

Editorial

3 December 2009

3 December 2009 is a crucial date for the CIT.



The new European Community Passengers' Rights Regulation (Regulation (EC) No 1371/2007) enters into force on that date. It will introduce some revolutionary changes; amongst those changes will be mandatory provisions in the event of delay to and cancellation of trains and standard rules for liability in the event of the death of or personal injury to a passenger.

Also on 3 December 2009, the CIT members will start to apply the new *General Conditions of Carriage for Rail Passengers* (GCC-CIV/PRR). The GCC-CIV/PRR bring the Passengers' Rights Regulation and the CIV Uniform Rules together into a single set of basic contractual terms and even cover those issues where the statutes are silent or leave the parties freedom of contract.

Likewise on 3 December 2009, the CIV Committee will approve the *Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail* (AIV). The AIV covers the internal arrangements made between the railways to implement the Passengers' Rights Regulation. In particular, it covers the distribution between the various undertakings of the amounts paid out as compensation or refund.

And lastly, the European Commission, together with representatives from the railways and passenger associations, will brief the public on their new rights at a press conference on 3 December 2009. In this way the European Union will be able demonstrate that consumer protection has also found its way to transport by rail. At the same time, the railways will make it clear that they intend to rise to this challenge.

Accordingly, 3 December 2009 is a crucial date, the conclusion of months of preparatory work and the start of a new era. The CIT can claim with justification that it has prepared its members for that day as thoroughly as is possible. At the same time, the CIT is well aware that several problems are either not yet recognised at all or only insufficiently recognised; they will all require solutions without doubt.

At the end of this busy year, the CIT would like to thank all those who have contributed to the success of the various tasks and projects. We look forward to continuing to work together and wish everyone the greetings of the season and a prosperous and successful New Year.

Thomas Leimgruber
Secretary General CIT

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The "Berner Tage" on the international law of carriage by rail Bern 4 & 5 February 2010



Further information is available on page 9 and:

http://www.cit-rail.org/fileadmin/public/Seminare/Flyer_Berner_Tage_2010.pdf

Transport Law and Policy

Better regulation in the EU

The CER, together with the Swedish Presidency, organised a meeting with the title “From Brussels with Law” on 11 November 2009; the allusion to the well known James Bond film was no doubt deliberate.

Because the issues are both topical and relevant, both the Chairman of the CIT, Rainer Freise, and the Secretary General, Thomas Leimgruber, took part themselves.

The fact that the railways are frequently confronted with legislation on which they have not been consulted at all, insufficiently consulted or consulted too late is a great problem for them. The Directives and Regulations which result are then quite often impractical and their legal quality leaves something to be desired.

Dirk Sterckx, a Member of the European Parliament, traced the evolution of the Passengers’ Rights Regulation (PRR). He reminded the meeting that Parliament rejected the first draft and significantly amended the second one. His comments clearly illustrated the weaknesses of the legislative process within the EU. The Chairman of the CIT also added his comment that the development of the PRR is a model to be avoided.

It became clear in the meeting that the European Commission recognises the problem. Marianne Klingbeil (Director of the Better Regulation Unit in the European Commission’s Secretariat-General) leads the “Better Regulation” project and was able to brief the group on the action being taken.

The Executive Director of the CER, Johannes Ludewig, acknowledged that improvements can already be seen, but the transparency of the process and, in particular, the dialogue with stakeholders still seem inadequate. In this respect, the “recast” of the First Railway Package (the planned revision and rewriting of the first package) gives rise to serious concern and currently still is a phantom for the railway community.

The atmosphere in the event was open and constructive so there is reason to hope that the EU “Better Regulation” project will not end up as a paper tiger.

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Passenger Traffic

The PRR comes into force

General context and core content

Regulation (EC) No 1371/2007 on rail passengers’ rights and obligations (PRR) was adopted by the European Parliament and the Council on 23 October 2007 as part of the Third Railway Package. Its objective is to strengthen the rights of passengers by rail, improve the quality of rail services and increase rail’s share of the total passenger market. It enters into force on 3 December 2009.

Provisions for liability in the event of operational disruption form a key element of the PRR: for delays from 60 minutes, 25% of the fare and for delays from 120 minutes, 50% of the fare is to be paid as compensation. In addition, in the event of delay, undertakings are obliged to provide assistance on site and pay special attention to the needs of persons with reduced mobility. Of practical significance is the obligation to provide comprehensive information on the offer, the fares available, suitable routes, service quality, etc.

