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## EDITORIAL

Dear readers,

**And so another year comes to an end! A year, however, that will be remembered for a long time as the year of the COVID-19 pandemic!**



Even so, despite the difficult conditions we faced, the CIT was able to complete most of the work programme that had been approved by the General Assembly in November 2019. In passenger transport, the political process for the revision of passenger rights has now been concluded. The CIT has also begun to work on implementing the amendments that were made to ensure that the sector is prepared when they come into force at the beginning of 2023. In the case of freight transport, the focus in 2020 has been on the digitalisation of transport documents. We were able to continue and partially complete the work being carried out at regulatory level (e.g. DTLF and eFTI), but also at sectoral level (digitalised CIT 20a), and I would like to emphasise the tremendous

progress we have made together with RailNetEurope (RNE) in preparing a boilerplate contract for use of infrastructure.

We are looking forward to the work that lies ahead of us next year and you can be sure that we will once again do our utmost to provide our members with the support they need to help them achieve the business success they are seeking in these difficult times!

May I wish all our readers health and happiness and all the very best for the coming festive season.

Best wishes from Bern

**Cesare Brand**  
CIT Secretary General



## Rail transport law and liberalisation

### Market organisation in the rail sector

The liberalisation of the EU rail sector began in the 1990s in the wake of Directive 91/440, starting with rail freight. The gradual opening of both the freight and passenger markets culminated in December 2016 with the passing of the Fourth Railway Package, which creates a single, liberalised European railway area. With domestic passenger rail services open to competition from this year, all railway undertakings in the EU now have the right to provide commercial rail transport services - freight and passenger - across the EU.

### Is the existing body of law governing carriage by rail still fit for purpose in a liberalised market?

International rail transport law covers the private-law aspects of rail transport, i.e. the contract of carriage between a freight customer or passenger and the railway undertaking. This law is enshrined in the Convention **concerning international carriage by rail** (COTIF 99) and applies to cross-border movements of both freight and passengers. Of the seven appendices to COTIF, two (Appendices A and B) govern the civil-law contractual relationship between rail customers on the one hand and carriers on the other. Appendix D governs the use of wagons, and Appendix E the use of railway infrastructure, while Appendices C, F and G are technical appendices. Appendix H (not yet in force) is dealing with the safe operation of trains in international traffic. With a few restrictions in certain countries, the COTIF regime applies not only across Europe but also in neighbouring countries in and around the Mediterranean in Africa, the Middle East and Asia, covering a total of 50 states. The EU acceded to COTIF with effect from 1 July 2011.

In passenger transport, Appendix A to COTIF (Uniform Rules Concerning the Contract of International Carriage of Passengers by Rail CIV) has been extended to incorporate Regulation (EC) 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, which is presently being revised.

The aim of COTIF 99 was to offer the contracting parties a way of implementing the planned liberalisation of rail transport at the level of the contract of carriage. However, competition in the freight market only really began in the 2000s, meaning that the new legal framework governing carriage by rail was drawn up based more on theory than on practical experience of the rail market.

### Practical experience

Though they lacked much practical experience on which to base their work, with hindsight the authors of COTIF 99 can be said to have done a very good job. The new legal regime has shown itself to be high-quality and practically-oriented, as illustrated by the fact that (relative to the volume of business concerned) relatively few judicial rulings have been sought concerning the application of COTIF 99 and its appendices. This does not, of course, release lawmakers from their duty to take a critical view of the legal framework and adapt the laws in force to fast-evolving market conditions.

### Is there cause to amend the current legal framework for rail transport?

We will explain the need for reform using **three examples**.

It is important to understand the railway as a system: the quality of the service customers receive depends on successful cooperation and maximising synergies between railway undertakings, infrastructure managers, service facility operators and wagon keepers. The COTIF system treats the relationships between these various players as if they were part of an integrated railway which bears sole and undivided responsibility for the transport enterprise as a whole. A liberalised market obeys a different logic, however, leading to distortions. Take, for instance, liability for failure to execute the contract of carriage (or for inadequate execution thereof): in such cases, the railway undertaking is the sole party liable vis-à-vis the freight customer or passenger, even if the cause of the failure is one of the other service providers, which are legally separate businesses. This is a neat and convenient solution for freight customers and passengers, because they only have to deal with a single point of contact, i.e. the railway undertaking, for any loss or damage to goods or for any delays and injuries incurred. The freight customer or passenger is spared the need to ascertain whether the cause of the problem was the railway undertaking, infrastructure manager, wagon keeper or a service provider.

