

International Rail Transport Committee

Editorial

In the right place at the right time



Two topics are currently inspiring the CIT: firstly making the law for freight traffic between Europe and Asia by rail interoperable and secondly safeguarding the rights of passengers making journeys in Europe. Both topics are fast moving and for both issues it is important to be at the right place at the right time.

For freight traffic between Europe and Asia by rail, there was a break-through at the beginning of September. Without exaggeration, it can be described as historic. At the thirty-ninth OSJD Conference of Ministers in Beijing, China declared that it would open its rail network to the common CIM/SMGS consignment note (see page 2 of this edition of CIT Info). In that connection, the enormous economic centre which has been built in the Province of Xinjiang on the frontier with Kazakhstan needs to be borne in mind. It is no less than 5 000 km from the nearest Chinese port but only 7 000 km by land to Europe. There is therefore a potential for traffic by rail, a potential which other modes can only dream of. As always, the CIT will contribute to promoting traffic between Europe and Asia by working tirelessly towards dismantling barriers in transport law.


Passengers' rights form the second major concern (see page 6 of this edition of CIT Info). The new EU passengers' rights regulation came into force at the end of 2009. Since that time, the CIT general conditions of carriage (GCC-CIV/PRR) have been available to supplement appropriate application of the regulation. At the end of this year, the agreement concerning the relationships between carriers (AIV) will provide a set of principles to allow railways to distribute the compensation paid out to passengers between themselves in a fair way. The running-in period has now started for all these underlying laws and regulations. In this phase, weaknesses will be identified and any gaps filled. It is not unexpected that this will also be the period during which contentious legal issues are clarified by the courts. For railway undertakings, these legal issues are sometimes of great financial significance and therefore require a standardised approach and considered closely coordinated action. The CIT will also make a contribution to these issues.

Demands are being made on our association, both for freight traffic by rail between Europe and Asia and passenger traffic within Europe, but we have the tools for the job. The team of the General Secretariat in Bern can of course be relied on to give of its best to satisfy the high expectations of the CIT members.

Thomas Leimgruber
Secretary General to the CIT

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Séminaire « Interopérabilité juridique en trafic ferroviaire eurasiatique »
Bâle, 30 novembre 2011

Seminar „Transportrechtliche Interoperabilität im Eurasischen Eisenbahnverkehr“
Basel, 30. November 2011

Семинар «Транспортно-правовая интероперабельность в евразийском железнодорожном сообщении»
Базель, 30 ноября 2011 года

Further information is available on page 12 and:
http://www.cit-rail.org/media/files/public/Freight/WS_Eurasia/Flyer_Workshop_EurAsia_2011_11_30.pdf

Transport Law and Policy

China opens its rail system to the common CIM/SMGS consignment note

The date of 8 September 2011 will go down in railway history. On that date the People's Republic of China declared that it would open its rail system to the common CIM/SMGS consignment note. That development represents one more step towards harmonising international rail transport law.



Use of the common CIM/SMGS consignment note means that a significant barrier to the movement of freight traffic between the Atlantic and Pacific by rail disappears in that the reconsignment of freight at the interface between the SMGS and CIM regimes will be avoided. The consequences that follow include: simplification of the transport operation, reduction in costs, shortening of the transit time, making the law more certain, in sum a significant increase in the attractiveness of East-West traffic.

The CIT's Secretary General and CIM/SMGS Project Coordinator took part in the thirty-ninth meeting of the OSJD's Ministerial Conference in Beijing as guests of the OSJD. The Chinese Delegation's agreement to use the common CIM/SMGS consignment note for traffic to and from the People's Republic of China is due to a great extent to the support of the First Vice-President of Russian Railways, Vadim Morozov, who emphasised the benefits of the document in his report.

In western China, in the province of Xinjiang, on the frontier with Kazakhstan, an important new economic zone has been built. It is some 5 000 km from the nearest Chinese port and this points to a considerable potential for rail movement from western China to western Europe. These traffics should be moved using the common CIM/SMGS consignment note and should therefore have a problem-free transit.

The following three routes are being considered for use:

- Alashankou-Dostyk, between the People's Republic of China and Kazakhstan;
- Erlian-Zamyn Uud, between the People's Republic of China and Mongolia;
- Manzhouli-Zabaikalsk, between the People's Republic of China and the Russian Federation.

Furthermore, transit traffic to and from Vietnam via China is being considered.

The CIT, in conjunction with the OSJD, will organise a training seminar for staff members of Chinese Railways (KZD) in China probably in the second half of 2012.

Outside the meeting proper, the CIT delegation was able to get a personal impression of the performance of Chinese Railways' high-speed trains (China Railway High-speed – CRH). They run on their own infrastructure at more than 300 km/h and the infrastructure and rolling stock has been 100% designed and built by Chinese companies. Beijing South station has six subterranean levels for arriving and departing trains and thus optimises the flow of passengers.