In so far as the death of and personal injury to passengers is concerned, the new regulations are extremely important; their scope goes further than ever before. In future, liability for death and personal injury for domestic journeys will be aligned with international law, i.e. aligned to the CIV. National law will only apply to the extent that it is more favourable to the passenger. The result of this is that passenger traffic by rail will largely be subject to standard rules for liability and standard grounds for relief over the whole EU. Case law in this area will be unified and precedents will be set by the European Court of Justice (ECJ).

Scope of the PRR: exemptions granted by the Member States

The PRR creates a new legal framework for both *international* and *domestic* traffic by rail within the European Community. It does so by superimposing itself on the international conventions in force (COTIF/CIV and SMPS) and on the national law of every EU Member State. The legal position will be quite complex because of the variety of exemptions which Member States have granted or will grant. In addition to different geographical scope, the various bodies of law do not bear on the same issues (i.e. have the same subject matter): the international conventions cover “contracts of carriage” whereas the PRR concerns itself with “transport services” and the two do not always match up.

The scope of the PRR was the subject of hard bargaining between the European Parliament and the Council in 2007. The result, Article 2 of the PRR, may be summarised as follows:

- *international* services and *international* journeys wholly within the Community are covered by the PRR;
- *all domestic, regional, suburban and urban* services and journeys within EU Member States are covered by Articles 9, 11, 12, 19, 20 § 1 and 26 PRR as a minimum. EU Member States may grant exemptions from the other articles of the PRR to *all domestic* services for a limited period (up to fifteen years) and to *regional, suburban and urban* services for an unlimited period;
- *international* services and journeys *between the European Community and non-Member States of the EU* are covered within the European Community by Articles 9, 11, 12, 19, 20

§ 1 and 26 of the PRR as a minimum. EU Member States may grant exemptions from the other articles of the PRR if a significant part of the service is operated outside the Community.

GCC-CIV/PRR: standardisation of passengers' contract of carriage

The CIT has drawn up a contractual document which brings the three bodies of law (international, community and national) together. The document in question is the "General Conditions of Carriage for Rail Passengers" (GCC-CIV/PRR). The CIT has made the GCC-CIV/PRR available to all its members who provide carriage by rail (which can include sections by road, sections by inland waterway or by sea). In the sense that the general conditions can be used:

- for international and domestic traffic in all OTIF Member States
- both for services exempted and not exempted from the PRR within EU Member States
- by all members of the CIT within or outside the EU

they are all-embracing.

In order to increase transparency and legal certainty, the CIT publishes a list of undertakings which have decided to base their contracts of carriage (or just some of them) on the GCC-CIV/PRR.

The GCC-CIV/PRR are a common denominator for all the CIT's member undertakings and may thus be used as the base document on which member undertakings may construct their own general conditions (entitled "special conditions of carriage" in the GCC-CIV/PRR). Thus every carrier is free to draw up his own *special conditions of carriage* to meet his own needs, i.e. for routes, categories of train, or specific offers. In addition, there is a skeleton for *special conditions for international carriage* which may be applied to the various types of international ticket (with or without integrated reservation) and to rail passes.

AIV: standardisation of the relationship between carriers for handling claims and applications for refunds from passengers

The CIT is currently revising the *Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail* (AIV) in order to reflect the new rules introduced by the PRR. The purpose of the agreement is to standardise the handling of passengers' claims and applications for refund when several carriers are involved. The CIT will publish a list of undertakings applying the AIV for the exclusive use of its members. These documents will be uploaded to the CIT website on 3 December 2009 once they have been approved by the CIV Committee.

Seminars and workshops dedicated to the PRR

The next "*Berner Tage*" on *International Rail Transport Law* (organised by the CIT and to be held in Bern on 4 & 5 February 2010) will dedicate a half-day to the PRR's new rules for liability and to the analysis of a practical example linked to them. The seminar is open to all interested parties.

In addition, the CIT and UIC are organising a workshop for 4 May 2010 to assemble and compare undertakings' experience with the PRR. This will be the opportunity for an initial assessment of the documentation produced by the CIT and UIC.

