

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-  
NATIONAL CARRIAGE BY RAIL**

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**Commission de révision  
Revisionausschuss  
Revision Committee**

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## **25<sup>th</sup> Session**

Partial revision of Appendix D (CUV UR)

Proposal from the Secretary General

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**Uniform Rules concerning Contracts of Use of Vehicles  
in International Rail Traffic  
(CUV - Appendix D to the Convention)**

**Article 2  
Definitions**

For the purposes of these Uniform Rules the term

[...]

- b) "vehicle" means a vehicle, suitable to circulate on its own wheels on railway lines, not provided with a means of traction;
- c) **"keeper" means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport;**

[...]

**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.**

§ 5 Paragraphs 1, 2 **and 3** shall also apply in the case of subrogation in accordance with Article 8.