Let us be clear: the idea of a single point of contact or "one-stop-shop" for freight customers and passengers is a good one, and an important one. But it is problematic in today's liberalised rail market, since the system of internal redress under COTIF 99 does not fully operate on the costs-by-cause principle; as such, it is unbalanced. So passenger railway undertakings are held to be solely liable for delays even if the ultimate cause is the infrastructure manager. This made sense in the days of the vertically-integrated railway, but in today's competitive environment creates misaligned incentives which need to be corrected. The CUI provisions whereby it is possible to contractually agree liability rules that are more favourable to railway undertakings are of little avail since the infrastructure manager has no incentive to make such concessions.

**A second example** of a lack of legal clarity and consistency can be observed in the contractual framework governing infrastructure use. The EU regulations leave unanswered the question of whether this is a matter of public law or private law. It is sobering to compare the many and various national implementations of the EU regulation in this sphere: virtually every EU Member State has its own rules governing the content of the network statement and the contractual arrangements for infrastructure use. For an international movement, this means that liability rules - for example - must be laboriously compiled and examined; a CIT investigation showed that to run a train from Rotterdam to Genoa over 1000 pages of legal documents had to be checked. We consider this an unsustainable burden which handicaps rail enormously compared to road haulage. Let us not forget that the use of highway infrastructure and the levying of road tolls are largely harmonised across Europe.

## T hursday afternoon

The **third example** is the ongoing digitalisation of the railways, which is a political and business priority for the sector. Here we will illustrate the need for reform of the COTIF 99 framework via a series of four questions:

- Is the requirement for functional equivalence still fit for purpose in the context of modern technology and digitalisation?

In the digital world of the future, there will be only pre-defined datasets which are transmitted electronically. IT systems will be interoperable and will no longer necessarily possess "print-outable" interfaces. The datasets will contain not only the details from the consignment note, they will also carry information intended for the authorities (including customs, RID) or infrastructure managers (e.g. TAF TSI). Some IT platforms will be centralised (e.g. RailData, EFTI), others decentralised (e.g. Blockchain). It is doubtful, to say the least, whether the requirement for functional equivalence between paper and digital solutions is still fit for purpose. The situation is comparable in the passenger sector: Article 7 § 5 CIV provides that tickets may also be established in the form of electronic data registration, which can be transformed into legible written symbols. The data must be equivalent from the functional point of view, particularly so far as concerns the evidential value of the ticket – yet in a digital world, it is questionable how realistic this is in the long run.

- What about the burden of proof?

On paper, the matter is clear: the paper consignment note (original and carbon copies) constitutes proof of contract and is recognised as such by the courts (Article 12 CIM). In the digital environment, the situation is more complicated. A CIT investigation showed that whether or not digital documents (meaning print-outs of digital information) are recognised by the courts varied widely from one country to another. This currently creates massive legal uncertainty, and is one reason why progress towards a digital consignment note is so slow.

- How does this affect customs regulations?

Under Article 6 § 7 CIM, there is a legal link between the consignment note and customs law. Though a paper-based process will remain possible under the simplified customs procedure for a few years yet, the question nevertheless arises of how freight transport law and customs law (the new EU Customs Code) will interact in a digital environment.

- Who will oversee "data governance"?

Technically speaking, datasets are just information to be transferred, and it is immaterial - in technical terms - who is responsible for defining the datasets. In legal terms, however, it makes a big difference! The contents of a contract should be defined by the parties to that contract, the mandatory information to be sent to customs authorities by the responsible bodies, and the necessary operational information by transport companies. Those determining datasets have certain rights and obligations. It is therefore important that responsibilities be clearly defined. Ongoing digitalisation workstreams are mostly driven by technical concerns. Here also, we see a need for action.

### Are changes needed to the law governing carriage by rail?

A rhetorical question in the light of the above! Given the lengthy timescale for revising international law, we believe that the revision process needs to start forthwith in order to ensure that the rail sector continues to benefit from a high-quality, practically-g geared body of transport law in future. We therefore welcome the work being done by OTIF to review the effectiveness of the regulations in force, as well as the Member States' decision to convene a Group of Legal Experts to discuss the need for revision.

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Original : DE



Sources: [www.lenouvelliste.ch](http://www.lenouvelliste.ch)



## PASSENGER TRAFFIC

### The CIV Working Group celebrates its 50th meeting

**A**round twenty representatives of various railway undertakings took part in the anniversary session of the CIV Working Group, which (like most other meetings this year) took place virtually.

#### New initiatives at international level

The CIT GS kicked off the meeting with a presentation on the new platform set up in late September at the initiative of 25 European countries, the purpose of which is to grow the international passenger rail business.

