

Annex IV – Table comparing CUI and GTC

Major features	CUI	GTC
Relationship	RU – IM	RU-IM
Basis of liability	Strict liability of respectively the IM / RU when the origin of the damage lies respectively in the infrastructure / the means of transport used or by the persons or goods carried, and when the damage was caused during the use of the infrastructure.	Strict liability of respectively the IM / RU when the origin of the damage lies respectively in the infrastructure / the means of transport used or by the persons or goods carried, and when the damage was caused during the use of the infrastructure.
Relief of liability	<ul style="list-style-type: none"> - If the incident has been caused by circumstances not connected with RU's/IM's activities (circumstances unavoidable and their consequences impossible to prevent, in spite of having taken the care required in the particular circumstances). - To the extent that the incident is due to the fault of the other party suffering the loss or damage. - If the incident is due to the behaviour of a third party. 	<ul style="list-style-type: none"> - The fault of the RU / IM or by an order given by the RU / IM which is not attributable to the IM / RU; - Circumstances such as force majeure or the behaviour of a third party under the condition that the IM / RU has taken the care required in the particular circumstances, could not avoid the damage and was unable to prevent the consequences
Damage	<ul style="list-style-type: none"> - bodily loss or damage, (IM/RU) - loss of or damage to property (IM/RU) - pecuniary loss resulting from damages payable by RU under CIV or CIM (IM) 	<p>IM/RU:</p> <ul style="list-style-type: none"> - bodily loss or damage, - loss of or damage to property irrespective of ownership, - pecuniary loss resulting from damages payable by RU / IM under national or international law
Financial limitations of liability	<ul style="list-style-type: none"> - No limitation if wilful misconduct/ knowledge that such loss or damage would probably result - death or personal injury: min. 175.000 units of accounts 	Except if wilful misconduct/ knowledge that such loss or damage would probably result, subject to the limitations drawn in the contract
Notice of claim	- in general, 3 years from the day when the loss or damage	- in general, 3 years from the day when the loss or damage

	occurred. - death: 3 years/ max. 5 years	occurred. - death: 3 years/ max. 5 years
Other actions	subject to the conditions and limitations drawn in the CUI	/