



Comité international  
des transports ferroviaires

Internationales  
Eisenbahntransportkomitee

International Rail  
Transport Committee

# **Legal requirements related to 1435/1520mm border questions**

## **Legal interoperability CIM/SMGS**

2nd international Seminar on 1435/1520mm Railway Systems  
Border Questions

Gdansk, 9th October 2007

Dr. Th. Leimgruber, Secretary General



# The CIT

120 railway undertakings

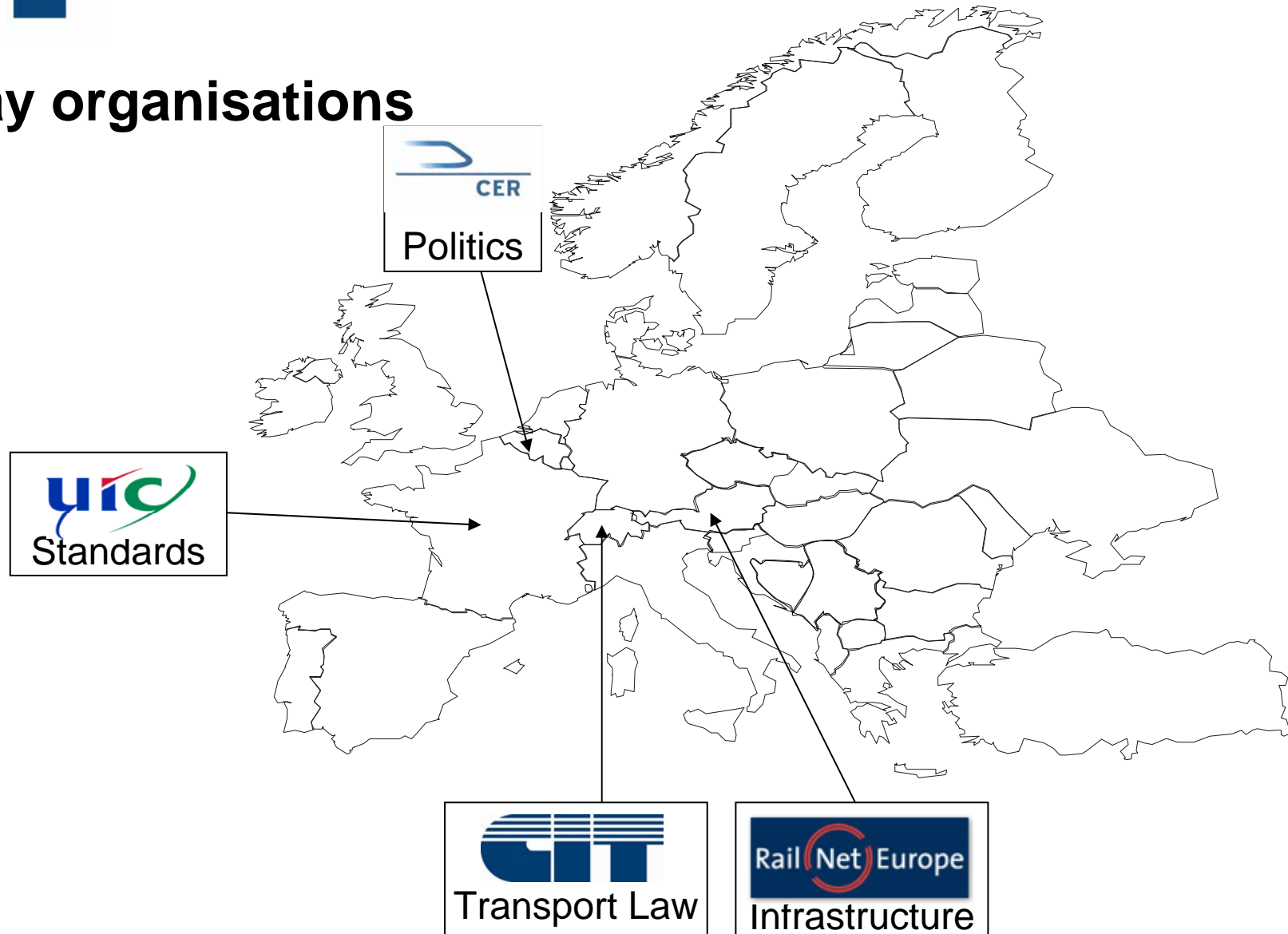
Association under Swiss law located  
in Bern

