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Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Fifth session

Geneva, 4–5 July 2013

Item 1 of the provisional agenda

Adoption of the agenda

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

To be held at the Palais des Nations, Geneva
starting at 10.00 a.m. on Thursday, 4 July 2013

I. Provisional agenda

1. Adoption of the agenda.
2. Election of Officers.
3. Mandate: Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law.
4. UNECE Group of Experts: Administrative arrangements.

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). 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).

5. Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations – What is needed?
6. Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements – What exists at present, what is addressed and how is it done?
7. Unification of international railway law with the objective to allow rail carriage under a single legal regime – What needs to be covered and how?
8. Identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport – How to operate a global railway regime?
9. Other business.
10. Date of next session(s).
11. Summary of decisions.

II. Annotations

1. Adoption of the agenda

The first item to be considered is the adoption of the agenda.

Documentation

ECE/TRANS/SC.2/GEURL/2013/1

2. Election of Officers

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

3. Mandate: Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law

The Group of Experts may wish to recall that during the Ministerial session of the seventy-fifth Inland Transport Committee thirty-seven (37) European and Asian countries signed the Joint Declaration and expressed their willingness to further develop and promote Euro-Asian rail transport and activities towards unified railway law (ECE/TRANS/2013/2).³ The Joint Declaration outlines a strategy (rail map) to establish legal conditions for railways equivalent with those existing for competing modes such as road, air, inland water and maritime transport. It includes the following elements:

(a) Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations in all countries concerned that would facilitate border crossing procedures, particularly for transit traffic;

(b) Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements in order to identify provisions and procedures important for the establishment of unified railway law;

³ Refer to: www.unece.org/fileadmin/DAM/trans/doc/2013/itc/Joint_Declaration_on_URL.pdf.

(c) Unification of international railway law with the objective to allow rail carriage under a single legal regime from the Atlantic to the Pacific;

(d) On the basis of a future material consensus on unified railway law, identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport (Organization for Cooperation between Railways (OSJD), Intergovernmental Organization for International Carriage by Rail (OTIF) and others) as well as of international organizations of other modes of transport;

(e) Support for the widest possible use of electronic document workflow and intelligent transport systems.

Documentation

ECE/TRANS/2013/2

4. UNECE Group of Experts: Administrative arrangements

The Terms of Reference (ToR) of the Group of Experts were adopted at the seventy-fifth session of the Inland Transport Committee (ECE/TRANS/2013/9). Operation and convening of the Group of Experts in 2013 and 2014 with conference facilities and documentation services provided by UNECE is, however, still subject to approval by the UNECE Executive Committee.

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

In line with this mandate, the Group of Experts may wish to consider secretariat document ECE/TRANS/SC.2/GEURL/2013/2 containing a work plan, milestones and administrative arrangements that should allow implementation of the strategy (rail map) enshrined in the Joint Declaration within a realistic time frame.

Documentation

ECE/TRANS/2013/9, ECE/TRANS/SC.2/GEURL/2013/2

5. Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations – What is needed?

In accordance with the Joint Declaration, the Group of Experts may wish to consider and decide on the main problems and issues to be addressed by a unified set of provisions and legal rules for Euro-Asian rail transport operations.

On the basis of secretariat document ECE/TRANS/SC.2/GEURL/2013/3, the Group of Experts may wish to consider the scale of its work, including issues such as:

- What should be the geographical scope of the provisions and legal rules (countries concerned, regional, inter-regional, global outreach)?
- Which international rail transport problems need to be addressed (passenger and/or freight operations, rail infrastructure, liability, transport documents, transport contracts, border crossings procedures, (Customs) transit regimes, etc.)?
- What are the legal and/or contractual options to address these problems?

- How to realize and maintain unified, transparent and predictable rail transport rules?

Depending on its assessment on the scale of work, the Group of Experts may wish to designate experts to further analyse possible aspects for inclusion into a unified set of provisions and legal rules for international rail transport operations.

Documentation

ECE/TRANS/SC.2/GEURL/2013/3

6. Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements – What exists at present, what is addressed and how is it done?

The Group of Experts may wish to review existing international arrangements and legal instruments covering all modes of transport with a view to identifying elements and mechanisms as well as best practices that could be of relevance for the establishment of a unified railway regime. Such review would include, in particular, the global conventions administered under the auspices of the United Nations, such as the Chicago, Warsaw and Montreal Conventions for air transport, the Hague-Visby and Hamburg Rules for maritime transport, the Budapest Convention for inland water transport, the CMR Convention for road transport as well as the COTIF and SMGS regimes applicable for international rail transport.

In addition, relevant provisions of the newly established Rotterdam Rules (not yet in force) covering multimodal transport including a sea leg, the Cape Town Convention on mobile equipment or other transport related framework conventions could be assessed. Furthermore, contractual and so-called “soft law” arrangements, such as United Nations resolutions or Model Regulations applicable, for example, in inland water transport or for the transport of dangerous goods could be examined.

On the basis of secretariat document ECE/TRANS/SC.2/GEURL/2013/4 containing a first review of some of the key provisions of such international arrangements and legal instruments, the Group of Experts may wish to consider relevant elements, procedures and best practices that may be applicable to railways. The Group of Experts may wish to designate experts to further study these issues.

Documentation

ECE/TRANS/SC.2/GEURL/2013/4

7. Unification of international railway law with the objective to allow rail carriage under a single legal regime – What needs to be covered and how?

Based on the above considerations (items 5 and 6), the Group of Experts may wish to have a preliminary exchange of views on possible key elements and regulations to be included or addressed in a unified or single international legal regime for rail transport operations. Such elements and regulations might address aspects of documentation, liability rules, claims handling, limits of action and compensation between successive carriers. They could comprise mandatory, voluntary, regional and/or rail transport specific components.

Particular consideration should be given to regulations and procedures allowing for an efficient and secure electronic document workflow and the application of intelligent transport systems (ITS) in international transport chains.

The Group of Experts may wish to designate experts to further identify and analyse such key elements and regulations for further consideration.

8. Identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport – How to operate a global railway regime?

At a later stage, the Group of Expert may wish to consider establishing an appropriate management system for unified railway law using the experience of the international organizations in the field of the railway transport (OSJD, OTIF and others) as well as of international organizations of other modes of transport.

However, as specified in the Joint Declaration, such discussions should await a consensus among experts on the material (substantive) provisions and mechanisms of a unified or single international legal regime for rail transport operations.

In preparation of such future discussions, the Group of Experts may wish to designate experts to (a) review the present management systems of the COTIF and SMGS railway regimes and (b) assess the pros and cons of the administrative structures of other modern transport and/or transport related (framework) conventions, such as the TIR Convention or the so-called Harmonization Convention.

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 5–6 December 2013.

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.
