

**Proposed amendments to article 14.2 and Appendix 3 of the GCU**

<p><b>1. Present the problem (with examples and, if possible, figures giving a measure of the scope of the problem):</b></p> <p>Since 1 July 2006 the carriage of goods has been subject to the CIM UR and the conveyance of wagons as a means of transport has been subject to the CUV UR and the GCU. Article 14 of the GCU and the GLW-CUV govern the use of the wagon note for the conveyance of empty wagons as a means of transport, but not the conditions of conveyance, particularly in case of extraordinary events (modified conveyance according to the contract of use, impediment to conveyance, impediment to delivery, traffic restrictions, etc.).</p> <p>This lack of provisions causes difficulties in practice, both in the relationship between wagon keepers and user RUs and in the relationship among user RUs.</p>	<p><b>2. Show what the GCU is lacking in this respect:</b></p> <p>See point 1.</p>
<p><b>3. Explain why the problem can only be solved through the GCU:</b></p> <p>A legal basis covering all the provisions to be introduced in the GLW-CUV must be created in the GCU.</p>	<p><b>4. Outline why the problem should be solved as envisaged in the proposed amendment/addition:</b></p> <p>Given the system in place for documents governing international carriage of goods by rail,</p> <ul style="list-style-type: none"> <li>- new provisions should be added to the GLW-CUV in order to ensure that a uniform procedure can be applied in the relationship with keepers in case of extraordinary events during the conveyance of empty wagons accompanied by a CUV wagon note,</li> <li>- new guidelines on wagon traffic should include the new provisions to be applied in such cases among user RUs; the new guidelines would be a counterpart to the GTM-CIT in goods transport (the idea of incorporating these provisions into the GTM-CIT has been rejected, essentially for two reasons: to avoid grouping within the same document provisions pertaining to the contract of carriage and to the contract of use of wagons, and to ensure the provisions are clear and simple for the user),</li> </ul>

	<ul style="list-style-type: none"> <li>- the current provisions in the GLW-CUV concerning the relationship among user RUs should be transferred to the new wagon traffic guidelines.</li> </ul> <p>These new provisions should be harmonised with those governing freight traffic to ensure maximum standardisation of processes in practice, with due consideration for the specificities inherent to empty wagons used as means of transport.</p>
<p><b>5. Describe how the proposed amendments or additions will help solve the problem:</b></p> <p>The proposed solution presents two benefits:</p> <ul style="list-style-type: none"> <li>- providing a better service to wagon keepers, particularly in terms of deployment of their wagons,</li> <li>- improving relationships among user RUs through greater harmonisation of the provisions to apply concerning the wagon note and other documents required for conveyance of empty wagons as a means of transport.</li> </ul>	<p><b>6. Assess the potential positive and negative impacts (on operations, costs, administration, interoperability, safety, competitiveness, etc.), using a scale from 1 (very low) to 5 (very high):</b></p>
<p><b>7. Text proposal</b></p> <p>Make the following amendments to article 14.2 of the GCU (amended passages are underlined):</p> <p><u>The documents listed below, included in Appendix 3, shall be used when forwarding empty wagons:</u></p> <ul style="list-style-type: none"> <li>- <u>wagon note,</u></li> <li>- <u>charges note,</u></li> <li>- <u>subsequent orders,</u></li> <li>- <u>notification of circumstances preventing carriage,</u></li> <li>- <u>notification of circumstances preventing delivery.</u></li> </ul> <p>The arrangements for <u>handling these documents</u> are set out in the Wagon Note Guide of the CUV (GLW-CUV), published by the International Railway Transport Committee (CIT).</p>	

Make the following amendments to Appendix 3 to the GCU:

- new title: Documents for the conveyance of empty wagons. Amend the table of contents accordingly.
- include the following documents:
  - 3.1 Wagon note
  - 3.2 Charges note
  - 3.3 Subsequent orders
  - 3.4 Notification of circumstances preventing carriage
  - 3.5 Notification of circumstances preventing delivery



