

**International
Rail Transport Committee**

Editorial

The first half-year has gone by – time for an interim review!



In its meeting on 26 March, the CIM Committee, which was chaired for the first time by Ms Marianne Motherby (DB), approved numerous changes and amendments to CIT freight documentation. Work on the electronic consignment note and on the relevant proposals for amending the Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM) is proceeding on schedule. Multimodality was also a key topic during the first 6 months of the year, with progress being made in the “General Terms and Conditions Applying to Joint-Contracting for Rail-Sea Freight Traffic” (General Conditions of Carriage for Rail-Sea Traffic) project. The results of this work will be presented at the CIT/IRU Conference on Multimodality on 5 September 2013 in Bern. An important milestone was reached with the political declaration signed by the Ministers of Transport on 26 February 2013 at the 75th Jubilee Session of the Inland Transport Committee of the UNECE in Geneva. On the basis of this declaration on the unification of Euro-Asian law, the CIT is developing General Terms and Conditions for Euro-Asian rail transport, which are to be discussed in depth in the course of the coming months with the railway organisations in the SMGS area with which we have friendly relations.

In the field of passenger transport, the focus remained on the implementation of the PRR Regulation. Together with representatives of the National Enforcement Bodies (NEB) and the CER, preparations are underway for the 2nd PRR workshop on 15 October in Brussels. The challenge in preparing the new Ticketing Manual is taking into account the fundamental changes that have taken place in the standardisation process for ticketing (e.g. TAP TSI). Valuable work has been done in increasing transparency for railway companies and customers in the implementation of passengers’ rights on services crossing EU borders, in particular from and to Russia. At its meeting on 27 June, the CIV Committee, chaired by Carmen Filipescu (Regiotrans), noted the progress made in this comprehensive programme of work in the field of passenger transport and made a number of key decisions on the course to be taken.

On 4 June, the CUI Committee, which was chaired by Lucio Lanucara (Trenitalia), laid down the strategic direction of the work being carried out jointly with RailNetEurope (RNE) on the further development of the European General Terms and Conditions of Use of Railway Infrastructure (EGTC). An important topic has also been the legal issues relating to the implementation of the recast for service functions at company level.

I would like to take this opportunity to thank the numerous representatives of our members most sincerely for their valuable work and to wish our readers a wonderful summer holiday!

Best wishes from Bern!
Secretary General of CIT
Cesare Brand

Contents

UIC General and European Assembly on 26/27 June 2013 in Paris	2
International CCTT conference on Baltic freight services and links to seaports	2
Batumi Declaration on the Facilitation of Transport in the South Caucasus	2
UIC SIAFI 2013: Young transport managers receive training	3
Decisions made by the CIV Committee which affect passenger traffic	3
How can passengers’ various rights be managed on multimodal journeys?	4
Workshop on Rail Passengers’ Rights	5
Conference of Passenger Claims Departments	6
Annual meeting of freight claims departments	6
On the agenda of the CIM Working Group	7
17th meeting of the CUI Committee	8
3rd International Corridor 1 Conference in Thun, Switzerland	9
Law in practice	9
CIT Itself	10






Conférence des services des réclamations voyageurs
 Bern, jeudi 26 septembre 2013
Konferenz der Reklamationsdienste Personenverkehr
 Bern, Donnerstag, 26. September 2013
Conference of Passenger Claims Departments
 Bern, Thursday 26 September 2013

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 Limited to CIT and UIC members

Further information is available on page 6 and [here](#).

Transport Law and Policy

UIC General and European Assembly on 26/27 June 2013 in Paris

During the “UIC Regional Assembly Europe” and the “UIC General Assembly” on 26 and 27 June in Paris, various items were approved, including the Manual for a European Performance Regime (EPR), which is considered by CIT members to be an important document. Deliberations also covered the future development of the standardisation processes. In addition to the current UIC leaflets, “International

Railways Standards“, which are to apply to the 1435 and 1520 networks, are now to be developed in collaboration with the OSJD. And finally, the collaboration with other standardisation organisations such as CEN/CENELEC and ISO is to be improved.