Tasks:

1. Implementation of COTIF for practical use
2. Standardisation of contractual relationships
3. Representation of the interests of members to authorities and other associations



# Railway organisations



# Vilnius Protocol 1999

## COTIF

Convention concerning  
International Carriage by Rail

Protocol on the Privileges and  
Immunities of OTIF

### Appendix A

#### UR CIV

Uniform Rules  
concerning the  
Contract  
for International  
Carriage of  
Passengers by Rail

### Appendix B

#### UR CIM

Uniform Rules  
concerning  
the  
Contract for  
International  
Carriage of  
Freight by  
Rail

### Appendix C

#### RID

Regulations  
concerning the  
International  
Carriage of  
Dangerous Goods by  
Rail

### Appendix D

#### UR CUV

Uniform Rules  
concerning the  
Contracts of  
Use of Vehicles in  
International Rail  
Traffic

### Appendix E

#### UR CUI

Uniform Rules  
concerning the  
Contract of Use  
Of Infrastructure  
In International  
Rail Traffic

### Appendix F

#### UR APTU

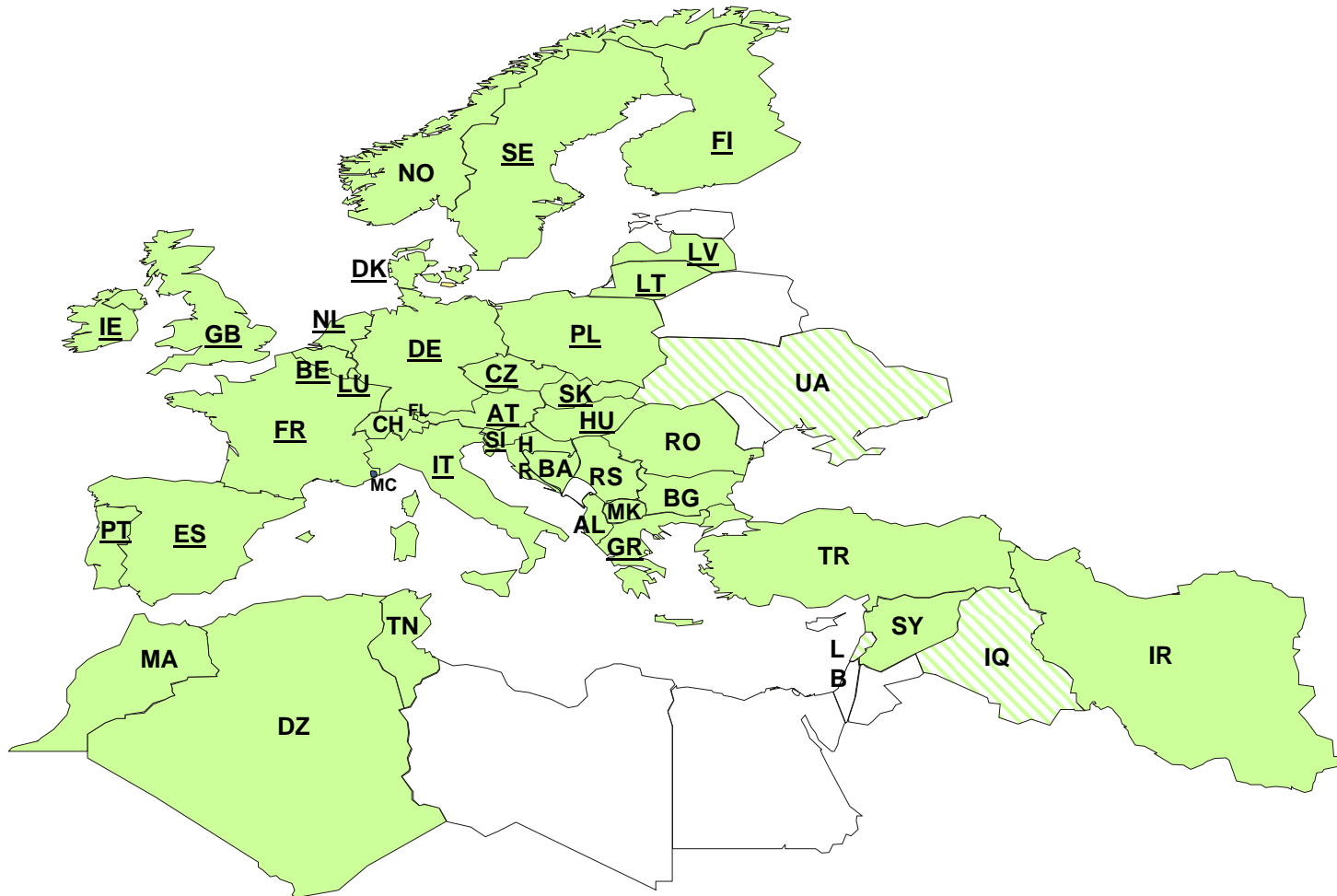
Uniform Rules  
concerning the  
Validation of  
Technical Standards  
and the Adoption of  
Uniform Technical  
Prescriptions  
applicable to  
Railway Material  
intended to be used  
in International  
Traffic

