

## International Rail Transport Committee

### Editorial

#### They all want to get on the ticket!



Several thousand international train tickets are issued in Europe daily and carefully scrutinised by thousands of travellers; frequently more than once in the course of one journey! International tickets combined with the relevant train journey into another country tend to communicate a feeling of well-being. It comes

as no surprise then to discover that, from a communications viewpoint, train tickets are an excellent vehicle for creating brand awareness and that the CIT has to deal with enquiries in this direction from companies that have nothing to do with passenger transport.

#### But what is a train ticket?

Train tickets primarily have an important legal function. They provide proof that a contract of carriage has been concluded between the traveller and the railway undertaking. It must be clear to the traveller who the carrier is, what legal requirements apply to the carriage of passengers and what rights he can enforce from the contract of carriage. Train tickets, however, also have an important role to play in the collaboration between railway companies in technical (e.g. inspection and validation) and commercial terms (e.g. assignment of revenues and handling claims in the event of delays).

The demands placed on the train ticket on international journeys result from the Uniform Rules for the Contract of International Carriage of Passengers by Rail (CIV).

Based on the CIV, the CIT has defined the functional requirements for train tickets in its documentation (GCC-CIV/PRR, GTV-CIT). The resultant technical standards are included in the CIV Ticket Manual (GTT-CIV) and in the corresponding UIC leaflets. These technical standards for the industry were included as Annex III of the Commission Regulation on the technical specification for interoperability (TSI) of 5 May 2011 as part of the Regulation.

The necessity of having a high level of standardisation has resulted in the individual fields included on a train ticket being related to a clearly defined functionality in terms of the relationship with the traveller or with functionalities relating to the collaboration of the railway companies. This leaves no room for creative freedom in terms of graphic design.

In its meeting of 28 September 2012, the CIV Working Group subsequently and quite rightly called for rigorous compliance with the existing standards!

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

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**CIT**  
Comité international des transports ferroviaires    Internationales Eisenbahntransportkomitee    International Rail Transport Committee

**Invitation**

**Open discussion**  
following the CIT 's General Assembly

**“What lessons from the past are still relevant for the future of the railways?”**

on 2012-11-22 / 14'00-16'00

CIT  
Weltpoststrasse 20  
CH-3015 Bern  
Room A - 1st floor

Click here for further details:

[http://www.cit-rail.org/media/files/public/Publications/open\\_discussion.pdf](http://www.cit-rail.org/media/files/public/Publications/open_discussion.pdf)



## Transport Law and Policy

### OTIF has a new Secretary General



*François Davenne,  
new Secretary  
General of OTIF*

OTIF elected a new Secretary General at its eleventh General Assembly held in Geneva on 19 & 20 September 2012. The new Secretary General is François Davenne from France. Monsieur Davenne is currently working as a "Rapporteur à la Cour des Comptes" (French State Audit Office) after having previously been the Assistant to the Deputy Director of Safety and Railway Regulation in the Ministry of Ecology, Sustainable Development and Energy. Monsieur Davenne represented France in the OTIF Administrative Committee from 2009 to 2011. The CIT would like to take this opportunity to extend its congratulations to Monsieur Davenne on his election and to wish him all success in his new job. The CIT looks forward to being able to continue and to extend the fruitful working relationship it has always enjoyed with OTIF.

The OTIF General Assembly took stock of the work being done by the Rail Facilitation Committee. In future the committee will organise its work into three work-streams. The first will be aimed at analysing existing problems and

identifying possible solutions to them; the objective of the second will be to draw up specimen agreements in order to facilitate the movement of freight along freight corridors. Cooperation with other international organisations will be developed in the third work-stream.

The OTIF General Assembly likewise indicated its support for the work being done by the UNECE with the longer term objective of creating new uniform law for rail traffic between Europe and Asia. A political declaration is being prepared in Geneva to underpin this work. The OTIF General Assembly instructed the Rail Facilitation Committee to draw up OTIF's contribution to this work. It would be appropriate to mention at this point that rail is the only mode which does not have such uniform law and that in their joint project to make the CIM and SMGS legally interoperable, the CIT and OSJD have practically exhausted the options to use contractual terms and conditions to overcome the obstacles which result from the existence of two different statutory regimes. What matters now is that the various states take on legislative work and push it forward with speed and determination. The CIT is ready and waiting to make its contribution.

