Dear Readers,

To my great regret, I must begin this edition of CIT-Info with some sad news. Following a serious illness, my predecessor as CIT Secretary General, Thomas Leimgruber, passed away on 16 May at the age of 71.

Thomas headed CIT from 1999 until the end of 2011, during which time he left a significant mark on our organisation. In particular, in 2002 he was responsible for converting CIT from an SBB-internal body into the independent, international association it is today. He accomplished this task with great skill and professionalism, and CIT is still reaping the benefits of Thomas's work.

We have lost a highly skilled and acknowledged legal expert, an outstanding manager, an exemplary boss, and an ever-helpful and good-natured colleague and friend.

He will be greatly missed by us all.

Cesare Brand
Secretary General of the CIT
CCTT Business Forum: Transsib in the Euro-Asian transportation system: New opportunities and perspectives for multimodal carriage from Japan to Europe


The event was jointly organised by the CCTT Secretariat, the Trans-Siberian Intermodal Operators of Japan Association (TSIOAJ) and the Russian Federation Trade Mission to Japan, with support and participation from the Russian embassy in Japan and the Japanese Ministry for Land, Infrastructure, Transport and Tourism (MLIT).

It was chaired by Coordinating Council on Trans-Siberian Transportation (CCTT) Secretary-General, Mr Gennady Bessonov and CCTT Vice-Chairman and TSIOAJ Chairman, Mr Kenjiro Masuda.

Over 200 people attended the business summit, including representatives of Japan’s leading industrial, transport and logistics firms, the Russian, Belarusian and Mongolian railways, European and Russian operators and shipping firms, as well as CIT and OSJD. The forum included a technical visit to the container terminal in the port of Yokohama, which participants found very interesting.

The round-table that kicked proceedings off on 31 May discussed challenging issues in connection with the planning, organisation and execution of multimodal container movements. Japanese business with current service provided by the Transsib presented new transport products offering swift, reliable conveyance of freight from Japan to Russia, Central Asia and Europe (“Transsib in 7 days”, “Baikal Shuttle”, etc.) using a single standardised CIM/SMGS consignment note.

The session also discussed issues concerning the modernisation of the Transsib railway infrastructure and highlighted the advantages of sending goods via the Transsib instead of by sea, with particular regard to transit times and price. Other matters addressed by the Business Forum included:

- Digitalisation and optimisation of existing logistics processes;
- Developing the rail and seaport infrastructure of the Russian Federation's eastern region as the key to improving trade and business cooperation and to unlocking the Chinese hinterland;
- Transit times for freight travelling to/from Japan and Europe or to/from China and Europe;
- Monitoring loads along the route, ensuring safe loading;
- Offering customer-focused transport and logistics products with markedly shorter transit times and ensuring load safety and security along the Transsib.

The Japanese government and business representatives concluded the round table by observing, to unanimous agreement, that increasing transport volumes from Japan requires reliable, multimodal transport services to Asia, Russia and on to Europe. Inter alia, a precise and reliable timetable, competitive rates and pricing, and simplified customs transit and hygiene procedures are needed, along with rigorous attention to ensure the security of convoys.
Given that all these aims fall within the purview of the CCTT, attendees observed that the CCTT platform offered a valuable “one stop shop” to enable transit traffic from Japan on routes heading west to Asia, Russia and Europe on the Transsiberian route.

CIT was represented by Deputy Secretary-General Dr Erik Evtimov, who gave a detailed presentation entitled “Practical use of the Common CIM/SMGS Consignment note for multimodal carriage from Japan to Russia and Europe” and offered in-depth, comprehensive in situ insights concerning the strategic direction for multimodal transport services from Japan to Asia and Europe and the use of Russia’s far eastern deep-water ports.

