



## CONTENT



We wish you a merry Christmas and a successful 2019!  
Nous vous souhaitons un Joyeux Noël et nos meilleurs voeux pour 2019 !  
Wir wünschen ganz schöne Weihnachten und ein erfolgreiches 2019!

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## EDITORIAL



Dear Readers,

**A**nother year is drawing to a close! For us, the yardstick of success is the results we have achieved for our members. Amongst our many ongoing workstreams, I would like to highlight some of those which concluded during 2018 and whose outputs have been delivered to CIT members.

This year saw a far-reaching revision of the CIT products, which will be re-released in digital form starting on 1 January 2019. This means that the authentic, certified version of each product will be downloadable from the CIT website.

Furthermore, we have developed two boilerplate contracts for the processing of personal data, which we made available to members on 1 October 2018, and from 9 December 2018, the revised AIV (Agreement concerning the Relationships between Transport Undertakings) and revised Manual for International Rail Tickets (MIRT) will enter into force, the latter of which has been updated to make it fit for purpose in the new digital environment.

In freight traffic, the new version of the CIM-SMGS Consignment Note Manual will take effect from 1 January 2019, and with the Universal Postal Union (UPU), we have drawn up guidelines for rail parcel traffic from China.

We look forward to another busy year in 2019, and will continue to do all we can to support our members, thus helping their businesses succeed!

Wishing you a restful holiday period

**Season's Greeting from Bern**  
**Cesare Brand**  
**CIT Secretary General**



## Digitalisation: a core focus for CIT

In the context of the megatrend towards digitalisation, the European Commission has initiated the “Digital Transport and Logistics Forum” (DTLF) project. In collaboration with CER, CIT keeps a close eye on developments in this area. One barrier to the implementation of digital freight documents is low and variable levels of acceptance by the authorities of electronic submission of the information or documents they require from firms as proof that they comply with the rules governing the carriage of freight in the various EU Member States. For that reason, on 17 May 2018 the European Commission published a [proposed Regulation](#) on electronic freight transport information, COM(2018) 279.<sup>(1)</sup>

### EU “Digital Transport and Logistics Forum” (DTLF)

The DTLF is a collaborative platform via which Member States, public bodies and organisations share knowledge and coordinate cross-modal policy and technical recommendations for the European Commission in the field of transport and logistics in the broader context of digitalisation. The DTLF’s achievements to date include:

- Recommendations and preliminary work on the proposed Regulation on electronic Freight Transport Information (eFTI);
- A concept for digital corridor information systems (“federative platform”) to facilitate data exchange between supply-chain stakeholders of all kinds by linking up existing cross-border IT platforms and services.

Under the initial DTLF mandate (2015-2018), two sub-groups were set up to work on the digitalisation, cross-acceptance and harmonisation of electronic freight transport information (sub-group 1) and on the creation of digital corridor information systems (sub-group 2). While sub-group 1 is focusing on getting the authorities to accept electronically-supplied data in transport documents, sub-group 2 is taking a broader approach and examining common data use in organisational logistics networks. This includes data from digital transport documents relating to specific milestones within business processes. In September 2018, the Commission confirmed the DTLF’s second mandate, and a call for candidates has been issued in order to select members for the renewed DTLF.

### Proposed regulation on electronic freight transport information (eFTI)

In conjunction with CER, CIT is analysing the European Commission’s proposed Regulation on electronic Freight Transport Information (eFTI). The Commission’s proposal only describes how economic actors (such as railway undertakings) will provide information to administrations and authorities (Business-to-Administration or “B2A”). Whenever these economic actors need to provide the authorities with data electronically, the proposal suggests that they should do so via a certified “eFTI platform” and, potentially, a certified “eFTI service”.

The proposed rules do not foresee the digitalisation of transport documents, but merely set requirements and framework conditions for companies to communicate with the authorities digitally (data exchange). However, there is currently too little detail of how the EU proposal will impact on company finances and processes. Consulting the sector is vital in order to ensure that the cost/benefit ratio of the measures proposed in the delegated and implementing acts is economically viable.

This consultation could take place, for example, via the Digital Transport and Logistic Forum (DTLF) Phase II from 2019, but also by inviting the representatives of the relevant interest groups to meetings of the European Parliament and Council of Ministers following the European elections in 2019. CIT works closely with CER on this matter.

[erik.evtimov\(at\)cit-rail.org](mailto:erik.evtimov(at)cit-rail.org)  
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(1) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on electronic freight transport information COM/2018/279 final - 2018/0140 (COD).



## Digitalisation and multimodality in passenger traffic

New technologies were the focus of discussions at the last CIV Working Group, which addressed matters such as fully paperless rail tickets and the integration thereof with tickets for other transport modes and indeed with other services more broadly. The CIV Working Group also discussed air-rail multimodality and the issues needing to be resolved in inter-carrier cooperation contracts.

### Mobility as a service (MaaS)

MaaS technology aims to include all types of transport modes on a single platform in order to offer users door-to-door travel as efficiently as possible. This technology is already used in a number of European cities, and mostly integrates urban public transport with taxi, car-sharing, or bike-sharing services. In the rail sector, projects are underway both within companies and at European level (e.g. Shift2Rail IP4). For CIT, combining services in this way raises a range of questions around the relationship between carriers, liability vis-à-vis customers, controlling access to transport services, data protection, etc.

