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Conference of Passenger Claims Departments

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 at the CIT in Bern (Switzerland) on Thursday, 24 September 2020.

Participants who can't attend in person can join the conference via video streaming using a web conference tool.



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EDITORIAL

Dear readers,

CIT's new website is online



The extensively revised CIT website went online in mid-June. According to the initial feedback received from members, it has gone down well. Compared to the old version, the website is much more customer-friendly, the Search function has been considerably expanded, and the new Events function provides visitors with direct access to working documents. There is also a special version for smartphones and tablets. We chose a programming environment that enables us to make all future adjustments to the design and content in-house, allowing us to make changes quickly and keeping costs down. We would be pleased to receive your comments. Please send them to info@cit-rail.org.

I hope you enjoy using the new CIT website!

Yours sincerely,

Cesare Brand
CIT Secretary General

Conference of Passenger Claims Departments, Bern, 24 September 2020

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 at the CIT in Bern (Switzerland) on Thursday, 24 September 2020. Participants who can't attend in person can join the conference via video streaming using a web conference tool.

During the session participants will be given an overview on assistance to passengers from the legal point of view with analyses of article 18 of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (PRR), followed by a contribution on the legal implications of COVID-19 on passenger transportation.

Different speakers from the railway sector will then present practically how they provide assistance on board the trains and at the stations and how they have been dealing with the after-sales process during the COVID-19 crisis.

There will also be an overview of the CIT products that are of interest to customer services, including the revised Manual on Data Protection (MDP), amendments to the AIV and to the MIRT, and other useful information provided by the CIT.

The highlight of the conference will be the workshops dealing this time specifically with the assistance provided for the continuation of the journey due to missed connections and the offering of accommodation when the passenger has missed the last connection of the day.

Assistance is a permanent challenge for customer services. The conference offers excellent opportunities for networking, giving participants the possibility to discuss unclarified issues or disputed cases.

To participate in the conference, [click here](#).

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Original : EN



Thursday
24 September
2020

Passenger Claims Conference

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 at the CIT in Bern (Switzerland) and online on Thursday 24 September 2020.

Limited to CIT and UIC members



PASSENGER TRAFFIC

The 49th CIV WG goes digital

In the face of the COVID-19 pandemic, the CIV WG has had to change the way it works in order to its activities

The CIV WG via videoconference

COVID-19 has spared nobody and has also impacted the way we work, with most countries requiring people to work from home. It has also affected the way that organisations like the CIT work, by holding meetings via video conference, for example. The 49th meeting of the CIV WG was no exception and took place online, even recording an attendance that was higher than usual.

COVID-19 on the agenda

COVID-19 also made its way onto the working group's agenda. The CIT General Secretariat has been contacted on numerous occasions over the past few months by its members and other industry organisations seeking answers to the legal and contractual questions that the COVID-19 pandemic has raised. It has also published recommendations on these issues. Railway undertakings have faced numerous challenges caused by the suspension of some rail traffic, the implementation of hygiene measures and the need to ensure the safety of passengers while also guaranteeing their rights.

The CIT General Secretariat used the meeting to take a detailed look at the issues raised. Members of the CIV WG also used this opportunity to share their experiences and the measures they have taken. Lastly, the impact of COVID-19 (and, more generally, of pandemics and other causes of traffic disruption) on the products developed by the CIT was discussed.

Revision of passenger rights

COVID-19 has also had an impact on legislative work at European level. Measures in response to COVID-19 have therefore been at the top of the political agenda.

For this reason, revision of the [Regulation \(EC\) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations \(PRR\)](#) and, in particular, the trilogue meetings scheduled between the three European institutions (the European Parliament, the Council of the European Union and the European Commission) have not taken place as planned. Discussions, however, have been held, which raises the question as to whether the revision process will still be delayed.

The CIT is closely following this work and will make the necessary changes to its products once the final text of the revised PRR comes into force.

Changes to ticketing

The CIT used this meeting as an opportunity to discuss in greater detail the use of the CIT's security backgrounds. Indeed, from 1 January 2022, in principle, it will no longer be possible to use the old 1996/2006 security backgrounds for international traffic.

