



# **COTIF**

Promoting  
Legal Interoperability  
for Railways

Kostas Tzanakakis  
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# ...what is this presentation about...

## This presentation

- Explains why a sound legal framework is required for an efficient transport by road, rail, sea or by air.
- Presents briefly the related international transport legislation.
- Presents the opportunities & challenges for the railway companies today.
- introduces briefly OTIF, the Intergovernmental Organisation for International Carriage by Rail, that governs the legislation for international rail transport.
- Introduces COTIF, the Convention on the Contract for the Carriage of goods by rail.
- Presents how legal interoperability for railways can be achieved.



# International Transport Legislation

Efficient transport, whether by roads, railways, light rail, buses, ports or airports, require a sound legal framework.



# Are international rules for cargo transport necessary?



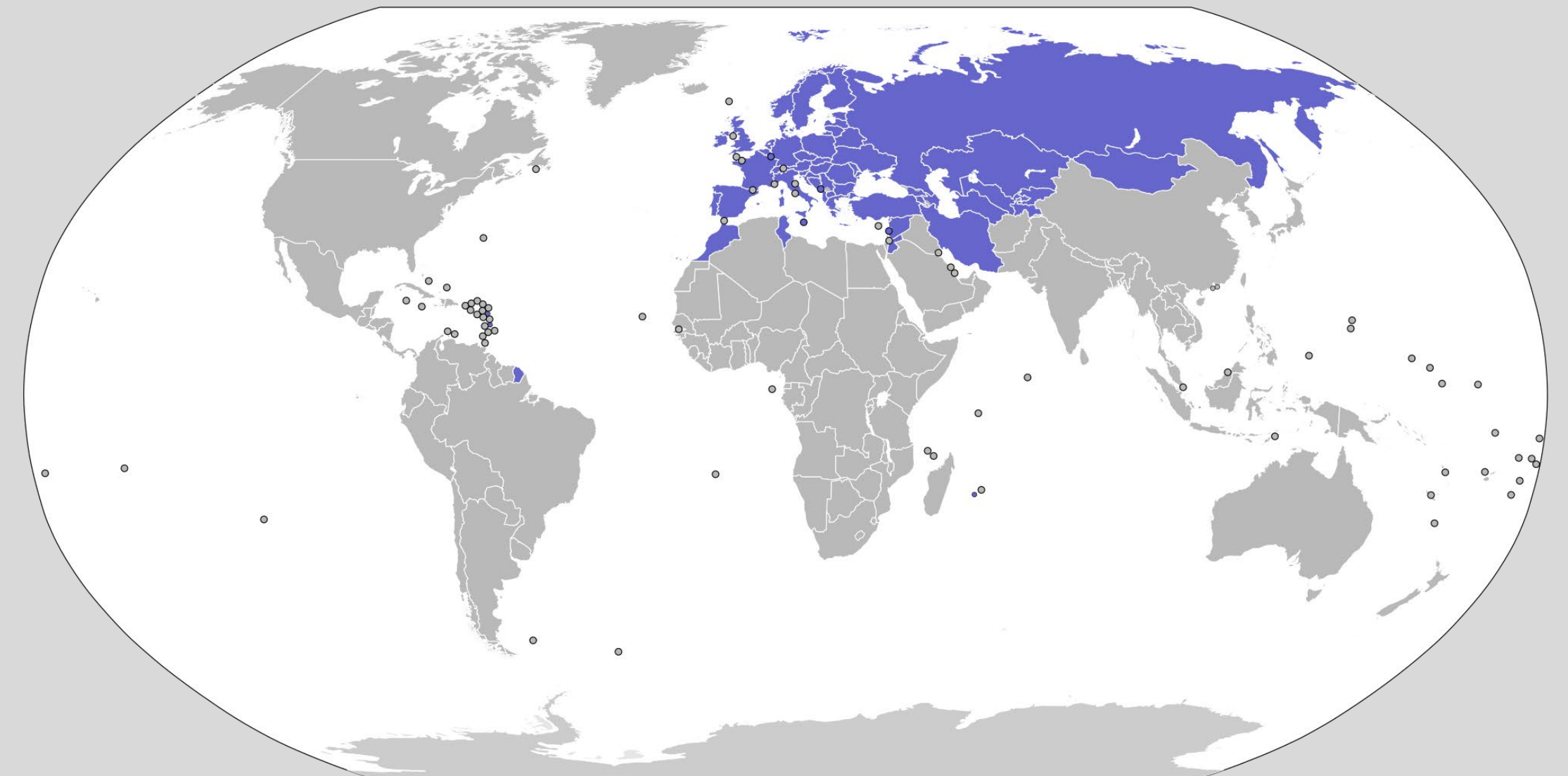
- What happens if cargo is damaged during the transport?
- Who is responsible for the damage?
- .....

