



CONTENT

Conference of Passenger Claims Departments

The joint CIT and UIC Passenger Claims Departments' Conference will take place this year on 28 September in Deutsche Bahn (DB) premises in Frankfurt. It is intended primarily for staff of the claims, sales and legal departments of CIT members.

Participants will be given an overview of the most recent developments in the EU regulation on rail passengers' rights (PRR) as well as interesting cases before the courts and the national enforcement bodies.

Furthermore, there will be presentations on various topics related to the PRR (e.g. journey continuation, delay compensation for rail passes) as well as an update on CIT products.

Finally, DB, SNCB and Trenitalia will give presentations on the overall objectives and internal processes in complaints handling.

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EDITORIAL

Dear Readers,



In the issue you have before you, you will find an article on a new and interesting rail freight business model – postal shipments from China to Western Europe. As a result of the rapid development of e-commerce, the carriage of postal packages by rail can provide an alternative to sea transport (faster than sea transit and cheaper than air). The CIT, in collaboration with the Universal Postal Union (UPU) and the Coordinating Council on Transsiberian Transportation (CCTT), and with the support of OTIF, has now prepared the legal framework and conditions for the carriage of postal packages on the Eurasian corridors. The first pilot shipments have already been completed.

Regarding the carriage of postal packages by rail on the Eurasian corridors, accession to the Customs Union of the European Union is a serious difficulty. If the national and EU customs authorities are unable to find a common pragmatic and business-related solution soon, postal packages arriving in Russia in future will not be transported into the European Union by rail, but by road. Not exactly consistent with European transport policy!

I trust you will enjoy reading the latest issue!

Best wishes from Bern
Cesare Brand
Secretary General of the CIT



“Mail by rail from China to Western Europe”»: a new business model for the railways

Transporting postal items from the Peoples' Republic of China to Western Europe by rail offers railways the opportunity to develop new areas of business. Postal consignments can be transported reliably by rail within 10 to 15 days from the People's Republic of China to Europe (EU and Switzerland) at competitive prices along the trans-Siberian corridor (Russian Federation) or the Silk Road (Kazakhstan). The same applies in the opposite direction. By providing such services, rail can make a contribution to the development of global e-commerce.

Carriage of postal shipments by rail

Some 90% of freight shipments between China and Europe today are transported by sea, with each shipment taking approximately 40 days to complete the journey. Around 9% of the shipments are transported by airfreight and are delivered within a day. Rail freight currently has a market share of just under 1% in terms of total volume. Consignments between Hamburg and Zhengzhou in China, for example, take 15 days and are thus a viable alternative to sea freight (in terms of time) and airfreight (in terms of price). The Peoples' Republic of China is the most important country of origin for the import of goods into the EU and is now developing into one of its most rapidly growing export markets. The daily volume of trade between China and Europe is way above 1 billion euros in value, which means there is huge potential for the carriage of postal items by rail in both directions. According to information provided by the Coordinating Council on Trans-Siberian Transportation (CCTT), the volume of consignments transported in 2013 between the People's Republic of China and the Russian Federation amounted to 64,000 tonnes, which is equivalent to approximately 8,000 containers. On the basis of these figures, an annual growth of 10 to 15% was forecast, indicating that a volume of some 400,000 containers in rail transit shipments from China to Europe can be expected in the medium term.



Swiss postal items by rail

Success through the collaboration of various international organisations

A key role in this project has been assigned to the Universal Postal Union (UPU), which is headquartered in Bern (Switzerland). The UPU is a specialised agency of the United Nations and coordinates the collaboration between national postal authorities and private postal operators for cross-border postal shipments and also stipulates the applicable regulatory requirements.

On 18 March 2016 at the headquarters of the UPU in Bern, the three international organisations (UPU, CIT and CCTT) signed a Memorandum of Understanding (MoU) on collaboration between the organisations to provide support for the pilot services that have been planned for the shipment of postal items from China to Western Europe. In order to support the advanced planning, organisation and carriage of these pilot services, the three organisations have held two workshops with the support of OTIF. The first was held in Bern (at the end of the 19th meeting of the CIM Committee on 17 March 2016) and the second in Moscow (organised by the CCTT on 24/25 May 2016). The importance of using the CIT's rail freight documents for the end-to-end processing of these shipments was stressed, with particular emphasis given to the added benefit of using the common CIM/SMGS consignment note.

The principal aim of the close collaboration between these organisations is to define the legal framework conditions for the shipment of postal items by rail between China and Europe, with the main focus on coordinating the relationships between the rail transport, postal and customs regulatory environments.

