



CONTENT

Conference on Carriage of goods under public law restrictions

This conference is aimed exclusively at CIT members, particularly specialised staff working for undertakings involved with the carriage of goods under special authorisation regimes.

The event is expected to make a substantial contribution to the development of CIT freight traffic documentation. It will be held **on 24 May 2018** in the CIT building in Bern.

www.cit-rail.org



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EDITORIAL

Dear Readers,



The issue you have before you is dedicated primarily to the 9th “Bernern Tage” conference, which was held on 1 and 2 March with over 100 participants from railway undertakings, scientific organisations and the legal profession.

The main theme of the event was the impact of digitisation on transport law.

Those present at the conference were given an overview of the legal developments in the European Union and with regard to COTIF. In another session, the impact of digitisation on transport law and on CIT contracts and documents was dealt with, in addition to new challenges in the field of data protection.

You will find below separate reports relating to the working sessions on passenger and freight traffic in addition to the joint sessions.

I trust you will enjoy reading the latest issue!

Best wishes from Bern
Cesare Brand
Secretary General of the CIT



OTIF Revision Committee

The OTIF Revision Committee met on 27 and 28 February in Bern and agreed to submit three amendments to the basic Convention for approval at the next meeting of the General Assembly.

The first amendment affects the basic Convention and is intended to significantly shorten the period between approval and entering into force of amendments. Amendments to appendices to the Convention approved by the General Assembly are to enter into force at the end of a specified period once the Member States have been notified, provided half of these Member States have raised no objections. The amendments would then enter into force for all Member States, with the exception of those Member States that had not voted at the General Assembly or had raised an objection at a later date.

The second amendment affects the scope of application of the CUI appendix that deals with the contractual relationship between railway undertakings and infrastructure managers. The Member States have approved a restricted scope of application relating to so-called international train paths (purely international train paths on the corridors or successive national train paths that are coordinated by the infrastructure managers). Further information is included in the article [on page 11](#) in this issue of CIT Info.

The third amendment affects a new Appendix H. The purpose of the new appendix is to provide general principles and responsibilities for the cross-border operation of trains for States that already fully apply APTU and ATMF.

Since its conception, ATMF has dealt with the procedure for admission of railway vehicles to international traffic, including which rules are applicable to these vehicles and the responsibilities for correctly using and maintaining these vehicles.

The provisions are based on and are intended to be compatible with the provisions applicable to the rail system of the European Union. In order to support the aims for interoperability beyond the EU, provisions should be developed in the new Appendix H that can be applied in addition to ATMF. Where the scope of ATMF covers the approval and use of vehicles in international traffic, the new appendix should cover the operation of trains composed of vehicles, which are themselves covered by ATMF.

These three amendments will now be submitted to the OTIF General Assembly, which is to be held on 25 and 26 September 2018.

In addition, the OTIF Revision Committee approved the setting up of a working group of legal experts, which is to “monitor” the application of COTIF and its appendices and deal with specific legal questions, such as the liability of wagon keepers in the CUV Uniform Rules, questions related to the digitisation of transport documents or the standardisation of contracts of use of infrastructure.

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Berner Tage conference; joint session on international transport law

Regulatory developments and the impact of digitisation on rail transport law were the key topics of the discussions that took place during the 9th Berner Tage conference, which was attended by over 100 representatives of railway undertakings, universities and the legal profession, and was held on 1 and 2 March in Bern.

In the first joint session of the event on freight and passenger traffic, Libor Lochman (Executive Director CER) presented an overview of the legal developments at EU level. This dealt primarily with the status of the implementation of Directive 2012/34 and the so-called 4th Railway Package. He also provided information on the status of the work being carried out on the revision of the Passenger Rights Regulation (PRR) and the proposal for a new regulation, which would provide the EU Commission with new powers to request business-related information from businesses (SMIT).

Libor Lochman, Executive Director CER



In a second presentation, Nina Scherf (Senior Legal Adviser CIT) provided the conference with information on the regulations on the use of infrastructure. This is an area of law on the interface between private and public law with many unanswered questions, whereby it should be pointed out that the RUs spend around 30% of their revenue on train path prices.



Rainer Freise, former Chairman of the CIT and adviser to OTIF

In the third and final presentation of the morning session, Prof. Rainer Freise (former Chairman of the CIT and adviser to OTIF) provided information on the most important decisions taken by the OTIF revision committee, which had held a meeting in the same week in Bern. A detailed article on the OTIF revision committee appears in this issue of CIT Info on page 2.

Towards the end of the morning session, the Chairs of the CIV Committee (Enrico Trapazzo, Trenitalia), Multimodality Committee (Maria Calimeri, ATTICA), CUI Committee (Adriaan Hagdorn, NS) and the Chair of the CIM Working Group (Cristian Cuenca, DB) took part in a panel session to present the most important work scheduled for the current year at CIT.

During the second joint session, the focus was on digitisation and its impact on transport law. Patrick Mantell (UIC) presented an overview of the work being carried out on digitisation in the railway sector. This was followed by Prof. Andreas Furrer (University of Lucerne) who focused primarily on the disruptive effect of digitisation on freight transport law.