The CIT is in the process of contacting its members to ensure that they are able to use the 2012 security backgrounds between now and December 2021.

CIV Committee meeting in September 2020

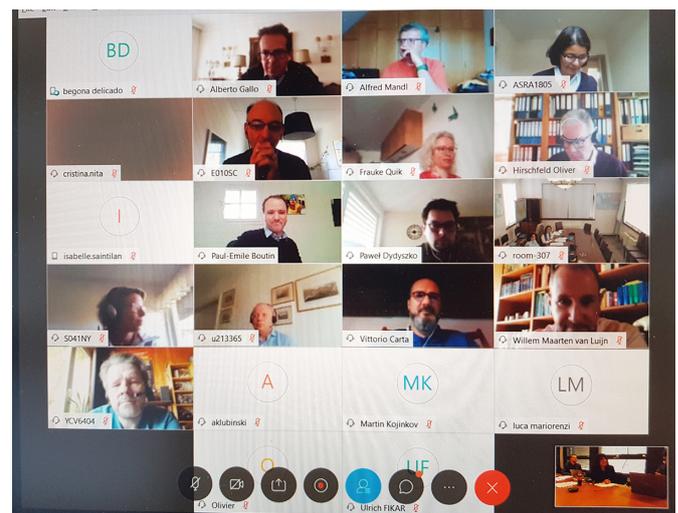
The CIV Committee will meet on 25 September 2020 to adopt the amendment proposals submitted by the CIV WG.

These concern the Manual for International Rail Tickets, the Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail and the Manual on Data Protection for Transport Undertakings (which is addressed on page 4).

Due to the COVID-19 pandemic, the meeting will be held both at the CIT headquarter in Bern and online. Further details will be sent to CIT members in due course.

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Original : FR



Excellent attendance at the 49th CIV WG, which was held online

Great success for the first meeting of the Group of Data Protection Experts

With over 20 undertakings in attendance, the first meeting of the Group of Data Protection Experts saw extremely fruitful discussions and paved the way for new plans for CIT activities in the area of data protection.

A packed agenda

The Group of Data Protection Experts met for the first time on 17 and 18 June 2020. Originally supposed to take place in Warsaw, in the end the meeting had to be held via videoconference due to COVID-19. With a packed agenda, the meeting addressed many topics, including application of the GDPR, [Convention 108+](#), the future ePrivacy Regulation, the [PNR Directive](#), the [European Council API Directive](#), the California Consumer Privacy Act, not to mention the numerous questions and discussions that punctuated the meeting.

Revision of the Manual on Data Protection for Transport Undertakings (MDP)

In 2019, the CIT published a Manual on Data Protection for Transport Undertakings. In addition to guidelines, this document includes commentaries on GDPR articles, boiler plate clauses and contracts on data protection.

This year, the CIT General Secretariat has continued to write commentaries on GDPR articles, adding new cases and new judgments, while also adding commentaries for articles that had not been commented on hitherto, namely Article 5 of the GDPR on the principles for the processing of personal data, Article 6 on the lawful basis for processing and Chapter IV on the controller and processor. It also began writing a commentary on Article 35 of the GDPR on data protection impact assessments and developing a methodology for carrying out such assessments.

These changes will be submitted to the CIV Committee for adoption at its next meeting in September 2020. Should they be adopted, they would enter into force on 13 December 2020 and would then be published on the CIT website.

The Group of Experts also discussed future changes to the MDP, notably the inclusion of a methodology for weighing up the interests on all sides to determine whether there is a legitimate interest, as well as information on the applicable age in different member states for children's consent to the processing of their data for information society services. It also plans to draw up a code of conduct for its members.

COVID-19 and data protection

The measures taken to combat the spread of COVID-19 have raised a number of data protection issues.

Based on the various questions it has received, the CIT General Secretariat has published a set of recommendations on the processing of the personal data (particularly health data) of employees and passengers.

These recommendations were also discussed and amended by the Group of Data Protection Experts, before being sent to all CIT members. They will also be added to the Manual on Data Protection for Transport Undertakings.