First pilot shipments completed

The first pilot shipment of postal items from Chongqing to Duisburg was successfully organised from 29 September to 13 October 2016. In view of the progress that has been made, an important step was taken recently with the inclusion of all border crossing stations along the Eurasian link between the People's Republic of China and Europe in Appendix 1 to the GLV-CIM/SMGS and Appendix 6 to the SMGS on 1 May 2017:

- Manzuli – Zabaikalsk, between the People's Republic of China and the Russian Federation;
- Alashankou – Dostyk, between the People's Republic of China and Kazakhstan;
- Erljan – Zaminuud, between the People's Republic of China and Mongolia.

More pilot shipments from China to Europe have been scheduled for this summer. The UPU has set up a task force for the operational planning of these pilot services. The CIT, OTIF and CCTT are actively involved.

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Original:DE

COTIF revision procedure

The revision procedure for the COTIF and its appendices is long and complex. OTIF has recently created a working group in order to consider ways to improve these processes.

Revision and ratification: a gap of up to 17 years

When the General Assembly of OTIF adopts amendments to the COTIF or to its appendices (CIV, CIM, CUI, etc.), in the majority of cases, these also have to go through ratification procedures at national level, which take an average of 6 years to complete. This sometimes takes even longer than that. For example, the last major revision of the COTIF, namely the adoption of the Vilnius Protocol in 1999 (which came into force in 2006), was ratified by Italy only in 2015, and by Ireland in 2016.

The COTIF has been revised four times since 1999, often driven by European Union legislation, which is constantly evolving. The modifications to the appendices adopted by the OTIF Revision Committee automatically come into force after one year (Article 35 § 3 COTIF); but those adopted by the General Assembly remain suspended until half of the Member States of OTIF have notified their approval of the revision (Article 34 § 3 COTIF). This situation restricts the capacity to adapt the COTIF to the needs of the dynamic developments of the market.

OTIF working group

In May 2017 the General Secretary of OTIF convened a working group in order to deal with this issue. This problem primarily concerns the Member States of OTIF, but it has an obvious impact on railway undertakings, which have to implement the COTIF law.

For this reason the General Secretariat of CIT compiled an initial position on the options presented by OTIF (available on the OTIF website).

While the CIT General Secretariat is generally in favour of simplifying of the revision procedure, it considers that this should, however, ensure sufficient legal certainty and control.

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Original: FR

Useful links

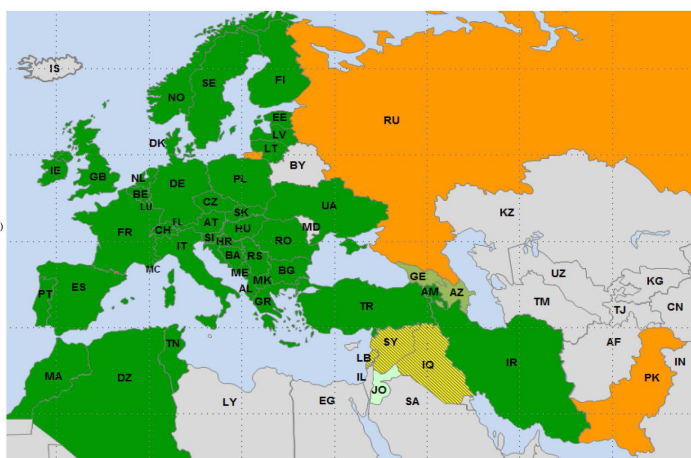
- ➔ [Documents of the OTIF working group “Modification of the COTIF revision procedure”](#)
- ➔ [CIT's position](#)



Champ d'application géographique de la COTIF et ses appendices Geografischer Anwendungsbereich des COTIF und dessen Anhänge Geographical scope of COTIF and its appendices

Etat au 25 juillet 2017
Stand 25. Juli 2017
Situation 25 July 2017

- Tous les appendices de la COTIF (42)
Alle Anhänge des COTIF (42)
All COTIF appendices (42)
- Sans CUV/CUI/APTU/ATMF (2)
Ohne CUV/CUI/APTU/ATMF (2)
Without CUV/CUI/APTU/ATMF (2)
- Sans CIV/RID/CUV/CUI/APTU/ATMF (2)
Ohne CIV/RID/CUV/CUI/APTU/ATMF (2)
Without CIV/RID/CUV/CUI/APTU/ATMF (2)
- Suspension de la qualité de membre (3)
Ruhe der Mitgliedschaft (3)
Membership suspended (3)
- Membres associés (1)
Assoziierte Mitglieder (1)
Associate Members (1)



How to shorten procedures in the many Member States of OTIF so that revisions to COTIF can take effect



PASSENGER TRAFFIC

Data protection experts discuss implications of the GDPR: new tasks for the CIT and its members

Protection of personal data in international passenger traffic is becoming increasingly important in light of digitalisation. To discuss practical questions in relation to protection of passengers' personal data and the potential implications of the new EU General Data Protection Regulation (GDPR), the CIT General Secretariat organised a dedicated workshop for its members on 21 June 2017.