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Original: DE

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### PASSENGER TRAFFIC

#### 14th CIV/SMPS Working Group

*International passenger rail experts applying CIV and SMPS had an interesting exchange of views on current issues relating to the interface between the two legal regimes. The meeting was attended by representatives of CD, FPC, LG, RZD, UZ, and the Transport Ministry of the Russian Federation. An external guest was also invited in the shape of UIC NRT Group Chairwoman Natascha Hooft (SNCB/NMBS).*

The 14th meeting of the CIV/SMPS Working Group took place in Prague on 16 and 17 May 2018 at the invitation of the Czech railways (CD).

Ms Hooft gave a comprehensive overview of the various UIC groups, explaining their remit, structure, and organisational and cooperation arrangements. The meeting also discussed the issue of the carriers participating in cross-border passenger rail services, as well as the need to clarify the relevant terminology (and develop some new terms) in collaboration with CIT. To this end, CIT will carry out some follow-up work and coordinate with the UIC East-West Steering Group.

Participants reported on the numerous developments underway at their railways and the latest cross-border passenger rail connections. Based on this information, the CIT GS will update the interactive [CIT CIV/SMPS map](#) between now and the international timetable change on 9 December 2018.

The possibility of holding a seminar focusing on East-West traffic and related topics was also raised. The topics and other organisational matters will be discussed at the working group’s next meeting in October 2018.

One of the key points on the agenda and in discussions during the meeting was the ongoing revision of the PRR and the potential impact thereof on traffic with non-EU Member States. Since the revision process is still underway, it is currently hard to gauge to what extent it will impact on SMPS railways. The CIT GS is keeping abreast of developments concerning the PRR revision, and will prepare a full report for the working group’s next meeting, to which a CER expert will also be invited. Those railways interested will thus have the opportunity to receive the latest information on the revision from those closest to it.

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Original: DE
CIV Committee: new products for passenger traffic

The CIV Committee, which met on 21 June 2018, has adopted new products and has made modifications to existing products in the field of passenger traffic. It has also given the CIV working group the mandate to study “smart contracts” in the context of ticket digitisation.

Data protection: new boiler plate contracts

The new EU Regulation 2016/679 on the protection of data (GDPR) (see article page 5) requires that railway undertakings conclude explicit contracts with their partners who need to process passengers’ personal data (for example, other railway undertakings, distributors, information service providers, etc.).

The CIV Committee has adopted two boiler plate agreements to govern the contractual relations between the “data controller” (in other words the carrier who is a CIT member) and a “data processor” (in other words any company that manages personal data collected by the CIT member). These boilerplate agreements cover the obligations of the two parties in particular concerning confidentiality and quality, liability and intellectual property. They appear, as from 1 October 2018, as appendices to the CIT Guidelines on the protection of privacy and processing of data of a personal nature used in international rail passenger transport (GDP CIT).

The Group of data protection experts will also be involved this year in the collection of good practices from undertakings in respect of clauses informing passengers of the processing of their personal data when they conclude a contract for carriage by rail.

Ticketing: new layouts and barcodes

The CIT Committee has decided to align the CIT Guide on international rail tickets (MIRT) with the new UIC leaflets 918-8 (layout of tickets) and 918-9 (barcodes), which should be published by early 2019.

The revised version of MIRT, which will come into force on 9 December 2018, will present in a transparent way all the elements to be taken into consideration at the time of the issue of international rail tickets, whether issued on paper or in electronic form. It will place the emphasis on the security elements used to authenticate and verify the validity of the different types of ticket.

MIRT will retain its mandatory character for the multilaterally experienced standards, which also form part of Regulation 454/2011 (TAP TSI), which is applicable to undertakings established in the European Union. For now however, the new MIRT standards are only of the nature of a recommendation.

Digitisation: “smart contracts”

The CIT is closely following technical developments that for some years now have been revolutionising ticketing. Making current solutions interoperable for rail tickets remains a challenge at international level, which was taken up this year with the revision of the MIRT and UIC leaflets on data sheets.

But digitisation continues to raise new challenges, particularly blockchain technology. The CIV Committee has thus mandated the CIV working group to study issues linked to “smart contracts”, which frame and structure blockchain technology. These smart contracts in effect define the obligations of the parties to the contract and the governance necessary for the system so that it operates in an automated and efficient manner.