Forthcoming events on data protection

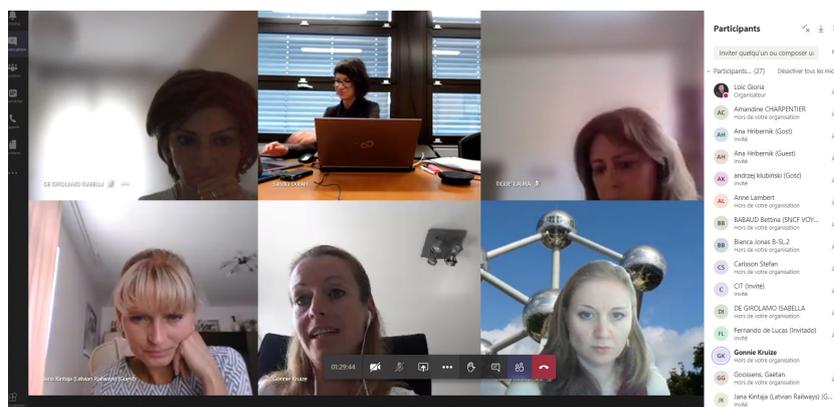
CIT members can look forward to two events in 2021. They will be held in Warsaw at the headquarters of PKP Intercity, who have kindly offered to host the events.

The first will be held on 24 March 2021; it will be the second meeting of the Group of Data Protection Experts.

The second will be held on 25 March 2021 and will be a conference on data protection. This event will be free and open to all representatives of CIT member undertakings, regardless of whether they are experts on data protection, or not. The theme will be «Carriage of passengers and data protection».

The CIT General Secretariat hopes that attendance will be as good as it has been at similar events in recent years: put it in your diaries!

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Original : FR



The first meeting of the Group of Data Protection Experts

Virtual meeting of the CIV/SMPS working group and significant developments

The 18th meeting of the CIV/SMPS working group was held on 20 May 2020 via a video conference organised by the GS CIT. The meeting was attended by representatives of FPC, LG, LDZ, RZD, UZ, PKP Intercity and the OSJD Committee.

Focus on collaborative work

The main topics discussed at the 18th meeting of the CIV/SMPS WG were the finalisation of the framework contract for the provision of services for the performance of cross-border carriage of passengers by rail and the updating of the comparative table on the COTIF/CIV-PRR - SMPS liability regimes. The CIV/SMPS WG had added these two topics to its agenda in 2018. Since then, thanks to the specialist support provided by the members of the CIV/SMPS WG, we have made considerable progress. The GS CIT plans to conclude the preparation of the framework contract for the provision of services for the performance of cross-border carriage of passengers by rail at its next meeting, which will be the 19th meeting of the CIV/SMPS WG, in October 2020. The next steps regarding the publication of the framework contract will also be set out at the next meeting in October 2020.

The COTIF/CIV and SMPS sections of the comparative table on the COTIF/CIV-PRR - SMPS liability regimes that were prepared in 2014 by the GS CIT in collaboration with OTIF and the OSJD Committee, have now been revised and updated for 2020. The PRR section, however, can only be updated once the new text of the PRR has been published. The GS CIT is monitoring the progress of the revision work and preparing regular reports on developments affecting cross-border traffic CIV/SMPS.

Other matters

The RZD representative gave a presentation on the development of a new reference document with information on the current OSJD documents and other documents regulating international passenger traffic. The new reference document is being prepared in association with the OSJD Commission on Transport Law and is intended as source of information for passengers and carriers.

The matter of implementing the CIT Security Background 2012 for the issuing of international tickets was also discussed during the meeting of the CIV/SMPS WG. The GS CIT welcomes the use of the CIT Security Background 2012 by the RZD and UZ and is ready to provide individual support to other interested railway undertakings.

Next meeting

The next meeting of the CIV/SMPS working group is scheduled for 21/22 October 2020.

