



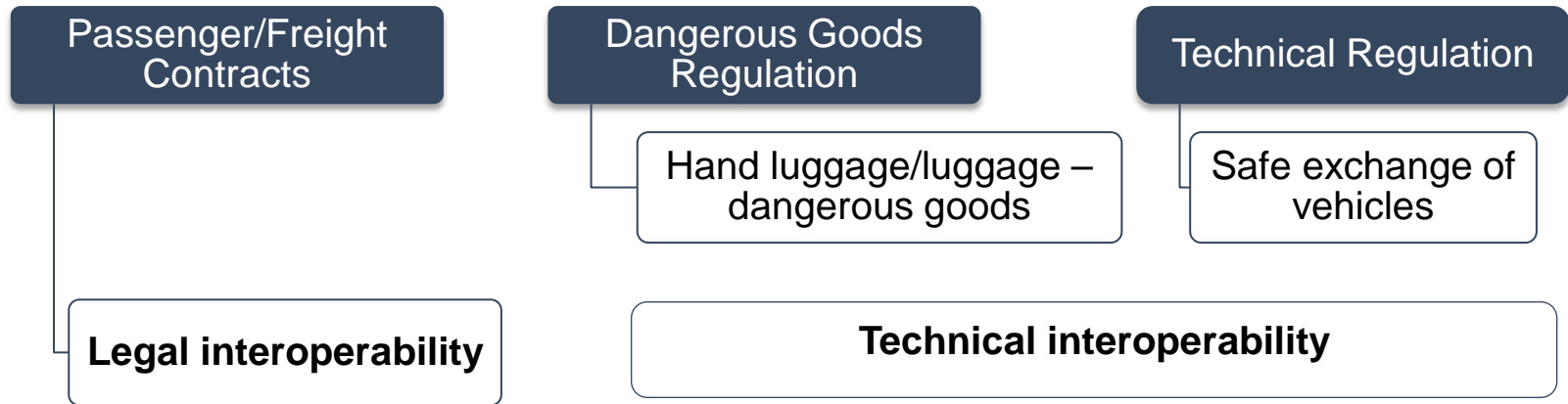
# OTIF: Facilitation of international rail passenger traffic

