



CONTENT

Conference of Passenger Claims Departments

The CIT and UIC are pleased to invite the staff of claims, sales, and legal departments of their members to the Conference of Passenger Claims Departments which will take place this year on 25 September in the premises of ÖBB in Vienna.

Participants will be given an overview of the most recent developments in the EU regulation on rail Passengers' Rights (PRR), interesting cases before the courts and the national enforcement bodies as well as an update on CIT products.

Furthermore, as the meeting is hosted at the ÖBB, being one of the main night train carriers in Europe, the other main theme of the conference will be night trains and the different aspects of claims handling connected to night trains.



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EDITORIAL

Dear readers,

Why is the CIT concerned with multimodality?



It's what the customers want that counts!

The railways must deal increasingly with legal interfaces with other international transport conventions, such as the CMR for road transport. Customers are less and less willing to bear the legal risks that arise from the application of different legal regimes alone. Simple, fair and legally secure "door to door" contracts are the future! What contribution can the CIT make to achieve this objective?

We are pursuing two approaches: first, the COTIF Convention provides a legal basis for end-to-end contracts of carriage, provided the multimodal transport comprises rail for a predominant part. We have already jointly drafted general terms and conditions and boilerplate contracts for sea-rail traffic with shipping companies that are members of the CIT. Second, we are working with partner organisations for other modes of transport, such as the International Road Union (IRU), to clear up many legal problems in rail-road transfer, and offer common, standardised solutions. This simplifies business as well as saving hassle and costs for our members!

Greetings from Bern
Cesare Brand
 CIT Secretary General



RailFreight Summit 2019

The new Silk Road continues to grow, and a lot is being done to improve the connection at the Polish-Belarussian border to Europe. In the meantime, other routes have been built to go around the congested main line via Malaszevicze and through Poland. These and other developments were discussed on both days of the Rail Freight Summit 2019 conference which took place on 15th and 16th May 2019 in Gdansk, Poland. High-calibre experts from industry and practice shared their knowledge and experience on the situation in Poland and the neighbouring countries at the crossroads between Europe and Asia, including the connections via the new Silk Road and the Baltic sea ports.

Initial situation

East-west and west-east rail freight traffic must overcome an invisible border between two legal regimes. In Europe, the CIM Uniform Rules apply; in Russia and Asia/China the SMGS agreement is applicable. The juxtaposition of two different legal regimes – CIM and SMGS – at the time of the cold war may have been justified; but today, for the provision of global rail transport services in the transcontinental corridors between Europe/Russia and Asia/China this is a major hindrance. Additional costs for services without any added value are incurred by customers and railway undertakings. Issuing new consignment notes at the freight charge border entails a risk of error, a risk of delays in the execution of transport operations as well as incalculable legal uncertainty.

Eurasian rail freight routes from China to the Baltic sea ports

Active use of the CIM/SMGS consignment note for a wide variety of freight routes in various trans-European corridors, with over 50 trains per week, impressively demonstrates the advantages that the CIM/SMGS consignment note has had for customers since its introduction in 2006. The elimination of the sources of error as a result of reconsignment and the optimisation of the cost-benefit ratio of transport documents clearly increase the attractiveness of international rail freight carriage under the CIM and SMGS legal regimes, which not least of all make a considerable contribution to ensuring comprehensive legal safety and transparent processing of the individual customs procedures. The CIM/SMGS consignment note can also be issued in electronic form. The importance of this solution is that it heeds the requirements of the European Union with regard to customs security.

The use of the CIM/SMGS consignment note for the carriage of goods from China to the Baltic sea ports is significant since increasingly large and high-quality flows of goods are handled there. For railway / ferry routes on the Baltic Sea, the accession of the Russian Federation to the COTIF/CIM in 2010 and the inclusion of the maritime lines Sassnitz-Baltiysk and Sassnitz-Ust-Luga play an important role. The use of the CIM/SMGS consignment note on these routes is an interesting option for SMGS signatory states since the SMGS does not apply to maritime lines. Customers also express the need to process traffic to and from the central Asian republics (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) using the CIM/SMGS consignment note.