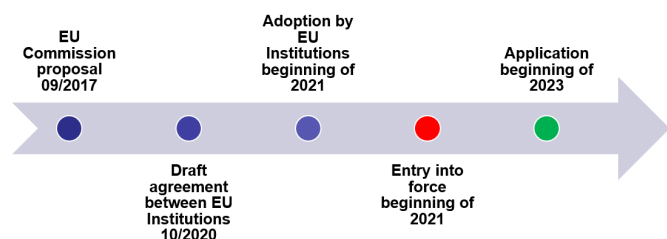
The European Union, OTIF, and the rail sector via its associations (including CIT) participate in the platform as observers.

The platform covers four topics: the customer experience, defining an international network of passenger services, identifying infrastructure-related issues, and the regulatory framework. CIT is involved in the group focusing on the customer experience, which held its initial meetings in November. The goal is to produce a report on the various topics covered by June 2021. At these first meetings, the subjects on the agenda included data sharing as well as projects such as TransEuropExpress 2.0.

The CIT GS will keep members updated on the progress of work within the platform, while working closely alongside them to tackle the issues as they arise.

#### The PRR revision and related impact on the CIT products

The revision process for [Regulation \(EC\) 1371/2007 on the rights and obligations of rail passengers](#) (PRR) is drawing to a conclusion, with the European institutions having reached an agreement in early October. The draft agreement now needs to be adopted in plenary session before entering into force in early 2021 and becoming applicable two years later, as explained by CER during the meeting.



The revised PRR will also require modifications to the CIT products. The CIV Working Group has therefore set up a task force whose goal will be to support CIT in revising them. CIT will begin doing so early next year, based on the programme of work drawn up at this 50th meeting.

#### The future of claims handling under the revised PRR

One of the CIT products which will be likely be most impacted by the revised PRR is the Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV). Various points in the revised PRR deal with claims and claims handling.

As well as the PRR-related adaptations, other developments will also necessitate modifications to the AIV, in particular extending its scope of application to make provision for Rail Pass Tickets and Rail Inclusive Tour Tickets.

#### Important points arising from the revised PRR:

- Introduction of a “Force majeure” clause
- No modification of the compensation thresholds
- Assistance in principle at staffed stations and trains
- Reduction of the services exempted
- Introduction of through-tickets
- Sharing of some real-time data travel information
- Reduction of the pre-notification period for assistance

#### Ticketing

CIT continues to collaborate closely with UIC in the field of ticketing. Indeed, UIC gave two presentations at the CIV Working Group on two of its projects in which CIT is involved: the Open Sales and Distribution Model (OSDM) and Universal Rail Ticket (URT) projects. The purpose of these projects is to facilitate collaboration on ticketing between the various market players.

Once completed, these projects will also be incorporated into the Manual for International Rail Tickets (MIRT), which is the go-to document for ticketing matters.

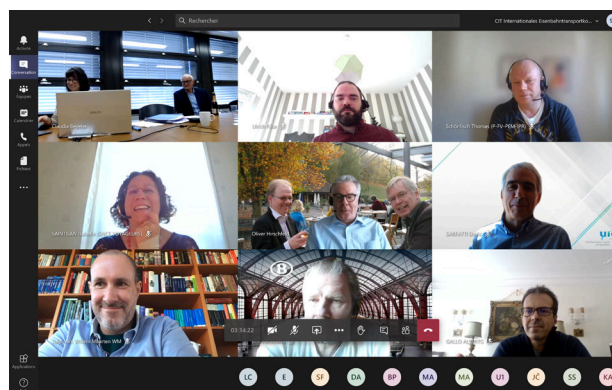
CIT’s other key partner organisation CER also attended the meeting, during which its representative reported on the latest developments in the revision of [Regulation \(EU\) 454/2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system](#) (TAP TSI), focusing on the chief points in the revision, which will impact passenger traffic in particular as concerns the provision of real-time data.

#### Next meeting of the CIV Working Group

The CIV WG will next meet from 23-24 February 2021. The meeting will be held either in Bern or virtually, depending on how the Covid-19 pandemic develops.

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Original : FR



The 50th CIV Working Group in celebratory mood

## Cooperation between TBNE and CIT

The tariff association of federal and non-federal railways in Germany (Tarifverband der Bundeseigenen und Nichtbundeseigenen Eisenbahnen in Deutschland (TBNE) represented by more than 40 railway undertakings is the cooperation platform of the railway undertakings which operate local rail passenger transport in Germany. The work of the TBNE is primarily directed to regulate the relations between the various member companies, such as the recognition of tariff offers leading into through-ticketing. This concerns essentially the settlement of accounts between railway undertakings owned by the Federal Republic of Germany («Federal railways») on the one hand and those which do not belong to the Federal Republic of Germany on the other; that is to say, private undertakings or those owned by federal states or local authorities, known as non-federally owned railways.

