

Amendments and additions to the GCU Proposal sheet

Appendix 8 - Shortening the feedback period for signatories

Record of amendments

Amended by	Date	Paragraph	Amendment
Christoph Gabrisch	29/11/2023	App. 8, I GCU Bureau, Points 9, 10 and 11	Shorten the feedback period for signatories and abolish the delayed entry into force of amendments that have received only isolated opposition.
WU SG	20/02/2024	App. 8, I GCU Bureau, Points 9, 10 and 11	Update
WU SG decision	14/05/2024	App. 8, I GCU Bureau, Points 9, 10 and 11	Approved by WU SG
GCU JC decision	04/06/2024	App. 8, I GCU Bureau, Points 9, 10 and 11	Approved by GCU JC

<p>1.- Expose the problem (with examples and, if possible, figures giving a measure of the scope of the problem):</p> <p>Today, GCU signatories have three months to respond to GCU amendment proposals. Three months is a longer period than is subsequently available for the practical implementation of the updated contract version in the companies of the GCU signatories. For the practical implementation, the contract amendments are to be published and trained (translated into the national language beforehand, if necessary). Especially for signatories that are still translating the contract into their national language, the tight period for implementation leads to stress at the end of the year. We take the opportunity to delete the rule for delayed entry into force for Amendment proposals that have received only limited opposition.</p>	<p>2.- Show what the GCU is lacking in this respect:</p> <p>Appendix 8, Chapter 1 GCU Bureau, point 9 – 11 defines the feedback period for signatories and the rules of entry into force.</p>
<p>3.- Explain why the problem can only be solved through the GCU contract:</p> <p>The three-month period is defined in the GCU itself. It is to be changed there.</p> <p>The somewhat difficult rules for approval for amendment proposals are defined in the GCU itself. They are to be changed here.</p>	<p>4.- Outline why the problem should be solved as envisaged in the proposed amendment/addition:</p> <p>By shortening the GCU voting process to two months, the signatories gain time for the practical implementation in their organisations.</p> <p>By deleting the delayed entry into force rule in case of individual opposition we solve the compliance problem this creates.</p>
<p>5.- Describe how the proposed amendments or additions will help solve the problem:</p> <p>The official voting period will continue to start on 1 July of the previous year but will now end on 1 September of the previous year. This will give signatories an additional month to implement the changes in their organisations</p> <p>GCU signatories who reject a contract amendment are also given a further month to cancel their GCU membership in the event of significant concerns.</p>	<p>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):</p> <p>Today, most feedback from signatories comes shortly after mailing and just before the feedback deadline. Foreseeably, the feedback period being shortened to two months will have no direct impact on the signatories. On the contrary, the extended period of one month for practical implementation is perceived as an advantage by the signatories.</p>

7.- Proposed text

Colour coding of amendments:

Black: Current text (remains unchanged, included for reference purposes)

Red: new text

Blue: (may be struck through): text to be deleted

EN

I. The GCU Bureau

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- 9 Signatories who do not agree with the proposed amendments must declare this by letter, fax or e-mail to the GCU Bureau within ~~three~~ **two** months after the notification of the proposed amendments has been sent out by e-mail. Any signatory that has not declared disagreement by the end of this period shall be considered to be in agreement with the proposal.
- 10 Proposals shall be adopted if none of the signatories have opposed them within the prescribed time period or if, in each of the groups referred to in point 5, they obtain the support of at least three-quarters of the signatories in the corresponding group representing at the same time at least three-quarters of the total tonne-kilometres or wagons in the group in question.
- 11 Adopted amendments to the GCU shall be published on the GCU Website and the fact of the adoption shall be notified by e-mail to all signatories by the GCU Bureau within 1 week after adoption.

Amendments that are adopted ~~unanimously~~ shall enter into force on the date specified in the corresponding proposal; if no date is mentioned, they shall enter into force ~~three months after adoption.~~ **on the first of January of the following calendar year.**

~~Amendments of the GCU adopted without unanimity shall enter into force the first day of the month following a period of six months after adoption.~~

Amendments and additions shall also be binding on signatories that did not agree with them, unless the signatories in question decide to withdraw from the contract in accordance with Article 3 of the GCU.

