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Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Fourth session

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Item 3 of the provisional agenda

Discussion on the Joint Declaration

Discussion on the Joint Declaration

Informal note by the secretariat

Following extensive discussions with experts, the secretariat submits below the following compromise proposal to article 4 of the draft Joint Declaration for consideration by the Group of Experts at its present session. The purpose of this compromise proposal is to amend article 4 with a view to:

- (a) de-linking work on GTC EurAsia from activities to be undertaken by UNECE towards unified railway law as referred to in articles 2 and 5 of the Joint Declaration; and
- (b) including into the Joint Declaration (and not as an annex) the substance of the policy principles for application of GTC EurAsia as contained in ECE/TRANS/SC.2/2012/3, annex II.

Should the Group of Expert be able to agree to the text of the Joint Declaration, including the compromise proposal, the secretariat could be invited to prepare terms of references (ToR) for a new UNECE Group of Experts to continue, in 2013 and 2014, work towards unified railway law based on articles 2 and 5 of the Joint Declaration.

Replace paragraph 4 of the draft Joint Declaration by the following text:

3. ...

“4. Ministers invite interested railway enterprises, other stakeholders and international railway organizations to pursue, on the basis of the UNECE Position Paper, adopted by its Working Party on Rail Transport (SC.2) (ECE/TRANS/2011/3), work on the development of non-mandatory [model] rules for Euro-Asian rail transport contracts (GTC EurAsia) as a separate direction from the strategic priorities contained in paragraph 2 in line with the principles described below.

The [model] rules should facilitate Euro-Asian rail transport by fostering uniform contractual relationships between railway undertakings and their customers. They may be used for some types of rail freight transport operations and some types of cargo shipped by rail.

The application of the [model] rules into contracts of carriage should be optional and in line with the relevant provisions of the COTIF/CIM Convention and the SMGS Agreement. The [model] rules should provide for a single contract of carriage, a single consignment note (CIM/SMGS Common Consignment Note) and, to the extent possible, a single liability regime.

The UNECE secretariat is invited to provide its good offices to facilitate such endeavours. Progress achieved should be reported annually to the UNECE Working Party on Rail Transport (SC.2).”

5. ...
