



Inter-regional workshop on multimodal transport corridor management

Working Party on Transport Trends and Economics, Geneva, 4 September 2023



The Organisation and the Convention

OTIF and COTIF: Key Facts




THE ORGANISATION

Intergovernmental Organisation for International Carriage by Rail

50 | MEMBER STATES
+1 ASSOCIATE MEMBER

3 WORKING LANGUAGES : FR/DE/EN



HEADQUARTERS: Berne, Switzerland 

COTIF THE CONVENTION

COTIF Convention concerning International Carriage by Rail
1999

1st | INTERNATIONAL
TRANSPORT CONVENTION

ENTRED INTO FORCE IN **1893**

COTIF IS APPLIED ON **270,000 KM** OF RAILWAY LINES

2011 |  ACCEDED TO **COTIF**



Advantages of Uniform Railway Law

International Contract vs Successive National Contracts

International carriage of passengers or goods can be organised on the basis of:

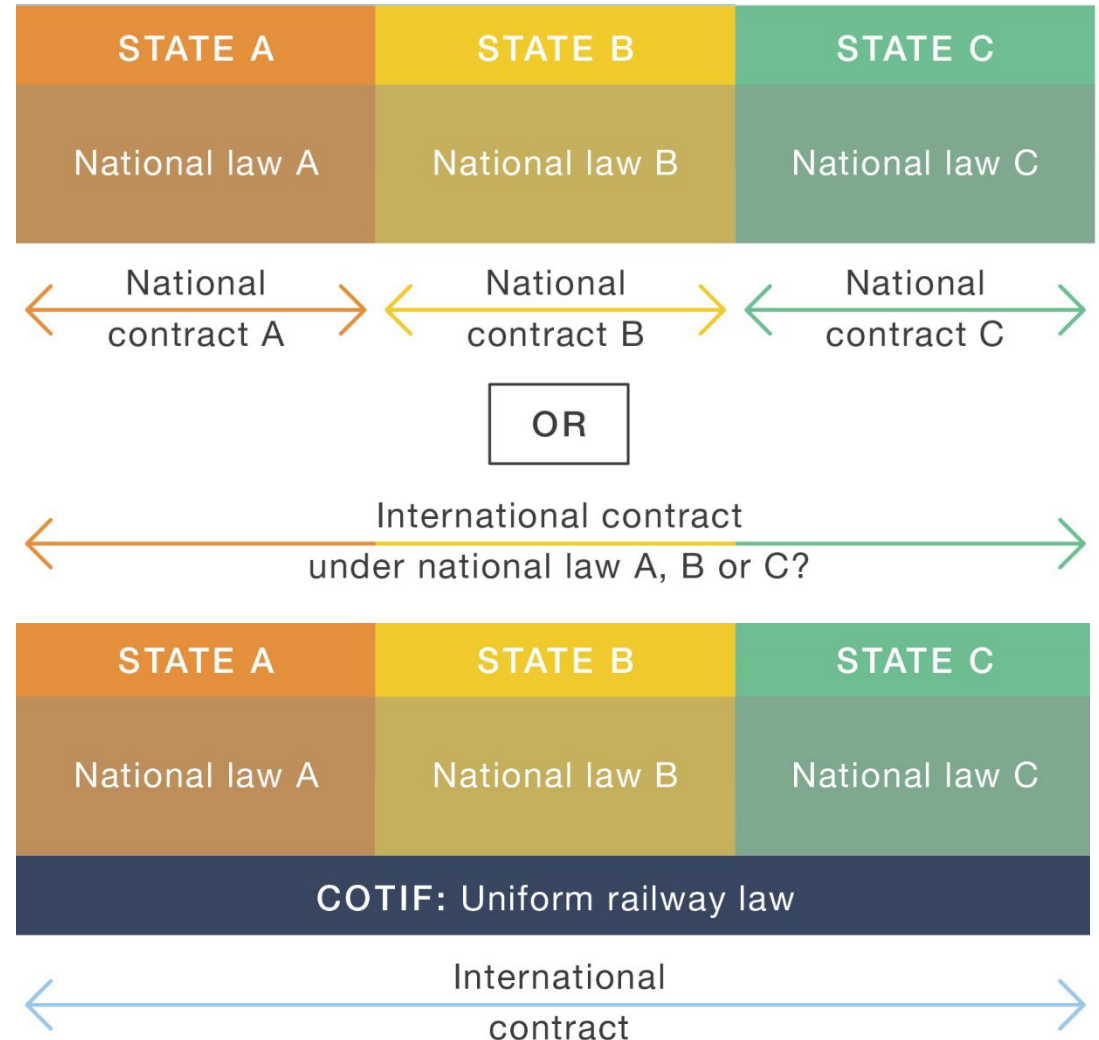
- **successive national contracts under national laws;**