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Original: DE

International CCTT conference on Baltic freight services and links to seaports

The first international Baltic Freight Conference of the International Coordinating Council on Trans-Siberian Transportation took place on 14th June 2013 in Jurmala near Riga, the capital of Latvia.

This venue was specifically chosen in view of the efforts being made to make the Free Port of Riga an important part of the longest railway infrastructure in the world, the Trans-Siberian Rail Corridor. The multimodal rail-sea connections on the Baltic Sea were also one of the main topics of this high level CCTT conference.

The economic growth of Latvia’s neighbouring countries and the mutual trade with the Russian Federation – in addition to trade with Kazakhstan, China and others – are good reasons for predicting a substantial increase in the demand for rail freight shipments in the Baltic region. Shipments of freight to Europe through the Port of Riga and its integration into the Trans-Siberian rail route provide an excellent opportunity to use the common CIM/SMGS consignment note for combined Eurasian shipments. As a result, according to the representatives of the Ministry of Transport of the Republic of Latvia and the Management of the Latvian Railways (LDZ), a combined effort is necessary to ensure that favourable conditions are established for Kazakhstan, China and other Asian countries, so to encourage them to select the Port of Riga and other Baltic ports more frequently when they intend to use this rail-sea connection.



On the basis of the MoU between the CCTT and the CIT, members of the senior management of the CIT attended the first international CCTT Conference in the Baltic region at the personal invitation of the Secretary General of the CCTT, Genady Bessonov. Cesare Brand and Erik Evtimov presented projects relating to the harmonisation of international railway transport law and the development and use of the electronic CIM/SMGS consignment note for freight shipments on the Trans-Siberian Railway that are being developed jointly with the CCTT.

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Original: DE

Batumi Declaration on the Facilitation of Transport in the South Caucasus

Some 120 representatives of ministries, authorities and international organisations met on 26 and 27 June in Batumi to discuss measures designed to facilitate trade and in particular transport in the countries of the Southern Caucasus and a declaration to that effect (see box).

In the course of the deliberations, the conference participants emphasised the significant progress achieved over the last three years in the implementation of trade and transport facilitation measures. To ensure that rail traffic is not slowed down at borders, harmonised and standardised laws are needed. This is an area in which action was needed, as incompatible legal systems continued to exist in the South Caucasus and the neighbouring countries.

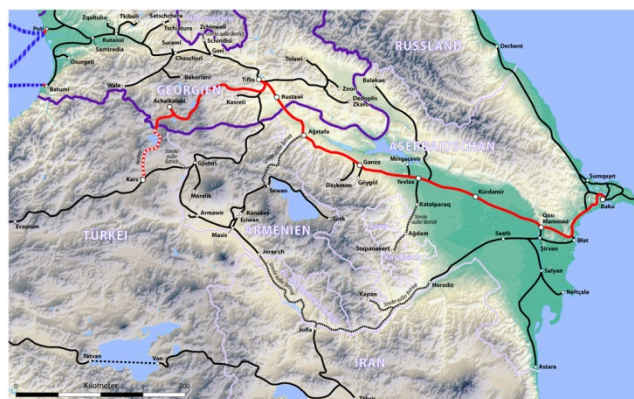


In addition to national law, three systems of international law apply to international rail traffic in the region, which are not compatible, and must therefore be coordinated and harmonized:

- European law (EU Directives and Regulations used by the 27 EU Member States),
- International transport law under the aegis of OTIF (used by 49 states), and
- the SMGS Convention for freight traffic within the framework of OSJD.

This Third Regional Conference on Trade Facilitation and Caucasus Transit Corridors Promotion (CTC) was organised by the Ministry of Economy and Sustainable Development of Georgia, the Georgian Revenue Service, the Ministry of Justice of Georgia, the United Nations Economic Commission for Europe, and the United States Agency for International Development with the support of the International Rail Transport Committee (CIT). The CIT made a major contribution to the success of the conference by organising and chairing a panel on Harmonised Railway Transport Regimes and their consistent implementation for the Caucasus Transit Corridors connecting the Black Sea ports with the production and consumer centres in Europe and Asia.

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Extension of the unified railway regime to Georgia, Armenia and Azerbaijan.

