



General Assembly 2021

We are pleased to invite our members to the General Assembly of the CIT. It will take place on Thursday, 25 November 2021.

Further information coming soon.



Last year's General Assembly with the OTIF Secretary General as guest.

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EDITORIAL

Dear readers,

If thirty years in the field of railway regulations have taught me one thing, it is this: if the sector does not succeed in operationalising good solutions on its own initiative, regulators will not stand idle! This brings the risk of complex, expensive and impractical solutions. Railways therefore have a fundamental self-interest in seeking common solutions among themselves wherever it makes business sense and competition law permits. The railway is a system; as such, in certain areas shared system-wide solutions are the most efficient, the most sustainable, and best value in the long term, despite their high upfront investment costs. This observation applies to many things: digitalisation in the passenger and freight business, auto-couplers, managing and directing rail traffic - but also to legal interoperability! The difference is that fostering legal interoperability requires virtually nothing in the way of financial resources, just a shared will to improve matters.



I am therefore particularly pleased to announce that CIT and RNE have successfully drawn up a joint standard contract for the use of infrastructure which has been approved by the two associations' governing bodies! We have the solution - now the task is to use it!

You can read the related report in this issue of CIT-Info.

Cesare Brand
CIT Secretary-General



Revision of the EU Regulation on rail passengers' rights and obligations concludes

After almost four years of work and discussion of the revision of [Regulation \(EC\) 1371/2007 on rail passengers' rights and obligations](#) (PRR), the revised PRR has now entered into force. We home in on the key changes in the revision.

Origin of the revision

In September 2017, the European Commission published its [draft PRR recast](#), the aim of which was to strengthen passenger rights. The recast was undertaken as part of the usual process of revising European regulations.

In November 2018, it was the European Parliament's turn to publish [its stance](#) on the revision, which was even more far-reaching than the Commission's proposal. In December 2020, the Council adopted its [general position](#) on the proposed PRR revision, which was more moderate than that of the Parliament.

Negotiations between the Council, Parliament and Commission began in January 2020 under the Croatian presidency. The aim was to hold one trilogue meeting per month and close the file under the same presidency. However, the Covid-19 pandemic put a brake on the negotiation process, and in the end it was under the German presidency that an agreement was reached in October 2020.

The provisional agreement was then adopted by the Council and the Parliament in plenary session during the first half of 2021. Despite suggestions for further amendments from a few MEPs, the text that has entered into force is that agreed during the trilogue negotiations.

It has been published in the Official Journal of the European Union as [Regulation \(EU\) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations](#).

Major changes stemming from the new text

Let us note first of all that under the revised PRR, Member States will be able to grant fewer exemptions for domestic traffic.

The revision clarifies the rights of passengers who have booked to travel with a bicycle, as well as the options for bringing bicycles on board in general.

The revision provides for more information to be shared between rail-sector actors and passengers.

A new article has been included on through tickets, in order to clarify those cases in which passengers are considered to enjoy the benefits of such tickets.

The compensation thresholds from the current PRR (25-50%) have been maintained, though a force majeure clause has been introduced.

Concerning hotel accommodation in the event of cancellation or delay, this may be limited to three nights if the cause is considered to be force majeure.

The rights of disabled passengers and persons with reduced mobility (PRM) have been extended, and the pre-notification period for booking assistance has been reduced to 24 hours in advance (Member States may extend this period to 36 hours until 30 June 2026). The options for in-station and onboard assistance have also been clarified, while staff now require mandatory training in PRM needs.

As concerns claims, passengers will henceforth have three months after the incident in question to make a claim or complaint.

Next steps

The revised PRR was published in the Official Journal of the European Union on 17 May 2021 and entered into force 20 days later, on 7 June 2021. It will become applicable two years after that, on 7 June 2023, the only exception being article 6, paragraph 4 on spaces for bicycles, which will become applicable as of 7 June 2025.

As will be explained in the article on the CIV WG, the CIT GS is working on solutions to implement the revised PRR via the various CIT products.