or

- **an international contract under the national law of a particular state;**

or

- **an international contract under uniform international law.**





COTIF 1999

Convention concerning International Carriage by Rail



Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

COTIF 1999

Convention concerning International Carriage by Rail



COTIF: CONVENTION CONCERNING INTERNATIONAL CARRIAGE BY RAIL

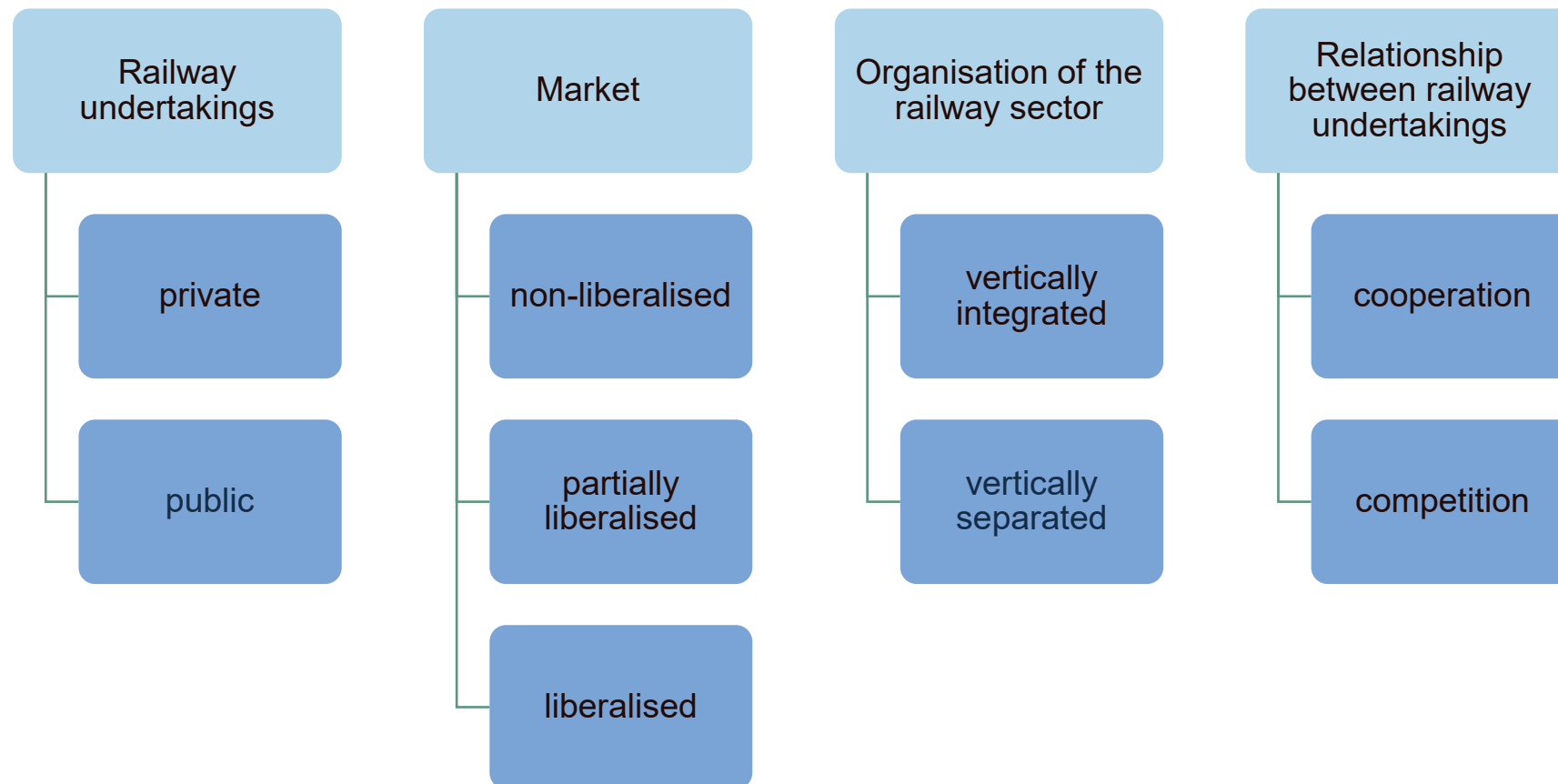
APP. A CIV Uniform Rules	APP. B CIM Uniform Rules	APP. C RID Regulation	APP. D CUV Uniform Rules	APP. E CUI Uniform Rules	APP. F APTU Uniform Rules	APP. G ATMF Uniform Rules
The contract of carriage of passenger	The contract of carriage of goods	The carriage of dangerous goods	Contracts of use of vehicles	The contract of use of infrastructure	Validation of technical standards and adoption of Uniform Technical Prescriptions (UTPs)	Technical admission of railway material



COTIF's benefits for single railway areas

Neutrality and flexibility of OTIF's legal system

OTIF's legal system is applicable **irrespective** of national political, legal or economic system.





COTIF 1999

Aim of the Organisation (Article 2 COTIF)

§ 1 The aim of the Organisation shall be to promote, improve and facilitate, in all respects, international traffic by rail, in particular by

- a) establishing systems of uniform law in the following fields of law:
 1. contract of international carriage of passengers and goods in international through traffic by rail, including complementary carriage by other modes of transport subject to a single contract;

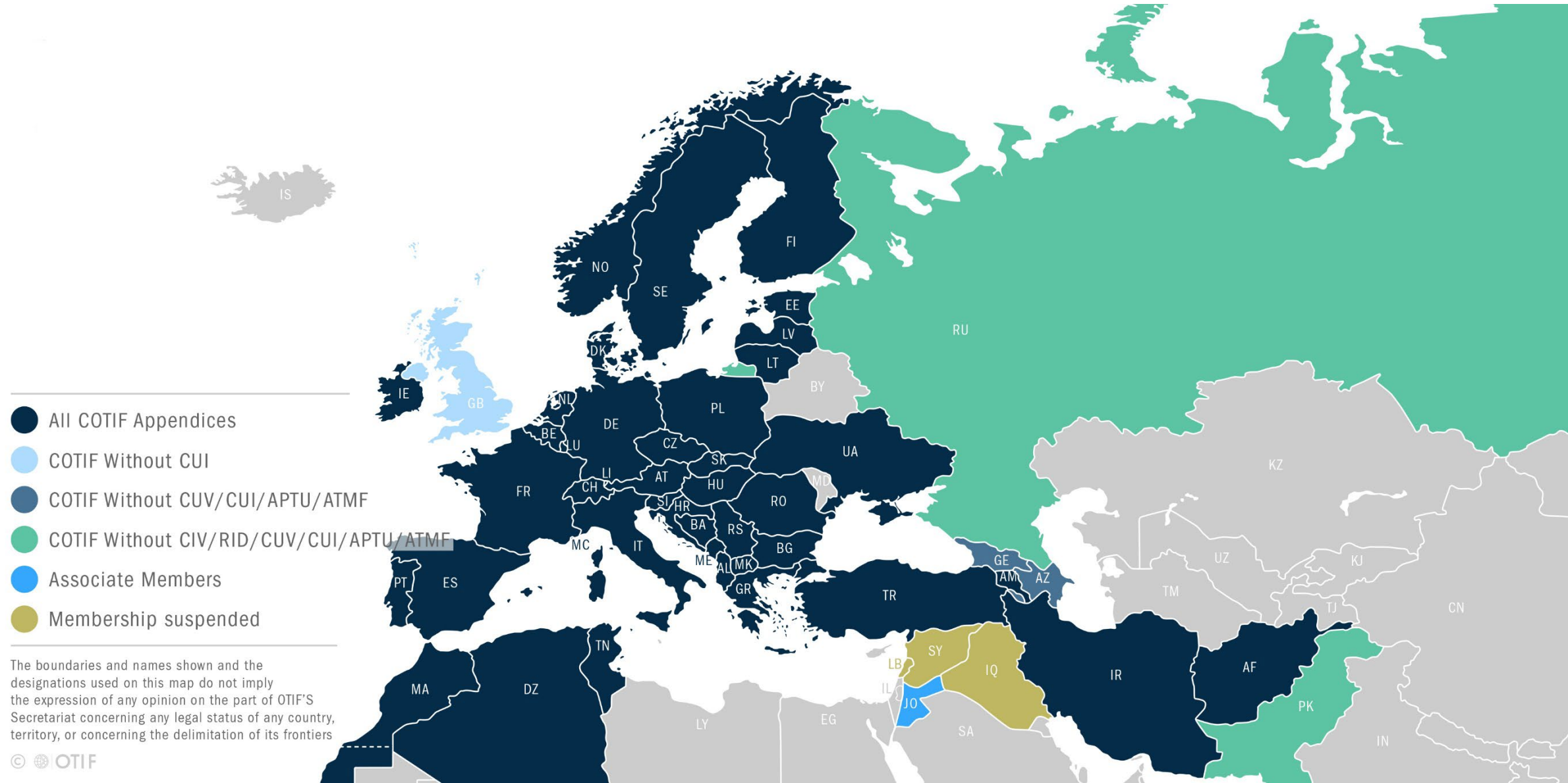
[...]