Thomas.Leimgruber(at)cit-rail.org
Original: DE



CRH high-speed trains

Coordinating Council on Transsiberian Transportation (CCTT): the CIT achieves important objectives

Regular movement of freight traffic by rail on the Trans-Siberian land-bridge between China, Russia and Europe is coming ever closer. Not least, this corridor will also allow deep-sea ports to be linked to their hinterlands in central Europe and central Asia.



From left to right: Werner Albert, GETO; Vladimir Yakunin, Chairman of the CCTT; Gennady Bessonov, Secretary General of the CCTT.

The importance of the Trans-Siberian land-bridge in building global transport and logistics chains explained the large number of participants at the twentieth meeting of the Coordinating Council on Transsiberian Transportation (CCTT). Over two hundred guests from twenty-three countries in Europe and Asia took part. The meeting was hosted by the Ukrainian Railways (UZ) and the "Plaske" freight forwarding agency in Odessa at the end of September. Vladimir Yakunin, CEO of Russian Railways (RZD) chaired the meeting personally.

The Secretary General of the CIT and the Project Coordinator of the CIT/OSJD project to make the CIM and SMGS legally interoperable also took part in the meeting on the basis of the CIT and CCTT's memorandum of cooperation.

CCTT/CIT/OSJD seminar on the use of the common CIM/SMGS consignment note in practice

A seminar on the use of the common CIM/SMGS consignment note for Trans-Siberian movements took place during the meeting of the Coordinating Council. The following topics were emphasised:

- planning, organising and implementing movement of freight traffic by rail on the Trans-Siberian between the regions of China, Russia and western Europe that are a long way from ports;
- linking of the Trans-Siberian mainline to Baltic and Black Sea ports (with particular relevance to Odessa and Ilichyevsk);

- feasibility of movement of freight traffic by rail for Chinese consignors and rail customers;
- electronic transport documents and use of the common consignment note as a customs transit document for the Russia-Belarus-Kazakhstan customs union;
- use of the common CIM/SMGS consignment note for multi-modal rail-sea movements.

The discussion which followed exposed three problem areas:

- the composition of the charges for the movement of freight must be transparent and predictable, the transit tariff on the Trans-Siberian mainline in particular;
- the imbalance of traffic between China, Russia and western Europe makes significant demands on logistics and makes it necessary to break movements of freight traffic by rail (for example, western Europe to the Moscow area for the first part of the journey or, for traffic to China, up to the Russian economic areas both sides of the Urals and then forward from there);
- best use must be made of the time factor for movements: firstly by specifying reliable transit times and secondly by customer friendly organisation of collection before the rail movement and delivery afterwards.

Solving these problems is an essential precondition to increasing the modal share of rail. As members will be aware, at the moment this is only 1%. A fundamental change in the trend will require all the participants in the transport process to work together!

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



Networking at the Coordinating Council: the CIT delegation with Vladimir Yakunin and Gennady Bessonov.

The CIT congratulates Libor Lochman

The most important item on the agenda of the CER General Assembly held in Bonn on 12 September was the election of a successor to the Executive Director, Johannes Ludewig, who will be retiring at the end of the year. The General Assembly unanimously elected Libor Lochman, currently Deputy Executive Director of the CER.

Libor Lochman is forty-eight years old and a Czech citizen. He completed his education with a PhD in electronics at the University of West Bohemia in Plzen. Following that, he gained practical experience in rail operations control and signalling. Immediately before coming to the CER, he headed the Railway Testing Bureau in Prague.



*Libor Lochman,
new Executive
Director of CER*

The CIT congratulates Libor Lochmann on his election and wishes him all success and personal satisfaction in his new role.

Over the past few years, the CER and CIT have built up a close and very efficient working relationship, for passenger traffic in particular (passengers' rights and ticketing). The CIT looks forward to continuing and consolidating this working relationship with Libor Lochman. The CIT will do all it can to support the CER and will contribute its technical competence

and its determination to ensure effective representation of rail interests in Brussels.

Thomas.Leimgruber(at)cit-rail.org
Original: DE

Passenger Traffic

Ticket fraud

The COLPOFER Fraud/Ticket Forgery Working Group met in Prague on 23 & 24 August 2011. The group investigates the extent and type of ticket fraud and other types of fraud against railway undertakings and the options for preventing it.

It is difficult to make valid comments based on the attempts to defraud which are discovered and the tickets that are withdrawn. The better a railway undertaking trains its staff and makes them aware of the problem, the more frequently misuse and forgeries are discovered. DB and SBB support their staff with special leaflets for examining and checking InterRail and Eurail passes. For obvious reasons more attempts to forge these tickets are made than on any other product group.