The existing contract structure will be broken up and put together again with the involvement of new players with new business models. At the same time he underlined the excellent preliminary work carried out by the CIT on the digitisation of freight traffic.

Erik Evtimov (Deputy Secretary General of the CIT) and Isabelle Oberson (Senior Legal Adviser CIT) then presented details of the work being carried out by the CIT in the area of digitisation and the subsequent developments affecting CIT documents. The session ended with a very interesting presentation by Kate Bryan (Eurostar) on the impact of the new EU Data Protection Regulation on the business operations of railway undertakings.



Panel of speakers "Berner Tage 2018"

The next "Berner Tage" conference will take place in two years' time at the beginning of 2020 in Bern.

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CIT Members during the "Berner Tage 2018"



The rights of persons with a disability or reduced mobility

In 2013, it was estimated that 15% of the world's population suffered from a disability. As the population ages, this figure will continue to grow. Legislation is changing to reflect this trend, with more obligations falling on companies, including railway undertakings.

Keyword: Accessibility

In an ageing society⁽¹⁾, the issue of accessibility to places and information is of ever greater importance. Many factors can lead to disability or reduced mobility, including age, illness, accident, impairment, etc. Solutions that make our environment more accessible must therefore be suitable for each disability.

The rights of persons with reduced mobility (PRM) and the issue of accessibility in particular are societal questions that international organisations are already addressing.

Global strategy

In 2008, the UN Convention on the Rights of Persons with Disabilities came into force. It currently has 175 States Parties. The European Union (EU) ratified this convention in December 2010 for an entry into force in 2011.

The EU has also developed a disability strategy that aims to create a barrier-free Europe. Accessibility is one of the eight areas of action in this strategy.

For this reason, the EU has recently drafted several new regulations and begun revising several of its texts to improve accessibility to products and services. Rail transport has not escaped this process.

European regulations on accessibility

We should first consider the Accessibility Act. This is a draft directive adopted by the European Commission in 2015. The European Parliament agreed its position on its first reading in September 2017. The text is currently being examined by the Council.

Following amendments made to the text by the European Parliament, this regulation should now apply to all modes of transport in terms of the accessibility of ticket vending terminals, electronic services (websites, applications, etc.), rolling stock, infrastructure and the built environment.

(1) <https://www.un.org/press/en/2013/hr5151.doc.htm>.

It provides for a transition period of almost 11 years to comply with the regulation and apply it in a subsidiary manner to other regulations already in place (for railways, Directive 2016/797 on the interoperability of the rail system within the European Union, Regulation No. 1371/2007 on rail passengers' rights and obligations (PRR), the PRM TSI and the TAP TSI). The subsidiary nature of this directive should not minimise its importance, especially when it comes to accessibility in the digital world (i.e. websites, applications and mobile services), where rail regulation is not as extensive.

As for the PRR, it will undergo a complete revision, as reported in previous editions of the CIT-Info⁽²⁾. One of the European Commission's objectives is to strengthen the rights of PRM, particularly with regard to accessibility of rail services and information.

When talking about PRM and the European Union, another key text is the PRM TSI. This technical regulation sets out the standards and dimensions that rolling stock and rail infrastructure must meet to be considered accessible. The European Union Agency for Railways (EUAR) has published recommendations for the revision of this text. They concern the inventory of assets that Member States must establish regarding the accessibility of vehicles and infrastructure and the information that they must collect in this regard. A wider draft revision of the PRM TSI should be made public in the Autumn of 2018.

Looking ahead

Accessibility is a topical issue that will become ever more important in the years to come as the population ages.

Stakeholders in the railway sector, particularly railway undertakings, but also infrastructure managers and station managers, will therefore find themselves increasingly confronted with this issue when developing their offerings and services.

(2) https://www.cit-rail.org/media/files/public/CIT-Info_2017/CIT-Info_2017_3/CIT%20info_3_2017_EN.pdf.

They are well aware of this and have already put in place solutions to guarantee the right of every passenger to be carried.

The CIT will thus continue to closely monitor changes in legislation on this subject so that it can better inform and advise its members.

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Useful links:

- [UN Convention on the Rights of Persons with Disabilities](#)
- [European Disability Strategy 2010-2020](#)
- [Accessibility Act](#)
- [European Parliament Amendments to the Accessibility Act](#)
- [Directive 2016/797 on the interoperability of the rail system within the European Union](#)
- [PRR](#)
- [PRM TSI](#)
- [TAP TSI](#)

Berner Tage 2018: Passenger traffic session

*D*igitalisation is the future and this trend has not failed to impact passenger transport law and Berner Tage 2018.

Many new challenges lie ahead

The European Union has responded to this trend by legislating in various areas of passenger rights.

These new regulations and other topical issues were discussed at the Berner Tage 2018 passenger traffic session.

An afternoon dedicated to passenger traffic

The first day of Berner Tage 2018 saw participants divided into two groups: passenger traffic and freight traffic. For the passenger traffic group, it was the occasion to take another look at some of the themes currently being discussed by the CIV Working Group and the CIV Committee.

Isabelle Saintilan (SNCF, Vice-Chair of the CIV Committee) kicked off the discussion by talking about the revision of the PRR and the issues it could create for railway undertakings. She updated the group on the latest developments, namely the draft report by the rapporteur for the European Parliament's Transport and Tourism Committee, published on 28 February 2018.

