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Weltpoststrasse 20  
CH-3015 Bern  
T. +41 (0)31 350 01 90  
F. +41 (0)31 350 01 99  
info(at)cit-rail.org  
www.cit-rail.org

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Participants / Teilnehmer / Participants <b>See Appendix 1</b>	Circulation / Distributeur / Verteiler  Participants Members of the CIT Members of the CIT Executive Committee CER CCTT OTIF OSJD UIC	

Subject / Thème / Thema

### CIT General Assembly 2017

#### Agenda:

1. Report items:
  - Passenger traffic
  - Making the CIV and SMPS legally interoperable
  - Freight traffic
  - Making the CIM and SMGS legally interoperable
  - Multimodality
  - Wagon law
  - Infrastructure use
2. Work programme 2018
3. Balance sheet and profit and loss account 2016
4. Budget 2018
5. Membership
6. Elections
7. Other business

#### Appendices

- 1 List of participants
- 2 Additional information on "Passenger traffic"
- 3 Additional information on "Making the CIV and SMPS legally interoperable"
- 4 Additional information on "Freight traffic"
- 5 Additional information on "Making the CIM and SMGS legally interoperable"
- 6 Additional information on "Multimodality"
- 7 Additional information on "Wagon law"
- 8 Additional information on "Infrastructure use"
- 9 Additional information on work programme and meetings in 2018
- 10 Additional information on accounts 2016 and budget 2018
- 11 Additional information on membership
- 12 Additional information on elections

#### Basis for discussion:

Working document dated 16 October 2017

## Item 1 Report items

This year's General Assembly was chaired by CIT Chairman, Jean-Luc Dufournaud.

The Chairman noted that the quorum required to pass resolutions at the meeting of the General Assembly 2017 was present. The list of participants is included as **Appendix 1** to these Minutes.

### 1.1 Passenger traffic

Additional information to the working document is included in **Appendix 2**.

Four issues are currently at the forefront of the GS CIT's work in passenger traffic:

- Supporting the CER in the work of revising the PRR 1371/2007. Of key significance in this regard are, in particular, removing the exemption for national long-distance traffic; maintaining the concept of one ticket = one contract, but with the reversal of the burden of proof to the detriment of the railway undertakings; re-routing passengers; and introducing a provision relating to "force majeure".
- The further development of CIT documents, following the GS CIT's survey, and their publication in digital form.
- Further updating of the MIRT, particularly with a view to realising electronic tickets in connection with adapting the relevant UIC Leaflets.
- Support for members in implementing the new EU General Data Protection Regulation in passenger traffic, which will come into force on 25 May 2018.

### 1.2 Making the CIV and SMPS legally interoperable

Additional information to the working document is included in **Appendix 3**.

Work on phase 2 (2017–2020) of the "CIV/SMPS legal interoperability" project were most recently discussed in mid-October at a seminar in Bucharest. Further work will be according to the following priorities:

- Standardised contractual solutions for international passenger traffic with a view to practical solutions for legal problems at the CIV/SMPS interface;
- Effects of the PRR revision on CIV/SMPS traffic, particularly with regard to extending the scope of the PRR to include substitute carriers and/or traction providers, and changing the modalities for granting exemptions;
- Solutions in transport law for the international transport of postal consignments in CIV/SMPS passenger carriages;
- Legal support for the work being carried out by the UIC's East-West Tariff Steering Group.

### 1.3 Freight traffic

Additional information to the working document is included in **Appendix 4**.

As of 1 January 2017, the GS CIT has started the step-by-step publication of its documents in digital form. The first step has been to make the CIT's four freight traffic manuals (GLV-CIM, GTM-CIT, GLW-CUV and GTW-CIT) available to members. From now on, only these encrypted versions of the CIT freight traffic documents available on the CIT website will be authoritative for CIT members. They carry the electronic signature "*Certified by General Secretariat CIT [info@cit-rail.org](mailto:info@cit-rail.org), Internationales Eisenbahntransportkomitee (CIT)*".