[Click here](#) to download the “Batumi Declaration”

UIC SIAFI 2013: Young transport managers receive training

The first training event of SIAFI 2013, which took place at UIC headquarters, Paris from 27 – 31 May, was attended by some 25 managers and young experts of seven different nationalities from eleven railway companies. Virtually all areas of railway activity were represented.

During the first week, the participants were given the opportunity to acquaint themselves with the international institutional and legal framework of railway business operations. The first day of training brought together high-level representatives from major international railway stakeholders and partners – UIC, UNECE, CER, UNIFE and ERA in a

round table discussion and presenting their legal environment, missions and vision for the future of rail. On the second day CIT and CER presented the latest developments in international rail transport law and developments in EU transport policy.

The varied backgrounds, the wide range of skills and professional experience of the SIAFI participants ensured rich and fruitful exchanges, in addition to lively debates and discussion.

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Passenger Traffic

Decisions made by the CIV Committee which affect passenger traffic

At its meeting on 27 June last, the CIV Committee considered a number of issues associated with the rights of rail passengers and the implementation of those rights; the issues considered included a number of ticketing issues which are closely associated. Decisions taken by the committee will have to be implemented by CIT members in the next few months, they will affect legal departments and customer services.

Revision of the GCC-CIV/PRR and the AIV

The CIV Committee decided to revise the GCC-CIV/PRR general conditions of carriage and the AIV agreement, intending the changes to take effect on 1 October 2013. These two key CIT passenger documents have been amended to take account of committee members’ practical experience of implementing Regulation (EC) No 1371/2007 on the rights and obligations of rail passengers (PRR) in recent months.

For example, in future the AIV will specify how to calculate compensation for delay to holders of international tickets covering several trains, some of which are subject to the PRR, whilst others are exempted. Likewise, it will set down simple rules to handle claims relating to domestic journeys when tickets are sold by undertakings in other countries.

Another example, the time limit for claims made by passengers has been extended from two to three months in the GCC-CIV/PRR following discussions that took place in recent months with the national bodies responsible for enforcing the PRR. In fact, the logic is to allocate a time period of three months to each of the parties:

- passengers have three months to send in their claims;
- undertakings have three months to handle those claims;
- national authorities have three months to handle claims which are passed to them subsequently.



Passengers rights in other modes

The CIV Committee took note of developments on passengers' rights within the European Union. In particular, it took note of the fact that the regulations for transport by road and transport by water had entered into force, of the revision of the regulation on the rights of air passengers and of the most recent judgments by the European Court of Justice on these issues.

In addition, the CIV Committee took account of the new regulations for road and water when revising the GCC-CIV/PRR. Of course numerous journeys using these two modes can be linked to journeys by rail within a single multimodal contract of carriage. In future, rules will provide for each mode being subject to its own regulation except where otherwise provided in the special conditions of carriage. However, it is to be noted that the SCIC-NRT will derogate from this rule (see the article below for further details).

New directive on alternative dispute resolution

The adoption of the new Directive 2013/11/EU on alternative dispute resolution (ADR) was welcomed by the CIV Committee. Nevertheless the committee noted the absence of rules for procedural issues, since procedural issues have a significant practical effect. They might, for example, include

the time limits for passengers to make claims. The CIT together with the CER will flag up these points to European Union Member States given that those issues will have an impact on passengers' claims in the future.

The new directive will require railway undertakings to inform passengers of options for mediation in the event that passengers are not satisfied with the railway undertakings' initial response. This requirement will be in addition to the existing requirement to provide passengers with contact details for the national bodies charged with enforcing the PRR (Article 29 § 2 PRR).

Ticketing and the TAP TSI

Lastly, ticketing and its various aspects have been discussed in depth in meetings of the CIV Committee. Following the adoption of the TAP TSI the CIT is having to revise its standards for international tickets in order to improve transparency and consistency. The CIV Committee took note of the progress made on the TAP TSI work and of the various questions put to the CIT on in recent months. These questions have been on side-issues, on timetables in particular.

