

Editorial

A lot of success, but still some work to do!



The CIT can look back on a busy 12 months. Important projects were completed and planned milestones achieved!

In Freight Traffic, the draft versions of the General Terms and Conditions for the Carriage of Goods by Rail on Eurasian Transport Links (GTC EurAsia) and the General Conditions of

Carriage for Rail-Sea Traffic (GTC Rail-Sea Traffic) are ready for approval. The GTC EurAsia is a contractual instrument that will enable Eurasian traffic to be handled on the basis of the electronic CIM/SMGS consignment note using a single contract. The GTC Rail-Sea Traffic represents a major simplification for rail transport services that include a sea crossing as part of the journey. It will also be possible in future to handle such transport services using a single contract. Finally, suggestions for modifications to the CIM UR relating to the electronic consignment note were sent to OTIF as scheduled at the end of November. It is only a matter of time before all international shipments are accompanied solely by electronic documents. To reach this stage requires an acceptable legal basis in the CIM UR. A lot of work also had to be done on Wagon Law: the new CIT Wagon Manual (GTW-CIT) was approved by the CIM Committee in its last meeting on 26 March 2013 and entered into force on 1 May 2013.

In Passenger Traffic, the CIT was able to bring the General Conditions of Carriage for Rail Passengers (GCC-CIV/PRR) and the AIV agreement very quickly in line with the judgment of the European Court of Justice (ECJ) relating to force majeure. This was done to avoid more court proceedings for the railways. In addition, the General Terms and Conditions Applying to Joint-Contracting for Passenger Traffic (GTC Joint Contract) have been revised and standardised provisions, relating primarily to liability issues, developed. This document is to be approved in the next CIV Committee meeting. As part of the application of the PRR, collaboration with the national enforcement bodies (NEBs) together with the CER, which got off to an excellent start, should also be highlighted here. Standard approaches to solving problems in the application of the PRR on international transport services save the railways considerable effort and costs, and are also customer friendly. Mention should also be made of the imminent completion of the first phase of the COTIF/CIV-PRR-SMPS project with the publication of a guideline. Finally, the new CIT security background 2012 is a great success and is already being used by the first railways. It is also due to go into production soon for a large number of other railways.

In the case of CUI, negotiations with RailNetEurope on amendments to the General Terms and Conditions of Use of Railway Infrastructure (EGTC) are now in the final phase and it should be possible to have approval for the changes from the relevant committees by summer 2014.

The completion of this extensive work would not have been possible without the active support of the colleagues from the member railways. My sincere thanks go out to them all!

Season's greetings from Bern!

Cesare Brand
Secretary General of CIT

Contents

Next major event at OTIF: the Revision Committee	2
"Bernier Tage 2014": Spotlight on multimodality	3
Delivering on passengers' rights: Railways and national authorities strengthen their links	3
Follow-up to the ÖBB case	4
COLPOFER – fighting crime together	4
CIT Working Group CIV/SMPS prepares guideline on the COTIF/CIV-PRR – SMPS liability regimes	5
On the agenda of the CIM Working Group	6
Latest news from the last meeting of the CIM/SMGS Steering and Co-ordination Group	6
Updating the European General Terms and Conditions of Use of Railway Infrastructure (EGTC)	7
Law in practice	8
CIT Itself	8



The brochure features the CIT logo at the top, followed by the text "Comité international des transports ferroviaires", "Internationales Eisenbahntariffkomitee", and "International Rail Transport Committee". The main image shows a high-speed train in motion. Below the image, the text reads: "Journées bernoises du droit international du transport ferroviaire", "Berne, 6/7 mars 2014", "Berner Tage zum internationalen Eisenbahntariffrecht", "Bern, 6./7. März 2014", and "Berner Tage on International Rail Transport Law", "Bern, 6/7 March 2014".

Further information is available on page 11 or click [here](#).

Transport Law and Policy

Next major event at OTIF: the Revision Committee



*François Davenne
Secretary General of OTIF*

The twenty-fifth OTIF Revision Committee meeting will be held from 23 to 27 June 2014 in Bern.

The previous meeting of the Revision Committee (the twenty-fourth) was also held in Bern (from 23 to 25 June 2009). It changed several articles of COTIF and partially revised Appendices E (CUI), F (APTU) and G (ATMF) to the Convention. At the twenty-third meeting of the committee (which was held ten years previously) the OTIF Member States put the new COTIF into place i.e. COTIF of 9 May 1980 as amended by the protocol of Vilnius of 1999. This brief history clearly shows the importance which such an event has for transport law.