Information available on the CIT website

The "passenger traffic" section contains all the most useful documentation for international passenger traffic by rail:

- 1) European and international legislation
- 2) maps and tables showing the scope of the various bodies of law
- 3) documentation drawn up by the CIT to facilitate international transport by rail:
 - a. general conditions of carriage
 - b. manuals for the production and use of international tickets (restricted to CIT members)
 - c. the various agreements and a glossary (restricted to CIT members).

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A new era for passenger traffic begins on 3 December 2009.

Freight Traffic



XVIII Plenary session of the Coordinating Council on Transsiberian Transportation

This year's plenary session of the Coordinating Council on Transsiberian Transportation (CCTT) took place on the 28 & 29th September 2009 in Munich at the invitation of DB Mobility Networks Logistics. The CCTT is a non-governmental organisation, and its purpose is the smooth and problem-free operation of rail freight movements over more than 10,000km of railway infrastructure from the Pacific Ocean to the Baltic countries. The Coordinating Council was founded on the 21st February 1997 in St. Gallen (Switzerland) and numbers over a hundred members, from 23 countries. Deutsche Bahn (DB AG) belongs to its founding members. The Coordinating Council also maintains close and useful cooperation with international railway organisations, amongst them the CIT.

In the coming years, the objective is to substantially shorten the journey time and the normal operational handling of container trains over the Transsiberian Railway (TSR). Mr Boris Lapidus, who is the Senior Vice-President of RZD and responsible for strategic planning and business management, informed the session about the "Transsiberian in 7 Days" project, with its orientation towards the running of container trains between the Far

Eastern ports of Nachodka-Vostochny and the Western border of the Russian Federation, with fixed transit times and fixed and calculable tariffs as the norm.

The "Transsiberian in 7 Days" strategic project was set up not least in order to counter the massive drop in rail freight movements over the TSR. During the first six months of 2009, RZD recorded 54% less traffic than in 2008. As well as the infrastructure, the optimisation of operational processes will also play an important role in the successful realisation of the project.

The CIT is working together with the OSJD on the modernisation of documentation for carriage by rail, particularly on the computerisation thereof. Electronic data transfer will make a decisive contribution to the acceleration of transport movements; in addition, data security will be enhanced.

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Website: <http://www.transsibcouncil.com/en/index.html>

UNECE and BSEC support the plans for the Eurasian Corridors and the Black Sea

A meeting of the UNECE Group of Experts for the Development of the Eurasian Land Corridors took place from the 11th to the 13th November 2009 in Istanbul, at the invitation of the "Black Sea Economic Cooperation Organisation" (BSEC) and the Turkish Ministry of Transport. The BSEC not only unites the States which border the Black Sea; beyond that it also supports major transport projects in the Balkans and in the Caucasus¹.

Representatives from twenty Eurasian countries, seven governmental organisations and eight associations took part in the meeting. Particular attention was paid at this year's meeting to the organisation and handling of freight movements over the Eurasian land corridors in the southern part of Europe and Asia.

The planning, organisation and carrying out of trial movements over the defined Eurasian corridors were a great success and proved the practicability and advantages of rail over longer distances (over 6,000 km) and of regular traffics between landlocked countries and regions. For container trains, two routes are at the forefront: Istanbul-Tehran-Almaty-Urumchi and Islamabad-Tehran-Istanbul (see also CIT-Info 7/2009, p. 5).

A second major plan is to connect the Black Sea ports with the rail network of the BSEC member states. A good example of the successful linking of the Baltic and Black Sea ports is the "Viking" container train. This is a weekly link between Klaipeda on the Baltic Sea and Ilichevsk on the Black Sea. The railways of Lithuania (LG), Belarus (BC) and the Ukraine (UZ) are cooperating closely to ensure the successful operation of cross border railway movements. At the meeting, details were also given about a further successful container link between the ports of Tallinn and Ilichevsk and in the direction of Central Asia, which



goes by the name of «Zubr». Here the railways of Estonia (EVR), Latvia (LDZ), Russia (RZD), Belarus (BC) and the Ukraine (UZ) cooperate. These two rail products are also available for consignments from Scandinavia and above all from Finland and Sweden and offer new throughout North – South rail freight links in Eastern Europe – comparable with the positive experiences of North-South traffic in Western Europe (e.g. Rotterdam-Genoa).