- We need pre-defined rules which all parties involved in the transport can agree upon without any negotiations.
- Pre-defined rules on which shipping is relying upon.



# Carriage of goods by road: CMR-convention

- CMR-convention: “International Carriage of Goods by Road”.
- The CMR Convention is a United Nations convention that was signed in Geneva on 19 May 1956.
- The CMR Convention is an instrument of international private law governing the contractual relations for the international carriage of goods by road between the sender, the carrier and the consignee.
- As of February 2017, it has been ratified by 44 states.



# Carriage of goods by sea: The Hague - Visby rules

- The Hague–Visby Rules is a set of international rules for the international carriage of goods by sea.
- They are a slightly updated version of the original Hague Rules which were drafted in Brussels in 1924.



# Carriage of goods by air: the Warsaw convention / the Montreal convention

- The Warsaw Convention:
  - The Convention for the unification of certain rules relating to international carriage by air is an international convention which regulates liability for international carriage of persons, luggage, or goods performed by aircraft for reward.
  - Originally signed in 1929 in Warsaw.
- The Montreal Convention
  - is a multilateral treaty adopted by ICAO member states in 1999.
  - It amended important provisions of the Warsaw Convention's regime concerning compensation for the victims of air disasters.





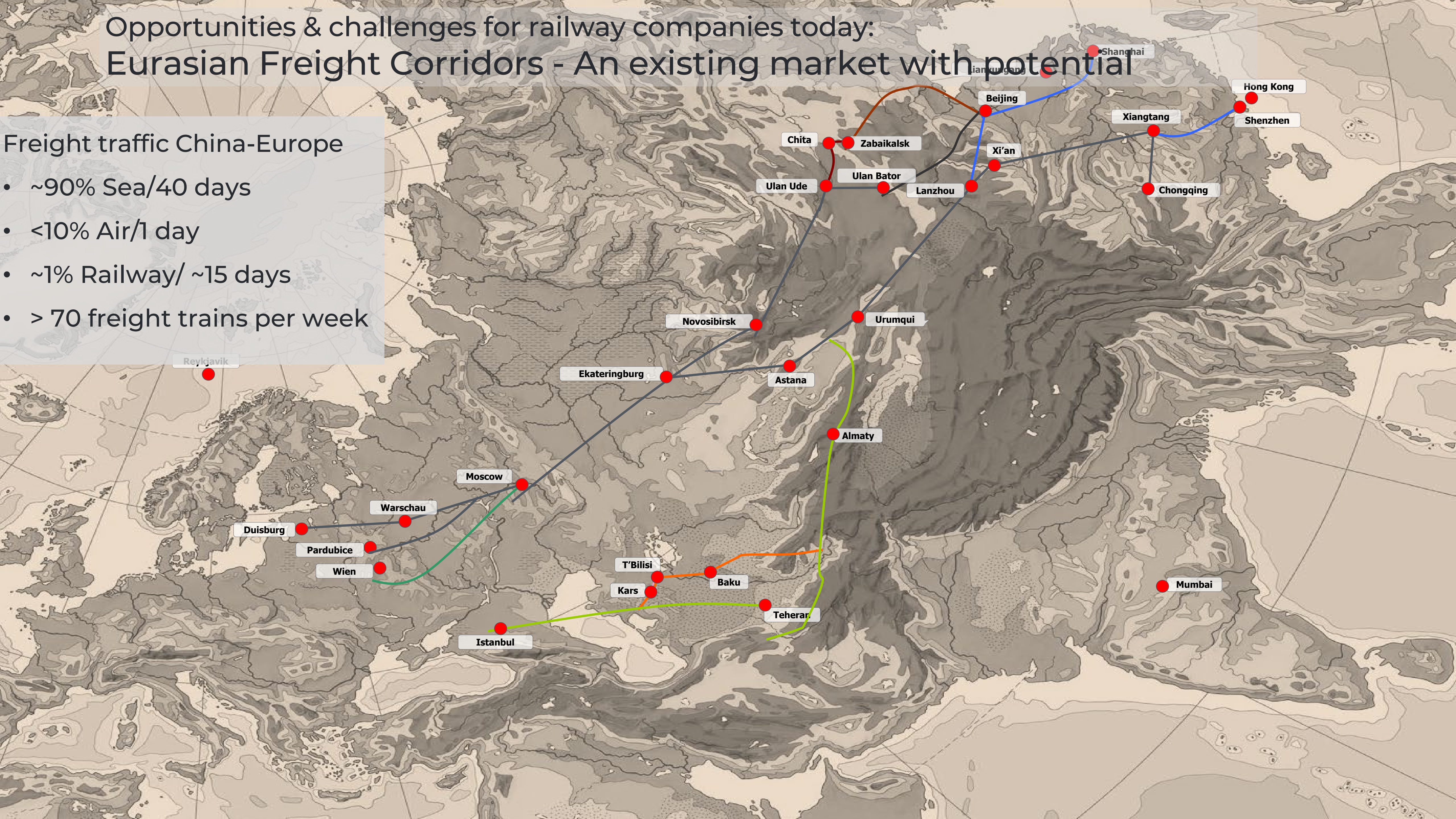
# Opportunities & challenges for railway companies today