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Original : FR



The revised PRR will be applicable from 7 June 2023



PASSENGER TRAFFIC

PRR recast core to discussions at the last CIV WG

Regulation (EU) 2021/782 on rail passengers' rights and obligations has entered into force, and with it a host of questions pertaining to how to interpret and apply the revised statute.

COVID-19 and vaccination certificate

COVID-19 continues to dictate the way we live our lives. While the "new normal" is taking shape and passenger traffic gradually resuming, all hopes are pinned on the vaccination certificates which should enable greater freedom of movement throughout the Schengen area.

The CIV WG has thus begun examining the implementation of these certificates and the various solutions currently being developed by countries across Europe.

Entry into force of the revised PRR

[Regulation \(EU\) 2021/782 on rail passengers' rights and obligations](#) is now in force. However, it will only become applicable in two years' time, on 7 June 2023.

As mentioned in the previous issue of [CIT-Info](#), the PRR Task Force continues working on solutions to implement the revised PRR via the CIT products. Meeting once a month, the PRR Task Force is already halfway through this task. All modifications made to the CIT products in this connection will enter into force in December 2022.

As well as the implementation of the revised PRR, the other issue is the interpretation of the terms used in the regulation. The new statute introduces new concepts, which have sparked many questions on the part of CIT members and been discussed within the CIV WG.

Revision of the CIT products

Various modifications to the CIT products have been made, concerning in particular the nature of the GCC-CIV/PRR and additions to the Manual on Data Protection for Transport Undertakings (MDP).

The proposed modifications will be submitted to the CIV Committee in September; most will enter into force on 12 December 2021.

Ticketing and upcoming modifications

In the light of the many projects underway at UIC, the CIT GS has made a number of changes to the Manual for International Rail Tickets (MIRT) in connection with the OSDM (Open Sales and Distribution Model) project.

The CIV WG has also dealt with the issue of manually-issued tickets & passes and the future thereof. This discussion will be continued at forthcoming meetings of the CIV WG.

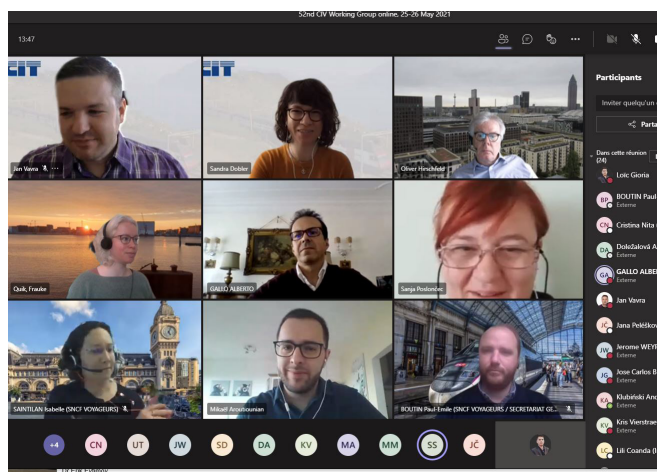
All change in the field of passenger traffic

The CIT General Secretariat has informed the CIV WG that Ms Sandra Dobler will be leaving CIT at the end of October 2021. Ms Nina Scherf, currently the CIT Senior Legal Adviser on Freight traffic and Use of Infrastructure, will replace her as head of the passenger section.

Forthcoming meetings in the field of passenger traffic

The next meeting of the CIV Committee will aim to adopt the modifications proposed by the CIV WG and will be held virtually on 21 September 2021.

The CIV WG's next meeting will be held in-person on 24 November 2021 in Bern - if that is possible by then.



Good discussions in the CIV WG

Latest information from the “Legal interoperability between CIM/SMPS” CIT project

The 20th meeting of the CIV/SMPS Working Group focused on finalising the framework contract on the provision of services to govern the execution of cross-border passenger rail services and the impact of the new PRR on East-West passenger rail.

Framework contract on the execution of East-West cross-border passenger rail services

The members of the CIV/SMPS Working Group have further revised the draft framework contract on the execution of cross-border passenger rail services (sub-contracted carriage model) in the light of proposals from PKP Intercity, FPK and UZ. In addition, the English terminology and citation format is set to be checked and aligned with those of the revised PRR.

