

International
Rail Transport Committee

Editorial

Today's business is multimodal!



Compared with other modes of transport, rail has many competitive advantages that need to be resolutely exploited. At this point I would like to mention the high capacity and environmental friendliness of the railways. However, there are also competitive disadvantages that will require some effort to be eliminated. One of these disadvantages is undoubtedly the legal complexity associated with the organisation of rail transport services. I refer not only to the excessive number of different legal systems encountered during international, cross-border rail freight shipments (national law, corridor law and other EU law, COTIF and SMGS), but also to the various laws applicable to intermodal pre-carriage and onward carriage, primarily for sea and road shipments

From the point of view of the logistic companies, the objective that would be worth achieving is a uniform law for each shipment, regardless of the mode of transport used. A reduction of the legal complexity would lead to an improvement in the market opportunities for rail.

For these reasons, the CIT has incorporated the subject of "Multimodality" into its work programme. A CIT group of experts – including representatives of railway undertakings and shipping companies – is currently preparing General Conditions of Carriage designed to ensure that rail-sea shipments using a single contract of carriage are handled in a more uniform and more transparent manner. These General Conditions of Carriage for Rail-Sea Traffic that are now being drafted by the CIT will be applicable on a voluntary basis to rail and sea operators as uniform law on services included in the CIM list of maritime and inland waterway services. Geographically speaking, these are transport services on the Baltic Sea, the Caspian Sea, the Black Sea and the Channel, and ultimately the Mediterranean between the Maghreb and Europe. This new CIT document is to be made available to all interested CIT members in the course of next year.

To cover the subject of "Multimodality" in more depth, the CIT this year is planning to hold two international conferences on multimodality with key partners, such as the UN Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU) in Batumi and in Bern (see the corresponding announcements on pages 4 and 5 of this issue of CIT-Info).

And to ensure that "Multimodality" will remain a key topic in future and that effective simplification and savings will be available to CIT member companies, the General Conditions of Carriage for Rail-Sea Traffic are to be continuously updated to meet the needs of the market and further developed. For this reason the CIT is planning to set up a relevant "Multimodality" committee.

Best wishes from Bern!
Secretary General of CIT
Cesare Brand

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Workshop on Rail Passengers' Rights
An exchange of views between railway undertakings and national enforcement bodies
Brussels, 15 October 2013

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Further information is available on page 3.

Transport Law and Policy

CER General Assembly in Rome

At the invitation of Trenitalia, the CER General Assembly was held in Rome on 14 May 2013, with the GS CIT attending. The key topic was to determine the position of the industry with regard to the Fourth Railway Package, and in particular to the structural issues of vertical separation and network access on domestic passenger markets, the revision of the directive on public service obligations and the proposal for the revision of the ERA regulation.

As a result of the very good preparatory work by the CER, the association's members were able to agree on a joint position with regard to the Commission's proposals. In addition, information was provided on the status of the discus-

sions between the European Parliament, the Council of Ministers and the Commission on TEN-T business, the revision of the procurement directive, the EU cohesion policy and the revision of the mega truck directive.

At the end of the meeting, two important items on the CER General Assembly in the CIT's opinion were emphasised: the presentation of the "CER Rail Freight status report", to which the CIT has also made specific contributions, and the excellent presentation of the situation regarding the developments in passenger rights. Once again, a very successful event set against the splendid backdrop of Rome.

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Original: DE

Multimodality: the CIT is showing the way

The CIT has given increasingly more attention to the subject of "multimodality" in the course of the last two years, also due to the fact that one tenth of all CIT members are shipping companies. The topic has been placed high on the political agenda of the European Union and the UN agencies, particularly that of the United Nations Economic Commission for Europe (UNECE). The GS CIT as a result is organising two conferences – with the first scheduled to take place on 24/25 June, together with the UNECE in Batumi and the second on 5 September 2013, along with the International Road Transport Union (IRU) in Bern at the CIT headquarters (more details in this and the next issue of CIT-Info).