- b) contributing to the removal, in the shortest time possible, of obstacles to the crossing of frontiers in international rail traffic, while taking into account special public interests, to the extent that the causes of these obstacles are within the responsibility of States;



Geographical scope of COTIF and its appendices

Situation on 1 May 2019



- All COTIF Appendices
- COTIF Without CUI
- COTIF Without CUV/CUI/APTU/ATMF
- COTIF Without CIV/RID/CUV/CUI/APTU/ATMF
- Associate Members
- Membership suspended

The boundaries and names shown and the designations used on this map do not imply the expression of any opinion on the part of OTIF'S Secretariat concerning any legal status of any country, territory, or concerning the delimitation of its frontiers



OTIF MEMBERSHIP AND APPLICATION OF APPENDICES TO COTIF

		APPENDICES TO COTIF						
MEMBER STATES		CIV	CIM	RID	CUV	CUI	APTU	ATMF
AZ		√*	√*	√				
GE		√*	√*	√				
PK			√					
GB		√	√	√	√		√	√
RU			√*					

COUNTRY CODES ISO 3166	MEMBERS IN FRENCH ALPHABETICAL ORDER		APPENDICES TO COTIF							
			CIV	CIM	RID	CUV	CUI	APTU	ATMF	
		MEMBER STATES								
AF		Afghanistan	√	√	√	√	√	√	√	√
AL		Albania	√	√	√	√	√	√	√	√
DZ		Algeria	√	√	√	√	√	√	√	√
DE		Germany	√	√	√	√	√	√	√	√
AM		Armenia	√	√	√	√	√	√	√	√
AT		Austria	√	√	√	√	√	√	√	√
AZ		Azerbaijan	√*	√*	√					
BE		Belgium	√	√	√	√	√	√	√	√
BA		Bosnia and Herzegovina	√	√	√	√	√	√	√	√
BG		Bulgaria	√	√	√	√	√	√	√	√
HR		Croatia	√	√	√	√	√	√	√	√
DK		Denmark	√	√	√	√	√	√	√	√
ES		Spain	√	√	√	√	√	√	√	√
EE		Estonia	√	√	√	√	√	√	√	√
FI		Finland	√	√	√	√	√	√	√	√
FR		France	√	√	√	√	√	√	√	√
GE		Georgia	√*	√*	√					
GR		Greece	√	√	√	√	√	√	√	√
HU		Hungary	√	√	√	√	√	√	√	√
IQ		Iraq								
IR		Iran	√	√	√	√	√	√	√	√
IE		Ireland	√	√	√	√	√	√	√	√
IT		Italy	√	√	√	√	√	√	√	√
LV		Latvia	√	√	√	√	√	√	√	√
LB		Lebanon								
LI		Liechtenstein	√	√	√	√	√	√	√	√
LT		Lithuania	√	√	√	√	√	√	√	√
LU		Luxembourg	√	√	√	√	√	√	√	√
MK		North Macedonia	√	√	√	√	√	√	√	√
MA		Morocco	√	√	√	√	√	√	√	√
MC		Monaco	√	√	√	√	√	√	√	√
ME		Montenegro	√	√	√	√	√	√	√	√
NO		Norway	√	√	√	√	√	√	√	√
PK		Pakistan								
NL		Netherlands	√	√	√	√	√	√	√	√
PL		Poland	√	√	√	√	√	√	√	√
PT		Portugal	√	√	√	√	√	√	√	√
CZ		Czech Republic	√	√	√	√	√	√	√	√
RO		Romania	√	√	√	√	√	√	√	√
GB		United Kingdom	√	√	√	√		√	√	√
RU		Russia		√*						
RS		Serbia	√	√	√	√	√	√	√	√
SK		Slovakia	√	√	√	√	√	√	√	√
SI		Slovenia	√	√	√	√	√	√	√	√
SE		Sweden	√	√	√	√	√	√	√	√
CH		Switzerland	√	√	√	√	√	√	√	√
SY		Syria								
TN		Tunisia	√	√	√	√	√	√	√	√
TR		Türkiye	√	√	√	√	√	√	√	√
UA		Ukraine	√*	√*	√	√	√	√	√	√
		REGIONAL ECONOMIC INTEGRATION ORGANISATION								
EU		European Union	√	√	√	√	√	√	√	√
		ASSOCIATE MEMBER**								
JO		Jordan								