### Appendix G

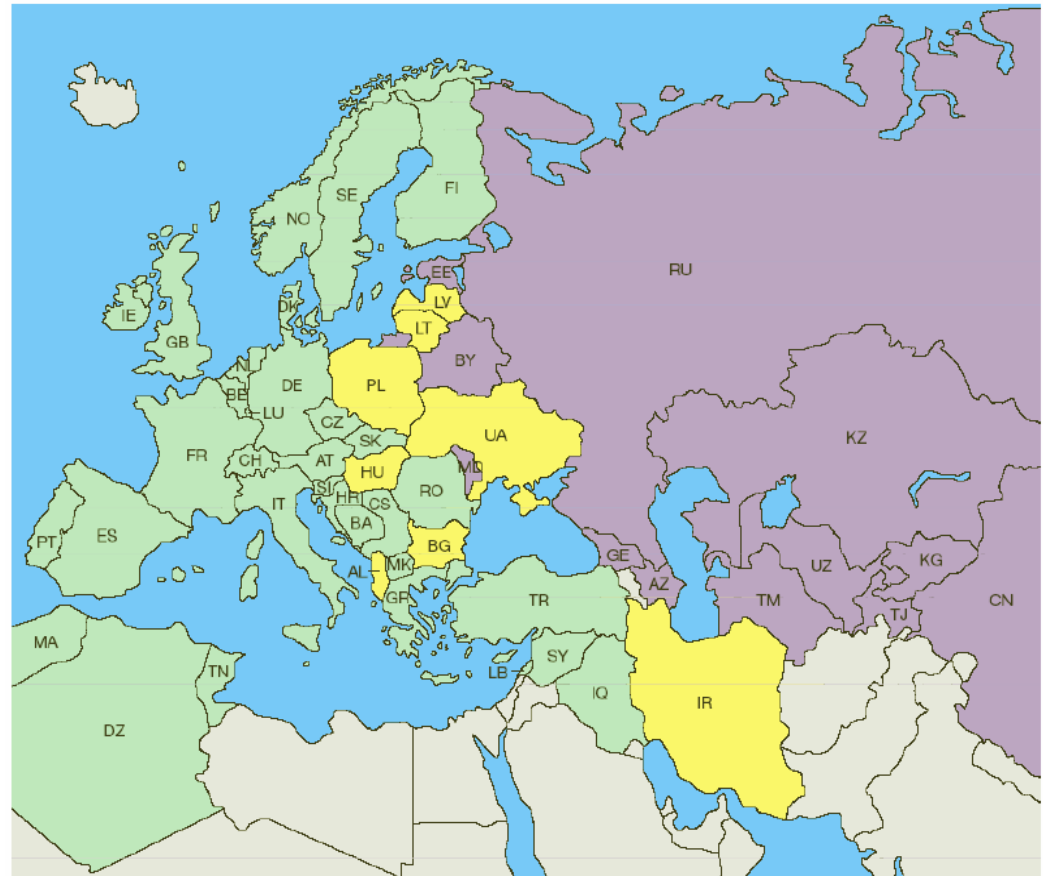
#### UR ATMF


Uniform Rules  
concerning the  
Technical Admission  
of Railway Material  
used in International  
Traffic

