



Economic and Social Council

Distr.: General
18 August 2011
English
Original: Russian
English and Russian only

Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Second session

Geneva, 7 October 2011

Item 5 of the provisional agenda

Negotiation of an Inter-Governmental Document (IGD EurAsia)

Preparation of an Inter-Governmental Document on steps for developing Euro-Asian rail transport

Submitted by the Russian Federation

I. Mandate

1. This document contains a proposal by the Russian Federation on an inter-governmental document on steps for the development of rail transport in Euro-Asian space. The Russian Federation considers that such a document could be adopted either as a ministerial declaration (Part I) or a Resolution of the UNECE Working Party on Rail Transport (Part II).
2. In preparing the proposal, the Russian Federation took into account the decisions of the first session of the UNECE Group of Experts towards unified railway law (ECE/TRANS/SC.2/GEURL/2011/4, paras. 19–37) and the results of its consultations with the experts from the Organization for Cooperation between Railways (OSJD).
3. The Group of Experts may wish to consider the proposed text in preparing the final text of the Inter-Governmental Document on General Terms and Conditions for Euro-Asian rail transport corridors (IGD EurAsia), as mandated by the UNECE position paper on unified railway law in the pan-European region and on Euro-Asian transport corridors (ECE/TRANS/2011/3). It is recalled that the draft IGD EurAsia prepared by the secretariat in accordance with the decisions of the first session of the Group of Experts towards unified railway law and following consultations with members of the group is published in ECE/TRANS/SC.2/GEURL/2011/6.

II. Draft Joint Declaration of the Ministers of Transport of the Euro-Asian States on steps for developing Euro-Asian rail transport

We, Ministers of Transport, representatives of the following Euro-Asian States [...],

Meeting in on

Taking into account the necessity to develop Euro-Asian rail transport,

Recognizing the importance of safe and efficient rail transport operations in the context of economic globalisation,

Intending to unify the principles and the legal basis for the Euro-Asian rail transport operations,

Considering that the development of transport links would increase the goods turnover between States and ensure the right of free circulation of their citizens,

Willing to confirm the importance and necessity of further cooperation in the area of rail transport,

Aiming to favour the development of enterprise and business activity in rail transport,

Noting with satisfaction the cooperation between intergovernmental rail transport organizations (Intergovernmental Organization for International Carriage by Rail (OTIF) and Organization for Cooperation between Railways (OSJD)), as well as the organizations active in freight and passenger transport, seeking to establish legal framework for safe and effective Euro-Asian rail transport operation,

DECLARE THE FOLLOWING

1. The States, which participate in the present declaration (hereafter, the Parties), shall continue developing and strengthening cooperation in the area of the Euro-Asian rail transport.
2. The Parties observe that the main bulk of the Euro-Asian rail passenger and goods transport in the East-West exchange is carried out under two legal systems for passenger and freight transport (SMGS/OSJD on one side, and COTIF (CIM/CIV/RID) on the other), the existence of which ensures the organization of international transport of goods by rail.
3. The Parties acknowledge the positive role of the intergovernmental organizations OTIF and OSJD in regulating the activities of Euro-Asian rail transport.
4. The Parties note with satisfaction that in the recent years under the auspices of the intergovernmental organizations OTIF and OSJD, a full-fledged cooperation between the transport undertakings of the States, which are members of these organisations, was established. The CIM/SMGS common consignment note, used in the transport of goods, the CIM/SMGS wagon and container note and the CIM/SMGS commercial act are examples of this cooperation. The work on the elaboration and implementation of these documents was carried out expeditiously. The use of these documents in transport operations significantly facilitates the rail transport procedures in the East-West exchange.
5. Taking into account the ongoing reform of rail transport and the structural modifications of the national rail companies, the emergence of private providers of

transport services and the development of transport technologies, the Parties recognize the necessity to further coordinate Euro-Asian rail transport development.

6. The Parties acknowledge that, in the light of the existing differences in political systems and economic conditions applicable to rail operations in different countries, the establishment of appropriate institutional and management structures - ensuring a balance of interests for Governments and enterprises in various countries - is an important issue in the elaboration of the unified transport law for Euro-Asian rail transport. In elaborating the position on the appropriate institutional structure, the Parties shall use the existing experience of the intergovernmental organizations OTIF and OSJD, the experience of the railway organizations, as well as the experience and decision-making process of the organizations dealing with other modes of transport (air and maritime transport).

The upmost and foremost importance in the development of rail transport is given to harmonizing the two legal systems (SMGS/OSJD on one side, and COTIF (CIM/CIV/RID) on the other) and the ensuing creation of a unified transport law for Euro-Asian rail transport. A list of international agreements, required for creating and implementing unified transport law for the Euro-Asian rail transport, shall be developed in the course of the work.