The first CIT Workshop on Data Protection in International Passenger Traffic

The EU General Data Protection Regulation (GDPR) entered into force on 24 May 2016 and is applicable from **25 May 2018**. By then, the CIT members also have to bring into compliance their internal and external data protection policies in line with the GDPR and the respective national legislation.

On 21 June 2017, data protection, IT and legal experts of many CIT members gathered in Bern to share information on current best practices on data protection and to assess the potential implications of the GDPR for railway undertakings. Representatives of the UIC and the CER also took part in the workshop.

The first part of the workshop was dedicated to the introduction of the new GDPR, its potential extraterritorial application using the example of Switzerland, and the new CIT Guidelines on Data Protection meant to assist CIT members in the process of implementation of the GDPR. In the second and third session experts of CIT members presented some best practices of the ongoing GDPR implementation and selected topical issues related to the most recent business and policy developments in the rail sector from the perspective of data protection compliance.

The workshop concluded with a practical session addressing three cases in light of the requirements of the GDPR. All in all, the workshop served as a useful platform for participants to discuss their current data protection practices based on practical cases and the new EU regulation.

Next steps

The participants of the workshop confirmed the growing interest of railway undertakings in the field of personal data protection and the need to exchange best practices of regulatory compliance regularly. The CIT General Secretariat, together with the newly created CIT Group of Data Protection Experts, which was officially

endorsed by the CIV Committee on 22 June 2017, will continue supporting CIT members in the process of implementation of the GDPR, by further improving the new Guidelines on Data Protection (GDP CIT) and offering new standardised solutions for regulatory compliance.

Lastly, the CIT General Secretariat plans to organise a follow-up workshop on data protection issues in spring 2019 to exchange practical experiences following the implementation of the GDPR and learn about new developments in the field.

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Original : EN



Implications of the GDPR discussed by representatives of DB, ČD, SNCF, SNCB, Eurostar, Trenitalia, NS, LG, ÖBB, SŽ, LDZ, CP, Renfe, SBB, VöV, Regiotrans, MAV START, Thalys and UZ

Useful link

➔ [The EU General Data Protection Regulation 2016/679](#)

Decisions of the 19th CIV Committee

The CIV Committee, which met on 22 June, adopted several new documents for passenger traffic, in particular the Guidelines on passenger traffic data protection. It also reviewed all aspects related to passenger traffic from a legal point of view.

Impact of the Regulation on data protection

The new EU Regulation 2016/679 on data protection requires an overhaul of the practices of railway undertakings in this respect. The CIT therefore reviewed its two products, in relation to ticketing (MIRT) and the processing of claims (AIV), which are affected by this regulation.

The CIV working group will continue to work on the legal aspects of multimodal products over the coming year.

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Implementation of PRR

The implementation of the EC Regulation 1371/2007 on rail passengers' rights (PRR) remains at the heart of CIT's activities. The Committee noted the points that will be the subject of the next revision of the text, as well as the matters in hand with the various national authorities. It also made changes to the AIV agreement in order to enhance the procedures underlying the processing of claims by international passengers.

A single jurisdiction in the general conditions

The CIV Committee has decided to restrict, under the GCC-CIV/PRR general conditions, the options for taking legal action based on the contract of carriage to a single jurisdiction, namely, the court competent for the location where the defendant has his domicile or his principal place of business. This restriction follows the case of *Sachs v ÖBB* and considerations that took place in the CIV working group on this subject.

Developments in ticketing

The CIV Committee has decided to carry out a two-stage revision of the CIT Manual for International Rail Tickets (MIRT): a first revision in June concerning editorial matters, and a second revision in December, which will be more fundamental, to align the MIRT with the rewritten UIC 918-2 and 918-3 leaflets, planned for January 2018.

Applicable law for air and rail carriage of passengers

The CIV Committee has adopted the comparative table presenting the different international conventions (COTIF/CIV and Montreal Convention) as well as the European regulations applicable to air and rail contracts of carriage. This new tool will be useful to the legal challenges for the establishment of combined air/rail products. It will be available from 1 September 2017 on the CIT website. The CIT is also making available to its members a table comparing the passenger rights in the four modes of transport.



Data protection, PRR, multimodality, ticketing: a very full agenda for the 19th CIV Committee

Useful link

➔ [Documents of the 19th meeting of the CIV Committee \(reserved for members\)](#)



News from the CIM Working Group of the CIT

*T*aking its cue from the digitisation megatrend, the General Secretariat of the CIT (GS CIT) is pushing ahead with the digitisation of the CIT transport documents and has now largely completed the work involved in making CIT manuals and forms available on the CIT's website as electronic documents, in addition to creating the associated prerequisites for the prioritised use of the electronic consignment note and wagon note. The conclusions and the knowledge gained of the digital processes used in international rail freight traffic business were included in the CIT's report on the preparation and recognition of the digital transport documents that were distributed at sector level and forwarded to international and regional regulators (OTIF and DG MOVE of the EU Commission).