One of the tasks of the TBNE is also to set standards for content and form (lay-out) of the tickets. For this reason, the CIT has concluded several years ago with TBNE a contract for the use of the CIT 2012 security background. This contract has been successfully renewed this year.

*“It is a pleasure for TBNE to conclude with the CIT mutual agreement on using of the CIT 2012 security background, enabling to our members to reach high quality security paper”, says Bernd Rössner, managing director of TBNE. “Our aim is not only to provide secure paper to our members, but also to bring standardization in case of ticket lay-outs and thus simplify recognition of the tickets in Germany”, adds Mr. Rössner.*

TBNE is also an associate member of the CIT and is thus belonging to the community of over 200 railways undertakings and shipping companies that operate passenger and freight transport services.

The CIT is delighted of the good cooperation in place with TBNE and looks forward to its continuation.

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## News from the 19th meeting of the CIV/SMPS Working Group

Despite the Covid-19 pandemic, the “Legal interoperability between CIM/SMGS” project continues progressing to schedule. The CIV/SMPS Working Group is presently focusing on finalising the framework contract on the provision of services to govern the execution of East-West and West-East cross-border passenger rail services.

### Framework contract on the provision of services to govern the execution of cross-border passenger rail services

Throughout 2020, the CIV/SMPS WG has continued working on the framework contract on the “provision of services to govern the execution of cross-border passenger rail services”, and has now reached the final stage of work. The terminology in the English version of the framework contract still needs to be updated and the relevant terms from the new PRR incorporated. In this context, it has been decided to wait for the new PRR to enter into force (probably at the start of 2021) before taking further action.

### Updating the comparative table on the COTIF/CIV-PRR – SMPS liability regimes

The COTIF/CIV and SMPS sections of the English and Russian versions of the comparative table on the COTIF/CIV-PRR – SMPS liability regimes were brought up to date as of 1 May 2020 with the assistance of the RZD representative and the OSJD Committee. Once the revised PRR enters into force, the CIT GS will update the PRR section also. The fully-updated comparative table, including comments, may be presented to the October 2021 meeting of the CIV/SMPS WG. The OSJD Committee will keep the CIT GS informed of any relevant changes to the SMPS entering into force after 1 May 2021 such that they can also be taken into account in the comparative table.

### Further work

The CIT GS wishes to expressly inform members that paper tickets on the CIT 1996/2006 security background will only be accepted in the CIV area until 31 December 2021. From 1 January 2022, tickets must be printed using the new CIT 2012 security background.

The updated interactive CIV/SMPS and PRR maps incorporating the most recent data on connections are set to be posted on the CIT website from January 2021 at the following addresses:

<https://www.cit-rail.org/en/passenger-traffic/legislation/>  
<https://www.cit-rail.org/en/passenger-traffic/civ-smps/>

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Original : DE



Railway connections in the International East-West Passenger Traffic



## The CIM Working Group: still working hard, even during the pandemic

At its 30th meeting, which was held virtually, the CIM Working Group took a number of pivotal decisions concerning the digitalisation of the formal report for loss and damage. Under the stewardship of Chairman Cristian Cuenca (DB Cargo AG), the group also discussed updating the CIT products in the light of the Incoterms 2020 and to cater for new models of carriage.

### Functional and legal specifications for the electronic formal report (CIT20a)

In a context where more and more carriage documents are going digital, the CIM electronic consignment note which has existed since 2018 has now been joined by the electronic formal report (CIT20a) as a digital document. The aim is to digitalise member railways' entire freight claims handling process for the long term. CIT is in the process of finalising the functional and legal specifications for the electronic CIM formal report. All the outstanding issues concerning the interface with the electronic consignment note have now been resolved within the CIM Working Group. Furthermore, the new edition of the GTM-CIT provides that the substitute carrier can be involved in compiling the electronic formal report (CIT20a).

Digitalisation is a priority for businesses across the economy, and for the rail sector as a whole. It is therefore proposed that rather than end its work following implementation of the CIT20a electronic formal report (and electronic claims based thereon), the CIT GS extend this work to other documents and the related processes. The CIT GS will conduct an analysis to pinpoint which documents lend themselves to the next phase of digitalisation and how we can support digital execution of operational processes. The forms and procedures covering circumstances preventing delivery and carriage under GLV-CIM and GTM-CIT, in particular, appear promising candidates.