Reporting processes

The procedure for reporting cases of fraud between the participating railway undertakings works really well in practice. Nevertheless, not all CIT members are also members of COLPOFER so not all railway undertakings make reports.

The CIT General Secretariat takes part in the reporting process for blank paper pre-printed with the CIT security background which goes missing. The General Secretariat is currently drawing up appropriate rules for making reports, the rules will then have to be approved by the relevant bodies.

Fraud with credit cards

Fraud with stolen credit cards or stolen data is increasing. A large number of high value bookings on the same day should raise alarm signals. In addition, the provision of lists of stolen credit cards is becoming faster and faster.

Linked processes internal to railway undertakings allow rapid recognition of such attempts to defraud and allow action to be taken against them. Thus, for example, a critical credit card can be blocked in the sales system until its legal status can be completely resolved.

Internet fraud with on-line tickets is made easier if just an identity document but not the credit card used has to be shown. Hence DB's internet customers who collect their tickets from ticket machines can only do so with the credit card they used to pay for the tickets.

Monitoring of the internet

The sale of tickets via sales channels such as eBay or Ricardo is not forbidden in principle. Nevertheless, railway undertakings monitor the various chat and distribution sites on the internet through which forged or stolen tickets are sold on. Fraud which is discovered is rigorously followed up through the criminal courts.

The most effective prevention comes from following the rules, both for domestic and international traffic. The COLPOFER Working Group therefore would remind railway undertakings of the current standards and railway undertakings' responsibility to adhere to them.

Thomas.Gyger(at)cit-rail.org
Original: DE

Revision of the GCC-CIV/PRR and interpretation of the PRR

At its meeting on 7 & 8 September, the CIV Working Group decided to make several changes to the *General Conditions of Carriage for Rail Passengers* (GCC-CIV/PRR). In the main, the changes are merely details but details which sometimes lead to pointless uncertainty. The objective of the revision is hence to clarify those points and define some passengers' rights rather better, in particular those which concern indirect losses as a result of delays (for example, missed flights or holidays).

GCC-CIV/PRR revision to be finished in November

After consulting the CIV Working Group for the final time in October, the revisions to the GCC-CIV/PRR will be submitted to the CIV Committee to be voted on in November. If the revisions are approved, the changes will either come into effect at the timetable change or on 1 January 2012 (to be decided). European associations representing passengers were informed on 19 October at the Customer Liaison Group which includes the CER, the CIT and the UIC as well as passenger associations such as the European Passengers' Federation (EPF) and the European Disability Forum (EDF).



From left to right: Thomas Gyger, CIT; Jan Svensson, Chairman of CIV Working Group; Isabelle Oberson, CIT.

PRR provisions on the distribution of meals and refreshments

The CIV Working Group also considered the interpretation to be given to several articles of *Regulation (EC) No 1371/2007 on rail passengers' rights and obligations* (PRR). Assistance to passengers, particularly the distribution of meals and refreshments, poses real problems in international trains. Some undertakings have made agreements with caterers already present on stations, others have decided to stock ready-meals in strategic stations en-route. These collective measures (also see page 9 of this edition of CIT Info) are more difficult to put into place than it might seem. Sharing costs for assistance is not on the agenda for the moment but the working group will re-examine the issue when the AIV is next revised.

CIT monitoring of difficult cases

The interpretation and application of the PRR is still at the centre of the CIT General Secretariat's concerns. The General Secretariat is drawing together all the information available on cases decided in the courts or by national enforcement bodies (NEB) in the various states. It plans to create a database of all the difficult cases in order to help members apply the PRR and to demonstrate the value of as uniform an interpretation of the text as is possible across all the EU Member States.

The CIT presented the work being done to revise the GCC-CIV/PRR and to monitor the PRR firstly to the UIC Commercial Group on 13 September and secondly to the CER Passenger Working Group on 16 September. It will regularly take stock of strategic developments which concern passengers' rights, in particular so as to prepare for future litigation, since cases are sure to reach the European Court of Justice.

Isabelle.Oberson(at)cit-rail.org
Original: FR

Rail Credit Card Sized Tickets (RCCST) security background 2012

Some transport undertakings would like to adopt a new standardised security paper which can be used for all existing international and local ticket formats as early as the timetable change 2012/3. In addition, the UIC Ticketing Action Group is working on the technical specification for the new rail credit card sized tickets (RCCST). The new basic size (82.55 mm or 85.60 mm x 53.98 mm) means that the existing security background needs to be revised and refined.

New CIT security background

The proposed CIT security background 2012 is based on an excerpt from the RCT2 security background. The colours of the security background remain the same, blue and luminous orange. Because the luminous orange bar disappears, a security stripe with various elements (guilloche patterns

and other wavy lines) will be introduced. This stripe hides various security features intended to increase protection against forgery.