Digitisation of transport documents: electronic consignment note and wagon note

One of the CIT's major projects – the electronic CIM consignment note and electronic CUV wagon note – has been the key focus since 2014. With the active participation of members of the CIM WG, the legal and functional specifications for the electronic CIM consignment note were finalised at sector level in 2016 based on the principle of functional equivalence in accordance with Article 6 § 9 CIM and also for the electronic CUV wagon note in accordance with Article 14 para. 2 of the General Contract of Use for Wagons (GCU). From now on, the GS CIT will actively support the partner organisations, such as UIC/RailData, in the process of finalising the technical specifications within the framework of the eRailFreight project.

The latest updated versions of the GLV-CIM, GTM-CIT, GLW-CUV and GTW-CIT manuals have been available for download on the CIT's website since 1 January 2017 under "Freight traffic/Manuals" and "Use of wagons" in the section entitled "Applicable versions". These are the only authoritative versions of these manuals; they are provided with the electronic signature certified by "General Secretariat CIT info@cit-rail.org, Internationales Eisenbahntransportkomitee (CIT)".

Please note that earlier versions of these manuals will continue to be available for download from the CIT's website under the same "Applicable versions" section. What is new, however, is that CIT manuals will be available to CIT members on the CIT's website as downloadable documents only.

In connection with the implementation of the CIM electronic consignment note in practice and the ongoing digitisation in the rail sector, the GS CIT has been working on clarification of the legal issues relating to the recognition of the electronic consignment note as evidence of a contract of carriage by national courts and other national authorities in accordance with Article 6 § 2 CIM. The CIT report contains three main topics – the electronic consignment note, judicial recognition of digital transport documents and the formal damage report (CIT 20) in electronic form – and ends with a number of conclusions. The report provides detailed conclusions on the individual questions raised – primarily from a legal point of view, without ignoring the practical issues associated with the rapidly changing digital processes taking place in the various railway undertakings.

The CIT report was submitted to relevant stakeholders, such as OTIF, CER, UIC and DG MOVE, and in particular to those involved in the DTLF (Digital Transport and Logistics Forum) project.⁽¹⁾

Electronic formal damage report CIT20

The aim of the work currently being carried out on the electronic formal damage report is to provide an alternative to the very time-consuming procedure required to document damage with the aid of a formal damage report (CIT 20) – currently using a paper version. The first step was to examine what (technical) alternatives were available for completing an electronic damage report, e.g.:

- completing the report using a central system – as yet to be developed;
- development of an app, primarily for mobile terminals;
- integrating the damage report into the procedure used for the electronic consignment note.

Taking into account the results of the previous work carried out by the WG CIM, the input from the experts during the Freight Claims Departments' Conference (held recently on 11 May 2017)⁽²⁾ and the discussions that took place at the most recent CIM Committee meeting, the GS CIT is now examining the version that is based on establishing a link between the electronic damage report and the electronic consignment note, which would result in the following next steps:

- defining the functional and legal specifications in a new Appendix 20b to the GTM-CIT;
- including the digitisation of the formal damage report (Appendix 20 to the GTM-CIT) in the working sheets (Process) of the GTM-CIT;
- coordinating the work with RailData to integrate the formal damage report into the electronic consignment note as an accompanying document.

(1) See the most recent Incept Impact Assessment on the ETD, DG MOVE – UNIT D1 - 2018/MOVE/001, in particular Item 1 (b): "address potential Member States concerns regarding the acceptance of transport documents provided in electronic format (or the exchange of information/data using authoritative sources of information), such as authenticity and security guarantees of the data, overall legislative implications or acceptance by other Member States, costs of investments in IT systems;"

(2) Details of this year's Freight Claims Departments' Conference are included in this issue of [Article page 7](#).

This work, which is very important for the digitisation of CIT documents, will be continued with the experts at the next meeting of the WG CIM to be held on 29/30 November 2017, to ensure that proposals that are ready for approval can be circulated ahead of the coming CIM Committee meeting on 22 March 2018.

Carriage models and questionnaire on CIT documents

International freight shipments are increasingly being carried out on the basis of a subcontract or a so-called “purchase/sale” model. In the past, the WG CIM has held several discussions on the various carriage models available and to what extent these can be implemented from both a legal and practical point of view. With a particular focus on the carriage models, the GS CIT had prepared a list of questions for the WG CIM meeting, which in particular included the so-called “purchase/sale” model in the GTC sub-contract and GTC provision of services of the CIT. This list of questions was discussed by the members of the WG CIM during the meeting.