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Useful Links:

- [General Conditions of Carriage for Rail Passengers \(GCC-CIV/PRR\)](#)
- [Regulation \(EC\) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations](#)
- [Special Conditions of International Carriage \(SCIC\) for Journeys using Non Integrated Reservation Tickets \(NRT\)](#)
- [Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation \(EC\) No 2006/2004 and Directive 2009/22/EC](#)
- [Commission Regulation \(EU\) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system](#)

How can passengers' various rights be managed on multimodal journeys?

In recent months the CIT has been considering how the various European passengers' rights regulations can be applied to multimodal contracts of carriage.

Regulation (EU) No 1177/2010 for carriage by water entered into force at the end of 2012 and Regulation (EU) No 181/2011 for carriage by road entered into force in March 2013 so that there are now regulations for compensation to be paid to passengers in the event of delay for all modes. However, each mode has its own liability structure and its own exemptions and that makes the situation rather more complex.

Multimodal journeys covered by the CIV Uniform Rules

Railway undertakings have cooperated with bus and sea and lake ferry companies to offer through tickets for international multimodal journeys for many years. These movements are actually subject to the CIV Uniform Rules under the conditions specified in Articles 1 and 30. The CIV Uniform Rules carefully specify rules for liability for accidents during multimodal journeys but on the other hand they do

not provide any indication of how liability for delays en route should be handled. Hence, the issue of how to calculate compensation for delay in the course of a train and bus or train and ferry journey arises.

Revision of the GCC-CIV/PRR

The CIT has decided to revise the general conditions of carriage GCC-CIV/PRR to provide for the principle that each mode of transport is subject to its own legislation except where the operators concerned agree otherwise between themselves. This rule will have to be tested in practice because it may not be quite as simple to implement as it appears.

In any event, the CIT recommends operators to consider the law applicable to the multimodal journeys which they intend to sell as single contracts. The Rome I Regulation ((EC) No 593/2008) on the law applicable to contractual obligations offers significant flexibility to operators; they should now put it to good use.

No change to the SCIC-NRT

The UIC group responsible for the SCIC-NRT Special Conditions for International Carriage has decided to continue to apply the Rail PRR to multimodal journeys sold as NRT¹ tickets. In fact, the rail PRR is more favourable to passengers than the new regulations for road and water in terms of the compensation for delay (25% after one hour of delay, 50% after two hours). Passengers will therefore benefit.

The rules laid down in the AIV agreement on handling claims for delays will therefore continue to apply to multimodal NRT. Practical experience will show if it is necessary to amend the rules in the AIV on allocating compensation paid out to passengers to provide for multimodal journeys to be treated differently to purely rail journeys.

Extension of the Air PRR to rail?

The European Commission would like to extend the application of the rights of airline passengers to all multimodal contracts combining services by air with those by another mode². That therefore would involve all contracts of the plane plus train type offered by certain operators (such as Air France and Thalys or Lufthansa and DB). That approach will therefore require operators to pay compensation of between € 250 and € 600 in the event of more than five hours delay at the passenger's final destination. The Commission's proposal is being discussed in Parliament at this moment as part of its first reading.

¹ NRT = non integrated reservation ticket

² See the proposal for a regulation to amend the Air PRR published on 13 March 2013 (COM/2013/130) and commented on in CIT Info 2/2013, page 3.

The Commission's proposals do not take account of the specifics of the four modes of transport; specifics which it itself recognised by providing for different rules in each PRR. These differences are sometimes difficult to understand. Rail is subject to the most strict legislation in several areas (information, complaints, quality, etc.). Insofar as compensation for delays is concerned it is difficult to make a comparison between rail and air. The Commission seems to be trying to slip in legislation to cover a vast and complex area without having an adequate understanding of multimodal transport and without having asked for any studies to determine the effects of any legislation in this area.

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Useful Links :

- [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation \(EC\) No 2006/2004](#)
- [Regulation \(EU\) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation \(EC\) No 2006/2004](#)
- [Uniform Rules concerning the Contract of International Carriage of Passengers by Rail \(CIV\)](#)
- [General Conditions of Carriage for Rail Passengers \(GCC-CIV/PRR\)](#)
- [Regulation \(EC\) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations \(Rome I\)](#)
- [Special Conditions of International Carriage \(SCIC\) for Journeys using Non Integrated Reservation Tickets \(NRT\)](#)
- [Regulation of the European Parliament and of the Council amending Regulation \(EC\) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation \(EC\) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air](#)



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

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.