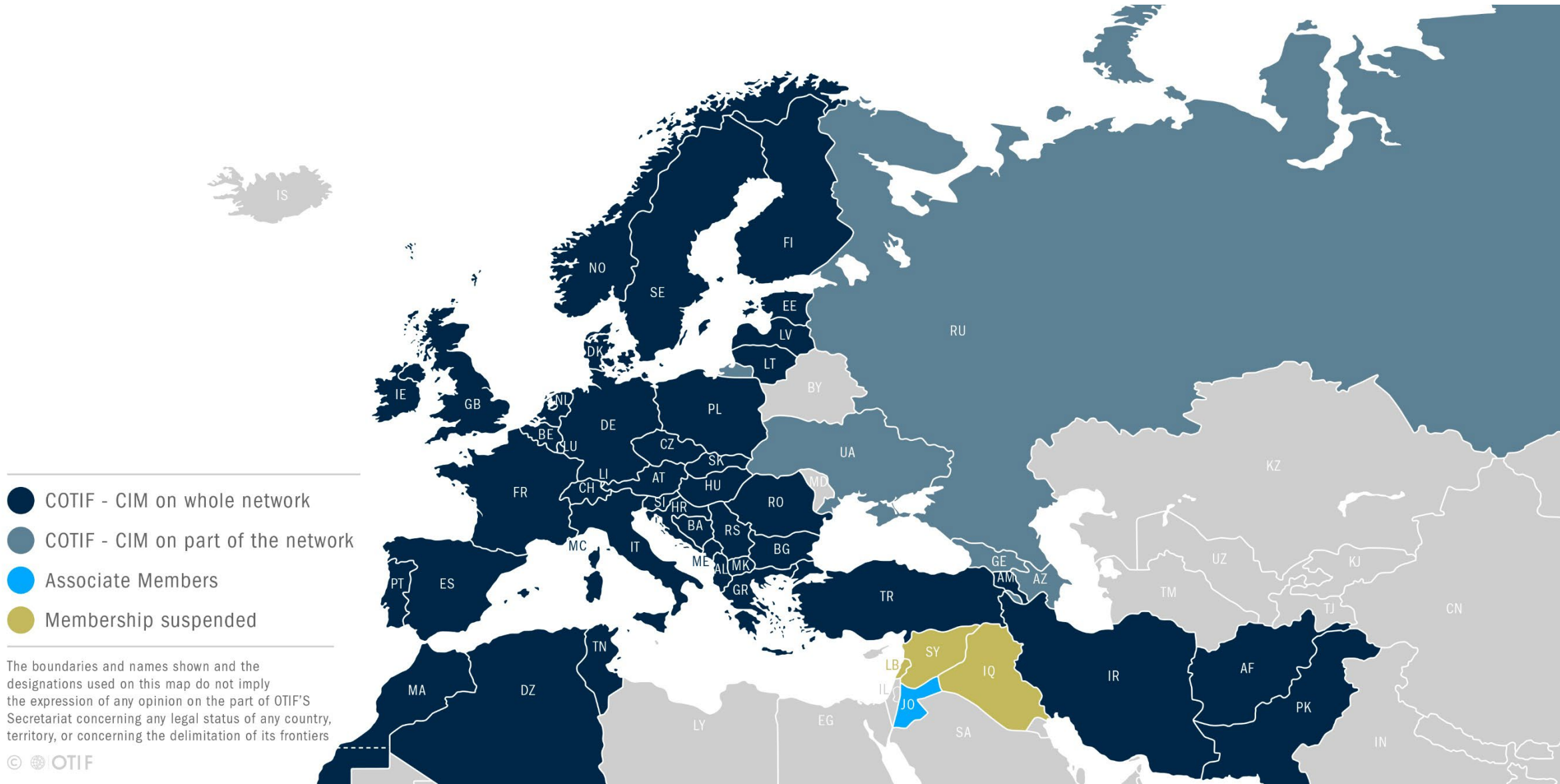
*Application on part of the network. **An Associate Member is not a contracting party to COTIF.

This table is meant purely for information purposes and has no legal effect. OTIF does not assume any liability for its contents.



Geographical scope of CIM

Situation on 16 June 2022



- COTIF - CIM on whole network
- COTIF - CIM on part of the network
- Associate Members
- Membership suspended

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CIM - subject matter of regulation

- CIM = Appendix B to COTIF (52 Articles)
- Private law – contract of carriage
- Freedom of contract (no obligation to carry, no tariff obligation)
- Liability (principle - strict liability with precisely formulated grounds for relief)
- Assertion of rights (claims, actions, forum, extinction of rights, time limitation of actions)
- Relations between carriers (a few Articles)





Legal regime for rail freight traffic

- Private law – regulation of the relationship of the parties to the contract of carriage



- Cross border carriage of goods by rail under [a single legal regime](#) (between COTIF Member States)
- The rights and obligations of the parties to the contract of carriage are clearly defined and harmonisation in liability issues is guaranteed = [legal certainty](#)



Scope of application

Mandatory application of CIM (Article 1 § 1, 3 and 4)



- Carriage by rail for reward
- When the place of taking over and the place designated for delivery are situated in 2 different OTIF Member States
- Including carriage by road or inland waterway in internal traffic of a Member State
- Including carriage by sea or transfrontier carriage by inland waterway if this carriage is performed by services entered into lists of lines



Scope of application

Application only on a part of the railway infrastructure (Article 1 § 6)

- Possibility for an SMGS State to declare that it will apply CIM only on part of the railway infrastructure situated on its territory
 - The declaration has to be made when this State makes an application for accession to COTIF
 - The part of the railway infrastructure must be precisely defined
 - The part of the railway infrastructure must be connected to the railway infrastructure of a Member State
- Azerbaijan and Georgia have for example made such a declaration



Scope of application

Application only on a part of the railway infrastructure - examples (Article 1 § 6)

- Azerbaijan applies CIM only on the following lines :
 - The Baku – Boyuk-Kesik railway line (505 km), after the new Baku–Tbilisi–Kars railway line is put into operation;
 - The railway line (6 km) between the Ayat Port and the Alyat railway station, after this line is put into operation.