### New TAF/TAP company code

At the meeting, the CIM WG was informed of another important topic in connection with company codes:

ERA intends to migrate from the current company codes (the four-digit UIC RICS codes, also known as "4N") to alphanumeric codes. The purpose of the migration is to offer a greater number of codes. However, OSJD has said it will retain four-digit numeric codes, which could cause issues with the harmonised CIM/SMGS consignment note in CIM/SMGS traffic. At the most recent meeting of the CIM/SMGS Legal and Expert Group, the CIT GS undertook to work with the OSJD Committee and ERA to develop pragmatic solutions to limit the impact of this on carriers as far as possible and avoid two company codes having to be issued (one alphanumeric, the other numerical). At the meeting of the CIM/SMGS Expert Group, representatives of ERA and the Joint Sector Group (JSG) responsible confirmed that it had been provisionally decided that it would remain possible to use the four-digit codes for OSJD members and that CIM/SMGS traffic would not be hindered by the upcoming changes, including the switch to alphanumeric codes.

Though ERA will be issuing new, alphanumeric company codes (4AN) from 2026, the Agency will continue to issue four-digit codes (4N) to those railways wishing to exchange data with OSJD members, even beyond 2026.

### Ensuring CIT freight products cater for new models of carriage

New transport models are being applied in countless international ventures, but the conditions are not clearly defined and it is often not obvious where these models fit within the existing legal framework governing carriage by rail. The CIM WG has therefore analysed the various models of carriage from a legal perspective, using diagrams to help situate them within the structure of existing transport law.

Further discussions on the matter are intended, with the aim of enabling information to be entered in the CIM consignment note correctly and in a harmonised way such as to be consistent with the requirements of the CIM Uniform Rules. One output would potentially be a CIT circular summarising the results of the analysis. Another option would be to include the results, particularly those relating to data entry in the consignment note, in the CIT Freight products (especially GTM-CIT / GLV-CIM) such that they could be consulted at any time. A sub-group has been working on including details of the relationship between carriers in the entries made in the consignment note.

### Updating the CIT freight products in the light of the new Incoterms® 2020

At its 30th meeting, the CIM WG updated the CIT freight products in the light of the newly-applicable Incoterms® 2020, in particular the GTM-CIT and GLV-CIM, as follows:

- Unless expressly stated otherwise, the new Incoterms® 2020 apply by default. As such, the existing Incoterms® DAF (Delivered at Frontier ... Named Place) and DDU (Delivered Duty Unpaid) dating from 2000 are flagged by means of a footnote such that they remain valid now that the Incoterms® 2020 are applicable.

- The Incoterms® CPT and CIP have been maintained in the 2020 edition, and are to be mirrored in the GLV-CIM as two separate Incoterms® 2020 under points 5.2 e) and 5.2 f).

- Finally, the DAT (Delivered At Terminal) clause has been renamed in the Incoterms® 2020, and is now referred to as DPU (Delivered at Place, Unloaded) following the DAP (Delivered At Place) clause. The narrower term of "Terminal" has thus been replaced by the broader "Place". The GTM-CIT and GLV-CIM have been updated accordingly in the light of this change.

The next meeting of the CIM Working Group will take place on 23-24 June 2021, either at CIT Headquarters in Bern or over Zoom.

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Original : DE

## 6th meeting of the Multimodality Committee

From 2021, the Multimodality workstream at CIT will be restructured: henceforth, the Multimodality Committee will be discontinued and work will proceed in a Working Group chaired by the Chairwoman of the Committee to date, Maria Kalimeri (ATTICA GROUP). The November 2020 meeting of the Multimodality Committee was therefore its last. CIT looks forward to continued collaboration with Maria in the Working Group!

### The future is multimodal

Never has so much freight been shipped over such great distances as today. European land-borne freight volumes are expected to grow by up to 30% by 2030. No single mode of transport will be able to cope alone with such increased volumes over long distances; multimodal solutions must thus be sought. While ongoing digitalisation will make it easier to link up transport modes, the Covid-19 pandemic has shown how important reliable “door-to-door” solutions are.

### Challenges for multimodal (rail-sea) traffic

Since the Multimodality Committee was created, CIT has developed various products focusing on the interface between maritime law and rail transport law, such as the rail-sea GTC and boilerplate contract. A contractual basis now having been established, the committee is increasingly focusing on ensuring these products are more widely used in future. Using these products can simplify multimodal traffic a great deal at the rail/sea interface for CIT members.

The committee’s meeting discussed a possible pilot project to trial the use of the two documents. In this context, the representatives of Baltic Port Rail Mukran (BPRM), Tino Gerschler and Helmut Seilert, presented a new project they are organising involving freight movements in both directions between China and Europe via the Baltiysk-Mukran shipping route. Traffic has been running on this route since late 2019, and despite the difficulties brought about by the Covid-19 pandemic volumes have held up well, even increasing. The striking feature of this traffic is that capacity utilisation is high in both directions, both China > Europe and Europe > China.

