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THE CONTRACTING PARTIES,

meeting in accordance with Article 69, § 1 of the International Convention concerning the Carriage of Goods by Rail (CIM) and of Article 64, § 1 of the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7 February 1970 and in accordance with Article 27 of the Additional Convention to the CIV of 26 February 1966 relating to the Liability of the Railway for Death of and Personal Injury to Passengers,

S convinced of the value of an international organisation  
S recognising the need to adapt the provisions of transport law to economic and technical requirements,

have agreed as follows:

## **Title I General Provisions**

### **Article 1 Intergovernmental Organisation**

§ 1 The Parties to this Convention shall constitute, as Member States, the Intergovernmental Organisation for International Carriage by Rail (OTIF), hereinafter referred to as "the Organisation".

The headquarters of the Organisation shall be at Berne.

§ 2 The Organisation shall have legal personality. It shall in particular have the capacity to enter into contracts, to acquire and dispose of movable and immovable assets and to be a party to legal proceedings.

The Organisation, members of its staff, experts called in by it and representatives of Member States shall enjoy such privileges and immunities as are necessary to discharge their duties, subject to the conditions laid down in the Protocol annexed to the Convention, of which the Protocol shall form an integral part.

Relations between the Organisation and the State in which it has its headquarters shall be regulated by a Headquarters Agreement.

§ 3 The working languages of the Organisation shall be French and German.

### **Article 2 Aims of the Organisation**

§ 1 The principal aim of the Organisation shall be to establish a uniform system of law applicable to the carriage of passengers, luggage and goods in international through traffic by rail between Member States, and to facilitate the application and development of this system.

§ 2 The system of law provided for in §1 may also be applied to international through traffic using in addition to services on railway lines, land and sea services and inland waterways.

Other internal carriage performed under the responsibility of the railway, complementary to carriage by rail, shall be treated as carriage performed over a line, within the meaning of the preceding sub-paragraph.

### **Article 3 CIV and CIM Uniform Rules**

§ 1 Carriage in international through traffic shall be subject to:

S the “Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV), forming Appendix A to the Convention;

S the “Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM), forming Appendix B to the Convention.

§ 2 The lines or services referred to in Article 2, § 1, and § 2, first sub-paragraph, on which such carriage is undertaken, shall be included in two lists: a list of CIV lines and a list of CIM lines.

§ 3 The undertakings responsible for the services referred to in Article 2, § 2, first sub-paragraph, and included in the lists, shall have the same rights and obligations as those arising for railways under the CIV and CIM Uniform Rules, subject to such derogations as result from the operating conditions peculiar to each mode of transport, which shall be published in the same form as the tariffs.

Nevertheless, the rules as to liability may not be made the subject of derogations.

§ 4 The CIV and CIM Uniform Rules, including their Annexes, shall form an integral part of the Convention.

### **Article 4 Definition of the expression “Convention”**

In the following texts the expression “Convention” covers the Convention itself, the Protocol referred to in article 1, § 2, second sub-paragraph, the Additional Mandate for the Auditing of Accounts, and Appendices A and B including their Annexes, referred to in Article 3, §§ 1 and 4.

**Title II**  
**Structure and Functioning**

**Article 5**  
**Organs**

The functioning of the Organisation shall be ensured by the following organs:

- S General Assembly
- S Administrative Committee
- S Revision Committee
- S Committee of Experts for the Carriage of Dangerous Goods
- S Central Office for International Carriage by Rail (OCTI)

**Article 6**  
**General Assembly**

- § 1 The General Assembly shall be composed of representatives of the Member States.
- § 2 The General Assembly shall:
- a) establish its rules of procedure;
  - b) determine the composition of the Administrative Committee in accordance with Article 7, § 1;
  - c) issue directives concerning the work of the Administrative Committee and the Central Office;
  - d) fix, for five-year periods, the maximum figure for the annual expenditure of the Organisation, or issue directives relating to the limitation of that expenditure;
  - e) take decisions, in accordance with Article 19, § 2, on proposals to amend the Convention;
  - f) take decisions on applications for accession submitted to the General Assembly in accordance with Article 23, § 2;
  - g) take decisions on other questions placed on the agenda in accordance with § 3.
- § 3 The Central Office shall convene the General Assembly once every five years or at the request of one-third of the Member States, as well as in the cases provided for in Articles 19, § 2 and 23, § 2, and shall send the draft agenda to the Member States at least three months before the opening of the session.
- § 4 There shall be a quorum in the General Assembly when a majority of the Member States are represented there.
- A Member State may arrange to be represented by another Member State; no State may however represent more than two other States.
- § 5 Decisions of the General Assembly shall be taken by a majority vote of the Member States represented at the time of the vote.