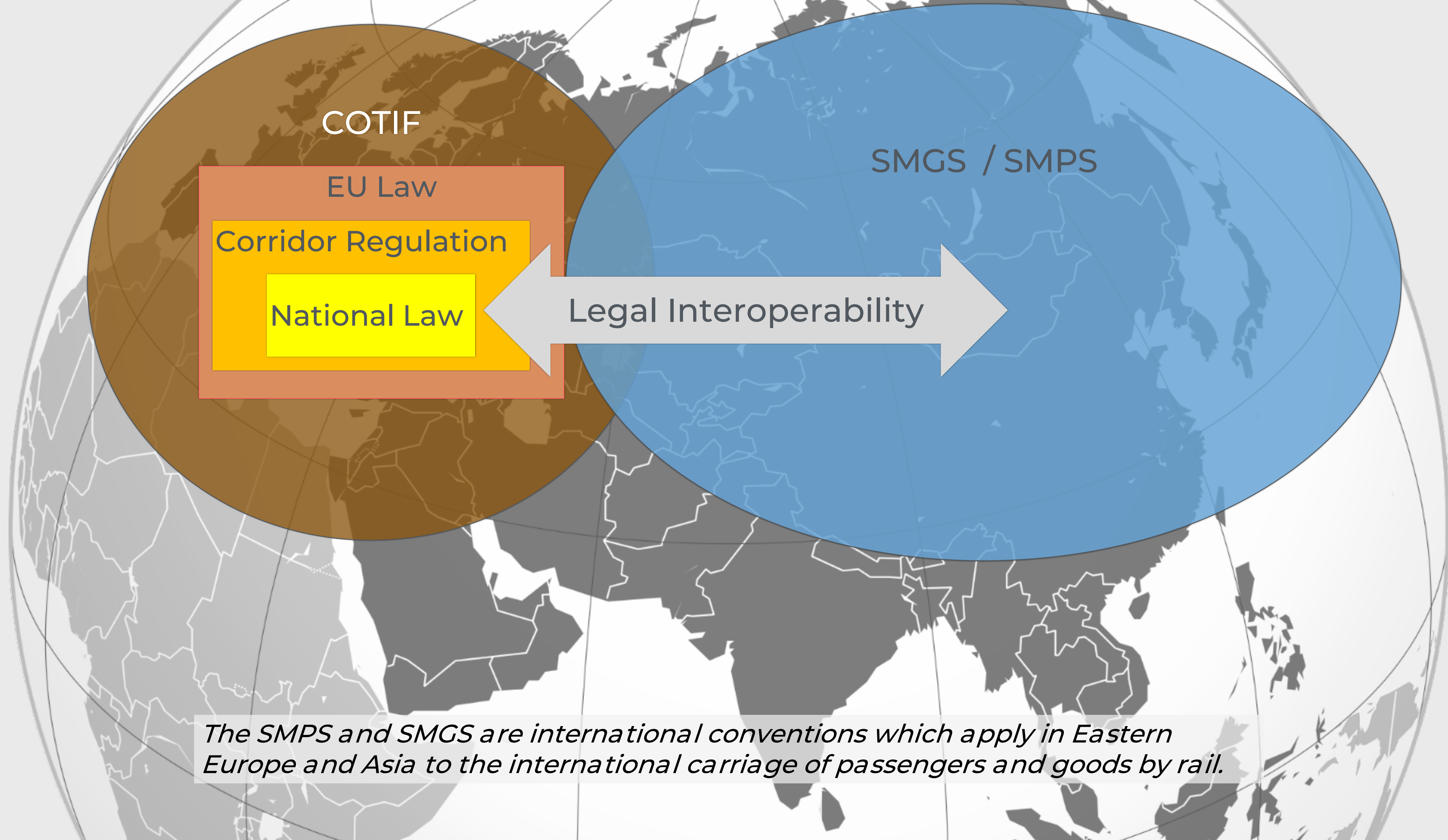
# Opportunities & challenges for railway companies today: Eurasian Freight Corridors - An existing market with potential