### Blockchain and smart contracts

Blockchain technology is taking off in many industries, and could also be useful in passenger transport, in particular for distribution and ticketing and for claims handling. For the time being, such projects are confidential, though some MaaS providers seem to be using blockchain to provide some aspects of their services. The technology is in all cases based on a computer programme encoding a contract, all the terms of which are known in advance such that its implementation is fully automatic. For CIT, these “smart contracts” will be of decisive significance for the relationship between customers, carriers, and the other parties involved in distribution.

The CIV Working Group will thus closely monitor the rail projects seeking to apply these new technologies in order to deal with the fundamental issues they throw up and adapt, where necessary, the CIT products relating to ticketing and after-sales services.



Ticketing and digitalisation: new technologies raise a host of legal questions

### Air-rail multimodality

Rail and air carriers can collaborate in various ways to offer customers door-to-door travel at advantageous conditions. CIT has identified three modes of cooperation which may result in: a combination of two or more separate contracts for the traveller, including assistance measures in the event of disruption at the interface between transport modes;

- a combination of two or more separate contracts for the traveller, including assistance measures in the event of disruption at the interface between transport modes;
- a single contract for the traveller which is performed by a main carrier and partly sub-contracted to one or more substitute carriers;
- a single contract for the traveller which is performed by various successive air and rail carriers.

The CIV Working Group will examine the various aspects of the cooperation contracts underpinning these three models of cooperation in order to draw up a set of boilerplate contracts between now and the next CIV Committee meeting in June 2019.

### Recent cases before the courts with a bearing on passengers

At its meeting on 13 and 14 November 2018, the CIV Working Group discussed the revised PRR (see page 5 of this issue of CIT-Info) and the implementation of the PRR by railway undertakings, as well as looking at the case law in this field. A case is currently pending before the French supreme appellate court (the *Cour de Cassation*) which turns on the carrier's liability in the event of bodily damage sustained by travellers. Two other cases have already been heard by lower French courts, which ruled against travellers who had claimed € 3000 or more in compensation for delays to their trains.

There will be an update on all these points at the next CIV Working Group in Bern on 13 and 14 February 2019.

[isabelle.oberson\(at\)cit-rail.org](mailto:isabelle.oberson(at)cit-rail.org)

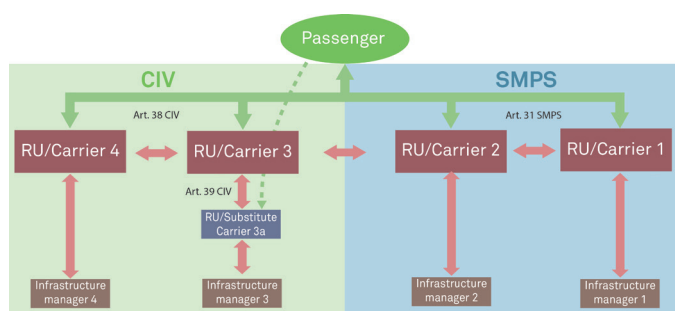
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## Work progresses on the “Legal interoperability between CIV/SMPS” project

The work of the CIV/SMPS Working Group on the second phase of the “Legal interoperability between CIV/SMPS” project is proceeding to schedule. Members’ interest remains high, in particular in drafting a framework contract for cross-border passenger rail services in the areas covered by SMPS, COTIF/CIV and EU Regulation 1371/2007 (PRR), so much so that the CIT GS is considering holding an international seminar in view of the many and various legal developments and the new CIV/SMPS cross-border passenger rail services being offered.

Drawing up a framework contract for the provision of services to govern the execution of cross-border passenger rail services remains the focus of work in the CIV/SMPS Working Group. In the next step, a checklist with comments will be drawn up as a basis for such a framework contract, taking into account the legal provisions of SMPS, COTIF-CIV and EU Regulation 1371/2007 (PRR).

The draft framework contract for the provision of services to govern the execution of cross-border passenger rail services is based on the model for sub-contracted carriage in the CIV area, where the contractual carrier is located in the SMPS area, as shown in the diagram below:



It has been observed that the guidelines on the COTIF/CIV-PRR – SMPS liability rules need to be updated in the light of the changes to SMPS and the revision of the PRR. In the meantime, the CIT GS will continue working closely with the SMPS experts so that a revised draft of the guidelines can be submitted to the next meeting in May 2019.

The final draft of the guidelines can then be finalised and made available to CIT members by the time of the CIT seminar on CIV/SMPS. By that time, the final outcomes of the ongoing PRR revision will doubtless be known.

Based on information on international cross-border passenger rail connections which some members of the CIV/SMPS Working Group shared with the CIT GS in written contributions ahead of the meeting, the CIT GS will be updated the interactive CIV/SMPS map on the CIT website during January 2019.

The interactive CIV/SMPS map can be consulted on the CIT website at <https://www.cit-rail.org/en/passenger-traffic/map-civsmps/>.