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Original : DE



18th meeting of the CIV/SMPS

FREIGHT TRAFFIC

News from the meeting of the CIM Committee

Due to the COVID-19 pandemic, the 23rd meeting of the CIT's CIM Committee was organised as an online conference by the CIT General Secretariat under the direction of Mr Jean-Luc Dufour-naud (SNCF Mobilités). The CIT's executive body for the freight traffic sector took a number of decisions at the meeting that will influence the direction of the work of the CIT General Secretariat and we are pleased to report that all proposals were approved.

Digital publication of CIT's freight traffic products successfully completed

Over the past two years, CIT's Freight Traffic products have been systematically released in a new digital format and made available for easy download by CIT members on CIT's new website (see the article in this issue of CIT Info for more details about the new website).

Finally, on 1 January 2020, the checklist for a framework contract for international rail-road traffic was drawn up jointly with the IRU with the involvement of experts from the Multimodality WG and the CIM WG, and approved for publication by the CIM Committee. The checklist was published on 1 January 2020 and is available from the CIT website at cit-rail.org/en/freight-traffic/products/contractual-documents/ in the EN/FR/DE and RU languages.

Electronic formal report (CIT20a)

As part of the ongoing programme of transport document digitisation, in addition to the CIM electronic consignment note, a digital basis has been developed for the electronic formal report (CIT20a). The ultimate aim is to provide a reliable means of digitising the railway's entire complaints procedure. The CIT is currently finalising the functional and legal specifications for the CIM electronic formal report in accordance with its existing plans. All outstanding issues have now been successfully resolved by the CIM Working Group (CIM WG). In addition, the GTM-CIT now provides the option of involving the substitute carrier in drawing up the electronic formal report (CIT20a). CIT members will be able to implement the CIT20a electronic formal report once the CIM Committee has approved the amendments in March 2021. The paper-based formal report will be retained as an alternative in the GTM-CIT as Appendix CIT20b.

CIT as a strategic partner for the DTLF project

The Commission's proposal for a regulation on electronic freight transport information dated 17 May 2018 (eFTI) has been broadly confirmed following the successful conclusion of the trilogue negotiations at EU level and should enter into force this year. Final entry into force will be phased in stages and completed by 2025.

GS CIT has been selected as a strategic partner in the DTLF project and is following this work closely in partnership with CER within sub-group 1 «Digitisation of Transport Documents» and more especially in Team 1 («Data modelling») and Team 2 («Functional requirements»). The DTLF also functions as a platform for the sector to ensure that the delegated and implementing regulations drawn up on the basis of the eFTI Regulation are financially beneficial for the railways.

The next meeting of the CIM Committee is scheduled for 25 March 2021 at CIT's headquarters in Bern.

CIM Working Group's first meeting in 2020

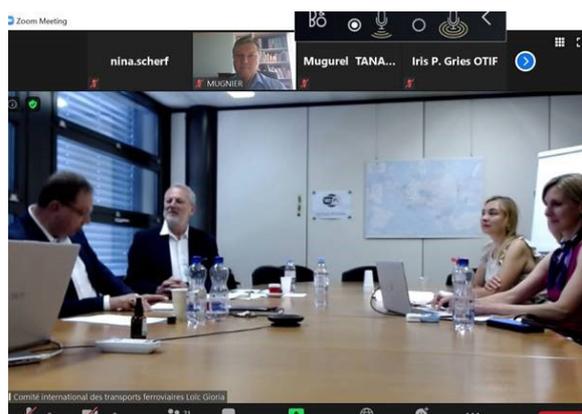
The online conference of the CIM WG, chaired by Cristian Cuenca (DB Cargo), took place on two consecutive mornings. The remit of the CIM WG is to prepare proposals on the topics from the 2020 work programme so that the CIM Committee can approve them. The following topics are involved:

- New transport models in international rail freight traffic, including revising the GLV-CIM to accommodate the «purchase/sale» model;
- Review of the AIM and its applicability to the subcontracting model;
- Revising CIT's freight traffic products to take account of the new Incoterms® 2020;
- Impact of the EU Customs Code on CIT's freight traffic products;
- Finalising the work on the functional and legal specifications of the electronic formal report (CIT20a)
- Development and implementation of the GTC and the rail-sea boilerplate contract – possible pilot movements;
- Preparation of the CIT guide to railway law and inland waterway law in collaboration with the Central Commission for Navigation on the Rhine (CCNR);

The CIM working group is also regularly informed about the work of the «Seals» expert group. The second meeting of the CIM WG will take place on 25/26 November 2020 at CIT's headquarters in Berne.