Sabine Wolf (ÖBB) then presented the famous ÖBB/Sachs case, which brought the ÖBB before the American courts. After explaining the details that led to the dispute, Ms Wolf outlined the legal arguments made by the Supreme Court of the United States in ruling that it was not competent to hear this case.

Participants then heard from Stéphanie Golinvaux (HFW Law firm, Brussels), an expert on competition law. She began her presentation by outlining the principles that underpin this area of the law. She then highlighted the aspects that railway undertakings should be aware of when they sign cooperation agreements.

The day closed with a presentation from Jan Svensson (CIT) on the latest developments in e-ticketing. He addressed the legal problems that this type of ticket can pose, such as its content and data protection. He concluded his presentation by outlining the solutions available to railway undertakings.

Participants came away very satisfied to have gained new insight into some of the key issues in passenger traffic.



Themes of the future the focus of the discussion on passenger traffic

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Useful links:

- [Proposal to recast the PRR](#)
- [TAP TSI](#)
- [GDPR](#)

CIV Working Group: claims handling and ticketing

The CIV Working Group, meeting in February and April 2018, has drawn up pragmatic solutions to improve the handling of claims by international passengers. It also approved the new structure of the Manual for International Rail Tickets (MIRT).

Claims by international passengers

The CIT's Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV) determines the procedures that must be followed when an international passenger submits a claim to one of the carriers involved in his/her journey.

The CIV Working Group examined the issue of the retention and transfer of the original tickets included in a claim, as well as the use of medical certificates to justify the non-use of an expired ticket. It also looked at the issue of consent by passengers to transfer their personal data to other undertakings under the AIV. Furthermore, it agreed on a series of principles concerning the handling of reservations bought in addition to rail passes.

The UIC RCF1 Working Group also made several recommendations to the CIT about accounting aspects for the debits made in the event of refund. The changes desired to the AIV will be submitted for the approval of the CIV Committee in June 2018.

New layouts and bar codes

The CIT's Manual for International Rail Tickets (MIRT) will be revised in the next few months to bring it into line with the work that the UIC is currently doing on ticketing. The revision of leaflets UIC 918-2 and 918-3 is almost complete; they should be cancelled and replaced at the end of 2018 with the new leaflets 918-8 (ticket layout) and 918-9 (bar codes).

The CIT's aim is to present in the most transparent manner possible every aspect that must be taken into account when issuing international tickets, whether paper or electronic. It is therefore a matter of adapting current chapters 6 to 10 of the MIRT to the needs of the undertakings that, for international traffic, use paper tickets, tickets to be printed at home, smartphone tickets or totally paperless tickets.

The new chapters of the MIRT will also be submitted to the UIC's technical experts prior to approval by the CIV Committee in June 2018.

Boilerplate contract for the transfer of personal data

The new EU Regulation 2016/679 on data protection requires railway undertakings to sign explicit contracts with their partners who process the passengers' personal data (for example, other railway undertakings, distributors, IT service providers, etc.).

The CIV Working Group discussed the boilerplate agreement proposed by the CIT – with the support of the Group of Data Protection Experts – to govern contractual relationships between the "data controller" (i.e. the carrier member of the CIT) and a "data processor" (i.e. any company managing personal data collected by the CIT member). This boilerplate agreement covers the obligations of both parties mainly with regard to confidentiality and quality, liability and intellectual property. It will be submitted to the CIV Committee in June 2018.

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Data protection, claims, ticketing: a full agenda for the CIV Working Group



Berner Tage conference 2018: freight traffic session

The 9th Berner Tage conference held on 1 and 2 March 2018 focused primarily on the impact of digitisation on railway law. This was also the focus of the discussions during the freight traffic session, with particular attention given to the interface between theory and practice.

Introducing the session, Ms. Maria Sack, lawyer, Head of Unit International Associations European Transport Policy (DB AG) and Deputy Chair of the CIT dealt with the harmonisation of railway law that is becoming increasingly necessary on a global scale. She focused in particular on the work being carried out on the URL (Uniform Railway Law) by the Economic Commission for Europe (UNECE). In this context, the CIT supports the call for the planning of pilot tests on "unified law" on the Eurasian corridors, the aim being to produce a contract and a transport document for the entire route.

In the second presentation, Mr. Cristian Cuenca, in-house lawyer (DB AG), Chairman of the CIM Working Group, examined freight traffic models based on a standard framework agreement for the "purchase and sale" of rail transport services. He explained in particular the relevant rights and obligations of the contractual and successive carrier with regard to the purchase of services, and examined the rights and obligations of the performing carrier with regard to the sale of services.



Maria Sack is focused in particular on the work carried out on the URL (Uniform Railway Law) by the Economic Commission for Europe (UNECE)

After the break, Prof. Isabelle Bon-Garcin from the University of Lyon 2 dealt with the various facets of multiple transport, focusing in particular on combined rail-road services. She also mentioned the set of guidelines and comparative table of the CMR-COTIF/CIM-SMGS liability regimes, which formed the basis for the collaboration between CIT and IRU and which they published jointly in 2017. In addition, the revision work on Directive 92/106 on combined transport and its coherent inclusion in EU law was also dealt with.