The COTIF rules which are the most used in the rail transport world (i.e. the CIM Uniform Rules and the CIV Uniform Rules) have remained unchanged since 1999. It is now time to make some changes to these appendices to bring them up-to-date, firstly to meet the requirements of the various stakeholders in international rail traffic and, secondly to take account of technical advances in the transport world.

In practice, with the exception of some changes to the COTIF Convention itself, which the Revision Committee cannot make and which have to be made by a General Assembly, the prime purpose of the Revision Committee is to modernise the CIM Uniform Rules. Over and above any suggestions which may be made by Member States and railway associations, the OTIF Secretariat will propose and support initiatives to update the CIM consignment process to allow it to benefit from the progress made in new technologies and in particular by giving the use of an electronic consignment note precedence over the use of a paper one. OTIF will also support all the actions proposed by members of the committee which are necessary in order to advance freight transport by rail.

Insofar as changes to the CIV are concerned, the OTIF Secretariat will take a little more time before deciding whether it is now the right time to change that appendix. Following the accession of the European Union to COTIF in July 2011 and because of parallel European Union regulations in this area, our view is that it is probably preferable for OTIF and for all users, passengers and even transport providers for OTIF to try to bring passenger law together into a

single legal corpus. We need a little more time to get that generally accepted.

The OTIF Secretariat has already started several initiatives to change Appendix D. The findings of a CUV Working Group should be delivered in January 2014, they will be taken in hand by the secretariat and the secretariat will support any suggestions that arise from the work. Moreover, it will be necessary to add the concept of entity in charge of maintenance to the CUV and the opportunities for such entities to become the keeper's eyes and ears will surely be one of the aspects to be considered by the Revision Committee.

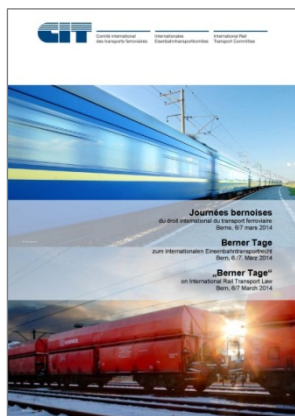
Furthermore, last summer OTIF asked its Member States to inform it of problems in their national statutory frameworks, problems which were creating obstacles to the general application of the CUI Uniform Rules (Appendix E to COTIF). At the current time there are still six Member States which have not withdrawn their reservations against the CUI. All the replies which have been received have mentioned delays in national administrative procedures for withdrawal; however the states have said that they do not think it is necessary to change the CUI Uniform Rules. In addition, after having received some information from the CIT, the OTIF Secretariat consulted the CER and RailNetEurope to ask them if they think it is necessary to create a legal basis in the CUI to allow their general conditions for contracts of use of infrastructure in international traffic to be applied and if the infrastructure stakeholders consider that these uniform rules should be amended. Whilst waiting for these replies the OTIF Secretariat will do everything possible to encourage the use of this contract, particularly at an international level and to the extent that it is necessary and desirable to develop the existing freight corridors to their fullest extent.

Lastly the ATMF must be amended in accordance with the conclusions of an ad hoc safety subgroup set up in January 2012. These conclusions have been approved by the Committee of Technical Experts and specify that particular responsibilities for safety must be more clearly integrated into the ATMF. Once these amendments have been made, the ATMF must be analysed as a whole in order to look for possible improvements.

To conclude, and taking account of the timescales fixed by COTIF, if the procedures for implementation could (for example) start during September or October 2014, the changes could come into effect a year later, that is to say in September or October 2015.

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Original : FR

“Berner Tage 2014”: Spotlight on multimodality



The 7th Berner Tage conference in 2014 will reflect the most recent developments in international rail transport law. The emphasis of the 2014 event will be on the various aspects of multimodality in freight and passenger transport in terms of both theory and practice. The current revision of COTIF 1999 will also be a key item on the agenda of the “Berner Tage 2014” event, which will take place in the CIT headquarters in Bern on 6/7 March 2014.

International rail shipments do not stop at the interface between the various modes of transport. In view of the nature of global logistic services, it is much more appropriate to base multimodal transportation today on end-to-end contracts, so as to compensate for the absence of a multimodal convention. The next few years are likely see significant progress in the implementation of contractual solutions (electronic transport documents, harmonised legal solutions for multimodal shipments, customer friendly agreements on

quality) designed to simplify global trade and transport significantly. Multimodality is also becoming increasingly important for international passenger transport services (e.g. impact of the Air PRR on rail transport services and through ticketing).