Once these tasks are finalised, work will continue with the drafting of a standard contract for the successive carriage model. This will draw on the CIT General Terms and Conditions for Cooperating in Providing International Carriage of Passengers using Successive Carriage (GTC Successive Carriage), which forms Appendix 3 to the Manual for Cooperation Contracts in international Passenger Traffic by Rail (MCOOP) of 1 July 2019.

Latest information on the entry into force of the new EU PRR

At the meeting, the CIT GS presented CIT's ongoing revision of the CIT products, specifically GCC-CIV/PRR, AIV, MIRT, AJC and MCOOP, in the light of the changes introduced by the revised EU Regulation 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (for more details, see the dedicated feature in this issue of CIT-Info).

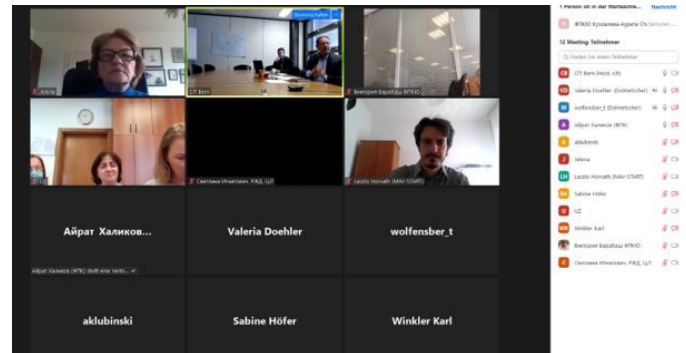
The discussion emphasised that the revised PRR will also impact CIT's CIV/SMPS products, which will be covered in depth at the next meeting in October 2021 on the basis of the comparative table of the COTIF/CIV-PRR and SMPS liability regimes and the boilerplate contracts under development.

CIT 2012 security background for issuing international tickets

Lastly, the CIT GS wishes to remind members that paper tickets issued using the CIT 1996/2006 security background will only be accepted in the CIV area until 31 December 2021. From **1 January 2022**, tickets must be printed using the new CIT 2012 security background. The CIT GS will be happy to answer any further questions from CIT members.

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Original :DE



Passenger Claims Conference on 22 September 2021

The CIT and UIC have great pleasure in inviting the staff of claims, sales and legal departments of their members to the Passenger Claims Departments' Conference to be held on Wednesday, 22 September 2021 as online meeting. The main topic of the conference this year will be “New developments and digitalisation in claim handling process”.

Morning session dedicated to the legal framework related to claim handling

During the first session, participants will be given an overview on claim handling from the legal point of view with analyses of the Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV), the Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR) and the CIT's Agreement concerning the Relationship between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV). Outcomes of the PRR Recast (Regulation (EU) 2021/782) related to the claim handling process and to the claim form will also be tackled.

Claim handling and digitalisation

The second part of the Conference will be dedicated to digitalisation. Digitalisation in the rail sector affects indeed also claim handling processes. Challenging issues include online submission of claim forms, online claim interfaces and automation in processing of claim handling. Different speakers coming from the railway sector will thus present practically how they deal with those new technical solutions in claim handling processes and after-sale procedures.