Taking into account the findings of the planned questionnaire on the use of CIT documents, in the opinion of the GS CIT, the **GTC sub-contract** and **GTC provision of services** documents in particular should be revised on the basis of legal and practical considerations.

The question of the contract structure, which is important for the work carried out by the CIT, is also to be examined in depth when the findings of the questionnaire have been made available. A key issue to be examined by the WG CIM from a legal viewpoint is whether it is practicable and desirable to create a boilerplate contract for the “purchase/sale” model at CIT level.

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Electronic consignment note - one of the focuses of the working group

CIT Freight Claims Departments' Conference 2017

The conference, which is designed for CIT members' staff from the claims departments, commercial departments and legal departments was held on 11 May 2017 in Bern, and dealt in the first module with three current topics: New liability rules in the event of damage to goods caused by a wagon; Liability and safety in the railway system and Damage to the goods caused by third parties. The conference programme began with a presentation of the most important work currently being undertaken and details of CIT projects. In the second module, participants at the conference were assigned to working groups in order to focus on a number of practical topics and to discuss their individual viewpoints in order to develop new ideas and suggestions.

Module 1: “New liability rules in the event of damage to goods caused by a wagon”, “Liability and safety in the railway system” and “Damage to the goods caused by third parties”

The module began with a presentation by E. Evtimov (CIT) of the work currently being carried out by the CIT and the current situation regarding the law concerning the international carriage of freight. The main focus of his presentation was on the digitisation megatrend. He emphasised the importance of the digitisation of freight transport documents for the CIT and was able to present the initial results of the work being carried out by the CIM Working Group and the CIM Committee on the “Recognition of digital transport documents and their authentication”.

Dr. Evtimov also gave participants an overview of current freight traffic projects, in particular with regard to CIM/SMGS legal interoperability and the successful completion of the first pilot shipments of postal items from China to Europe. A fair amount of time was also given to the subject of multimodality, which the CIT has been promoting with concrete projects, such as the publication of a guideline comparing the CMR-CIM-SMGS⁽¹⁾ liability regimes, since the beginning of 2017.

(1) The guidelines can be downloaded from the CIT website at: <http://www.cit-rail.org/en/freight-traffic/legislation>

N. Czernecki (FRET SNCF) initially gave an historical outline of the regulations in international law governing liability in the event of damage caused by a wagon, before focusing on the key elements of the amended Articles 27 and 7 of the GCU⁽²⁾ – an achievement in which he had also been involved as Chairman of the Wagon Users Study Group of the UIC and Co-Chairman of the GCU.

D. Lützelschwab (SBB Cargo) began his presentation by presenting the main features of the liability of different players operating in the rail freight market – infrastructure managers, wagon keepers, railway undertakings and third parties. He argued that the avoidance of liability by the players involved in rail freight operations can also be a driver of innovation that would lead to them taking the appropriate measures required to increase the safety of the railway system. Ultimately, Mr. Lützelschwab suggested, the basic principle should also be reflected in legislation to ensure that liability for damage is borne by the one who is able to cover the risk at the most reasonable cost for the entire sector.

S.C. Huber (Crossrail) was given the task of presenting “Damage to the goods caused by third parties” at the end of the first module, a topic that is certainly well worth discussing. After presenting a number of possible damage scenarios for goods “en route” (e.g. theft, contamination...) and after Ms. Huber had analysed their impact, she then focused on the development of ideas as to how the claims departments could deal with such damage.

Module 2: Issues of general interest

In the second part of the conference, the participants were given the choice of three working groups, which offered them the opportunity of presenting their views, comparing viewpoints and exchanging opinions on the questions that had been put forward, in order to come up with solutions.

This year, the working groups were interested in the following issues:

- N. Scherf (CIT) discussed with Group 1 ways of dealing with claims for compensation in the event that the transit period has been exceeded based on CIM and ways of dealing with complaints between customers and carriers, and between the carriers based on AIM. The problem was illustrated with the aid of a specific case.

- N. Nober (LINEAS) was in charge of Group 2, which focused its attention on how CIT forms are used for the carriage of goods and the use of wagons, and how to deal with them interactively on the CIT website. The group emphasised the importance of using various forms that were generally unknown in practice.

- L. Schneemann (DB Cargo DE) worked with Group 3 to prepare technical versions of the electronic formal damage report for use as an online CIT document with forwarding by e-mail to the carriers involved. Specifically, the functional and legal specifications in the GTM-CIT were discussed.

At the end of the conference, a rapporteur for each group presented the results of their discussions in the plenary session. The ideas proposed by the work groups for solving the issues will be examined this year by the CIM Working Group of the CIT.



In the first module current subjects were discussed

Summary

As a result of the depth and quality of the discussions, the conference once again achieved the objectives that had been set, namely to make a contribution to the continuing education and training of the CIT members and to develop and improve the level of expertise available in the customer service departments of the CIT members on current topics.