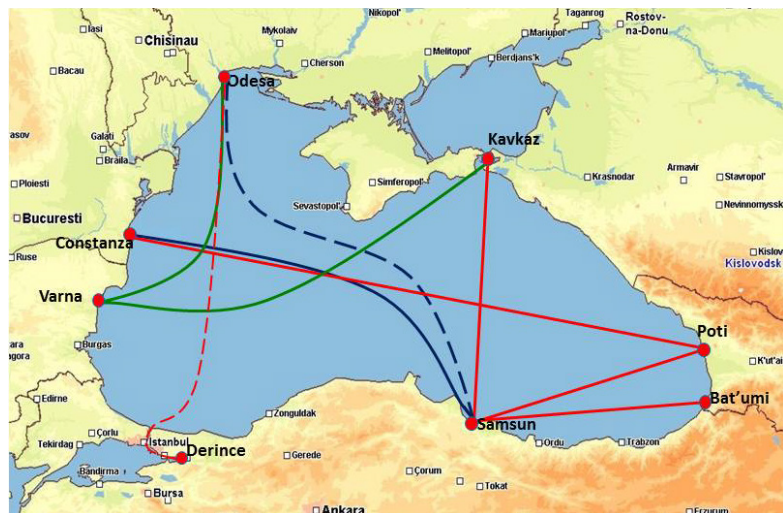
The central topic for the CIT and its partners at both of these events will be to discuss ways of optimising the interfaces to other modes of transport, in particular sea and road transport, from a legal perspective.

The knowledge gained as a result will be used in further development of international transport conventions (CMR for road; CMNI transport for Inland Waterways and the Rotterdam Rules for maritime transport). Other key topics at

the UNECE/CIT seminar in Batumi include the planning and organisation of end-to-end multimodal shipments on the freight corridors between the Black Sea, the Caucasus, the Caspian Sea and Central Asia.

The Black Sea as best case

With numerous representatives of the governmental authorities and the transport industry in attendance, the new Samsun-Kavkaz rail ferry service was also officially inaugurated at the end of February 2013 in the Turkish port of Samsun. It is now possible to transport goods from Russia by sea via the port of Kavkaz to Samsun in the eastern part of Turkey. The consignments are then forwarded by rail or road to their final destinations in Turkey or the Middle East. This new link will strengthen trade relations between the two countries, but also between all countries bordering the Black Sea. This will also enable a combined transport system to be developed between Russia and Turkey, and beyond to the Middle East countries and the Caucasus. The benefits for the Black Sea that will result from the implementation of COTIF uniform law and inclusion in the CIM list of maritime and inland waterway services are obvious.



In addition, experience in the inclusion of services on the Black Sea between the Ukrainian ports and the Turkish ports of Samsun and Derince will be discussed in-depth by experts. OTIF representatives have given their assurance that further efforts will be made to support this project. As a result, rail-sea traffic is to be given increasing political and legal attention, since end-to-end rail freight shipments using a single, end-to-end CIM contract of carriage by land and sea have decisive hinterland potential for linking up the ports to the key production and consumer centres in Europe, Russia and Asia.

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

Passenger Traffic

UIC Commercial and Distribution Forum

The "UIC Commercial and Distribution Forum" took place on 24 April 2013 at the UIC headquarters in Paris with the participation of the GS CIT.

Key issues relating to the future development of ticketing were discussed at the forum. Details were provided on the current status of TAP-TSI implementation, the additional work planned. The progress made in the work to produce a new leaflet that is planned on auditing procedures and the draft of a cooperation agreement between the UIC and ERA on the further development of the technical documents

relating to TAP-TSI were also discussed. The forum concluded with information of the progress made in revising the RIC Agreement.

The CIT reported on the status of affairs relating the application of rail passengers' rights and on the current revision of airline passengers' rights. Reference was also made to the status of the UIC/CIT project on the revision of the GTC Cooperation and UIC Leaflet 150.

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Contracts for carriers to work together

The CIT is currently working on the revision of the general terms and conditions for contracts between railway undertakings which decide to work together to move international traffic as successive carriers within the meaning of the CIV Uniform Rules.

Documents to be revised

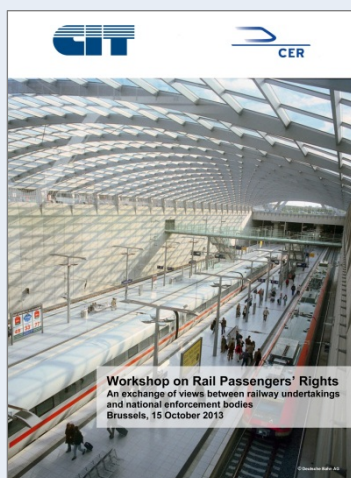
The recommendations which underpin cross-border cooperation, UIC leaflet 471 and the CIT General Terms and Conditions Applying to Joint-contracting and Subcontracting, in particular, are being revised. The CIT and UIC are currently considering all the issues linked to the movement of trains across frontiers, i.e. both the contractual and the operational aspects. An internal study of the situation has shown that the majority of the issues to be considered are subject to two sets of regulations and accordingly there are numerous conflicts and uncertainties.