# Scope of COTIF




# Scope of COTIF/ CIM and SMGS



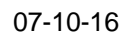
 = CIM

 = CIM / SMGS

 = SMGS

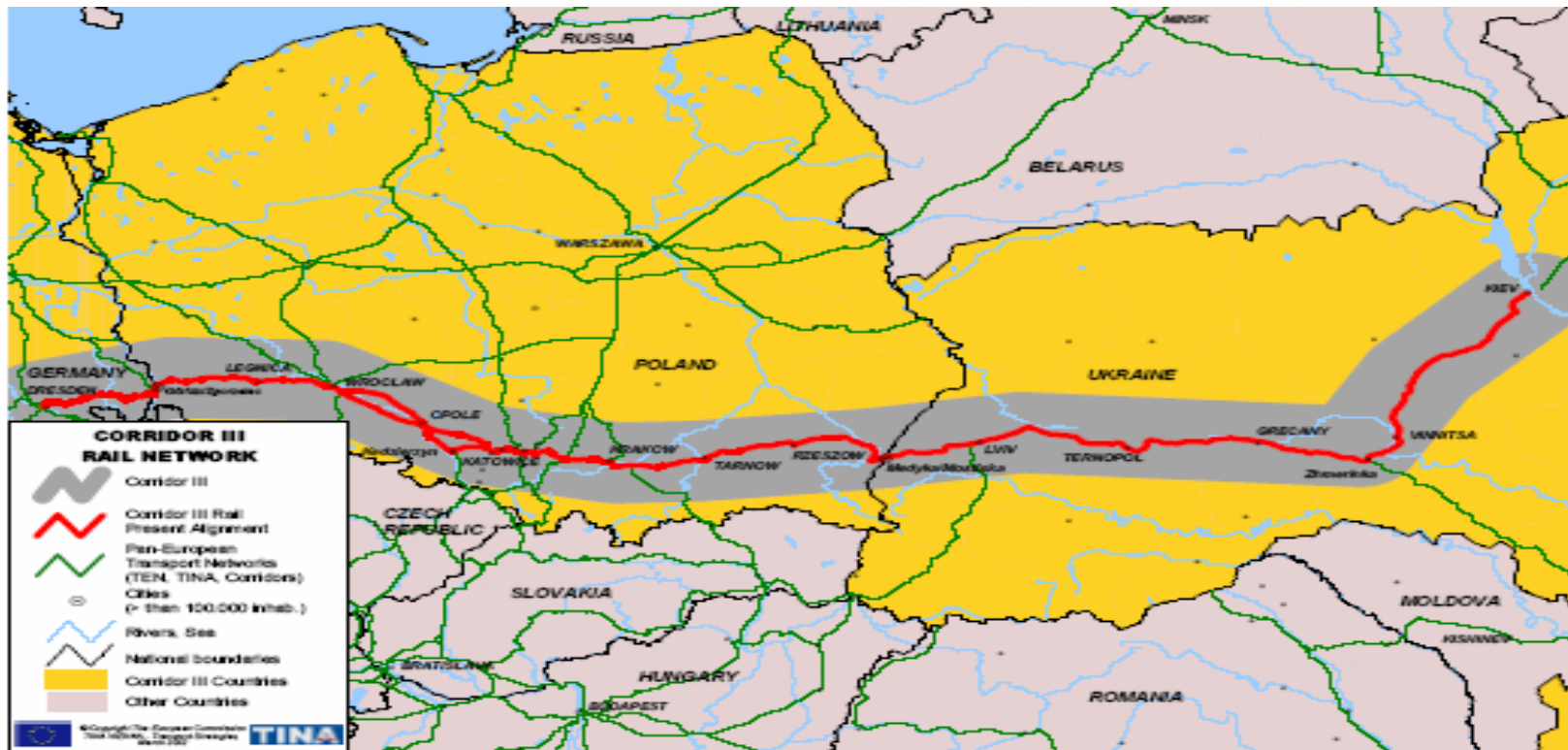
# Pan-european Corridors







## Corridor III





# Corridor V







## Custom borders

at the external border of the EU means  
also having customs obligations:

declarations export – transit;  
declarations transit – transit;  
declarations transit – import;  
declarations export – import;  
health inspections;  
spot checks of the contents of the cargo





# SMGS

## Characteristics

- Contract of carriage is not consensual, but formal contract
- Obligation to carry
- Obligation to establish tariffs
- Consignment note is regulated in SMGS itself
- Joint and several liability



## OTIF

Bern

Since 1890

42 Member States

Only Member States

Majority

German/French/English

## OSShD

Warsaw

Since 1956

27 Member States

States and railways

Unanimity

Russian and Chinese



# Reconsignment

Transcription of the consignment note means

- source of errors
- legal uncertainty
- time lag
- added costs

without added value



# Kiew

## **Conference on international rail transport law (Kiev, 21/22 October 2003)**

### Follow-up Programme

#### III. Use a uniform/joint through consignment note

„The aim is to make available a uniform consignment note which can be used in through transport and which is sufficient for modern requirements, in Russian, English and, if possible, German. Various initiatives are already available, from which the most suitable model should be selected. This measure should have top priority and should achieve a result within one year. CIT has already said they should be willing to take on this task.“





# **Project: Legal interoperability CIM/SMGS**

## Phase 1:

A common CIM/SMGS consignment note

## Phase 2:

A unique claim handling mechanism

## Phase 3:

A single Eurasian Rail Transport Law





# Mostiska II

25 July 2006





## **Moskow**

**RZD**

23 November 2006

**Mintrans**

24 November 2006

20 June 2007





# Only seventeen days from China to Europe

Pilot transport

European Rail Shuttle (ERS)