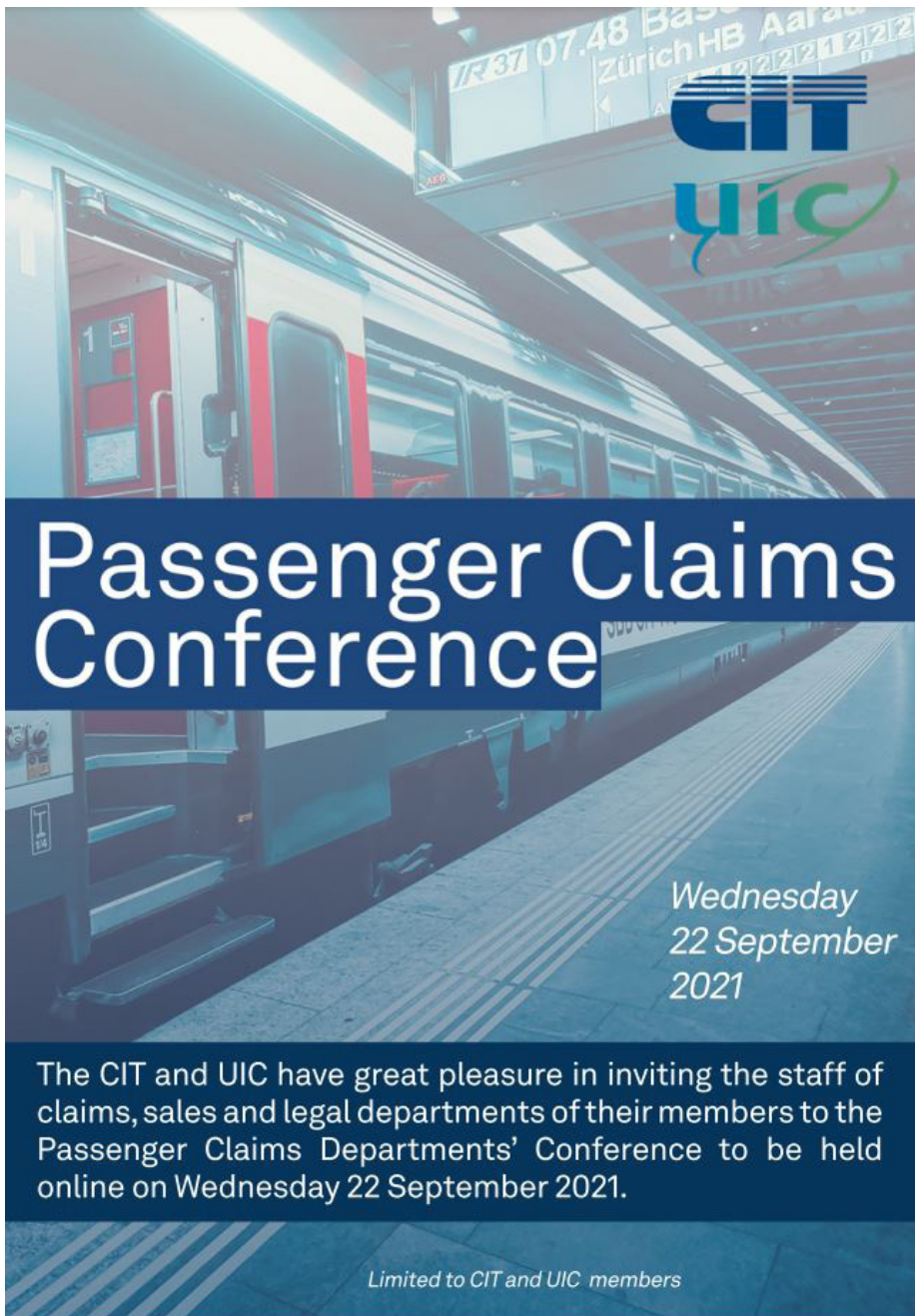
This will be followed by a presentation on CIT's contribution in the development of a new EU-Claim Form, followed by an overview of CIT's products which are of interest for customer services, including the revised Manual on Data Protection (MDP), amendments to the AIV and to the Manual for International Rail Tickets (MIRT) and other useful information coming from the CIT.

Workshop session

The highlight of the conference will be the workshop dealing this time specifically with the cases conditioned by huge travel restrictions caused by the pandemic situation, giving participants the possibility to discuss unclarified issues or disputed cases.

This event free of charge is open to all CIT and UIC members. Therefore, they are all welcome to [register](#) and to participate in it.

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Original : EN



Passenger Claims Conference

Wednesday
22 September
2021

The CIT and UIC have great pleasure in inviting the staff of claims, sales and legal departments of their members to the Passenger Claims Departments' Conference to be held online on Wednesday 22 September 2021.