The expansion of these overland routes to also include the ferry links between the Ukrainian, Russian, Bulgarian and Turkish Black Sea ports is also up for discussion. This prospect complies with the Lines of Action of the Kaliningrad Declaration and will be followed up by the CIT/OSJD "CIM/SMGS Legal Interoperability" working parties (see CIT/Info 10/2008, p. 6-7). The full reports of the meeting and the relevant presentation of the Coordinator for the joint CIT/OSJD project can be accessed at http://www.unece.org/trans/main/wp5/wp5_ge2_03.html.

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¹ Further information about the transport activities of the BSEC is at: <http://www.bsec-organization.org/aoc/Transport/Pages/Information.aspx>.

UIC/RZD Seminar “The use of freight wagons in international railway traffic”

At the end of October, a two day international seminar took place in Sochi at the invitation of Russian Railways (RZD). Over forty representatives of the railways of ten European and Asian countries took part in the event. The International Union of Railways (UIC), the Organisation for the Cooperation of Railways (OSJD) and the CIT all provided support for the organisation and running of this seminar on wagon management. The European Railway Agency (ERA) also took part in the event. The seminar was competently managed by the Deputy Head of RZD's Department for International Affairs, Mrs Liudmila Renne.

The unproblematic throughout use of freight wagons in the Eurasian region plays a more and more central role in the progressive internationalisation of rail freight transport. This is a particularly demanding task, in as much as there is also a technical interface due to differing track gauges; 1435mm above all in Europe, and 1520/1524mm in the Baltic States, the Russian Federation, Central Asia and Finland. This initial position and the relevant standardisation and legal bases for each track gauge were described in detail by the UIC's Legal and Social Director, Mr. Jean-Pierre Lehman.

With this in mind, information was presented on the work of the III. Commission for Freight Transport of the OSJD Committee on the exchange of freight wagons (PGW) and the updating of the joint UIC/OSJD fiches. The importance of the work being done on the creation of technical interoperability by the European Railway Agency, in particular subsequent to the entry of the Baltic States, was emphasised by the Head of the ERA's Interoperability Unit, Mr. Jean-Charles Pichant. The ERA is making efforts to secure seamless technical interoperability between the new EU Member States and the rest of the “1520” area.

That this is also possible in practice and that it has already been practiced for a long time, was demonstrated by the presentation of Mr. Ignacio Jorge Iglesias, ADIF's Research and Development Director. The Spanish network with its track gauges of 1668mm and 1435mm is equipped with efficient gauge changing facilities. Furthermore, the UIC is occupied intensively with the question of optimisation of gauge change technology, as the presentation of Mr. Hans-Jürgen Geissler showed. RZD's experience with gauge change technology for traffics to the island of Sachalin in the Pacific Ocean, where the track gauge is 1067mm, was also of interest.

The CIT was represented at the seminar by the Project Coordinator for the CIT/OSJD project “CIM/SMGS Legal Interoperability”, Mr. Erik Evtimov. The increase in cross-border rail freight movements throughout the areas of application of the CIM and the SMGS using the CIM/SMGS single consignment note demands an optimisation of the exchange of freight wagons between the 1435/1520mm areas. In the first six months alone, more than 500 block trains, each with forty wagons, were run between Mlada Boleslav in the Czech Republic and Velika Ida in the Slovak Republic, on the one side, and Kaluga 1 and Perspektivnaya, south of Moscow, on the other side. This of course entails an optimisation of the wagon management system. The pertinent basic legal principles are available and will undergo a fundamental revision during the course of 2010 within the framework of the OSJD. For this purpose, it is intended that the experience of the UIC in connection with the *General Contract of Use for Wagons (GUC)* should also be taken into account. The CIT likewise assured provision of its legal know-how for questions of liability.

The delegates to the international seminar approved a final resolution (see p. 6), which, amongst other things, calls for a harmonisation of provisions for liability.

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The UIC Freight Forum updates its programme of work for 2010

In deciding its programme of work at its meeting on 4 November 2009, the UIC Freight Forum gave priority to those projects which it wanted to see completed in 2010. Several of the projects have links with tasks being undertaken by the CIT, making the CIM and SMGS legally interoperable, in particular. The Freight Forum likewise reviewed topical issues such as the proposal for a Regulation concerning a European rail network for competitive freight, safety from various viewpoints after the accident at Viareggio and the European Performance Regime (EPR) project.

The CIT's representative briefed the Freight Forum on those activities of the CIT which are relevant to the Freight Forum, including the project to make the CIM and SMGS legally interoperable, the conference of after-sales services departments, and the legal problems associated with use of infrastructure. He also provided a summary of the main tasks included in the CIT's own programme of work for 2010.