[erik.evtimov\(at\)cit-rail.org](mailto:erik.evtimov(at)cit-rail.org)  
Original: DE

## Revision of Regulation (EC) 1371/2007 on passenger rights

The revision of Regulation (EC) 1371/2007 on the rights of rail passengers (PRR) is moving forward slowly but surely. However, the most recent developments are not reassuring for railway undertakings.

### Origin of the revision

In September 2017, the European Commission published its [draft recast of the PRR](#). The recast proposed strengthening passenger rights, with a significant impact on railway undertakings and their business (see also [CIT-Info 3/2017](#)).

The stakeholders concerned made their views known to the European Parliament committees dealing with the matter, specifically the “Transport and Tourism” (TRAN), “Internal Market and Consumer Protection” (IMCO) and “Legal Affairs” (JURI) Committees.

Following an initial [draft report](#) by the TRAN Committee Rapporteur which looked positive, things took a turn for the worse for railway undertakings with the publication of the [TRAN Committee’s amendments](#) in October 2018.



*This draft brings to the fore the protection of passengers and their rights*

### Plenary vote at the European Parliament

On 15 November 2018, the European Parliament voted in plenary session on the draft revision of the PRR. [The amendments](#) to this draft go even further than what was previously proposed.

The measures which will have a definite impact on the rail sector include a new requirement to refund up to 100% of the ticket price for delays over two hours; the removal of any *force majeure* clause; the option for Member States to exempt only non-cross-border urban transport and mainly non-EU transport from the scope of the regulation;

railway undertakings’ liability in the event of missed connections, even if they did not sell the connecting services concerned; a reduction in the notification period when requesting assistance for disabled and PRM passengers (twelve hours in small stations, three hours in medium-sized stations, 30 minutes in major termini); and the obligation to make space for up to eight bicycles on new or refurbished trains.

### What now?

All eyes are now on the Council of the European Union, which has yet to state its position on the draft revision. The word on the street from Brussels has it that the PRR revision is not high on the Council’s agenda.

No vote on the PRR revision should thus be expected within the Council before the end of 2019/early 2020, especially since the European elections will take place in mid-2019 and the Council will probably wait for the new European Parliament to be formed before embarking on a trilogue with the Parliament and Commission. The revised PRR will thus probably not enter into force before 2021 at the earliest.

In collaboration with CER, CIT will remain abreast of proceedings in any event, and will ensure its members are kept updated of all future developments.

[sandra.dobler\(at\)cit-rail.org](mailto:sandra.dobler(at)cit-rail.org)  
Original: FR

## Disabled persons and persons with reduced mobility a core concern

In our April 2018 issue (see [CIT-Info 1/2018](#)), CIT reported on the legislative developments concerning the rights of disabled persons and persons with reduced mobility (PRMs). This article summarises the key developments since then.

### Where do things stand with the “Accessibility Act”?

The [Accessibility Act](#) is a draft EU directive which aims to align Member States' laws, regulations and administrative provisions as regards accessibility requirements for products and services. The draft was put forward by the European Commission in 2015.

Since then, a number of trilogues between the Council of the European Union, the European Parliament and the European Commission have taken place, most recently on 8 November 2018, at which [an agreement](#) was reached.

Under the terms of this agreement, all self-service terminals have been included in the scope of the Accessibility Act (with a few exceptions, for the rail sector this means all ticket machines). It is possible to keep existing machines until the end of their service life, up to a maximum of 20 years, and a safeguarding clause has been introduced for cases where the burden is disproportionate.

After five years, the European Commission will be able to assess whether there is a need to do more on the built environment. The Accessibility Act will also extend to e-commerce, meaning that websites will have to be made PRM-friendly. The transition period for the application of the Accessibility Act has been extended by three years for transposition and three years for application.

The amended draft still has to be approved by the European Parliament in plenary session, which is not set to happen before December 2018/early 2019. It is not yet possible to say when the Council might vote on it.



Assistance provided in the station by the railway's staff

### What about the Technical Specifications for Interoperability?

The Technical Specifications for Interoperability (TSI) covering PRM accessibility are currently being revised. One important point in the revision is the asset inventory foreseen by articles 7 and 8 of EU Regulation 1300/2014 (PRM TSI, Regulation on the technical specifications for interoperability relating to accessibility).

This is a requirement of the current PRM TSI which will be clarified during the revision. The purpose of the inventory is to identify barriers to accessibility, provide users with information, and monitor the progress made on the accessibility front. The European Union Agency for Railways (EUAR) will then be in charge of collecting all the data, which will be stored in a publicly-accessible database on the accessibility of Europe's railway stations (ERSAD). The inventory needs to be compiled during 2019 so it can go live from 2020.

### Revision of Regulation (EC) 1371/2007 on the rights of rail passengers (PRR): Focus on PRMs

The revision of Regulation (EC) 1371/2007, more specifically the amendments made by the European Parliament, usher in a new era of PRM rights ([see article on page 5](#)).

For example, the notification periods for assistance to PRMs in stations and onboard trains are much shorter than those currently in force (at present, a PRM must request assistance 48 hours in advance). If the amendments are upheld, PRMs will be able to bring an accompanying person or assistance animal with them, free of charge. There is also an emphasis on the accessibility of information and the built environment.