Limited to CIT and UIC members



Latest news from the CIT/OSJD project on “CIM/SMGS legal interoperability”

Due to a shortage of suitable means of transport between the EU and China, for many customers carriage by rail has become a relevant and economically sustainable option for trans-Eurasian freight movements along the New Silk Road during the Covid-19 global pandemic. In this context, rail has helped provide Europe with door-to-door, just-in-time supplies of urgently-needed goods including medicines, foodstuffs, hospital equipment and face masks.

CIM/SMGS electronic consignment note

UN/CEFACT (United Nations Centre for Trade Facilitation and Electronic Business) and the European Commission are currently devoting increasing attention to the exchange of **multimodal** transport-related data. In this context, UNCITRAL (UN Commission on International Trade Law, headquartered in Vienna) and the ICC (International Chamber of Commerce, headquartered in Paris) are involved to examine possible additional functionalities for the CIM/SMGS Plus consignment note, such as allowing it to be used as a letter of credit. This could impact on rail freight data exchanges, in particular the common dataset for the CIM, SMGS and CIM/SMGS consignment notes.

Another important point is data exchange with customs authorities via the CIM/SMGS electronic consignment note. In this context, the CIT GS coordinates with the CER Customs Working Group, while the CIM/SMGS Steering Group coordinates with the customs authorities in Russia, Belarus and Kazakhstan.

Use of electronic seals in CIM/SMGS traffic

Along with the existing points relating to the use of seals, the use of electronic seals has been added to the 2020-21 programme of work of the CIT Group of Experts on Seals and the CIM/SMGS Legal and Expert Group. According to information supplied by the European Commission, the corresponding EU-level project on electronic seals has also kicked off within DG TAXUD. The OSJD Committee is also discussing in-depth the use of electronic seals and the possibility of making provision for same in the SMGS Agreement. In addition, UIC Leaflet 426 has been successfully converted into IRS 40426 (International Rail Solution) in collaboration between the CIT GS, the Group of Experts on Seals, and UIC.

The legal basis for using electronic seals in CIM/SMGS traffic can be set out in an appendix to the manual on the CIM/SMGS consignment note. Potentially, such a flexible solution could initially be applied on specific movements where the harmonised CIM/SMGS consignment note is used. Further, the CCTT (International Coordinating Council on Trans-Eurasian Transportation) and UNESCAP (UN Economic Commission for Asia and the Pacific) are working on legal solutions and a glossary relating to electronic seals, which should greatly facilitate future work.

CIT guidelines comparing railway law vs inland waterway law

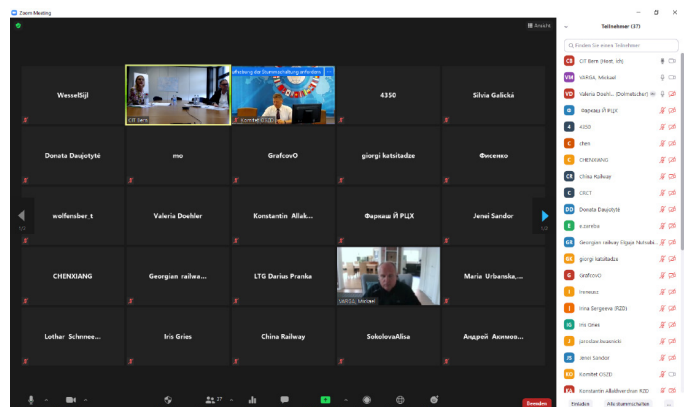
The CIT GS has developed a table to compare and contrast railway law and inland waterway law, along similar lines to the guide to CMR-COTIF/CIM-SMGS. The table compares the relevant sections of the law governing the carriage of goods by rail and by inland waterway. As such, the guide contains a table comparing the relevant law governing the carriage of goods by rail (COTIF/CIM) on the one hand and inland waterways (CMNI, CLNI I and II,

and the Athens Convention + 2002 protocol for passengers and luggage) on the other. As well as the comparative table, the CIT GS has drafted a synoptic overview in English highlighting the key findings of the comparison.

Members of the CIM Committee having examined the draft, the CIT GS intends to publish the guidance by the end of 2021. On the basis of the Cooperation Agreement with the OSJD Committee, the CIT GS sent the comparative table to the OSJD Committee following the CIM Committee meeting in March 2021, and is involved in the work of the OSJD Ad-hoc Working Group on Rail-Sea Traffic.