The next OTIF General Assembly will take place in September 2015.

Information: [www.otif.org](http://www.otif.org)

### CER-CIT report on the implementation status of the Regulation on Rail Passengers' Rights and Obligations (Regulation (EC) 1371/2007; PRR)

In accordance with Article 36 of the Passengers' Rights Regulation (PRR), the European Parliament and the European Council authorised the European Commission to report to the Parliament and the Council on the implementation of the Regulation and its results. The basis of the Commission's report is an extensive survey that was conducted by Steer Davies Gleave this spring, in which CER and the CIT participated and also called on their members to participate. In parallel with the European Commission's report, CER and CIT prepared a report on PRR implementation from the sector's viewpoint, which was published in Brussels on 9 October.



The CER-CIT PRR implementation report can be downloaded from CIT's website ([www.cit-rail.org](http://www.cit-rail.org)).<sup>1</sup>

In addition to the information on passengers' rights, the PRR implementation report prepared by CER and CIT provides an overview of the action taken by the sector to implement the PRR. It confirms the high level of implementation achieved in the rail sector and the high quality of its services, indicates areas with potential for improvement (primarily in assistance and coordination in major incidents and in the support provided for passengers with impaired mobility). The report also provides information on innovative pro-

jects in the sector that comply with the spirit of the PRR and go further in many cases (passenger information, mobile sales channels for tickets, and lots more). Primarily in the area of information (passengers' rights, travel information, information provided at stations and during the journey) or access to tickets through a variety of sales channels, there is evidence of a definite improvement since the PRR was adopted.

It is clearly of value that the rail sector – unlike other modes of transport – even before the Regulation is adopted, is profiting from having practicable standards and previous experience in coordinating the requirements of international customers with COTIF, the CIV UR and CIT documentation in passenger transport, such as the AIV in particular, on which to build. Exploiting the benefits of tradition and adapting them to regulatory developments to make them useful in practice will remain a key concern of the CIT in order to support the business interests of our members in passenger transport. A start has been made: in the course of the last few years, on its own initiative, the sector has taken considerable steps to improve passenger satisfaction. The greater the commitment by all those involved to solutions that will ensure that the implementation of the PRR is simple, practicable and coordinated, the more passengers travelling on international routes within and to the EU will benefit!

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Original: DE

<sup>1</sup> [http://www.cit-rail.org/media/files/public/Publications/FINAL\\_CER\\_Brochure\\_PassengersRR\\_v07.pdf](http://www.cit-rail.org/media/files/public/Publications/FINAL_CER_Brochure_PassengersRR_v07.pdf)

## CIT at the XXI Plenary Meeting of the Coordinating Council on Transsiberian Transportation

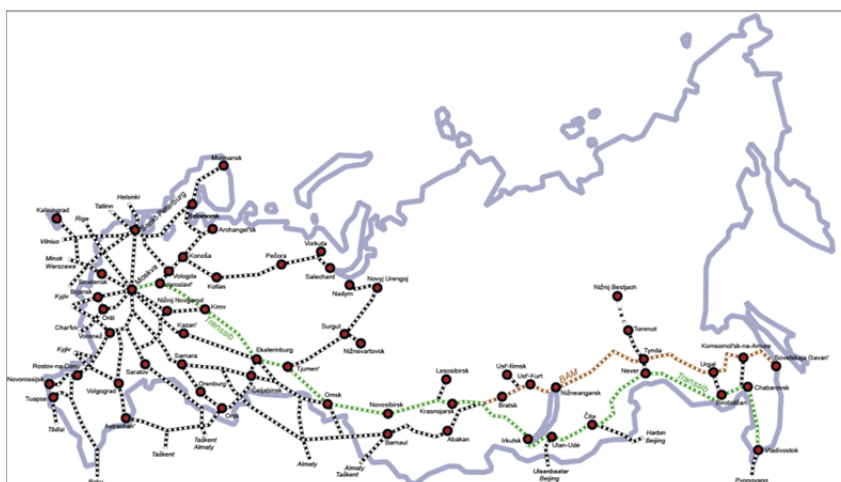
At the invitation of the Secretary General, Mr Gennady Bessonov, and Finnish Railways (VR), the CIT Chairman and Deputy Secretary General attended this year's plenary meeting of the Coordinating Council on Transsiberian Transportation (CCTT). The meeting was chaired by the President of RZD.