At the moment, the SBB is testing printing on SG CIT ticket paper of an advanced design and on a transparent cold foil overprint with holograms. These tests are being carried out on behalf of the CIT. The tests will reveal if cold foil technology is suitable and if the various thermal papers which are being adopted can be used. If the tests are successful, this cost-effective solution could be an input into developing CIT security standards.

The rail credit card sized ticket format has been defined as the smallest basic format so that international, domestic and local tickets can be issued by the same printer and from the same roll of paper. To meet their individual requirements,

railway undertakings will be able to use two, three or even four-fold credit card sizes for tickets. That will require careful monitoring of the use of paper (stock control).

Layout of the RCCST



New distribution process for the CIT security background 2012

To achieve as uniform a standard as possible, the new CIT security background is to be individually supplied on a CD-ROM by the CIT General Secretariat on behalf of each railway undertaking. It will include appropriate specific source information (individual microtext to identify the printer in question).

In this way, it will be possible to provide better support to individual CIT members and to bring the quality of international tickets up to the same high standard. This will become more important in the future as many transport undertakings will use the same paper rolls with the CIT security background for all their tickets.

Thomas.Gyger(at)cit-rail.org
Original: DE

Passengers' rights in practice

The conference organised by the CIT and UIC for passenger claims departments focused on passengers' rights in the event of delay. The conference was held in Bern on 29 September. Large numbers of representatives of customer service departments and legal departments came to debate the implementation of passengers' rights: how to handle complaints, how to find information on delays, how to allocate out the compensation paid to passengers between the carriers and indeed how to have recourse against the infrastructure manager if the infrastructure was the cause of the delay, etc.

The conference allowed participants to get a better idea of the practices adopted by the twenty undertakings represented and to make useful contacts for the following months. In fact, customer services departments must work closely together to meet the requirement set by the PRR in order to settle claims within a month (or at the maximum three). They must likewise align their practices to be able to allocate out the compensation to carriers on the basis laid down by the AIV. Participants were informed of the work in hand within the UIC RCF1 group to define the accountancy to be undertaken each month. The text of the AIV will be published at the end of October once it has been finished (including finishing the appendices showing the accountancy documentation).



A large audience debates passengers' rights

The CIV Working Group which will meet on 15 November next will take the insights provided by these exchanges between practitioners forward. It will examine the need and the options for collecting statistics on the number of claims and on the value of compensation shared out between carriers. It will likewise take stock of the various regimes for compensation put into place by each undertaking at a national level.

Isabelle.Oberson(at)cit-rail.org
Original: FR

Freight Traffic

Progress towards the electronic consignment note

Practical experience of the use of electronic consignment notes was discussed by the Coordinating Council on Transsiberian Transportation (CCTT) in St. Petersburg at the end of August 2011. The CIT and CCTT signed a memorandum of cooperation (MoC) in Bern at the beginning of 2011; this memorandum now offers the CIT tangible opportunities to participate in practical projects to make transport documents electronic (see CIT-Info 3/2011, page 8).

Electronic signature

The most important issue in this area involves the recognition of electronic signatures for the purposes of the Russia-Belarus-Kazakhstan customs union (for a comprehensive report on this customs union, see CIT-Info 4/2011, page 10). Legislation in Russia and Belarus contains provisions for the

exclusive use of nationally recognised cryptographic processes. The legislation *a priori* excludes recognition of foreign electronic signatures.

The customs union provides for the exchange of electronic files by authorised third parties (known as electronic notaries) who verify the electronic signatures. To make such an exchange possible, new legislation on electronic signatures was enacted in Russia in April 2011. This new law provides for recognition of electronic signatures verified in other countries. Documents signed in this way may therefore no longer be rejected as invalid simply because of their origin in another country.

The equivalence of electronic and paper documents was laid down in an agreement made in September 2010 on the use of electronics for the exchange of documents for import into and export from the Russia-Belarus-Kazakhstan customs union. A customs declaration linked to an electronic consignment note may therefore also be made in an electronic form. The XML format is acceptable for this declaration.

The United Nations Economic Commission for Europe (UNECE) and the appropriate working groups (for example UN/CEFACT) are monitoring the work to define electronic transport documents (in respect of the creation of technical

specifications in particular) and are likewise closely involved with optimising interfaces with other modes of transport (with particular emphasis on transport by sea).

CIT group of experts “CIM – Electronic Consignment Note”

At its meeting in 2010, the CIM Committee instructed the CIM Working Group to start the work to revise the provisions of the CIM Uniform Rules on electronic consignment notes on behalf of the CIT. The current CIM Uniform Rules and national law which relates to the principles of functional equivalence between the electronic and the paper consignment note complicate the introduction of the e-RailFreight system.