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TAF Company Code in CIM/SMGS traffic

ERA intends to migrate from the current company codes (4-digit UIC RICS code) to four-position alphanumeric codes (4AN). The purpose of the migration is to offer a greater number of codes. However, OSJD has said it will retain four-digit numeric codes, which could cause issues with the harmonised CIM/SMGS consignment note in CIM/SMGS traffic.

Basic principle

ERA has submitted a change request to the TAF TSI Working Group on Change Control Management based on the definition of the code structure with four alphanumeric characters. The request aims to analyse what changes would be needed to convert the existing 4-digit company codes to 4-character alphanumeric codes.

The OSJD Committee and the CIT GS have undertaken to work with ERA to develop pragmatic solutions to limit the impact of this on carriers as far as possible and avoid two company codes having to be issued (one alphanumeric, the other numerical). At the 33rd meeting of the CIM/SMGS Expert Group in September 2020, representatives of ERA and the Joint Sector Group (JSG) responsible confirmed that it had been provisionally decided that it would remain possible to use the four-digit codes for OSJD members and that CIM/SMGS traffic would not be hindered by the upcoming changes, including the switch to alphanumeric codes.

Next steps

Although ERA will issue new alphanumeric (4AN) company codes from 2026, the agency will liaise with the sector concerning railways wishing to exchange data with OSJD members and also issue four-digit numerical (4N) codes post-2026. CIT is also involved in developing sector solutions through the Joint Sector Group and in close collaboration with CER.

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Harmonising contracts for the use of infrastructure: RNE and CIT jointly publish the “E-SCU-I”

For many years, CIT and RailNetEurope (RNE¹) have been working together to achieve greater harmonisation in the field of infrastructure use. Following on from the [E-GTC-I](#) (European General Terms & Conditions for the use of railway Infrastructure) agreed in 2014, CIT and RNE are now ready to publish their jointly-developed European Standard Contract of Use for Infrastructure ([E-SCU-I](#)).

Current situation in Europe

An analysis of the contracts presently governing the use of infrastructure across Europe shows that these contracts vary widely.

One reason for this is that the contractual framework between railway undertakings and infrastructure managers and governing infrastructure use is very different from one European country to another. There is no harmonised structure for the various documents: Contract of Use, General Terms & Conditions and Network Statement. The content of contract clauses varies widely and the clauses themselves may be located in different documents. Furthermore, in some countries there are no separate General Terms & Conditions (GTC), just the Contract of Use and the Network Statement which together contain the rules constituting the GTC.

When it comes to the Contract of Use, divergences also arise due to the fact that such contracts can be concluded at any point in the process - from very early on until very late, shortly before the train actually runs on the path ordered. In addition, there remain national particularities leading to differences.

For railway undertakings (RUs) operating internationally, i.e. on several different paths, this complexity translates into administrative costs, not just in concluding the contract, but also - indeed in particular - if problems with the various infrastructure managers (IMs) are encountered. For if contracts are structured in very different ways, then the contract of each has to be separately analysed every time an issue arises.

For RUs, therefore, harmonisation equals success, since – once the E-SCU-I is used widely enough – the substance of each contract will be reliably similar or the same, reducing complexity across Europe.

The E-SCU-I: reducing complexity while maintaining the necessary flexibility

RNE and the CIT’s CUI Committee formed a joint taskforce to draft a harmonised contract for use between the parties, i.e. RUs and IMs. The contract has a harmonised structure, and the aim is for it to gain widespread use across Europe.

In drafting the E-SCU-I, one particular challenge was to offer the parties sufficient flexibility of use that they can incorporate it into their national frameworks. That is why it offers a range of solutions in the shape of a toolbox, from which the parties can select the most appropriate to the contractual framework currently governing infrastructure use between them. Offering such flexibility is particularly important in ensuring widespread take-up of the E-SCU-I in practice:

- For those IMs using the E-GTC-I, the E-SCU-I refers to the relevant clauses of the E-GTC-I.