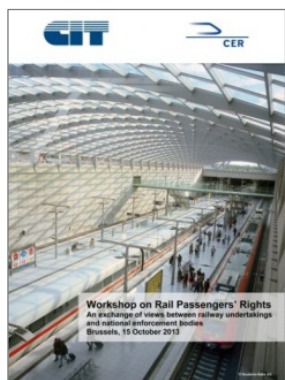
A round-table on current developments in international railway law will round off the ‘Berner Tage 2014’ event. The GS CIT is most honoured to welcome ECJ General Advocate Niilo Jääskinen to Bern as a member of the panel. Dr. Libor Lochman (Executive Director of the CER), Ferdinand Schmitt (Chairman of the UIC Freight Forum), in addition to Dr. Thomas Kaufmann (European Commission DG MOVE), will also present their views on the European Commission’s Fourth Railway Package and will be available to join discussions with the participants.

The “Berner Tage” 2014 conference is designed for carriers, customers, multimodal operators, insurers and practising lawyers, with the aim of analysing the environment of multimodal shipments. The event will also provide a unique opportunity for participants to exchange views and experience, and to network with international experts.

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Passenger Traffic

Delivering on passengers’ rights: Railways and national authorities strengthen their links



Railways and national enforcement bodies (NEB) intend to strengthen their links even further to create a uniform, pragmatic and customer-friendly approach to implementing passengers’ rights across Europe.

That was the main conclusion of the second workshop on Rail Passengers’ Rights which was organised by the CER and the CIT in Brussels on 15 October.

More than ninety experts from railway undertakings, national enforcement bodies, European institutions, passenger associations and other transport stakeholders summarised their experience with the Rail Passenger Rights Regulation (EC) No 1371/2007 (Rail PRR), four years after the regulation entered into force.

Discussions focused on contentious aspects of passengers’ rights and the day-to-day implementation of the regulation. To illustrate the issues, practical examples were given on the handling of passengers’ claims by NEBs and railways,

the information to be given to passengers, as well as the assistance provided to passengers in the event of travel disruption and the support for the continuation of their journeys.

The participants agreed that the different views on how to apply and interpret some key elements of the regulation could coalesce into a common understanding, an understanding which would ultimately ensure a uniform application of the regulation across the European Union. To



advance that process the CER and CIT look forward to continuing their exchange of views with the European Commission, in anticipation of the publication of the interpretative guidelines on the Rail PRR in 2014.

The discussions clearly underlined the importance of strengthening the relationships between all the stakeholders so that the Rail Passenger Rights Regulation could be implemented successfully, in particular on the issue of information to be provided to passengers. Accordingly,

participants welcomed the proposal by the CIT and CER to organise a third workshop on Rail Passengers' Rights; it will take place in Brussels in December 2014.

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Useful link: [Documents of the conference NEB](#)

Follow-up to the ÖBB case

Following the judgment in the ÖBB case (C-509/11) published in September the CIT's CIV Working Group considered the changes that need to be made to the AIV agreement. That judgment rules that the carrier may not avoid liability in the case of delay. The working group will also estimate the impact that this judgment by the European Court of Justice will have on undertakings.



The CER Group of Assistants is currently discussing the political options for responding to this judgment at a high level. The CIT and the CER will therefore continue to work closely together in this area.

The various changes to the AIV agreement which are necessary will come into effect on 1 January 2014. Customer services departments are asked nevertheless to modify their policies and practices immediately to accommodate the judgment by the European Court of Justice. Undertakings have told the CIT that some customers have returned claims which were rejected for reasons of force majeure and now ask for payment of compensation following the ÖBB judgment. Because that only concerns a few cases, the AIV will not deal with those cases expressly. Undertakings are invited to agree amongst themselves if international passengers should resubmit their old claims.

The CIV Working Group also considered the amendments being made to the regulation on the rights of airline passengers and the list of thirty-one force majeure exclusion grounds accepted by the national bodies tasked with the enforcement of the regulation. It drew a number of lessons for the forthcoming revision of the Rail PRR. Revision of the Rail PRR is expected to take place in 2015 according to forecasts given by the European Commission. We will certainly be busy in 2014!

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COLPOFER – fighting crime together

The aim and purpose of COLPOFER is to establish a common approach to fighting crime on railway premises. It supports the international exchange of experience and information on preventing and fighting crime. In this way, it helps to increase security and the subjective sense of security of rail customers and staff.

COLPOFER stands for “Collaboration des Services de police ferroviaire et de sécurité” (collaboration of railway police and security services) and was set up in 1980 as an association. The presidium and General Secretariat are led by SNCF; other companies represented in the Committee are DB, FS, NS, SNCB and the *Police Nationale France*. COLPOFER is organised through various Working Groups, each of which is supervised by a member company: metal theft (DB), graffiti (SNCF), terrorism (NS), cybercrime (RZD), delinquent behaviour (SNCF), ticket fraud (SBB).