The Trans-Siberian Railway (Transsib) is the longest continuous railway infrastructure in the world (9,288 km) and extends from Vladivostok in the Far East to Brest on the border between Poland and Belarus. According to the introductory remarks from the President and CEO of the VR Group, Mr Mikael Aro, the Finnish infrastructure is also an extension of the Transsib.<sup>1</sup> For this reason, the Executive Management of RZD attaches great importance to the broad gauge project to Vienna.

The CIT signed a Memorandum of Understanding with CCTT in 2011 (see CIT-Info 3/2011, p. 8). This enables the two organisations to coordinate their work schedules and to participate jointly in key projects. CCTT's "Electronic Train" project in particular is important for the work being carried out on issuing transport documents electronically

since the use of the electronic CIM/SMGS consignment note could also be tested on a well developed infrastructure. This work also depends on the future development of the technical specifications and the efforts being made to bring the various standard machine languages (e.g. EDIFACT and XML) in line with each other.

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Original: DE



Transsib is identified on the map in green: the world's longest continuous rail infrastructure (9,288 km)

<sup>1</sup> Finland uses the same track gauge of 1524 mm as the Transsib with 1520 mm.

## Passenger Traffic

### 22nd Meeting of the CIV Working Group

The members of the CIV Working Group held their meeting following this year's Passenger Claims Departments' Conference, at which several members of the CIV Working Group had supported the CIT GS in their capacity as experts (as speakers or in charge of workshops). In addition to the results of the conference (cf. report on the Conference Claims Departments), the members discussed the most recent decisions taken by the national NEBs that offer new legal challenges (e.g. uncertainties as to the powers of the NEBs, such as the authority of civil court decisions in the case of an NEB decision on passengers' rights in issues of liability; the legal status of legally binding tariffs or of cooperation agreements in decisions of the NEBs).

A prolonged discussion was dedicated to the question as to what demands were to be placed on the correlation between the name indicated on tickets and the legal obligations of the contractual carrier and between the name indicated and the roles in the distribution chain agreed on in commercial contracts (see Editorial).

As usual, CER informed its members of its activities and took the opportunity to thank Ms Anne-Laure Le Merre most sincerely for the work she has done over the last years and



to welcome her successor Mr Ilja Lorenzo Volpi. The plan completed in consultation with the CER for the preparation of the second CER-CIT PRR workshop in Brussels was discussed by the members of the CIV Working Group and the event planned with the NEBs – in view of the European Commission's delay in publishing its PRR implementation report – has been postponed from April to autumn, with the date now fixed for 9 October 2013.

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## What's behind the abbreviation TAP TSI?

### *Purpose of TAP TSI*

The purpose of the TAP TSI is to define the procedures and interfaces between all stakeholders in order to provide passengers with assistance and tickets using commercially available technologies. Information exchange systems for the following areas should also be included: systems providing passengers with information before and during the journey, reservation and payment systems, luggage management, issuing of tickets at ticket offices or ticket vending machines, on board the train, by telephone, via the Internet or any other widely available IT system, management of connections between trains and other modes of transport.

### *Legal basis*

The TAP TSI is based on *Directive 2008/57/EC on the interoperability of the rail system*. This was updated as part of *Commission Regulation (EU) 454/2011 on the technical specification for interoperability (TSI) relating to the sub-system 'telematics applications for passenger services' of the trans-European rail system* of 5 May 2011 by the EU Commission.

### *Procedure until the application of TAP TSI*

Detailed specifications are required to implement TAP TSI. They define the data exchange system consisting of common components and the interconnection of the information and communication systems of the stakeholders involved. In addition, a description of the governance model for the

development, implementation and operation of the system, in addition to the master plan for its development and implementation are necessary. These documents prepared as part of an implementation project for TAP TSI set up by CER/UIC (around 440 pages, not counting appendices) were handed over to the ERA in May this year. The railway undertakings are now called upon to submit their implementation plans to the Commission by the end of April 2013. The data exchange system is to be developed during 2013-2014 and then introduced from 2014-2016.

