difficulty of allocating an NHM code to a dangerous substance or article given that the NHM code isn't aligned to the coding structure for dangerous goods. The inclusion of NHM codes in the RID has an indicative role in allowing a link to be made between the description of the goods in accordance with the RID and the NHM code used by railway undertakings' commercial departments for charging purposes. Table B of Chapter 3.2 of the RID "Alphabetical List of Dangerous Goods", which includes the NHM code, is therefore very useful in practice.

The discussion the CIT is having with its partners, the UIC and OTIF, is on the issue of whether the NHM should continue to be included in Table B. Showing the NHM in box 24 of the CIM consignment note (cf. GLV-CIM) is not affected by that debate.

Emergency telephone number on transport documents

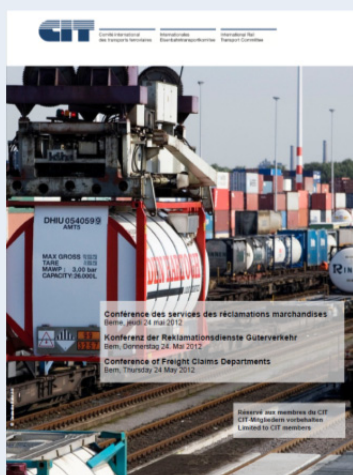
In its documentation, the CIT specifies that an "emergency telephone number for irregularities or accidents with dangerous goods" is to be provided in box 7 of the consignment note (see Appendix 2 to the GLV-CIM and/or Appendix 3 to the GLV-TC Consignor's declarations: code 5). This information is mandatory when dangerous goods are being consigned. With a single minor exception however, the RID limits this requirement to substances of Class 6.2.

OTIF considers that just providing a telephone number does not lead to improved levels of safety if there is no certainty that the contact staff can speak the appropriate language, at least in Europe. In the case of classes 6.2 and 7, this may be seen different, because English is the most commonly used language in these areas.

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Conference of Freight After-Sales Service Departments

Bern, 24 May 2012



This conference is intended for the staff of the claims, sales and legal departments of CIT member undertakings. It will focus on current issues, such as the international movement of dangerous goods by rail, the collaboration of dangerous goods safety advisers with the claims departments and the optimisation of their work, in addition to collaboration with other modes of transport – primarily road hauliers. Participants will have the opportunity to meet in small groups, analyse topics of general interest that occur in practice and to conduct one-on-one discussions with their colleagues from other CIT member undertakings, in order to improve the working relationship between the departments or clarify specific unresolved cases.

At this year's Freight Claims Departments' Conference, the focus will be on identifying and collating our requirements for the approaching revision of COTIF.

Further information may be obtained from the General Secretariat of the International Rail Transport Committee (CIT), Weltpoststrasse 20, CH-3015 Bern, Tel. +41 (0)31 350 01 90.

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

http://www.cit-rail.org/media/files/public/Publications/Flyer_Conference-Freight-Claims-Dept_2012-05-24.pdf

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Seminar „Multimodale Beförderungen und deren Bedeutung für die Eisenbahnverkehrsunternehmen

Odessa, 1 June 2012



The increasing globalisation of transport services – for the purpose of linking up production centres with consumers in Europe and Asia – represent enormous economic potential for all the transport service providers involved. With the publication of the white paper in March 2011, the European Commission made it quite clear that the appropriate general conditions would lead to a significant easing of the transport conditions. This would ensure that cost-effective transport services would be provided in the Eurasian region for all modes of transport.

The seminar that has been arranged for 1 June 2012 in Odessa by the CIT in cooperation with the OTIF and the OSJD and with the support of the Ukrainian freight forwarding company “Plaske” is entitled “Multimodal shipments and their significance for the railway undertakings”.

The following seminar topics will be discussed with leading experts in the field:

- the significance of rail-sea transport for railway undertakings
- the impact of the Rotterdam Rules on rail carriers
- the rail-sea regulations in accordance with COTIF/CIM
- the rail-sea regulations in accordance with SMGS
- the transport of dangerous goods using rail-sea transport services
- the use of the Common CIM/SMGS Consignment Note and other CIT documents for rail-sea transport services

The CIT/OTIF/OSJD seminar will provide an excellent opportunity to be brought up to date on the work currently dealing with a multitude of questions relating to multimodality focusing on rail-sea traffic on the Black Sea. The seminar will appeal to representatives of railways, maritime carriers and customers who are interested in the development of global rail freight shipments using multimodal rail-sea transport services.

