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Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

First session

Geneva, 6 May 2011

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the first session^{1,2}

To be held at the Palais des Nations, Geneva
starting at 09.30 hours on Friday, 6 May 2011

I. Provisional agenda

1. Adoption of the agenda.
2. Election of officers.
3. Mandate: UNECE Position Paper towards unified railway law for Euro-Asian land transport.

¹ Delegates are requested to complete the registration form available for download at the UNECE Transport Division's website www.unece.org/trans/registfr.html. It should be transmitted to the UNECE secretariat no later than one week prior to the session by e-mail (sc.2@unece.org) or by fax (+41 22 917 0039). Upon arrival at the Palais des Nations, delegates should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact the secretariat by telephone (ext. 740 30 or 734 57). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

² For reasons of economy, delegates are requested to bring copies of all relevant documents to the session. There will be no documentation available in the conference room. Before the session, documents may be downloaded from the UNECE Transport Division's website www.unece.org/trans/main/sc2/sc2.html. On an exceptional basis, documents may also be obtained by e-mail (sc.2@unece.org) or by fax (+41 22-917 0039). During the session, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

4. UNECE Group of Experts: Administrative arrangements.
5. Joint Organization for Cooperation between Railways-International Rail Transport Committee Legal Group: General Terms and Conditions for Euro-Asian Rail Transport Contracts (GTC EurAsia).
6. Memorandum of Understanding (MoU) or similar instrument (soft law).
7. Latest developments in international railway law.
8. Experiences with rail operations in the pan-European region and along Euro-Asian transport corridors.
9. Other business.
11. Date of next session(s).
12. Summary of decisions.

II. Annotations

Note by the UNECE secretariat

The UNECE position paper (ECE/TRANS/2011/3) foresees, as a first step, the preparation of a MoU or similar instrument (soft law) on general terms and conditions for Euro-Asian rail transport contracts. Contractual model provisions will be prepared through the joint Organization for Cooperation between Railways (OSJD)-International Rail Transport Committee (CIT) Legal Group. The MoU, constituting the political and legal framework for the application of these contractual provisions, will be negotiated by the UNECE Group of Experts, in close coordination with OSJD, the Intergovernmental Organization for International Carriage by Rail (OTIF), CIT and other interested stakeholders.

This public-private partnership towards harmonization of international railway law is a new and innovative approach. It takes account of the responsibilities and expertise of all stakeholders and could set off a break-through in rail transport operations between Europe and Asia and with the countries in the Caucasus and Central Asian region.

In spite of good rail infrastructure and favorable political and economic conditions, Euro-Asian rail transport operations will only become a commercial reality, if reliable, transparent and predictable services along the whole corridor can be guaranteed. This can only be achieved, if all concerned Governments and railway companies work together and commit themselves to a set of common objectives and legal principles.

Such cooperation and commitment is particularly important for Euro-Asian rail transport as, contrary to air and sea transport, rail transport cannot rely on a global legislative framework and involves operations in many countries with differing economic and legal systems governing railways.

1. Adoption of the Agenda

The first item to be considered is the adoption of the agenda (ECE/TRANS/SC.2/GEURL/2011/1).

Documentation

ECE/TRANS/SC.2/GEURL/2011/1

2. Election of officers

The Group of Experts may wish to elect a Chair and a Vice-Chair.

3. Mandate: UNECE Position Paper towards unified railway law for Euro-Asian land transport

The Group of Experts may wish to recall the provisions of the UNECE position paper towards unified railway law for Euro-Asian land transport adopted by the UNECE Working Party on Rail Transport (Vienna, 18-19 November 2010) for approval by the UNECE Inland Transport Committee on 3 March 2011 (ECE/TRANS/2011/3). In paragraph 48, the position paper foresees the launching of short-term actions under step (a): Preparation of a Memorandum of Understanding or similar instrument (soft law) on general terms and conditions for Euro-Asian rail transport contracts.

The Group of Experts will be informed by UNECE, OSJD and CIT on the steps taken to ensure that this public-private partnership project towards unified railway law could be achieved within the authorized time frame.

Documentation

ECE/TRANS/2011/3

4. UNECE Group of Experts: Administrative arrangements

The Terms of Reference (ToR) of the Group of Experts for 2011 as contained in the annex to document ECE/TRANS/2011/3 are expected to be approved by the UNECE Inland Transport Committee on 3 March 2011 and by the UNECE Executive Committee on 4 March.

In line with these ToR, the Group of Experts, at its first meeting, will have to adopt a work plan, clearly defining its objectives and activities, including a time schedule for their implementation.

The UNECE secretariat has prepared document ECE/TRANS/SC.2/GEURL/2011/2 for consideration and adoption by the Group of Experts.

Documentation

ECE/TRANS/SC.2/GEURL/2011/2

5. Joint Organization for Cooperation between Railways-International Rail Transport Committee Legal Group: General Terms and Conditions for Euro-Asian Rail Transport Contracts (GTC EurAsia)

The Group of Experts will be informed of the considerations and outcome of the session of the joint OSJD-CIT Legal Group held at Paris on 26 and 27 April 2011 preparing the GTC EurAsia.

Documentation

Informal document SC.2/GEURL No. 1 (2011)

6. Memorandum of Understanding (MoU) or similar instrument (soft law)

The Group of Experts may wish to consider the main elements of a MoU or similar instrument (soft law) that provides the political and legal framework for the acceptance and use of the GTC EurAsia.

On the basis of a document prepared by the secretariat, the Group of Experts may wish to consider, among others, the following issues:

- Objectives and main principles (Public-Private Partnership on common objectives and legal principles for Euro-Asian rail transport on the basis of one transport contract, one consignment note and one liability system)
- Key provisions of the instrument (preamble, body of instrument, final and administrative provisions, time frame, annexe(s))
- Approval and signature
- Designation of the instrument (MoU, Resolutions, Declaration, others).

The Group of Experts may also wish to exchange views on best practices in establishing and applying such instruments and may wish to designate experts to prepare specific provisions of the instrument.

Documentation

ECE/TRANS/SC.2/GEURL/2011/3

7. Latest developments in international railway law

The Group of Experts may wish to be informed about recent activities and plans for future work in the field of national, regional and international railway law by Governments, the European Commission (DG Move), international organizations and the industry.

8. Experiences with rail operations in the pan-European region and along Euro-Asian transport corridors

The Group of Experts may wish to exchange information on latest experiences with rail transport operations in the pan-European region and along Euro-Asian transport corridors in view of important infrastructure projects that have already been completed or are close to completion, such as new railway lines and border crossings between China, Kazakhstan and Mongolia, the Marmaray tunnel under the Bosphorus in Turkey and the new rail link between Iran (Islamic Republic of) and Pakistan connecting the Indian sub-continent with Europe.

9. Other business

At present, there are no proposals under this item. Proposals should be transmitted to the UNECE secretariat (sc.2@unece.org).

10. Date of next session(s)

The next session of the Group of Experts is scheduled to be held at the Palais des Nations in Geneva on 16 September 2011.

The Group of Experts will also be informed of the timing and venue of the sessions of the joint OSJD/CIT Legal Group preparing the GTC EurAsia.

The next session of the UNECE Working Party on Rail Transport will be held at Geneva on 3 and 4 November 2011. The next session of the UNECE Inland Transport Committee (ITC) is planned to be held from 28 February to 1 March 2012.

11. Summary of decisions

In accordance with established practice, the Chair will make a brief summary of the decisions taken. Following the session, the UNECE secretariat, in cooperation with the Chair and Vice-Chair, will establish a report on the outcome of the session.