Staff in direct contact with the public will need specific training in order to be able to meet PRMs' needs. There is also a focus on in-station and on-train assistance, with a requirement for railways to make all reasonable efforts to enable PRMs to travel by train, even if there are no assistance staff in the station or on the train.

CIT will continue to monitor legislative developments closely so as to provide its members with optimum advice and information.

[sandra.dobler\(at\)cit-rail.org](mailto:sandra.dobler(at)cit-rail.org)

Original: FR



## Current status of work in the CIM Working Group

At its late November meeting, the CIM Working Group (CIM WG) began gathering relevant information on blockchain technology and smart contracts and discussing the profitable use thereof in transport, specifically railways, with a view to achieving maximum benefit for CIT members. Other priorities for the CIM WG are detailed hereafter. The CIT General Secretariat would emphatically like to thank members of the working group for their hard work and support.

### New digital versions of CIT freight products

The new digital versions of the freight products are being finalised to schedule, and will gradually enter into force from **1 January 2019**. If need be, CIT members can be supplied with the products in “track changes” mode, making translation into their local language easier for these members. For more information on the schedule, organisation or execution of this work by the CIT General Secretariat, see the dedicated feature in this issue of [CIT-Info on page 11](#).

### Digitalisation in the context of the European Union

In the context of the megatrend towards digitalisation, the European Commission has initiated the “Digital Transport and Logistics Forum” (DTLF) project. The CIT General Secretariat keeps a close eye on this work, in collaboration with CER. One barrier to the implementation of digital freight documents is low and variable levels of acceptance by the authorities of electronic submission of the information or documents they require from firms as proof that they comply with the rules governing the carriage of freight in the various EU Member States.

For that reason, on 17 May 2018 the European Commission published a [proposed Regulation](#) on electronic freight transport information, COM(2018) 279, also known as the “eFTI Regulation”. For more on this vital piece of CIT work, see the dedicated feature in this issue of [CIT-Info on page 2](#).

### Making sure CIT freight products cater for new models of carriage

Some companies are increasingly using sub-contracted carriage or the “purchase/sale” model for their international traffic, while others still mostly use the successive carriage model. An enduring trend in the CIM WG is that the group is increasingly discussing the various models of carriage and the extent to which these are legally and practically workable. International-level discussions of other specific models, such as the “purchase/sale” or “sectional freight charging” model, are also a recurring feature of CIT projects.

The various models of carriage are often referred to by a variety of names, and it is often not clear which term corresponds to which legal definition, and whether this definition has any basis in the law of international carriage by rail (COTIF/CIM) or the CIT freight products.

In order to avoid unnecessary discussions - and the incumbent uncertainty - in future, the CIM WG has begun drawing up a taxonomy of the various new carriage models and elucidating these from a legal perspective with the help of diagrams and other visual aids. This will help avoid operational matters such as accounting arrangements becoming conflated with contractual matters. The CIT General Secretariat will communicate more fully on the outcomes of this work in forthcoming issues of CIT-Info during 2019.



### Electronic formal report (CIT20)

The CIM Working Group is also in the process of finalising the functional and legal specifications for the electronic CIM formal report. In parallel, RailData is designing the next version of the ORFEUS messages (new version 1.5). In this context, one option being explored is adapting the “Attached documents” function (available since ORFEUS version 1.4.2) such that the electronic CIM formal report can be attached to the electronic consignment note during carriage. This work is set to conclude during March 2019; the CIT General Secretariat will provide a full report in forthcoming issues of CIT-Info.

### Next meeting

The next meeting of the CIM Working Group will take place at CIT Headquarters in Bern on **26-27 June 2019**.

[erik.evtimov\(at\)cit-rail.org](mailto:erik.evtimov(at)cit-rail.org)

Original: DE

## 5th meeting of the Multimodality Committee

*In 2018, the CIT Multimodality Committee used the European Year of Multimodality as the impetus for the launch of several exciting new projects.*

### Challenges for multimodal (rail-sea) traffic

Since the Multimodality Committee was created, CIT has developed various products focusing on the interface between maritime law and rail transport law, such as the rail-sea GTC and boilerplate contract. Since a contractual basis now exists, the committee is increasingly focusing on ensuring these products are as widely used as possible. Using these products can simplify multimodal traffic a great deal at the rail/sea interface for CIT members.

The committee's meeting discussed a possible pilot project to trial the use of the two documents. The backstory to this is the efforts undertaken by CIT member BPRM (Baltic Port Rail Mukran) to run China-Germany rail convoys via the short Baltiysk – Mukran sea route using the uniform CIM/SMGS consignment note. Legally speaking however, before this can happen the Baltiysk – Mukran sea route needs to be registered on the OTIF list of CIM sea/inland waterway shipping services.

Meanwhile, BPRM and the CIT GS have taken the first steps towards registering the sea route in question.

Once registered, the Baltiysk – Mukran line would be an excellent pilot route on which to trial the two CIT documents (rail-sea GTC and boilerplate contract).