- Georgia applies CIM only on following sections of its railway infrastructure
 - The section from “Poti” Port - to “Poti” Railway Station – 2,7 km;
 - The section from “Batumi” Port - to “Batumi” Railway Station – 1,9 km;
 - The section from Gardabani to the station Kartsakhi, to the state border – 244 km (after it is put into operation)



Scope of application

Choice of law (Article 1 § 2)



- Carriage by rail for reward
- If the parties of the contact of carriage so agree
- When either the State of departure or the State of destination ins an OTIF Member State



Contract of carriage of goods by rail

- The contract of carriage is concluded as soon as the consignor and the carrier so agree (consensual contract)
- CIM contains certain **suppletory rules** that only apply if nothing else has been agreed – the actual contract can then include **other specific rules**
- The actual taking over of the goods for carriage can follow later
- **CIM offers a uniform and neutral legal regime for the transport of goods by rail**



CIM consignment note

- has only evidential value and does not affect the existence of the contract (Art. 6 § 2), but
- CIT, which is an international association of carriers, establishes uniform model consignment notes based on Art. 6 § 8 CIM.
- Electronic consignment note (Art. 6 § 9 CIM)



Liability of the carrier

Liability of the carrier and grounds for relief (Article 23 CIM)

- Principle: strict liability

If the designated consignor or the designated consignee can prove loss of, or damage to the goods or that the transit period has been exceeded, the carrier is presumed liable (strict liability)

- Grounds for relief
 - “Normal” defences: fault on the part of or order given by the person entitled, inherent defect in goods, unavoidable circumstances
 - Special risks: carriage in open wagons, absence or inadequacy of packaging, loading of goods by the consignor or unloading by the consignee, nature of certain goods, irregular, incorrect or incomplete description or numbering of packages, carriage of live animals, carriage which must be accompanied by an attendant



Liability of the carrier

Compensation – maximum amounts

- **For loss or damage:** 17 units of account/kg (SDR = special drawing right) = (~ 24.55 \$ or 22.05 CHF/kg) of gross mass of the goods
- **For exceeding the transit period:** four times the carriage charge

Other limits in accordance with the consignment note: declaration of value/amount of the interest in delivery

Limits not applied: qualified fault of the carrier

Voluntary extension of liability (Article 5)



COTIF 1999

Accession



OTIF

Unified railway law to connect Europe, Asia and Africa

Intergovernmental Organisation for International Carriage by Rail



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- EVENTS ▾
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About OTIF > Accession

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Accession

The Convention concerning International Carriage by Rail (COTIF) is an international instrument providing international railway law for states in Europe, Asia and Africa. The aim of the Organisation, as defined in the Convention, is to promote, improve and facilitate, in all respects, international traffic by rail. OTIF Member States represent different legal traditions and railway market organisation structures, both economically and technically.

In accordance with COTIF, there are three types of membership of OTIF:

- + Becoming a member of OTIF (COTIF Article 37)
- + Membership of regional economic integration organisations (COTIF Article 38)
- + Becoming an associate member of OTIF (COTIF Article 39)

[About OTIF](#) > [Accession](#)



Accession Perspectives

- **Becoming a Member State of OTIF (COTIF Article 37)**

A state becomes a member of OTIF by **acceding to COTIF**.

Only one **substantive condition for accession** – railway **infrastructure must be operated** on the territory of the state concerned. However, the existence of a direct railway connection with the current Member States is not a condition for accession.

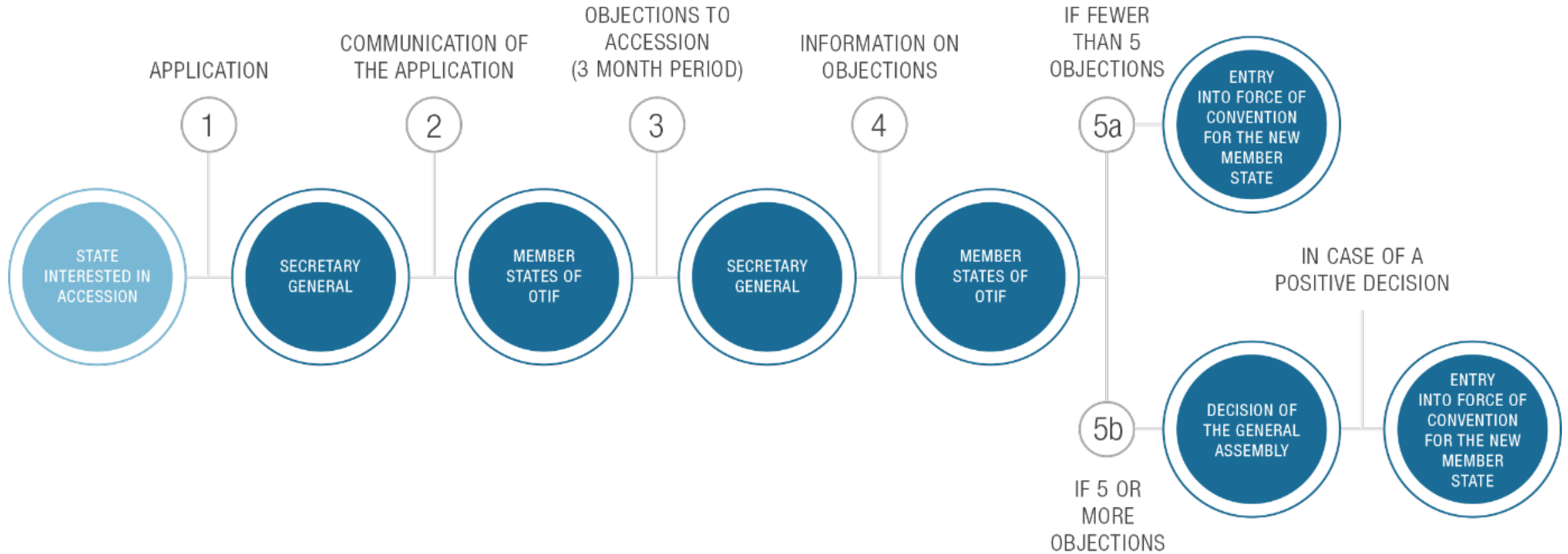
- **Accession of regional economic integration organisations to OTIF (COTIF Article 38)**

Accession to the Convention shall be open to regional economic integration organisations which have competence to adopt their own legislation binding on their Member States, in respect of the matters covered by the Convention, **and of which one or more Member States are members of OTIF**.



