

## The CUU (GCU/AVV) on mutual acceptance of wagons at border points

Prepared by:

**Klaus-Jürgen Uhl**, International Border Crossings Expert  
**Tatjana Jankovic**, Regional Railway Expert

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Introduction, sources of information, meetings held

- Objective: to propose the new general contract for the use of wagons in SEETO Participants according to legal basis of EU
- The Consultant prepared explanations of technical, operational and liability principles for CUU agreement and discussed them in meetings with officials in Ministries and railway companies during the missions carried out in February - March 2009
- The Consultant has prepared an agreement between Railway Undertakings for rail border crossings between Participants as well as between SEETO Participant and EU countries taking into account the legal basis of the EU for the border crossings agreement

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## The new general contract for the use of wagons

- Gradually replacing RIV and the UIC leaflet 433 on private wagons

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## The new general contract for the use of wagons

- History  
Between 2004 and 2006 the International Union of Railways (UIC) and the European Rail Freight Association representing the private RUs and the private railway owners have developed new conditions for the use of railway wagons
- CUU came into force on 1st July 2006

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## The new general contract for the use of wagons

The CUU replaces:

- the RIV applicable for freight wagons mostly of state railways with its technical part and
- the UIC leaflet 433 and Annex 2 of CIM, the so called RIP, rules for private wagons

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Why change the old system?

1. Liberalisation of rail traffic in Europe
2. No national territories for railways, only networks managed by an infrastructure manager
3. Transformation of state railways into public or private enterprises
4. New EU rules on competition, non-discriminatory and fair treatment of wagons
5. New COTIF of 1999 and later amendments as in force:
  - Abolish the "obligation to carry"
  - **Do not differentiate between railway wagons and private wagons**

RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Members of the CUU

- All **keeper of wagons** and all RUs can become members
- The members are free to conclude contracts on how to use the wagons in bilateral or multilateral transport
- Exclusion of members from such contracts if they do not fulfill the obligations
- The contract can be downloaded [www.gcuoffice.org](http://www.gcuoffice.org)
- Guidelines for application of CUU, for members only [www.uic.osso.fr](http://www.uic.osso.fr)



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Technical principles of CUU

### THE CUU TAKES OVER THE MAJORITY OF RULES OF THE RIV AND THE UIC LEAFLET 433

1. Before being put into service, the wagon must be approved by the competent regulatory authority (homologation)
2. The keeper is responsible for the maintenance of his wagons
3. The wagons must have the inscriptions and the signs to be easily identified
4. Only wagons in good technical status could be incorporated into trains and exchanged among Railway Undertakings (RU)
5. Acceptance of wagons which endanger safety can be refused



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Operation principles

- The keeper of the wagon is the **exclusive master**
- The keeper is the only person that can give instructions about how to use his wagons
- The wagons must be hauled in the time frame agreed with the RU (the RU is not any longer master of the operation of the wagon!)
- Operational non-compliance leads to claims for compensation
- Empty wagons are returned with a wagon note (instruction similar to the CIM consignment note)
- The RU must supply the keeper with the necessary information concerning the operational status and maintenance status



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Liability principles

- The **user RU** is responsible for any damage, loss or accident on the wagon unless it proves the contrary or proves that it is the responsibility of the keeper
- The keeper is responsible for any damage if the liability can be proved
- The keeper must take the civil liability insurance (insurance against damages caused by his wagon)
- A RU can propose to cover the keeper in his civil liability insurance



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## What are the consequences of CUU for RUs?

- Impossibility to reload the wagon without the agreement of keeper
- Necessity of keeper to reload his wagons in any network
- Return of empty wagons against payment of agreed transport cost
- Abolishment of the old classical international tariffs concerning the RIV charges for loaded or empty wagons (tariffs can not charge shippers for the transport of empty wagons)



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## What are the consequences of the CUU for private wagon keepers?

- No obligation to immatriculate the wagons with a RU. Immatriculate them by adhering to the CUU
- No co-responsibility for the RU concerning operations and maintenance of private wagons. The RU is not any longer responsible for so-called private wagons.
- No obligation to transport the wagons automatically.
- **Wagons are only transported according to the agreement**
- Necessity to insure the wagons against civil liability. No guaranty by the RU as in UIC leaflet 433



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## What are the measures to be undertaken by the RU?

- Improvement of wagon management. No wagons can get “lost” or delayed by arbitrary operational rulings
- Immediate tracking and tracing of wagons is a must.
- Immediate information of the keeper of the positioning of the wagon is a must
- Execution of the demands of the keeper of wagons concerning reloading
- Commercial activities for reloading in case of contractual obligations to do so



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## What are the measures to be undertaken by the RU? - continued

- Better cooperation with partner RUs to reduce empty runnings
- New bilateral or multilateral pricing and service agreements with partner RUs
- Important basis for successful application in the technical part of wagon management is:  
**Agreement between RUs on the technical transfer inspection at borders in order to speed up the treatment of wagons in international freight transport**



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Major points of the “Agreement of the technical transfer inspection at borders for freight wagons”

- Scope of application
- Basic obligations
- Rules for the organization of the technical acceptance on exchange points
- Treatment of irregularities
- Assessment and treatment of damages
- Liability
- Investigation treatment of damages



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Appendixes of the “Agreement”

- Appendix 0 - Definitions
- Appendix 1A – Trains which require a technical transfer inspection
- Appendix 1B – Trains which require the agreement of another contracting party for a technical transfer inspection
- Appendix 2 – Particularities with respect of specific RUs and specific relations



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



## Appendixes of the “Agreement” - continuation

- Appendix 3 – Subsequent agreement between RUs
- Appendix 4 – Damage report
- Appendix 5 – List of contact persons
- Appendix 6 – Allocation of costs based on solidary liability. Allocation cost form



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL



Thank you for your attention!



RWR/RSA Consultant: WVG – TRADEMCO – VIENNA CONSULT – TRL