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Original : DE



Mail by Rail: a success story that must continue

Due to COVID-19 pandemic restrictions on carriage of mail carriage of mail by air carriers, China-Europe rail freight services have assumed a strategic role on the Eurasian land bridge, ensuring uninterrupted delivery of postal items by rail. To date, based on information supplied by China Post, 1,440 TEU of postal cargo have been transported since the beginning of 2020 - 54 times more than in the previous year (26 TEU for the same period, and 104 TEU in 2019). The main dispatch points were Chongqing, Yiwu, Zhengzhou and Dongguan.

State of the art

China Railway (CR) attaches great importance to strengthening collaboration and the level of interaction with postal and customs services, as well as with international organizations such as the UPU, OSJD, CCTT and the CIT for handling postal shipments from China to Europe by rail. Since 2014, CR has collaborated with the postal services of Chongqing, Zhengzhou and Suzhou for the organisation of pilot shipments of postal cargo. Over the past 5 years, the service has been expanded and regular shipments have been organised from Chongqing and Yiwu. In contrast to its domestic services, China Post has developed scanning technology for block trains that is not package-based, but scans the individual containers. During the Covid-19 pandemic crisis, 900 containers with medical supplies have been dispatched by China Post to the EU, which is equivalent to a total of 19 trains. 11 special trains, in other words 406 containers, have been dispatched from Chongqing to Lithuania. In addition, 344 containers have been dispatched from Yiwu on a total of total of 7 trains, 3 of which went to Poland and 4 to Lithuania. The train service from Zhengzhou operates twice a week, in each case carrying 10 containers. One mail-only train runs from Dongguan to Lithuania - a total of 41 containers have been transported on this route.

Current challenges

The first stage of the organisation of postal shipments on the China-Europe land bridge has now been completed. A large number of regular container services have been set up and, with the transport capacity currently available, mail by rail has become a fairly reliable service. However, due to the variety of postal items and the complexity of the shipping documentation required, there are still a number of difficulties to be solved:

- Lack of standards for the organisation of international transit services for the shipment of postal items, as well as appropriate measures designed to improve the situation in this area, with the result that mail by rail services on China-Europe trains cannot be further extended to include cities in the coverage.
- Due to problems with accompanying documents and postal forms, delays and inspections of container trains before border crossings occur frequently and idle time at border crossings is long.
- As there are restrictions in some countries on transit shipments of postal cargo, shipments on China-Europe routes cannot be handled in accordance with the «sorting office to sorting office» end-to-end transport model. As a result, the transshipment of containers has to be carried out en-route, which has a negative impact on the overall delivery time.
- As the CN37 postal customs form does not include the classification of goods, it is not possible to determine whether the items carried meet the safety requirements for the carriage of freight by rail.

The UPU, together with the other parties involved – the OSJD, CCTT and the CIT – are considering the possibility of using the common CIM/SMGS consignment note in future for shipments by rail only – and also as a customs transit document. Postal items transported by rail from the People's Republic of China to Western Europe are therefore regarded as an extremely good business model by the member railways of the CIT. Moreover, this will encourage the general development of the legal framework for the postal services and the railways using a single transport document for «mail by rail» in global Internet trade (e-commerce).

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The CUI Committee meets online

The travel restrictions introduced during the COVID-19 pandemic have presented the CUI Committee with new challenges. For this reason, the members met virtually for the first time in mid-May and held the meeting as a web conference. This did not affect the liveliness of the discussions under the direction of Adriaan Hagdorn.

«Quo vadis CUI?»

