

# International Rail Transport Law for Passenger Traffic

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OTIF



## Legal regimes for passenger traffic in OTIF and ECO Member States

- CIV Uniform Rules (Appendix A to COTIF) applied in 37 Member States of OTIF including 2 Member States of ECO (1999 version in force since 1.7.2006)
- SMPS applied in 23 Member States of OSJD including 6 Member States of ECO (1.5.2008 version is being applied, version to be applied from 1.5.2010 has been prepared)

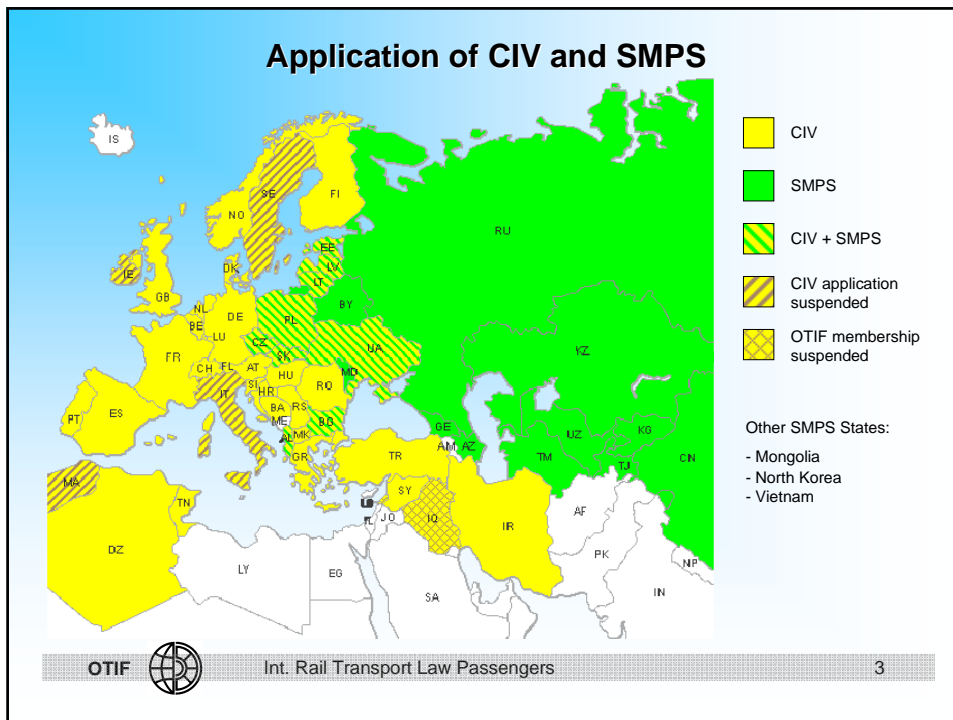
9 States apply both CIV and SMPS  
Reference to SMPS and CIV in TTFA (ECO)

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### CIV and SMPS - common features

#### Regimes containing rules on

- International carriage of passengers by rail
- Hand luggage, animals, registered luggage
- Tickets and transport documents regarding registered luggage
- Liability of the carrier in case of death of, or personal injury to, passengers
- Liability of the carrier for loss or damage resulting from loss of, or damage to, registered luggage

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## CIV and SMPS - Differences

### CIV

- No obligation to carry, but possibility of agreeing to do so
- More focus on liability in case of death of/personal injury to passengers, rules on damages
- Liability in case of failure to keep to the timetable
- Carrier can offer greater liability and take over additional obligations
- Less detailed rules on tickets, luggage allowed etc. (left to general conditions set up by RUs)

### SMPS

- Obligation to carry (similar to the 1980 version of CIV)
- Additional subject matter: express parcels
- Liability in case of death of/personal injury to passengers – principle rule only (damages left up to national law)
- Carrier cannot offer greater liability or take over additional obligations in favour of passengers



## Revision of SMPS - principles

- CIV as a model
- Adaptation to the situation in States where the provision of transport services is separated from the management of infrastructure
- Contract of carriage as a civil law contract
- Introduction of liability in case of delay



## Protection of passengers

What does this term include?

- Information
- Assistance to disabled persons and persons with reduced mobility
- Assistance in case of delay / cancellation
- Personal security
- Strict liability, limited grounds for exoneration
- Claims



## Protection of passengers – applicable rules

- CIV + EC Regulation 1371/2007 (“Passenger Rights Regulation”)
- CIV (+ possible rights granted beyond CIV on the basis of Art. 5 CIV)
- SMPS

