



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 « RU CUI »  
Arbeitsgruppe „ER CUI“  
Working group "CUI UR"**

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## **4<sup>TH</sup> SESSION**

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Comments from Serbia

**E-mail from Mrs Branka Nedeljković, Railways Directorate, dated 31 March 2016**

With regard to the question of whether the provisions on the carrier's right of recourse concerning compensation paid in accordance with the contract of carriage of passengers or goods should be kept in CUI or transferred to CIM and CIV, my view is that these provisions should continue to be dealt with in CUI, as this is a question of the contract of use of infrastructure, which is governed by the CUI. CIM and CIV govern the substance of goods and passenger transport and I would not link this to the contract of use of infrastructure, which is governed by the CUI. In order to avoid any dilemma in terms of compensation relating to international carriage in the regime of CIM and CIV, the simplest solution would seem to be to leave Article 8 § 1 c) unchanged.

Although I have since ascertained that this was discussed and agreed at the last session, I am of the view that CUI should prescribe a specific obligation on the part of the carrier that when a request is made to allocate the train path and conclude the contract of use of infrastructure, it should be made clear that the infrastructure will be used for the purpose of international traffic. In view of the fact that this information is important in terms of the amount of compensation to be paid by the infrastructure manager, it should not be left up to the carrier as to whether he provides this information or not.