COTIF 1999

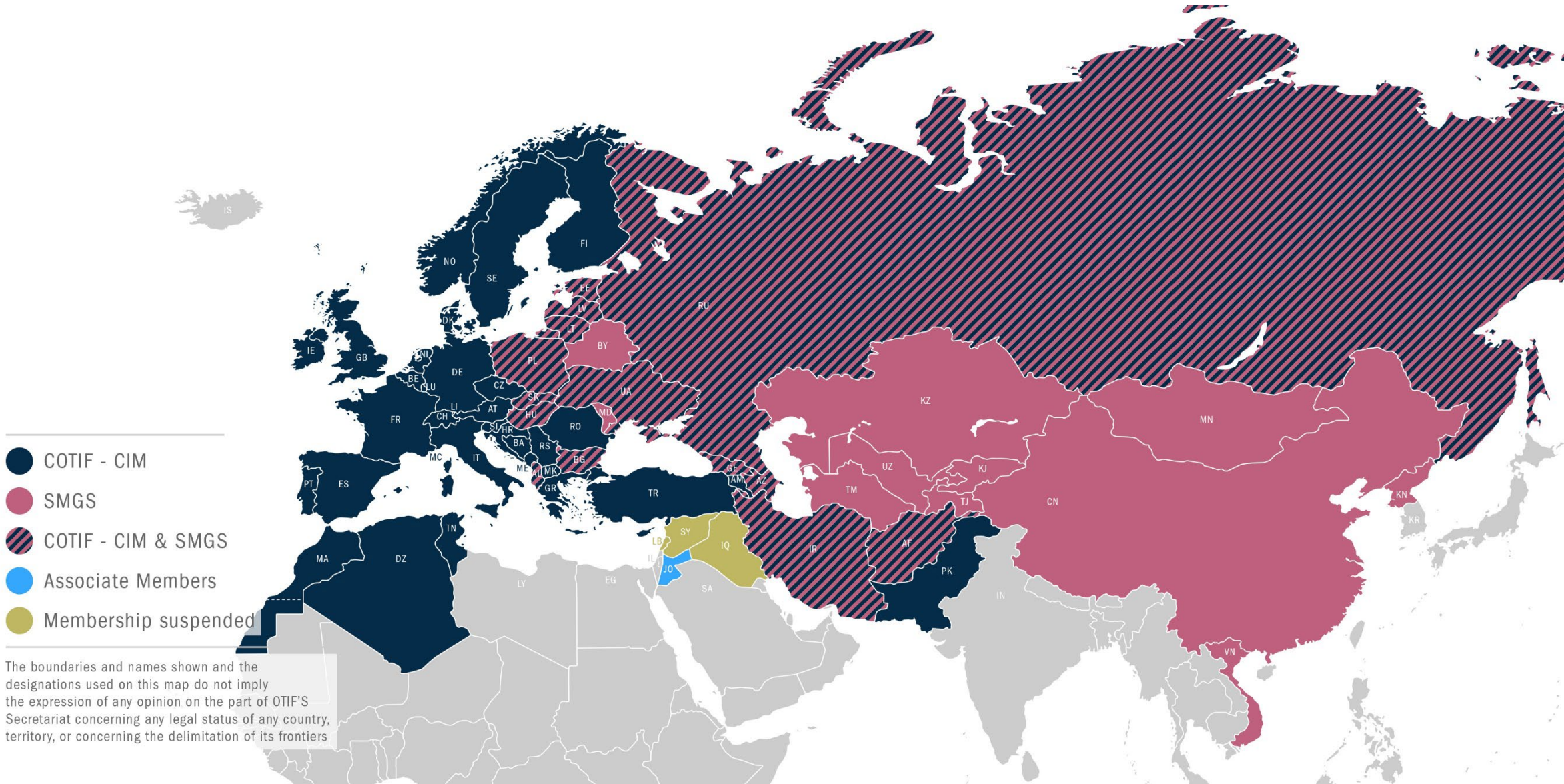
Accession procedure










Geographical scope of CIM - SMGS

Situation on 1 May 2019



-  COTIF - CIM
-  SMGS
-  COTIF - CIM & SMGS
-  Associate Members
-  Membership suspended

