



International Rail Transport Committee
Comité international des transports ferroviaires
Internationales Eisenbahntransportkomitee

Competition law guidelines

Applicable with effect from 17 September 2015

1 Purpose

These guidelines aim to make sure that the CIT and its Members act in conformity with competition law when working for the association. The guidelines are aimed at the staff of the General Secretariat and members of the CIT's bodies.

It is the responsibility of the member companies to train their staff (e.g. through compliance programmes) to observe competition law and to require them to do so.

These guidelines are not exhaustive and do not relieve the user of obligation to clarify potential anti-competitive behaviour in individual cases.

2 Basic principles

The CIT is an association of about 200 rail and shipping companies. The association implements international rail transport law, in particular COTIF and EU law, at the level of the railway undertakings.

To this end, the CIT maintains documents and instruments for international rail traffic and standardises contractual relationships between customers, carriers and infrastructure managers. CIT publications are to be understood as technical rules within the meaning of Council Regulation (EC) 169/2009 applying rules of competition to transport by rail, road and inland waterway, and are thus deemed admissible. CIT products do not touch upon issues relevant to competition law such as prices, customers, territories, or other relevant but not publicly accessible information, data etc.

The CIT represents the interests of railway undertakings towards the legislature, authorities and other organisations, and ensures that its members are provided with information, training and legal advice in a professional and timely manner.

The CIT is committed to free and fair competition and unequivocally promotes adherence to the rules of competition.

3 Code of conduct for CIT meetings

3.1 The General Secretariat CIT ensures that there is an agenda for each meeting and that this does not contain any topics that are questionable from an antitrust point of view.

This applies, in particular, to the following subjects, which competition law precludes:

- Price fixing
- Fixing of conditions
- Market allocation (territories, customer, quotas)
- Joint marketing of products / services
- Exchange of market-related information
- Disproportionate obstruction of competitors' entry to the market
- Agreements concerning calls to tender

3.2 If the chair of the meeting finds that topics that are questionable from an antitrust point of view are being discussed, s/he shall immediately take the necessary measures to prevent infringements of antitrust law.

3.3 If a participant in the meeting finds that topics that are questionable from an antitrust point of view are being discussed, s/he shall immediately inform the chair. The chair shall take the necessary measures to prevent infringements of antitrust law without delay.

3.4 Practices for which competition law is potentially relevant should be clarified in advance by a competent body to confirm their legal admissibility.

3.5 The GS CIT shall produce minutes for each meeting. The meeting participants shall have the opportunity to check that the minutes have rendered the meeting and its resolutions correctly. They shall inform the GS CIT within the set deadlines of any incomplete or incorrect minutes.

4 Exchange of information, data, statistics etc.

Exchanging information, data, statistics etc. that are relevant to competition law but not publicly accessible is not permitted within the work of the association.

5 Membership of the CIT

The CIT is in principle free to decide whether to accept new Members. The General Assembly is responsible for this. Conditions for becoming a Member are regulated in para. 2 of the Statutes. However, the CIT will not refuse to accept a new Member if this rejection constitutes objectively unjustified unequal treatment and would lead to unfair discrimination of the undertaking making the application.

Decided at the Executive Committee meeting of 17 September 2015 in Basel and brought into force immediately.



CIT Chairman
Jean-Luc Dufournaud



CIT Secretary General
Cesare Brand