



Economic Commission for Europe**Inland Transport Committee****Working Party on Rail Transport****Group of Experts towards Unified Railway Law****Twentieth session**

Geneva, 9–11 July 2019

Item 2 (c) of the provisional agenda

Scope of URL and its conversion into a legally-binding instrument**Draft final provisions****Note by the secretariat****I. Mandate**

The present document is submitted in conformity with cluster 4, Rail transport, and the TransEuropean Railway (TER) project, paragraph 4.2. Draft programme of work of the transport subprogramme for 2018–2019 (ECE/TRANS/2018/21/Add.1), adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 123) and, under the terms of reference of the ECE Group of Experts towards Unified Railway Law (ECE/TRANS/2018/13/Rev.1), adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 69) and the Executive Committee of ECE. This document is submitted in accordance with point 6 (c) (x) of the report of the Group of Experts towards Unified railway Law on its eighteenth session (ECE/TRANS/SC.2/GEURL/2019/2).

II. Introduction

1. At its nineteenth session, the Group of Experts towards Unified Railway Law (Group of Experts) requested the secretariat to prepare a document which would contain draft final provisions for Unified Railway Law needed for converting it into a legally-binding instrument.
2. The secretariat prepared the current document containing such draft final provisions. The Group of Experts is invited to consider the draft final provisions and modify them as necessary to make them best respond to the core provisions of the Unified Railway Law.
3. Once considered and modified by the Group of Experts, the final provisions, as part of the full text of the legally-binding instrument, need to be sent to the United Nations Office of Legal Affairs for review and advice.

III. Proposals for draft final provisions

Secretariat**Article ...**

The Executive Secretary of the United Nations Economic Commission for Europe shall provide secretariat functions to this Convention.

Procedures for signature of and for becoming Party to the Convention**Article ...**

1. This Convention shall be open for signature at the United Nations Headquarters in New York until [date] by all States members of the United Nations.

2. This Convention shall be subject to ratification, acceptance or approval by the signatory States. It shall be open for accession by any State which has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Entry into force**Article ...**

1. This Convention shall enter into force six months after the date on which five States have deposited their instruments of ratification, acceptance, approval or accession.

2. For each State that ratifies, accepts, approves or accedes to this Convention after deposit of the fifth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force six months after the date of deposit by such State of its instrument of ratification, acceptance, approval or accession.

Denunciations**Article ...**

1. Any Party may denounce this Convention by a formal notification in writing addressed to the Depositary.

2. Denunciation shall become effective six months after the date of receipt by the Depositary of the notification of denunciation.

Termination**Article ...**

If, after the entry into force of this Convention, the number of Parties is reduced to less than five for a period of twelve consecutive months, the Convention shall cease to have effect from the end of the twelve-month period in question.

**Settlement of
disputes****Article ...**

1. Any dispute between two or more Parties concerning the interpretation or application of this Convention shall, so far as possible, be settled by negotiation between them.
2. Any dispute between two or more Parties concerning the interpretation or application of this Convention which cannot be settled by the means indicated in paragraph 1 of this Article shall, at the request of one of the Parties, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator, and these arbitrators shall appoint another arbitrator, who shall be the chair. If, three months after receipt of a request, one of the Parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the chair, any of the Parties may request the Secretary-General of the United Nations to appoint an arbitrator or the chair of the arbitration tribunal.
3. The decision of the arbitration tribunal established under the provisions of paragraph 2 of this Article shall be final and binding on the Parties to the dispute.
4. The arbitration tribunal shall determine its own rules of procedure.
5. The arbitration tribunal shall take its decisions by majority vote.
6. Any controversy which may arise between the Parties to the dispute as regards the interpretation and execution of the award may be submitted by any of such Parties for judgment to the arbitration tribunal which made the award.
7. Each Party to the dispute shall individually bear the costs of its own appointed arbitrator and of its representatives in the arbitral proceedings; the costs of the chair and the remaining costs shall be borne in equal parts by the Parties to the dispute.

Article ...

1. Any Party may, at the time of signing, ratifying, accepting, approving or acceding to this Convention, declare that it does not consider itself bound by Article [preceding Article], paragraphs 2 to 7 of this Convention. Other Parties shall not be bound by these paragraphs in respect of any Party, which has entered such a reservation.
2. Any Party, having entered a reservation as provided for in paragraph 1 of this Article, may at any time withdraw such a reservation by notifying the Depositary.
3. Apart from the reservations set out in paragraph 1 of this Article, no reservation to this Convention shall be permitted.

[comment: paragraph 3 of this Article may be removed or modified depending on the content of the URL Convention]

Procedures for amending the provisions of the Convention**Article ...**

1. After this Convention has been in force for one year, it may be amended according to the procedure defined in this Article.

2. Any proposed amendment to this Convention presented by a Party to this Convention shall be submitted to the Working Party on Rail Transport of the United Nations Economic Commission for Europe for consideration and decision.