## UIC Wagon Users Study Group – Paris, 5 June 2012

### “Proposed amendment to art. 14 of the GCU”

#### 1 Introduction

Since 1 July 2006 freight transport has been subject to the CIM UR and the conveyance of wagons as a means of transport to the CIV UR and the GCU. Article 14 of the GCU and the GLW-CUV govern the use of a wagon note for conveying empty wagons as means of transport, but not the conditions of their conveyance, particularly in case of extraordinary events (modified conveyance on the basis of the contract of use, prevention of conveyance, prevention of handover, traffic restrictions, etc.). A solution to these shortcomings could be to enhance the content of the CUV Wagon Note Manual (GLW-CUV) and the CIT Freight Traffic Manual (GTM-CIT). If necessary, additions should be made to the GCU accordingly to form a legal basis.

#### 2 Mandate

At its meeting on 9 December 2011 the UIC Wagon Users Study Group requested that CIT create and head a small group of experts in transport law and wagons to develop proposals for additions to the aforementioned manuals and the GCU. On the basis of said proposals the Wagon Users Study Group would decide on the follow-up work to be carried out on this subject.

#### 3 Results

##### General

The ad hoc group of experts notes that the absence of such provisions does indeed give rise to difficulties in practice, both in terms of the relationship between wagon keepers and user RUs and the relationship among user RUs.

On the basis of the system of documents governing international rail freight transport, the ad hoc group of experts unanimously suggests that the situation be resolved by:

- adding new provisions to the GLW-CUV in order to ensure that a uniform procedure is applied in the relationship with the keeper in case of extraordinary events during the conveyance of empty wagons with a CUV wagon note,
- creating a new wagon traffic manual including new provisions to be applied in such cases between user RUs; the new manual would be the counterpart to the GTM-CIT in freight transport (the idea of integrating the provisions into the GTM-CIT has been rejected for two main reasons: firstly to avoid having one document which includes provisions on the contract of carriage and on the contract of use for wagons, and secondly ensure the provisions are clear and straightforward for the user),
- transferring the current provisions of the GLW-CUV concerning the relationship between user RUs into the new wagon traffic manual.

The new provisions should be harmonised with those governing freight transport in order to ensure maximum standardisation of the processes in practice, subject to the specificities inherent to empty wagons used as means of transport.

The proposed solution presents two advantages:

- better services for wagon keepers, particularly in terms of the deployment of their wagons,
- better relations between user RUs through increased harmonisation of the provisions to be applied in connection with the wagon note and the other documents to be used when conveying empty wagons as means of transport.

### 3.2 GLW-CUV

The draft GLW-CUV developed by the ad hoc group of experts is attached to this document. The proposed modifications compared to the GLW-CUV of 1 July 2012 are highlighted as revisions.

### 3.3 GTW-CIT

The draft new guide to wagon traffic is currently being developed within the group of experts.

### 3.4 Modification of the GCU

A legal basis covering the new provisions to be included in the GLW-CUV needs to be established in the GCU. To this end, the ad hoc group of experts suggests that article 14.2 of the GCU be amended as follows (the modified passages are underlined):

The following documents shall be used for the conveyance of empty wagons (see Appendix 3):

- wagon note,
- charges note,
- subsequent orders,
- notification of prevention of conveyance,
- notification of prevention of handover.

*The arrangements for the handling of these documents are set out in the CUV Wagon Note Guide (GLW-CUV), published by the International Railway Transport Committee (CIT).*

Appendix 3 to the GCU needs to be amended as follows:

- new title: Documents relating to the conveyance of empty wagons. Adapt the GCU table of contents appropriately.
- include the following documents:
  - 3.1 Wagon note
  - 3.2 Charges note
  - 3.3 Subsequent orders
  - 3.4 Notification of prevention of conveyance
  - 3.5 Notification of prevention of handover

## 4 **Further steps**

The UIC Wagon Users Study Group is requested to express its views on the results achieved by the ad hoc group of experts and submit them to the GCU Joint Committee (see attached template).



Comité international  
des transports ferroviaires

Internationales  
Eisenbahntransportkomitee

International Rail  
Transport Committee

The WU SG is also requested to mandate CIT to continue its work on additions to the GLW-CUV and to develop a new wagon traffic manual).

Appendices mentioned