Chair of the CIV working group

The CIV Committee elected Oliver Hirschfeld (DB) as Chair of the CIV working group for 2019-2021. It also expressed its warm appreciation to Isabelle Saintlian (SNCF), who has fulfilled this role superbly over the past six years, due to her excellent knowledge of the subject matter involved and her innate sense of diplomacy.

The next meeting of the CIV Committee will take place on 19 June 2019 at the CIT head offices in Bern.
Implementation of GDPR: an update on the situation

25 May 2018 was the deadline for companies and individuals involved with the processing of personal data to implement the GDPR.

The wave of data protection policy updates

A day has not gone by, in recent weeks, without individuals receiving a batch of emails relating to updates to the data protection terms and conditions on the various websites and newsletters to which they subscribe.

The CIT is no exception. Although its head offices are in Switzerland, insofar as it processes data for individuals residing in the European Union, it was also bound to comply with the standards arising from the GDPR (General Data Protection Regulation 2016/679), which it has not hesitated to do (in particular via its privacy policy).

And now?

The implementation of the GDPR has enabled the law (not only in Europe, but also on an international scale) to be adapted to technological developments. In an increasingly interconnected society, it was thus necessary to have a legal framework that corresponds to the real world.

Contrary to what many people may think, this was no revolution. A legal framework already existed and a good number of companies and individuals involved in processing personal data had already put measures in place. The implementation of GDPR led to a collective awareness of the value (not merely financial) of personal data and the importance of protecting them.

In these various possible cases, the individual concerned must have been informed of this processing in a clear and transparent way (in particular concerning the purpose of the processing, the data collected, the recipients of the data, and how long processing will take).

Where pseudonymisation of data is possible, this must also be done.

All undertakings must ask themselves these questions whenever they are involved in the collection of data, issuing tickets and also when storing and transferring data.

And subsequently?

It is too soon to assess the overall impact that GDPR will have. Some European States have also not yet adapted their national legislation (1).

The European Union is however working on the adoption of other provisions concerning data protection. For example, the “privacy and electronic communications” regulation (ePrivacy Regulation) which relates to the processing of communications/marketing data, particularly the use of cookies. This is intended to reinforce the level of protection for individuals when they browse the internet. It will therefore have an impact on railway undertaking web sites and applications.

The CIT will therefore continue to monitor these developments closely, and to give advice and to develop products for its members.

The contact at CIT for questions or comments concerning data protection is Sandra Dobler (Legal Adviser).

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Original: FR

Conclusions of the CIT Freight Conference on 24 May 2018

The CIT Conference on the Carriage of Goods under Public Law Restrictions took place in Bern on 24 May 2018. Chaired by CIT Chairman Jean-Luc Dufournaud, it was attended by around 30 experts in the carriage of goods subject to specific authorisation regimes from CIT member railways, and aimed to make a significant contribution to further enhancing the CIT freight products.

Carriage of Goods under Public Law Restrictions

Firstly, the international legal basis for the carriage of goods under public law restrictions was explained, with a presentation of the relevant provisions of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), as well as the additional regulatory bases contained in other international agreements and in EU law for other types of goods requiring special movement permits.

Taking this as a basis for discussion with the experts present, the second part of the conference explored electronic identification procedures enabling the use of electronic documents for the carriage of goods under public law restrictions. The same questions were then also discussed in respect of other goods subject to movement permits and specific documentation requirements under public law restrictions.

Implementation by the railways

Many railways have implemented EDI or web-based order management systems for use by customers, irrespective of whether they subsequently use an electronic or paper consignment note. In terms of the documents exchanged with the customer (duplicate/original of the consignment note) paper dominates because, although customers mainly place their orders electronically, they have not put in place interfaces/systems able to receive or process the electronic consignment note in full.

This means that currently, use of the electronic consignment note is essentially restricted to exchanges between carriers. A distinction needs to be drawn here between bilateral exchanges (via a direct interface) and the use of a central system. Raildata’s centralised ORFEUS system is currently used to exchange messages for ECNs.