In addition to the Sassnitz-Baltiysk ferry line, which is well suited for using the CIM/SMGS consignment note, the Lithuanian Railways (LG) are negotiating with DB Schenker Rail and the Belarussian Railways (BC) on the use of the CIM/SMGS consignment note for the Sassnitz/Mukran-Klaipeda ferry line. The track-change from 1,435 mm to 1,520mm takes place on German territory at the Sassnitz/Mukran train station, which simplifies the organisation of transport, and opens up interesting prospects for uniform liability rules to the landlocked countries of Central Asia. The use of the CIM/SMGS consignment note will create additional time and cost savings for this traffic, and will be the main topic at the next CIT workshop on 3rd/4th July 2019 in Klaipeda, Lithuania.

Outlook

Liberalisation and globalisation of the markets is leading to growing demand for rail freight traffic between Europe/Russia and Asia/China. Both railways and customers foresee enormous potential, as could be seen from the study presented by Roland Berger on the first day of the conference.

The creation of a CIM/SMGS consignment note and related legal instruments, which overcome non-physical obstacles relatively quickly and cost-effectively, is a first step on the way to facilitating rail freight carriage in the areas of application of CIM and SMGS. However, customers are still calling for the speedy creation of a uniform law for CIM/SMGS traffic. The railway is the only mode of transport that does not have uniform legislation. The CIT considers its duty and mission to be fully involved in this matter.



Discharging of a rail ferry of the "King's line"
source: www.mukran-port.de

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Digitalisation of transport documents in rail-Achievements and Challenges

We are confident that digitalisation in the rail sector can be progressed swiftly and across-the-board digitalisation in B2B information flows achieved, on condition that the regulatory environment fosters this development and assuming that the difficulties surrounding information flows with the authorities are resolved. The solutions found must also be directed to the needs of global logistics chains, and thus of business.

The legal bases for digital transport documents

The legal basis for digitalising the documents needed for international carriage by rail can be found in Appendix B to COTIF (CIM). The CIM (Uniform Rules concerning the Contract of International Carriage of Goods by Rail) dates from 1999 and governs the details of the consignment note. In rail transport, the consignment note is not just evidence of a contract of carriage; it also offers the railways a medium via which to communicate information necessary to the performance of the movement to infrastructure managers and other railways in the transport chain. This information may include the type of goods carried, details of braking distance calculations, etc. The paper consignment note is also used by customs authorities as the basis for the simplified transit procedure. However, this role is to disappear with the introduction of the new EU Customs Code for railways.

Article 6 § 9 CIM provides that the consignment note may be compiled electronically, on condition that “the procedure used for the registration and treatment of data must be equivalent from the functional point of view”.

There is thus adequate legal basis for the use of a digital consignment note in the rail sector. In accordance with Article 6 § 8 CIM, the international carriers' associations, together with the international customer associations and the bodies responsible for customs matters, have been given a mandate to draw up the necessary specimen for a uniform consignment note.

Ongoing rail-sector projects

Starting from the legal basis provided by CIM, CIT and the railways have together developed the legal and functional specifications for the electronic consignment note and wagon note. Each set of specifications has been published in a manual (GTM-CIT and GTW-CIT, respectively) and has been available to railway undertakings and customers since 1.1.2017. In collaboration with RailData (a UIC Special Group and international organisation of freight railway undertakings whose job is to develop and produce centralised information and data exchange systems for European freight rail transport), the technical specifications for the electronic consignment note and wagon note have now also been developed. The information will be exchanged via a shared technical platform (ORFEUS) owned by the railways and operated by RailData. Currently, sixteen European freight RUs participate in the ORFEUS system.

Five railway undertakings currently exchange electronic consignment note data multilaterally for business-to-business information flows (DB AG, DB Cargo NL, SNCF, CD Cargo and Mercitalia), and a range of others do so on a purely bilateral basis. In terms of volume, it is estimated that over half of all movements now use the electronic consignment note.

Why are things not moving faster?

