FIATA World Congress

CIM/SMGS consignment note / Multimodality / New rail connections with Turkey
Istanbul, 17 October 2014

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Comité international des transports ferroviaires (CIT): www.cit-rail.org

- 200 railway undertakings and shipping companies
- Association under Swiss law, located in Bern
- Tasks:
  1. Implementation of COTIF and EU law for practical use
  2. Standardisation of contractual relationships
  3. Representation of the interests of members to authorities and other associations
## Legal duality for East – West rail transport

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<th>CIM (Uniform Rules concerning the Contract of International Carriage of Goods by Rail - Appendix B to COTIF)</th>
<th>SMGS (Agreement on International Goods Transport by Rail)</th>
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<td>Consignment note design within the competence of RUs</td>
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CIM: Uniform Rules concerning the Contract of International Carriage of Goods by Rail - Appendix B to COTIF

SMGS: Agreement on International Goods Transport by Rail

COTIF: Committee of European Transport Investors for Railways
CIT/OSJD Project: Legal Interoperability CIM/SMGS

**Phase 1:**
Common CIM/SMGS consignment note

**Phase 2:**
Standardised claims handling mechanism

**Phase 3:**
Unified Rail Transport Law
An overview of the CIM/SMGS consignment note

- Implements both contracts of carriage
- Recognised as a customs and bank document
- Does not undermine the CIM/SMGS liability conditions
- The “sum” of the CIM and SMGS consignment notes

Based on:
- Article 6 § 8 CIM + Article 6 § 11 and 7 § 15 SMGS
- Layout based on the United Nations Layout
- Key for trade documents
Electronic CIM/SMGS Consignment note

Legal and functional specifications:
- Last update – 1 July 2012;
- Revision by the CIM/SMGS Legal and Experts Group;
- Key issues: enforceability of standard clauses (applicable law, place of jurisdiction and duration / amendment / termination of the EDI contract) + accompanying documents in e-form (lack of legal basis);

Technical specifications:
- No update since issuance May 2009;
- Revision by the ad hoc technical Expert Group since 2012;

1.10.2013 - Specifications for the CIM/SMGS e-consignment note (new edition)
Use of the common CIM/SMGS consignment note

More than fifty traffic flows along four TEN corridors

Some 80% of the traffic between the CIM and SMGS areas

Savings in time:
- some 40 minutes per wagon
- 8 to 10 hours per train

Cost savings of some € 40 per consignment
CIM/SMGS Consignment Note for Multimodal Transport in the Black Sea Region

Application of the CIM/SMGS to multimodal transport on the Black Sea:

Existing routes:
→ Constanca – Derince
→ Constanca – Samsun
→ Varna – Kavkaz

Planned routes:
→ Illichivsk – Derince
→ Illichivsk - Samsun
→ Poti/Batumi – Constanca
→ Poti/Bautmi – Varna
Global supply chain from railway prospective
UNECE-Declaration
Parallel and complementary approach for Unified Railway Law

UNECE-Declaration Unified Railway Law (26.02.2013)

Governments

Development of a single legal regime from Atlantic to Pacific

Industry

Elaboration of optional modal rules for Euro-Asian Rail Contracts
Legal interoperability is the aim of the CIT
CIM/SMGS Legal Interoperability: GTC EurAsia

General Terms and Conditions for EurAsia Rail Transport Contracts of the CIT (GTC EurAsia)

→ **Point 3** - of the UNECE Political Declaration

→ **Framework contract** - for participating railways (on different corridors)

→ **Applicable law** - mandatory provisions of the national law shall apply

→ **Precondition** – opting-in through the participating railways (for example DB, PKP Cargo, BC, RZD, UZ, KZH and KZD)

→ **Legal basis** - international private law (IPR)
GTC Rail – Sea and the CIT Multimodality Committee

GTC Rail-Sea Traffic – a new CIT document

- Business model of successive carriers
- Based on: GTC-CIM + GTC joint contracting

- Structure:
  I. General Conditions of Carriage for Rail-Sea Traffic
  II. Annex 1: CIM list of maritime and inland waterway services
  III. Annex 2: Provisions for the carriage of dangerous goods

Further work in 2014

- Establishment of the new Multimodality Committee with the participation of shipping and railway companies – first meeting in November 2014 in Bern
- Work on the second business model: shipping company as an auxiliary of the RU
UNECE - International Rail Cooperation
Uniform railway law

- COTIF-CIM
- SMGS/SMPS
- EU legislation
- National legislation

Eurasian Uniform Railway Law
Thank you for your attention!

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