The session ended with a presentation by Mr. Daniel Lützelschwab, Head of Law & Compliance at SBB Cargo AG on the new liability provisions in wagon law from the viewpoint of the railway undertaking. He began by dealing with the most recent developments affecting the GCU⁽¹⁾ at sector level. In this context, he provided further details of Switzerland's proposal relating to Article 7 of the CUV UR in the meeting of the OTIF Revision Committee being held at the same time. For the participants, his up-to-date report on the discussion taking place in Switzerland on the implementation of causal liability of the wagon keeper in the event of damage to goods in his custody caused by his wagon met with considerable interest.

More detailed discussions on the subject, based on comments received from the audience, are also to be expected at international level, not least by the working group of legal experts recently set up by OTIF.

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Original: DE

(1) General Contract of Use for wagons (GCU)

The CIM Committee approves ground-breaking resolutions

The executive body of the CIT for the freight traffic sector plans the work to be carried out by the General Secretariat in line with the two megatrends in international freight transport – digitisation and multimodality. The first of the two megatrends is the main focus of the new edition of the entire range of CIT transport documents, complete with their public law recognition; the second megatrend extends the scope of application of CIT documents at the interface to the other modes of transport, in order to take into account the global logistics chains. The two megatrends are phenomena of the 21st century and are both a challenge and an important task for the CIT.

Digitisation of the CIT freight traffic documents

In order to improve the user friendliness of CIT documents, to give them a modern presentation and to take full advantage of the benefits information technology and the Internet have to offer, all the documents produced by the CIT are now being published progressively in digital form. The new system ensures that currently valid versions are available for download on the CIT website under the section entitled "Applicable versions". Please note that the only authoritative version of the relevant document is the one provided with an electronic signature.

The latest versions of the four key GLV-CIM, GTM-CIT, GLW-CUV and GTW-CIT manuals for the electronic CIM consignment note and electronic CUV were the first to be published in the new digital form on 1 January 2017. The new digital versions of the remaining CIT freight traffic documents are scheduled for publication on 1 January 2019.

Multimodality

At the start of the meeting, the chair of the CIM Committee, Mr. Jean-Luc Dufournaud (SNCF Mobilités), emphasised the importance of the second megatrend, multimodality, in view of the fact that the European Commission had called for 2018 to be the "Year of Multimodality". Due to the importance of this megatrend for the future, the CIM Committee resolved to continue the work described below.

The practical application of the work completed by CIT on updating the GTC Rail-Sea Traffic and the rail-sea traffic boilerplate contract will be tested in collaboration with Stena Line Freight as part of a virtual pilot project.

The GS CIT, in close collaboration with the IRU, will oversee the preparation of a checklist for a framework agreement for international combined rail-road transport, which is intended to establish passerelle clauses between the two legal regimes from a practical viewpoint. The CIM Working Group will then be able to finalise this checklist at its meeting in June 2018.

In the course of 2018, work will also begin on preparing a set of practical guidelines, including comparative studies and analyses of the distinctions between rail transport law (COTIF/CIM/CUV) and inland water transport law (CMNI/CLNI I and II, in addition to the Athens Convention). The intention is to further develop the set of [guidelines for the CMR-COTIF/CIM-SMGS](#) legal regimes, which were very well received.

CIT report on the judicial recognition of digital transport documents

An additional item on the Committee's agenda was the "judicial recognition of digital transport documents". As a direct result of the use of the CIM consignment note in practice and the ongoing digitisation, the GS CIT has drawn up clarification on 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 and relevant institutions. Following approval by the CIT Executive Committee, the CIT report was sent to both the European Commission, DG MOVE, for its DTLF project, and OTIF. The report was also presented in detail to the OTIF Revision Committee at its meeting at the end of February 2018.

In view of the importance of the digitisation megatrend, the "Digital Transport and Logistics Forum" (DTLF) has now been set up by the European Commission. The GS CIT is monitoring this work closely in collaboration with the CER and reporting its findings to the relevant committee members.



The new edition of CIT documents completed with their recognition under public law as well as the extension of the scope of application of CIT documents at the interface to the other modes of transport are the priorities for 2018 at the CIM Working group

Electronic formal damage report (CIT20)

Work on completing the electronic formal damage report is on schedule. A number of outstanding questions relating to the finalisation of the functional and legal specifications (GTM-CIT, Appendix 20b) and the technical implementation by RailData will be dealt with at the next meeting of the CIM WG on 27/28 June 2018.

In order to finalise the work, a number of outstanding questions relating to the progressive implementation of the ECN version have still to be clarified for the following legal relationships: carrier/carrier and carrier/customer (at central location via ORFEUS or decentralised at each carrier's location). Questions relating to the digital signature and individual access rights are still to be discussed.

CIT Freight Claims Departments' Conference

For some time now, there have been discussions at CIM Working Group meetings on "identifying the carriage of waste on the consignment note".

At the last meeting of the CIM WG in November 2017, it became clear that the carriage of waste and other goods requiring special labelling was an issue that needed to be examined in more detail by the individual companies themselves.

The GSCIT has been instructed to organise a meeting of experts to deal with the "carriage of waste" and at which, in addition to the subject of "labelling", other issues, such as the use of electronic documentation procedures, could be discussed. Furthermore, the discussion should then be extended to include the carriage of other goods that need to be provided with special labelling due to public law regulations.

