COTIF – system of uniform law

- Applies to international traffic by rail
- Is international law
- Member States can make declarations not to apply selected parts of COTIF
- Base Convention with 7 Appendices - cover following main areas

- Passenger/Freight Contracts
- Dangerous Goods Regulation
- Technical Regulation

  - Legal interoperability
  - Hand luggage/luggage – dangerous goods
  - Safe exchange of vehicles
  - Technical interoperability
COTIF Convention concerning International Carriage by Rail

Appendix A
CIV
Uniform Rules concerning the Contract of International Carriage of Passengers by Rail

Appendix B
CIM
Uniform Rules concerning the Contract of International Carriage of Goods by Rail

Appendix C
RID
Regulation concerning the International Carriage of Dangerous Goods by Rail

Appendix D
CUV
Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic

Appendix E
CUI
Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic

Appendix F
APTU
Uniform Rules concerning the Validation of Technical Standards and Adoption of Uniform Technical Prescriptions applicable to Railway Material

Appendix G
ATMF
Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic
Legal framework that creates competitive conditions for carriers

- COTIF legal system – neutral from the point of view of competition

- Specific feature of passenger traffic: protection of passengers, but also justified interests of carriers – well balanced system

- Flexible system: RUs can always offer better conditions to passengers (going beyond the mandatory provisions in favour of passengers)
COTIF/CIV and SMPS

- COTIF/CIV UR (OTIF) and SMPS (OSJD) – comparable legal systems, today close to each other
- The few differences that still exist are not critical

- SMPS has a broader subject matter: it also covers express parcels, while in the COTIF legal system, express parcels are covered by the CIM UR
- CIV UR are more stable (SMPS is amended every year)
- The principles of carrier’s liability are the same in both sets of rules (CIV UR contain certain harmonised rules regarding damages to be paid in case of bodily harm to passengers, although there is no full harmonisation and national law applies as well; SMPS does not contain any provisions regarding damages in case of personal injuries, but only a reference to national law)
Application of CIV – PRR – SMPS

Awareness of applicable legal regimes and practical solutions – cooperation with CIT and OSJD

CIT CIV/SMPS working group
• Leaflet on COTIF/CIV-PRR-SMPS liability regimes
• Interactive map on CIT’s website
• Data protection issues
• Standardisation of contractual solutions for cooperation of railway undertakings

OTIF
• SG supports all projects towards facilitation of the operation of passenger trains between EU/OTIF Member States and OSJD Member States outside the EU
• OTIF’s Secretariat regularly contributes to the work as a member of CIT’s CIV/SMPS working group
• Legal support for the CIT on COTIF/CIV issues
How can OTIF contribute to improvement of international passenger traffic?

Legal framework for contractual relations

- **Carrier – passenger** (App. A to COTIF, CIV UR)

- **Carrier – infrastructure manager** (App. E to COTIF, CUI UR)

Development in near future:

- Better protection of passengers – coordinated revision of CIV and the EU Passenger Rights Regulation (1371/2007)
- Clarification of the scope of CUI (international traffic)