



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Groupe de travail «Modification de la
procédure de révision de la COTIF»
Arbeitsgruppe „Änderung
Revisionsverfahren COTIF“
Working group to amend the
procedure for revising COTIF**

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Meeting room document**

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WORKING GROUP TO AMEND THE PROCEDURE FOR REVISING COTIF

Feasibility of amending the procedure for revising COTIF

View of the CIT on the documents



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Working Group to amend the procedure for revising COTIF View of the CIT on the documents for the first meeting

Dear Secretary General

We would like to thank you for the opportunity to comment on the documents that we received from the OTIF Secretariat on the feasibility of amending the procedure for revising COTIF (LAW-17020-WGREVCOTIF 3-02). The comments below actually reflect the opinion of the CIT General Secretariat only, as the set deadline did not allow us to consult our working bodies. First of all, we wish to underline that the CIT welcomes a simplification of the procedure of amending COTIF and its Appendices. However, we favour a solution that retains enough legal certainty for our members to manage the amendments in their daily business.

It appears to us that the third solution outlined in your document is the most suitable to meet the above mentioned objective. All amendments decided at the General Assembly would then enter into force two years after the meeting, without waiting for further national ratifications. An active opting-out would be expected from those states which would not approve all or part of the amendments. This would allow railway undertakings enough time to implement the changes by the fixed deadline once these changes are approved.

The other solutions proposed seem to offer less legal certainty or legal scrutiny. Indeed, the first solution could lead to indefinite provisional application of COTIF and its Appendices within those states where ratification procedures seem to be very slow (such as Italy or Ireland for the Vilnius Protocol). Moreover, the second solution could lead the General Assembly to be less involved in amendments that could impact millions of contracts – especially between railway undertakings and their customers within the framework of the CIV and CIM Uniform Rules – and therefore have a potential massive economic impact within the OTIF Member States. In our opinion, the current list of provisions the amendments of which are to be submitted to the General Assembly is well-balanced and deserves to remain unchanged.

We thank you in advance for sharing this input with the other interested parties involved into the revision work. We would be delighted to explain the background behind our position in more detail should you wish so.

Yours sincerely

Cesare Brand
Secretary General