### Challenges for multimodal (rail-road) traffic

In collaboration with the International Road Union (IRU), CIT is currently finalising a checklist for a framework contract on international rail-road traffic. Since the Multimodality Committee's last meeting in 2017, the checklist has been thoroughly overhauled and discussed at various CIT meetings (CIM Working Group and Multimodality Working Group).

The checklist will be jointly published with the IRU and is set to enter into force around the middle of next year.

### Interaction of inland waterways and railways

The meeting received a presentation on the first draft of a guide comparing the relevant bodies of law, namely that governing international railway carriage under COTIF/CIM on the one hand, and that governing inland waterways in the shape of CMNI, CLNI I & II and the Athens Convention on the other.

Inland waterways are becoming an increasingly important part of EU transport policy, yet the legal bases enabling a comparison with carriage by rail are not yet in place. The committee is thus especially supportive of further CIT work in this field.

### Preparation of a CIT seminar on “multimodal transport” plus workshops in 2019

As a follow-on to the European Year of Multimodality, it is planned to hold a seminar on “Multimodal transport” in Venice during 2019. The seminar is currently set to last around a day-and-a-half, and include a technical visit to an ATTICA ship and the Venice cargo terminal and central station. The CIT GS also intends to hold a workshop on “rail-sea carriage” and a CIT/IRU workshop on rail-road transport issues.

[nina.scherf\(at\)cit-rail.org](mailto:nina.scherf(at)cit-rail.org)

Original: DE





## 26th meeting of the CUI Committee

**A**t the last meeting of the CUI Committee, discussion focused on the development of a harmonised contractual basis for the use of railway infrastructure and the outcomes of the OTIF General Assembly.

### Decisions taken by the OTIF General Assembly: revision of the CUI Uniform Rules (CUI UR) and new Appendix H to COTIF

The OTIF General Assembly in late September 2018 endorsed the proposed revisions to the CUI<sup>(1)</sup>, specifically Articles 1, 3 and 8. The entry into force of the revised rules will narrow the scope of application, which will henceforth cover only international cross-border traffic, with no regard for a train's necessary pre- or onward carriage in domestic traffic. This would exclude CIV or CIM movements running as domestic trains on the basis of a purely domestic train path and associated contract of use.

CIT and its CUI Committee had lobbied for as broad as possible a scope of application of the CUI since the start of the revision process, at various levels (OTIF Working Group, European Commission, Member States' Transport Ministries), in order to achieve far-reaching harmonisation of the rules, offer RUs legal clarity, and simplify the enforcement of claims by RUs vis-à-vis infrastructure managers.



Unfortunately, the OTIF Member States were very reluctant to extend the application of international law (i.e. CUI) to domestic contracts of infrastructure use; they therefore accept the legal fragmentation this will cause.

Though it will take some time until the revised CUI actually enters into force, members of the CUI Committee shared some thoughts about how they will be translated into practice and what tangible legal consequences may result for RUs. Given the restricted scope of application, it will be increasingly important in future to work on contractual solutions in order to achieve harmonisation between national and international train path usage.

The OTIF General Assembly also approved the adoption of a new, eighth Appendix to COTIF<sup>(2)</sup>. The purpose of the new Appendix H is to establish a legal basis for promoting interoperability beyond the EU so that RUs can operate a train from a departure point in one country to a destination in another without it having to stop at the border for technical or operational reasons.

Upon adopting the new Appendix H, the OTIF General Assembly also ruled that further annexes should be drafted to ensure, inter alia, that the new rules were coordinated between Member States and the tasks of infrastructure managers and railway undertakings were described in more detail.

The CUI Committee will monitor the work of the responsible OTIF committees in this matter.

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

Equally, the development of a European Standard Contract of Use for Railway Infrastructure (E-SCU-I) remains high on the committee's agenda. At its most recent meetings, the committee has observed that the contracts of use/path allocation applied by different infrastructure managers differ greatly.

The goal of a harmonised standard contract is to achieve balanced harmonisation at contractual level. The meeting identified the key elements to be defined in contracts between infrastructure managers and railway undertakings in terms of infrastructure access from the point of view of the CUI Committee's members, and drafted texts accordingly.

#### Useful links

- [Amendment of Appendix E \(CUI\) - text as amended by the 13th General Assembly](#)
- [Appendix H \(EST\) - text as approved by the 13th General Assembly](#)

[nina.scherf\(at\)cit-rail.org](mailto:nina.scherf(at)cit-rail.org)

Original: DE

(1) Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI)

(2) Uniform Rules concerning the safe operation of trains in international traffic (EST - Appendix H to COTIF)



In this section, we publish legal decisions concerning rail transport and related areas of law, statements from public authorities and legal advice from the CIT General Secretariat on the practical legal issues that arise in daily life.

## Which documents accompany wagons handed over as “goods travelling on their own wheels” in cross-border rail traffic?

In international rail transport law, wagons are considered to be unpowered vehicles travelling on their own wheels on railway lines [see Art. 2 b) CUV].

In cross-border rail traffic, the wagons may either be handed over as goods under the terms of a contract of carriage (see Art. 24 CIM), or as a means of transport under the terms of a contract of use for conveyance in accordance with the CIV UR and CIM UR (see Art. 1 CUV).