From CIT's viewpoint, there are five key barriers currently hindering the wider uptake of the electronic consignment note by the railways.

- Firstly, introducing the electronic consignment note involves significant investment costs, both for IT and for adapting and updating processes. Given the current profitability - or lack thereof - of many freight RUs, there is little latitude for costly investments.
- In exchanging information with the authorities (business-to-administration), many governments still insist on paper documentation (for instance, for dangerous goods). The consequence of this is that a paper document stream needs to be maintained in parallel to the electronic data exchange.
- Some countries simply do not recognise the electronic consignment note.
- A comparative analysis carried out by CIT shows that the legal recognition of the electronic consignment note as evidence of a contract of carriage varies widely from one country to another, creating uncertainty amongst participants. Such uncertainty does not exist with the paper consignment note.
- Last but not least, the paper consignment note can be used as a customs document in the simplified customs procedure for rail, saving the railways time and money in performing customs clearance formalities. The new EU Customs Code does away with the simplified transit procedure for rail. The rail sector is currently working with the customs authorities (DG TAXUD) to seek ways of applying the NTCS customs formalities which work for the railways. However, no specific solution has yet been identified, meaning that many railways are still putting off the decision to transition to an electronic system in order to avoid the additional costs of later having to adjust their system for a second time.

The use of the electronic consignment note in Eurasian traffic

On this project, CIT is working closely with OSJD (Organisation for Cooperation between Railways, based in Warsaw). Work on digitalising the CIM-SMGS consignment note is progressing well. The associated legal and functional specifications will be released on 1 July 2019, as of when they will become available to the railways involved. We assume that, using these specifications, the railways involved will swiftly begin converting to digital solutions on the Eurasian corridors.

Work at EU level on digitalising transport documents

As is widely known, digitalisation is one of the European Commission's top priorities. On 12.3.2019, the European Parliament adopted a new proposal for a regulation of the European Parliament and of the Council on electronic freight transport information (eFTI). Alongside this, the Digital Transport and Logistics Forum (DTLF) continues to work on implementation-related matters. The goal of this work is to create an obligation for Member States to recognise information provided digitally. The proposal is voluntary in application for companies, meaning that it will remain possible to continue using paper documents. It is multimodally focused, so the provisions will apply not only to rail transport but other modes too. Technical provisions ensuring interoperability between IT systems are also planned. Unfortunately, while negotiating the draft proposal the European Parliament made changes to some key parts of the text. Thus, under the new draft market participants are now to be obliged to submit documents electronically, whilst the requirements are also to be extended to business-to-business information flows. Finally, the European Commission is set to be granted much more far-reaching powers over implementation of the technical solutions.

From the railway perspective, the changes made in the Parliament's proposal go too far. The amended draft takes no account of the fact that railways are already well advanced on the road to digitalisation and that great care should therefore be taken to avoid existing solutions and earlier investment becoming obsolete in the light of the new rules. The all-encompassing regulatory approach also seems excessively dirigiste. In the B2B context more than any other, freedom of contract must offer parties the latitude to agree efficient, business-focused solutions for data exchange (let us not forget that the consignment note is first and foremost evidence of the contract of carriage concluded between the parties). If regulation is too intrusive, this will swiftly hinder innovation. It is also best if regulation avoids prescribing specific solutions that are not universally interoperable. Thinking of multimodal needs in particular, the framework conditions for global transport chains should not be made to suffer from the existence of insular European solutions. We hope that the draft will be rectified to take account of the points above during subsequent negotiation rounds, in particular at the level of the Council of Ministers.

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PASSENGER TRAFFIC

News from the CIV/SMPS Working Group

At the meeting held on 22/23 May 2019, the main discussions were about proposals for Adapting the draft of the framework agreement relating to the "provision of services for the implementation of cross-border carriage of passengers by rail". In view of the new and varied developments and transport routes in CIV/SMPS cross-border carriage of passengers by rail, the CIT GS plans to organise and hold a seminar in 2020 or 2021.