A complex liability regime

Railway undertakings are at the centre of a network of bilateral contractual relationships with numerous players, such as customers, infrastructure managers, wagon keepers, lessors of locomotives, operators of service facilities, etc. It is therefore necessary to organise these relationships in the most logical and certain way so that railway undertakings can always take action against any organisation responsible for loss and damage.

The CIT has been supported by a group of experts which met most recently on 28 May. Advice from this group has allowed the CIT to completely revise the general terms and conditions for joint contracting and to draw up a checklist for general agreements to work together. These proposals will be submitted to the CIV Working Group in the autumn.

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Original: FR



Workshop on Rail Passengers' Rights

An exchange of views between railway undertakings and national enforcement bodies

Brussels, 15 October 2013

On 15 October, 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.

Freight Traffic

Latest news from the CIM/SMGS Legal Group and Group of Experts

The 25th meeting of the CIM/SMGS Legal Group and Group of Experts was held on 25 and 26 April 2013 at the Invitation of the Chairman of the OSJD Committee in Warsaw. As a result of close content related interlinkages between the issues dealt with in both groups, the meeting was carried out jointly again. As scheduled, the meeting of the ad-hoc technical group for the electronic CIM/SMGS consignment note had been held earlier.

The most recent developments in the implementation of the common CIM/SMGS consignment note have, once again, confirmed the important role of the joint CIT/OSJD project on "CIM/SMGS Legal Interoperability". The growing interest in the use of the common CIM/SMGS consignment note on the land bridge from China to Europe, the 20-30% increase in its current use compared with last year confirmed by DB, UZ and RZD and its imminent implementation on the Black Sea are examples that point out the necessity of continuing the work on the CIM/SMGS Consignment Note Manual.

Electronic CIM/SMGS consignment note: a key issue

Following the preparation of the provisions relating to the procedures to be used in the event of wagons and/or containers being removed from block trains or wagon/container groups, the Legal Group and Group of Experts responsible are now focusing on questions relating to the use of codes for various data included in the CIM/SMGS consignment note. This is also due to the fact that the coding of consignment note information is very helpful in preparing the functional and legal specifications of the electronic CIM/SMGS consignment note.

The newly created *ad-hoc* Group of Experts is handling these adjustments in the document to bring them in line with the legal and functional specifications and with the technical specifications for the electronic CIM/SMGS consignment note and intends to re-issue them in September 2013. All

representatives of the CIM and SMGS railways involved are making every effort to ensure that, following the updating of the functionalities, initial considerations are given to the converters for the EDIFACT and XML formats (technical languages) – as presented by the Russian (RZD) and Ukrainian Railways (UZ).

Specific solutions were also discussed for the problems that have arisen with the accompanying documents to be attached to the electronic CIM/SMGS consignment note. Difficulties have resulted from a lack of legal basis for the use of certain administration documents in electronic form. For this reason, in addition to the accompanying documents in electronic form, other scanned documents from an approved list will be included.

Next meeting

The next meeting will take place on 12 September 2013 at the invitation of the management of Baltic Port Rail Mukran (BPRM) in Sassnitz on the Island of Rügen/Germany.

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Original: DE



Third Regional Conference on Trade Facilitation and Caucasus Transit Corridor (CTC) Promotion

The *Third Regional Conference on Trade Facilitation and Caucasus Transit Corridor (CTC) Promotion* will take place in Batumi, Georgia on 24-25 June 2013. The event this year is being organised under the auspices of the UNECE with the support of the CIT, the USAID Caucasus, the Georgian Ministry of Economy and Sustainable Development responsible for transport and the Georgian Railway (GR).

Representatives of international organisations, justice and transport ministries, customs authorities, railway administrations, seaports, in addition to freight forwarding companies from Europe and Asia, will participate in the Third Regional Conference. The development of the Caucasus transit corridor and trade facilitation, e.g. by harmonising the rail transport regime, is the main focus of the event.