The CIT's report on judicial recognition of the electronic consignment note as evidence of a contract of carriage was sent in the summer to the relevant stakeholders OTIF, DG MOVE and the European Commission. The European Commission will use the CIT report for DG MOVE's project DTLF (Digital Transport and Logistics Forum). The GS CIT will continue to participate actively in this work, in collaboration with the CER.

Furthermore, in 2018 the foundations will be laid for realising the electronic formal damage report (CIT 20).

In addition to the megatrend of digitisation, international freight shipments are increasingly being carried on the basis of a subcontract or a so-called "purchase/sale" model. The work of the GS CIT focuses particularly on the models of carriage, and on the possible need to revise the GTC sub-contract and GTC provision of services.

#### **1.4 Making the CIM and SMGS legally interoperable**

Additional information to the working document is included in **Appendix 5**.

Legal interoperability and harmonisation of CIM/SMGS international rail freight is one of the CIT's main tasks in the joint project with the OSJD to make the CIM and SMGS interoperable in terms of rail transport law. For the successful realisation of Eurasian rail freight transport, the GS CIT is currently focusing its work along three lines of action:

- Practical implementation of the common CIM/SMGS freight consignment note and the further development of the GLV-CIM/SMGS for traffic to and from the People's Republic of China as well as Tajikistan, Uzbekistan, Turkmenistan and Afghanistan;
- Drawing up and publishing the technical specifications subsequently to the legal and functional specifications for the CIM/SMGS electronic consignment note, in collaboration with the OSJD;
- Mail by rail from China to Europe, in collaboration with the CCTT and the UPU.

Coordination of the technical specifications was continued at expert level. The final amendments, which the revision of the SMGS Agreement has made necessary, will be realised in the "Technical specifications for the Electronic CIM/SMGS Consignment Note" in the course of 2018.

*Upon request from Ms Marion Cotte-Seynaeve (SNCF), the GS CIT will again address the question of the possible application of Appendix 10 to the GLV-CIM/SMGS, drawn up by the CIT and OSJD, for common liability, or of the GTC Eurasia for through contracts of carriage under the CIM/SMGS Consignment Note Manual, at the next meeting of the CIM/SMGS Group of Experts in July 2018.*

#### **1.5 Multimodality**

Additional information to the working document is included in **Appendix 6**.

Work in the Multimodality sector is proceeding very well. Two new CIT documents, the GTC Rail-Sea Traffic and an accompanying boilerplate contract, are now available for CIT members.

As a foundation for working on harmonisation of road and rail transport law, the GS CIT and the IRU have prepared a Comparative Table of CMR – CIM – IRU/CIT documents, which will also form the basis for first drafts of a Checklist for a rail-road boilerplate contract.

*Upon inquiry from Ms Carmen Filipescu (Regiotrans), it was explained that the GS CIT will intensify its efforts towards the application in practice of the CIT's multimodal documents on particular pilot routes in 2018, in collaboration with members of the Multimodality Working Group.*

## 1.6 Wagon law

Additional information to the working document is included in **Appendix 7**.

At this year's Freight Claims Departments' Conference, the question was raised, with a view to the revision of Articles 7 and 27 of the GCU, whether Articles 7 CUV would also need to be revised. The GS CIT is following developments in advance of the upcoming meeting of the OTIF Revision Committee on 27.2–1.3.2018, and will inform the CIT members as required.

Wagon law is also being discussed at sectorial level in the relevant bodies of the UIC, in particular the Wagon Keepers Study Group.

## 1.7 Infrastructure use

Additional information to the working document is included in **Appendix 8**.

The General Assembly noted with approval the key developments in infrastructure use. In particular, the GS CIT is preparing for the upcoming revision of the Uniform Rules CUI by the OTIF Revision Committee. The CIT's position was explained in Circular letter 20 of 10 November 2017. The CIT's position paper should help members to make the RUs' position known to their relevant ministries.

In addition, CIT members were again encouraged to drive forward the sustainable implementation of the E-GTC-I. This has already taken place in the Netherlands; further infrastructure managers want to follow this example by implementing the E-GTC-I at the next change of timetable.

