



International Rail Transport Committee
Comité international des transports ferroviaires
Internationales Eisenbahntransportkomitee

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Statutes

Applicable with effect from 1 January 2005

Contents

I	General provisions	5
1	Name, headquarters and aim	5
2	Membership, rights and obligations	5
II	Organisation	6
3	The General Assembly	6
4	The Executive Committee	7
5	The Chairman	8
6	The Secretary General	8
7	Audit body	8
III	Working methods	8
8	Committees	8
9	Working Groups	9
10	Documents	9
IV	Finances	9
11	Division of costs and responsibility for them	9
V	Final and transitional provisions	10
12	Entry into force	10
13	Transitional provisions	10

I General provisions

1 Name, headquarters and aim

- 1.1 The "International Rail Transport Committee (CIT)" hereinafter also referred to as "the Association" shall be an association under Swiss law with legal personality and with its headquarters in Bern.
- 1.2 The aim of the CIT shall be
- a) the transposition of the law of international carriage by rail and in particular the Convention concerning International Carriage by Rail (COTIF) and its consistent application;
 - b) within this framework
the development of close working relationships between members;
the representation of the interests of members;
the provision of other services (advice, training, organisation of events, etc.).
- 1.3 To this end, the CIT shall work closely together with the competent international authorities and railway organisations and as necessary shall conclude appropriate agreements to co-operate.

2 Membership, rights and obligations

- 2.1 The following may join the CIT as Full Members;
- a) Undertakings which provide international rail transport under the terms of COTIF or under other international sets of regulations,
 - b) Undertakings which make use of CIT documentation or services.
- 2.2 Associations of undertakings with a legal personality may join the CIT as Associate Members provided their own members
- a) provide international rail transport, or
 - b) provide services in connection with international rail transport , or
 - c) make use of CIT documentation or services.
- 2.3 Within these statutes, the term "member" without qualification shall be understood as including both Full and Associate Members.
- 2.4 Members shall undertake to respect the decisions of the Association.
- 2.5 Provisions for the practical transposition of the international law of carriage by rail and its consistent application in accordance with point 3.1 h) below shall specify the extent to which they are binding on members. The following principles shall apply:
- a) if the provisions concern relationships with third parties, then they form recommendations and only bind members to the extent that those members adopt them (opting-in principle);
 - b) if the provisions concern relationships between members, then they are mandatory and bind all members. An individual member may nevertheless declare that he will not apply a provision because it is contrary to his interests (opting-out principle).

- 2.6 As far as possible, members shall settle their differences on issues which fall within the competence of the association amicably. The CIT General Secretariat will provide help to resolve disputes. The right to refer to an arbitration tribunal or to an ordinary court shall remain reserved.
- 2.7 Any member may resign membership at the end of a calendar year by giving six months advance notice. The General Assembly may exclude a member with immediate effect for not paying its contribution to the costs of the Association.

II Organisation

3 The General Assembly

- 3.1 The General Assembly shall be the supreme body of the CIT. It shall define the policy and take on the strategic management of the CIT. In particular it shall be assigned the following functions:
- a) drawing up its own rules of procedure
 - b) electing and removing the Chairman, the Vice-Chairman, the members of the Executive Committee, the Secretary General and his Deputy as well as the Audit Body
 - c) approving the Executive Committee's decision to admit new members and excluding members
 - d) issuing directives concerning the activity of the Executive Committee and the Secretary General
 - e) supervising the work of the Executive Committee
 - f) appointing Committees
 - g) approving the Annual Accounts and the Budget
 - h) adopting provisions for the practical transposition of the international law of carriage by rail and its consistent application
 - i) dissolving the Association
 - j) amending the Statutes
 - k) changing the location of the headquarters
 - l) assigning functions to another association or accepting functions from another association
 - m) determining the working languages of the Association
 - n) taking decisions on matters which the law or the Statutes reserve to it.
- 3.2 The General Assembly shall meet once a year, or at the request of the Executive Committee, or at the request of one fifth of the members. It shall be convened by the Chairman. Both Full Members and Associate Members may take part in the General Assembly.
- 3.3 The General Assembly shall have a quorum when at least two fifths of the Full Members are present or represented. Full Members shall be entitled to vote. They may cede that right to another Full Member or to an Associate Member. A Full or Associate Member may represent a maximum of three Full Members.
- In the absence of a quorum, the Chairman will immediately issue an invitation to the second General Assembly with the same agenda. This will have a quorum irrespective of the number of members present or represented. The latter condition has to be pointed out in the invitation.
- 3.4 Each Full Member shall have one vote. Both Full and Associate Members shall have the right to present propositions.