The drafting of a framework agreement for the provision of services for cross-border carriage of passengers by rail will continue to constitute the core of the work of the CIV/SMPS working group. Until now, a checklist with comments was drawn up as a basis for drafting this framework contract, taking into account the legal requirements in accordance with COTIF/CIV, the SMPS, and Regulation (EC) No.1371/2007 (PRR). Audit work is now underway among the members of the CIV/SMPS working group. With CIV/SMPS traffic in mind, the CIT GS is following the possible impact of the ongoing revision of the PRR in close cooperation with the CER. After completion of the revision, the CIT GS will write a report on its impact to support the CIT member railways involved with the implementation of the new PRR rules looking at east-west traffic.

In view of the various changes in the existing SMPS since 2014, and in light of the forthcoming revision of the PRR, CIT GS is aiming to thoroughly revise the guide to liability regimes, COTIF/CIV - PRR - SMPS – in co-operation with the OSJD. The first step will entail incorporating all existing changes to SMPS since 2014 into the comparison table of the guide. The final version of the guide is to be presented at the seminar on CIV/SMPS matters, in either 2020 or 2021. The work for the second phase of the project on "CIV/SMPS interoperability under transport law" is progressing according to plan via the CIV/SMPS working group.

The members continue to take an interest, in particular with regard to completing the revision of the PRR and exchanging personal data while respecting the GDPR. The CIT GS is interested in monitoring issues of data protection with third countries in rail passenger traffic between east and west, and in supporting internal data protection experts of the individual undertakings.



AG CIV/SMPS at work

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The CIV Working Group visits Slovakia

The 46th meeting of the CIV Working Group (CIVWG) was held at the headquarters of the Slovakian railways in Bratislava, on 3-4 April 2019, at the kind invitation of ZSSK: it was an opportunity for members of the CIV WG to finalise the documents that were presented to the CIV Committee meeting in June 2019.

Destination Slovakia

As it does every year, the CIV Working Group held one of its meetings off site. For its 46th meeting, the CIV WG travelled to Bratislava and the headquarters of ZSSK. Items on the agenda included the revision of the PRR, claims handling, data protection, multimodality and ticketing issues.

Revision of the PRR

The revision of Regulation EC 1371/2007 on passenger rights (PRR) is underway at European level. The CIT General Secretariat, in collaboration with the CER, gave members of the CIV WG a progress report on this revision. Contrary to what was announced at the meeting, the Romanian presidency published a compromise draft on 25 April 2019. These proposals still have to be discussed by the various transport ministers of EU member states before the Council's position is published. This is unlikely to happen before the autumn.

Amendment of the AIV

The Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (AIV) has been amended to better take account of claim handling requirements in the event of strike action. At the last meeting of the CIV WG, it was decided that these proposed amendments would be reworked, which has now been done. The new version of these amendments was endorsed by the CIV WG and the CIV Committee.

Future manual on data protection for transport undertakings

The CIV WG approved the draft manual on data protection for transport undertakings (MDP) presented by the CIT General Secretariat. This manual currently contains a section with commentary on articles from the GDPR, as well as a collection of questions asked by CIT members and legal and administrative decisions published to date. It also gives examples of good practice for clauses. The manual also takes up the content of the guidelines previously published by the CIT. The second phase of work is scheduled for 2020 and will consist of finishing the commentary on GDPR articles, and developing tools and methodologies to help CIT members implement the GDPR.

At this 46th meeting of the CIV WG, other regulations that will have an impact on data protection were also discussed, such as the future [Regulation on Privacy and Electronic Communications](#) (ePrivacy Regulation), as well as [Directive \(EU\) 2016/681 on the use of passenger data](#) (PNR Directive) and [its implementation](#) in Belgium, an issue that was raised by SNCB.

Multimodality and European initiatives

The CIT General Secretariat presented amended versions of its air/rail cooperation models at this 46th meeting. A progress report was also given on the work carried out on this matter at European level. The EU has ordered two studies to examine how it should intervene on the issues of ticketing and passenger rights in multimodal transport.