3. The Parties to this Convention shall make all possible efforts at the sessions of the Working Party to achieve consensus for adoption of the proposed amendment. If, despite these efforts, consensus is not reached on the proposed amendment, it shall require, as a last resort, an adoption by a two-thirds majority of Parties present and voting. A proposed amendment adopted either by consensus or by a two-thirds majority of Parties shall be submitted by the secretariat of the Convention to the Depository to be circulated for acceptance to all Parties to this Convention, as well as to signatory States.

4. Within a period of nine months from the date on which the proposed amendment is communicated by the Depository, any Party may inform the Depository that it has objection to the amendment proposed.

5. The proposed amendment shall be deemed to have been accepted if, by the end of the period of nine months foreseen in the preceding paragraph, no objection has been notified by a Party to this Convention. If an objection is stated, the proposed amendment shall be of no effect.

5bis. The proposed amendment shall be deemed to have been accepted if, by the end of the period of nine months foreseen in the preceding paragraph, less than one-third of the total number of Parties have notified their objection.

5ter. Any Party which during the said period of nine months has objected the proposed amendment, it may at any time after the end of such period notify the Depository that it accepts the amendment, and the Depository shall communicate such notification to all Parties.

[comment: 5bis and 5ter as well as 8bis below should be considered for other content than for provisions on contract of carriage]

6. In the case of a country which becomes a Party to this Convention between the moment of notification of a proposal for amendment and the end of the nine-month period foreseen in paragraph 4 of this Article, the secretariat of the Convention shall notify the new State Party about the proposed amendment as soon as possible. The latter may inform the Depository before the end of this period of nine months that it has an objection to the proposed amendment.

7. The Depository shall notify, as soon as possible, all the Parties of objections raised in accordance with paragraphs 4 and 6 of this Article as well as of any amendment accepted according to paragraph 5 above.

8. Any amendment deemed to have been accepted shall enter into force six months after the date of notification of such acceptance by Depository to Parties.

8bis. Any amendment deemed to have been accepted shall enter into force six months after the date of notification of such acceptance by the Depository to Parties except those Parties, which during the period specified, have objected the amendment. The amendment shall enter in force with respect to the Party which have notified their acceptance according to paragraph 5ter, six months after receipt by the Depository of their notification.

[comment: see comment after paragraph 5ter]

9. Any instrument of ratification, acceptance, approval or accession deposited after an amendment has been accepted in accordance with the procedure in this article, but before it has entered into force, shall be deemed to apply to the Convention as amended on the date when the amendment enters into force.

10. Any such instrument deposited after the entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Procedures for amending technical provisions of the Convention

Article ...

[comment: provisions for such procedures can be drawn up when it becomes clear if there are any specific technical provisions included in the convention, e.g. in the annexes]

Convening of a conference

Article ...

1. Once this Convention is in force, any Party may, by notification to the secretariat of the Convention, request that a conference be convened for the purpose of reviewing this Convention. The secretariat of the Convention shall notify all Parties of the request and a review conference shall be convened by the secretariat of the Convention if, within a period of four months following the date of notification by the secretariat of the Convention, not less than one fourth of the Parties to this Convention notify the secretariat of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the secretariat of the Convention shall notify all the Parties and invite them to submit within a period of three months proposals which they may wish the Conference to consider. The secretariat of the Convention shall circulate to all Parties the provisional agenda for the Conference together with the texts of such proposals at least three months before the date on which the Conference is to meet.

3. The secretariat of the Convention shall invite to any conference convened in accordance with this article all States referred to in Article [Article on procedures for signature], paragraph 2, of this Convention.

Declaration for territories**Article ...**

1. Any country may, at the time of depositing its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Depository that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. The Convention shall extend to the territory or territories named in the notification as from the ninetieth day after its receipt by Depository or, if on that day the Convention has not yet entered into force, at the time of its entry into force.

2. Any country which has made a declaration under the preceding paragraph extending this Convention to any territory for whose international relations it is responsible may denounce the Convention separately in respect of that territory in accordance with the provisions of Article [Article on Denunciations].

Notification by the Depository**Article ...**

In addition to the notifications provided for in Article [Article re amendment and convening a conference] the Depository shall notify the countries referred to in Article [Article on procedures for signature], paragraph 1, and the countries which have become Contracting Parties under Article [Article on procedures for signature], paragraph 2, of:

(a) Ratification and accessions under Article [Article on procedures for signature];

(b) The dates of entry into force of this Convention in accordance with Article [Article on entry into force];

(c) Denunciations under Article [Article on Denunciations];

(d) The termination of this Convention in accordance with Article [Article on termination];

(e) Notifications received in accordance with Article [Article on declaration for territories];

(f) Declarations and notifications received in accordance with Article [second Article on settlement of Disputes], paragraphs 1 and 2.

Deposit of this Convention with the Secretary General**Article ...**

The Secretary-General of the United Nations is hereby designated as the Depository of this Convention.

In Witness Whereof, the undersigned plenipotentiaries, being duly authorized thereto, have signed this Convention.

Done at [place], on [date], in a single copy in the English, French and Russian languages, the three texts being equally authentic.