- For those IMs with their own national GTCs, the E-SCU-I can be used in conjunction with the national GTCs and network statement.

- For those IMs which do not have GTCs in the shape of a separate document, the E-SCU-I also provides specific clause wordings to be used in the E-SCU-I instead of cross-references to the GTCs or E-GTC-I. In this instance, the E-SCU-I will only be used in conjunction with the network statement.

- Those IMs not using a separate set of GTC but which have instead incorporated all the typical GTC-type rules into their network statements are recommended to check for which passages in the E-SCU-I the cross-references to the E-GTC-I (or similar set of national GTCs) can be replaced by a reference to the corresponding rules in their network statement. If there are no corresponding rules in their network statement, they are to use the proposed wordings contained in the E-SCU-I.

For ease of implementation, guidance will be provided containing legal information on the clauses of the E-SCU-I which will help the parties apply the E-SCU-I.

The CIT General Secretariat encourages its members to suggest applying the E-SCU-I as a basis next time they come to conclude or renew an infrastructure usage contract with an IM.

The relevant documents are available on both the [CIT](#) and RNE websites

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¹RNE is a European association of railway infrastructure companies and authorities.



What language rules apply when completing the CIM consignment note?

Since COTIF 1999, the contract for the international carriage of goods by rail has been one entered into by mutual consent (Art. 6 CIM). The CIM consignment note serves as prima facie evidence of the conclusion of the contract of carriage. As such, the contract of carriage must be confirmed by a consignment note which accords with a uniform model drawn up by the international associations of carriers like CIT in agreement with the customers' international associations and the bodies having competence for customs matters – see Art. 6 § 2 in connection with 6 § 8 CIM.

This fundamental function of the legal system of COTIF/ CIM is implemented in the CIT freight products supporting CIT members and their customers giving to a great extent linguistic freedom for the completion of the CIM consignment note. In this context, the CIT “CIM Consignment Note Manual” (GLV-CIM) provides as follows for language rules in Appendix 2 Point 1 Section 1 (for the instructions of the pre-printed language versions of the consignment note) and Appendix 2 Point 1 Section 2 on completing the consignment note¹ as follows: *“The consignment note is to be completed in one or more languages of which one must be either English, or French, or German. The consignor and carrier may agree alternative arrangements. For consignments subject to the RID, only the states involved in the movement may agree alternative arrangements.”*

Having chosen a language or languages, all details are to be entered in that (those) language(s) and not partly in one language and partly in another. However, the consignor and the contractual carrier can agree otherwise. For consignments subject to the RID, only the states involved in the movement may agree alternative arrangements. The language rules for the CIM consignment note, as set out in the CIT freight products, have been successfully and beneficially applied since COTIF/ CIM entered into force on 1 July 2006. They are transparent and provide further flexibility and freedoms for the contracting parties upon concluding a contract for the international carriage of goods by rail.

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Original : DE



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¹The consignment note is to be printed in one or more languages of which one must be either English, or French or German.

The consignor and carrier may agree alternative arrangements.



