

## General SBB AG conditions of use for commercial promotions on station premises.

The use of SBB AG premises is based on the IM 70002 regulation for the use of public areas on SBB AG premises.

### 1. Subject matter

Commercial promotions on publicly accessible SBB AG premises are permitted in specified locations and at specified times.

Commercial promotions are defined as any activity that is carried out in promotion areas or sampling points in pursuit of an economic aim.

Commercial use with a conceptual background (especially, political, religious, humanitarian, cultural or ecological; known as mixed use) carried out by tax-exempt non-profit organisations is considered fundraising. There are separate conditions of use for fundraising (General SBB AG conditions of use for fundraising activities on SBB premises).

There are also separate conditions of use for purely conceptual promotions (General conditions of use for conceptual promotions on SBB premises).

Definition of terms:

- **Promotion:** A promotion covers all temporary activities intended to activate/advertise a product (e.g. consumer goods or services), in particular to increase awareness. This is small scale for SBB AG in terms of space requirements as well as personnel and administrative costs.
- **Fundraising:** Fund collection or fundraising includes all relationship-building activities (recruitment of members) with the purpose of attracting resources.
- **Commercial:** A purely economic purpose with no charitable background (in particular, political, religious, humanitarian, cultural or ecological).
- **Conceptual promotion:** Activities that pursue political, religious, humanitarian, cultural or ecological aims, among others, based on voluntary work and thus excluding gainful employment or commercial use.
- **Non-profit organisation:** This refers to the charitable aid organisation advertised in the fundraising areas, and which is pursuing of a non-profit aim.
- **Organiser:** The company / organisation that carries out the promotion with its staff.
- **Promoter:** Promoters are people who inform passers-by about a product or service for advertising purposes or provide them with a product sample or flyer, if appropriate.
- **Interlocutor:** People who actively address passers-by for the purpose of recruitment.

Uses are not permitted if they

- disrupt the orderly operation of rail services or obstruct access to the railway;
- give rise to a hazardous situation;
- offend against morals and decency;
- infringe protected personal rights;
- detract from the cleanliness of the premises;
- breach legal requirements;
- have sales as their sole objective or
- involve sound systems (except as per section 5)

## **2. Consent**

Written authorisation is required for all promotions on SBB AG premises. A registration form is available online at <https://promo.sbb-immobilien.ch/en>.

The minimum processing time for the application is **7 working days**. For applications submitted later than this, the timely processing of the permit cannot be guaranteed.

The organiser must issue the permit to all participants. The permit must be presented to SBB/Transsicura staff and/or the transport police upon request.

It is the responsibility of the organisers to obtain any other official permits required (food hygiene inspectorate, fire and commercial inspectorate, sound system etc.).

At large stations, other promotional activities may take place at the same time – in separate areas.

### **2.1. Tariffs**

Commercial promotions are subject to a charge. The tariffs are based on the reach and the location of the distribution points and stands. The tariffs are published on <https://promo.sbb-immobilien.ch/en/>. The costs include the fee as specified in the order confirmation. VAT is also payable.

The authorisation and the invoice are issued separately. SBB must receive the payment before the promotion begins. Otherwise, the promotion cannot be carried out.

As a general rule, car parking, waste disposal, clean-up etc. are not included in the hire of promotional points and areas (exceptions possible).

### **2.2. Conclusion of contract / cancellation**

The contract is concluded upon delivery of the order confirmation by SBB AG. The contract can be cancelled or rebooked by the organiser with the following cost implications (costs as % of the invoice amount):

- 10 to 8 weeks (70th to 56th day) before the campaign: 20%
- 7 to 6 weeks (55th to 36th day) before the campaign: 50%
- from 5 weeks (35th day and less) before the campaign: 100%

## **3. Conditions for granting approval**

Promotional areas are allocated on a “first come, first served” basis. Authorisation for commercial promotions is issued for a period of at least half a day (for samplings only) or a whole day (for stand campaigns). Half-day sampling activities begin in the morning with the departure of the first train and end at 12 noon. The afternoon period starts at 12 noon and ends when the last train arrives.