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**Declaration
of participants of international seminar
“Usage of Freight Wagons in international Transport”
(27-28 October 2009, Sochi)**

The representatives of the railways (railway companies) of the states of the Eurasian area – Finland, India, Islamic Republic of Iran, Republic of Kazakhstan, Slovak Republic, Russian Federation, Spain, South Korea, Ukraine – the representatives of international organizations – International Union of Railways (UIC), Organization for Cooperation of Railways (OSJD), International Rail Transport Committee (CIT), of railway undertakings, factories – producers of freight wagons who took part in the international seminar on the topic “Usage of Freight Wagons in international Transport” in the presence of the European Railway Agency (ERA),

Conscious of the important role of rail transport for the lasting economic and social development of Asia and Europe in the context of the geostrategic importance of the Eurasian Continent in the twenty-first century,

Noting the growing demand for reliable, effective, safe and environmentally friendly transport by rail between Europe and Asia to facilitate international trade,

Believing that it is necessary to improve provisions of legal basis which regulate usage and transfer of freight wagons in international transport, to update technical parameters of rolling stock of 1435 / 1520 mm and 1668 mm gauge systems as well as issues of its interoperability,

Recognising that cooperation of international organizations and railways (railway companies) will lead to the creation of a unified normative legal basis which could regulate all aspects of usage of freight wagons in international transport.

The participants of the seminar noted the progress made in joint projects of:

- railway companies and producers of freight wagons;
- international organizations on working out UIC / OSJD leaflets;
- contact group ERA / OSJD;
- the use of common consignment note CIM / SMGS

The participants of the seminar noted several factors which affect free international freight transport, in particular the:

- lack of common principal terms;
- different technical requirements for rolling stock of 1435 / 1520 mm gauge systems;
- existence of two legal systems (SMGS / CIM) with different legal responsibility rules;
- difference in transport safety systems of rolling stock in different gauge systems;
- difference of requirements to infrastructure;
- difference in economic approach using wagon fleet;
- difference in coding of rolling stock.

The participants of the seminar expressed the intention to:

- harmonize legal basis of usage of freight wagons in international transport;
- strengthen cooperation of railway companies and international organizations on development, manufacture, and operation of new generation wagons;
- exchange experience on all aspects of railway transport including creation of new rolling stock and using of research and testing basis of different systems;
- harmonize legal responsibility rules CIM / SMGS in general;
- work out common economic approaches on usage of wagon fleet;
- work out common economic approaches on coding of rolling stock;
- seek creation of unified requirements for infrastructure;
- seek for optimization of border crossing procedures in railway transport.

**Sochi, Russian Federation
28 October 2009
Original: RU**

CIM Working Group

The eighth meeting of the CIM Working Group took place in Bern on 21 & 22 October 2009 under the chairmanship of Guy Charrier (SNCF Fret). The task of the group is to prepare papers and recommendations to support the CIM Committee in its work to develop the CIT's freight publications.

The e-RailFreight project was one of the main items on the agenda of the meeting. The CIT is responsible for doing the preparatory work for the continuing development of this project. Further development of the CIT's freight documentation was also considered. Proposals for amendments from the rapporteurs and from the CIT General Secretariat were approved; amongst these was a proposal to discontinue the special accompanying document and to use a consignment note form or a copy of the consignment note itself.

In addition, the working group was in favour of preparing a checklist for a compensation agreement containing the most important clauses together with comments on how to draw it up. The principal objective of these compensation agreements is to improve the quality of customer service, to strengthen the carrier's position with regard to his most important customers by abandoning procedures for handling individual claims for loss and damage, to make savings and to improve the quality of transport services. The expert-group which is now to be created will meet for the first time in spring 2010.



Legal issues such as options for the customer to assert rights against the contractual carrier, carriers taking action against third parties and re-examining the burden of proof in the event of damage to goods in the GTC cooperation were also considered.

The proposals for changes which the working group drew up will now be submitted to the CIM Committee meeting on 30 March 2010 for its approval. Changes approved will come into effect on 1 July 2010. Readers will be kept fully informed of progress.

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Use of the Infrastructure

The new CUI Uniform Rules will probably enter into force on 1 December 2010

On 30 October 2009, OTIF started the written voting process for the partial revision of the Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI – Appendix E to COTIF). This revision was necessary because the European Commission considered that some of the provisions of the CUI Uniform Rules were not compatible with Community law and hence EU Member States had been required to deposit reservations against the CUI.