However, for the purpose of § 2, (d) and (e), in the latter case where there are proposals to amend the Convention itself or the Protocol, the majority shall be two-thirds.

- § 6 With the agreement of a majority of the Member States, the Central Office shall also invite non-Member States to attend sessions of the General Assembly in an advisory capacity.

With the agreement of a majority of the Member States the Central Office shall invite international organisations concerned with transport matters or with problems which have been placed on the agenda to attend sessions of the General Assembly in an advisory capacity.

- § 7 Before sessions of the General Assembly and as directed by the Administrative Committee, the Revision Committee shall be convened for preliminary consideration of the proposals referred to in Article 19, § 2.

### **Article 7**

#### **Administrative Committee**

- § 1 The Administrative Committee shall be composed of representatives of twelve Member States.

The Swiss Confederation shall have a permanent seat. Other States shall be appointed for five years. The composition of the Committee shall be determined for each five-year period, having regard in particular to an equitable geographical distribution of seats. No Member State may sit on the Committee for more than two consecutive periods.

If a vacancy occurs, the Committee shall appoint another Member State for the remainder of the period.

Each Member State with a seat on the Committee shall appoint one delegate; it may also appoint an alternate.

- § 2 The Committee shall:
- a) establish its rules of procedure and designate by a two-thirds majority the Member State which shall assume the Chairmanship for each five-year period;
  - b) conclude the Headquarters Agreement;
  - c) make regulations to govern the organisation and functioning of the Central Office and the conditions of service of its staff;
  - d) appoint, taking account of the ability of the candidates and an equitable geographical distribution, the Director General, Deputy Director General, Counsellors and Assistant Counsellors of the Central Office. The Central Office shall inform the Member States in good time of any vacancy which may occur in these posts; the Swiss Government shall propose candidates for the posts of Director General and Deputy Director General; The Director General and the Deputy Director General shall be appointed for a period of five years, renewable;

- e) exercise both administrative and financial control over the affairs of the Central Office;
- f) ensure the correct application by the Central Office of the Convention and of decisions taken by the other organs; it shall, if necessary, recommend measures to be taken to facilitate the application of the Convention and of the decisions;
- g) give reasoned opinions on questions which may affect the work of the Central Office and are submitted to the Committee by a Member State or by the Director General of the Central Office;
- h) approve the Central Office's annual programme of work;
- i) approve the annual budget of the Organisation, the annual report and the annual accounts;
- j) send to the Member States the annual report, the annual statement of accounts as well as of its decisions and recommendations;
- k) prepare and send to the Member States, at least two months before the opening of the session of the General Assembly which is to decide the Committee's composition, a report on its work and proposals as to how it should be reconstituted.

§ 3 Unless it decides otherwise, the Committee shall meet at the headquarters of the Organisation.

It shall hold two meetings each year; it shall also meet if the Chairman so decides or at the request of four of its Members.

The minutes of its meetings shall be sent to all Member States.

### **Article 8 Committees**

§ 1 The Revision Committee and the Committee of Experts on the Carriage of Dangerous Goods, hereinafter called the "Committee of Experts", shall be composed of representatives of the Member States.

The Director General of the Central Office or his representative shall attend the meetings in an advisory capacity.

§ 2 The Revision Committee shall:

- a) take decisions in accordance with article 19, § 3 on proposals to amend the Convention;
- b) consider in accordance with article 6 § 7 proposals submitted to the General Assembly.

The Committee of Experts shall:

take decisions in accordance with article 19, §4 on proposals to amend the Convention.

§ 3 The Central Office shall convene the Committees either on its own initiative or at the request of five Member States, or in the case provided for in article 6, § 7, and shall send

the draft agenda to the Member States at least two months before the opening of the meeting.