## Freight traffic China-Europe

- ~90% Sea/40 days
- <10% Air/1 day
- ~1% Railway/ ~15 days
- > 70 freight trains per week



# Legal Interoperability – challenges for Operators



*The SMPS and SMGS are international conventions which apply in Eastern Europe and Asia to the international carriage of passengers and goods by rail.*

# What is legal interoperability? Why it is important?



A

From point A to point B:  
One legal regime



For the whole route necessary:

- Transport contract
- Liability
- Transport documents / consignment note
- Transport fee

Advantages

- Less administrative costs
- Legal certainty, less legal costs
- Optimisation of business operation

# Success key for railways



- Good Quality of infrastructure
- Technical Interoperability (vehicle authorisation and safety certification)
- Fair competition with other transport modes
- Competitive and planable charge for use of infrastructure
- Less administrative burdens: New regulatory requirements when customers benefit
- Stable and fair legal framework

# Carriage of goods by rail: **COTIF** **convention**



COTIF: *“Convention on the Contract for the Carriage of goods by rail”*

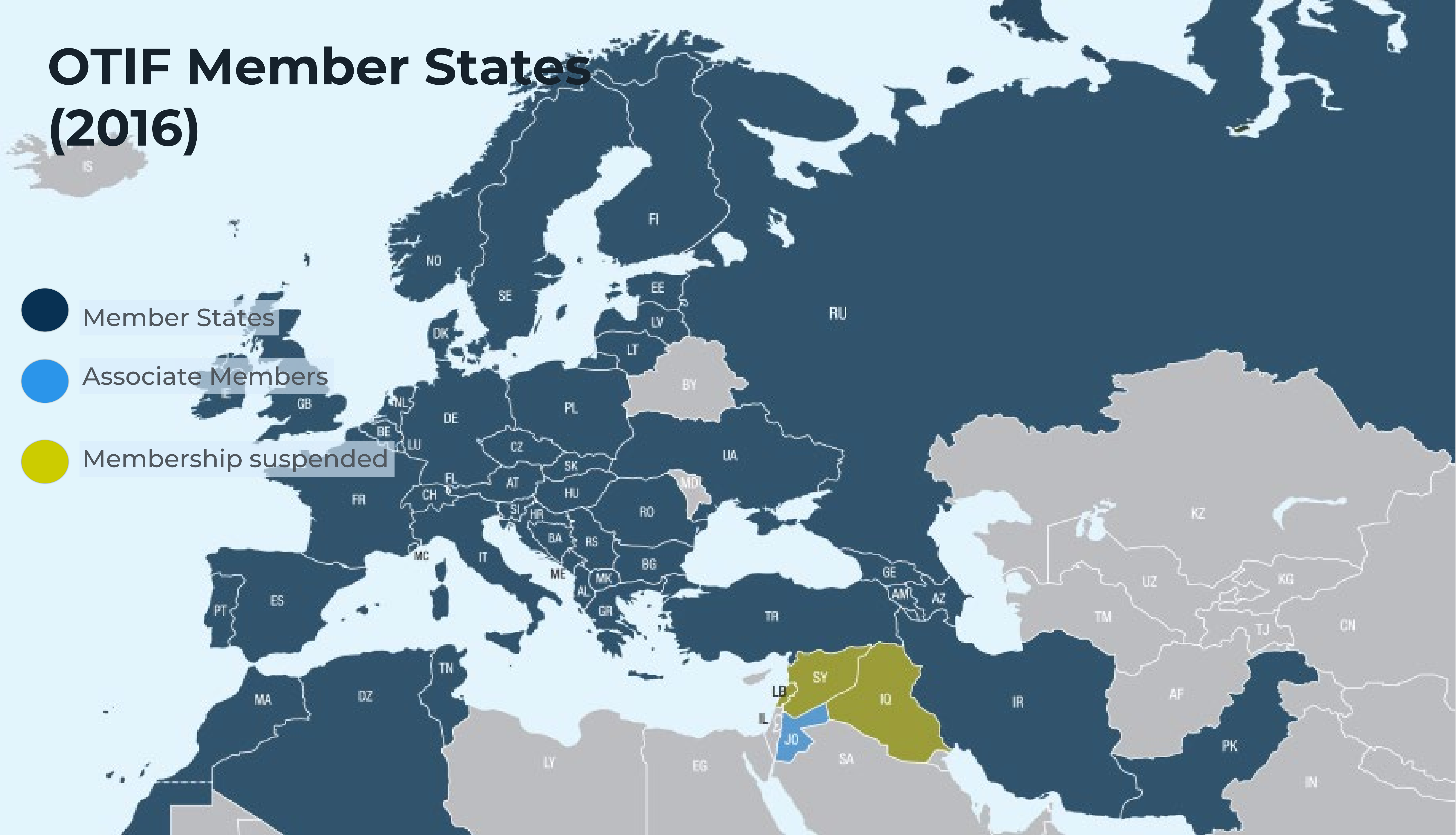
# History of COTIF / OTIF

- The Intergovernmental Organisation for International Carriage by Rail (OTIF) is an intergovernmental organisation that governs international rail transport.
- OTIF was established on 1 May 1985 pursuant to the Convention concerning International Carriage by Rail (COTIF), which was concluded in 1980. (The predecessor of OTIF was the Central Office for International Carriage by Rail (OCTI), which was organised in 1893).
- COTIF was modified by a Protocol that was signed in Vilnius on 3 June 1999.
- Prior to the Vilnius Protocol, the principal objective of OTIF was to develop uniform systems of law which could apply to the carriage of passengers and freight in international rail traffic. These systems of law have been in existence for decades and are known as the CIV (for passengers) and CIM (for freight/goods) Uniform Rules.