The next Freight Claims Departments' Conference will take place on **24 May 2018**.

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(2) The provisions of the General Contract of Use for Wagons (GCU) are available for download at <http://www.gcubureau.org/web/portal/contract2017>.



Revision of the CUI Uniform Rules

The General Secretariat of the CIT and its members are currently waiting with bated breath for the final text proposals for the revision of the CUI Uniform Rules, which are to be submitted to the OTIF Revision Committee.

Revision background

A working group was set up by the Secretary General of OTIF in 2014 to prepare the revision of the CUI Uniform Rules. The working group focused primarily on discussions relating to the scope of application (Article 1 § 1 CUI), the liability regime between carriers and infrastructure managers and in particular the carrier's right of recourse with respect to the infrastructure manager for compensation paid to its customers for any loss or damage caused by circumstances that have their origin in the railway infrastructure.

Draft texts from the OTIF CUI UR Working Group

The working group set up by the Secretary General of OTIF, which met last on 31 May 2016, proposed that Articles 1, 3 and 8 CUI be revised.

According to the proposal, the scope of application of the CUI UR (Article 1 § 1) is, on the one hand, still linked to the CIV⁽¹⁾ and CIM⁽²⁾ Uniform Rules and, on the other hand, the term "international railway traffic", which means traffic that requires the use of an international train path or several successive national train paths situated in at least two States and coordinated by the infrastructure managers concerned, has been included.

Assessment of the current draft texts in the view of the CIT General Secretariat

International railway traffic is a new term that is not found in the COTIF system. By adopting this term with the current definition, **the scope of application of the CUI UR will be restricted:** on the one hand, there are virtually no "international train paths" available in practice and, on the other hand, the term is dependent on train paths being coordinated by the infrastructure managers, which in practice does not always work or does not even take place.

The wording of the scope of application would currently result in the applicability of the CUI UR to the carriage of goods in cross-border trains for international CIV and CIM transport operations, even though the required domestic pre-carriage or onward carriage would be unavailable. It can happen in practice, for example, that a passenger in possession of an international CIV ticket uses a train that only provides domestic services (national train/train path) and then continues his journey using the same CIV ticket on an international train path. The traveller would be entitled to use the national train under CIV, whereas CUI, would not be applicable for recourse between the carriers and infrastructure managers.

This interpretation of the scope of application of the CUI UR, in the view of the GS CIT, is therefore inappropriate and leads to legal fragmentation that is not consistent with a harmonised and cohesive international legal system.

The changes made to the scope of application also affect the liability of the infrastructure manager (Article 8 § 1 CUI) and in particular **the carrier's right of recourse vis-a-vis** the infrastructure manager. Under COTIF law, the carriers are liable with respect to their customers for all actions taken by the infrastructure manager, since he is defined as the carrier's auxiliary (Article 51 CIV and Article 40 CIM). Only the CUI UR provide an explicit right of recourse for the carrier with respect to the infrastructure manager that takes into consideration any compensation the carriers are required to pay to their customers based on the CIV and CIM UR, in the event of accidents, for example, for passengers' hotel costs and for loss of or damage to the goods (Article 8 CUI).

A revision of the CUI UR that restricts the scope of application is problematic for the carriers, since it leads to legal fragmentation: in the event that the CUI scope of application is restricted, the carriers will also lose their right of recourse with respect to the infrastructure managers and, in the event of accidents caused by circumstances that have their origin in the railway infrastructure, will only be able to fall back on the corresponding national law and the terms and conditions imposed by the infrastructure managers in order to obtain repayment of any amounts paid to the passengers or to customers as compensation for loss of or damage to the goods. Since the general national (contract) laws of the respective States, particularly when assigning the burden of proof or in the event of consequential damages, display subtle differences, international carriage from a legal point of view becomes a complicated matter.

Next steps in the revision process

What happens next in the revision of the CUI UR is that the final draft texts will be submitted to OTIF's Revision Committee in 2018 (27 February to 1 March 2018).

The revision of Articles 1 and 8 in accordance with the provisions of § 33 para. 4 COTIF must then be approved by a resolution passed by the General Assembly, the next meeting of which will be held in September 2018.

(1) Contract of International Carriage of Passengers by Rail (CIV)

(2) Contract of International Carriage of Goods by Rail (CIM)

Conclusions

The aim of a revision, from GS CIT's viewpoint, should be a scope of application of the CUI Uniform Rules that is as uniform as possible and provides legal clarity and legal certainty. This would enable the carriers to operate in an uniform (legal) area, without having to be afraid of coping with legal uncertainty as a result of fragmentation when dealing with different national laws. Particularly in view of the fact that the CUI Uniform Rules are now applicable in all EU States.