- § 4 There shall be a quorum in the Revision Committee when a majority of the Member States are represented there; there shall be a quorum in the Committee of Experts when one-third of the Member States are represented there.

A Member State may arrange to be represented by another Member State; no State may however represent more than two other States.

- § 5 Each Member State represented shall have one vote; voting shall take place by show of hands or, on request, by nominal vote.

A proposal shall be adopted if the number of votes in favour is:

- a) equal to at least one-third of the number of Member States represented at the time of the vote;
- b) greater than the number of votes against.

- § 6 With the agreement of a majority of the Member States the Central Office shall invite non-Member States, and international organisations having competence in transport matters or with problems which have been placed on the agenda, to attend meetings of the Committees in an advisory capacity. Under the same conditions, independent experts may be invited to meetings of the Committee of Experts.

- § 7 The Committees shall elect a Chairman and one or two Deputy Chairmen for each meeting.

- § 8 The proceedings shall be conducted in the working languages. The substance of what is said during a meeting in one of the working languages shall be translated into the other; proposals and decisions shall be translated in full.

- § 9 The minutes shall summarise the proceedings. Proposals and decisions shall be reproduced in full. With regard to decisions, the French text shall prevail.

Copies of the minutes shall be distributed to Member States.

- § 10 The Committees may appoint working groups to deal with specific questions.

- § 11 The Committees may establish their own rules of procedure.

## **Article 9 Central Office**

- § 1 The Central Office for International Carriage by Rail shall provide the Secretariat of the Organisation.



§ 2 The Central Office shall, in particular,

- a) carry out the duties entrusted to it by the other organs of the Organisation on;
- b) examine proposals to amend the Convention, if necessary with the assistance of experts;
- c) convene the Committees;
- d) send to Member States, in due time, the documents necessary for the meetings of the various organs;
- e) maintain and publish the lists of lines provided for in article 3, § 2;
- f) receive communications from the Member States and from transport undertakings, and communicate them, where appropriate, to the other Member States and other transport undertakings;
- g) maintain and publish a card-index of legal precedents;
- h) publish a periodical bulletin;
- i) represent the Organisation in relations with other international organisations competent to deal with questions relevant to the aims of the Organisation;
- j) draw up the Organisation's draft annual budget and submit it to the Administrative Committee for approval;
- k) manage the financial affairs of the Organisation within the limits of the approved budget;
- l) endeavour, at the request of a Member State or transport undertaking, by using its good offices, to settle disputes between such States or undertakings arising from the interpretation or application of the Convention;
- m) give, at the request of the parties concerned-Member States, transport undertakings or users-an opinion on disputes arising from the interpretation or application of the Convention;
- n) collaborate in the settlement of disputes by arbitration in accordance with Title III;
- o) facilitate, as between transport undertakings, financial relations arising from international traffic and the recovery of outstanding debts.

§ 3 The periodical bulletin shall contain the information necessary for the application of the Convention, as well as studies, judgments and important information for the interpretation, application and development of railway transport law; it shall be published in the working languages.

## **Article 10**

### **List of lines or services**

§ 1 Member States shall send to the Central Office notifications concerning the inclusion of lines or services in or deletion of lines or services from the lists provided for in Article 3, § 2.

In so far as they link Member States, the lines or services referred to in Article 2, § 2 shall only be included in the lists with the agreement of those States; for the deletion of such a line or service, notification by one of those States shall suffice.

The Central Office shall notify all the Member States of the inclusion or deletion of any line or service.

- § 2 A line or service shall become subject to the Convention one month after the date of notification of its inclusion.
- § 3 A line or service shall cease to be subject to the Convention one month after the date of notification of its deletion, except for traffic already in transit, which shall be carried to its destination.

### **Article 11**

#### **Finances**

- § 1 The expenditure of the Organisation shall be fixed for each financial year by the Administrative Committee on the basis of a proposal by the Central Office.

The expenditure of the Organisation shall be financed by the Member States in proportion to the length of the lines listed. However, services on sea routes and inland waterways shall count only in respect of one-half of the length of their routes; in the case of other lines or services operated under special conditions, the contribution may be reduced by up to one-half by agreement between the Government concerned and the Central Office, subject to the approval of the Administrative Committee.