First Executive Committee Meeting of 2021

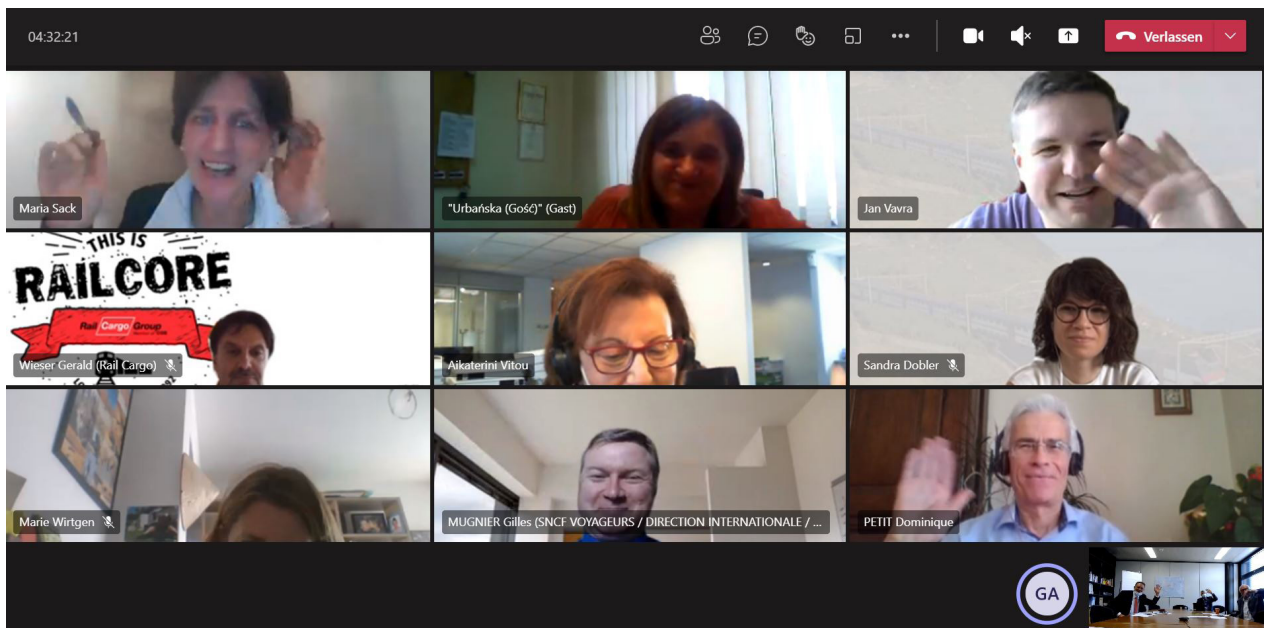
The Executive Committee met on 22 April 2021 and defined the principal avenues of work in 2021.

The Executive Board met by videoconference under the chairmanship of CIT Chair Maria Sack (DB AG). The balance sheet and profit-and-loss account for 2020 with a surplus of CHF 227,326 were approved for submission to the General Assembly. The Executive Board tasked the General Secretariat with drawing up a proposal for a rebate to members of the funds unused due to the Covid-19 pandemic during 2022. The Executive Board also discussed preparations for the Berner Tage 2022, to be held on 10-11 February 2022.

Lastly, the Executive Board noted the status of implementation of the 2021 programme of work. Despite the pandemic, work at CIT is proceeding to plan.

The next Executive Committee meeting is set to be held in Gdansk on 23 September 2021.

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CIT CALENDAR

Date	Event	Location	CIT Contact
7-8 September	Steering Group CIM SMGS	online	EE
21 September	CIV Committee	online	SDO
21 September	AJC Workshop	online	SDO
22 September	Passenger Claims Conference	online	JV
23 September	Committee 2	Gdansk	CB
21-22 October	WG CIV SMPS	online	EE
24 November	CIV Working Group	online	NS
25 November	General Assembly	Bern / online	CB
26 November	Multimodal WG	**	NS
30 November	ExpG Seals	**	DSC
1-2 December	CIM Working Group	**	EE
7 December	CUI Workshop	**	NS

Agenda with CIT participation

Date	Event	Org.	Location	CIT Contact
9-10 September	GV	VöV	Schaffhausen	CB
22 September	Trako		Gdansk	CB
28-29 September	GV	OTIF	Bern	CB/EE
7-8 October	High Level Passenger Meeting	UIC	Paris	CB
9-10 Dezember	European Regional Assembly / GV	UIC	Paris	CB
20. August	DTLF / SG Data Team Meeting	CER	online	EE
21 September	UIC Study Group Wagon user	UIC	online	EE
12 October	Advisory Board T4R	UIC	online	EE
26. October	UIC GTC	UIC	Brüssel	EE
9-10. November	Legal Committee	OTIF	Bern	EE
16 September	CER Passenger Working Group	CER	online	SDO
24 September	TAP Retail Liaison Group	CER	online	SDO
28-29 September	UIC PASSAGE	UIC	online	SDO
28-29 September	UIC Sales Progress Group	UIC	online	JV
29 September	TAP Common Support Group	CER	online	JV
27-28 October	UIC Passenger Experts Subgroup	UIC	tbd	JV

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