Geneva, 22 November 2016

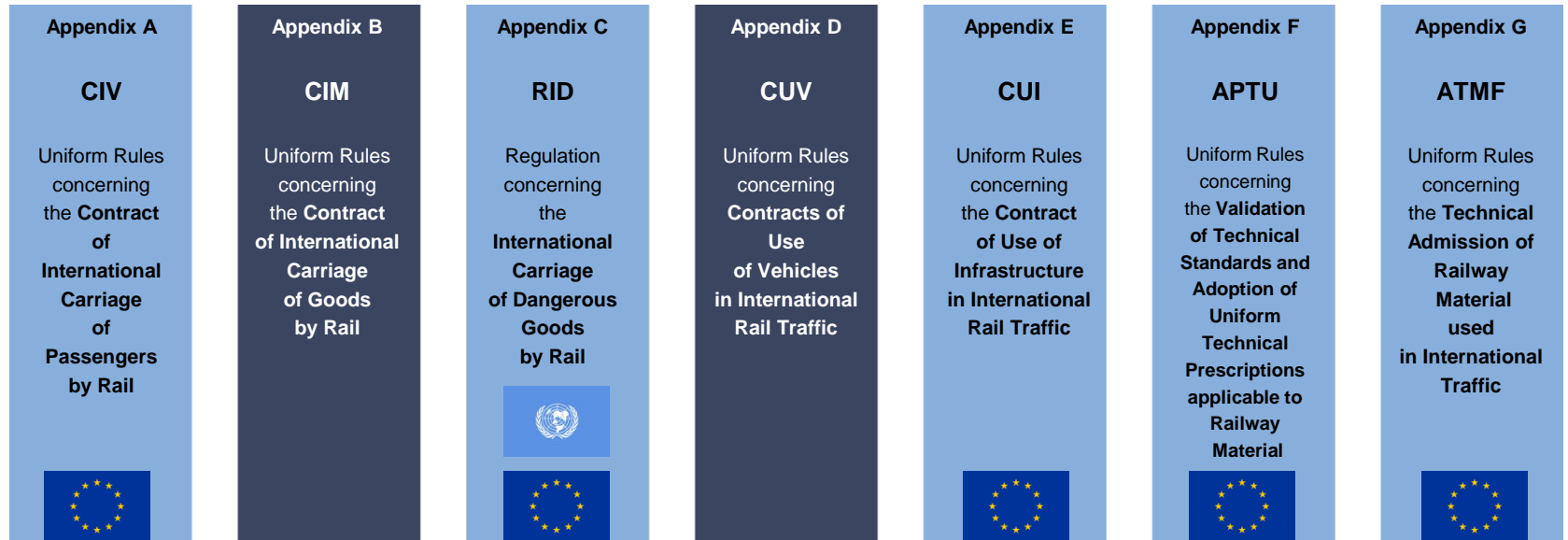


# COTIF – system of uniform law

- 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



## COTIF Convention concerning International Carriage by Rail



## 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)






État au 14 avril 2016  
Stand 14. April 2016  
Situation on 14<sup>th</sup> April 2016

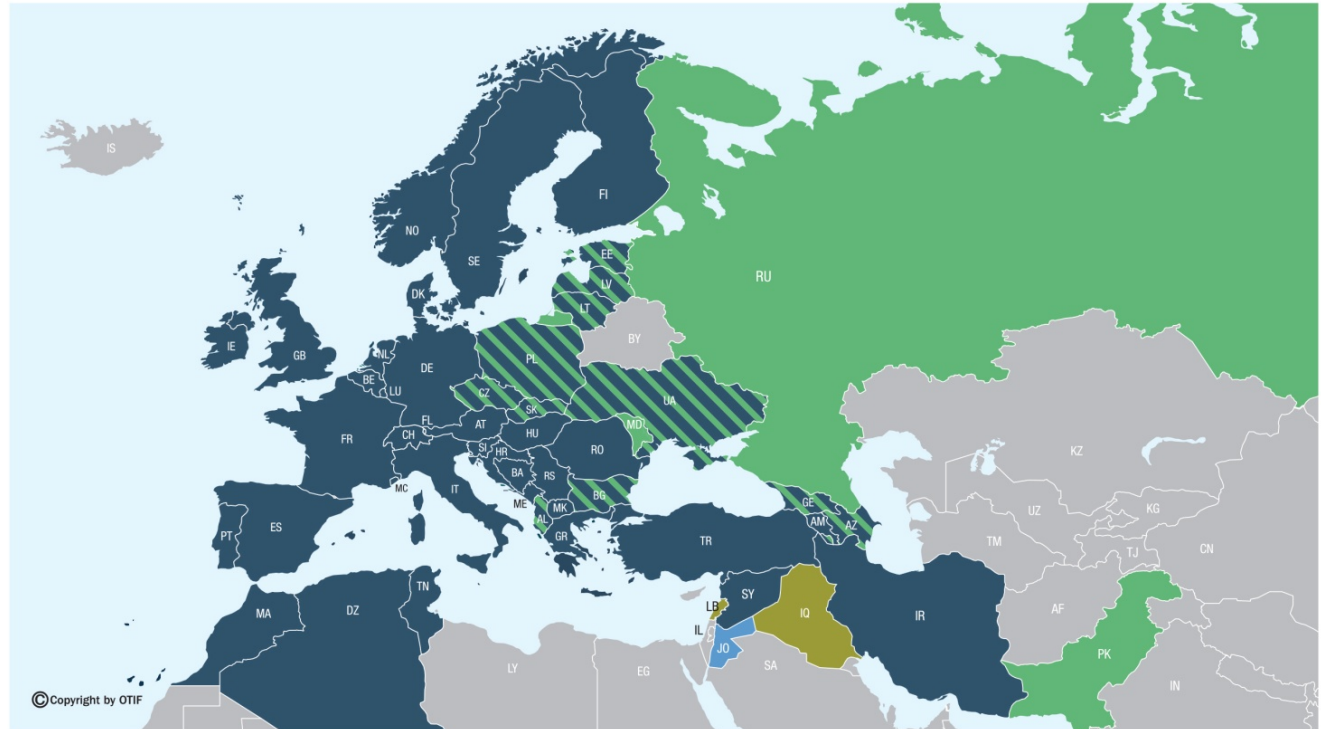


# Champ d'application géographique CIV-SMPS

## Geografischer Anwendungsbereich CIV-SMPS

### Geographical scope CIV-SMPS

-  CIV
-  CIV/SMPS
-  SMPS
-  Membership suspended
-  Associate Members



## 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)





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

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