with

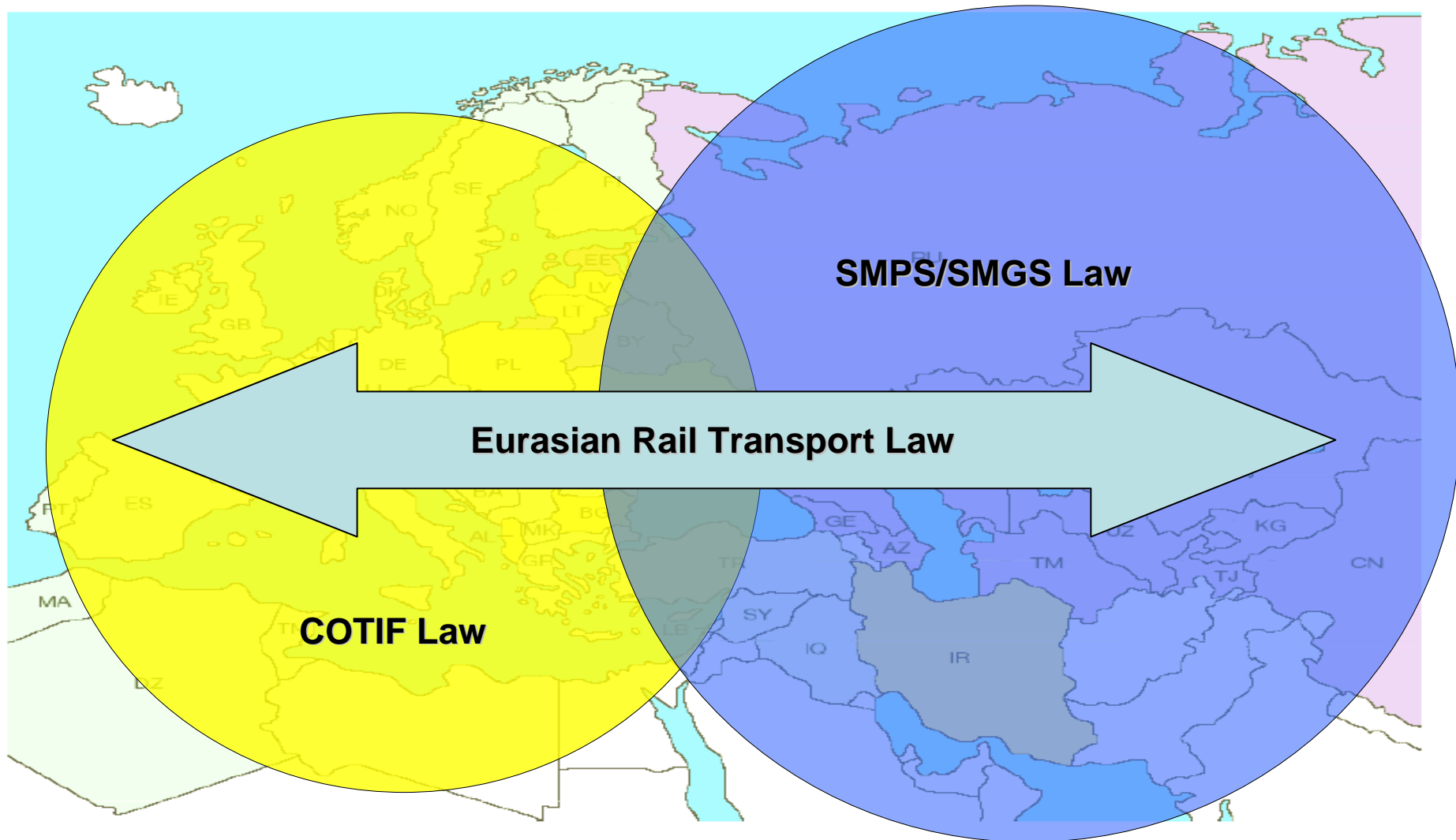
- Chinese Railways (KZD)
- Mongolian Railways (MTZ)
- Russian Railways (RZD)
- Railways of the Republic of Belarus (BC)
- Polish State Railways (PKP)
- Czech Railways (CD)



From Shenzhen (China) to Pardubice (Czech Republic)