Cooperation between Parties also needs to address the following issues:

- (a) Cooperation on transport security;
 - (b) Development of unified principles for the electronic exchange of documents;
 - (c) Cooperation on establishing unified technical strategy.
7. The Parties agree that the work on developing the principles of unified transport law for Euro-Asian rail operations shall be carried out under the auspices of the UNECE. The Parties shall provide a comprehensive assistance in preparing concrete decisions as well as political support for this work in their countries.
 8. The Parties take note of information on preparing the General Terms and Conditions for Euro-Asian transport contracts (GTC EurAsia) and Conditions for Euro-Asian transport contracts (GTC EurAsia). The draft GTC EurAsia may be used as a basis for elaborating the relevant parts of unified transport law for Euro-Asian rail operations.

III. Draft Resolution of the Working Party on Rail Transport on steps for strengthening cooperation on Euro-Asian rail transport

Resolution No. [...] of the Working Party on Rail Transport

Adopted on November 2011,

The Working Party on Rail Transport,

Taking into account the necessity to develop Euro-Asian rail transport,

Recognizing the importance of safe and efficient rail transport operations in the context of economic globalisation,

Intending to unify the principles and the legal basis for the Euro-Asian rail transport operations,

Considering that the development of transport links would increase the goods turnover between States and ensure the right of free circulation of their citizens,

Willing to confirm the importance and necessity of further cooperation in the area of rail transport,

Aiming to favour the development of enterprise and business activity in rail transport,

Noting with satisfaction the cooperation between intergovernmental rail transport organizations (Intergovernmental Organization for International Carriage by Rail (OTIF) and Organization for Cooperation between Railways (OSJD)), as well as the organizations active in freight and passenger transport, seeking to establish legal framework for safe and effective Euro-Asian rail transport operation,

UNANIMOUSLY AGREES on the following measures, which the interested Governments (hereafter, the Parties) are invited to carry out in the filed of the Euro-Asian rail transport development:

1. The Parties are invited to continue developing and strengthening cooperation in the area of the Euro-Asian rail transport, on the basis of the following:
 - (a) The main bulk of the Euro-Asian rail passenger and goods transport in the East-West exchange is carried out under two legal systems for passenger and freight transport (SMGS/OSJD on one side, and COTIF (CIM/CIV/RID) on the other), the existence of which ensures the organization of international transport of goods by rail.
 - (b) The intergovernmental organizations OTIF and OSJD play a positive role in regulating the activities of Euro-Asian rail transport.
 - (c) In the recent years under the auspices of the intergovernmental organizations OTIF and OSJD, a full-fledged cooperation between the transport undertakings of the States, which are members of these organisations, was established. The CIM/SMGS common consignment note, used in the transport of goods, the CIM/SMGS wagon and container note and the CIM/SMGS commercial act are examples of this cooperation. The work on the elaboration and implementation of these documents was carried out expeditiously. The use of these documents in transport operations significantly facilitates the rail transport procedures in the East-West exchange.
2. Taking into account the ongoing reform of rail transport and the structural modifications of the national rail companies, the emergence of private providers of transport services and the development of transport technologies, the Parties recognize the necessity to further coordinate Euro-Asian rail transport development.
3. In the light of the existing differences in political systems and economic conditions applicable to rail operations in different countries, the establishment of appropriate institutional and management structures - ensuring a balance of interests for Governments and enterprises in various countries - is an important issue in the elaboration of the unified transport law for Euro-Asian rail transport. In elaborating the position on the appropriate institutional structure, the Parties shall use the existing experience of the intergovernmental organizations OTIF and OSJD, the experience of the railway organizations, as well as the experience and decision-making process of the organizations dealing with other modes of transport (air and maritime transport).
4. The upmost and foremost importance in the development of rail transport is given to harmonizing the two legal systems (SMGS/OSJD on one side, and COTIF (CIM/CIV/RID) on the other) and the ensuing creation of a unified transport law for

Euro-Asian rail transport. A list of international agreements, required for creating and implementing unified transport law for the Euro-Asian rail transport, shall be developed in the course of the work.

Cooperation between Parties also needs to address the following issues:

- (d) Cooperation on transport security;
 - (e) Development of the unified principles for the electronic exchange of documents;
 - (f) Cooperation on establishing unified technical strategy.
5. The work on developing the principles of unified transport law for Euro-Asian rail operations shall be carried out under the auspices of the UNECE. The Parties shall provide a comprehensive assistance in preparing concrete decisions as well as political support for this work in their countries.
 6. The Parties take note of information on preparing the General Terms and Conditions for Euro-Asian transport contracts (GTC EurAsia) and Conditions for Euro-Asian transport contracts (GTC EurAsia). The draft GTC EurAsia may be used as a basis for elaborating the relevant parts of unified transport law for Euro-Asian rail operations.
 7. The Working Party on Rail Transport invites Governments to inform the Executive Secretary of the Economic Commission for Europe whether they accept this resolution by 201... year.
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