The CIT GS will discuss the next steps towards a possible pilot project with BPRM during next year.

### Interaction of inland waterways and railways

The meeting received a presentation on the draft guide comparing the relevant bodies of law, namely that governing international railway carriage under COTIF/CIM on the one hand, and that governing inland waterways in the shape of CMNI, CLNI I & II and the Athens Convention on the other. Inland waterways are becoming an increasingly important part of EU transport policy, yet the legal bases enabling a comparison with carriage by rail are not yet in place. The committee is thus especially supportive of further CIT work in this field. A seminar is planned in 2021 on railway law and inland waterway law, during which the guide will be discussed.

### Latest developments in combined transport

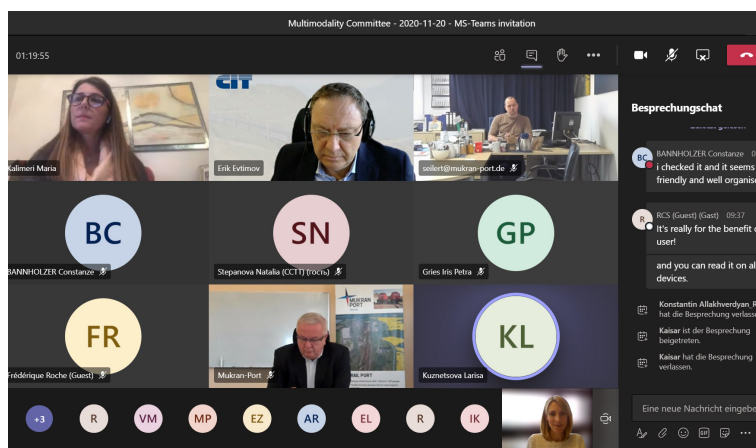
The UIRR representative Ralf-Charley Schultz informed the meeting that Directive 92/106/EEC, on the combined transport of goods, was to be revised starting in January 2022.

### Impacts of Covid-19 on members of the Multimodality Committee

The Covid-19 pandemic has seen the entire transport industry burdened with restrictions. Committee Chairwoman Maria Kalimeri reported that passenger shipping was one of the sectors hardest hit by the pandemic. ATTICA GROUP was also badly affected, and had to cease carrying passengers on all its sea routes during the lockdown. Conversely, the freight business continued operating and indeed was able to grow.

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The Multimodality Committee held its November 2020 meeting entirely online.



## Reorganisation of the CIT's "Seals" Group of Experts

The 9th meeting of the "Seals" Group of Experts was held on 24 November 2020 as a video conference. Following approval by the CIM Committee, Jürgen Scholz (DB Cargo), who chaired the group in 2019 as interim chair, was appointed Chair of the «Seals» Group of Experts for a 3-year term of office as of 1 January 2021.

The "Seals" Group of Experts is now to be reorganised. Its main task will be to update and further develop the CIT's products and other relevant documents, such as the UIC Leaflet 426 - Guide on applying seals to freight wagons and intermodal transport units (new - IRS 40426). The group of experts will also address the issue of electronic seals. A virtual visit to Unisto, the leading manufacturer of security seals in Europe, was also shown during the meeting.

Two meetings of the "Seals" Group of Experts" are planned for 2021: the 10th meeting is expected to take place on 13 July 2021 and the 11th meeting on 30 November 2021.

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Original : DE



sources: <https://www.simultra-project.eu/>



## The CUI Committee: on the right track to harmonise the use of infrastructure.

*Due to the Covid-19 pandemic, 2020 was a year in which most meetings went online, and the CUI Committee was no exception, holding its October meeting virtually. Adriaan Hagdorn, who chaired the meeting, was gladdened to learn that Vice-Chairman Alberto Gallo (Trenitalia) would remain in office for another three years.*

### European Standard Contract of Use for railway Infrastructure (E-SCU-I)

The meeting focused on the European Standard Contract of Use for railway Infrastructure currently being negotiated with RailNetEurope (representing the European infrastructure managers).

Members of the CUI Committee discussed the standard clauses for the E-SCU-I and agreed a number of proposed wordings which were sent to RailNetEurope. The next CIT-RNE joint meeting will take place in mid-January 2021. Both organisations hope to be able to table a jointly-agreed E-SCU-I by mid-2021.

