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Inland Transport Committee

Seventy-seventh session

Geneva, 24–26 February 2015

Item 5 (e) of the provisional agenda

Strategic questions of a modal and thematic nature:

Rail transport

Terms of Reference of Group of Experts towards Unified Railway Law

Submitted by the secretariat

The present document contains Terms of Reference of Group of Experts towards Unified Railway Law approved by EXCOM.



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Executive Committee

Seventy-fourth meeting

Geneva, 17 December 2014

Item 4 of the provisional agenda

Decision on matters relating to the Inland Transport Committee

Decision approving the renewal of the mandate and the terms of reference of Group of Experts towards Unified Railway Law

Background

1. At its Sixty-second Meeting (11 July 2013), the ECE Executive Committee approved the extension of the mandates of ECE subsidiary bodies including the Group of Experts towards Unified Railway Law (Formal document ECE/EX/2013/L.7* and EXCOM/CONCLU/62).
2. The Group of Experts developed the provisions that should be included in the planned legal instrument, reported about these results at the Sixty-eighth session of the Working Party on Rail Transport (SC.2) (Geneva, 24 - 26 November 2014), and requested more time to fine-tune the wording, both substantively and linguistically, and to decide on the management system for the legal instrument (already foreseen within the existing Terms of reference). The Working Party took note of the excellent work done by the Group of Experts towards Unified Railway Law and understood that more time is needed for the finalization of the Unified Railway Law. The Chair of the Inland Transport Committee participated at the Sixty-eighth session of SC.2 and agreed to bring it to the Bureau meeting for its support in acknowledging the importance of the time factor for this Group of Experts.
3. The Bureau of the Inland Transport Committee, at its third meeting (27-28 November 2014), considered the extension of the mandate of the Group of Experts towards Unified Railway Law which was set to expire at the end of 2014. Given the need to organize meetings between the end of the mandate of the Group of Experts and the upcoming seventy-seventh session of the Committee in February 2015, the Bureau decided to request the Executive Committee to extend the mandate for the Expert Group for one more year in order to avoid losing the momentum that had been created.

Draft Decision

1. The Executive Committee approves the renewal of the mandate of the Group of Experts towards Unified Railway Law and its terms of reference, as contained in the Annex, until 31 December 2015.

Annex

Terms of Reference of Group of Experts towards Unified Railway Law

Scope of issues and achievements expected

1. In line with the Joint Declaration on Euro-Asian Rail Transport and Activities towards Unified Railway Law, signed at the UNECE Ministerial Meeting “Making the Euro-Asian Transport Network Operational” on 26 February 2013, the Group of Experts will focus its work on the following issues:

- (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;
- (b) Analysis of the 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;
- (c) Unification of the international railway law with the objective to allow rail carriage under a single legal regime from the Atlantic to the Pacific; and
- (d) Analysis, with the objective to identify the appropriate management system for unified railway law, using the experience of international organizations in the field of the railway transport (the Organization for Cooperation between Railways (OSJD), the Intergovernmental Organisation for International Carriage by Rail (OTIF) and others) as well as of international organizations of other modes of transport.

2. In doing so, the Group of Experts should promote the widest possible use of electronic document workflow and intelligent transport systems.

3. The Group of Experts should base its considerations on previous work of UNECE in this field, in particular the Position Paper adopted by the Working Party on Rail Transport (ECE/TRANS/2011/3, paras. 28–38) and the provisions of articles 2 and 5 of the Joint Declaration.

Methods of work

4. The Group of Experts will be established and function in accordance with the UNECE Guidelines for teams of specialists approved by the Executive Committee of UNECE on 31 March 2010 (ECE/EX/2/Rev.1). At its first meeting, the Group of Experts will adopt a work plan, clearly defining its objectives and activities, including a time schedule for their implementation.

5. The Group of Experts is expected to meet once in 2013 and at least twice in 2014, at the Palais des Nations in Geneva, before concluding its activities with the transmission of a report to the Working Party on Rail Transport at its sixty-eighth session (October 2014, Geneva). This report shall also contain proposals for monitoring procedures and follow-up activities.

6. Translation of documents and simultaneous interpretation of its sessions in English, French, and Russian and, as appropriate and available, Chinese shall be provided by UNECE for, at least, the three sessions held at the Palais des Nations in Geneva.

7. Participation in the Group of Experts is open to all concerned United Nations member countries and experts. Concerned intergovernmental and non-governmental organizations, as well as concerned railway companies, freight and forwarding industries are invited to participate and provide expert advice in compliance with United Nations rules and practices.

Secretariat

8. UNECE will provide secretariat services for the Group of Experts and shall ensure close cooperation with all stakeholders, including the European Commission, the Intergovernmental Organisation for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD), the International Rail Transport Committee (CIT) and concerned regional commissions of the United Nations, particularly the Economic and Social Commission for Asia and the Pacific (ESCAP).