# OTIF Member States (2016)

- Member States
- Associate Members
- Membership suspended





# OTIF activities

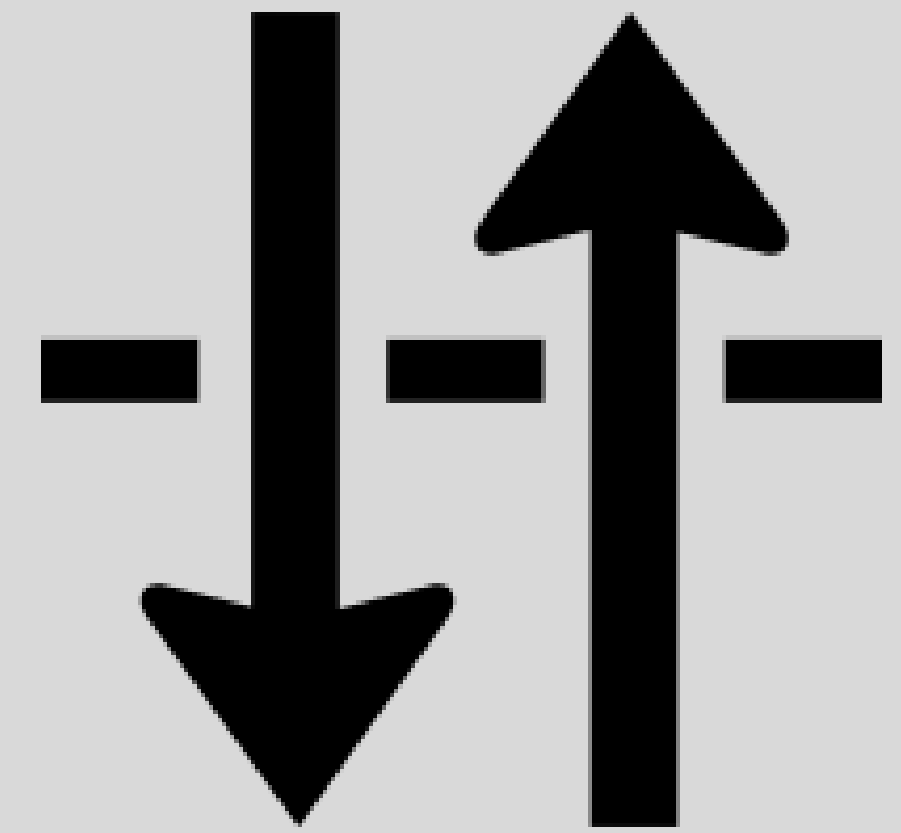
- OTIF
  - deploys tools to facilitate international rail traffic and
  - works closely together to achieve this with
    - the International Rail Transport Committee (CIT),
    - the United Nations Economic Commission for Europe (UNECE),
    - the European Railway Agency (ERA),
    - the European Commission DG MOVE and the
    - Organization for Cooperation of Railways (OSJD).



- Further development of rail transport law in the following areas:
  - contracts of carriage for the international carriage of passengers and goods (CIV and CIM),
  - carriage of dangerous goods (RID),
  - contracts of use of vehicles (CUV),
  - contract on the use of railway infrastructure (CUI),
  - validation of technical standards and adoption of uniform technical prescriptions for railway material (APTU),
  - procedure for the technical admission of railway vehicles and other railway material used in international traffic (ATMF);
- Widening the scope of COTIF in order to make possible in the longer term through carriage by rail under a single legal regime from the Atlantic to the Pacific;