Since a revision of COTIF law will require some time to complete⁽³⁾, it is important that a satisfactory result is achieved with the revision of the CUI Uniform Rules, i.e. legal clarity, legal certainty and a harmonised scope of application with a balanced liability system.

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(3) [An article page 3](#) appears in this issue on "Changes to the COTIF revision process"



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Useful link

- ➔ [Information on the CUI Working Group set up by the OTIF Secretary General](#)
- ➔ [Current scope of application of CUI](#)



LAW AND PRACTICE

Entering information using codes in the CIM consignment note

Is information entered in the boxes of the electronic CIM consignment note with a code final or are group codes permissible? What information can be provided in this way by the consignor?

The provisions of Article 7 CIM relating to the content of the international rail transport document ex lege the CIM consignment note are based largely on the principle of contractual freedom and express the will of the parties to the contract of carriage, namely the consignor and the carrier [in casu contractual carrier in accordance with Article 3 a) CIM] and in accordance with Article 6 § 2 CIM. Article 7 CIM is divided into three sections in a similar way to Article 6 CMR⁽¹⁾ and, in accordance with § 1 of which, the consignment note must contain sixteen mandatory particulars; in § 2 there are another seven conditional particulars and § 3 contains the legal basis for the optional particulars to be entered on the CIM international consignment note.

For this reason, Article 6 § 2 postulates that "the contract of carriage must be confirmed by a consignment note which accords with a uniform model", whereby in accordance with Article 6 § 8 CIM, the model in turn shall be established by the international associations of carriers (such as the CIT) in agreement with the customers' international associations and the national and international bodies having competence for customs matters. This is quite clearly aimed at both a private law and the commercial nature of the international consignment note, in addition to its significance with respect to transport law.

As a result of the progress now being made in the digitisation of transport documents, the need to structure the data using codes is becoming increasingly evident. The consignors' declarations, for example, are documented in Box 7 on the CIM consignment note. The successive use of codes would offer a more technically enhanced way of structuring Box 7 of the CIM consignment note in detail, which in future would simplify the completion of the electronic CIM consignment note significantly for the international exchange of consignment note data.

Structuring commercial consignment note data is therefore to be the technical basis and also the solution for the work carried out by the CIT. When using Codes 1, 2, 6, 7, 8 and 24, for example, in Box 7 of the CIM consignment note, the codes are to be indicated together with their meaning. When other codes are used, only the code that is to be supplemented with the appropriate information is to be indicated, as is the case with Group code 16, for which other information can be entered as a way of including an additional declaration by the consignor. This is consistent with provision of Article 7 § 3 CIM for the optional particulars to be entered on the electronic CIM consignment note.

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Original : DE

(1) *Convention on the Contract for the International Carriage of Goods by Road (CMR)*



Conference of Passenger Claims Departments, Frankfurt, 28 September 2017

The joint CIT and UIC Passenger Claims Departments' Conference will this year take place on 28 September in Deutsche Bahn's offices, Stephensonstrasse 1, in Frankfurt. It is intended primarily for staff of the claims, sales and legal departments of CIT members.

During the morning session, participants will be given an overview of the most recent developments in the EU regulation on rail passengers' rights and obligations (PRR) as well as interesting cases before the courts and the national enforcement bodies.

There will also be presentations on rules applicable to journey continuation, how delay compensation is handled by Eurail GIE and update on the news in the CIT products and on how the new Data Protection Regulation will affect the complaints handling. A presentation will be given on the overall perspectives and objectives in complaints handling at Deutsche Bahn also including their internal processes. Lastly, SNCB and Trenitalia will describe their internal processes in the handling of passengers' complaints.

As usual the main focus in the conference will be the workshops dealing issues that are already known, such as compensation for delay and the obligation to provide of giving information, as well as new challenges, such as how the handling of claims and complaints will be affected by the new data protection regulation. Cases involving rail passes will also be discussed.

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Original : EN

Useful link

➔ [Registration form](#)

CIT Regional Workshop in Bucharest

The CIT has great pleasure of inviting the staff of CIT member railways from Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Czech Republic, Croatia, FYRO Macedonia, Greece, Hungary, Montenegro, Poland, Romania, Serbia, Slovenia, Slovakia, Turkey, Ukraine and other interested countries, to the CIT regional workshop in Bucharest on 10 and 11 October 2017.

This workshop provides an opportunity for the railway companies - members of the CIT from the countries of the Balkan region, Central and Eastern Europe - to receive first-hand training in international rail transport law. It is open to all members of staff dealing with issues related to international transport law in freight and passenger transport.

For more information please consult [the CIT-Website](#).