The Committee began its meeting with a discussion on the CUI Uniform Rules and to what extent they could be revised. Fortunately, the Head of the OTIF Legal Department, Mr Kuzmenko, was also present that morning to discuss the situation with the members of the Committee. He said that some important revisions of COTIF law had not yet entered into force and that the goal should be to implement them before starting on any further revisions. He therefore asked the railway sector to lobby for the implementation of the revisions, so that they could get the pending COTIF revisions adopted and push ahead with the next batch.

Amount of penalties specified between infrastructure managers and railway undertakings in framework agreements

At meetings they have held, members of the CUI Committee have always had an opportunity to exchange views on practical matters of concern to them. In the past, they have repeatedly raised questions about the penalties specified in framework agreements (Article 42 of Directive 2012/34/EU) between railway undertakings and the infrastructure manager.

In Europe at the moment, framework agreements are only offered by Italian, Spanish and French infrastructure managers. One of the reasons for this may be that the procedures for concluding framework agreements introduced by the Implementing Regulation 2016/545 are now more complex. However, for some time now, railway undertakings appear to have been requesting framework agreements more frequently to enable them to schedule their operations more reliably on the basis of guaranteed railway infrastructure capacities.

The CUI Committee agreed to prepare an overview paper on «Frequently Asked Questions» about framework agreements. A detailed article on the subject of «framework agreements» will appear in the next issue of CIT Info.

European Standard Contract of Use for Railway Infrastructure (E-SCU-I)

The CUI Committee prepared an initial CIT draft contract with agreed clauses at the end of 2018. The draft was then forwarded to RailNetEurope. A meeting between RNE and CIT was held at the beginning of February this year to discuss outstanding questions from RNE relating to the draft CIT contract. In the meantime, Elisabeth Hochhold, the head of the legal department at the RNE Joint Office, forwarded written proposals and other questions relating to the CIT draft. The CUI Committee discussed these questions at the meeting and prepared answers and amendments, which were subsequently forwarded to RNE after the meeting. We are now looking forward to discussing the next steps with RNE.

Discussion on the organisation of a «Use of infrastructure» workshop in 2021

2021 will be the «European Year of Rail» and the railway will be promoted as an environmentally friendly, innovative and safe mode of transport.

The CUI Committee has therefore discussed the idea of holding a workshop on the use of infrastructure in the second half of next year and making it available to a wider audience of receptive railway organisations.

At the end of the meeting, the Chairman of the CUI Committee, Adriaan Hagdorn, thanked all participants for their efforts, despite the unusual circumstances. All members of the Committee are looking forward to the next meeting on 15 October, this time hopefully in person in Bern.

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Original : DE



Members of the CUI Committee held their 29th meeting online



Who may issue a subsequent order to amend a contract for the international carriage of goods?

Since the total revision of international rail transport law within the framework of COTIF/CIM in 1999, it has now been made clear in Article 6 CIM that the contract for the international carriage of goods by rail is a consensual and not a real contract. Article 6 § 1 sentence 2 CIM states that the transport document (the CIM consignment note) is only proof of the contract and not essential for its existence.