If railway vehicles are not being used as a means of transport, they are not subject to the CUV Uniform Rules, the General Contract of Use for wagons (GCU) or the Regolamento Internazionale Carrozze in international passenger traffic (RIC); instead they are considered to be goods and are carried subject to the CIM Uniform Rules.

In accordance with Art. 6 § 8 CIM, the rules governing the organisation of cross-border movements of railway vehicles running as goods on their own wheels are agreed between international carriers' associations such as CIT and international customer associations and the bodies in charge of customs matters in each member state.

As such, the most used CIT documents are the CIM Consignment note manual (GLV-CIM), especially the comments on fields 21 and 30 in Appendix 1 for the electronic consignment note and Appendix 2 for the paper consignment note, and the Freight traffic manual (GTM-CIT), point 3, last section, for the operational organisation of cross-border movements of rail vehicles travelling as freight on their own wheels.

[erik.evtimov\(at\)cit-rail.org](mailto:erik.evtimov(at)cit-rail.org)  
Original: DE



## News from the CIT General Assembly on 15 November 2018

This year, the General Assembly took some important decisions concerning CIT's elected office-holders.



Maria Sack

The outgoing chairman Jean-Luc Dufournaud's mandate expires at the end of this year. The current vice-chair, Maria Sack (DB AG), was elected as his successor and Maria Urbanska (PKP Cargo) was appointed the new vice-chair. In addition, Marie Wirtgen (SNCB) and Gilles Mugnier (SNCF) were elected as new Executive Committee

members. Lastly, the General Assembly renewed the mandate of Aikaterini Vitou (Trainose) as a member of the Executive Committee for a further term of office.

The financial result for 2017 was a surplus of CHF 1,421. The result was approved. The 2019 budget was also endorsed; it is essentially the same as for 2018, albeit with two additional IT investment expenditure items (new server and modernisation of the website).



Maria Urbanska

As well as endorsing the programme of work for 2019, the General Assembly clarified the provisions of the statutes concerning membership.

As usual, the General Assembly also received a report on the past year's work in each of the key areas of work: passenger, freight, multimodality and infrastructure.

The General Assembly also noted that over the previous year, the agreed programme of work had been successfully implemented.

Important matters such as the ongoing revision of the Passenger Rights Regulation and the application of the new EU Customs Code by freight railways were discussed. Lastly, the Assembly heard reports on the digitalisation status of carriage documents and on the outcomes of the OTIF General Assembly, which took place in Bern in September.

In the second half of the General Assembly, outgoing chairman Jean-Luc Dufournaud gave a farewell speech, which you can read as a dedicated item in this issue.

[cesare.brand\(at\)cit-rail.org](mailto:cesare.brand(at)cit-rail.org)  
Original: DE

## Digital re-release of the CIT products

The digital re-release of the CIT products is intended to make them more user-friendly, modernise their layout, and fully leverage the benefits of IT and the internet. Four products – GLV-CIM, GTM-CIT, GLW-CUV and GTW-CIT were already published in the new format on 1 January 2017 and two others (MIRT and AIV) on 9 December 2018.

Work on bringing out the CIT products in digital form continued throughout 2018, with the aim of progressively bringing them into force as of 1 January 2019. For various reasons beyond CIT's control, the project experienced a number of delays, and an order of priority had to be set, as follows:

- 1 January 2019 - other fundamentally overhauled freight products: GLV-CIM/SMGS, GR-CIM/SMGS and the GTC-CIM and GTC EurAsia
- During 2019 - all other CIT products.

The CIT products can be accessed on the relevant pages of the CIT website (passenger traffic, freight traffic, infrastructure, use of wagons – [www.cit-rail.org](http://www.cit-rail.org)). These pages are divided into three sections: "Future version", "Version in force" and "Previous version".

Under the new system, amendments made in supplements will be highlighted by writing the modified passage in italics and adding a footnote giving the number and date of the supplement.

Page 2 of each document lists the supplements which have been published, and an additional column provides information on the points amended and a link to the previous version(s).

Please note that, henceforth, the CIT products are made available to CIT members only as downloadable documents on the CIT website. Only the version of the CIT products published on the CIT website and containing the electronic signature is to be considered authoritative. If paper copies are necessary, CIT members are invited to print the required number themselves and supply these to the relevant departments of their companies.

[erik.evtimov\(at\)cit-rail.org](mailto:erik.evtimov@cit-rail.org)  
Original: DE

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

Country	Company	Membership
Bulgaria	TBD-Tovarni Prevozi JSC	Full member as of 1 December 2018

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

## CIT Chairman's keynote speech to the General Assembly held in Bern on 15 November 2018 (selected extracts)<sup>(1)</sup>

The International Rail Transport Committee was founded in Milan on 28 April 1902. At that time, CIT's purpose was to help develop international rail transport law and draw up a set of harmonised rules and regulations on the basis of various international conventions. The yearly costs were shared out amongst the member railways *pro rata* based on the total kilometric length of the lines they operated in international traffic for the carriage of passengers and freight. Now 116 years old, CIT is thus a young but resilient organisation, which has survived two world wars while remaining true to its founding vocation.