Only sixteen states are entitled to vote, those which have ratified COTIF 1999, have not deposited a reservation against the CUI Uniform Rules and who have paid their subscriptions - Albania, Algeria, Bosnia and Herzegovina, Croatia, Czech Republic*, the Former Yugoslav Republic of Macedonia, Iran, Liechtenstein, Monaco, Poland, Romania*, Switzerland, Syria, Tunisia, Turkey and the Ukraine.

The voting period ends on 4 December 2009. If the revised provisions are accepted (which means there must be nine votes (the quorum) of which at least three must be "yes" and there must be more "yes" votes than "no" votes), the revision will enter into force on the first day of the twelfth month following that in

which the Secretary General notifies the Member States. The entry of the revised provisions into force is also subject to the (theoretical) qualification that a quarter of the states entitled to vote (i.e. four states) do not object within four months.

Assuming that the OTIF Secretary General notifies the amendments agreed on a day in December and that no objections are received by the same day in April 2010, we can expect that the new CUI Uniform Rules will enter into force on 1 December 2010.

The CIT hopes that the EU Member States will withdraw their reservations at that point so that the law that applies to the railway undertaking-infrastructure manager relationship can be completely consistent and hence certain.

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* This state's reservation will only become effective on 1 January 2010.

CIT Itself

General Assembly 2009

The CIT General Assembly was held on 5 November 2009. It took note of reports from the General Secretariat on COTIF, the carriage of passengers and freight and the use of infrastructure. It also considered the principal projects in hand: implementation of the EC Regulation on passengers' rights, *e-RailFreight* and making the CIM and SMGS legally interoperable.



From left to right: Henri Trolliet (Assistant Secretary General), Kounka Kirkova (BDZ), Enrico Trapazzo (Trenitalia), Rainer Freise (Chairman), Thomas Leimgruber (Secretary General), Jean-Luc Dufournaud (SNCF), Martin Killmeyer (RCA), Maria Urbanska (PKP)

COTIF

Unfortunately, four states still haven't ratified COTIF 1999: Italy, Ireland, Morocco and Sweden. The ratification process should be completed in Sweden in 2010. The solution which the CIT has put in place (which consists of applying the CIV and CIM Uniform Rules on a contractual basis) allows problems that might otherwise arise to be avoided.

The Russian Federation has deposited its application to accede to COTIF. Its accession should take effect in spring 2010. Initially Russia will only apply the CIM Uniform Rules and only to the lines linking the ferry terminals at Baltiysk and Ust-Luga on the Baltic with the main Russian rail network. It is to be hoped that initial experience of the application of the CIM Uniform Rules will lead to their application being extended to other lines (in the Kaliningrad area in particular).

Passenger traffic

For the CIT's "passenger" activities, 2009 has been a significant year, the work to implement Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) was finished during the year and on time, too. The new general conditions for the carriage of rail passengers (GCC-CIV/PRR) will be available for use with effect from 3 December 2009

- for international and domestic traffic in all OTIF Member States,
- for services both exempt and not-exempt from the PRR within EU Member States,
- by all the members of the CIT, within and outside the EU.

The new Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV) is being finalised; it too will be available for use with effect from 3 December 2009. The chapter which deals with handling claims has been completely revised.

Freight traffic

In the freight area, the CIT, UIC and RAILDATA have completed the preparatory work for the *e-RailFreight* project. Accordingly specifications for electronic consignment are now available to railway undertakings. Those undertakings that intend to implement electronic consignment procedures now have specifications on which they can base their systems. Unfortunately, the economic and financial crisis has held up the first schemes.

Much progress has also been made in the project to make the CIM and SMGS legally interoperable. The CIM/SMGS consignment note is currently being used on more than thirty regular traffic flows; the preparatory work to implement an electronic version has been completed, the new principles to simplify the handling of claims for loss and damage in transit are in place and can be used with effect from 1 January 2010. In 2010, the focus will be on extending the geographical scope of this consignment note, on the implementation of the electronic version of the consignment note and on drawing up standard conditions for liability.