Forged paper tickets

The CIT works closely with the Fraud/Ticket Forgery Working Group that was set up in 2002. The Group maintains a network designed to share information quickly on forgeries

and cases of ticket fraud with a (genuine or fake) CIT security background.

One of the key activities of the working group is to promote awareness and provide training for staff involved in the sale, inspection and production of tickets. True to the adage: “You must first recognise the original, before you can identify the fake!”, it offers training material and courses to enable participants to identify forged international tickets. What is also very important for effective checks is to share the most recent patterns of fraudulent behaviour. After attendance of such training courses, experience has shown there is a sharp increase in the number of fakes collected.

Trouble-free security processes

The perpetrators don't always come from outside the transport company. Poorly implemented security regulations on the transport and storage of blank ticket paper and flawed procedures tend to encourage in-house crime. The Working Group therefore analyses possible security loopholes in the collaborative work it performs.

Phishing and Skimming

The Working Group is increasingly confronted with fraud using electronic data. Criminals obtain payment details on debit or credit cards (phishing) via the Internet using bogus e-mails or so-called Trojans and use the data to purchase normal tickets for which they try in most cases to obtain a refund or which they sell to someone else to obtain cash. Others prepare ATMs and are then able to copy payment details (skimming), which they then use for any purchases they make via the Internet or use for normal rail products.

International cooperation is important

The sharing of information on the type, frequency and concentration of incidents is therefore very important. Many fakes and fraudulent activities target Interrail and Eurail passes, which is why EURAIL works closely with the Working Group. Collaboration with the CIT is essential in order to achieve a high level of security as protection against counterfeiting of the CIT security background.

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CIT Working Group CIV/SMPS prepares guideline on the COTIF/CIV-PRR – SMPS liability regimes

The focus of the October meeting was on the preparation of the definitive version of Guidelines on the COTIF/CIV-PRR – SMPS liability regimes, complemented with a visual display of the most important international East-West and West-East passenger traffic routes.

The General Secretariat of the CIT is developing computer-based solutions for an interactive map for the visual display of international passenger traffic. The interactive passenger traffic map is not only to include applicable international law, but also EU law, specifically the PRR regulation, complete with all exemptions granted in the EU Member States. It will be available on the CIT's website and provided on USB-stick to all members of the CIT, OTIF, the EU and the OSJD.



The **Guideline on the COTIF/CIV-PRR – SMPS liability regimes** as an additional CIT document for passenger traffic consists of two main sections:

Section I

1. Map showing the applicable legal regimes for East-West traffic
2. Map showing the most important routes for East-West traffic
3. Map of the EU showing the exemptions for the application of Art. 17 PRR for international transport services, including a substantial section outside the EU
4. Synthesis

Section II – Comparative table on the COTIF/CIV-PRR – SMPS liability regimes

Phase 2 of the project to make the CIV and SMPS legally interoperable will be introduced from the beginning of 2014, for which four lines of action are planned for 2014:

- Implementation of findings obtained from the guideline on the COTIF/CIV-PRR – SMPS liability regimes in the further development of CIT passenger traffic documentation;
- Charter on passengers' rights within the scope of COTIF/CIV, PRR and SMPS;
- Information leaflet for travellers on international East-West passenger services;
- Poster for international East-West passenger services, including the ten most important points and messages.

Prior to the meeting of the CIV/SMPS Working group, the General Secretariat of the CIT held a bilateral clarification meeting with representatives of the FPC, who confirmed that they were very interested in developing international East-West passenger rail services jointly with the CIT. This would be carried out primarily by intensifying the dialogue with the partner railways – initially with DB AG and SNCF, but also with ÖBB Personenverkehr and Trenitalia. At this preliminary meeting, the FPC representatives presented their proposals for a possible amendment to the AIV, which would enable a further optimisation to be made in terms of the collaboration with members of the CIT.

The GS CIT would act as moderator for the dialogue and would actively support the FPC in the organisation of bilateral or multilateral meetings with the railways concerned in 2014. According to the FPC's proposal, a meeting of the CIV/SMPS Working Group in 2014 could be held on board FPC's train travelling between Paris and Berlin.

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Freight Traffic

On the agenda of the CIM Working Group

At its last meeting on 13/14 November 2013, the CIM Working Group dealt with the upcoming revision of COTIF, in particular the revision of the CIM, the CUI and the CUV, plus the relevant changes required in the CIT documents, and with the GTC EurAsia and the GTC Rail-Sea Traffic, both of which were subsequently approved. The next meeting of the CIM Working Group is to be held on 12/13 June 2014 in Bern. On 11 June 2014, the day before the meeting, the General Secretariat of the CIT will be organising a workshop with customer organisations on the subject of the Revision of COTIF.