CIT's work has been marked by a number of revisions of the law governing international carriage by rail, the two most recent being the 1980 revision, which saw the setting-up of the Intergovernmental Organisation for International Carriage by Rail (OTIF) and the creation of the COTIF and its two Appendices A (CIV) and B (CIM), and the 1999 revision, which was essentially devoted to updating international railway law to take on board rail market liberalisation.

### The significant impact of European regulations on CIT's work

Following a spate of nationalisations in the late 19th and early 20th centuries, the railway legal environment remained calm and unchanging for a long period. EU Directive 91/440 introduced far-reaching changes, and though liberalisation took off only slowly in the first ten years following the directive's implementation, it accelerated in the early 2000s and has now radically remodelled the European railway landscape.

At the same time, the European body of law applicable to rail transport has developed at a blistering pace.

### CIT's work during the eight years of my chairmanship

In this context of constant changes in the regulatory environment, CIT's work has been marked by six major workstreams during my chairmanship:

- Digitalisation
- Market opening
- Multimodality
- The development of Eurasian transport
- The legal relationship between railway undertakings and infrastructure managers
- Changes to COTIF

#### Digitalisation

CIT took an interest in digitalisation very early on, helping to create the legal basis for an electronic consignment note in the 1980 CIM. More recent work in the freight sector has focused on developing the legal and functional specifications of the electronic consignment note. It has been a long and sometimes arduous road, and much energy has been needed to achieve the present - fortunately very usable - outcomes. On 1 January 2017, CIT published a set of new manuals incorporating these developments, which are of major significance for

the implementation of the electronic consignment note and wagon note (GLV-CIM, GLW-CUV, GTM-CIT, and GTW-CIT). Work aiming to enable implementation of the electronic version of the CIM/SMGS consignment note is well advanced. Solutions have been found for all the interfaces needing to be created. The associated modifications to the CIM/SMGS Consignment Note Manual have been adopted, and the new guide will enter into force in 2019.

In passenger transport, the new Manual for International Rail Tickets (MIRT) entered into force in 2015. This is a new type of manual, with explanatory notes for new recruits working at railway undertakings in sales & distribution roles. The new guide takes into account the latest developments in the digitisation of ticketing.

I believe that the digitisation of carriage documents and processes will remain core to CIT's work.

#### Market opening

In passenger transport, market opening has gone hand in hand with implementation of the European Passenger Rights Regulation (PRR), which entered into force on 3 December 2009. CIT is the railway undertakings' platform for all matters connected with the implementation of the PRR. A dedicated PRR group of experts has been set up. CIT's work in this area has enabled a PRR implementation that the European Commission has deemed positive. In 2012, CIT introduced a strategy the aim of which was to prevent cases going to court, thanks to which the rail sector as a whole has avoided a number of adverse decisions and rulings and saved significant amounts of money. In 2012, the new security background on international rail tickets was registered with WIPO. The new security background has been a great success, and has become an important international standard.

I might also cite the work done on the implementation of the EU's General Data Protection Regulation, which began during 2016 with the creation of a group of experts. CIT members were supplied with a set of guidelines on 1 October 2017. CIT has thus been able to respond rapidly to an emerging new area of work and pre-emptively meet its members' needs.

In freight transport, it is worth mentioning the legal analysis of new contractual models for the carriage of freight and the work done to adapt the CIT products and implement the new EU Customs Code.

#### Multimodality

Multimodality is the future, including for CIT. Work in this field finds its basis in the CIM and CIV Uniform Rules, both of which offer the possibility of including a sea, inland waterway or road leg in contracts of carriage by rail. Starting from this legal basis, and with the help of experts from CIT member shipping companies, CIT has created a set of General Terms and Conditions Applying to Joint-contracting for Rail-Sea Freight Traffic (GTC Rail-Sea traffic), which entered into force on 1 January 2015, and the Boilerplate Contract for the Carriage of International Freight Traffic by Rail and Sea (Boilerplate

Rail-Sea traffic), which has been applicable since 1 July 2016. Furthermore, in 2016 CIT and IRU (International Road transport Union) published a joint comparative analysis of road and rail transport law as their contribution to promoting intermodality; this is to serve as a basis for future contractual harmonisation.

In passenger traffic, a comparative analysis of air and rail law was published in August 2017 as a basis for the conclusion of contracts in the air and rail modes.

#### The development of Eurasian transport

CIT's work in this field has been a resounding success. The CIM/SMGS consignment note - drawn up with our partners at OSJD - is now a reality, and is used on 85 % of China-Europe container movements. The EurAsia General Terms and Conditions of Carriage were finalised in 2014. In the UNECE context, CIT has also invested its energies in creating a harmonised body of law governing the Eurasian corridors. A draft agreement has been drawn up and various pilot projects are being prepared, with a view to implementation in the near future.

In passenger traffic, I would like to highlight the work done in the context of the CIV Uniform Rules and SMPS. The CIV/SMPS Working Group, which deals with the legal issues arising at the interface between these two transport regimes, held its inaugural meeting on 8 June 2011, and a leaflet on the various liability regimes applicable to the international carriage of passengers (COTIF/CIV-PRR-SMPS) was published on 1 December 2014.