### *What does the TAP TSI have to do with the CIT?*

The analysis of the documents has shown that the CIT is directly affected by the TAP TSI in the area of ticketing. The TAP TSI and the corresponding implementation documents make reference to existing CIT documentation. The TAP TSI is based on a purely technical approach. The coherence required between the legal requirements in the CIV (Uniform Rules for the Contract of International Carriage of Passengers by Rail) and the functional requirements defined by CIT in the General Conditions of Carriage for Rail Passengers (GCC-CIV/PRR), in addition to the CIT Passenger Traffic Manual (GTV-CIT) must therefore be guaranteed to ensure that international ticketing and claims management can continue to work smoothly in future in the interest of the passengers. The agreements required between the organisations affected – ERA, CER and UIC – have been initiated.

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## Successful Passenger Claims Departments' Conference

Members of staff from the claims, sales and legal departments of UIC and CIT member companies actively participated in the conference, which was held on 27 September 2012 in Bern. The purpose of the conference was two-fold: to provide information and training for participants, and to offer feedback and input from practitioners on topics proposed by the CIV Working Group.

### **Very positive feedback from participants**

One aspect should be noted at the outset: the majority of the participants gave CIT good to very good marks in terms of both the selection of topics and the organisation. This event gives CIT the possibility of providing claims department staff with a platform that allows them to get to know their counterparts in the partner railways personally by enabling them to network with each other. Even though the focus was on topics that concerned the departments, this side effect of the conference is frequently the one that provides the most lasting improvement on international collaboration between the RUs

### **Political matters**

The CER provided information on "political activities" in Brussels. One of the most important ways of achieving fruitful collaboration at the political level is through dialogue. A good example of this can be seen in a successful PRR workshop that was organised jointly by CER and CIT last



May with representatives of the national enforcement bodies (NEBs) responsible for the uniform implementation of Regulation (EC) No. 1371/2007 on rail passengers' rights and obligations (PRR). In order to continue the dialogue and develop a common understanding on the areas of action that have been identified, the CIT and CER are planning to hold a second workshop of this kind on 9 October 2013 with the NEBs in Brussels.

### **Different interpretations of the PRR**

Since the PRR will be implemented at national level, it can occasionally happen that completely different interpretations are made by individual NEBs. This can lead to court proceedings that will ultimately require a decision by the European Court of Justice. Using the example of two current court cases, it was possible to show to what extent individual RUs are included in the collection of representative



From left to right: J. Svensson, Chairman of the CIV Working Group; C. Filipescu, Chair of the CIV Committee; I. Saintilan, SNCF Voyages; O. Hirschfeld, DB AG; B. Bak, DSB; Th. Gyger, CIT.

examples from their own countries and to what extent they are involved in analysing information relating to the PRR and passing this on to the CIT General Secretariat. In this way, partner railways involved in legal proceedings with their NEB can be provided with good arguments and actively supported with examples from daily practice and decisions taken by NEBs from other countries.

#### Initial experience with the AIV

The most important topics that concerned the departments were the exchange of experience in the implementation of the new AIV rules in force since the beginning of the year relating to passing on compensation in the event of delay, the collaboration of RUs in the clarification of claims for compensation, and communicating information in the event of strike action. These topics were dealt with in depth during lively discussions in the workshops and broken down into specific instances met with by customer service staff in the course of their daily work. The workshops make it possible

to find answers to detailed questions, to eliminate misunderstandings, to clarify the different procedures found in practice, to exchange views and identify *best practices*.

This year again, the number of cases of compensation resulting from the PRR have increased noticeably, which has led to significantly higher amounts of compensation. The vast majority of the cases can be dealt with by the claims departments within the statutory period of one month. However, numerous clarifications of the cause of delays are still held up somewhere because either the international exchange of information is not working or because important documents are missing.

The discussion on actual cases met in practice has shown that the CIT must now take steps to ensure that the list of exempted transport services included in the regulation on rail passengers' rights (PRR) will in future be shorter. It is also to be arranged in such a way that it can be included as such into the sales and customer information.

Another difficulty has still not been solved in the AIV: NEBs can only punish failures to meet time limits in their own country. According to the AIV, it is not important which RU is responsible for handling the complaint. It can happen, therefore, that an RU involved in a contract of carriage that has received a complaint from a traveller will be punished for failing to meet a time limit as a result of irregularities caused by the issuing and responsible railway undertaking. It goes without saying that it would like to pass on the cost of the fine to the actual "perpetrator".