The CIT will organise and chair a panel devoted to the topic of harmonisation of the rail transport regime, with a focus on multimodal rail-sea traffic. This panel will present and



discuss the latest developments in terms of investment and future opportunities for the railways, the development of transport corridors between Turkish ports and the Caucasus, the regulation of rail-sea traffic in accordance with COTIF/CIM and GTC for rail-sea traffic and the application of the CIT documents to this traffic, in addition to the transport of dangerous goods.

This event will offer participants the opportunity to obtain the latest information on the work being carried out specifically on the Caucasus region, including trade facilitation, corridor development in the South Caucasus and the present and future of rail and rail-sea traffic in the Caucasus region.

The CIT hopes that this conference will provide an incentive for the Georgian Railway (GR) to become member of the CIT due to the fact that Georgia acceded to COTIF and OTIF on 1 May 2012. All other railway companies of the region are members of the CIT and ensure a coherent implementation of CIT transport documentation in the region. It is important from both an economic point of view and with regard to sea transport.

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Original: DE

CIT/IRU Conference “Multimodality: Legal, Political and Practical Environment”

The upcoming CIT/IRU Conference on “Multimodality: Legal, Political and Practical Environment” will take place in Bern on 5 September 2013. This event is being organised on the basis of the cooperation agreement between CIT and IRU.

The conference will bring together representatives of the various modes of transport, customers, multimodal operators, insurers and legal experts in order to examine operational conditions within a multimodal environment. CIT and IRU members who are interested in multimodal issues are also invited to attend this event.

The purpose of the conference is to provide an overview of the various restrictions that affect multimodal transport operations with the aim of identifying possible remedies in the absence of appropriate multilateral tools or agreements.

The draft conference programme is available for [download](#).

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Original: DE

Common CIM/SMGS consignment note: new CIT/OSJD brochure for custom



There has been a common CIM/SMGS consignment note since 2006. Its significance for freight shipments between Western and Central Europe (CIM states) and between Eastern Europe and Asia (SMGS states) is increasing. The consignment note is an important step on the way to increased interoperability based on transport law for West-East and East-West shipments. It establishes greater legal certainty, simplifies the transition from the CIM to the SMGS area and vice versa (“reconsignment point”) and thus saves both

time and costs. The common CIM/SMGS consignment note will also be used in the long term for shipments to and from the growing markets in Southeast Asia and China. The first pilot shipments from China to Germany were successfully completed in 2012.

Cross-border rail freight shipments on the land bridge between Europe-Russia and Asia-China are extremely challenging. The distances are enormous, the number of

railways involved is high, the process from the legal and technical viewpoint is very complex (interoperability is legally and technically necessary, border crossings and customs clearance, different languages, etc.). This also applies to the common CIM/SMGS consignment note and its specific design.

As the project managers, the CIT and the OSJD therefore intend to issue a new fold-out leaflet in the form of a brochure containing practical information on the correct use of the common CIM/SMGS consignment note. The target group consists of freight forwarding and logistics companies and railway undertakings operating on the various Eurasian corridors.

The focus is primarily on customers in the East. The graphic design and visual layout will be supplemented with appropriate image. A map of the Eurasian corridors, including the People's Republic of China will also be included. The fold-out leaflet in a three-language version (English, Russian and Chinese) is scheduled for publication in June 2013.

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Original: DE

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.

Extinction of the right of action for compensation in the event of exceeding the transit period

During the course of a movement subject to the CIM Uniform Rules, the carrier was responsible for exceeding the transit period. The prolongation of the journey caused the goods to deteriorate significantly. The person entitled presented his claim late and the claim was for a large amount (it represented the costs of replacing the goods and the costs of stopping production in the consignee's factory).

Is the carrier obliged to compensate the person entitled and if yes by what amount?

In the event of exceeding the transit period, action is time barred in accordance with Article 47 § 2 c) CIM if the person entitled does not assert his rights against one of the carriers referred to in Article 45 § 1 CIM within sixty days of delivery of the goods. In the cases outlined in Article 47 § 2 d) CIM (gross negligence) the right of action is not extinguished.