Refinements to the MIRT

During the last meeting of the CIV WG, it was decided that the Manual for International Rail Tickets (MIRT) would undergo further linguistic and terminological changes. These changes have now been made and approved by the CIV WG.

CIV Committee in June 2019

The various proposed amendments and new CIT products were adopted at the CIV Committee meeting on 19 June 2019. They will enter into force on 15 December 2019.



ZSSK hosted the 46th meeting of the CIV Working Group in Bratislava

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CIT conference on digital processing of aftersales issues: “Rethinking the world”?

In 2019, many places are celebrating the 100th anniversary of “Bauhaus” – the famous school of design and architecture and the most influential educational institution for architecture, art and design of the 20th century. The motto of this anniversary is “Rethinking the world”. Of course, “Bauhaus” has little in common with the railway sector as such, but the motto “Rethinking the world” goes very well with this year’s theme of the CIT conference on digitalisation for handling claims.

The conference, which was held on 14th May in Bern, under the direction of the president of the CIM Committee, Jean-Luc Dufournaud (SNCF), was divided into three different parts. During each part, there was plenty of time for discussions and for participants to ask questions. The result was a lively and exciting conference.

The legal foundations for handling claims

At the beginning of the conference, Erik Evtimov (CIT) explained the legal foundations of the COTIF law, namely CIM Uniform Rules. He placed particular emphasis on the regulations that form the basis for producing CIT documents for handling claims, such as AIM¹ and the formal report (CIT20).

Then, Nina Scherf (CIT) pursued the issue of legal foundations and presented AIM in greater detail, focusing on the extent to which AIM rules are fit for purpose in digital processes.

Lothar Schneemann (DB Cargo) followed with a presentation on the state of play regarding implementation the electronic formal report (to be referred to as CIT20a in the future), whereby a blockchain or the cloud could also play a role in the future.

Overall, based on the participants’ discussions that followed the presentations, it was concluded that CIM Uniform Rules already include principles to help prepare for the creation of digital transport documents. The regulations in AIM are written to be used in a very paper-based way, and should take into account increasing digitalisation, because, in the opinion of the participants, the principles set forth in AIM are very well-founded, and the application of these principles should be considerably extended (for example, instead of the current explicit applicability to successive carriage, they should also be extended to the involvement of a railway undertaking as a sub-contracting carrier).

Focus on questions about digitalisation

Once the legal foundations had been explained during the first part, the speakers built a bridge between claims handling and digitalisation during the second part of the conference. During this section, Vitus Ammann (SBB) illustrated the issue of the blockchain and presented an exciting pilot scheme which would provide access (to employees, for example) to the Gotthard Base Tunnel by way of a decentralised digital certificate. He nevertheless demonstrated the current barriers to effective use of blockchain technology. Among other things, he expressed the view that automated payment processes could be initiated with “smart contracts” and be used profitably.

The following speaker, Andreas Beck (DB), pursued this view and the legal questions regarding “smart contracts”: Smart contracts are not really smart. In fact, they are based on program code that triggers actions when certain conditions are met. So, they would be particularly suitable for processing standardised events such as payments that can be triggered based on a specific occurrence. They would, therefore, also be suitable for handling (simple) claims. In particular, they could handle certain damage incidents, by way of, in particular, the “Internet of things” (such as a sensor that reports damage) in the future.

There are, however, still some legal issues such as rescinding smart contracts, data protection and certain formal contractual requirements, for example, if notarisation is required. Smart contracts are especially problematic when it comes to handling damage cases. If you do not have a concrete “if then” situation – and compensation has not been specifically defined – a certain amount of personal discretion is required.

Laetitia de Smet (LINEAS) then explained concrete applications of digitalisation at LINEAS, and presented different IT tools that are already used. LINEAS developed a mobile information wizard (“MIA”), for example. It can send information on damage to wagons to a central control room via an app, so that the wagon can be repaired more quickly. She then went on to talk about the advantages of using IT tools for handling claims and recording information that is standardised and available at any time.