These and other comments and proposed solutions from the conference will now be examined by CIT in the CIV Working Group.

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## Freight Traffic

### CIM/SMGS Legal Group and Experts Group deliberate on the further development of the CIT/OSJD project

The 24th meeting of the CIM/SMGS Legal Group and Experts Group, due to related content of the items to be discussed, was held jointly once again at the beginning of September in Bern at the CIT headquarters. The lively discussion of over 35 participants again confirmed the great interest in and the particular importance of the joint CIT/OSJD "CIM/SMGS Legal Interoperability" project.

#### Practical implementation of the CIM/SMGS consignment note

The interest in rail shipments on the land bridge from China to Europe continues to grow. DB AG is currently developing important rail services for BMW and VW, two of its major customers, from and to the Peoples' Republic of China. In Switzerland, interest in shipments by rail from the Peoples' Republic of China is also on the increase. Recently, the Swiss retailer Migros, in partnership with the rail transport services provider InterRail, sent a test container from Shanghai to Switzerland. Shipments of this kind are becoming increasingly attractive due to the savings in time and environmental compatibility.



From left to right: H. Trolliet, C. Brand, E. Evtimov and T. Payosova, CIT.

Statistics provided by DB, UZ and RZD on CIM/SMGS shipments using the common CIM/SMGS consignment note show a clear upward trend (average of 20-30% increase compared with 2011). The CIM/SMGS consignment note is

currently being used in the “Viking” project between the Baltic ports and the Black Sea ports. A further extension of its scope of use is related to the accession of Azerbaijan to COTIF (also for multimodal shipments between the countries bordering the Caspian Sea).

#### Multimodal shipments using the common CIM/SMGS consignment note

The use of the CIM/SMGS consignment note for shipments on the Black Sea was another key topic. Ukraine and Turkey signed a bilateral agreement on 25 January 2011 to organise a direct rail freight ferry between the two countries. The relevant rules and procedures governing the shipments of freight on the Iljitshevsk-Samsun route and the rules governing the use of wagons were signed on 13 September 2012. The common CIM/SMGS consignment note is explicitly mentioned in these rules.

The entry of the Iljitshevsk-Samsun route into OTIF's CIM list of maritime and inland waterway services is pending, since the internal administration procedure in Turkey has not yet been completed. An application to this effect was submitted by the Ukrainian Ministry of Infrastructure to OTIF on 31 July. The Turkish freight forwarder UPM has been appointed the maritime carrier. Georgia is also currently involved in negotiations with other countries bordering the

Black Sea with regard to the entry of sea routes from the ports of Poti and Batumi to Constanța in Romania and Varna in Bulgaria.

#### Revision of the SMGS: the main issue for OSJD

The revision of the SMGS has been singled out by the OSJD experts as a key focus of work to be dealt with in future in the joint CIT/OSJD “CIM/SMGS Legal Interoperability” project. The revision work has been largely completed, but is still subject to the unanimous approval of the OSJD Member States. According to the information that is currently available, the revision of the SMGS will result in both material and structural changes to transport law. In the event that the changes are approved, the CIM/SMGS Consignment Note Manual will need to be amended accordingly. The end of the transition period before the new version of the SMGS comes into force is currently scheduled for 1 July 2014.

#### Next steps

The next meeting of the CIM/SMGS Legal Group and Experts Group is planned for the end of April 2013 in Warsaw at the headquarters of the OSJD Committee.

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## Current status of the electronic CIM consignment note

### Present situation

The work to implement the e-RailFreight project has shown that complying with the principle of functional equivalence in Article 6 § 9 CIM makes the system more complicated and more costly. The paper procedures can only be converted to electronic procedures *as they are* with great difficulty. The concept of functional equivalence was fashionable when the CIM was being revised and was based on the technical landscape that existed at that time.

The Electronic CIM Consignment Note Group of Experts needed to look for a standard solution using appropriate provisions in substantive law to give precedence to the electronic CIM consignment note, including the accompanying documents, at least for the two principal functions of the CIM consignment note:

- proof of the conclusion and content of a contract of carriage, and
- proof that the goods have been taken over.