As part of the "Revision of COTIF" project, the first package of CIT suggestions was examined in detail. With regard to the second package of CIT suggestions, the CIM Working Group assigned a specific number of assignments to the "COTIF Revision" Group of Experts. The General Secretariat of the CIT will provide information on this topic in one of the next issues of the CIT-Info newsletter.

In the case of the "CIM/SMGS Interoperability" and "Multi-modality" projects, the CIM Working Group took an important step and made significant progress towards a multimodal future with simplified East-West traffic by unanimously approving the GTC EurAsia and the GTC Rail-Sea Traffic for submission to the CIM Committee.

On the subject of *Legal Issues*, the meaning of the term carrier was revised in a number of CIT documents. In particular, it was made quite clear that the carrier does not necessarily have to be an RU.

The CIM Working Group agreed to revise the *GTC Cooperation*. The General Secretariat of the CIT will prepare a work programme for the next meeting.



With regard to the *Operational Issues*, the CIM Working Group examined a large number of items relating to the attachment of seals to freight wagons and UTIs (intermodal transport units). It approved various amendments to CIT freight documents for submission to the CIM Committee to eliminate problems that have occurred in practice. The CIM Working Group welcomes the continuation of the work to implement a new, simplified railway consignment procedure based on the electronic consignment note and will support the work to the best of its abilities and powers.

The first meeting of the CIM Working Group in 2014 will be held on 12/13 June in the CIT head office building in Bern. On 11 June 2014, the day prior to the meeting, the CIT will be organising a workshop with representatives of international customer associations on key issues relating to the revision of COTIF 1999 and the most important CIT rail freight projects. Further information will follow in the next issue of CIT-Info.

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Latest news from the last meeting of the CIM/SMGS Steering and Co-ordination Group

Common CIM/SMGS consignment note...

The most recent developments in the implementation of the common CIM/SMGS consignment note have clearly demonstrated the important role played by the joint CIT/OSJD project "CIM/SMGS legal interoperability" at the last meeting of the CIM/SMGS Steering and Co-ordination Group at the end of November 2013 in Warsaw.

The growing interest in the use of the common CIM/SMGS consignment note on the land bridge from China to Europe, the current 20-30% increase in its use compared with last year, which at 70-80% means almost full coverage of CIM/SMGS transport services (confirmed by DB, UZ and RZD) and the imminent implementation of the CIM/SMGS consignment note on the Black Sea are prime examples of developments that will determine the future progress of this project.

Using the common CIM/SMGS consignment note, shipments on the land bridge between the People's Republic of China and Europe can be completed within 16-18 days, which is twice as fast as sea transport. The common CIM/SMGS consignment note also offers further benefits for customs clearance procedures, since it is also recognised as a customs transit document, which is also very important for the carriage of dangerous goods.

Rail freight shipments to Europe via the Baltic Sea ports and their integration into the trans-Siberian rail route provides an additional opportunity to use the common CIM/SMGS consignment note for combined rail-sea transport services. However, a concerted effort on the part of the CIT members involved is required to establish favourable conditions for

Kazakhstan, China and other Asian countries to encourage them to use the Baltic Sea ports more frequently – including Sassnitz/Mukran on the Island of Rügen.

...General Terms and Conditions of Carriage (GTC Eur-Asia)

Within the framework of the UN Economic Commission for Europe (UNECE), the efforts made by the railways and the railway organisations to come up with harmonised solutions on the Eurasian rail corridors on a contractual basis are now finding considerable support. In Item 3 of the Political Declaration of 26 February 2013, which was signed by 37 Ministers of Transport at the Inland Transport Committee meeting, reference is made explicitly to the GTC EurAsia. With the signing of this declaration, the Transport Ministers of the UNECE Member States have committed themselves officially to begin work on simplifying the law in the rail sector. The GS CIT is actively involved in this work, with the aim of producing good legislation from the point of view of the carriers. Important decisions in this direction were subsequently taken at the meeting of the Group of Experts on 2 and 3 December in Geneva.

In view of this situation, the GS CIT has now finalised the General Terms and Conditions of Carriage (GTC EurAsia) and will present and test it in the various committees and organisations. The application of the GTC EurAsia as Gen-



eral Terms and Conditions of Carriage will take place on the basis of Private International Law (PIL), including its conflict of law rules. With a solution of this kind, cross-border rail freight shipments could be made between CIM and SMGS states on the basis of a contract of carriage. At the same time, it is also necessary to examine national procedural law in detail in terms of what validity will be given to such General Terms and Conditions of Carriage in the respective corridor countries.