- § 2 When sending its annual report and statement of accounts to the Member States, the Central Office shall invite them to pay their contributions towards the expenditure of the past financial year as soon as possible and not later than 31 December of the year in which the documents are sent out.

After that date, the amounts due shall bear interest at the rate of five per cent per annum.

If, two years after that date, a Member State has not paid its contribution, its right to vote shall be suspended until it has fulfilled its obligation to pay.

On expiry of a further period of two years, the General Assembly shall consider whether the attitude of that State should be regarded as a tacit denunciation of the Convention and, where necessary, shall determine the effective date thereof.

- § 3 Contributions that have fallen due shall remain payable in the cases of denunciation referred to in § 2 and in Article 25, and in cases of suspension of the right to vote.
- § 4 Sums not recovered shall as far as possible be made good out of the resources of the Organisation; they may be spread over four financial years. Any remaining deficit shall be debited in a special account to the other Member States, in so far as they were parties to the Convention during the period of non-payment; the debit shall be proportional to the length of their lines listed on the date on which the special account is opened.

- § 5 A State which has denounced the Convention may become a Member State again by accession, provided that it has paid the sum due.
- § 6 A charge shall be made by the Organisation to cover the special expenses arising from activities provided for in Article 9, § 2, (1) to (n); in the cases provided for in Article 9, § 2, (1) and (m), the charge shall be determined by the Administrative Committee on the basis of a proposal by the Central Office; in the case provided for in Article 9, § 2(n), Article 15, § 2 shall apply.
- § 7 The auditing of accounts shall be carried out by the Swiss Government, according to the rules laid down in the Additional Mandate annexed to the Convention itself and, subject to any special directives of the Administrative Committee, in conformity with the provisions of the Financial and Accounting Regulations of the Organisation.

### **Title III Arbitration**

#### **Article 12 Competence**

- § 1 Disputes between Member States arising from the interpretation or application of the Convention, as well as disputes between Member States and the Organisation arising from the interpretation or application of the Protocol on privileges and immunities may, at the request of one of the parties, be referred to an Arbitration Tribunal. The parties shall freely determine the composition of the Arbitration Tribunal and the arbitration procedure.
- § 2 Disputes
- a) between transport undertakings,
  - b) between transport undertakings and users,
  - c) between users,

arising from the application of the CIV Uniform Rules and the CIM Uniform Rules, if not settled amicably or brought before the ordinary tribunals may, by agreement between the parties concerned, be referred to an Arbitration Tribunal. Articles 13 to 16 shall apply to the composition of the Arbitration Tribunal and the arbitration procedure.

- § 3 Any State may, on signing the Convention or depositing its instrument of ratification, acceptance, approval or accession reserve the right not to apply all or part of the provisions of §1 and §2.
- § 4 Any State which has made a reservation in pursuance of § 3 may withdraw it at any time by informing the depositary Government. The withdrawal of the reservation shall take effect one month after the date on which the depositary Government notifies it to the States.

**Article 13**  
**Agreement to refer to arbitration. Registry**

The Parties shall conclude an agreement to refer to arbitration, which shall, in particular, specify:

- a) the subject matter of the dispute;
- b) the composition of the Tribunal and the agreed period for nomination of the arbitrator or arbitrators;
- c) the place where it is agreed that the Tribunal is to sit.

The agreement to refer to arbitration must be communicated to the Central Office which shall act as Registry.

**Article 14**  
**Arbitrators**

§ 1 A panel of arbitrators shall be established and kept up to date by the Central Office. Each Member State may nominate to the panel of arbitrators two of its nationals who are specialists in international transport law.

§ 2 The Arbitration Tribunal shall be composed of one, three or five arbitrators in accordance with the agreement to refer to arbitration.

The arbitrators shall be selected from persons who are on the panel referred to in § 1. Nevertheless, if the agreement to refer to arbitration provides for five arbitrators, each of the parties may select one arbitrator who is not on the panel.

If the agreement to refer to arbitration provides for a sole arbitrator, he shall be selected by mutual agreement between the parties.

If the agreement to refer to arbitration provides for three or five arbitrators, each party shall select one or two arbitrators as the case may be; these, by mutual agreement, shall appoint the third or fifth arbitrator, who shall be President of the Arbitration Tribunal.

