

Appendix E (CUI) of the Convention

Text modifications

Title I General Provisions

Article 3 Definitions

Amend b), c), f) and g) to read:

(For the purposes of these Uniform Rules, the term)

- b) “manager” means the person who makes railway infrastructure available and who has responsibilities in accordance with the laws and prescriptions in force in the State in which the infrastructure is located;
- c) “carrier” means the person who carries persons or goods by rail in international traffic under the CIV Uniform Rules or the CIM Uniform Rules and who is licensed in accordance with the laws and prescriptions relating to licensing and recognition of licenses in force in the State in which the person undertakes this activity;
- f) “licence” means the authorisation issued by a State to a railway undertaking, in accordance with the laws and prescriptions in force in that State, by which its capacity as a carrier is recognized;
- g) “safety certificate” means the document attesting, in accordance with the laws and prescriptions in force in the State in which the infrastructure is located, that so far as concerns the carrier,
 - the internal organisation of the undertaking as well as
 - the personnel to be employed and the vehicles to be used on the infrastructure,meet the requirements imposed in respect of safety in order to ensure a service without danger on that infrastructure.

Title II
Contract of Use

Article 5
Contents and form

Amend §§ 1 and 2 to read:

“§ 1

Relations between the manager and the carrier or any other person entitled to enter into such a contract under the laws and prescriptions in force in the State in which the infrastructure is located shall be regulated in a contract of use.

§ 2

The contract shall regulate the necessary details for the determination of the administrative, technical and financial conditions of use.”

Insert, after Article 5, a new Article 5bis as follows:

“Article 5bis
Law remaining unaffected

- § 1 The provisions of Article 5 as well as those of Articles 6, 7 and 22 shall not affect the obligations which the parties to the contract of use of infrastructure have to meet under the laws and prescriptions in force in the State in which the infrastructure is located including, where appropriate, the law of the European Community.
- § 2 The provisions of Articles 8 and 9 shall not affect the obligations which the parties to the contract of use of infrastructure have to meet in an EC Member State or in a State where Community legislation applies as a result of international agreements with the European Community.
- § 3 The provisions of §§ 1 and 2 concern in particular:
- agreements to be concluded between railway undertakings or authorised applicants and infrastructure managers,
 - licensing,
 - safety certification,
 - insurance,
 - charging involving performance schemes to minimise delays and disruptions and improve the performance of the railway network,
 - compensation arrangements in favour of customers and
 - dispute resolution.“

Article 6
Special obligations of the carrier and the manager

Amend § 1 to read:

“§ 1

The carrier must be authorised to undertake the activity of a carrier by rail. The personnel to be employed and the vehicles to be used must satisfy the safety requirements. The manager may require the carrier to prove, by the presentation of a valid licence and safety certificate or certified copies, or in any other manner, that these conditions are fulfilled.”

Article 7
Duration of the contract

*Delete § 1, renumber §§ 2 to 6 accordingly and modify the heading to read “**Termination of the contract**”.*