#### The legal relationship between railway undertakings and infrastructure managers

Negotiations on the European General Terms & Conditions for the use of railway Infrastructure (E-GTC-I) concluded on 13 October 2010, after five years of work. Though not all the aims have been met, the outcome can be said to be very positive for railway undertakings overall.

Now the lengthy, difficult period of implementation has begun. The E-GTC-I are currently applied by the Dutch infrastructure manager and three Swiss infrastructure managers (SBB, BLS, and SOB).

CIT is currently striving to achieve application along the "Rhine - Alps" corridor.

The legal aspects of railway infrastructure use are of huge commercial significance: the track access fees paid to the infrastructure manager represent some 30 to 40 % of the cost of running a train.

#### Changes to COTIF

In 2011, The European Union acceded to COTIF. This development has fundamentally reshaped the work of OTIF.

Considerable preparatory work was done ahead of the last OTIF General Assembly in September just gone. In the field of infrastructure use, this year CIT has focused its work on the revision of the Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI).

During my eight-year term as CIT Chairman, collaboration with other associations has been stepped up, our constant concern being to foster complementarity and avoid duplication. Let us not forget that most railway organisations are working on behalf of the same membership. Collaboration between CIT, CER and UIC, in particular, has brought a number of positive outcomes for our shared members. With OSJD, CCTT, UNECE and the Universal Postal Union, close collaboration on Eurasian transport has also been highly beneficial. The same goes for our collaboration with IRU, IATA and UIRR on multimodality, not forgetting our intensive joint working with OTIF.

I would like to draw this brief retrospective to a close by thanking most warmly the CIT Secretary General and his team for their valuable collaboration and for their effective and efficient hard work on behalf of the CIT membership. I am also grateful to the chairs and members of all the CIT working bodies, whose contributions add value to the organisation's work.

And I wish CIT, the new Chairwoman, Vice-chairwoman, the General Secretariat, and all of you attending today's General Assembly, all the very best

(1) [For the full speech, please click here](#)





## CALENDAR-CIT

Date	Event	Location	CIT Contact
13/14 February 2019	CIV Working group	Bern	Sandra Dobler
27/28 February 2019	Workshop Multimodality with IRU	Dudelange (LUX)	Erik Evtimov / Nina Scherf
xx March 2019	«Seals» Group of Experts	tbc	Fabienne Vaisson
21 March 2019	CIM Committee	Bern	Erik Evtimov
11 April 2019	Executive Committee 1/2019	Bern	Cesare Brand
03/04 April 2019	CIV Working group	Bratislava	Sandra Dobler
14 May 2019	Conference of Freight Claims Departments	Bern	Erik Evtimov / Nina Scherf
16 May 2019	CUI Committee	Bern	Nina Scherf
22/23 May 2019	CIV/SMPS Working group	Bern	Erik Evtimov
4/5 June 2019	Multimodality Working group	Klaipeda	Erik Evtimov / Nina Scherf
18 June 2019	Workshop Data Protection	Bern	Sandra Dobler
19 June 2019	CIV Committee	Bern	Isabelle Oberson
26/27 June 2019	CIM Working group	Bern	Erik Evtimov
10/11 July 2019	CIM/SMGS Group of Experts	Bern	Erik Evtimov

## Agenda with CIT participation

Date	Event	Org.	Location	CIT Contact
15 January 2019	DTLF Plenary Meeting	DG MOVE	Brussels	Erik Evtimov
22 January 2019	TAP TSI CSG Meeting	CER	Brussels	Jan Svensson
5-6 February 2019	UIC Passage Meeting	UIC	Prague	Sandra Dobler
18-21 February 2019	UIC technical meetings	UIC	Brussels	Jan Svensson
21-22 February 2019	81th Session of Inland Transport Committee	UNECE	Geneva	Erik Evtimov
20 February 2019	CER Passenger Working Group	CER	Brussels	Sandra Dobler
20 February 2019	European Railway Award	CER & UNIFE	Brussels	Cesare Brand
13/14 March 2019	UIC Commercial/Technical Groups	UIC	Paris	Jan Svensson
26-28 March 2019	Freight and Terminal Forum	UIC	Utrecht	Cesare Brand
4 April 2019	Customer Liaison Group	CER	Brussels	Sandra Dobler
15-17 April 2019	UIC IRT-NT-NRT Group	UIC	Stockholm	Jan Svensson
25-26 April 2019	Transport law on the move	Uni Lucerne	Lucerne	Erik Evtimov
9 May 2019	Freight Forum	UIC	Vienna	Erik Evtimov
15/16 May 2019	CER/UIC High Level Freight Meeting	UIC	Paris	Cesare Brand
22 May 2019	TAF-TAP CCM Meeting	UIC	tbc	Jan Svensson
24-27 June	UIC Technical Meetings	UIC	Stockholm	Jan Svensson

Editorial office :  
International Rail Transport Committee (CIT)  
General Secretariat  
Weltpoststrasse 20, CH-3015 Berne

Telephone +41 31 350 01 90  
Fax +41 31 350 01 99  
E-Mail [info\(at\)cit-rail.org](mailto:info(at)cit-rail.org)  
Internet [www.cit-rail.org](http://www.cit-rail.org)