During the ensuing discussions, the participants came to the conclusion that smart contracts are especially suitable for when delivery deadlines are not met, and agreed that CIT documents should be increasingly replicated on smart contracts. To do this, it might be a good idea to draw up a checklist for certain kinds of damage.

Data protection issues

During the third part of the conference, Miguel Caramello (CER) presented the EU General Data Protection Regulation (EU) 2016/679 (GDPR) and talked about the extent to which data processing must be compliant with data protection rules. The CIT then bid farewell to Miguel, who is leaving CER. The conference was taken as an opportunity to thank him for his very constructive and friendly collaboration.

(1) AIM: Agreement concerning the Relationships between Carriers in respect of International Freight Traffic by Rail

Bertrand Rothey (SNCF logistics) then made a presentation on legal security of data, raising the question as to whether the use of data constitutes a unique opportunity for rail freight. A good example was the use of wagons for freight: to optimise the use of wagons, solutions should be found to ensure data exchange between the stakeholders (wagon owners, wagon users etc.). In the future, the issue of cyber security is going to become increasingly important with regard to data security, and legal issues will be raised, such as the liability and transmission of information in the event of cyber-attacks.

Final panel discussion

During the final panel discussion, it was acknowledged that digitalisation is a general development that cannot be stopped, so the environmental conditions need to be created (meeting energy needs, sensors, technology, etc.).

The interoperability of data is also necessary, because data exchange does not stop at borders. The harmonisation and creation of standards is becoming increasingly necessary in a digital world, as is the topic of multimodality, in which the railway sector also plays a role. This sector should not cut itself off from other transport modalities, as global solutions are becoming increasingly important.

The issue of digitalisation will also play a role at the “Berner Tage” in February 2020, where there will certainly be many more exciting discussions!

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USE OF THE INFRASTRUCTURE

The 27th CUI Committee confirms that Adriaan Hagdorn will be its chairman for another term of office

After the work to revise the CUI Uniform Rules had been completed by OTIF's General Assembly, the Committee meeting held in May was able to work more on preparing contractual documents for the use of infrastructure.

Discussion on the creation of contractual documents for the use of service facilities

Back in 2014, an ad-hoc working group – “GTC-SF” – started work on drawing up the General terms and conditions for the use of service facilities (GTC-SF). The basis for the work was the European General terms and conditions for the use of infrastructure ([E-GTC-I](#)) already negotiated with RailNetEurope (RNE), which was adapted to the needs for using service facilities. At this time, the implementation of Article 13 of Directive 2012/34/EU (conditions for access to services) had not yet been transposed into national law in some EU countries, so the CUI Committee decided to postpone this work until implementation at European level had progressed further.

Since that time, some work for the use of service facilities has been initiated at political level: among other things, the European Commission [Implementing Regulation \(EU\) 2017/2177](#) incorporated access to service facilities and rail-related services. In addition, political discussions are being held and measures are being taken to standardise documents and regulations for the use of service facilities (such as the standardised model for the publication of the description of services, as well as the establishment of a common interactive portal for service facilities).

The CUI Committee considered it the appropriate time at the meeting to discuss resuming work on the development of the general terms and conditions for the use of service facilities and to pursue this matter further. Particularly challenging is the fact that service facilities are operated in very different ways, and rules on the liability of operators and users take different forms.

At the beginning of the work therefore, it is important, to address a few basic legal issues: how are service facilities to be defined in accordance with EU law, and which services are covered by CUI rules? To what extent do railway infrastructure systems come under the minimum access package no.1 of Annex II of Directive 2012/34/EU – and can therefore only be operated by infrastructure managers – and to what extent do they fall under Annex II of the same directive no.2 – in which case, they can also be operated by other operators (RUs and third parties)?

In the summer of 2019, a new ad hoc working group will start dealing with the preparation of provisions, focusing first of all on the creation of liability regimes.

The European standard contract for railway infrastructure use (E-SCU-I)

The CUI Committee would like to use 2019 to discuss the standard contract for railway infrastructure use designed by it over the last year, and discuss it with RNE. It is looking very likely that the resumption of discussions may be successful, because the general assembly of RNE at the session held at the end of May sent signals that the RNE members were prepared, within the framework of their legal group, to come to an agreement with the CIT to create a common document.