Use of infrastructure

Unless a quarter or more of OTIF Member States object, amendments to the provisions of the CUI Uniform Rules will enter into force on 1st December 2010. Once the amended CUI Uniform Rules are in force, in principle nothing should stand in the way of EU Member States withdrawing their reservations against them. The CIT welcomes this development which will permit railway undertakings to have a firm statutory basis to take action against infrastructure managers when the cause of loss or damage is infrastructure related.

Once it is clear that this revision to the CUI Uniform Rules has been accepted, the CIT will invite RailNetEurope (RNE) to



resume and finalise the negotiations over the *European GTC of Use of Railway Infrastructure*.

Statutory issues

The General Assembly approved the Annual Accounts 2008 (which came out with a profit of CHF 27 000), the work programme and budget for 2010 (which is slightly less than the budget for the previous year).

The General Assembly also approved the admission of the following new Full Members:

- Azerbaijan Railways CJSCo.-AZ (Azerbaijan),
- Minoan Lines (Greece),
- Express Rail (Slovakia),
- Train Hungary (Hungary),
- Import Transport Logistik – ITL (Germany).

The CIT warmly welcomes these new members. Thus the number of current members rises to 125 full members and 5 associate members.

This year, Mrs Eva Molnar, Director of the United Nations Economic Commission for Europe (UNECE) Transport Division was invited to give a speech on the UNECE's role and contribution to the encouragement of international traffic by rail. After describing the UNECE's committees, the various activities and legal instruments in the transport area together with those in the customs area insofar as they concern transport, Mrs Molnar emphasised the willingness of the UNECE to become more involved in carriage by rail and the importance of the UNECE and the CIT working together, particularly in the development of the CIM/SMGS consignment note and the future creation of a standardised legal regime for international carriage by rail in Europe and Asia.

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The “Berner Tage” on the international law of carriage by rail

Bern 4 & 5 February 2010



The main topics for the 2010 event will be: the protection of consumers in the law of carriage, application of the principle of subsidiarity to transport law, the boilerplate contract for use of infrastructure and pursuing rights in transport law through the courts.

The following topics will be considered in separate modules:

Passenger traffic:

- Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR)
- The new General Conditions of Carriage CIV/PRR
- Paperless tickets

Freight traffic:

- The electronic consignment note
- Making the laws for Eurasian freight traffic by rail interoperable
- Wagon and liability law

Case studies on the liability of the carrier to customers and on recourse against infrastructure managers will reinforce the link between theory and practice. These case studies, using actual cases, will allow participants to evaluate risk accurately and take adequate precautions.

The “Berner Tage” not only provide participants with the most recent information and current thinking on these issues but also provide a unique opportunity for the exchange of views and experience between international experts.

Documentation and further information is available from the General Secretariat of the CIT at Weltpoststrasse 20, CH-3015 Bern, tel. +41 (0)31 350 01 90.

Registration by e-mail ([info\(at\)cit-rail.org](mailto:info(at)cit-rail.org)) or fax +41 (0)31 350 01 99.

An information leaflet and a registration form may be downloaded from our website:

http://www.cit-rail.org/fileadmin/public/Seminare/Flyer_Berner_Tage_2010.pdf

CIT Diary of Events

Date	Event	Location
3 December	CIV Committee	Bern
4/5 February	"Berner Tage"	Bern
30 March	CIM Committee	Bern
21 April	Executive Committee 1/2010	Bern
27/28 April	CIM/SMGS Legal Group	Vilnius
28/29 April	CIM/SMGS Group of Experts	Vilnius

Events with CIT participation

Date	Event	Location	CIT contact
7 December	UIC European Management Committee	Paris	Thomas Leimgruber
8 December	CER Assistances Meeting	Paris	Thomas Leimgruber
10 December	e-RailFreight Steering Group	Paris	Henri Trolliet
16 December	UIC Wagon Users Study Group	Paris	Erik Evtimov
15 January	CEN Working Group	Paris	Max Krieg
17/18 February	UIC Passenger Messages Management Group	Paris	Max Krieg
23/24 February	COLPOFER "Fraud-Ticket Forgery" Working Group	Nuremberg	Max Krieg
24 February	CER General Assembly	Brussels	Thomas Leimgruber
15/16 March	Second Preparatory Conference to the 18th OSCE Economic and Environmental Forum	Minsk	Erik Evtimov
18 March	UIC Freight Steering Group	Paris	Henri Trolliet
23/25 March	UIC Commercial Group and Technical Group	Paris	Max Krieg
29 April	UIC Passenger Forum	Paris	Thomas Leimgruber



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