When proposals are not carried, the GCU Bureau shall also announce the result on the ~~GC~~**U** Website and notify the signatories by e-mail.

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I. Le Bureau CUU

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9. Les contractants qui ne sont pas d'accord avec les propositions d'amendements doivent le déclarer au bureau CUU par lettre, fax ou e-mail, dans un délai de ~~trois~~ **deux** mois après l'envoi par e-mail de la notification de la proposition en cause. L'absence de déclaration de désaccord par le contractant à l'expiration de ce délai vaut approbation.
10. Les propositions sont réputées adoptées si aucun contractant ne s'y est opposé dans les délais prescrits, ou bien, si elles recueillent dans chacun des collèges cités au point 5 l'assentiment d'au moins les trois quarts des contractants qui représentent en même temps dans le collège correspondant trois quarts des tonnes-kilomètres transportées ou des wagons recensés.
11. Les amendements au CUU qui sont adoptés seront publiés sur le site web CUU et cette adoption est notifiée par e-mail à l'ensemble des parties contractantes par le Bureau CUU dans un délai d'une semaine après adoption.

Les amendements adoptés ~~à l'unanimité~~ prennent effet à la date indiquée dans la proposition ; si aucune date n'est évoquée, ils entrent en vigueur ~~trois mois après adoption.~~ **au premier janvier de l'année civile suivante.**

~~Les amendements adoptés sans unanimité entrent en vigueur le premier jour du mois suivant un délai de six mois après adoption.~~ Amendements et compléments prennent effet également vis-à-vis des contractants qui ne les ont pas approuvés, pour autant que ces contractants ne se retirent pas du contrat au sens de l'article 3 CUU.

En cas d'échec d'une proposition, le bureau CUU communique le résultat sur le site web CUU et le notifie aux contractants par e-mail.

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I. Das AVV-Büro

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9. Vertragsparteien, die einem Änderungsantrag nicht zustimmen, müssen dies innerhalb von ~~drei~~ **zwei** Monaten nach Absendung der E-Mail-Benachrichtigung über die Veröffentlichung der Änderungsanträge dem AVV-Büro durch Brief, Fax oder E-Mail mitteilen. Erklärt eine Vertragspartei innerhalb dieser Frist keinen Widerspruch, so gilt dies als Zustimmung zu dem Änderungsantrag.
10. Anträge sind angenommen, wenn ihnen keine Vertragspartei fristgerecht widersprochen hat oder wenn

sie in jeder der in Ziffer 5 genannten Abteilungen die Zustimmung von mindestens drei Vierteln der zugehörigen Vertragsparteien finden, die zugleich mindestens drei Viertel, der in der jeweiligen Abteilung erfassten Tonnenkilometer beziehungsweise Güterwagen repräsentieren.

11. Angenommene Änderungen des AVV werden auf der AVV-Website veröffentlicht und binnen 1 Woche nach erfolgter Annahme vom AVV-Büro allen Vertragsparteien durch E-Mail bekannt gegeben.

~~Einstimmig~~-Angenommene Änderungen treten zu dem im Antrag genannten Zeitpunkt in Kraft; ist kein Zeitpunkt genannt, so treten sie ~~drei Monate nach ihrer Annahme in Kraft.~~ **zum ersten Januar des nächsten Kalenderjahres in Kraft.**

~~Nicht einstimmig angenommene Änderungen treten frühestens am ersten Tag des Monats in Kraft, der einem Zeitraum von sechs Monaten nach ihrer Annahme folgt.~~

Änderungen und Ergänzungen treten auch gegenüber Vertragsparteien in Kraft, die ihnen nicht zugestimmt haben, sofern diese Vertragsparteien nicht ihre Teilnahme am Vertrag gemäß Artikel 3 AVV kündigen.

Scheitert ein Antrag, so veröffentlicht das AVV-Büro auch dieses Ergebnis auf der AVV- Website und gibt es den Vertragsparteien durch E-Mail bekannt.