The CIT group of experts is therefore concentrating on the following three work-streams:

- precedence for electronic consignment notes and where possible electronic accompanying documents over paper documents;
- concise specific provisions for electronic consignment notes;
- harmonisation of the areas dependent on national law and the areas which unnecessarily make electronic consignment notes more difficult to use in practice.

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

The CIT's forthcoming work on multimodality for rail-sea traffic

At the constitutive meeting of the “Multimodal” Working Group in Bern at the end of March it was decided that the first task should be to clarify the legal position of carriers by sea/shipping lines in respect of a through contract of carriage and a through liability regime for the whole rail-sea movement under COTIF/CIM (see CIT-Info 3/2011, page 2).

Legal position of carriers by sea

OTIF's legal department interprets the law of international carriage by rail to provide that carriers by sea may either:

- be regarded as an auxiliary of the railway undertaking within the meaning of Article 40 CIM *de lege lata* [the law as it exists], or
- acquire the legal status of the successive carrier within the meaning of Article 26 CIM *de lege ferenda* [what the law ought to be].

Defining carriers by sea as substitute carriers within the meaning of Article 27 CIM would therefore seem rather theoretical since most of the carriers by sea listed in the list of CIM services are ferry operators and have a direct relationship with customers in respect of pricing, liability, etc.

General Terms and Conditions for Rail-Sea Traffic

Given that background and in particular considering the potential status of carriers by sea as successive carriers within the meaning of Article 26 CIM, the CIT is making a



The Working Group “Multimodal” at work.

detailed study of the extent to which the GTC Joint Contract can be used to cover carriage by rail and sea. The point should also be made that the GTC Joint Contract is no longer an appendix to the GTM-CIT but rather is published separately. The opting-in principle applies to its use.

The CIT General Secretariat will prepare a draft for a “GTC Rail-Sea Traffic” based on the GTC Joint Contract for the next working meeting at the end of March 2012. The draft will also take the GTC CIM into account. It will also be available for discussion within a wider circle of CIT working groups. OTIF will prepare a list of marine services and shipping companies so that they can be taken into account in the CIT document.

Seminar on the topic of multimodality during 2012

In contrast to earlier maritime conventions, the new Rotterdam Rules (RR) refer to door to door movements and consequently have a multimodal character. In that respect, the question of whether and to what extent those rules are in conflict with the various land transport conventions arises, for rail transport law, COTIF/CIM and the SMGS, in particular.

The CIT, together with OTIF and the OSJD and in conjunction with Plaske, are organising a seminar in Odessa on 1 June 2012. The topic will be "Multimodal Movements and their Importance for Railway Undertakings". Further information on this seminar will be given in a forthcoming CIT Info.

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

Claims Handling Agreement Checklist

A checklist for drawing up agreements for handling claims for international freight traffic by rail was itself drawn up by a CIT group of experts constituted for the purpose. The checklist came into effect last July.

The group of experts met again on 22 September to consider if an extension of the scope of the Claims Handling Agreement Checklist to other parties would be sensible (for example, substitute carriers, wagon keepers and infrastructure managers).

The participants were unanimous that such an extension would be very useful but nevertheless for the reasons below, would be premature:

- the CIM Working Group is currently still considering the usefulness of a boilerplate contract for subcontracting;
- some of the provisions of the GCU are currently being revised;
- there is not yet enough experience of application of the law of use of infrastructure (i.e. application of the CUI Uniform Rules revised at the end of 2010 within EU Member States and application of the general terms and conditions for the use of infrastructure (EGTC) negotiated between the RNE and CIT).

Undertakings which would like to see a more rapid expansion of the scope of the checklist can of course provide for that in their own agreements.

Further development of CIT freight documentation

The group of experts prepared proposals for amendments to the CIT Freight Traffic Manual (GTM-CIT) to cover processing of the consignment note when transshipment at change of gauge points is necessary (Franco-Spanish frontier, Finland-Sweden or between the standard and narrow gauges).

Furthermore, it prepared proposals for amendments to the Claims Handling Agreement Checklist to cover the procedures for recording and handling loss and damage in transit when there is no qualified staff on hand to make out the formal report.

The CIM Working Group will finish work on these proposals for amendments at its meeting on 19 & 20 October 2011 and submit them to the CIM Committee.