However, all consignments requiring paper documentation (either due to public law requirements or for processing reasons) are currently excluded from the paperless ECN procedure, in particular:

- Consignments under customs control (the simplified Community transit procedure continues to foresee the use of a paper document for customs purposes)
- RID goods
- Waste consignments
- Radioactive goods
- Military goods
- Consignments accompanied by a transport document.

Such goods require specific movement permits and certificates are required; these are issued under the national law of the country concerned and are mostly paper documents.

Further steps

It can be seen that, for the railways, the major benefit of electronic data exchange is not (contrary to what was expected) that it eliminates the need to handle the paper consignment note but rather that it avoids their having to re-enter data that has already been entered by another railway.
Eliminating the need to manage paper consignment notes only becomes beneficial if it also eliminates the time lost carrying paper documents to and from the train. However, this time will only be saved once electronic solutions exist for both 1) the paper documents currently mandated by public law requirements and 2) the documents of which paper copies are still needed for operational purposes (e.g. wagon rosters, braking sheets).

CIT and Raildata are currently working on a modified messaging process which factors in the new requirements arising from greater use of the purchase/sale model, in order to support the railways in reducing the cost of IT investments in paperless carriage.

The CIT CIM Working Group will continue to work on digitalisation and the carriage of goods under public law restrictions.

CIT/OSJD project on “CIM/SMGS legal interoperability” sparks wave of interest

In early July, the 31st meeting of the CIM/SMGS Expert and Legal Group took place in Bern. It was attended by over 30 participants from a diverse range of countries – from the People’s Republic of China and Kazakhstan to Russia, Germany and France.

The CIM/SMGS consignment note and the associated usage documents (the CIT GLV-CIM/SMGS and Appendix 6 to SMGS) will be republished in revised form on 1 January 2019. In particular, the new editions take into account the changes made during the SMGS revision in 2015-2017. The experts involved have also adapted the technical, functional and legal specifications for the CIM/SMGS electronic consignment note, whilst RailData is currently making the necessary modifications to the relevant XML messages.

This means that from 1 January 2019, CIT and OSJD members will have unrestricted access to a coherent system for both paper-based and electronic CIM/SMGS consignment notes. A CIT/OSJD seminar to be held on 3-4 September 2018 at the OSJD Committee in Warsaw will bring together some of the leading experts involved in the project, who will explore and discuss this development.

Particular interest in the CIT/OSJD seminar has been shown by representatives from the People’s Republic of China, Russia, Kazakhstan and other central Asian republics, e.g. Afghanistan and Azerbaijan.

All CIT members are welcome to attend the seminar in early September. However, the number of participants is limited so please register by emailing info@cit-rail.org.

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Original: DE

People from a diverse range of countries from the Republic of China and Kazakhstan to Russia, Germany and France
The CUI Committee's 25th meeting featured lively discussions and a packed agenda of interesting topics, including the upcoming revision of the CUI Uniform Rules, a new Appendix H to COTIF, the use of the E-GTC-I, and the development of a European standard contract.

PKP Cargo now also participating in work

For the first time, the CUI Committee meeting was attended by two delegates from PKP Cargo. The committee welcomes the involvement and interest in its work shown by PKP Cargo, whose knowledge and experience will be a valuable source of input for the committee's work.

Updates and discussion of international law and judicial rulings

Participants regularly use committee meetings to update one another on and discuss recent cases before the courts or authorities in their countries, and did so once again this time. For instance, participants were asked if they had any experience of legal provisions whereby railway undertakings had to be supplied with information by infrastructure managers in real time, or whether any information-related obligations were merely general in nature.

Additionally, Elizabeth Bragina (CER Junior Legal Officer) informed the committee of developments in EU law, for example the European Commission's work on the Implementing Regulation on the Economic Equilibrium Test (EET) and the introduction of a uniform "template" for service facilities following its formal approval at the RNE General Assembly in mid-May 2018. The CIT GS also informed committee members of the revision status of the Regulation on Rail Passengers' Rights and Obligations (PRR), though this topic is mainly handled by CIT's CIV Working Group and CIV Committee.

