



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

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

**LAW-16017-CUI 4/4 Add. 11
29.04.2016**

Original: EN

4TH SESSION

Position of Sweden



31 March 2016

To the Secretary General,

Sweden's comments on the Secretary General's draft texts concerning the revision of the CUI UR

In general Sweden prefers solutions which make matters clearer for both parties and at the same time takes into account the legitimate right of a carrier to recourse against the infrastructure manager for loss or damage caused to the carrier by delay and having its origin in the infrastructure.

Since EU-regulation 1371/2007 on Rail Passengers' Rights, (Passenger Right's Regulation, PRR) shall apply on the majority of the international carriages of passenger in Europe, it is important that this is factored in when considering the two alternatives.

To our understanding, Alternative 1 means that the infrastructure manager also would be liable, at least to a limited extent, for loss or damage caused to the carrier by delay under PRR, which is not possible under alternative 2, without an uncertain revision of the PRR.

In addition, alternative 1 means no change in the parties' ability to agree whether and to what extent the manager shall be liable for the loss or damage caused to the carrier by delay or disruptions to his operations (compare Article 8.4 CUI). Alternative 2, in its present form, does not, to our knowledge, offer a similar opportunity.

Based on this, Sweden currently prefer alternative 1. This assessment, however, is preliminary and may be reconsidered. Sweden would under all circumstances appreciate an impact assessment on how the two alternatives affect the infrastructure manager in terms of costs.

Nils Enberg

Head of regulatory functions

Swedish Transport Agency
Road and Rail Department
P.O. Box 267
SE-781 23 Borlänge
Sweden
Office address
Jussi Björlings väg 19, Borlänge

Telephone +46 771 503 503
Telefax +46 243 23 66 77

www.transportstyrelsen.se
jarnvag@transportstyrelsen.se

Nils Enberg
nils.enberg@transportstyrelsen.se
+46 10 495 55 52