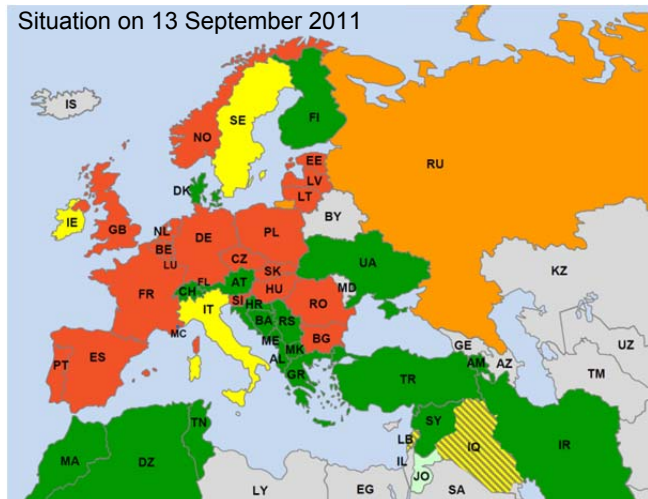
Nathalie.Greinus(at)cit-rail.org
Original: DE

Use of the Infrastructure

Progressive withdrawal of the reservations against the CUI Uniform Rules

Four EU Member States have withdrawn their reservations against the CUI, APTU and ATMF Uniform Rules since the European Union acceded to COTIF on 1 July 2011: Austria, Denmark, Finland and Greece.

Situation on 13 September 2011



Withdrawing these reservations has an immediate effect: the CUI Uniform Rules immediately apply to every contract between infrastructure managers and carriers who use the infrastructure for international passenger or freight traffic. The law is therefore becoming more certain, slowly but nevertheless, surely. All the more so since Germany withdrew its reservation (to take effect on 1 January 2012) likewise Poland and the Netherlands have limited the duration of their reservations (to 1 January 2012 and 2013 respectively).

- All COTIF appendices (20)
- Without ATMF (1)
- Without CUI/APTU/ATMF (19)
- Without CIV/RID/CUV/CUI/APTU/ATMF (1)
- COTIF 1999 not yet ratified (3)
- Membership suspended (2)
- Associate Members (1)

The CIT recommends its members to supplement the liability regime laid down in the CUI Uniform Rules with the terms and conditions provided by the *European GTC of use of railway infrastructure* (negotiated between RailNetEurope (RNE) and the CIT between 2005 and 2010 (and available on www.cit-rail.org)). These general terms and conditions extend the CUI Uniform Rules to liability to domestic traffic and supplement certain points. In particular, they provide for a carrier to have a right of recourse for compensation which has to be paid to passenger or freight customers on the basis of national, European or international law if the cause

of the loss or damage was infrastructure related. This recourse does not only apply in the event of accidents but also in the event of delays. In return, infrastructure managers benefit from a right of recourse for compensation which they have to pay to their customers on the basis of national, European or international law. The EGTC therefore represent a balanced standard solution to settle difficult legal questions arising in a liberalised marketplace.

Isabelle.Oberson(at)cit-rail.org
Original: FR

Law in practice

In this section, we publish details of legal decisions concerning rail transport and related areas of law, statements from public authorities and legal advice from the CIT General Secretariat on the practical legal issues that arise in daily life.

Distribution of meals and refreshments to passengers

In what circumstances do passengers have the right to meals and refreshments?

Article 18 § 2 of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) provides that "passengers shall also be offered free of charge meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station, or can reasonably be supplied". Do passengers who miss their connections because the first train was ten minutes late and who thus arrive sixty minutes late at their final destination because they take the next train, have a right to refreshments?



The right to meals and refreshments comes within the meaning of "standardised and immediate measures". The European Court of Justice distinguished these from individual compensation dependent on the circumstances of the delay or cancellation of

the transport service in its judgment on the IATA case (C-344/04). On the basis of this precedent, the CIT made a clear distinction in points 9 and 10 of the GCC-CIV/PRR between Article 18 PRR which provides for a series of collective actions (information on delays, distribution of meals and refreshments, organisation of accommodation,

organisation of alternative transport) and Article 17 PRR which provides a right to compensation of 25 or 50% of the fare in the event of a delayed arrival and Article 32 CIV which provides a right to a hotel in the event of the last connection of the day being missed.

Article 18 PRR applies in the event of delays to trains on arrival or departure in excess of sixty minutes, whatever the cause of delay. By contrast, Article 17 PRR applies in the event of a delay to a passenger at the destination shown on his contract if the cause of the delay is attributable to the carrier.

In consequence, passengers who miss their connection because of a delay of ten minutes do not have a right to meals or refreshments. It is only if the train has a significant delay, in excess of sixty minutes, that passengers may claim refreshments or a meal. Distribution of refreshments is not on an individual basis; indeed it can hardly be individual for wholly practical reasons. In practice, assistance is provided in the train itself or in the station if the train is cancelled. The fact that passengers may arrive at their final destination with a delay of ten minutes or three hours isn't taken into account at that stage. It may be that passengers affected by the delay to a train have a connection and in the end have no delay whatever at their final destination. Those passengers nevertheless receive assistance on their first train. Transport undertakings may not take individual delays into account at that stage. Individual delays are handled by undertakings' customer service departments when passengers make claims.