Partial revision of the CUI Uniform Rules (CUI UR) and discussion of the new Appendix H to COTIF

In late September this year, the OTIF General Assembly will vote on a revision to the CUI Uniform Rules. In this context, the committee discussed a new paper to be sent to the relevant decision-makers (member states and regional organisations) ahead of the General Assembly.

The OTIF General Assembly will also vote on whether to adopt a new Appendix H to COTIF concerning the safe operation of trains in international traffic. In this context, the CUI Committee considers it vital that the new Appendix H should not extend beyond the obligations under the “Safety Directive” (applicable within the EU) and that each railway actor’s responsibilities in ensuring safety are clearly and thoroughly defined and delimited.

Implementation of the E-GTC-I by the Swiss railways and negotiations on a European Standard Contract of Use for Railway Infrastructure (E-SCU-I)

Participants in the meeting discussed the further implementation strategy for the European General Terms & Conditions for the Use of Railway Infrastructure (E-GTC-I). Roland Saurer (SBB) gave a fascinating presentation in which he described the internal process and discussions leading to implementation of the E-GTC-I at SBB and BLS. There are indeed very few substantive differences between SBB’s general terms & conditions and the E-GTC-I. These discrepancies were analysed by a committee of specialists and bundled together as a set of “special conditions” complementing or slightly modifying the E-GTC-I.

In a related vein, the development of a European Standard Contract of Use for Railway Infrastructure (E-SCU-I) remains high on the committee’s agenda. A number of major questions remain to be answered here, to which committee members are asked to reply by this summer.

The CUI Committee’s next meeting will take place on 18 October 2018. Its agenda will feature, inter alia, the key decisions coming out of the OTIF General Assembly, which will have taken place around three weeks previously.

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Original: DE

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(1) CUI UR: Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic

(2) EST UR: Uniform Rules concerning the safe operation of trains in international traffic (new Appendix H to COTIF)

(3) Directive 2016/798 of 11 May 2016 on railway safety
Self-contracting in international rail transport law

Can a consignor be put in box 1 of the consignment note and mentioned as contractual carrier in box 58a on the consignment note as well?

COTIF/CIM presumes legally two parties to the contract of carriage of goods for reward by rail (Art. 1 § 1 CIM). In the CIM consignment note as evidence of the contract of carriage, this is fixed in box 1 for the consignor and box 58a for the contractual carrier as parties to the contract of carriage. The consignee is in principle not a party to the contract of carriage.

Based on the national law which is a principle of Roman law across Europe (see article 8 § 2 COTIF) an economic entity with legal personality cannot contract with itself. In this sense, consignor and contractual carrier should be two different legal entities with their own budget and administrative structure.

Regarding Article 6 § 3 first sentence in connection with § 2 second sentence CIM, the transport contract needs two parties as well. In this case two legal entities definitively conclude the contract of carriage confirmed by the consignment note, as prescribed in article 12 § 1 CIM.

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Original: DE/EN

News from the CIT Executive Committee

The Executive Committee met for the first time this year on 26 April 2018 in Bern. Under the guidance of chairman Jean-Luc Dufournaud (SNCF), the committee reviewed the status of ongoing CIT work to implement the 2018 programme of work validated by the General Assembly.

The committee also examined the 2017 financial result (a surplus of CHF 1,421) and discussed the chairmanship of various CIT bodies.

Other matters handled at the meeting included the results of the member survey conducted last autumn. It was observed that the overwhelming majority of members are happy with CIT’s current direction. A discussion of experience and feedback from the “Berner Tage” 2018 showed that here too, participants’ feedback was very positive.

The committee noted with approval the conclusion of the “CIT-Term” project (a terminological database available to members on the CIT website) and the successful cooperation with the Universal Postal Union in Bern on stet “Railway parcel traffic to and from China” project.

The Executive Committee’s next meeting will take place on 27 September 2018 in Paris.