The CIT Conference on Carriage of goods under public law restrictions will now be held on **24 May 2018** in the CIT head office building in Bern. All experts from CIT member railways are cordially invited to attend..

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11th meeting of the Multimodality Working Group

2018 will be a multimodal year! The European Commission has called for 2018 to be the "Year of Multimodality". It is only natural therefore, that the CIT places more focus on this sector.

Challenges in multimodal rail-sea transport

In multimodal transport at the interface between maritime law and rail transport law, the CIT has already developed a number of documents, such as the GTC Rail-Sea Traffic and the rail-sea traffic boilerplate contract. Since the basic terms and conditions have now been established, the working group is now focusing more on ensuring that the documents in future will be used on a large scale. The use of the documents can simplify multimodal shipments at the interface between rail and sea transport for members of the CIT.

For this reason, the creation of a small ad hoc working group was proposed for the purpose of initiating a multimodal rail-sea transport pilot project, on which the GTC Rail-Sea Traffic could be tested together with the boilerplate contract.

Once the GS CIT had made contact with the Stena Line Freight shipping company at the end of 2017 to discuss the use of the rail-sea boilerplate contract together with the GTC Rail-Sea Traffic on pilot shipments, the Stena Line Freight representative and Rail Manager Central Europe, Bernd Russ, presented to the Multimodality Working Group a new project that had been set up jointly by the shipping company and a railway undertaking that would run from Trelleborg (in Sweden) to the Port of Rostock and then on to Halle and Schkopau (in Germany).

The participants at the Multimodality WG meeting initially advocated organising a virtual pilot run to visualise the rail-sea traffic interfaces and to describe them from a legal perspective.

Challenges in multimodal rail-road transport

The CIT the IRU⁽¹⁾, with the involvement of various CIT committees and working groups, had worked hard and had spent a long time finalising a detailed set of guidelines on the subject of rail transport law and road transport law. This IRU/CIT guideline was published in a brochure in February of last year. The IRU representative, Aleksandra Zaronina, gave a very informative presentation at the meeting on the IRU's goals and activities and reaffirmed its collaboration with the CIT in multimodal rail-road shipments and the joint aim of finalising a checklist for a road-rail framework agreement in the very near future. A technical meeting on the subject will take place in May 2018, at which the checklist will be enhanced with practical case studies.

(1) International Road Union

Interaction between railway law and inland water transport law

A presentation was given at the meeting by the legal expert Dr. Thomas Burckhardt on the details and main development possibilities of inland water transport law and its interaction with the other transport laws. On the basis of the additional information and expert knowledge the Multimodality WG had obtained as a result of Dr. Burckhardt's presentation, the GS CIT will begin with the preparation of a guideline comparing the relevant laws in 2018.

CIT activities and EU multimodal projects

The 2018 Year of Multimodality is to be reviewed in 2019 in multimodal workshops and a seminar. The CIT will collaborate with other transport mode organisations, discuss the EU projects and take the appropriate follow-up measures.

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Nina Scherf, Senior Legal Advisor, speaker at the "Berner Tage 2018"



USE OF THE INFRASTRUCTURE

CUI Uniform Rules: scope of application

The United Kingdom has issued a new reservation in respect of the scope of application of the CUI Uniform Rules. It will come into force on 1 January 2019.

Currently, the CUI Uniform Rules are applicable in all EU member states as well as all OTIF member countries that apply the COTIF in its entirety (in green on the map).

This about-face seems to be related to the Brexit negotiations and to difficulties in applying certain articles concerning liability in relation to the conditions currently applicable in the United Kingdom.

The United Kingdom has recently decided to issue new reservations in respect of the CUI Uniform Rules, after having withdrawn its reservations in July 2017.

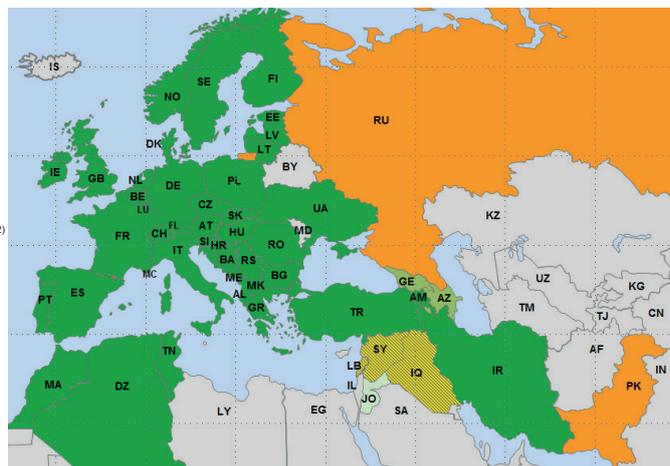
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Original: FR



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)



Revision of the “CUI Uniform Rules”

The use of infrastructure in international rail traffic was a topic in February 2018 that was discussed not only at the CIT Berner Tage conference (see the relevant article [on page 2](#)). The Intergovernmental Organisation for International Carriage by Rail (OTIF) also dealt with this topic in its Revision Committee meeting on the revision of the CUI Uniform Rules in February.