The flyer with registration form can be downloaded from the CIT website www.cit-rail.org.

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.



Conference of Passenger Claims Departments Bern, 26 September 2013

The UIC and CIT have great pleasure in inviting the staff of claims, sales and legal departments of their members to the **Passenger Claims Departments' Conference** to be held in the **CIT building in Bern on Thursday, 26 September 2013**. The flyer with registration form can be downloaded from the CIT website www.cit-rail.org.

The first set of topics will be devoted to the PRR (the European Union Regulation on rail passengers' rights and obligations) and the emphasis will be on current cases in the courts and the case law being developed by the European Court of Justice. The railways' internationally-organised exchanges of views with national enforcement bodies (NEB) and a forthcoming EU directive on alternative dispute resolution (ADR) will also be covered. All these topics will then be covered in more detail in Workshop I.

The Leader of the COLPOFER Working Group will provide unexpected but pragmatic insights into our second topic, handling fraud and forgery. In Workshop II, the topic of 'the ticket as evidence of the contract of carriage' will be explored from a technical viewpoint and participants will be shown how the validity of a contract of carriage may be checked and how fraud and forgeries can be deterred.

The third topic concerns missed connections. What connectional principles apply, how do customer services assist passengers and what are the challenges in practice?

The last part of the conference will be dedicated to networking. This will provide the opportunity to resolve open issues or discuss disputed cases. Make use of the opportunity to exchange views with colleagues from other undertakings. If necessary, the CIT General Secretariat can identify the right contact and provide space for meetings.

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

Annual meeting of freight claims departments

The most recent freight claims departments' conference (held in Bern on 23 May 2013) provided an opportunity for the many participants to become familiar with developments since the previous year, to exchange opinions on issues of general interest and to strengthen relationships between their organisations.

Participants clearly appreciated the fact that this annual conference takes place in May and appreciated the range of topics covered (presentations on topical issues, syndicate work on issues of general interest and networking). The next conference will take place in Bern on 28 May 2014.

Changes in 2013

Participants welcomed the action taken to follow-up the 2012 conference and the initiatives in hand to develop international rail transport law and to amend CIT freight documentation. The following initiatives should be mentioned in particular:

- consideration of the various contractual models for providing carriage;

- the very welcome use of the CIM/SMGS consignment note for traffic to and from China and the work being done to provide an electronic version;
- the work started on multimodal carriage and in particular the drafting of new General Conditions of Carriage for Rail-Sea Traffic (GC Rail-Sea);
- compilation of the first set of CIT suggestions for a limited revision of the CIM Uniform Rules, bearing in mind that OTIF may convene its Revision Committee in 2014;



- the changes made to the arrangements for forwarding empty wagons consigned as means of transport, and in particular the drafting of the new CIT Wagon Manual (GTW-CIT) (which came into effect on 1 May 2013).

New horizons

In order to respond to the wishes expressed by conference participants in 2012, this year the emphasis was placed on wagon law and in particular the issues of liability for loss and damage caused by wagons and to wagons.

The comprehensive presentation by Urs Baumeler, head of SBB's Claims Department, and the case studies considered by the syndicate groups once again showed that the carrier, in the centre of the contractual relationship between the customer, the wagon keeper and the infrastructure manager, often has difficulties in resolving liability. These difficulties follow from the different regimes for liability in the various contractual relationships for moving international freight traffic by rail and the burden of proof placed on the carrier if he wishes to avoid liability or assert his rights against other parties.

The results of these discussions will be taken into account when considering the development of the contractual relationships, those between the carrier and the wagon keeper in particular.

In his presentation on insurance, Dr Christian Heidersdorf, Director General of DB's insurance subsidiary, provided an excellent summary of transport insurance. He distinguished three main types of insurance (liability insurance, cargo insurance and things insurance) and pointed out the important issues for buyers of insurance to take into account. These can include everything from an analysis of the risks to the negotiation of an insurance policy for the risks that they do not intend to carry themselves. Dr Heidersdorf also drew attention to the action that should be taken in the event of an incident to simplify the

settlement of claims. In that context, he drew attention to the fact that the large number of stakeholders in rail transport complicates the handling of loss and damage in the event of accidents and makes assessing liability more and more difficult.