### Finalisation of proposals relating to the CIM UR

At its most recent meeting at the end of August 2012, the Group of Experts discussed in depth a draft of CIM Article 7a with five paragraphs and made amendments to the draft text. The final draft takes account of the following requirements:

- § 1: the electronic consignment note and electronic accompanying documents are to be given precedence over paper documents;
- § 2: evidential value of the electronic consignment note for the contract of carriage;
- §§ 3, 4: authentication of the electronic consignment note. The requirements of current national law for electronic signatures must be taken into account when the extended



functions of the CIM consignment note are considered. The text will therefore be developed further to put the electronic signature and other means of authentication of the electronic consignment note on the same level;

- § 5: the paper consignment note can only be provided for and used in exceptional cases and in so far as it is deemed necessary (for example, the simplified transit procedure for rail – no suitable electronic system available).

Furthermore, a new provision for the electronic formal report in accordance with Article 42 § 2 CIM is proposed, which states that the formal report is to be prepared as an electronic record.

### Transposition of the precedence for the electronic CIM consignment note into CIT freight documentation

Prioritising the regulations for the use of the electronic CIM consignment note in external relations with the customer will be a consequence of giving the electronic consignment note precedence. A list of the regulations in the CIT freight documentation which require amendment has been drawn



up in order to be able to check the CIT freight documentation and to identify those regulations which are currently still based on the paper CIM consignment note.

This important prioritisation of CIT documentation with colour highlighting in line with the new CIM Article 7a will be carried out by the Electronic CIM Consignment Note Group of Experts. Precedence will accordingly be given to the external relations with the customer (the GLV-CIM, in particular) and to the transition from the solutions for the paper consignment note. Paper-based procedures will remain unchanged, primarily in the GTM-CIT.

The first priority in pressing forward with the work will be to revise the GLV-CIM making the assumption that the electronic procedure will be used as standard. A new Appendix 1 containing the requirements for the electronic consignment note will be added. The next meeting is planned for the end of February 2013 at the CIT headquarters in Bern.

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## Strengthening of the relationships between freight claims departments

*The most recent Freight Claims Departments' Conference (held in Bern on 24 May 2012) provided participants with the opportunity to familiarise themselves with the changes which have taken place since last year and to strengthen their relationships with each other.*

*Judging by the questionnaires which participants filled out at the end of the event, the organisation and structure of this conference (presentations on current topics, syndicate work on issues of general interest and networking) fully satisfied their expectations. The conference is held annually in May and the next one will be held on Thursday 23 May 2013.*

### Changes in 2012

The participants welcomed the follow-up from the 2011 conference. In the main, these initiatives will lead to helpful changes in international rail transport law and to changes in the CIT's freight documentation, such as:

- the draft of a new article to be added to the CIM Uniform Rules. The new article concerns the electronic consignment note and has substantive provisions which are intended to replace the principle of functional equivalence between the electronic and paper consignment note;
- development of the AIM agreement (procedure for recourse when loss and damage is attributable to third parties, clarification of the definition of a carrier who is not involved);
- the development of the claims handling agreement checklist;
- the adoption of new special conditions of CIM/SMGS liability;
- drawing up new general conditions of carriage for traffic by rail and sea.

### New ideas

The RID requires undertakings to employ dangerous goods safety advisers and the presentation by a representative from OTIF highlighted the importance of the relationship between claims departments and these safety advisers when there is loss or damage to dangerous goods.

A representative from the IRU briefed participants on how the relationship between customer and road haulier is managed when handling claims for road traffic moving under the CMR. This presentation provided useful comparisons with rail practices. Furthermore, in future the CIT will work



closely with the IRU on issues of common interest such as, for example, the electronic consignment note, multimodality, passengers' rights.

### Application of the CIM Uniform Rules and the AIM

Syndicate work concentrated on analysing issues of general interest relating to the application of the CIM Uniform Rules and the AIM and then examining appropriate legal approaches. Amongst the issues examined were:

- inclusion of several consignees on a consignment note;
- damage to the goods caused by incompetent transshipment by the carrier en route;
- partial loss presumed at the time of delivery;
- record of loss or damage en route disputed by the carrier at the destination.

Another syndicate group looked at recording of loss and damage in transit and producing formal reports.