Where losses, including damage, result from exceeding the transit time, the carrier must pay compensation. The compensation, however, is limited to four times the carriage charge (see Article 33 § 1 CIM). Legislators decided on the principle of not accumulating compensation at the eighth revision of the CIM Uniform Rules. It is true that the losses are a direct result of exceeding the transit time. Nevertheless, the compensation which the carrier has to pay must be calculated by reference to the provisions concerning compensation in the event of the transit time being exceeded even if the compensation relates to damage. The cases identified in Article 36 CIM (gross negligence by the carrier) are not affected.

The carrier of course is quite free to pay compensation exceeding that owing on the basis of Article 33 if he thinks that would be appropriate (see Article 5 CIM).

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Original: FR

CIT Itself

Latest news from the first meeting of the CIT Executive Committee in 2013

The first meeting of the CIT Executive Committee, which was chaired by the CIT Chairman, Jean-Luc Dufournaud, was held on 18/19 April 2013 in Bern in its new composition. The representatives of the Polish Railways (PKP Intercity), Anna Tyńska-Ząbecka, the Austrian Railways (ÖBB), Liselotte Schöll, and the Russian Railways (RZD), Larissa Kuznetsova, participated for the first time. The new Executive Committee members were given a detailed presentation of the activities by the CIT team on the day before the meeting.

Pleasing Annual Accounts 2012

The 2012 income statement resulted annual net income of CHF 14,951. Equity increased accordingly from CHF 384,298 to CHF 399,249. The auditors examined the financial statements, comprising the balance sheet and income statement, and authorised their approval.

Changes in the CIT General Secretariat

The Executive Committee welcomed the procedure used in filling the vacancies as a result of the imminent retirement of the member responsible for the Freight Traffic Division in the General Secretariat. The positions had been advertised in April and May 2013. The deadline for the applications is mid June (see the next page).

Status of the work in Freight and Passenger Traffic Divisions, Wagon Law and Infrastructure

The Executive Committee members noted with satisfaction the report presented by the General Secretariat on the status of the work on the completion of the work programme for 2013 approved by the General Assembly.



Roadmap for the future

The Executive Committee discussed in a recent workshop the further development of the CIT in the course of the next few years. The results of this discussion will be presented to the members during the 2013 General Assembly.

2013 General Assembly

CIT's General Assembly will take place as planned on 21 November in Bern at the CIT headquarters.

The second meeting of the Executive Committee will be held on 19 September 2013 in Bern, before the 2013 General Assembly takes place.

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Original: DE

New member: Rail Cargo Carrier Kft. (HU)

Rail Cargo Carrier is the international operations arm of the Rail Cargo Group; it ensures high quality over the whole logistic and transport chain by means of an international operations network. It includes operations units in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. Its focus is on high quality trainload movements in Central and South-Eastern Europe. Operations covering several countries with modern locomotives ensure that customers can enjoy a core competitive advantage – fast and reliable traction over the whole area at competitive prices.

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Original: DE



The International Rail Transport Committee (CIT) is an association of some 200 railway and maritime companies in Europe, the Maghreb and the near East. Its objective is to help the members implement OTIF international rail transport law and EU law and thus to marry law and practice in an international context.

We are now looking for a

junior freight lawyer (m/f)

for our team in the CIT General Secretariat in Bern. The post is **full-time** and is available straight away or as agreed.

As a junior freight lawyer within our team you would take part in international projects and work to develop and implement legal documentation and procedural instructions for international freight traffic by rail. The following tasks amongst others would fall within your area of work:

- legal support and further development of the CIT's freight documentation – including general terms and conditions, boilerplate contracts, customer agreements, etc.;
- assisting the Deputy Secretary General in the development of projects and in other areas of work;
- legal work to follow up remits given by the CIM Working Group and CIM Committee;
- preparation of the annual meeting of the CIM Committee and the meetings of the freight working groups (invitations, working documents, minutes of meetings, etc.);
- participation in the preparatory work for the Freight Claims Departments' Conference and assistance with the conference itself;
- legal advice to CIT members on freight issues and wagon related issues;
- drafting of articles for the member newsletter – CIT Info;
- representation of the interests of the CIT at international meetings.

You should have legal training and have knowledge of European and/or international law with an emphasis on the law of carriage, international private law (IPR) and contract law. You should be a content traveller and not intimidated by foreign languages. Proficiency in German and/or French are expected (English is desirable).

We are a small but well motivated team with high performance standards and can offer favourable terms of employment and opportunities to develop your skills in a dynamic international environment.