- 3.5 Decisions shall be taken by a simple majority of votes. A majority of two thirds shall be required for the exclusion of a member, amendment of the Statutes, change of the location of the headquarters, assignment of functions to another association and the dissolution of the Association. The votes of Full Members present or represented shall be taken into account. Abstentions shall not be taken into account.
- 3.6 If a third of the members with the right to vote so request, elections, removals and the exclusions of members shall be decided by secret ballot.
- 3.7 Decisions concerning the adoption of provisions for the practical transposition of the international law for carriage by rail and its consistent application may also be taken by correspondence provided that there are not objections from a third or more of the Full Members; silence shall be construed as agreement.

4 The Executive Committee

- 4.1 The Executive Committee shall be the body for operational and administrative management of the CIT. It particular it shall be assigned the following functions:
- a) drawing up its own rules of procedure
 - b) fixing the conditions of service of the staff
 - c) laying down the financial regulations
 - d) admitting new members; admission shall be subject to approval by the General Assembly
 - e) supervising the management of the Secretary General
 - f) nominating those staff of the General Secretariat who must be nominated by the Executive Committee in accordance with staff regulations
 - g) making the arrangements for meetings of the General Assembly
 - h) making propositions for the elections to the post of Chairman, the post of Vice-Chairman, for membership of the Executive Committee and to the posts of Secretary General and his deputy
 - i) approving the Annual Report
 - j) preparing the Annual Accounts and the Budget
 - k) carrying out tasks allocated by the General Assembly
 - l) expressing views on drafts for law of international carriage by rail
 - m) appointing Working Groups
 - n) designating members of the Executive Committee to represent the CIT externally
 - o) deciding the fees for licences
 - p) dealing with all business which does not fall within the competence of the General Assembly and which it reserves to itself.
- 4.2 The Executive Committee shall comprise nine members at most and shall be composed in a representative way. The Chairman shall be a member as of right. The Secretary General shall not be a member of the Executive Committee but shall attend its meetings in an advisory capacity.
- 4.3 The length of the mandate of members who are not members of the Executive Committee as of right shall be limited to four years, but may be extended by four years on one occasion.
- 4.4 The Executive Committee shall meet at least once a year or at the request of a fifth of its members. It shall be convened by the Chairman. Should an issue concern another railway organisation with which the CIT has an appropriate co-operation agreement, that organisation shall receive the papers for the meeting and may attend meetings in an advisory capacity.

- 4.5 The Executive Committee shall have a quorum when at least two-thirds of its members are present or represented. Each member of the Executive Committee shall have one vote and may transfer it to another member of the Executive Committee. No member of the Executive Committee may represent more than one other member of the Executive Committee. A member of the Executive Committee may exceptionally be represented by another person from his undertaking or organisation to whom he may transfer his voting rights. Decisions may also be taken by correspondence; silence shall be construed as agreement.

5 The Chairman

- 5.1 The Chairman shall preside over the General Assembly and the Executive Committee. He shall represent the CIT externally.
- 5.2 The Chairman shall be drawn from the circle of members and shall occupy a senior position in his undertaking or association. The duration of his term of office shall be four years, but may be extended by four years on one occasion.
- 5.3 If the Chairman is unable to be present, the Vice-Chairman shall deputise for the Chairman. The Vice-Chairman shall be drawn from the circle of members of the Executive Committee and shall be proposed by the Executive Committee for election at the General Assembly.

6 The Secretary General

The Secretary General shall take on the management of the CIT and be in charge of the General Secretariat. The duration of his term of office shall not be limited. He shall represent the CIT externally and in particular shall be assigned the following functions:

- a) carrying out the decisions of the General Assembly and the Executive Committee
- b) making the arrangements for the meetings of the Executive Committee
- c) preparing the Annual Report, the Annual Accounts and Budget for presentation to the Executive Committee
- d) convening and taking part in meetings of Committees and Working Groups
- e) considering applications for membership
- f) making and considering propositions
- g) maintaining relationships and communicating
- h) managing the staff of the General Secretariat.