Problems of general interest

In addition to considering issues of liability in wagon law in more detail, the syndicate groups analysed issues of general interest concerning the application of the CIM Uniform Rules and the application of the AIM together with the underlying statutory principles.

Another syndicate group considered the issues of identifying and recording loss and damage in transit in more detail. The discussions highlighted the need to consider new approaches to identify loss and damage in transit, for example by working more closely with the consignee, in using more IT applications and likewise the need for more claims prevention initiatives.

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Original: FR

On the agenda of the CIM Working Group

At its most recent meeting on 12 & 13 June 2013, the CIM Working Group reviewed the progress being made on freight projects and started or continued to examine legal and operational issues in order to make proposals for changes to CIT freight documentation. These proposals will be passed forward for the CIM Committee to approve at its next meeting in March 2014. The next meeting of the CIM Working Group itself will be on 13 & 14 November 2013 in the CIT offices in Bern.

The working group considered the 'CIM and electronic consignment note' project, a project which is principally intended to replace the principle of functional equivalence between the electronic consignment note and the paper consignment note by specific provisions giving priority to the electronic consignment note. It noted that that there were still several points which will have to be decided at the next meeting of the Group of Experts on the Revision of COTIF. In order to minimise the problems associated with moving administrative documents as paper documents, OTIF and



the CER will be asked to suggest to the international and regional organisations that specify those documents that they create legal bases which allow these documents to be sent other than as paper documents.

The CIM Working Group noted with pleasure the progress made in the project to make the *CIM and SMGS legally interoperable*. At its next meeting it will examine the draft GTC EurAsia, general terms and conditions which are intended to allow movements to be made between Europe and Asia subject to just one contract of carriage.

The work of creating the General Conditions of Carriage for Rail-Sea Traffic as part of the 'Multimodality' project is going forward on schedule. The CIM Working Group will give instructions to the Multimodal Group of Experts so that it can finalise its draft of these general conditions.

Amongst the *legal issues* examined, the important issue of the *contractual models to be adopted to provide carriage* should be mentioned. The provisions in the various contracts have to be developed to take account of developments in the market place. Appropriate proposals will be finalised at the next meeting of the CIM Working Group. The working group likewise considered the *limited revision of COTIF* envisaged by OTIF. It gave several instructions to the Group of Experts on the Revision of COTIF to allow it to finalise suggestions for changes to the CIM Uniform Rules which the CIT will present.

Amongst the *operational issues*, the CIM Working Group took note of the fact that the CER Customs Group had adopted the draft of the revised UIC leaflet 426 (Standardised railway seals – Europlombs – Guidelines for sealing wagons and intermodal transport units (ITU)) at its most recent meeting. The CIM Working Group will examine proposals to amend the CIT Freight Traffic Manual (GTM-CIT) to take account of the changes made to the UIC leaflet at its next meeting. The revised UIC leaflet itself is due to be approved by the next meeting of the UIC Freight Forum. The CIM Working Group also continued to examine the proposals made by several undertakings when replying to the 2012 questionnaire on CIT freight documentation. Amongst these in particular is transferring the provisions concerning wagon lists, currently contained in the CIT Freight Traffic Manual (GTM-CIT) and the CIT Wagon Manual (GTW-CIT), to the CIM Consignment Note Manual (GLV-CIM) and the CUV Wagon Note Manual (GLW-CUV) since they also concern consignors.

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Original: FR

Use of the Infrastructure

17th meeting of the CUI Committee

At their meeting on 4 June 2013, the members of the CUI Committee approved changes designed to update the European General Terms and Conditions for the Use of Railway Infrastructure (EGTC).

The CIT, in conjunction with the CER, negotiates on these changes with RNE and EIM. The aim of the CIT and RNE is to update the EGTC and to bring them in line with legal amendments to Directive 2012/34/EU (recast) and to encourage its widespread use. To this end, the EGTC are to be made available in French and German. The CUI Committee also approved a proposal for a joint survey to be carried out among infrastructure managers by the CIT and RNE for the purpose of increasing the number of planned introductions of the EGTC and the type and scope of the



introduction. To increase transparency, a recommendation for standard wording in the Network Statement is to be examined.