### Revision of COTIF

A meeting of the OTIF Revision Committee in autumn 2013 is anticipated. Accordingly, it is important for the CIT to record members' aspirations in good time so that proposals for the amendment of COTIF and its appendices can be ready. Aspirations already noted were presented to participants who then had the opportunity to comment on them. These aspirations will be examined and worked out in detail by the CIM Working Group and by the CIM Committee.

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Original: FR

## 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.*

### Charges for load adjustment

*A load needs to be adjusted because the original loading by the consignor was unsatisfactory. The payment instruction on the consignment note is "Carriage charges paid up to X".*

- *Does either the forwarding carrier or the carrier where the costs of adjusting the load arise have to create a charges note for such a consignment?*
- *How must transshipment costs be taken into account?*

In accordance with point 3.1 of Appendix 11 to the GTM-CIT, a charges note must be produced when not all the charges which a consignor accepts can be calculated by the forwarding carrier. Production of a charges note is the responsibility of the forwarding carrier.

The exception to this rule, provided for in point 3.2 of the same appendix where certain Incoterms are used, is intended

to avoid the systematic production of charges notes on forwarding (ancillary charges covered by an Incoterm are not necessarily raised on all consignments, but only where necessary).

In accordance with Article 10 § 1 CIM and point 8.1 of the GTC-CIM, the costs which the consignor is to pay include the carriage charge, ancillary charges, customs duties and other charges. In the case of the consignment in question, the reference to payment of charges does not cover the charges for load adjustment. These charges need not therefore be entered on the consignment note and a charges note need not be made out. The charges for load adjustment should be directly invoiced to the consignor on the basis of Article 13 § 2 CIM (also see GTM-CIT working sheet 05-03, last paragraph under "carrier").

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Original: FR

### Sharing out the costs of loss and damage in transit

*Goods loaded into wagons forming part of a trainload consignment are damaged. The goods were consigned with a single consignment note. The carrier is liable for the damage. Should the compensation paid to the person entitled be allocated out per wagon or per consignment note?*

The procedure for allocating out compensation for damage in transit paid out in accordance with the CIM is described in point 3.3.8 of the AIM. An allocation statement conforming

to Appendix 2 to the AIM is made out for each consignment in the same way as a consignment note is made out for each consignment. Except where otherwise agreed between the consignor and the carrier, a consignment note can only cover the load on one wagon (cf. Article 6 § 6 CIM). In other words, a consignment note and an allocation statement are to be made out for each wagon unless an exception to that rule has been agreed in the customer agreement (cf. GTM-CIT, working sheet 02-02, under consignor, second indent).

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## CIT Itself

### The 2nd meeting of the CIT Executive Committee prepares for the General Assembly 2012

The second annual meeting of the Executive Committee was held on 20 September 2012 at the CIT headquarters in Bern. One of the key items on the agenda dealt with the arrangements to be made for the General Assembly on 22 November 2012 in Bern. The draft concepts for the programme of work and the budget for the coming year were unanimously approved. In addition, the Executive Committee approved the list of candidates to be submitted to the General Assembly for election to the Executive Committee and for appointment of the Chairman of CIT's CIM Committee and the CIV Working Group. More detailed information is included in the room documents relating to the General Assembly, which have already been circulated.

### New security background and analysis of the TAP TSI

The Executive Committee took note with satisfaction of the information it had received on the approval of the security background (Worksheet M relating to GTT-CIV) from the CIV Committee. In a letter dated 25 September 2012, the

last company (GYSEV) had withdrawn its previous decision to opt out. Some railway undertakings intend to begin using the new security background as early as next year.

At the request of the CIT GS, the Executive Committee also decided that, in order to protect CIT documentation and the rights of CIT members, the design of the new security background, in accordance with the Hague Agreement Concerning the International Registration of Industrial Designs, is to be registered with WIPO (World Intellectual Property Organisation) in Geneva, while at the same time CIT members are to be entitled to use the design free of charge.

The Executive Committee then noted with approval the status of the analysis of the impact of TAP TSI and the recast of the first railway package in the field of passenger transport on the legal relationship between the various players involved in the transport process and on CIT passenger transport documentation.