Further information may be obtained from the General Secretariat of the International Rail Transport Committee (CIT),
Weltpoststrasse 20, CH-3015 Bern, Tel. +41 (0)31 350 01 90.

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Use of the Infrastructure

The performance regime and the recast

The proposed *Recast* of the first railway package (COM/2010/475) contains an article requiring infrastructure charging schemes to incorporate regimes to improve performance (Article 35). That article was in fact taken from Directive 2001/14/EC but it has been supplemented and strengthened by an annex listing a detailed set of technical requirements which, in future, every performance regime must satisfy. In addition, the *Recast* requires infrastructure managers to cooperate in order to put coordinated solutions for international traffic into place (Article 37).

In its position of December 2011, the Council only amended the Commission's proposal on performance regimes slightly. By contrast, the European Parliament made changes of form but those changes were important because they moved some of the technical requirements, previously in the text of the annex, into the body of the directive. By making that amendment, Parliament risks ossifying the technical

details of the performance regimes for years to come because it will no longer be possible to change them by the “delegated act” powers (Article 60).

The *EPR (European Performance Regime)* Legal Group, in which the CIT participates actively alongside lawyers from RNE members, lawyers from UIC members and from undertakings taking part in the project, has analysed the new provisions on performance regimes in the *Recast* in detail. One question that arises is where the technical criteria proposed by the Commission came from since their origin is obscure. The group has tried to interpret what some of the more confusing criteria are most likely to mean but finally arrived at the conclusion that it would be much more sensible to exclude those points from the annex and hence from the directive itself. The *EPR* project manager, Christian Svatek (ÖBB Infrastruktur), made those conclusions known to the CER and EIM at the end of January in order to try to make the politicians more attentive to the detail which they had put into the legislation.

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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.

Use of shunting restriction labels

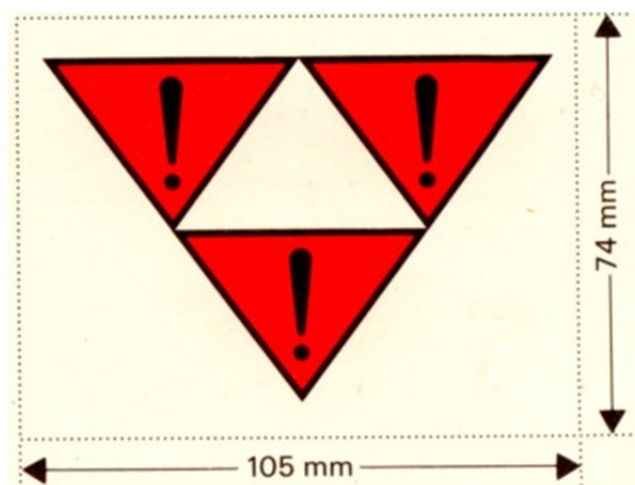
May a customer apply a "loose and gravity shunting prohibited" label to each wagon as a precautionary measure?

In Appendix 16 of the CIT Freight Traffic Manual (GTM-CIT), it is stated that the "loose and gravity shunting prohibited" label must be applied to wagons

- carrying exceptional consignments when that shunting restriction applies to the consignment,
- accompanied by an escort,
- with a gross mass [weight] of 100 tonnes or more.

If this is not the case, no such label may be applied. To protect the goods, however, it can be agreed that a label be attached to each wagon. In Item 2 in fact, the GTM-CIT states that deviations from the manual can also be agreed with the undertakings involved in the shipment.

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Loose and gravity shunting prohibited. Must be coupled to a locomotive, must not be loose shunted or have other traffic loose shunted on to it.

CIT Itself



“Berner Tage” on International Rail Transport Law **Bern, 8 & 9 March 2012**

The main topic of the 2012 event will be the EU's accession to COTIF. Liability issues which arise in the relationship between carriers form a second key topic. In addition, the CIT and the infrastructure managers' association RailNetEurope (RNE) will present and discuss the General Terms and Conditions of use of infrastructure (EGTC); terms and conditions which they drew up together.