### Practical questions from CIT members

At meetings, members of the CUI Committee regularly discuss the practical issues and questions that arise in their companies. One question that has been on the agenda for some time is to what extent a Railway Undertaking (RU) can claim a refund of the cancellation costs if paths are cancelled due to “force majeure”. The cancellation costs borne by an RU comprise the path reservation costs plus the costs of cancellation for any unused paths.

For cross-border paths, the problem is as follows (illustrated using a fictitious example on the Rhine-Alps freight corridor from Rotterdam to Genoa):

Dutch infrastructure manager PRORAIL cancels the Dutch part of the international path from Rotterdam to Genoa due to a force majeure incident affecting the PRORAIL network. The infrastructure managers situated downstream of this section nonetheless bill the RU for the reservation and cancellation costs of the unused paths on their networks, even though the RU was prevented from using them by the incident on the PRORAIL network.

Must the RU bear the cost of the cancellation costs, and if so, is this not unfair? After all, objectively speaking, the incident is just as beyond the RU's control as it is the IM's.

Some time ago, the CUI Committee circulated a survey and found that the topic of “force majeure and track access charges” was handled differently from one infrastructure manager to another. What might a satisfactory solution look like?

On international paths such as freight corridors, processes and communication channels between infrastructure managers are fairly transparent, meaning that the various IMs along a corridor can be informed of a force majeure event. This is harder on cross-border paths that are a series of domestic paths each managed nationally by the respective infrastructure manager. A further problem rendering harmonisation of processes more difficult is that there is currently no single definition of “force majeure” or the events covered by this term. Further, IMs and RUs must also ensure there is transparent communication should such a force majeure incident occur.

In essence, a solution will only be found if we move away from a purely national perspective and stop thinking along the lines of “the tree felled by that tornado wasn't on my network, not my problem” and towards a more internationally-minded approach which considers an international path as a whole. In so doing, we must ensure that it is also transparent for the infrastructure manager that the RU's intention is to run a cross-border service.

The CUI Committee will discuss the matter further at its March 2021 meeting.

### Information on the TTR project

Members attending the meeting were also informed about the TTR project started by ForumTrainEurope in collaboration with RailNetEurope.

What does “TTR” mean?

The acronym stands for “Redesign of the international Timetabling Process”, and in simple terms is about modernising and harmonising the capacity allocation and path ordering process, thereby doing the same for the process of designing the timetable for rail traffic across Europe. The goal is to make more efficient use of infrastructure. The project sees groups working at various different levels, such as IT, legal issues, etc. CIT is involved in the latter.

All CIT members are encouraged to monitor the progress of work on the project in order to ensure that their interests and company priorities are adequately catered for.

For further information, see the project's website: [www.ttr.rne.eu/general/general-introduction](http://www.ttr.rne.eu/general/general-introduction).

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Adriaan Hagdorn  
Alberto Gallo

Chair and Deputies for the  
CUI Chair



## Which route to choose for international rail freight shipments?

Since COTIF 1999, the Convention concerning International Carriage of Goods by Rail has been a consensual contract by which the rail freight carrier undertakes to carry the goods for reward to the place of destination and to deliver them there to the consignee (Article 6 § 1 CIM). But what is the precise route to be taken between taking over the goods and delivering them?

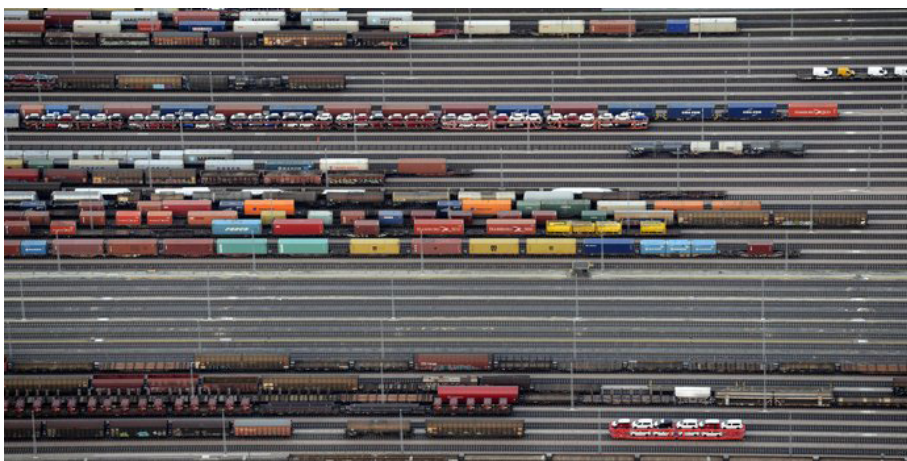
According to Article 7 § 2 (f) CIM, the agreed route is to be entered in the international CIM consignment note, with the contract of carriage by rail confirmed by a consignment note which accords with a uniform model (specified by the CIT) - see Article 6 § 2, first sentence. The choice of route is based as much as possible on the route proposed by the consignor or, if no such proposal has been made, on the route most favourable to the consignor, taking into account the type of goods, speed and cost of shipment. Details of the actual route are still indicated by the carrier using codes in accordance with UIC Leaflet 920-5. Details may be included as a supplement in plain text. Where there have been circumstances preventing carriage, the new route is to be indicated as necessary with the endorsement «diverted because of ...».