## Two legal areas



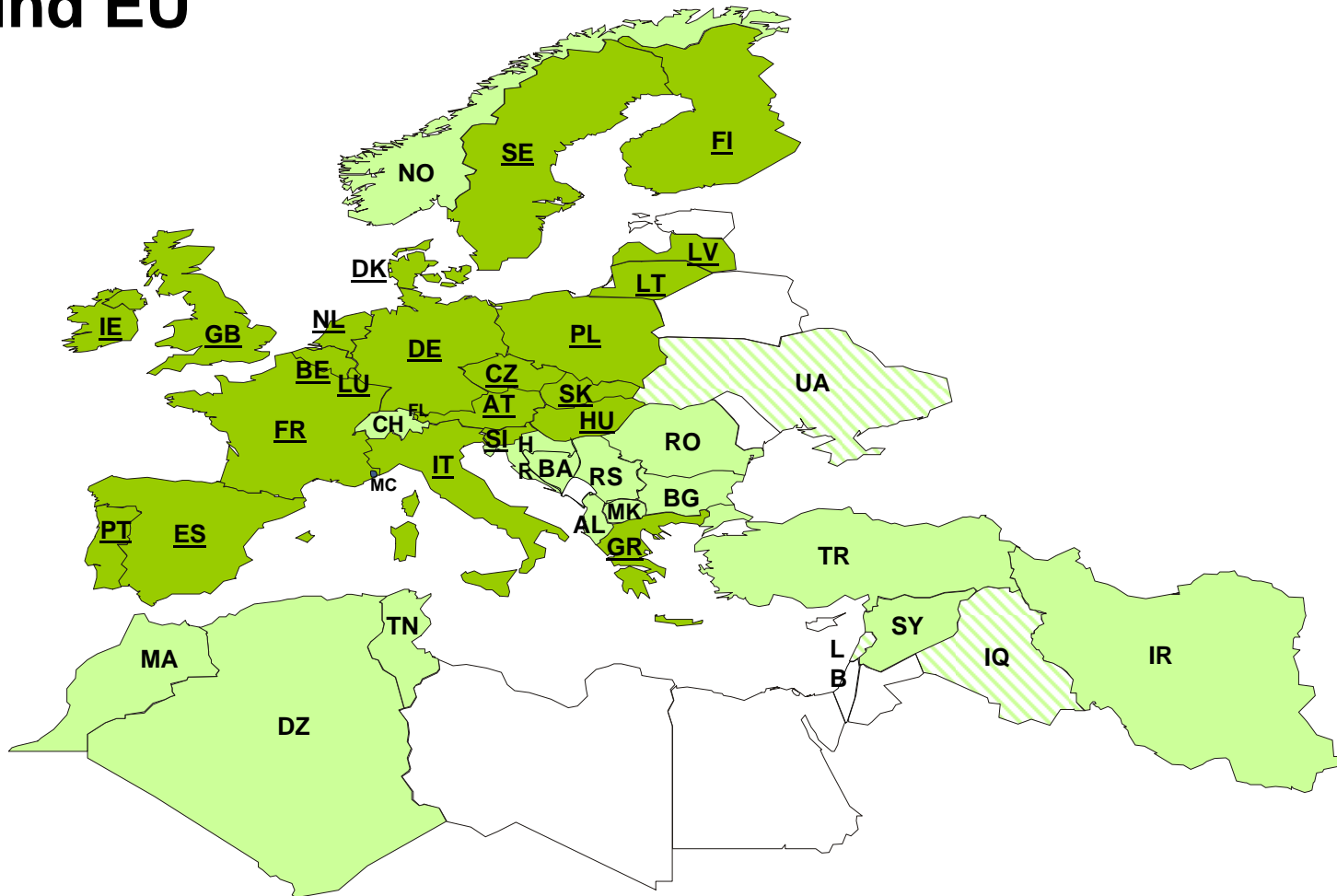
## Single Eurasian Rail Transport law

1. CIM and SMGS as basis and starting point
2. Attention paid to the different legal cultures
3. Freedom for higher liability standards