If this appeals to you, then send your application letter to Mrs Katja Siegenthaler (katja.siegenthaler@cit-rail.org). Please ensure it arrives before **15 June 2013**. Do not forget to attach copies of references, degree and certificates.

If you would like to discuss this opportunity, then please contact Dr Erik Evtimov (tel: +41 31 350 01 97, erik.evtimov@cit-rail.org).

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We are now looking for a

Freight specialist (m/f)

for our team in the CIT General Secretariat in Bern. The post is **full-time** and is available from the beginning of 2014 or as agreed.

Within our team you would provide specialist input to international projects and work to develop and implement documentation and procedural instructions for international freight traffic by rail. The following tasks amongst others would fall within your area of work:

- support and further development of the CIT's freight documentation in which you would provide technical input particularly to the manuals for consignment and wagon notes, to the freight traffic and wagon manuals and to boilerplate contracts;
- preparation and publication of supplements to the CIT's freight and passenger documentation;
- assisting the Deputy Secretary General in specific areas of work;
- specialist input to follow up remits given by the CIM Working Group and CIM Committee;
- preparation for meetings of the freight working groups and the annual meeting of the CIM Committee (invitations, working documents, minutes of meetings, etc.);
- participation in the preparatory work for the Freight Claims Departments' Conference and assistance with the conference itself;
- specialist advice to CIT members on freight issues;
- drafting of articles for the member newsletter – representation of the interests of the CIT at international meetings.

You should have wide experience in the railway business with extensive knowledge of freight issues and/or claims handling. You should be a content traveller and not intimidated by foreign languages. Proficiency in German and/or French are expected (English is desirable).

We are a small but well motivated team with high performance standards and can offer favourable terms of employment and opportunities to develop your skills in a dynamic international environment.

If this appeals to you, then send your application in the form of a letter to Katja Siegenthaler (katja.siegenthaler@cit-rail.org). Please ensure it arrives before **15 June 2013**. Do not forget to attach copies of references and qualifications.

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CIT Diary of Events

Date	Event	Location	CIT Contact
4 June	CUI Committee	Bern	Myriam Enzfelder
12/13 June	CIM Working Group	Bern	Erik Evtimov
24/25 June	3rd Regional Conference on Trade Facilitation and Caucasus Transit Corridor (CTC) Promotion (UNECE/USAID)	Batumi	Erik Evtimov
27 June	CIV Committee	Bern	Isabelle Oberson
3 July	3rd preparatory meeting for the Workshop with NEBs	Brussels	Isabelle Oberson
16/17 July	Ad hoc Group UIC leaflet 150 and CIT GTC Cooperation	Bern	Isabelle Oberson
29 August	Ad hoc Group of Experts "CIM Electronic Consignment Note"	Bern	Erik Evtimov

Events with CIT participation

Date	Event		Location	Participation
4 June	TAP TSI Common Support Group	UIC	Prague	Thomas Gyger
13 June	High Level Passenger Meeting	CER/UIC	Bern	Cesare Brand
14 June	International Baltic Freight Conference (IBFC-2013)	CCTT	Jurmala	Cesare Brand Erik Evtimov
17/18 June	CER Assistants Meeting	CER	Brussels	Cesare Brand
24/25 June	3rd Regional Conference on Trade Facilitation and Caucasus Transit Corridor (CTC) Promotion	UNECE/USAID	Batumi	Erik Evtimov
25 June	3. Internationale Korridor 1 Konferenz des Bundesamtes für Verkehr der Schweiz	BAV	Thun	Myriam Enzfelder
25 June	Customer Experience in Rail	(Marketforce)	London	Isabelle Oberson
25/26 June	East-West-Tariff Steering Group	UIC	Lviv-Lemberg (UA)	Tetyana Payosova
26 June	European Regional Assembly	UIC	Paris	Cesare Brand
27 June	General Assembly & Executive Board	UIC	Paris	Cesare Brand
28 June	Global Team of Experts (GTE)	UIC	Paris	Erik Evtimov
2 July	Passenger Working Group	CER	Brussels	Isabelle Oberson
4/5 July	UNECE Group of Experts on Unified Railway Law	UNECE	Geneva	Cesare Brand Erik Evtimov
4/5 July	Aztec Barcode Workgroup	UIC	Utrecht	Thomas Gyger
16/17 July	Meeting UIC Leaflet 150 and CIT GTC Cooperation	UIC	Bern	Isabelle Oberson

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