Regarding the revision of COTIF, the members of the committee deliberated on the opportunity for making adjustments to the CUI Uniform Rules. The committee sees potential for extending the scope, the extent of liability and in establishing a legal basis for the EGTC. The General Secretariat of the CIT submitted proposals relating to these three points in writing.

In his presentation, Jürgen Maier-Gyomlay, BLS, informed the CUI Committee of the current status of the work on the rail freight corridors from the viewpoint of the railway companies. The committee confirmed the importance of harmonised legal requirements for international shipments on corridors and asked the General Secretariat of the CIT to support the UIC in its work to coordinate the activities of the railway undertakings on the rail freight corridors in legal issues.

The members of the CUI Committee noted with regret that Lucio Lanucara, Trenitalia, the Chairman is to resign his office in summer, due to his relocation to the United States. The members of the committee have been invited to submit their proposals for candidates to the General Secretariat by mid-July.

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3rd International Corridor 1 Conference in Thun, Switzerland

Corridor 1 is the most advanced corridor of the nine freight transport corridors currently being built in accordance with Regulation (EU) No. 913/2010 to establish a European rail network for competitive freight and is regarded as a reference corridor.

Over 150 representatives from politics, infrastructure, railway undertakings, terminal operators, operators, ports and authorities attended the 3rd International Corridor 1 Conference, which was held on 25 June 2013 in Thun.

The corridor's customers had the opportunity to present their views in detail in keynote speeches and on discussion panels. They see opportunities for optimising capacity in simplifying operational and administrative requirements in the countries along the corridor, which are also to be exploited in addition to upgrading the infrastructure. The competitiveness of rail freight transport compared with road transport, among other things, requires the safety and prioritisation of the freight train paths with respect to passenger transport, adequate availability of harmonized train paths for all sections of the corridor and simplified approval procedures for access to border crossing stations.

The EU rail freight regulation is perceived as an essential strategic planning tool that allows sufficient space for all those involved to find a joint solution. Action needs to be taken to ensure reliable implementation. Measures designed to eliminate bottlenecks and to simplify train path parameters (weight, length and height of the trains) will not be implemented on time on all sections of the corridor, which will restrict its overall effectiveness. The time required for



Corridor 1

Source: EU

implementation is a risk for the railways in terms of investments in rolling stock (e.g. noise reduction or ETCS equipment).

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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.

Unpaid invoices for providing carriage – time limit for taking action

A railway undertaking acts as a substitute carrier. The carrier which entrusted it with providing carriage refuses to settle the debt representing the cost of the carriage.

What is the time limit for taking action?

The CIM Uniform Rules only contain specific provisions for substitute carriage in respect of liability: all the provisions of the Uniform Rules governing the liability of the carrier also apply to the liability of the substitute carrier for the carriage performed by him (see Article 27 § 2 CIM).

However, the contract concluded between a carrier and a substitute carrier is also a contract of carriage, subject to the CIM Uniform Rules if the contract applies to international traffic or subject to national law if the traffic is domestic. In this second contract of carriage, the carrier is the consignor and the substitute carrier is the carrier. The time limit for taking action for debts due to the substitute carrier (carrier in the context of the second contract) from the carrier proper (consignor in the context of the second contract) is therefore fixed either by the rules in Article 48 CIM or by national law, depending on the type of traffic.

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Number of consignment notes

In accordance with Article 6 § 6 CIM, a consignment note must be made out for each consignment. In the absence of a contrary agreement between the consignor and the carrier, a consignment note may not relate to more than one wagon load.

What are the exceptions to this principle of one wagon – one consignment note and how are they managed?

The exceptions to this rule are, for example, one consignment note for a full trainload, a group of wagons or an intermodal transport unit. These exceptions must be defined

in the customer agreement (see the commentary to point 5 of the Customer Agreement Checklist).