### **Resolution:**

*The General Assembly took note of the report in the working document and of the information given at the meeting.*

## **Item 2 Work programme 2017**

Additional information to the working document is included in **Appendix 9**.

The most important elements of the 2018 Work programme were explained by the Secretary General of the CIT during the meeting and by reference to the working documents including **Appendix 9**.

### **Resolution:**

*The General Assembly took note of this information and approved the 2018 Work programme.*

### Item 3 Balance sheet and profit and loss account 2016

The 2016 income statement ended with an income surplus of CHF 13,525, which was allocated to the reserve fund. Additional information to the working document is included in **Appendix 10**.

#### **Resolutions:**

*The General Assembly*

- *took note of the audit report submitted by the auditors;*
- *approved the annual financial statements for 2016.*
- *approved the appointment of PricewaterhouseCoopers AG as audit body for a further 3 years.*

### Item 4 Budget 2018

The budget for 2018 has been reduced slightly from the previous year, continuing with the cutbacks of around CHF 126,000, which were agreed in the 2015 budget. Additional information to the working document is included in **Appendix 10**.

#### **Resolution:**

*The General Assembly approved the 2018 Budget.*

### Item 5 Membership

Additional information to the working document is included in **Appendix 11**.

The Chairman extended a warm welcome to the new members of the CIT.

As of 1 December 2017 the CIT has 130 full members and 7 associate members.

#### **Resolutions:**

*The General Assembly*

- *approved the intake of new members;*
- *approved the application from Georgian Railway (GR) to accede to the CIT;*
- *took note of the changes and resignations.*

## Item 6 Elections

Additional information to the working document is included in **Appendix 12**.

The designated candidate for Chair of the CIM Committee, Jean-Marie Sié (SNCF), informed the CIT by email on 15 November 2017 that he would be unable to carry out this mandate for health reasons.

The CIT Chairman, Jean-Luc Dufournaud (SNCF), agreed to take on the vacant position in an interim capacity, until the GS CIT has clarified the situation with SNCF.

The succession of the SNCB seat on the Executive Committee will be resolved at the next General Assembly.

The General Assembly thanked the Chairman for his efforts.

### **Resolutions:**

#### *The General Assembly*

- *took note of the report in the working document and of the information given at the meeting;*
- *confirmed Alberto Gallo (Trenitalia S.p.A) in a second term of office lasting until the end of 2021 as member of the CIT Executive Committee;*
- *elected Enrico Trapazzo (Trenitalia S.p.A) for a first term of office lasting until the end of 2020 as Chair of the CIV Committee;*
- *elected Jean-Luc Dufournaud (SNCF) as interim Chair of the CIM Committee;*
- *confirmed Maria Kalimeri (Attica Group) in a second term of office lasting until the end of 2020 as Chair of the Multimodality Committee;*
- *elected Isabelle Saintilan (SNCF) as Vice-Chair of the CIV Committee;*
- *took note of the election of Alberto Gallo (Trenitalia S.p.A.) as Vice-Chair of the CUI Committee;*
- *took note of the election of Cristian Cuenca (DB Cargo) as Chair of the CIM Working Group.*

## Item 7 Other business

The Berner Tage 2018 will be held on 1 and 2 March 2018. The flyer was distributed at the CIT General Assembly. The main theme of the event is the effect of digitisation on transport law and on the CIT's documents. All CIT members are warmly invited to take part.

The question about the participation of "third parties" at the work of the CIT will be pursued primarily in the CIV Working Group and the CIV Committee. These bodies will present an interim report to the Executive Committee in 2018, so that the General Assembly 2018 can then be informed about the state of work.

The 2018 CIT General Assembly will be held on Thursday, **15 November 2018**, at the CIT in Bern.

### **Resolutions:**

#### *The General Assembly*

- *took note of the report in the working document and of the information given at the meeting;*
- *approved the provisional events schedule and work programme for 2018.*

**Part B: Keynote address by Jean-Pierre Loubinoux, Director General of UIC, "The role of UIC in the global railway world"**

## Appendices