Liability of different RUs using the same rail network – discussion and possible solutions

In 2018, the issue of solutions was raised for the liability of various RUs that use the same rail network for payments to their customers / travellers.

The Committee will first of all discuss a system presented by NS, which ProRail has already firmly incorporated into its terms and conditions, and see whether this could be used as a proposal for “best practice”.

Confirmation that Adriaan Hagdorn of NS will stay for another term of office

During his three-year term as chairman of the Committee of CUI, Adriaan Hagdorn was able to make important contributions and initiate work. The CUI Committee is, therefore, particularly pleased that he has agreed to be available for another term, and will put forward this proposal to the general assembly of the CIT in November 2019.

At the end of the session, bid farewell to Isabelle Oberson from CIT. She will no longer be working locally in Bern for the general secretariat of the CIT. She will, however, to the delight of all members, continue to work with the CUI Committee in a new position as a consultant. Sandra Dobler will support the CIT team from the coming meeting to be held on 17th October 2019. The CUI Committee is looking forward to working with her.



The CUI Committee is bidding farewell to Isabelle Oberson and is looking forward to continuing its work with Adriaan Hagdorn from NS as chairman

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LAW AND PRACTICE

Can a contract of use of vehicles be concluded free of charge?

The immanent commercial component of the contract of carriage in accordance with COTIF/CIM has already been clearly expressed in Article 1, section 1 of CIM: “these uniform rules shall apply to any contract of carriage of goods by rail for payment, [...]”. However, the CIV Uniform Rules stipulate that they apply to every contract of carriage for passengers whether for reward or free of charge (see Article 1 Section 1 CIV). Both legal frameworks provide a uniform legal basis for the contract of use of railway wagons and carriages as a means of transport. Now, the question is, depending on the particular constellation, whether the contract of use of vehicles is always concluded for reward, or whether it is possible to conclude it free of charge.

The General Contract of Use for Wagons ([GCU](#)) and the Regolamento Internazionale Carrozze ([RIC](#)) for carriages that implement the CUV Uniform Rules in accordance with Article 1 section 1 at sector level, do not come down categorically one way or the other. Article 1.1 (2) GCU stipulates that the commercial conditions of use do not fall under the GCU. Given this uncertain legal basis and taking into account the fundamental principle of contractual freedom and the repeal

of mandatory carriage since COTIF 1999, we tend to conclude that contracts of use according to the CUV Uniform Rules and GCU do not necessarily have to be concluded in return for a fee, as is the case for cross-border carriage of goods by rail. There may also be situations in which free of charge cross-border movement of empty wagons is possible with the [CUV](#) wagon note.

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Training courses for CIT members

The CIT General Secretariat offers members bespoke training courses. It was in Bratislava and Amsterdam this spring to give a presentation and hold discussions on the implementation of passenger rights for international traffic.

The CIT held two training courses this spring: the first was for ZSSK in April, the second for NS and the GIE Eurail Group in May. These workshops led to some interesting discussions which can be used as food for thought by the CIV Working Group. The CIT General Secretariat wholeheartedly thanks the organisers for their hospitality and participants for their contribution.

Passenger rights and data protection

For several years now, the CIT General Secretariat has been offering members training on the implementation of passenger rights for international traffic. This training is structured into several blocks based on the key international regulations: The CIV Uniform Rules, Regulation EC 1371/2007 (PRR), Regulation (EU) 2016/679 on data protection (GDPR), Regulation (EU) 454/2011 (TAP TSI), domestic law impacting international carriage etc. It's a useful refresher both for in-house lawyers at railway undertakings and staff working on international commercial offerings, ticketing, accounting and after-sales service.

Introduction to CIT products

Over the years, the CIT has produced various documents that help ensure the effective and practicable implementation of international regulations for passenger traffic.