The following topics will be considered in separate modules:

Passenger traffic:

- taking stock of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR)
- e-ticketing
- new procedures for settling disputes

Freight traffic:

- Rotterdam Rules
- liability within the triangular relationship between railway undertakings, infrastructure managers and wagon keepers
- electronic consignment note
- rail transport between Europe and Asia

The “Berner Tage 2012” will conclude with a panel discussion on the objectives of and cooperation between governmental organisations and the role of the railway trade associations in the development and implementation of the international law of carriage by rail. Well-known experts from politics, industry and academia will give their views and discuss them with seminar participants (the “Berner Tage” are recognised as satisfying requirements for the professional development of specialist lawyers).

As usual, the seminar not only offers participants the opportunity to be briefed on the most recent developments and to update their professional knowledge, but is also a unique opportunity to share opinions and experiences with international experts.

Papers for the seminar and further information may be obtained from the General Secretariat of the International Rail Transport Committee (CIT), Weltpoststrasse 20, CH-3015 Bern, telephone +41 (0)31 350 01 90.

Registration may be made by e-mail ([info\(at\)cit-rail.org](mailto:info(at)cit-rail.org)), by fax +41 (0)31 350 01 99 or by means of the CIT website:

http://www.cit-rail.org/media/files/public/Publications/Flyer_Berner_Tage_2012-03-08_09.pdf



Nathalie Greinus

Thanks for everything

Nathalie Greinus will be leaving the CIT at the end of March to take on a new challenge with a new employer.

Nathalie Greinus was employed as a secretary in the General Secretariat of the International Rail Transport Committee (CIT) until March 2007 and then, due to her expertise and the experience she had accumulated, had soon advanced to

become a specialist in the field of freight traffic. In this position, she prepared working documents for the working groups and CIM committee and took the relevant minutes. In addition, she dealt with matters relating to customs and dangerous goods. Her day-to-day work also included providing our member railways with advice on the application of CIT regulations and manuals.

The CIT thanks Ms. Greinus for her commitment and wishes her every success in her new position.

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

CIT Diary of Events

Date	Event	Location
8/9 March	"Berner Tage"	Bern
13 March	Group of Experts GLW-CUV "Terms of delivery of empty cars in the GCU"	Bern
27 March	CIM Committee	Bern
28 March	Group of Experts "Multimodality"	Bern
19 April	Executive Committee 1/2012	Bern
24/25 April	CIM/SMGS Legal Group	Minsk
25/26 April	CIM/SMGS Group of Experts	Minsk
2/3 May	CIV Working Group	Bern
9 May	Group of Experts "CIM Electronic Consignment Note"	Bern
10 May	CIT/CER Workshop on Rail Passengers' Rights	Brussels
24 May	Conference of Freight After-Sales Service Departments	Bern

Events with CIT participation

Date	Event	Location	CIT contact
29 February/1 March	UNECE Inland Transport Committee	Geneva	Erik Evtimov
1/2 March	How to litigate before the ECJ (ERA)	Trier	Isabelle Oberson
13 March	UIC Commercial Group	Paris	Isabelle Oberson
14 March	UIC Technical Group	Paris	Thomas Gyger
15 March	UIC Commercial & Distribution Forum Steering Committee	Paris	Cesare Brand
16 March	Multimodal Transport Meeting FIATA Headquarter Session	Zurich	Erik Evtimov
20 March	CER Passenger Working Group	Brussels	Isabelle Oberson
5 April	UIC Wagon Users Study Group	Paris	Erik Evtimov
18 April	CER High-Level Freight Meeting	Brussels	Cesare Brand
24 April	CER Customer Liaison Group	Brussels	Isabelle Oberson
25 April	UIC Commercial & Distribution Forum	Paris	Cesare Brand
25 April	UIC Freight Forum Steering Group	Paris	Erik Evtimov
26 April	UIC Freight Forum	Paris	Erik Evtimov
3 May	UIC General Assembly	Paris	Cesare Brand
9 May	eFreight 2012	Delft	Erik Evtimov
16 May	EPR Legal Working Group	Brussels	Isabelle Oberson
22 May	SIAFI International First Session	Paris	Isabelle Oberson

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