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Original: EN

The main goals of the workshop are:

- presentation of CIT's main activities, achievements and on-going projects in the area of international freight and passenger traffic;
- transmission of know-how and enhancement of knowledge of international transport regulation for freight and passenger traffic;
- strengthen the knowledge of the CIT products

The workshop will also offer participants good opportunities to discuss unclarified issues from their daily business.



General Assembly of the CIT

We cordially invite our members to the General Assembly of the CIT. It will be held **on Thursday, 16 November 2017** [in the UPU head office building \(Conference Room Montgomery Blair\) at Weltpoststrasse 4](#) in Bern. The official part of the meeting will begin at 9:00 a.m. and will end at 11:30 a.m. at the latest.


In the second part of the meeting, which will last until 12:30 p.m., Jean-Pierre Loubinoux, Director General of the UIC, will speak on "The role of UIC in a globalised railway world".

We look forward to welcoming you soon.

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Original : DE

The CIT warmly welcomes its new members!

Country	Undertaking	Membership	Logo
Italy	Mercitalia Rail S.r.l.	Full member as of 1 August 2017	

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Original : DE

Welcome to General Secretariat CIT

Mrs Tetyana Payosova will leave the CIT on the end of August, 2017 to complete LL.M. study the Harvard studies in the USA. Her successor will be Mrs. Sandra Dobler as a Junior Lawyer in the area of passenger traffic on 1 September. Tetyana Payosova will continue to supervise the work on Data Protection until August 2018.

Also on 1 September, Mrs Dariia Scarlino will take a 50% position as an expert in freight transport. Mrs Scarlino will be involved in CIM-SMGS, Multimodality, RID, Working Group Seals and CIV/SMPS. She has already worked for the OTIF in the past.

Mrs Laurence Nicolet took up the position at the CIT General Secretariat in Bern on 1 April 2017 as an administrative assistant.



Laurence Nicolet, new administrative assistant

We warmly welcome the new members of in our team and look forward to good cooperation with them.

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Original : DE



CALENDRIER-CIT

Date	Event	Location	CIT Contact
7/8 September	CIM/SMGS Steering Committee	Warsaw	Erik Evtimov
27 September	Executive Committee 2/2017	Locarno	Cesare Brand
28 September	Conference of Passenger Claims Departments	Frankfurt	Jan Svensson
4 October	CUI Committee	Bern	Nina Scherf
10/11 October	Regional Training Workshop	Bucharest	Cesare Brand
11 October	"Seals" Group of Experts	Budapest	Fabienne Vaisson
14/15 November	CIV Working Group	Bern	Isabelle Oberson
16 November	General Assembly	Bern	Cesare Brand
17 November	Multimodality Committee	Bern	Erik Evtimov
29/30 November	CIM Working Group	Bern	Erik Evtimov
14/15 February 2018	CIV Working Group	Bern	Isabelle Oberson
1/2 March 2018	"Bernner Tage 2018"	Bern	Cesare Brand
21 March 2018	Multimodality Working Group	Bern	Nina Scherf
22 March 2018	CIM Committee	Bern	Erik Evtimov
18/19 April 2018	CIV Working Group	Bern	Isabelle Oberson
26 April 2018	Executive Committee 1/2018	Bern	Cesare Brand
24 May 2018	Conference of Freight Claims Departments	Bern	Erik Evtimov
21 June 2018	CIV Committee	Bern	Isabelle Oberson

Agenda with CIT participation

Date	Event	Org.	Location	CIT Contact
14 September	Wagon users' study group	UIC	Warsaw	Nina Scherf
20/21 September	UIC IRT Working Group Meeting	UIC	Madrid	Jan Svensson
25 September	CER General Assembly	CER	Gdansk	Cesare Brand
28 September	Commercial and Distribution Steering Committee	UIC	Paris	Cesare Brand
4/5 October	UIC Commercial/Technical Group	UIC	Paris	Jan Svensson
10 October	Passenger Working Group	CER	Brussels	Isabelle Oberson
18 October	Customer Liaison Group	CER	Brussels	Isabelle Oberson
23-26 October	UIC Technical Group Meeting	UIC	Paris	Jan Svensson
26 October	RailData Meeting	CIT	Bern	Erik Evtimov
27 October	SSC Railway law meeting	SSC	Bern	Erik Evtimov
1/2 November	URL Expert Group	UNECE	Geneva	Erik Evtimov
6 November	UIC Commercial and Distribution Forum	UIC	Paris	Cesare Brand
8 November	FERRMED Conference	FERRMED	Brussels	Erik Evtimov
9/10 November	DTLF Plenary	DG MOVE	Tallinn	Erik Evtimov
22 November	CER Assistants Meeting	CER	Brussels	Nina Scherf
23 November	Freight Forum	UIC	Paris	Erik Evtimov
6 December	European General Assembly	UIC	Paris	Cesare Brand
7 December	UIC General Assembly	UIC	Paris	Cesare Brand

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