7 Audit body

The General Assembly shall elect a Swiss accountancy practice as the Audit Body for a period of three years. It shall examine the Association's bookkeeping and make a report to the General Assembly.

III Working methods

8 Committees

- 8.1 The General Assembly may appoint Committees with delegated powers for a limited duration to consider specific questions. The Committees must be composed in a representative manner; Associate Members shall also have voting rights. Should an issue concern another railway organisation with which the CIT has an appropriate co-operation agreement, that organisation shall receive the papers for the meeting and may attend meetings in an advisory capacity. In addition point 3.3 is applicable by analogy.

- 8.2 Decisions may also be taken by correspondence provided that there are not objections from a third or more of the members of the Committee; silence shall be construed as agreement.
- 8.3 The General Assembly shall provide a precise remit and timescale for the work to be done and nominate the person responsible for it. The person responsible for the work shall have a mandate of the same length as the Committee itself provided it does not exceed three years. The mandate for the person responsible for the work may be renewed once.

9 Working Groups

- 9.1 The Executive Committee or a Committee may set up Working Groups to consider particular questions. Their members shall be nominated as a function of their specific competence. Should an issue concern another railway organisation with which the CIT has an appropriate co-operation agreement, that organisation shall receive the papers for the meeting and may attend meetings in an advisory capacity.
- 9.2 The Executive Committee or a Committee shall provide the Working Group with a precise remit and timescale for the work to be done and nominate the person responsible for it. The person responsible for the work shall have a mandate of the same length as the Working Group itself provided it does not exceed three years. The mandate for the person responsible for the work may be renewed once.

10 Documents

- 10.1 Documents for the General Assembly shall be sent four weeks before the meeting and those for the Executive Committee and Committees two weeks before the meeting.
- 10.2 As a general rule only conclusions will be minuted. Minutes should be sent to participants within the two weeks which follow the meeting. If no objections are made within twenty days of their being sent out, the minutes shall be considered as accepted and may be made available to other interested parties.

IV Finances

11 Division of costs and responsibility for them

- 11.1 The costs of the Association shall be allocated between the Full Members in the following way:
- a) 10% in equal shares between all the Full Members;
 - b) 35% dependent on the passenger kilometres which they achieve in CIV traffic as carrier or sub-contracting carrier within the meaning of Article 3 of the CIV Uniform Rules;
 - c) 55% dependent on the net tonne kilometres which they achieve in CIM traffic as carrier or sub-contracting carrier within the meaning of Article 3 of the CIM Uniform Rules.

The maximum contribution of a Full Member shall not exceed 15% of the total of the costs to be allocated.

In special cases, the General Assembly may use other criteria to determine the contribution to be made by a Full Member.

- 11.2 Associate Members shall pay a lump sum decided on a case by case basis by the General Assembly taking into account the size and importance of the Associate Member.
- 11.3 Particular services provided to one or more members shall be individually billed.

- 11.4 Licence fees may be charged for goods and services used by undertakings which are not members of the CIT.
- 11.5 Members newly admitted to the Association shall contribute to the costs pro rata to the time from the date of their admission to the end of the accounting year in which they were admitted. Members who leave the Association or who are excluded during the accounting year shall pay their contribution up to the end of it.
- 11.6 The CIT shall create a reserve fund designed to ensure liquidity. Its size shall be fixed by the General Assembly.
- 11.7 The accounting year shall be a calendar year. Contributions to the costs of the Association calculated on the base of the budget shall be payable in two instalments due on 1 February and 1 July. Interest at a rate set by the financial regulations shall be charged on late payments.
- 11.8 The CIT shall only call on the assets of the Association to settle its obligations.

V Final and transitional provisions

12 Entry into force

These statutes shall replace the statutes of 4th June 1997. They were adopted by the General Assembly on 22nd May 2003 and came into force on 1st January 2004, further amendments were adopted on 13th May 2004 and these amendments came into force on 1st January 2005.

13 Transitional provisions

- 13.1 The existing Executive Committee shall remain in office and shall provide for the transition from the old to the new organisation. The Executive Committee and the Chairman shall be re-elected at the 2004 General Assembly without the length of existing mandates being taken into account. The UIC representative shall be nominated at the same time. They shall take office immediately.
- 13.2 SBB staff working for the CIT shall be transferred on 1st January 2004. Their conditions of employment shall remain similar.

The President



Marcel Verslype

The Secretary General



Thomas Leimgruber