Introduction to the background of the revision

The Secretary General of OTIF had set up a working group from 2014 to 2016 to prepare the revision of the CUI Uniform Rules. The background to the work was that the scope of application of the CUI UR had been interpreted differently – on the one hand, indicated by the title of the CUI UR (Uniform Rules for the Contract of Use of Infrastructure in *International Rail Traffic*), somewhat narrowly, and related to contracts covering the international use of infrastructure only, and on the other hand somewhat broadly, related in accordance with the current wording of Article 1 § 1 (scope of application) to any contract of use of railway infrastructure for the purpose of international carriage within the meaning of the CIV UR⁽¹⁾ and the CIM UR⁽²⁾ and thus including any CIV or CIM shipments carried out using national trains and based on a purely national contract of use of a train path.

At the end of its meetings, the working group of the Secretary General of OTIF had decided in favour of a more narrow interpretation of the CUI UR. According to the draft texts, the scope of application of the CUI UR (Article 1 § 1) is still linked to the CIV and CIM Uniform Rules, with the inclusion of the term “international railway traffic”, which requires the use of an international train path or several national train paths situated in at least two States and coordinated by the infrastructure managers concerned.

Current status of the revision of the CUI UR – meeting of the OTIF Revision Committee at the end of February 2018

In the course of revising COTIF law/CUI Uniform Rules, the OTIF Revision Committee has the competence in certain cases to take decisions to make amendments on its own, whereas in certain prescribed cases it must submit amendments to the Member States for approval at the General Assembly.

Who decides on amendments to the CUI UR? The EU or the Member States?

In connection with the decision taken by the Revision Committee, there was still the burning “political” question ahead of the meeting as to what extent the EU, which joined OTIF in 2011, would exercise its voting right to amend the CUI UR in the discussions on the revision of the CUI UR on behalf of the Member States involved. In its draft decision establishing its official position to be adopted at the meeting of the Revision Committee, the Union had made it clear that, with regard to the CUI UR, there was shared competence between the EU and its Member States.

The Member States, however, reserved the right to exercise their voting rights at the meeting of the Revision Committee (see the ruling of the European Court of Justice on this matter in the article [on page 12](#)).

What was decided?

During the meeting, the Revision Committee overwhelmingly approved the draft texts prepared by the OTIF working group for the revision of the CUI UR and additionally, in the definition of the term “international railway traffic”, besides the infrastructure manager’s obligation to coordinate the national train paths, had included as an alternative the authorities responsible for the allocation of train paths. The wording of the scope of application was also corrected linguistically.

In addition to the discussions on the revision of the CUI UR, a new question was raised during the meeting of the Revision Committee as to why the CUI UR were always linked to the CIM and CIV Uniform Rules, whereas the CUV UR (Uniform Rules concerning Contracts of use of Vehicles in International Rail Traffic) are ignored. This question could not be clarified during the Revision Committee. For this reason, a discussion on this topic will have to take place at a later date and probably at a future meeting of the OTIF Working Group of Legal Experts.

What happens next?

The text proposals will now be presented to the OTIF General Assembly for approval in September 2018. The Secretary General of the CIT will deal with the “Revision of the CUI Uniform Rules” at the next meeting of the CIT’s CUI Committee on 15 May 2018.

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Original: DE

Useful Links :

- [Information about the CUI UR working group from the Secretary General of OTIF](#)
- [Information about the OTIF Revision Committee](#)

(1) Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV - Appendix A to COTIF)

(2) Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIM - Appendix A to COTIF)

Berner Tage conference: right of use of infrastructure

What does the use of infrastructure mean for railway undertakings (RUs) in terms of international transport law? What does the legal relationship between infrastructure managers and RUs look like? What legal bases are of importance and what kind of documents has the CIT developed in this area? Answers to these questions were the focus of the discussions during the second presentation at the Berner Tage conference.

Legal framework for the use of infrastructure

The CIT speaker, Nina Scherf, began her presentation with an overview of the legal relationship between the infrastructure managers and the railway undertakings. She explained that, at EU level, the focus was primarily on Directive 2012/34 establishing a single European railway area and on Regulation 913/2010 concerning a European rail network for competitive freight. She described the CUI Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic in depth and dealt with the very topical issue of the revision of the CUI Uniform Rules (see the article [on page 11](#)).

She also pointed out that the legal framework in the relations between the infrastructure manager and railway undertakings extended beyond the legal provisions to include other binding provisions that applied in the rail sector - such as the Network Statement and Corridor Information Documents (CIDs), etc. - and can therefore become very complex.



Right of use of infrastructure - Answers to these questions were the focus of the discussions during the second presentation

CIT documents relating to the use of infrastructure

The speaker then dealt briefly with a document that had been negotiated between the CIT and the infrastructure managers representatives (RailNetEurope – RNE) – the European General Terms and Conditions of Use of Railway Infrastructure (E-GTC-I). These standardised conditions are important chiefly because they specify the most important general conditions for the use of the railway infrastructure of an infrastructure manager by a railway undertaking and were harmonised and negotiated in a non-discriminatory manner with RNE.

