



ORGANISATION INTERGOUVERNEMENTALE POUR LES TRANSPORTS INTERNATIONAUX FERROVIAIRES
ZWISCHENSTAATLICHE ORGANISATION FÜR DEN INTERNATIONALEN EISENBahnVERKEHR
INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL

**Assemblée générale
Generalversammlung
General Assembly**

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12TH GENERAL ASSEMBLY

Modification of Appendix D (CUV UR)
(Text as modified)

Text modification

1. After Article 1 of the Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV), Appendix D to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with the amendment adopted by the Revision Committee at its 25th session the new Article 1a is inserted and reads as follows:

**“Article 1a
Areas governed**

These Uniform Rules govern only the rights and obligations of the parties which arise from a contract concerning the use of railway vehicles as means of transport for carriage in accordance with the CIV Uniform Rules and in accordance with the CIM Uniform Rules. Public law prescriptions applicable to the use of railway vehicles, in particular those prescriptions relating to the technical admission of vehicles, to maintenance and to operational safety, shall remain unaffected.”

2. Article 9 of the Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV), Appendix D to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with the amendment adopted by the Revision Committee at its 25th session reads as follows:

**“Article 9
Liability for servants and other persons**

- § 1 The contracting parties shall be liable for their servants and other persons whose services they make use of for the performance of the contract, when these servants and other persons are acting within the scope of their functions.
- § 2 Unless the contracting parties otherwise agree, the managers of the infrastructure on which the rail transport undertakings use the vehicle as a means of transport, shall be regarded as persons whose services the rail transport undertaking makes use of.
- § 3 The entity in charge of maintenance (ECM) as defined in Article 15 § 2 of the ATMF Uniform Rules shall be considered as a person whose services the keeper makes use of.

The contract defined in Article 1 shall contain the relevant provisions to ensure the exchange of information as defined in Article 15 § 3 of the ATMF Uniform Rules between the ECM and the railway undertaking.

- § 4 §§ 1, 2 and 3 shall also apply in the case of subrogation in accordance with Article 8.”