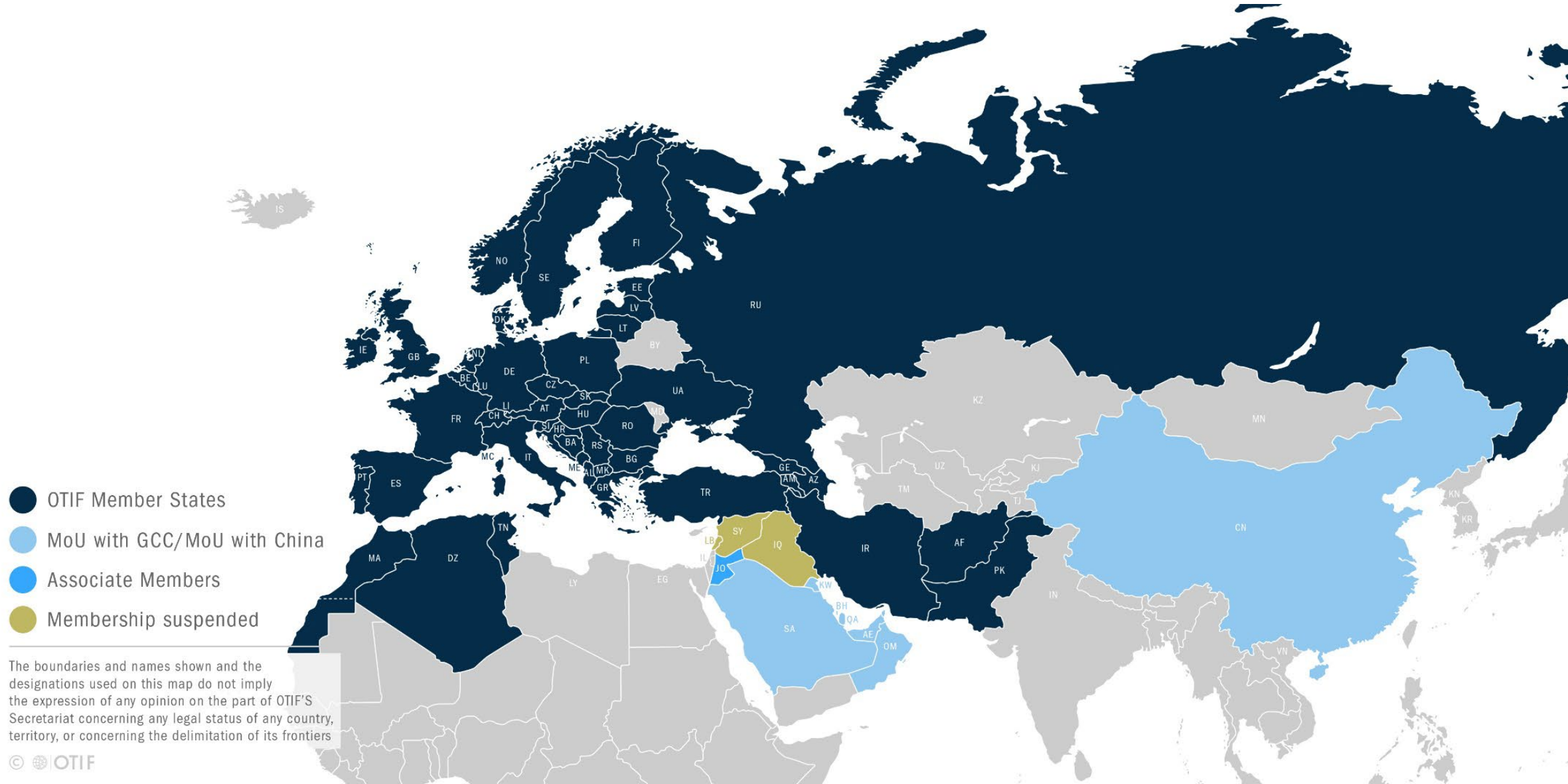
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OTIF Membership

Situation on 1 May 2019

otif.org



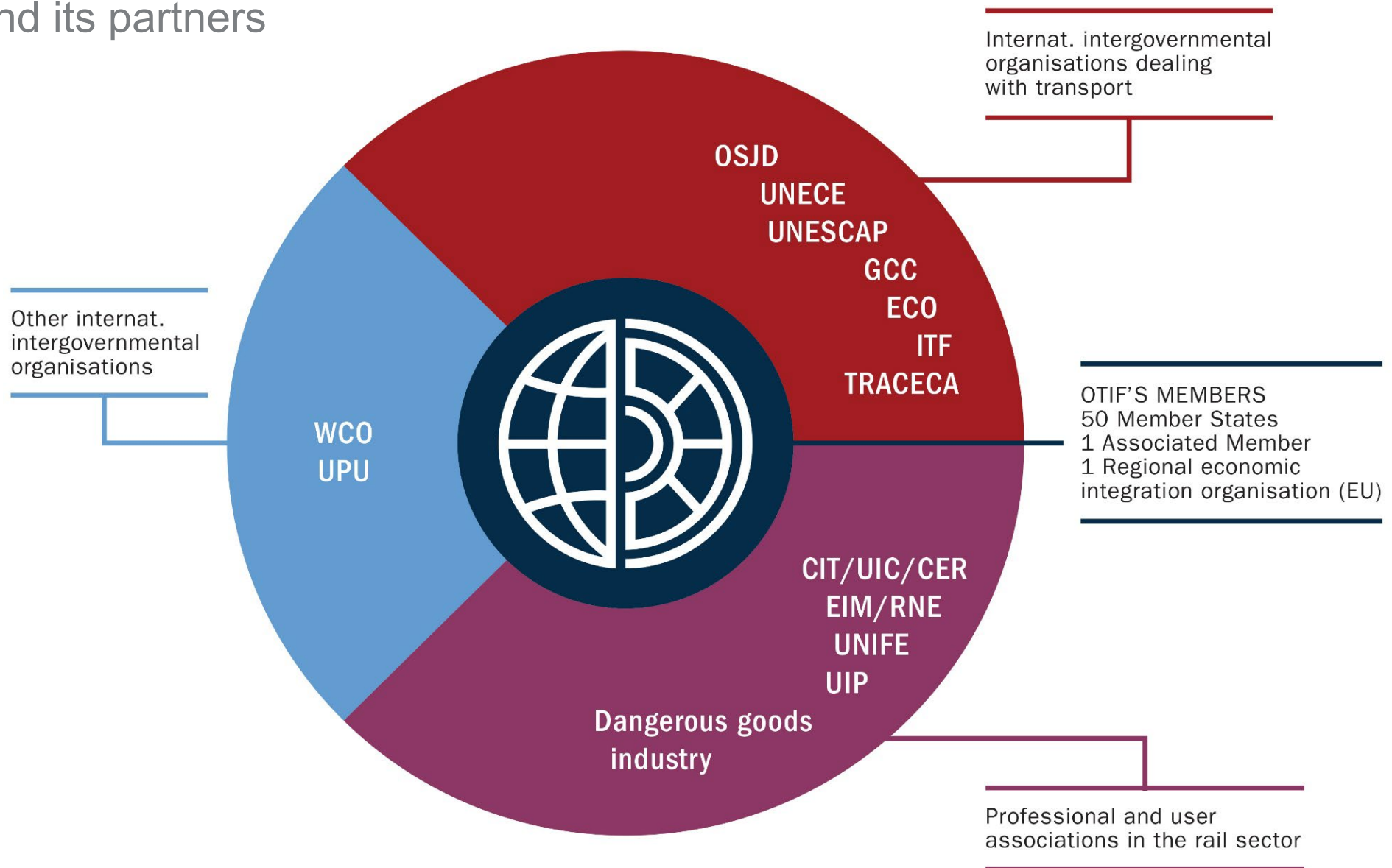
- OTIF Member States
- MoU with GCC/MoU with China
- Associate Members
- Membership suspended