Two interesting legal cases

The presentation ended with a look at two interesting legal cases relating to the “use of infrastructure”. The first case was a ruling by the European Court of Justice (ECJ) in November 2017 (C-489/15), in which a private railway undertaking demanded partial reimbursement of cancellation charges from the infrastructure manager that had been paid for a period of several years whenever a previously booked train path had been modified or cancelled (see more detailed account [CIT Info 4/2017](#)).

There was a lot of interest in the second case, an action for annulment brought by the Federal Republic of Germany against the Council of the European Union, which was ruled on by the European Court of Justice in December 2017 (C-600/14).

This action arose from a dispute concerning the external competence of the European Union in the field of transport. The background to the dispute was a meeting of the OTIF Revision Committee in 2014, which was attended by the representative of the EU Commission and the Ministries of the EU Member States. Regarding the meeting of the OTIF Revision Committee, the Council of the European Union had adopted a joint position concerning amendments to the CUI Uniform Rules. The Federal Republic of Germany voted against the joint proposal, taking the view that the European Union was not competent as regards amendments to the CUI Uniform Rules and, consequently, there was no need to coordinate a position adopted by the European Union. The European Court of Justice dismissed the action brought by Germany, referring to Article 216(1) of the Treaty on the Functioning of the European Union, in accordance with which it is sufficient that the exercise of external competence within the framework of the Union's policies is necessary to achieve one of the objectives laid down in the EU treaties.

The General Secretariat of the CIT hopes that the presentation on “Use of infrastructure” aroused interest in this subject among participants at the Berner Tage conference 2018 and helped to increase their understanding of the legal relationship between infrastructure managers and railway undertakings.

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Useful links:

- [European General Terms and Conditions of Use of Railway Infrastructure \(E-GTC-I\)](#)
- [Judgement of the ECJ on 5 December 2017 \(C-600/14\)](#)
- [Treaty on the Functioning of the European Union](#)



Introduction of the CIT security background 2012 among the private passenger railway undertakings in Germany

On 15 December 2017 Mr. Cesare Brand, Secretary General of the CIT, and Mr. Bernd Rössner, Director of the TBNE (Tarifverband der Bundeseigenen und Nichtbundeseigenen Eisenbahnen in Deutschland) signed a licensing agreement for the use of the CIT security background 2012 by the members of TBNE.

Through this agreement the German private passenger railway undertakings that are members of the TBNE will have access to the new CIT security background 2012 for their production of secured ticket paper. The new security background offers a higher level of security compared to the old CIT security background 1996/2006, thus preventing fraud and protecting the revenues of the railway undertakings concerned.

The CIT is happy to support the TBNE in the introduction of the new security background in Germany and has already delivered printing data to two of the TBNE members.

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Original: EN



Cesare Brand, Secretary General of the CIT and Bernd Rössner, Director of the TBNE during the signing of the licensing agreement

CIT seminar at CFL multimodal in Luxembourg/Dudelange

On 14 March 2018, the CIT organised a seminar at CFL multimodal on international freight transport law, wagon law and the subject of multimodality.

The seminar began with an introduction to the CIT and its activities, before moving on to the main focus – international freight transport law, the CIM Uniform Rules and the relevant CIT freight transport documents.

As a result of the many discussions and the interesting questions put forward by the participants, the use of the CIM consignment note was presented in detail and questions on the various transport models discussed.

The seminar included many interesting discussions with the members of the CFL staff from production, marketing and legal services and resulted in solutions being developed for various operational problems.

Overall, the seminar was a complete success for all those involved.

Training and knowledge transfer are key elements of CIT's activities

The transfer of knowledge on international transport law and CIT's freight documents in the rapidly changing world we live in today, as a result of many experts changing jobs, relocating or retiring, is becoming increasingly important. For this reason, the General Secretariat of the CIT is committed to offering members in the freight transport sector "tailor-made" training courses as a means of building up and maintaining knowledge in the railway undertakings.

The General Secretariat therefore encourages all members of the CIT to get in touch and organise seminars designed to meet their specific needs. The railway undertakings are completely free to define their training needs.

Get in touch. We look forward to hearing from you. Send an e-mail to [info\(at\)cit.rail.org](mailto:info(at)cit.rail.org).

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Original: DE

CITerm terminology dictionary

M*aintaining the quality of CIT texts is of utmost importance to the CIT General Secretariat. To help ensure continued quality, the CIT General Secretariat has created a terminology dictionary – **CITerm**.*

CITerm contains specialist transport law terms in English, French and German, as well as the abbreviations used at the CIT. The Russian version will be available this summer.

The dictionary is designed to improve the consistency of terminology used at the CIT and to enhance its brand image through high-quality written communication.

CIT members can use it to:

- Draft their general conditions
- Write their contracts and other guides in the area of transport law in relations with customers and other railway undertakings
- Translate CIT products into the language of their respective nations

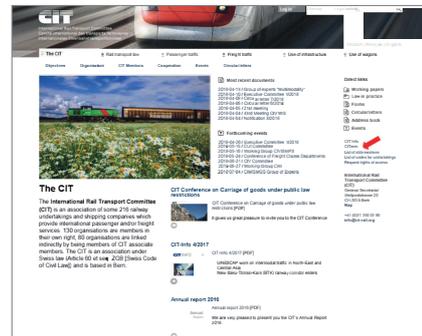
CIT members have read-only access. By clicking on the “CITerm” link on the home page of the CIT website, they can enter their user name and password to access the dictionary.