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Use of the Infrastructure

Updating the European General Terms and Conditions of Use of Railway Infrastructure (EGTC)



In March of this year, the RNE, EIM and the CIT started their work with the support of the CER to update the EGTC and bring them in line with Directive 2012/34/EU establishing a single European railway area (so-called recast).

In the course of three meetings, it has been possible to clarify most items. The changes affect references to Directives that were superseded by the recast, editorial improvements and clarification that the EGTC can also be applied to services supplied in service facilities that were agreed in the Contract of Use of Infrastructure between the infrastructure manager and the railway undertaking.

The General Secretariat of the CIT assumes that the work will be completed at the next meeting in February 2014 and

the updated EGTC can be submitted to the CUI Committee in April 2014 in English, French and German for approval. As RNE sees it, the new version could be approved by the General Assembly in May 2014.

Workshop entitled “Quo vadis CUI?” on 8 April 2014

On the day prior to the next meeting of the CUI Committee, the General Secretariat of the CIT will be organising a half-day workshop on the Contract of Use of Railway Infrastructure. The aim of the workshop is to analyse the current situation in terms of international traffic. In terms of the theory, practice and the regulatory environment, an overall picture will show how the Contract of Use of Railway Infrastructure looks in various countries, what is expected from the contracts in terms of international traffic and which developments are to be expected in international law and in EU law.

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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.

Damage to packaging

Does the carrier have to prepare a report if he identifies damage to the packaging, but no damage to the goods, and how is this damage to the packaging to be compensated for?

As a basic principle, Art. 42 CIM states that a report is to be prepared in the event that partial loss or damage is discovered by the carrier or suspected or claimed by the authorised person. The decisive factor is whether the packaging belongs to the goods within the meaning of Art. 42 CIM, or not.

The General Secretariat of the CIT is of the opinion that this question is to be answered in the positive and that **the packaging belongs to the goods within the meaning of Art. 42 CIM** (also agrees: Dr. jur. Béla von Nánassy, *Das internationale Eisenbahnfrachtrecht*, page 705 and Dr. jur. Josef Wick, *Das internationale Eisenbahnfrachtrecht*, page

319). This means that a report has to be prepared in **every case**, even when **only the packaging is damaged** and not the goods.

For the issue of liability, Art. 23 CIM is applicable. Paragraph 1 regulates the carrier's liability and paragraphs 2 and 3 the possibilities of exemption from liability. As a basic principle, the carrier is also liable for damage to the packaging (Art. 23 para. 1 CIM), if he cannot exempt himself from liability.

Another question is that of the amount of compensation. In the event that this involves one-way packaging, such packaging has no value and legally, therefore, no damage has occurred. In this case, the carrier does not have to pay any compensation. If, on the other hand, the packaging has a certain value, then the compensation is to be calculated in accordance with principles laid down in Art. 32 CIM.

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CIT Itself

CIT General Assembly 2013

This year's General Assembly on 21 November 2013 was chaired by the CIT Chairman Jean-Luc Dufournaud and was used to present CIT members with details of the most important developments and results of the work carried out by the CIT in the course of the year.

Revision of COTIF

The main topic discussed by the General Assembly was the expected Revision of COTIF 1999 in 2014. It is planned that the OTIF Revision Committee will meet from 23 to 27 June 2014 in Bern. The ordinary meeting of the OTIF General Assembly, however, will take place in September 2015. It is understood that an extraordinary meeting of the OTIF General Assembly will be held in the week beginning on 20 October 2014 in Bern. The General Assembly in October 2014 will deal with all proposals that fall within the competence of the General Assembly and will be discussed previously by the Revision Committee in June 2014.

Amendments to the OTIF agenda will have an impact on the work carried out for the Revision of COTIF at CIT level. The CIT's work programme will be adjusted accordingly to ensure that CIT's second package of suggestions for the revision can be sent in good time to the OTIF Secretary General following the meeting of the CIT Executive Committee on 24 April 2014. This primarily concerns possible adjustments to the CUI UR.

As planned the CIT's suggestions in the first package, in particular those relating to the CUI UR, were submitted to the OTIF Secretary General at the end of November 2013. CIT was pleased to see that its suggestion relating to the definition of the wagon keeper in the CUV UR was taken



up by OTIF itself and will be dealt with further by the Revision Committee. The General Secretariat will come back to its suggestions in the next issues of the CIT-Info.

Passenger traffic and making the CIV and SMPS legally interoperable

The continuation of the dialogue between the GS CIT and the NEBs in collaboration with the CER is key for the implementation of the PRR, while paying close attention to the PRM requirements.