*CIT Committee from left to right: E. Evtimov, Deputy Secretary General; C. Filipescu, C.F.R Calatori; C. Brand, Secretary General; M. Urbanska, PKP CARGO; K. Kirkova, Deputy for the Chairman; M.-G. Hénuset, SNCB/ NMBS; J.-L. Dufournaud, Chairman; L. Lanucara; TRENITALIA; DB Deputy.*

### Progress made in current freight projects

The Executive Committee was provided with detailed information on the three key areas of CIT's work in freight transport, namely "Electronic CIM consignment note", "Multimodality" and "Revision of the CIM Uniform Rules". The drafting of concrete proposals for issuing transport documents electronically and the successful implementation of the electronic CIM consignment note in particular met with wide support.

In the "Multimodality" Project, the interface between rail and sea transport is described in legal terms in the relevant CIT

documentation. In the Executive Committee's view, greater attention must still be given to the legal aspects of rail-sea transport, since end-to-end logistics solutions on a global scale are now the order of the day. They should also be included in rail transport law and legally implemented in the connection of the ports to the rail infrastructure.

The practical implementation of the common CIM/SMGS consignment note for processing shipments has proven successful for container shipments in over 70% of the cases and in around 18% of the cases in single wagonload transport services.

### Use of infrastructure and the law on wagons

The Executive Committee is in favour of intensifying the work being done to implement the EGTC and in particular to coordinate the position of the carriers in the CUI Committee before negotiations are resumed with the RNE at the end of the year.

The further development of CIT documentation in the law on wagons has also been given the full support of the Executive Committee.

### New Secretary General of OTIF

The Executive Committee was pleased to note the election of the new Secretary General of OTIF, Mr François Davenne, at the General Assembly of OTIF, which was held at the same time.

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

### New CIT member

**RegioJet, a.s.** (RJ for short) is a private railway undertaking in the Czech Republic and Slovakia. RJ is a subsidiary of Student Agency, which operates in partnership with Keolis. In the Czech Republic, RegioJet has been running train services between Prague and Havířov since September 2011, with one train pair continuing on to Žilina daily. There are plans to extend the service to Košice.

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



*Tetyana Payosova*

On 1 September 2012, Ms Tetyana Payosova resumed 40% of her duties at CIT (CIM/SMGS and CIV/SMPS).

We would like to wish her well on her return and continued success.

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

## CIT Diary of Events

Date	Event	Location
7 November	CUI Committee	Bern
22 November	CIT General Assembly	Bern
27 November	CIM/SMGS ad hoc-Group of technical Experts	Warsaw
27 November	Co-ordination Group for Implementation of the CIM/SMGS Consignment Note	Warsaw
28 November	CIM/SMGS Steering Group	Warsaw
4 December	Group of Experts "CIV Ticket Manual"	Bern
5/6 December	CIV Working Group	Bern
<b>2013</b>		
5/6 February	CIV Working Group	Bern
7 February	CIV Group of Experts	Bern
19 February	CIV/SMPS Group of Experts	Bern
21 February	Group of Experts "CIM Electronic Consignment Note"	Bern
26 March	CIM Committee	Bern
27 March	Group of Experts "Multimodality"	Bern

## Events with CIT participation

Date	Event		Location	CIT contact
8/9 November	Working Party on Rail Transport (SC.2)	UNECE	Geneva	Erik Evtimov
15 November	Freight Forum	UIC	Vienna	Erik Evtimov
26 November	Meeting with OSJD Committee	OSJD	Warsaw	Cesare Brand/ Erik Evtimov
27/28 November	Ticketing Action Group (TAG)	UIC	Bern	Thomas Gyger
3 December	TAP TSI Common Support Group	CER	Bern	Thomas Gyger
4 December	Wagon Users Study Group	UIC	Paris	Henri Trolliet
6 December	E-Conférence : Dématérialisation des documents de transport	IDIT	Rouen	Erik Evtimov
7 December	150 Years of the Belarusian Railways	BC	Minsk	Cesare Brand/ Erik Evtimov
11 December	European Regional Assembly	UIC	Paris	Cesare Brand
11 December	Group of Assistants	CER	Paris	Erik Evtimov
12 December	General Assembly	UIC	Paris	Cesare Brand
<b>2013</b>				
26 February	CER European Railway Award	CER	Brussels	Cesare Brand
26/27 February	Inland Transport Committee	UNECE	Geneva	Erik Evtimov

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