Any preparation, assembly or dismantling work must be agreed individually. Early termination of the promotion does not entitle the organiser to a tariff reduction.

## **4. Termination of commercial promotions**

If the SBB AG requirements or the present conditions of use are violated, SBB AG may withdraw the organiser’s authorisation for promotions and demand the immediate termination of promotions through the security bodies or their on-site representatives. Non-compliance can in serious cases lead to the refusal of authorisation for future promotions. In these cases, there is no right to a refund for any tariff paid, nor is there a right to claim for damages or loss of profit.

SBB AG or their security bodies may stop, postpone or cancel a campaign at any time on account of important operational reasons. SBB AG informs the organiser as quickly as possible. There is no right to claim for damages or loss of profit.

Noise emissions and vibrations from construction work in the stations cannot be ruled out. There is no right to claim for damages or loss of profit.

## 5. General

Any emissions, in particular noise (including music, use of megaphones or loudspeakers), odours, light effects, etc., which occur during a promotion must be reported to SBB AG and approved by SBB AG in advance. It is possible to have a minimal sound system orientated to the promotion area.

Whenever possible, the items distributed should come in a size typical of samples. Containers used to hand out drinks are limited to a capacity of 500ml. Distribution of glass containers is prohibited.

Freshly prepared food may be handed out for tasting purposes. Serving hot food is strictly prohibited.

Handing out drinks in open containers is prohibited in sampling campaigns. Drinks may be sampled – e.g. in beakers – only in the case of stand-based campaigns. The tasting samples must be consumed on the spot.

Advertising alcohol or tobacco (including nicotine tabs and vaping items) is strictly prohibited. Excluded from this is the sampling of alcoholic drinks of up to 15% vol. as a maximum for stand-based promotions. The provisions of the local alcohol legislation must be complied with. Any permits or licences must be obtained from the event organiser.

The organiser or the brand advertised must be identifiable by a clear sign. The staff of the organiser must be identifiable as such (clothing, name tag etc.). Per booked promotion, only one product/one brand may be advertised.

Promotions must be professional and appealing. An unprofessional appearance can damage the image of SBB AG and the station and entitles SBB AG to terminate the promotion in accordance with section 4.

In open areas outside SBB premises, authorisation from the municipality and/or the Canton may be required, depending on local regulations.

## 6. Organisation

Following receipt of the authorisation **but no later than five working days before the day of the campaign**, the organiser must contact the designated contact person as per the e-mail confirmation. The responsible person from SBB Facility Management will respond within 48 hours to discuss the logistics processes (delivery, storage options, batch delivery, access to promotional areas, cold storage rooms, waste disposal, safety issues, etc.).

If necessary, a personal briefing will take place on site on the day of the promotion. There is no personal briefing in smaller stations.

Contact must be made with each station listed. In the event of late registration, the proper on-site logistical organisation of the promotion cannot be guaranteed.

The organiser must provide the name and mobile phone number of an on-site contact person who will be reachable at all times during the promotion.

## **7. Locations**

### **7.1. General**

SBB AG defines the locations available for promotions on its premises. No promotions are permitted on platform areas, at access points to platforms, stairs, ramps, lifts, escalators, underpasses, ticket machines, shop entrances and other service points. For security reasons, an appropriate distance (usually 5m) must be maintained between the entry and exit points of stairs, escalators, ramps etc. Guide lines for the blind must be kept clear by a minimum distance of 60cm. Corridors enabling the free flow of customers are also defined.

Promotions must take place in the assigned area. This area is clearly defined for each station by means of a floor plan or a photo montage. Addressing passers-by outside the designated point of distribution or stand area is not permitted.

Promotions cannot be carried out in every station due to space and security reasons.

More detailed information is available online at <https://promo.sbb-immobilien.ch/en>.

### **7.2. Commercial stand campaigns**

The permissible installations are specified in the authorisation. Tents, counters, seating, advertising media, walls, electronic information devices or similar can be set up. The maximum height for advertising media (e.g. beach flags) is 2.7 metres. The organiser is responsible for the procurement of the stand material, as well as its construction and dismantling. All related costs are borne by the organiser.