If the parties cannot agree on the selection of a sole arbitrator, or the selected arbitrators cannot agree on the appointment of a third or fifth arbitrator, the appointment shall be made by the Director-General of the Central Office.

§ 3 The sole arbitrator, or the third or fifth arbitrator, must be of a nationality other than that of either party, unless both are of the same nationality.

The intervention of a third party in the dispute shall not affect the composition of the Arbitration Tribunal.

**Article 15**  
**Procedure. Costs**

- § 1 The Arbitration Tribunal shall decide the procedure to be followed having regard in particular to the following provisions:
- a) it shall enquire into and determine cases on the basis of the evidence submitted by the parties, but will not be bound by their interpretations when it is called upon to decide a question of law;
  - b) it may not award more than the claimant has claimed, nor anything of a different nature, nor may it award less than the defendant has acknowledged as due;
  - c) the arbitration award, setting forth the reasons for the decision, shall be drawn up by the Arbitration Tribunal and notified to the parties by the Central Office;
  - d) save where the mandatory provisions of the law of the place where the Arbitration Tribunal is sitting otherwise provide and subject to contrary agreement by the parties, the arbitration award shall be final.
- § 2 The fees of the arbitrators shall be determined by the Director-General of the Central Office.

The Tribunal shall determine in its award the amount of costs and expenses and shall decide how they and the fees of the arbitrators are to be apportioned between the parties.

**Article 16**  
**Limitation. Enforcement**

- § 1 The commencement of arbitration proceedings shall have the same effect, as regards the interruption of periods of limitation, as that attributed by the applicable provisions of substantive law to the institution of an action in the ordinary courts.
- § 2 The Arbitration Tribunal's award in relation to transport undertakings or users becomes enforceable in each of the Member States on completion of the formalities required in the State where enforcement is to take place. The merits of the case shall not be subject to review.

**Title IV**  
**Miscellaneous Provisions**

**Article 17**  
**Recovery of debts outstanding between transport undertakings**

- § 1 Outstanding accounts in respect of transport operations subject to the Uniform Rules may be forwarded to the Central Office by the creditor transport undertaking for assistance in securing payment; to that end the Central Office shall formally call upon the debtor transport undertaking to pay the sum due or state the reasons for its refusal to pay.

- § 2 If the Central Office considers that the grounds for refusal are adequate, it shall advise the parties to have recourse either to the competent court or to the Arbitration Tribunal in accordance with Article 12, § 2.
- § 3 If the Central Office considers that the whole or part of the sum is properly due it may, after taking expert advice where appropriate, call upon the debtor transport undertaking to pay the whole or part of the debt to the Central Office; the sum so paid shall be retained until the competent court or the Arbitration Tribunal has given a final decision on the merits of the case.
- § 4 If within a fortnight the undertaking does not pay the sum fixed by the Central Office, the latter shall send a further formal notice and draw attention to the consequences of non-compliance.
- § 5 If no payment is received within two months after such further notice, the Central Office shall notify the Member State having jurisdiction over the undertaking, of the action taken and of the grounds therefor, inviting that Member State to take further action and in particular to consider whether the lines or services of that undertaking should remain on the list.
- § 6 If the Member State declares that, notwithstanding the failure to pay, it wishes the undertaking's lines or services to remain on the lists, or if it fails to reply to the Central Office communication within a period of six weeks, it shall be deemed to guarantee the settlement of all debts arising from transport operations subject to the Uniform Rules.

### **Article 18**

#### **Judgments. Attachment. Security for costs.**

- § 1 Judgments pronounced by the competent court under the provisions of the Convention after trial or by default shall, when they have become enforceable under the law applied by that court, become enforceable in each of the other Member States on completion of the formalities required in the State where enforcement is to take place. The merits of the case shall not be subject to review.

This provision shall apply neither to judgments which are provisionally enforceable, nor to awards of damages in addition to costs against a plaintiff who fails in his action.

The first subparagraph shall apply equally to judicial settlements.

- § 2 Debts arising from a transport operation subject to the Uniform Rules, owed to one transport undertaking by another transport undertaking not under the jurisdiction of the same Member State, may only be attached under a judgment given by the judicial authority of the Member State which has jurisdiction over the undertaking entitled to payment of the debt sought to be attached.
- § 3 Rolling stock belonging to a railway, as well as all transport equipment belonging to that

railway, such as containers, loading tackle and sheets may not be seized on any territory other than that of the Member State having jurisdiction over the owner railway, except under a judgment given by the judicial authority of that State.