The effects of the ECJ judgment in the ÖBB v Schienen-Control Kommission case (Rs. C-509/11) on the GCC-CIV/PRR and the AIV will continue to be followed up closely by the CIT General Secretariat.



The General Secretariat of the CIT has also finalised the basic elements of the guideline on the COTIF/CIV-PRR – SMPS liability regimes and will publish them together with OTIF and the EU Commission at the beginning of 2014. The second phase of the project to make the CIV and SMPS legally interoperable will be introduced from the beginning of 2014, which also assumes a close working relationship with FPC/RZD.

Freight traffic and making the CIM and SMGS legally interoperable

The General Assembly was informed of the progress made in the three most important CIT rail freight projects. These are the electronic consignment note, making the CIM and SMGS legally interoperable and multimodality.

The Vice President of the CIT, Maria Sack, emphatically supported the complete and rapid implementation of the GTC EurAsia in view of the strategically important work within the framework of the United Nations Economic Commission for Europe (UNECE) and the Political Declaration signed by the 37 Ministers of Transport on 26 February 2013 to harmonise international rail transport law.

Use of infrastructure

The GS CIT provided information on the status of the European General Terms and Conditions of Use of Railway Infrastructure (EGTC) update, which is being driven forward in conjunction with the RNE. This work is scheduled for completion in 2014. Information was also provided on the status of the withdrawal of reservations against the CUI UR by OTIF Member States.

A CIT workshop entitled “Quo vadis CUI?” on the legal aspects of the Contract of Use of Infrastructure is planned for 8 April 2014 in the CIT head office building in Bern.

Elections

Slovenian Railways (SŽ) gave up its seat on the CIT Executive Committee in favour of a candidate nominated by another railway company. The General Secretariat of the CIT will conduct exploratory interviews in close consultation with the Chairman so that a suitable candidate from the field of freight transport can be proposed to the General Assembly 2014.

Alberto Gallo was elected to the CIT Executive Committee by the General Assembly as the representative of Trenitalia S.p.A.

Marie-Ghislaine Hénuset (SNCB/NMBS) was elected by the General Assembly to chair the CIT's CUI Committee.

The GS CIT congratulated the newly elected persons and is looking forward to working with them in future!

Members

As at 21 November 2013, the CIT has a total of 130 full members and 5 associate members.

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Original: DE



Memorandum of Cooperation between the CIT and GETO

In its efforts to promote rail traffic between East and West along the trans-European rail corridors and on the land bridge between China and Europe, the CIT signed a Memorandum of Cooperation on 16 October 2013 with the Association of European Trans-Siberian Operators and Forwarders (GETO).

Since it was set up in 1978, the GETO has been involved in East-West rail transport services. Its members include not only well-known operators, but also experienced international forwarders and logistics companies from a variety of European countries. The GETO's main focus of attention is on transit services along the trans-Siberian rail corridors. The tremendous importance of functioning connecting services, however, has widened the GETO's horizon. Its member companies contribute constructively and with innovative ideas to the general development of international transport services between Western Europe and Russia, in addition to Russia, Central Asia, China and the Far East.



From the left: Cesare Brand, Secretary General of the CIT; Hans Reinhard, Chairman of the GETO und Erik Evtimov, Deputy Secretary General of the CIT

The working relationship between the CIT and the GETO began with promoting the widespread use of the common CIM/SMGS consignment note and still includes various initiatives designed primarily to promote international rail services on the trans-Siberian rail corridors. A major aim is to extend and simplify the application of the common CIM/SMGS consignment note. Its use in practice has been supported throughout by GETO member companies. Both organisations now intend to work together on the development of a harmonised legal framework for the transport process on international transport corridors.

Cooperation between the two organisations will also include the planning and completion of test runs for container block trains on Eurasian services, in addition to related pilot projects using the common CIM/SMGS consignment note for shipments between China and Europe, and a simplification of customs clearance procedures. Both the GETO and the CIT have also agreed to exchange information on a regular basis by organising joint seminars and working groups.

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

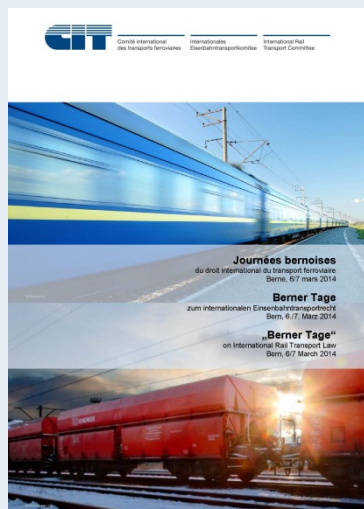
Holiday Season

Please note that our office will be closed from 23 December 2013 to 3 January 2014 inclusive.