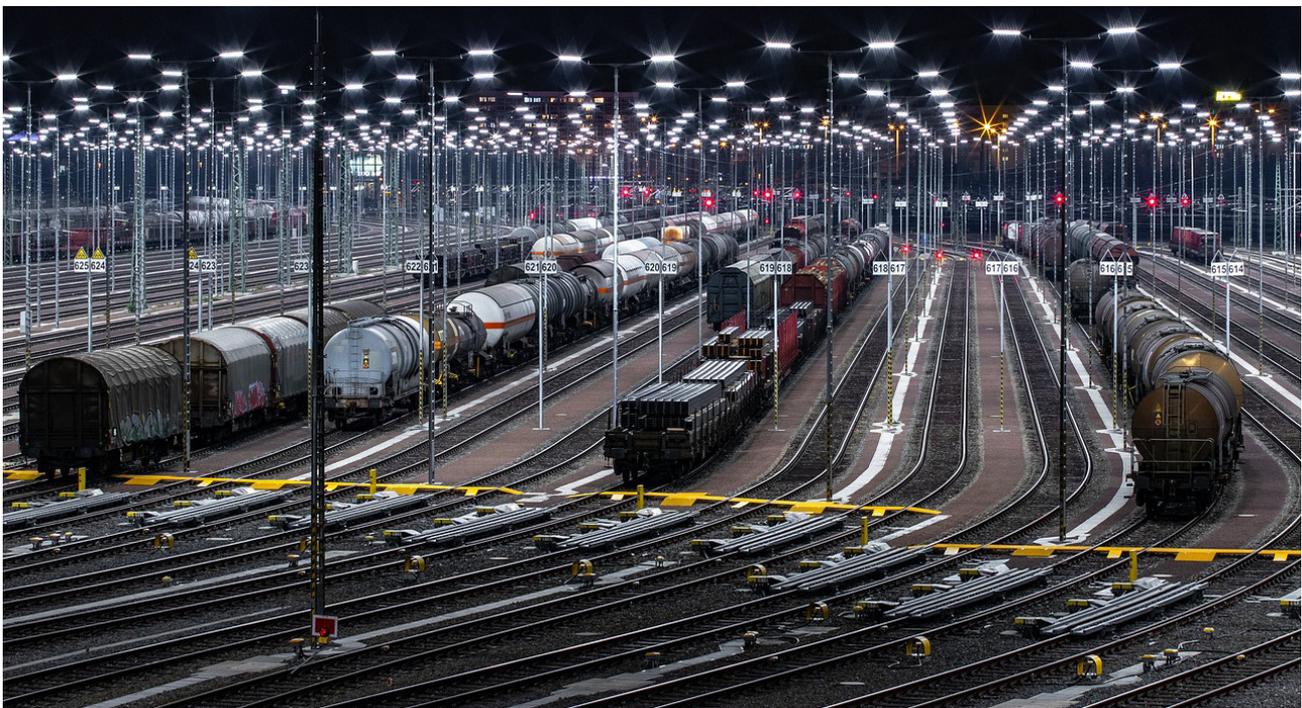
Can an existing contract of carriage be subsequently amended however?

The clear answer is to be found in the provisions of Article 18 § 1 CIM in conjunction with Article 18 § 3 CIM: in the absence of an agreement to the contrary in favour of the consignor, the right to amend the contract of carriage benefits the consignee from the issuance of the CIM consignment note. Furthermore, the timing of issuing the CIM consignment note has substantial consequences concerning the existence of the contract of carriage. The CIT has recognised the importance and organisation of the rights of disposal for the parties to the contract of carriage since the new COTIF/CIM law came into force, and has regulated them in a uniform manner for CIT members.

Accordingly, Appendix CIT7 in the CIM consignment note manual (GLV-CIM), regulates the transfer of rights of disposal by the consignor in accordance with Article 18 § 1 CIM or the consignee in terms of Article 18 § 3 CIM, which has a very important disciplinary function for the validity of the contract of carriage over long distances and across several COTIF member states. Moreover, the CIT has secured and standardised additional internal communication possibilities for member railways with the CIT22 GTM-CIT model (notification of corrections) in order to ensure that corrections to the CIM consignment note in accordance with working sheet 12 of the CIT Freight Traffic Manual (GTM-CIT) are made on the basis of the internal relationship between the participating railways, which continues to offer significant cost savings.

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Original : DE



First meeting of the Executive Committee in 2020

The Executive Committee held its first meeting via web conference on 23 April 2020 and mapped the way forward for 2020.