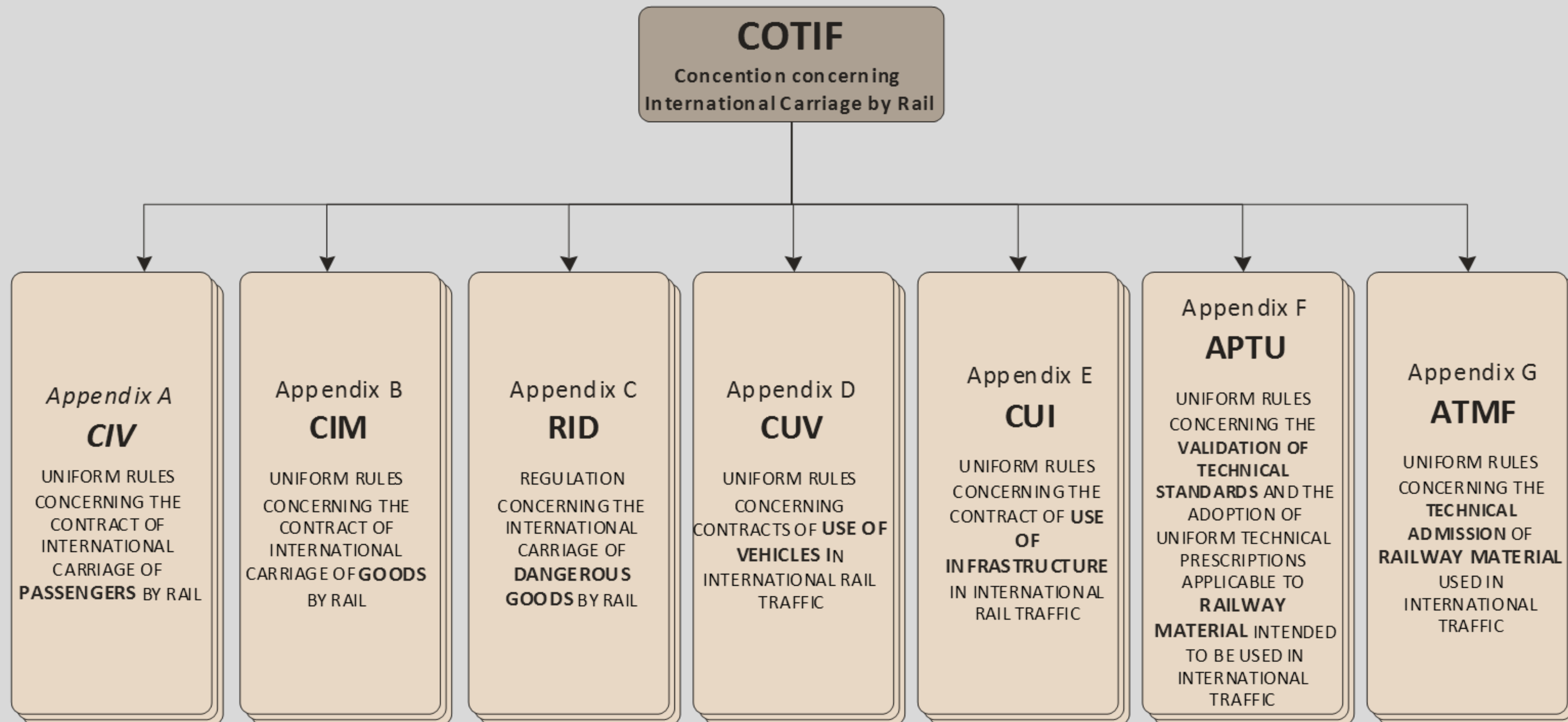
- The removal of obstacles to the crossing of frontiers in international rail transport;
- Participation in the preparation of other international conventions concerning rail transport within UNECE and other international organisations.
- At present, Uniform Rules created by OTIF are applicable
  - for international carriage by rail on around 250,000 km of railway lines and
  - the complementary carriage of freight and passengers on 17,000 km of shipping lines and inland waterways, as well as prior or subsequent domestic carriage by road.



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# International railway law: COTIF main agreement and the annexes