The information on the route entered in the CIM consignment note, box 50, is also used for completing the wagon note in practice. The information which is to be included on the wagon label in accordance with model CIT 14 in the CIT Freight Traffic Manual ([GTM-CIT](#)) is governed by the agreements between the carriers. If such labels are affixed by the consignor under an agreement with the carrier, they are to be checked by the carriers. The information in box 50 for border exit points is to be entered in the order in which the borders are crossed:

- The first two items for the country.
- The third and fourth items for the border code.

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sources: [www.latribune.fr](http://www.latribune.fr)

## First virtual CIT General Assembly on 19 November 2020

Chaired by the CIT Chair Maria Sack (DB AG), the General Assembly set out the guidelines for the CIT's work in 2021.

There were a number of personnel decisions that had to be taken by the General Assembly this year: the second and final term of office of Nevin Kaygisiz (TCDD) as a member of the Executive committee will expire at the end of 2020. Luca Arnold, Director Regulatory and International Affairs at SBB, was subsequently elected as his successor. Platon Guryanov (RZD) was again confirmed as a member of the Executive Committee for a second term. The Chairman of the CIM Committee, Jean-Luc Dufournaud (SNCF), retired this summer. Gilles Mugnier (SNCF) was elected to succeed him. Isabelle Saintilan (SNCF Mobilités) was elected Chair of the CIV Committee and Alberto Gallo (Trenitalia) Deputy Chair and Alberto Gallo was also confirmed as Deputy Chair of the CUI Committee for a second term.

The General Assembly approved the income statement for 2019, which closed with a pleasing surplus of CHF 74,168. The budget for 2021 amounting to CHF 2,234,500, which remains at the same level as last year, was also confirmed. Next year, however, a total of CHF 150,000 that has been saved during COVID-19 pandemic is to be reimbursed to members by means of a reduction in the membership fees for 2021.

The General Assembly also approved the work programme for 2021.

In the second part of the event, the CIT team reported on last year's work in the fields of passenger transport, freight transport, multimodality and infrastructure. The major part of the work programme approved by the General Assembly in 2019 was successfully completed, despite the COVID-19 pandemic. A presentation by the Secretary General of OTIF, Wolfgang Küpper, on the current work relating to COTIF rounded off the event.

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Wolfgang Küpper and Cesare Brand



## CIT CALENDER

Date	Event	Location	CIT Contact
23-24 Februar	51st CIV Working Group	Berne*online.	SDO
11 March	CUI Committee	*online	NS
24 March	2nd Data Protection Expert Meeting	Warsaw*online	SDO
25 March	Data Protection Conference	Warsaw*online	SDO
25 March	CIM Committee	Berne*online	EE
22 April	CIT Executive Committee	Berne *online	CB
25-26 May	52nd CIV Working Group	Prague	SDO
1-2 Juni	CIV SMPS Working Group	Berne	EE
23-24 Juni	CIM Working Group	Berne	EE
1-2 July	Recht-Experten Group CIM/SMGS	Berne	EE
13 July	Experten Group Seals	Berne	DSC

## Agenda with CIT participation

Date	Event	Org.	Loc.	Contact
13/15 January	Groupe of Expert	Unece	online	CB/EE
19 January	OSDM Executive Committee	UIC	online	CB
20 January	TTR Legal Task Force	RNE	online	NS
21 January	CER Legal Group	CER	online	NS
25 January	European Railway Awards	CER	online	CB/EE
26 January	General Assembly	CER	online	CB
28 January	Ad-hoc JSG FaaS	CER	online	EE
1-2 February	Expert Group on negotiable TD	UNCITRAL	online	EE
16 February	SG "Wagon users"	UIC	online	EE
3 March	TC Committee	UIC	online	EE
10 March	Assistants	CER	online	EE
17 March	PSG Steering Committee	UIC	online	CB
12 April	Trans4Rail Advisory Board	UIC	tbd	EE
13-15 April	Group of Legal Experts	OTIF	tbd	EE
17 June	CER Passenger Working Group	CER	Brussels	SDO
7 July	General Assembly	UIC	tbd	CB

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