If a consignment note is used for a full trainload or a group of wagons, a wagon list must be attached to the consignment note (see working sheet 02-02 GTM-CIT). The arrangements for using wagon lists and the information they should contain must be agreed in the customer agreement (see Appendix 23 GTM-CIT).

In order to make these provisions more transparent, the CIM Working Group has just agreed a proposal to transfer these provisions on the use of wagon lists from the GTM-CIT and GTW-CIT to the GLV-CIM and GLW-CUV, since they also affect customers. The proposals still have to be approved by the CIM Committee, approval at its next meeting in March 2014 is anticipated.

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CIT Itself

Welcome

New member: ERS Railways B.V. (NL)

ERS Railways B.V. is one of the leading private railway companies in Europe. Founded as an intermodal operator back in 1994 running a few weekly roundtrips, it currently provides intermodal rail services in several European countries through its own operations or based on strategic partnerships.

Via its maritime transport network it connects major European ports with the European hinterland. Its short sea and continental European products interconnect major industrial regions. Besides the rail transport of containers and trailers, ERS Railways also provides traction services in various countries for its customers.

We warmly welcome the new member ERS to the CIT

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CIT Diary of Events

Date	Event	Location	Participation
29 August	Group of Experts "Revision COTIF"	Bern	Erik Evtimov
5 September	CIT/IRU Conference "Multimodality"	Bern	Erik Evtimov
10 September	Ad hoc Group UIC Leaflet 150 and CIT GTC Cooperation	Paris	Isabelle Oberson
10/11 September	Group of Experts "Multimodality"	Sassnitz	Erik Evtimov
12 September	CIM/SMGS Experts Group	Sassnitz	Erik Evtimov
19 September	Executive Committee 2/2013	Bern	Cesare Brand
24/25 September	CIV Working Group	Bern	Isabelle Oberson
26 September	CIT/UIC Conference of Passenger Claims Departments	Bern	Isabelle Oberson
15 October	CIT/CER Workshop on Rail Passengers' Rights (Workshop with NEBs)	Brussels	Isabelle Oberson
23 October	CIV Working Group	Paris	Isabelle Oberson
23 October	CUI Committee	Bern	Myriam Enzfelder
23 October	CIT and Federal Passenger Company (FPC) Meeting	Bern	Erik Evtimov
24/25 October	CIV/SMPS Working Group	Bern	Erik Evtimov

Events with CIT participation

Date	Event		Location	Participation
22 August	Generalversammlung des Verbandes öffentlicher Verkehr	VöV	Bern	Cesare Brand
3 September	CER Assistants Meeting	CER	Paris	Erik Evtimov
6 September	TAP TSI Common Support Group	UIC	Cologne	Thomas Gyger
10 September	Ad hoc Group UIC Leaflet 150 and CIT GTC Cooperation	UIC	Paris	Isabelle Oberson
10/11 September	Commercial Group and Technical Group	UIC	Paris	Thomas Gyger
11 September	Wagon Users Study Group	UIC	Paris	Henri Trolliet
20/21 September	Versammlung des Internationalen Verbands der Tarifeure (IVT)	IVT	Bratislava	Cesare Brand
26/27 September	CER Management Committee & General Assembly	CER	Zagreb	Erik Evtimov
26/27 September	Euro-Asia Economic Forum 2013	EAEF	Xian (CN)	Cesare Brand
1 October	Steering Committee Freight Forum	UIC	Paris	Erik Evtimov
6 October	Passenger Working Group	CER	Brussels	Isabelle Oberson
8/9 October	Conference "Club Ferroviar"	Club Ferroviar	Bucharest	Cesare Brand
9 October	Customer Liaison Group	CER	Brussels	Isabelle Oberson
14-17 October	Ticketing Action Group and TAP Maintenance and Development Group	UIC	Paris	Thomas Gyger
16 October	Working Group on Seals	CER	Ljubljana	Henri Trolliet
23-25 October	Working Party on Rail Transport (SC.2)	UNECE	Geneva	Erik Evtimov
24 October	Passenger Commercial & Distribution Forum	UIC	Frankfurt on the Main	Cesare Brand
29/30 October	Working Group on the transport of dangerous goods RID	UIC	Oltén	Henri Trolliet

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