Isabelle.Oberson(at)cit-rail.org
Original: FR

Compensation for loss and damage

Which carriers have to take part in sharing compensation paid out for loss and damage to international freight traffic?

Chapter 3 of the AIM has been based on two fundamental principles since 1 July 2006:

- if a carrier or one of his sub-contractors is liable for loss and damage within the meaning of the AIM, that carrier is required to bear the compensation paid to the customer (see point 3.3.2 AIM);

- if there is no carrier liable within the meaning of the AIM, compensation is to be shared between the carriers having taken part in the carriage (participating carriers). Non-participating carriers (see point 3.3.3 AIM) however, are excluded.

Because members of the CIT held differing views on how that point of the AIM should be applied, its phraseology was clarified further in the 1 July 2011 edition; no change was made to the principles however:

To the extent that the compensation cannot be charged to one or more carriers liable, it is to be allocated to the carriers taking part in the carriage (participating carriers). Excluded from this are carriers who have accepted neither the goods nor the consignment note (non-participating carriers).

In other words only those carriers who have not participated in the execution of carriage because it was terminated en

route (total loss or damage, seizure of the consignment by customs, etc.) are excluded from participating in the allocation of the compensation paid out.

For further information on this subject, see circular letter CIT 27/2011 dated 15 September 2011.

Henri.Trollet(at)cit-rail.org
Original: FR

Amendments to the contract of carriage

May the consignor ask to amend the information shown on the CIM consignment note in boxes 13 (Commercial specification), 14 (Number of customer agreement or tariff) or 20 (Payment instructions)?

Article 18 § 1 CIM contains a list of the changes which the consignor or consignee may make to the contract of carriage. This list is not nevertheless exhaustive. The same comment applies to the list shown on the "Subsequent

orders" form defined in Appendix 7 GLV-CIM. The consignor or consignee may thus ask for other changes to be made to the contract of carriage, for example a change to the information contained in the consignment note boxes listed above.

The extent to which such requests for changes have to be conducted is to be decided case by case on the basis of Article 19 §§ 3 and 4 CIM.

Henri.Trollet(at)cit-rail.org
Original: FR

CIT Itself

The Executive Committee prepares for the 2011 General Assembly

The CIT Executive Committee held its second meeting of the year in Bern on 27 September 2011. The most important item on the agenda was preparation for the General Assembly on 17 November 2011. The draft work programme and the budget for 2012 were approved. The Executive Committee also endorsed the nominations to be submitted to the General Assembly for the posts of Secretary General and his deputy.



The CIT Executive Committee meets.

Implementation of the regulation on rail passengers' rights and obligations

For railway undertakings it is essential that *Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR)* is implemented in all the Member States of the EU in

a consistent way. Differing interpretations can do a disservice to the interests of passengers and railway undertakings, can create intangible barriers at frontiers between EU Member States and in consequence can also impede the creation of a liberalised market for international transport services.

Given this background, the PRR Group of Experts which the CIT has set up will have an important role to play in exchanging information on precedents, examining legal theory in the various states and developing the strategy for ensuring that the PRR is interpreted and applied in the most uniform way possible.

Working with FIATA

The CIT will be working with FIATA to develop a rail module in their training programme for forwarding agents. The module will include the contract of international carriage of goods, consignment notes and the manuals on their use, and making the CIM and SMGS legally interoperable. A contract to define the working relationship between the two organisations should be signed shortly.

The European Union and OTIF

The Executive Committee welcomed the European Union's accession to COTIF in the interests of developing international rail transport. Railway undertakings members of the CIT will reflect on how they might contribute to this historic development.

In that context, the Executive Committee took pleasure in noting Greece's withdrawal of its reservation against the CUI, APTU and ATMF Uniform Rules with effect from 13 September 2011. This withdrawal is in addition to those already made by Austria, Finland and Denmark. See also the article on page 8 of this edition of CIT Info.

Tribute to the Secretary General and his deputy

Thomas Leimgruber, Secretary General, and Henri Trolliet, his deputy were attending their last meeting of the Executive Committee before retiring at the end of the year and accordingly the Executive Committee offered them its warm thanks for their untiring commitment to the CIT.

Henri.Trolliet(at)cit-rail.org
Original: FR

South Caucasus Railways (SCR) become a member of the CIT

Following Armenia's accession to COTIF and OTIF, South Caucasus Railways, which hold the concession to operate the Armenian rail network, applied to join the CIT. That will allow them to use all the CIT's passenger and freight documentation.

