CIT Products for implementation of the COTIF Uniform Rules
Part 1 : CIM

Dr. Erik Evtimov, Deputy Secretary General to the CIT
The CIT

→ 130 railway undertakings and maritime companies as full members
→ 6 associated members
→ Association under Swiss law with legal personality

Objectives:

1. Implementation of the COTIF and European law that has an impact upon transport law
2. Standardisation of the contractual relationship between carriers and their customers for passenger and freight traffic
3. Representation of its members’ interests with the authorities and other organisations
The General Secretariat manages the CIT. It is composed of ten staff members and has the following tasks:

- implementing the decisions of the General Assembly and the Executive Committee;
- making the arrangements for the meetings of the Executive Committee;
- preparing the Annual Report, the Annual Accounts and Budget for presentation to the Executive Committee;
- convening and taking part in meetings of committees and working groups.
CIT’s activities

• Meetings dealing with the preparation of documents related to international transport
• Information: www.cit-rail.org
• Training sessions / conferences
Intergovernmental and railway organisations

- **UIC**: Technical and operational standardisation
- **CER**: Politiques
- **OSJD**: SMPS SMGS
- **GIE**: Transport law
  - Railway and maritime undertakings
- **OTIF**: Transport Law
  - States
- **RailNetEurope**: Infrastructure
OTIF and COTIF

**COTIF** = Convention concerning International Carriage by Rail

- **Aim** = to establish **uniform rules** for international carriage by rail
- **Entry into force**: 1 July 2006
- **Multiple revisions since the 19th century**!

**OTIF** = Intergovernmental Organisation for international carriage by rail

- **50 Member States** (including the EU since 2011)
- **Recent new members** = Russia, Armenia, Georgie, Pakistan, Azerbaijan ➔ extension to the East
- **Headquarters in Bern** (Switzerland)
(1.1.) COTIF main agreement and the Appendixes CIV/CIM/CUV/CUI

Vilnius Protocol 1999

COTIF
Convention concerning International Carriage by Rail

Protocol on privileges et immunities of OTIF

Appendix A
CIV

Appendix B
CIM

Appendix C
RID

Appendix D
CUV

Appendix E
CUI

Appendix F
APTU

Appendix G
ATMF
## (1.2) CIT Products

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<th>Passenger traffic (CIV)</th>
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<td>3. MCOOP (GTCs for Cooperation)</td>
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<td>5. AIV</td>
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<td>6. East-West Tariff (UIC Product for trough ticketing)</td>
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<th>Use of Infrastructure (CUI)</th>
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<td>E-GTC-I (jointly with RNE)</td>
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INTERNATIONAL FREIGHT TRAFFIC: CIM CONSIGNMENT NOTE
(2.1) CIT Products: Freight documentation

**COTIF / CIM**

**Contractual documents**
- GTC-CIM
- GTC EurAsia
- Customer Agreement Checklist
- Checklist
  - Claims Handling Agreement
- GTC cooperation
- Boilerplate contract for subcontracting CT
- GTC Rail-Sea-Traffic

**Manuels**
- GLV-CIM
- GLW-CUV
- GLV CIM/SMGS
- GR CIM/SMGS
- GTM-CIT
- GTW-CIT

**Agreements**
- AIM
(2.2) Main CIT documents for international freight traffic

- **General Terms and Conditions** – the single contract of carriage shall refer explicitly to it *(opting-in)*

- **Customer Agreement** – recommendations as a checklist on how to draw-up a customer agreement (with the client)

- **Boiler-plate contract CT** – single contract for *sub-contracting* in the international *combine* traffic

- **Different Consignment Notes Manuals** (GLV-CIM; GLV CIM/SMGS; GR CIM/SMGS; GLW-CUV) – *instructions* for the use of the consignment notes CIM, CIM/SMGS, CIM and SMGS or CUV

- **Freight Traffic Manual** (GTM-CIT) – *operational* rules for the consistent performance of the international freight traffic by rail (between carriers)

- **Agreement** concerning the relationships between carriers (successive) in respect of International Freight Traffic by Rail (AIM) – *sharing* irrecoverable charges and *compensations* paid out between the railways *(opting-out)*

- **Agreement** concerning the Database of CIT Members – *old* web source of *information* about the CIT members and *traffic restrictions*: [www.cit-rail.org](http://www.cit-rail.org)
(2.3) Architecture of the international contract of carriage of goods

Legal architecture

COTIF 1999

UR CIM, Appendix B to COTIF

General Terms and Conditions (opting-in)

Contract of carriage

Contractual architecture

Customer Agreement

Consignment note CIM = Contract of carriage

GTC-CIM

Consignment note CIM = Contract of carriage
(2.4) General Terms and Conditions (GTC-CIM)

• Contractual freedom under UR CIM
• The GTC-CIM shall govern the legal relationship between the carrier and customer for consignments subject to the UR CIM;
• Contracts of carriage of goods by rail where the scope of the CIM has been extended in accordance with Art. 1 § 2 CIM
• at least one COTIF Member State
• and in every case where the parties to the contract of carriage so agree
• General terms and conditions as integral part of the contract of carriage by rail (opting-in)
• Respect of the mandatory rules of the national law (including the collision norms of the national IPR)
(2.5) Single Contract of carriage: the CIM consignment note

- Consignment note = only a *proof* of the contract of carriage (Art. 6 § 2 CIM)
- However, consignment note is obligatory for *custom* purposes (Art. 6 § 7 CIM)
- International associations of carriers (CIT) have the task to establish *uniform* model consignment notes (Art. 6 § 8 CIM)
- Except if otherwise agreed, the completion of the consignment note shall be in the responsibility of the *consignor* (Art. 8 CIM)
- **Electronic consignment note**: *functional equivalence* with the paper one (Art. 6 § 9 CIM)
(2.6) Paper consignment note CIM

Specimen in Appendix 4a, GLV-CIM
(2.7) Electronic consignment note CIM

- Main principle – *functional equivalence*
- EDI Agreement – contract on electronic exchange of data
  - Functional specifications
  - Legal specifications
  - Technical specifications
- eRailFreight Project of the UIC/Raildata with the CIT
- Mixed system – printouts *only* where and if *needed*
- Practical implementation through the participating railways