Private owners' wagons, as well as all transport equipment contained in such wagons and belonging to the owner of the wagon, may not be seized on any territory other than that of the State in which the owner is domiciled, except under a judgment given by the judicial authority of that State.

- § 4 Security for costs shall not be required in proceedings founded on the provisions of the Convention.

## **Title V Amendment of the Convention**

### **Article 19 Competence**

- § 1 Member States shall send their proposals for amending the Convention to the Central Office, which shall immediately bring them to the notice of the other Member States.

- § 2 The General Assembly shall take decisions on proposals to amend provisions of the Convention not referred to in §§ 3 and 4.

The inclusion of a proposal for an amendment on the agenda for a session of the General Assembly must be supported by one-third of the Member States.

When seized of a proposal for an amendment the General Assembly may decide, by the majority required under article 6, § 5, that such proposal is closely linked with one or more provisions the amendment of which is within the competence of the Revision Committee in accordance with § 3. In that case the General Assembly is also empowered to take decisions on the amendment of such provision or provisions.

- § 3 Subject to decisions taken by the General Assembly in accordance with § 2, sub-paragraph 3, the Revision Committee shall take decisions on proposals to amend the provisions listed below:

- a) Additional Mandate for the Auditing of Accounts;
- b) CIV Uniform Rules:
  - S** Articles 1, § 3, 4, § 2; 5 (except § 2), 6, 9 to 14, 15 (except § 6), 16 to 21, 22, § 3; 23 to 25, 37, 43 (except §§ 2 and 4), 48, 49, 56 to 58 and 61;
  - S** the amounts expressed in units of account in articles 30, 31, 38, 40 and 41, where the purpose of the amendment is to increase those amounts;
- c) CIM Uniform Rules:
  - S** Articles 1, § 2; 3, §§ 2 to 5; 4, 5, 6 (except § 3), 7, 8, 11 to 13, 14 (except § 7), 15 to 17, 19 (except § 4), 20 (except § 3), 21 to 24, 25 (except § 3), 26 (except § 2), 27, 28, §§ 3 and 6; 29, 30 (except § 3), 31, 32 (except § 3), 33 (except §

5), 34, 38, 39, 41, 45, 46, 47 (except § 3), 48 (only in so far as it is a question of adaptation to international maritime transport law), 52, 53, 59 to 61, 64 and 65;

- S the amount expressed in units of account in Article 40, where the purpose of the amendment is to increase that amount;
- S Regulations concerning the International Haulage of Private Owners' Wagons by Rail (RIP), Annex II;
- S Regulations concerning the International Carriage of Containers by Rail (RiCo), Annex III;
- S Regulations concerning the International Carriage of Express Parcels by Rail (RIEx), Annex IV.

- § 4 The Committee of Experts shall take decisions on proposals to amend the provisions of the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), Annex I to the CIM Uniform Rules.

## **Article 20**

### **Decisions of the General Assembly**

- § 1 Amendments decided upon by the General Assembly shall be recorded in a Protocol signed by the representatives of the Member States. The Protocol shall be subject to ratification, acceptance or approval; instruments of ratification, acceptance or approval shall be deposited as soon as possible with the depositary Government.
- § 2 When the Protocol has been ratified, accepted or approved by more than two-thirds of the Member States, the decisions shall come into force on the expiry of a period of time determined by the General Assembly.
- § 3 As soon as the decisions enter into force, the application of the CIV and CIM Uniform Rules shall be suspended in respect of traffic with and between those Member States which, one month before the date fixed for such entry into force, have not yet deposited their instruments of ratification, acceptance or approval. Such suspension shall be notified to Member States by the Central Office; it shall end one month after the date of notification by the Central Office of the ratification, acceptance or approval of the said decisions by the States concerned.

Such suspension shall not apply to Member States which notify the Central Office that, without having deposited their instruments of ratification, acceptance or approval, they will apply the amendments decided upon by the General Assembly.