The concession to operate the Armenian rail network was won by RZD in 2008; RZD operates the concession through its subsidiary "South Caucasus Railways Closed Joint-Stock Company". The concession runs for thirty years and after twenty years may be extended for a further twenty years.

RZD is investing in infrastructure and rolling stock in Armenia to link the hinterland with the Georgian Black Sea ports of Batumi and Poti. That will soon pose the question of whether the Russian Federation should add the sea services in the Black Sea to the OTIF list.

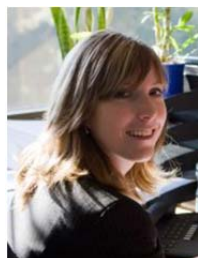


SCR passenger train

South Caucasus Railways joined the CIT on 1 October 2011.

Katja.Siegenthaler(at)cit-rail.org
Original: DE

Staff changes in the CIT General Secretariat



Lysiane Salamin

Lysiane Salamin will leave us at the end of October to take on new challenges in her home canton (and new base) in Valais.

Lysiane Salamin has been employed in the CIT General Secretariat since May 2006. She has principally been occupied with organising travel, meetings and running the CIT database. Most recently she has been heavily involved with the project to set up the new CIT website.

Her ability to look ahead and her friendly manner ensured that the secretariat was always a pleasant environment. We would like to place on record our warm thanks for the work she has done and wish her all the best in her new work.



Julien Dornbierer

Julien Dornbierer is the successor to Madame Salamin. He has had a commercial training and attended the commercial vocational school. We welcome him warmly to our team.

Katja.Siegenthaler(at)cit-rail.org
Original: DE

New staff member with freight responsibilities



Michel Libis

Henri Trolliet will take well-earned retirement at the end of the year. Accordingly, a new freight specialist needed to be found for the General Secretariat.

Michel Libis is taking up this challenge. He has been employed as a procurer of transport, tariff specialist, editor, "quality delegate", internal auditor and technical specialist in various firms and

during this time trained as an internal auditor (ISO 9001:2000).

He acquired the skills needed for the CIT post with SBB Cargo in the Strategic Planning, Security-Quality and Clearing and Cooperation Departments. His most recent job for SBB was as a technical specialist in the Marketing and Sales Department.

Michel Libis will start his new job at the CIT on 1 November. We would like to welcome him to our team and look forward to a successful working relationship.

Katja.Siegenthaler(at)cit-rail.org
Original: DE



CIT-OSJD Seminar “Interoperability in Euro-Asian rail transport”

Basel, 30 November 2011

The progressive globalisation of the market for transport is creating new challenges for the railways but significant opportunities too. The challenge is to attract and move freight between Europe and Asia by land over distances of over 10 000 km.

In addition to using common transport documents, with effect from mid-2012 the conditions for liability for CIM/SMGS consignments will also be harmonised.

The event will not only provide an overview of the progress being made on the project but will also allow participants to compare their experiences with acknowledged experts. The event is designed for railway and customer representatives who are involved with the development of freight traffic between Europe and Asia by rail.

Click here for further details:

http://www.cit-rail.org/media/files/public/Freight/WS_Eurasia/Flyer_Workshop_EurAsia_2011_11_30.pdf

CIT Diary of Events

Date	Event	Location
15 November	CIV Working Group	Bern
16 November	Ad hoc-Group “Manuals GTV and GTT”	Bern
17 November	CIT General Assembly	Bern
22 November	Ad hoc-Group “GTC Cooperation”	Paris
29 November	CIV/SMPS Working Group	Bern
30 November	CIT/OSJD Seminar: “Interoperability in Euro-Asian rail transport”	Basel
8/9 March 2012	“Berner Tage”	Bern

Veranstaltungen mit Beteiligung des CIT

Date	Event	Location	CIT contact
3/4 November	UNECE Working Party on Rail Transport (SC.2)	Geneva	Erik Evtimov
10 November	RI-Conference of SBB	Bern	Thomas Leimgruber
1 December	RNE Business Conference	Vienna	Henri Trolliet
6 December	Leuven Travel & Transport Law-Forum (LTTL Forum) : EU Passenger Law – Towards 2020	Leuven	Isabelle Oberson
7 December	UIC Regional Assembly Europe	Paris	Thomas Leimgruber
7 December	CER General Assembly	Paris	Thomas Leimgruber
9 December	UIC Wagon Users Study Group	Paris	Henri Trolliet & Erik Evtimov
13 December	CER Passenger Working Group	Brussels	Isabelle Oberson

Produced by:
International Rail Transport Committee (CIT)
Secretariat General
Weltpoststrasse 20
CH-3015 Berne

Phone +41 31 350 01 90
Fax +41 31 350 01 99
E-Mail [info\(at\)cit-rail.org](mailto:info(at)cit-rail.org)
Internet www.cit-rail.org