



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

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**Groupe de travail « CUI UR »  
Arbeitsgruppe „ER CUI“  
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**CUI 3/3 Add. 2  
12.10.2015**

Original: EN

**3<sup>RD</sup> SESSION**

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Position of the Netherlands

**E-mail received from Ms. Monique van Wortel, Ministry of Infrastructure and the Environment, Directorate-General for Mobility**

I herewith send you the suggestions and questions from the Netherlands regarding the revision of CUI, based on the attached document of OTIF. ...

\* In the NL infrastructure manager view: a broadening of the scope of application of CUI would cover:

1. All cross border trains, both CIM/CIV and non CIM/CIV
2. Cross border trains without objective of transportation of goods and passengers, e.g. for maintenance, test rides

If this is the intention, then the proposed draft is not yet sufficiently clear to realize this goal.

\*article 1: 'railway infrastructure of a Member State': we propose 'railway infrastructure in a Member State'. In the Netherlands the state is not (yet) the legal owner of the railway infrastructure.

\* article 1: 'performs', does the use of this word means that planned (but not realized for any reason) international trains for cross border traffic are excluded from the application of CUI? We do not believe that this should be the intention and therefore propose to replace 'perform' by a more appropriate word.

\* article 1: 'a train for which is agreed that it will perform international railway traffic between two Member States': Is a train international when crossing the border? For example, a domestic train crossing the border and driving in Germany only for a short distance (Enschede-Munster, Venlo- Hamm), does CUI covers the whole track?

\* article 1: 'for which is agreed': does this mean that for application of CUI the contractual relation between infrastructure manager and railway undertaking is the key issue? This leads to the following question:

article 1: '.....any contract of use.....': Most contracts in the Netherlands are applicable to both domestic and international traffic, and also to stationary use of infrastructure. Is it the intention that CUI covers all the above mentioned aspects of the contract?

If 'for which is agreed' leads to many questions about interpretation of the text, perhaps a more factual description would be better.

\* A definition is lacking of 'international railway traffic', we suggest to include one. The term differs in our view from what is included in article 2.1 COTIF ("contract of international carriage of passengers and goods in international through traffic by rail, including complementary carriage by other modes of transport subject to a single contract").

\* For a railway undertaking it is important that article 8.1 under c CUI remains valid, also when broadening the scope to non CIM/CIV traffic. We therefore propose to add to article 1:

"Article 8 of these Uniform Rules shall apply to any contract of use of railway infrastructure needed to run an international train carrying out a contract of carriage according to the Uniform Rules CIV or CIM."

\* In article 3 definitions: Carrier is defined as 'the person who....in international traffic'. In the explanatory report however a reference is made to 'international transport'. We propose a consequent use of terminology. In the explanatory report an explanation is given in article 1 on 'international transport'. However, in article 1 'international transport' is not mentioned.

\* Article 3: is the use of 'the person' the right terminology? Wouldn't it be better to speak about 'the entity' of 'the railway undertaking'?

\* 'Carrier' is a term common in the CIM/CIV context. When broadening the scope of application of CUI, the term 'carrier' is in our view not appropriate to use for non CIM/non CIV traffic or in situations described under 2 (first item I mention).