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Original: DE

Members of the Executive Committee in Bern
Tailor-made training for MÁV-START

On 19 April 2018, CIT organised a seminar for MÁV-START on legal and practical issues linked to international passenger rail traffic.

This enabled the CIT General Secretariat to present CIT's various documents for passenger traffic (general terms and conditions, agreements, guides, etc.) and to provide an update on the most recent developments concerning passenger rights in the European Union.

The CIT General Secretariat thanks the entire MÁV-START team, and, in particular, László Horváth, for the lively and interesting exchanges that followed the presentations!

Targeted training for CIT members

A new CIT offer for its members

Since 2016, CIT has offered a new service to its members for internal staff training in its fields of expertise: international passenger traffic, international freight traffic and the use of the infrastructure. These training seminars are flexible and can be adapted to the internal needs of the undertaking concerned. Any CIT member interested in offering training to its staff is invited to contact the CIT General Secretariat.

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Original: FR

Conference of Passenger Claims Departments

The next Conference of Passenger Claims Departments will take place on Wednesday 19 September 2018, at the head office of the UIC in Paris (France). It is intended for all those working in claims, sales and legal departments and who are members of the CIT and the UIC.

During the morning, participants will receive a presentation on the latest developments relating to the EU Regulation on railway passengers’ rights and obligations (PRR) and its revision, and on relevant examples of disputes brought before the national courts and bodies.

A second presentation will deal with new developments in CIT products of interest to customer services departments and concerning the way in which the new regulation for data protection in the EU affects the handling of claims.

SNCF and Trenitalia will present their general objectives in claims handling and will provide an overview of their processes as applied in practice.

The afternoon will be devoted to mediation and to claims linked to rail passes.

A number of workshops on current themes will round off the day's programme.

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Original: FR

www.cit-rail.org
Kurt Spera celebrates 90th birthday

On 5 August 2018, the President of the International Organisation of Tariff and Transport Experts (IVT), Honorary Professor Dr Kurt Spera, will turn 90.

As the representative of a long-standing CIT member and a regular and ever-active participant in our meetings and events, Dr Spera is familiar to entire generations of delegates, many of whom are friends as well as colleagues. He has witnessed a number of important stages in CIT's development, and is a valuable source of first-hand information concerning the creation of many legal instruments.

However, he also lived through the period before, during and after World War Two. In the light of these experiences, Dr Spera understandably became an unabashed proponent of peace between states and peoples. Believing that this could only be achieved through intensive communication, in which transport connections were destined to play a major part, Dr Spera made a significant contribution to the improvement of east-west transport links.

CIT wishes Professor Spera many happy returns and thanks him for his unstinting dedication in working towards our shared goals and ambitions.

The CIT warmly welcomes its new members!

<table>
<thead>
<tr>
<th>Country</th>
<th>Undertaking</th>
<th>Membership</th>
<th>Logo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>DMV Ltd.</td>
<td>Full member as of 15 May 2108</td>
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</tr>
<tr>
<td>Romania</td>
<td>CER Fersped SA</td>
<td>Full member as of 15 May 2108</td>
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<tr>
<td>Date</td>
<td>Event</td>
<td>Location</td>
<td>CIT Contact</td>
</tr>
<tr>
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<td>----------</td>
<td>-------------------</td>
</tr>
<tr>
<td>5 September</td>
<td>CIM/SMGS Steering Committee</td>
<td>Warsaw</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>19 September</td>
<td>Conference of Passenger Claims Departments</td>
<td>Paris</td>
<td>Jan Svensson</td>
</tr>
<tr>
<td>27 September</td>
<td>Executive Committee 2/2018</td>
<td>Paris</td>
<td>Cesare Brand</td>
</tr>
<tr>
<td>16 October</td>
<td>CIV/SMPS Working Group</td>
<td>Bern</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>18 October</td>
<td>CUI Committee</td>
<td>Bern</td>
<td>Nina Scherf</td>
</tr>
<tr>
<td>7 November</td>
<td>„Seals“ Group of Experts</td>
<td>Vienna</td>
<td>Fabienne Vaisson</td>
</tr>
<tr>
<td>13/14 November</td>
<td>CIV Working Group</td>
<td>Bern</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>15 November</td>
<td>General Assembly</td>
<td>Bern</td>
<td>Cesare Brand</td>
</tr>
<tr>
<td>16 November</td>
<td>Multimodality Committee</td>
<td>Bern</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>28/29 November</td>
<td>CIM Working Group</td>
<td>Bern</td>
<td>Erik Evtimov</td>
</tr>
</tbody>
</table>