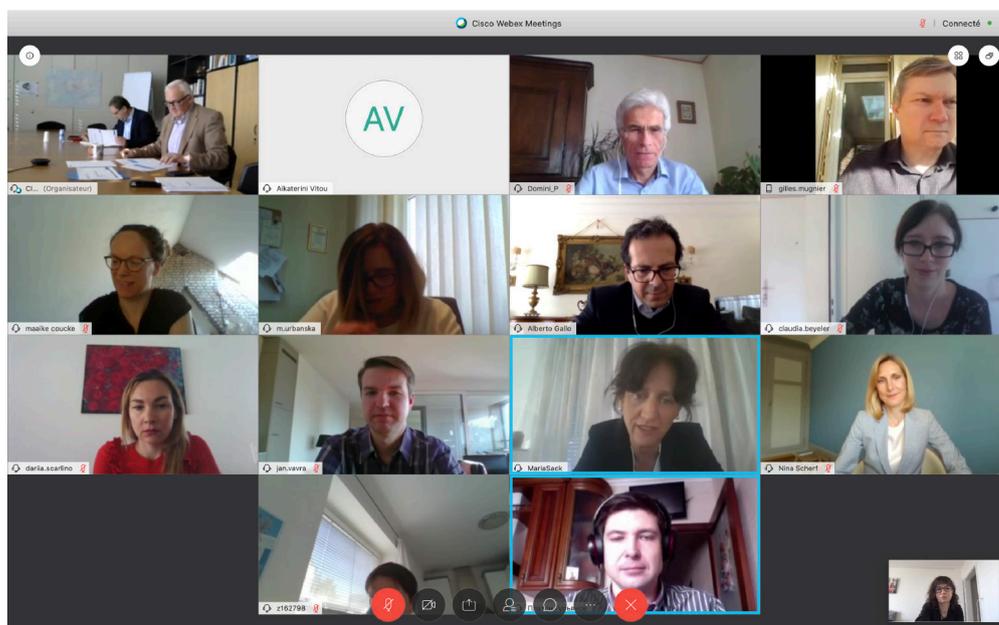
In the run-up to the meeting, the Committee under its president, Maria Sack (DB AG) had first to clarify the legal validity of resolutions passed via web conference. At the 2020 General Assembly, the Executive Committee will propose a retroactive amendment to the articles of association, which will make participation via web conference the equivalent of physical attendance at the meeting. The Executive Committee further noted that the CIT was once again able to close its accounts for 2019 with a surplus (CHF 74,168). The implementation status of the 2020 work programme, membership developments (CIT has 128 full members and 7 associate members) and impressions of the Berner Tage 2020 were also discussed.

The Executive Committee also spoken out against a change in the contribution system. Nevertheless, the GS CIT was asked to prepare proposals for making a savings contribution to members affected by the COVID-19 pandemic.

The Executive Committee's next meeting will be held on 17 September 2020.

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Original : DE



First Executive Committee via web conference



CIT CALENDAR

Date	Event	Location	CIT Contact
9 -10 September	CIM/SMGS Steering Group	Bern	EE
17 September	Executive Committee 2/2020	Warsaw	CB
24 September	Passager Claims Department Conference	Bern	JV
25 September	CIV Committee	Bern	SDO
15 October	CUI Committee	Bern	NS
21-22 October	CIV/SMPS Working Group	Bern	DSC
17-18 November	50th CIV Working Group	Bern	SDO
19 November	CIT General Assembly	Bern	CB
20 November	Multimodality Committee	Bern	NS
24 November	CIT Expert Group on Seals	Bern	DSC
25 - 26 November	CIM Working Group	Bern	EE

Agenda with CIT participation

Date	Event	Org.	Location	CIT Contact
27-28 August	GV VöV	VöV	Neuchâtel	CB
1 September	PSG SB	UIC	Video Conf.	CB
15 September	UIC Door-to-Door Group	UIC	Brussels	SDO
16-17 September	UIC Air-Rail Group	UIC	Brussels	SDO
17 September	CER Passenger Working Group	CER	Brussels	SDO
18 September	CER Customer Liaison Group	CER	Brussels	SDO
28-30 September	URL	UNECE	Geneva	CB
02 October	CER High Level Passenger Meeting	CER	Brussels	CB
15 October	UIC Air-Rail Group	UIC	Paris	SDO
2 November	OSDM-EC	UIC	Paris	CB
25 November	UIC Passenger Services Group	UIC	Luxembourg	SDO
1-2 December	IRFC	OLTIS	Prague	EE
8 December	CER Assistants	CER	Brussels	EE
15 December	UIC Regional Assembly	UIC	Paris	CB
16 December	UIC General Assembly	UIC	Paris	CB

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