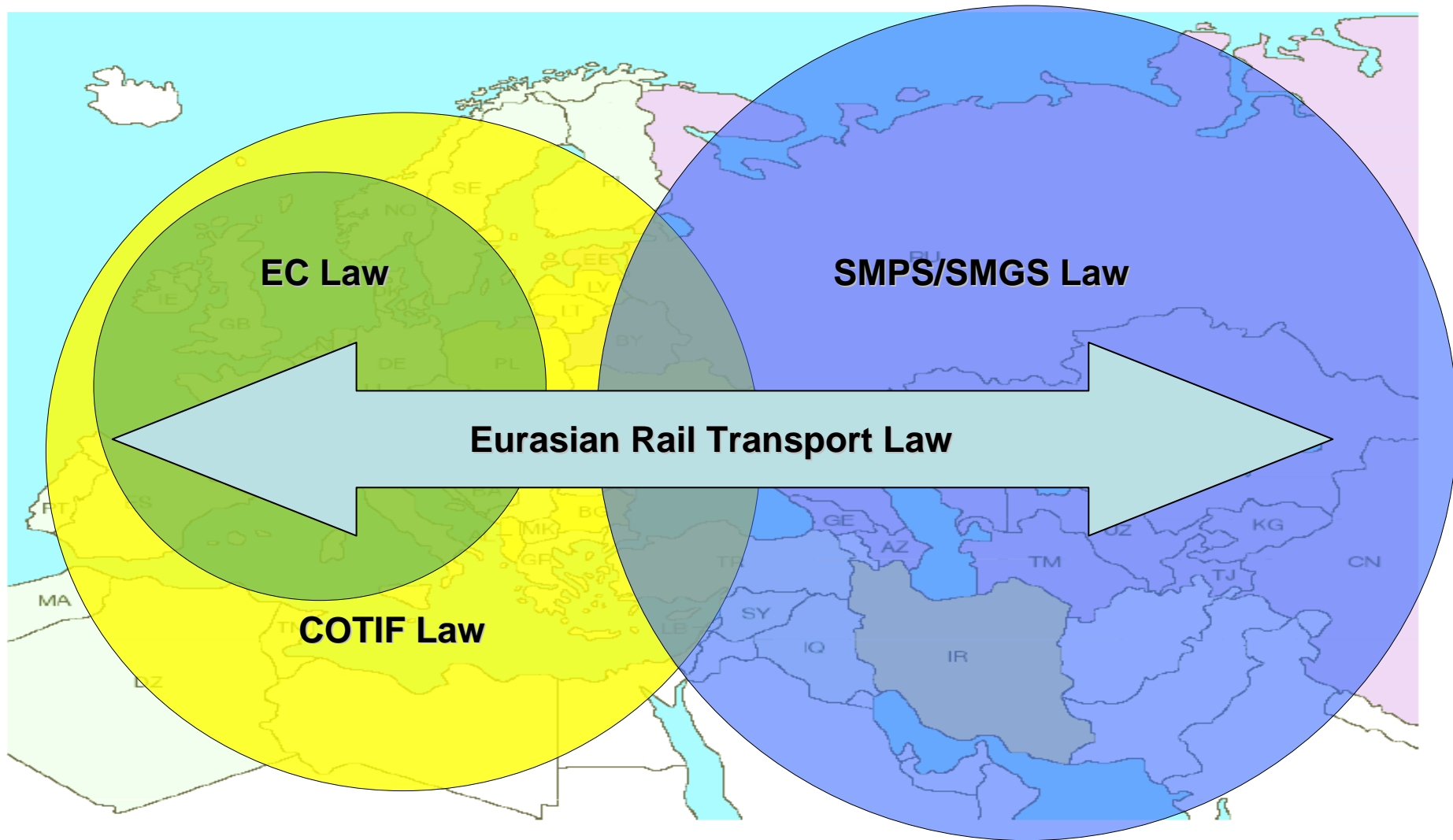
**Legal interoperability from Atlantic to Pacific**

# OTIF und EU





## Three legal areas

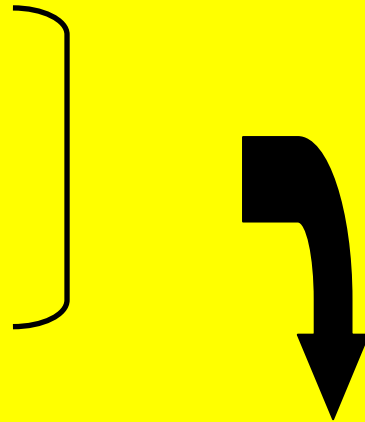


# Legal efficiency and Legal security

**Standardisation**

**Transparency**

**Legal compliance**



CIT's task:

**Legal interoperability**

Thank you for your attention !