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**INTEROPERABILITY AND HARMONIZATION OF CONDITIONS
OF DIFFERENT RAIL TRANSPORT SYSTEMS***

Transmitted by the Intergovernmental Organization for International Carriage
by Rail (OTIF) and the Organization for Co-operation between Railways (OSJD)

1. Harmonization of the different rail transport systems is a long-term aim of cooperation between OTIF and OSJD on the basis of the Common Position signed in 2002. In the context of the plan of joint activities agreed each year, some of the subjects dealt with were the development of the transport corridors for the period 2005-2010, amendments and additions to SMPS and the SMPS manual and alignment with CIV and other legal documents, as well as vehicle loading gauges. Representatives of OSJD took part in the OTIF-UNECE Joint Meeting on the Transport of Dangerous Goods (RID/ADR/ADN); both organizations worked together on preparing the International Conference on the Facilitation of Border Crossing.

* The UNECE Transport Division has submitted the present document after the official document deadline due to resource constraints.

2. In order to survive in competition with the other transport modes, particularly with road transport, the railways must improve the quality of their services, reliability and safety, in order to be in a position to deliver the goods they carry more quickly. Harmonization of OSJD's and OTIF's systems of transport law would be a significant step towards achieving this.
3. Allowing for these tasks, the joint work of OSJD and OTIF was focused above all on drafting the CIM/SMGS consignment note and on updating the SMGS rules on the carriage of dangerous goods by aligning them with those of RID.¹
4. A CIM/SMGS consignment note model and a corresponding manual have been prepared in a joint International Rail Transport Committee (CTI) and OSJD project. In the first few months of 2006, these were both approved by each of the organizations' highest bodies and by the interested competent customs authorities on each side, so that the CIM/SMGS consignment note will be available from 1 September 2006 and can be used both as a transport and as a customs document. An initial trial run using this consignment note took place on 25 July 2006 in Donetsk and Nizhnedneprovsk to destination stations in Germany.
5. The new CIM/SMGS consignment note means that the drawing up of a new CIM or SMGS consignment note at the border between the geographical scope of the two regimes can be avoided, thus allowing a saving in time and cost for customers and carriers. It will allow customers, carriers and customs authorities to save time and money as well as simplifying customs formalities, particularly at the external frontiers of the European Union. The CIM/SMGS consignment note and the manual for its use were described in detail in CIT Info 1/2006.²
6. Almost a hundred participants (customers, carriers, customs authorities and representative organizations) took part in the seminar entitled "Making the Law of Carriage by Rail Interoperable: the CIM/SMGS Consignment Note". The seminar was organized by the CIT and the OSJD and held in Bern on 25 April 2006. This very diverse audience was made up both of participants who already knew the subject well and other participants who were coming to the subject for the first time. The seminar forms part of the briefing initiative which the CIT is organizing in conjunction with the OSJD to mark the end of the first phase of the project but before the CIM/SMGS consignment note is implemented in practice (with effect from 1 September 2006). A second seminar for customers in Eastern Europe and Asia will be organized in conjunction with the RZD and held in Moscow at the end of 2006.³
7. The CIM/SMGS consignment note represents a contribution to the facilitation of rail transport between the Member States of COTIF and the Member States of OSJD. Despite this progress, however, there are still two regimes governing liability, CIM and SMGS. This fact causes difficulties and disadvantages for customers. To find a remedy, a legal group has been set up which is comprised of lawyers from each of the railways operating in pan-European corridors II and III, CIT, OSJD and OTIF.

¹ Report on OSJD's activities, from: Protocol of the XXXIV session of the Conference of Ministers, Sofia, 12-15 June 2006.

² See <http://www.cit-rail.org/pdf/citinfo/en/2006/01.pdf>.

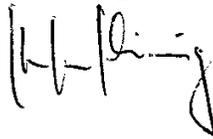
³ CIT Info 2/2006, pp. 6-7.

8. The work of this legal group has been carried out in two phases; in the first (1 January to 1 July 2006) a manual on liability has been drawn up. This manual will serve as a source of information for customers, carriers and customs authorities. In the second phase, standard terms and conditions for liability will be drawn up to apply to specific traffic axes on a contractual basis.³

9. OTIF and OSJD are firmly committed to continuing the mutual cooperation. Both organizations will report further to the Working Party on Rail Transport (SC.2) on ongoing work in this direction.

Secretary General of OTIF

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Chairman of the OSJD Committee

T. Szozda