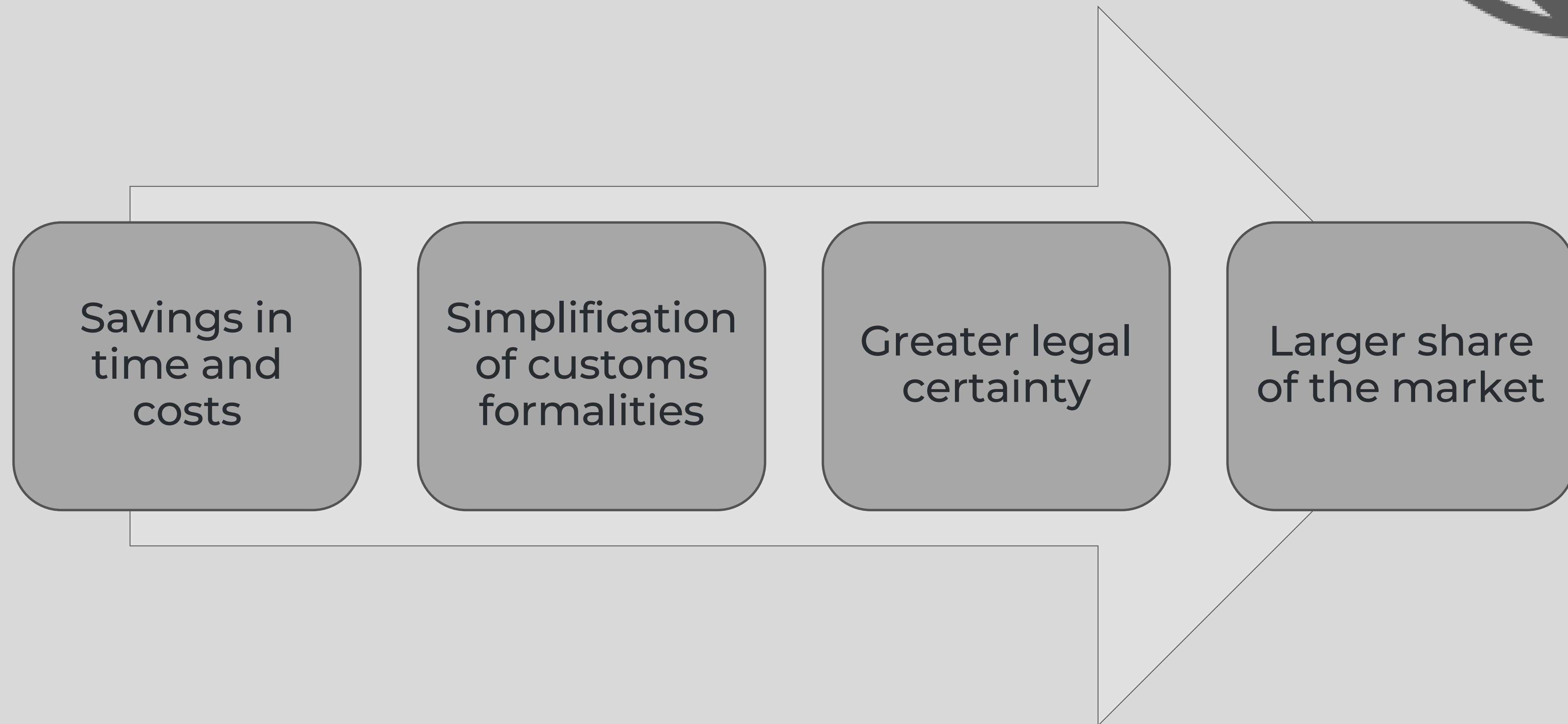
Vilnius Protocol 1999

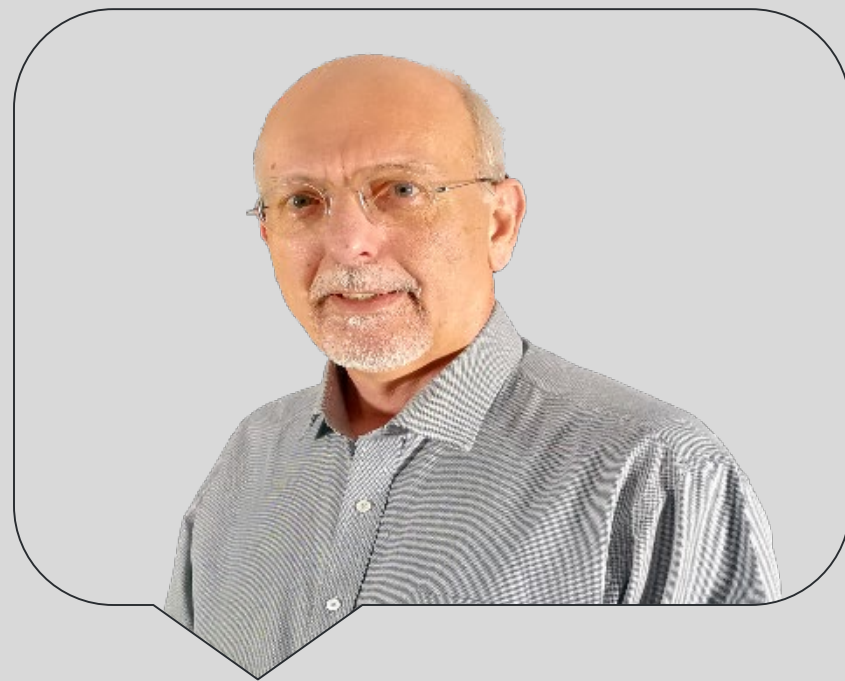


# Conclusions



COTIF  
(Convention concerning International Carriage by Rail)





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# A few words about me....



- Civil Engineer (MSc.) - University of Hannover in Germany
- Master Executive MBA degree - Athens University of Economics & Business.
- Over 30 years of experience in the railway sector, including eight years in Director positions at Greek Railways Organization
- 2006 - 2013 the Head of the Railway Systems Directorate.
- 2013, 2014 development of the Omani National Railway Network.
- Senior Railway Expert at the Ministry of Transport and Communications in Oman.

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[www.railhow.com](http://www.railhow.com)

[info@railhow.com](mailto:info@railhow.com)

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