### Agenda with CIT participation

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Org.</th>
<th>Location</th>
<th>CIT Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4 September</td>
<td>CIM/SMGS Seminar</td>
<td>OSJD</td>
<td>Warsaw</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>4/5 September</td>
<td>TAP MD E-Ticketing</td>
<td>UIC</td>
<td>Bern</td>
<td>Jan Svensson</td>
</tr>
<tr>
<td>10/11 September</td>
<td>ICC/UNCITRAL Conference</td>
<td>ICC</td>
<td>London</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>12 September</td>
<td>Working Group Checklist</td>
<td>IRU</td>
<td>Geneva</td>
<td>Erik Evtimov / Nina Scherf</td>
</tr>
<tr>
<td>14 September</td>
<td>Passenger Services Group Steering Committee</td>
<td>UIC</td>
<td>Paris</td>
<td>Cesare Brand</td>
</tr>
<tr>
<td>17 September</td>
<td>General Assembly</td>
<td>CER</td>
<td>Berlin</td>
<td>Cesare Brand</td>
</tr>
<tr>
<td>18 September</td>
<td>Study Group &quot;Wagon users&quot;</td>
<td>UIC</td>
<td>Berlin</td>
<td>Erik Evtimov / Nina Scherf</td>
</tr>
<tr>
<td>19 September</td>
<td>Innotrans</td>
<td>UIC</td>
<td>Berlin</td>
<td>Cesare Brand</td>
</tr>
<tr>
<td>25/26 September</td>
<td>General Assembly</td>
<td>OTIF</td>
<td>Bern</td>
<td>Nina Scherf</td>
</tr>
<tr>
<td>26 September</td>
<td>Passenger Working Group</td>
<td>CER</td>
<td>Brussels</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>27 September</td>
<td>Customer Liaison Group</td>
<td>CER</td>
<td>Brussels</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>1-3 October</td>
<td>IRT/NRT Meeting</td>
<td>UIC</td>
<td>Warsaw</td>
<td>Jan Svensson / Sandra Dobler</td>
</tr>
<tr>
<td>11/12 October</td>
<td>Commercial/Technical Groups</td>
<td>UIC</td>
<td>Paris</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>17/18 October</td>
<td>PASSAGE Meeting</td>
<td>UIC</td>
<td>Budapest</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>22-25 October</td>
<td>Technical Meetings</td>
<td>UIC</td>
<td>Frankfurt</td>
<td>Jan Svensson</td>
</tr>
<tr>
<td>6 November</td>
<td>Passenger Services Group (PSG)</td>
<td>UIC</td>
<td>Rome</td>
<td>Sandra Dobler</td>
</tr>
<tr>
<td>8 November</td>
<td>Assistants Meeting</td>
<td>CER</td>
<td>Paris</td>
<td>Erik Evtimov</td>
</tr>
<tr>
<td>27 November</td>
<td>Study Group &quot;Wagon users&quot;</td>
<td>UIC</td>
<td>Paris</td>
<td>Erik Evtimov / Nina Scherf</td>
</tr>
<tr>
<td>6 December</td>
<td>European Regional Assembly</td>
<td>UIC</td>
<td>Paris</td>
<td>Cesare Brand</td>
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<tr>
<td>7 December</td>
<td>General Assembly</td>
<td>UIC</td>
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<tr>
<td>18 December</td>
<td>High Level Meeting</td>
<td>UZ</td>
<td>Kiev</td>
<td>Cesare Brand / Erik Evtimov</td>
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The CIT Team wishes you a pleasant summer