

EVOLUTION OF THE INTERNATIONAL RAILWAY MARKET: CHALLENGES AND OBJECTIVES OF CONTRACT LAW AND ORGANISATION OF EFFICIENT RAILWAY TRAFFIC



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THE CIT

- 130 railway undertakings and maritime companies as full members
- 7 associated members
- Association under Swiss law with legal personality



Objectives:

1. Implementation of the COTIF and European law that has an impact on transport law
2. Standardisation of the contractual relationship between carriers and between carriers and their customers for passenger and freight traffic
3. Representation of its members' interests vis-à-vis the authorities and other organisations

MARKET OPENING IN RAIL TRANSPORT

- The COTIF 99 was developed in the 1990s
- Full market opening
 - freight 2007
 - cross border passenger 2010
 - national passenger 2020



uk.reuters.com



SINCE THE COTIF 99, THREE MAJOR TRENDS HAVE BEEN IDENTIFIED

1. Digitalisation



2. Increasing Competition



3. Door to Door - traffic



Source: irishtimes.com
File photograph: Reuters

DIGITALISATION

- Is the requirement of functional equivalence still up to date?
- What about the judicial recognition?
- What about customs in freight ?



Source: globalrailwayreview.com

INCREASING COMPETITION

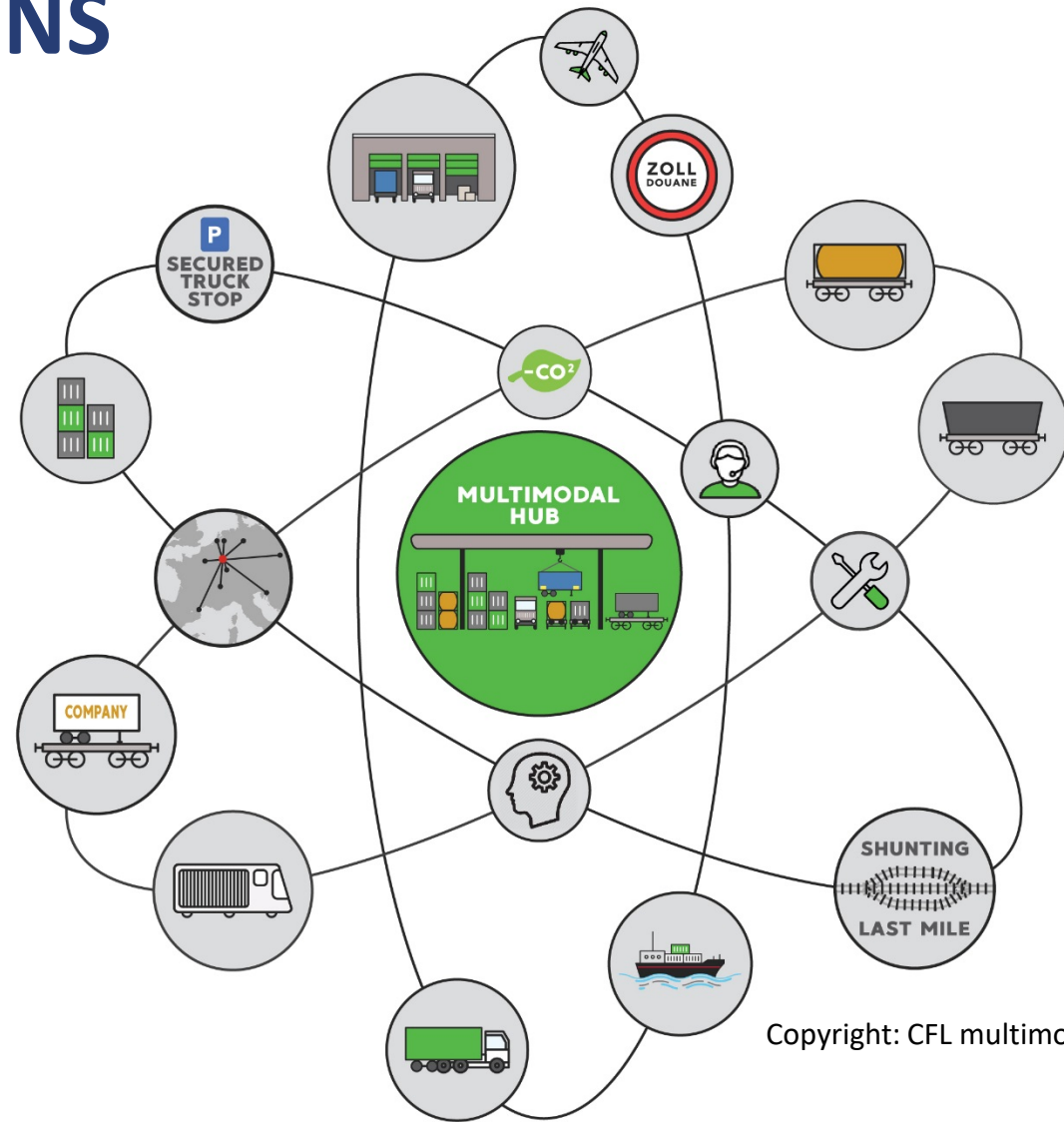
- According to COTIF the RU is responsible for all disruptions regarding the handling of a transport contract
- Is this solution still justified in view of the many actors with different commercial interests?
- Fair system of recourse adapted to the financial risks of companies, provided with coherent economic incentives is needed



Source: irishtimes.com
File photograph: Reuters

DOOR TO DOOR SOLUTIONS

- Passenger and logisticians want door-to-door solutions
- COTIF has a good approach with regard to articles 1§3 CIM and 1§4 CIV which should be developed



COTIF HAS PROVED ITS WORTH

- COTIF is a proven and high-quality framework for rail transport contracts
- The modern, forward-looking legal framework should be further developed and adapted to new needs and challenges



THANK YOU

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