Access credentials are available from the CIT General Secretariat by writing to laurence.nicolet@cit-rail.org.

Please do not hesitate to contact us should you have any questions or suggestions.

[laurence.nicolet\(at\)cit-rail.org](mailto:laurence.nicolet(at)cit-rail.org)

Original: FR



New login credentials for the CIT website

S*ecurity and data protection are always a priority for the CIT General Secretariat. To ensure the continued quality of security and data protection, the CIT General Secretariat has developed a new system for logging into the CIT website.*

In future, each login will be personal and non-transferable. Certain restrictions have also been put in place to secure CIT products and services.

Existing logins will remain valid **until 31 May 2018**; they will then be automatically deactivated and an application for access rights will have to be made as follows:

- Click on the link “[Request rights of access](#)” on the home page of the CIT website. It will take you to a registration form. No e-mail or telephone enquires will be possible without prior registration.

Access rights will be granted on the basis of working groups and user needs.

For further information, contact the CIT General Secretariat at the following address: laurence.nicolet@cit-rail.org.

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Original: FR

The CIT warmly welcomes its new members!

Country	Undertaking	Membership	Logo
Romania	Rofersped S. A.	Full member as of 1 January 2018	
Romania	Constantin Grup	Full member as of 1 January 2018	
France	Thello	Full member as of 1 April 2018	
Austria	LTE Austria GmbH	Full member as of 1 May 2018	

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Original : DE

A new face at the CIT General Secretariat

Following the departure of Ms Katja Siegenthaler, the CIT General Secretariat has hired Ms Chantal Schweizer as an administrative assistant. She started work on 1 April 2018 and will mainly be responsible for accounting and HR administration, as well as assisting the freight department in its work.

We would like to extend a very warm welcome to our new colleague.

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Original: FR



Chantal Schweizer, new Administrative assistant



CALENDAR-CIT

Date	Event	Location	CIT Contact
15 May	CUI Committee	Bern	Nina Scherf
16/17 May	CIV/SMPS Working group	Prague	Erik Evtimov
24 May	Conference on Carriage of goods under public law restrictions	Bern	Erik Evtimov / Nina Scherf
21 June	CIV Committee	Bern	Isabelle Oberson
27/28 June	CIM Working group	Bern	Erik Evtimov
4/5 July	CIM/SMGS Group of experts	Bern	Erik Evtimov
5/6 September	CIM/SMGS Steering group	Warsaw	Erik Evtimov
19 September	Conference of Passenger Claims Departments	Paris	Jan Svensson
27 September	Executive Committee 2/2018	Paris	Cesare Brand
October (tbc)	CUI Committee	Bern	Nina Scherf
16 October	CIV/SMPS Working group	Bern	Erik Evtimov
7 November	Seals Group of experts	Vienna	Fabienne Vaisson
13/14 November	CIV Working group	Bern	Sandra Dobler
15 November	General Assembly	Bern	Cesare Brand
16 November	Multimodality Committee	Bern	Erik Evtimov
28/29 November	CIM Working group	Bern	Erik Evtimov

Agenda with CIT participation

Date	Event	Org.	Location	CIT Contact
3 May	Freight Forum	UIC	Vienna	Erik Evtimov
17 May	HLFM	CER	Vienna	Cesare Brand
22 May	IRU Meeting CT	IRU	Geneva	Erik Evtimov / Nina Scherf
23 May	TAP TAF Meeting CCM	ERA	Lille	Jan Svensson
29-31 May	Multimodal Rail Meeting	CCTT	Tokyo	Erik Evtimov
29 May	Wagon users' study group	UIC	Paris	Nina Scherf
29 May	3rd Training on Commuter and Regional Train Systems	UIC	Warsaw	Isabelle Oberson
30 May	European Regional Assembly	UIC	Lisbon	Cesare Brand
5-8 June	OSJD Conference of Ministers	OSJD	Kyrgyzstan	Cesare Brand
5-7 June	NRT Meeting	UIC	Athens	Jan Svensson
8 June	EPF Conference	EPF	Aachen	Sandra Dobler
19 June	Anniversary	CER	Brussels	Erik Evtimov
20 June	Assistants Meeting	CER	Brussels	Erik Evtimov
25-28 June	UIC Technical Groups meetings	UIC	Bern	Jan Svensson
26 June	UIC Eurasian Corridors	UIC	Genoa	Erik Evtimov
27 June	CER Passenger Working Group	CER	Brussels	Sandra Dobler
27-28 June	Global Rail Freight Conference	UIC	Genoa	Cesare Brand
04 July	General Assembly	UIC	Spain	Cesare Brand

On 2 March 2018, the sad news reached us of the passing of Jean-Marie Sié, Head of the Legal Services of SNCF Mobilités. Jean-Marie had very close links to the CIT and for the last two mandates had chaired the CIM Working Group of the CIT. At the last meeting of the CIM Committee, a minute's silence was held in memory of the former Chair of the CIM Committee. The thoughts of the General Secretariat of the CIT are with his family, his friends and colleagues, to whom we would like to offer our heartfelt condolences.

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