The training course looks at the different aspects of relations between carriers and passengers, as well as intra-carrier relations, and those between carriers and infrastructure managers.

The workshops are tailored to each undertaking based on their needs and the target audience. Undertakings who are interested in a training course should contact the CIT General Secretariat.



ZSSK staff attending the CIT training course in April.

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First meeting of the Executive Committee in 2019 under the leadership of the new CIT president

On 12 April in Bern, the new CIT president, Maria Sack (DB AG), also welcomed two new members of the CIT Executive Committee, Marie Wirtgen (SNCB/NMBS) and Gilles Mugnier (SNCF), and set the course for the work in 2019.

As well as the new president, the newly elected vice-president (Maria Urbanska from PKP Cargo) was also welcomed to the Executive Committee meeting. The Executive Committee noted with satisfaction that the CIT was once more able to complete the 2018 accounts with an earnings surplus of CHF 5,492. The state of implementation of the work programme for 2019, the membership changes (the CIT has 132 members and 7 associate members) and the preparation of the "Berne Tage 2020" were discussed. The main theme of the Executive Committee meeting was the revision of the CIT strategy (CIT Strategy 2025) initiated by the president. In particular, the vision of the CIT, the global trends relevant for the work of the CIT and the success factors for the CIT were discussed in detail. As a result, the Executive Committee defined ten strategic objectives for the GS CIT to be achieved by 2025.


These strategic objectives should be finalised at the next Executive Committee meeting on 26 September 2019 and presented to the General Assembly in 2019.



The new CIT Chairman, Maria Sack

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Original : DE

The CIT extends a hearty welcome to the following new member!

Country	Undertaking	Membership	Logo
Croatia	CER Cargo d.o.o.	Full member as of 1 June 2019	

[chantal.schweizer\(at\)cit-rail.org](mailto:chantal.schweizer(at)cit-rail.org)

Original: DE



CIT CALENDER

Date	Event	Location	CIT Contact
10/11.07.2019	Group of Experts CIM/SMGS	Bern	Erik Evtimov
4/5.09.2019	Steering Group CIM/SMGS	Warsaw	Erik Evtimov
25.09.2019	Conference of Passenger Claims Departments	Vienna	Jan Svensson
26.09.2019	Executive Committee	Berlin	Cesare Brand
16/17.10.2019	Working Group CIV/SMPS	Bern	Erik Evtimov
17.10.2019	CUI Committee	Bern	Nina Scherf
29/30.10.2019	Multimodality Committee / Multimodal Transport Seminar	Venice	Erik Evtimov
12/13.11.2019	Arbeitsgruppe CIV	Bern	Sandra Dobler
14.11.2019	General Assembly	Bern	Cesare Brand
27/28.11.2019	Working Group CIM	Bern	Erik Evtimov

Agenda with CIT participation

Date	Event	Organisation	Location	CIT Contact
9-11.07.2019	20 th UNECE URL Session	UNECE	Geneva	Cesare Brand
11.07.2019	Passenger Global Forum	UIC	Toledo	Sandra Dobler
13.08.2019	UIC ad hoc Groupe de travail	UIC	Frankfurt	Jan Svensson
17-19.2019	SPG ad hoc meeting	UIC	Hasselt	Jan Svensson
1.10.2019	TAP TSI CSG Meeting	ERA	Brussels	Jan Svensson
4.10.2019	UIC CER High-Level Passenger Group	UIC	Barcelona	Cesare Brand
7/9.2019	Digital Transport Days	DG Move	Helsinki	Erik Evtimov
16-18.10.2019	UIC PES Meeting ad hoc group	UIC	Paris	Jan Svensson
28/29.10.2019	OTIF Symposium	OTIF	Vilnius	Cesare Brand
5.11.2019	Intelligent Transport Conference	Intelligence T.	London	Jan Svensson
6.11.2019	Digital Rail Revolution Conference	Gl. Railway	London	Erik Evtimov
7.11.2019	UIC PSG Plenary	UIC	Paris	Cesare Brand
7.11.2019	CER Assistants	CER	Paris	Erik Evtimov

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