## **Article 21**

### **Decisions of the Committees**

- § 1 Amendments decided upon by the Committees shall be notified to the Member States by the Central Office.
- § 2 Such decisions shall come into force for all Member States on the first day of the twelfth month following the month in which the Central Office notifies them to the Member States,



unless one-third of the Member States have objected within four months from the date of such notification.

However, if a Member State lodges objections to a decision of the Revision Committee within the period of four months and denounces the Convention not later than two months before the date fixed for the entry into force of that decision, the latter shall only come into force at the time when the denunciation by the State concerned takes effect.

## **Title VI Final Provision**

### **Article 22**

#### **Signature, ratification, acceptance and approval of the Convention**

- § 1 The Convention shall remain open at Berne, with the Swiss Government, until 31 December 1980, for signature by the States which have been invited to the 8th Ordinary Revision Conference for the CIM and CIV Conventions.
- § 2 The Convention shall be subject to ratification, acceptance or approval; instruments of ratification, acceptance or approval shall be deposited with the Swiss Government, the Depositary Government.

### **Article 23**

#### **Accession to the Convention**

- § 1 Those States which have been invited to the 8th Ordinary Revision Conference for the CIM and CIV Conventions but have not signed the new Convention within the period specified in Article 22, § 1, may nevertheless signify their accession to the Convention before it comes into force. The instrument of accession shall be deposited with the Depositary Government.
- § 2 Any State wishing to accede to this Convention after it comes into force shall address its application to the Depositary Government together with a note on the situation of its rail transport undertakings from the standpoint of international traffic. The Depositary Government shall communicate them to the Member States and to the Central Office.

The application shall be deemed to be accepted six months after the aforesaid communication, unless five Member States lodge objections with the Depositary Government. The Depositary Government shall inform the applicant State as well as the Member States and the Central Office accordingly. The new Member State shall comply with the provisions of Article 10 without delay.

In the event of an objection, the Depositary Government shall submit the application for accession to the General Assembly for decision.

Following the deposit of the instrument of accession, this shall take effect on the first day of the second month following the month during which the Central Office has notified the

Member States of the list of lines and services of the new Member State.

- § 3 Any accession to the Convention may only relate to the Convention and amendments in force at that time.

**Article 24**  
**Entry into force of the Convention**

- § 1 When the instruments of ratification, acceptance, approval or accession have been deposited by fifteen States, the Depositary Government shall contact the Governments concerned with a view to reaching agreement on the entry into force of the Convention.
- § 2 The entry into force of the Convention shall have the effect of abrogating the International Conventions concerning the Carriage of Goods by Rail (CIM) and the Carriage of Passengers and Luggage by Rail (CIV) of 7 February 1970 as well as the Additional Convention to the CIV relating to the Liability of the Railway for Death of and Personal Injury to Passengers of 26 February 1966.

**Article 25**  
**Denunciation of the Convention**

Any State which wishes to denounce the Convention shall inform the Depositary Government. The denunciation shall take effect on 31 December of the following year.

**Article 26**  
**Functions of the Depositary Government**

The Depositary Government shall inform the States which have been invited to the 8th Ordinary Revision Conference for the CIM and CIV Conventions, any other States which have acceded to the Convention, and the Central Office:

- a) of signatures to the Convention, of the deposit of instruments of ratification, acceptance, approval or accession and of notifications of denunciation;
- b) of the date on which the Convention is to enter into force pursuant to Article 24;
- c) of the deposit of instruments of ratification, acceptance or approval of the protocols referred to in Article 20.

**Article 27 \***  
**Reservations to the Convention**

Reservations to the Convention may only be made if there is provision for them in the Convention.

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\* For the reservations mentioned, see "Declarations and Reservations"

**Article 28**  
**Texts of the Convention**

The Convention shall be concluded and signed in the French language.

The French text shall be accompanied by official translations in German, English, Arabic, Italian and Dutch.

The French text alone shall prevail.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Convention.

DONE at Berne, this ninth day of May one thousand nine hundred and eighty, in a single original in the French language, which shall remain deposited in the archives of the Swiss Confederation. A certified copy shall be sent to each of the Member States.

(Followed by the signatures)

- < **State of the signatures, ratifications, acceptances, approvals, accessions and entry into force**
  
- < **Declarations and reservations**