We look forward to meeting you next year with the CIT-Info 1/2014 in its brand new layout, and send you in the meantime our best wishes for a merry Christmas and a happy New Year!



Seventh “Berner Tage” on International Rail Transport Law Bern 6 & 7 March 2014



The “Berner Tage” reflect the most recent developments in international rail transport law. They are specially designed to appeal to in-house railway lawyers, specialists from claims and claims prevention departments, specialist lawyers, insurance experts and representatives from the ministries of justice and transport.

The main topic of the 2014 event will be the various facets of multimodality in freight and passenger traffic both in theory and in practice. The on-going revision of COTIF will also form an important part of the 2014 “Berner Tage”.

The following topics will be considered in separate modules:

Passenger traffic:

- implementation of rail passengers’ rights and practical cases;
- contractual models for working together in passenger traffic;
- legal bases for ticketing.

Freight traffic:

- general terms and conditions for rail sea traffic;
- regulations for freight traffic by rail between Europe and Asia;
- Incoterms;
- electronic consignment note.

The “Berner Tage 2014” will conclude with a panel discussion on current developments in railway law. Well-known experts from politics, industry and academia will give their views and be available to discuss them with seminar participants (the “Berner Tage” are recognised as satisfying requirements for the professional development of specialist lawyers).

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

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

CIT Diary of Events

Date	Event	Location	Participation
23 January	Experts Group “Revision COTIF”	Bern	Erik Evtimov
30 January	CIV/SMPS Working Group	Bern	Erik Evtimov
5/6 February	CIV Working Group	Brussels	Isabelle Oberson
19 February	Work Meeting CIT-OSJD	Warsaw	Cesare Brand
20 February	Ad hoc Technical Group “CIM/SMGS Electronic Consignment Note”	Warsaw	Erik Evtimov
6/7 March	Seventh “Berner Tage” on International Rail Transport Law	Bern	Cesare Brand
25 March	CIM Committee	Bern	Erik Evtimov
26 March	Experts Group “Multimodality”	Bern	Erik Evtimov
26/27 March	CIV Working Group	Bern	Isabelle Oberson
3 April	Experts Group “Revision COTIF”	Bern	Erik Evtimov
8 April	Workshop “Quo Vadis CUI”	Bern	Myriam Enzfelder
9 April	CUI Committee	Bern	Myriam Enzfelder
24 April	Executive Committee 1/2014	Bern	Cesare Brand
13/14 May	CIV Working Group	tbc	Isabelle Oberson
22 May	CIV/SMPS Working Group	Paris-Berlin	Erik Evtimov
28 May	CIT Conference of Freight Claims Departments	Bern	Erik Evtimov

Events with CIT participation

Date	Event		Location	CIT contact
28 January	Meeting CUV	OTIF	Bern	Erik Evtimov
28 January	European Railway Award	CER	Brussels	Cesare Brand
29 January	General Assembly	CER	Brussels	Cesare Brand
30 January	Tagung "Regulierung"	DB AG	Berlin	Cesare Brand
12 February	Working Group on Seals	CER	Vienna	Henri Trollet
21 February	IRU Legal Group	IRU	Geneva	Erik Evtimov
11/12 March	Commercial Group (CG) & Technical Group (TG)	UIC	Paris	Thomas Gyger
13 March	Steering Committee Freight	UIC	Paris	Erik Evtimov
19/20 March	"Fraud - Ticket Forgery" Working Group	COLPOFER	Bratislava	Thomas Gyger
20 March	4 th Lucerne's Transportation and Logistics Days (Swiss Shippers' Council)	SSC	Lucerne	Erik Evtimov
2/3 April	Group of Experts on Unified Railway Law	UNECE	Geneva	Cesare Brand Erik Evtimov
9 April	Assistants Meeting	CER	Brussels	Erik Evtimov
15 April	eRail Freight Project Manager Meeting	UIC	Paris	Erik Evtimov
15/16 April	SIAFI International First Session	UIC	Paris	Erik Evtimov
5/6 May	5 th Annual Middle East Rail Opportunities		Riyadh, SA	Cesare Brand
13 May	Steering Committee Freight	UIC	Paris	Erik Evtimov
13-15 May	Working Group SCIC-NRT	UIC	Břeclav, CZ	Thomas Gyger
14 May	Freight Forum	UIC	Paris	Erik Evtimov
21 May	CER General Assembly	CER	Paris	Cesare Brand
28/29 May	OSJD Conference border crossing	OSJD	Odessa	Cesare Brand

Produced by:

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