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Cooperation

OTIF and its partners





The Luxembourg Rail Protocol

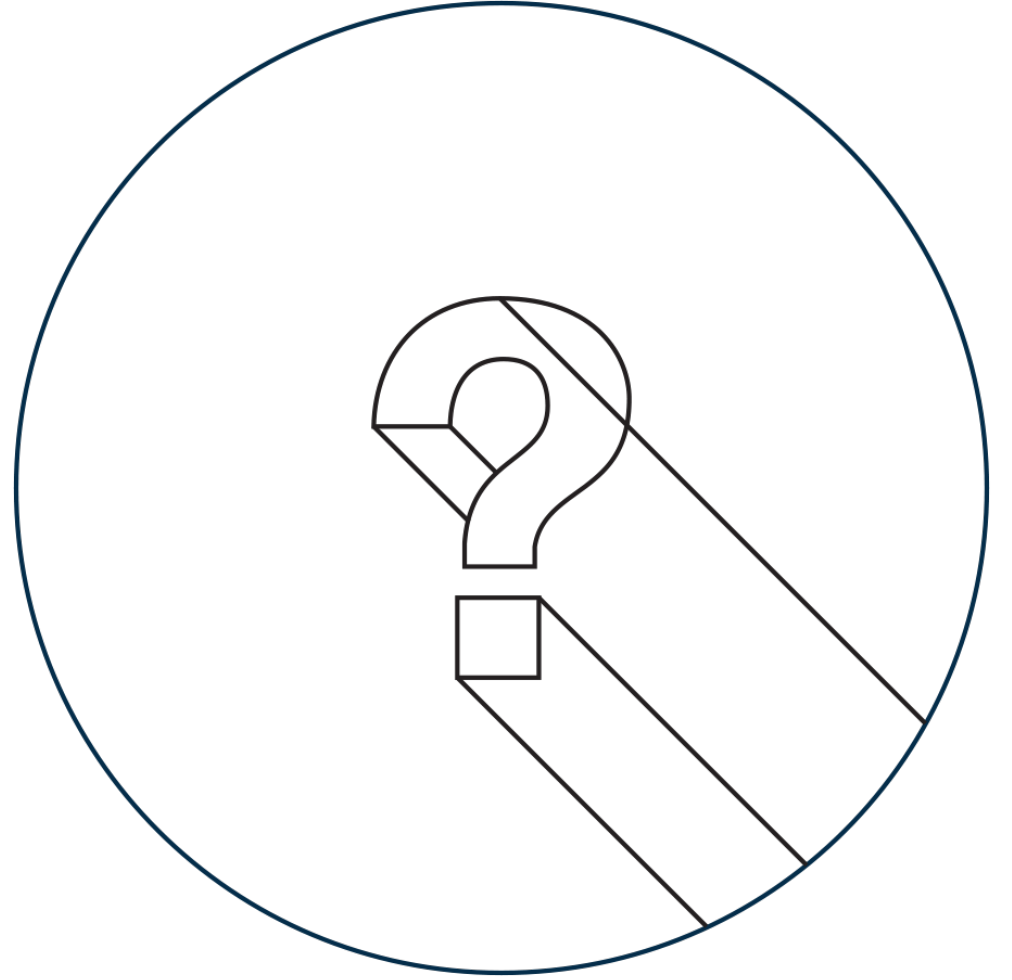
- The Luxembourg Protocol is the railway protocol to the Cape Town Convention on International Interests in Mobile Equipment.
- The Luxembourg will provide a new common system of international security rights for creditors (secured lenders and lessors). These security interests will be registered in a new international registry, which will be searchable by the public 24/7.
- The Luxembourg protocol will also introduce a new global unique rail vehicle identification system (URVIS) for rolling stock
- Target date for the entry into force: end of the year 2023.
- Operation of the Luxembourg Protocol will be overseen by the Supervisory Authority, a new international body which will be established under the Protocol once it enters into force. OTIF will be the Secretariat of the Supervisory Authority



COTIF – What for?

<https://vimeo.com/349648465>



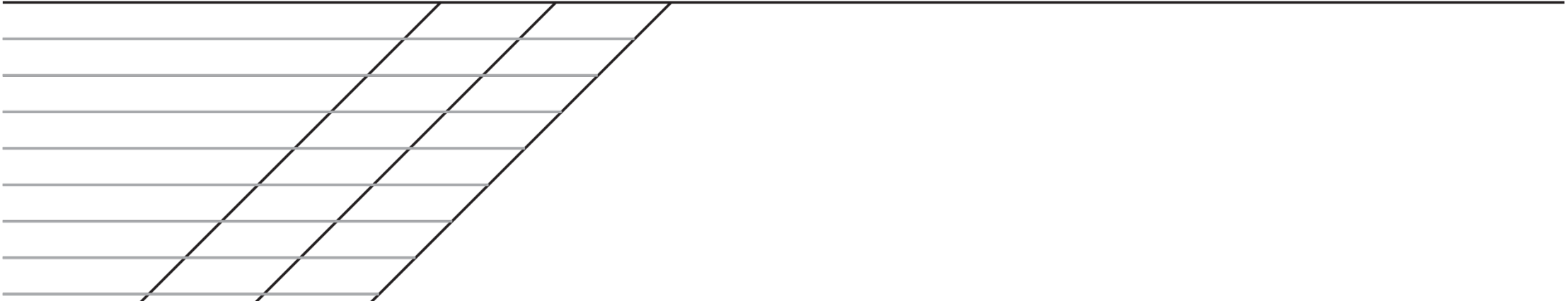




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THANK
YOU

A large, thin-lined circle containing the words "THANK YOU" in a bold, outlined, sans-serif font, centered within the circle.



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www.flickr.com/photos/otif_cotif



OTIF

Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

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