### **7.3. Commercial distribution campaigns**

A maximum of four promoters with four distribution containers may be present at each sampling point. Where the space conditions on site require it, SBB AG has divided the sampling point into two half sampling points. Per half sampling point, two promoters and two distribution containers are permitted.

Small-format wheeled containers must be used to distribute items. These containers may bear advertising.

It is not permitted to set up stocks of materials or displays of any kind.

In smaller stations, where promotional areas are not defined, the following rule applies: the four promoters (maximum) can move freely around the station area, with the exceptions of on platforms, underpasses, ramps, lifts and stairs.

## **8. Rules of conduct for promoters**

The promoters must behave politely and decently.

A dismissive gesture or a "No, thank you" from a passer-by must be respected. Care should be taken not to approach passers-by multiple times.

Promoters must refrain from aggressive behaviour of any kind, including, for example, blocking someone's way, holding on to someone's arm, calling out to someone from a considerable distance, whistling after someone and similar tactics.

Smoking is not permitted in the station. Maintaining a presentable appearance includes ensuring that clothes, bags etc. are not left lying around in the visible area of the stand.

## **9. Cleaning and clearing up**

The organiser is responsible for cleaning the locations and disposing of waste. If necessary, they are also required to provide additional waste bins. Any subsequent or extra cleaning costs connected to a promotion will be charged to the organiser.

At some stations, waste disposal can be carried out by SBB AG if agreed in advance. The waste disposal fees will be invoiced to the organiser after the promotion.

The event organiser must find out how much material remains left over at the end of the fundraising and collect it within one working day. The right to charge subsequent storage fees is reserved.

## **10. Safety**

The organiser is responsible for the security of promotion. They must not allow crowds which obstruct movement.

The organiser must observe and comply with the safety regulations in force issued by the fire prevention authorities (Feuerpolizei) and the cantonal buildings insurance authority (Gebäudeversicherung), as well as with other rail-operations-related requirements.

No flammable liquids or gases may be stored on the fundraising areas nor are naked flames permitted. Decorations and similar materials must be classified as non-flammable. Helium-filled balloons for distribution are prohibited in stations, as is the use of patio heaters and similar equipment.

The use of helium balloons for the purpose of decorating the stand is permitted, but they must be inflated outside the station building. Pressurized gas cylinders are prohibited inside station buildings.

Electrical equipment must be operated by qualified personnel and must comply with the relevant legal standards.

## **11. Liability**

The organiser shall be liable for any personal injuries, damage to property or financial losses that are attributable to the promotion.

The organiser must have liability insurance which covers a damage amount of at least CHF 5 million.

SBB AG will not accept any liability for damages incurred by the organiser or third parties. In particular, SBB accepts no liability for theft or damage in the storage of promotion material.

Station regulations must be complied with. Additional provisions set out in local house rules or regulations must be adhered to and are binding.

## **12. Supplementary provisions**

Information relating to the planned promotion, such as the location, date, subject of the promotion and organiser, may be passed on to third parties by SBB AG.

Photography and filming in connection with the promotion are permitted and regarded as having been approved. The personal rights of the persons recorded must be respected. A special authorisation must be obtained for filming in stations: [Filming for commercial purposes | SBB News](#)

If available, the organiser has the option of using the SBB AG public internet access (WiFi).

Some promotional stand spaces are equipped with sockets for LAN cables. If the organiser wishes to use these, it must register its interest at an early stage. Use is subject to a charge.

SBB AG accepts no liability for uninterrupted and disruption-free WLAN (WiFi) and/or LAN access. The organiser is responsible for ensuring that access to the WLAN (WiFi) and/or LAN network is used in compliance with the law. The organiser is liable to SBB AG for any damages resulting from unlawful use.

SBB AG reserves the right to amend the conditions of use at any time.

Insofar as there are no mandatory statutory provisions to the contrary, Bern is the exclusive place of jurisdiction.

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