



Economic and Social Council

Distr.: General
17 December 2012

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Fourth session

Geneva, 19 October 2012

Report of the Group of Experts towards Unified Railway Law on its fourth session

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I. Attendance

1. The Group of Experts towards unified railway law held its fourth session on 19 October 2012 in Geneva.
2. The session of the Group of Experts was attended by experts from the following countries: Belgium, Czech Republic, Germany, Netherlands, Russian Federation, Switzerland and Turkey. A representative of Iran (Islamic Republic of) also attended under Article 11 of the Terms of Reference of UNECE. An expert representing the European Union (DG MOVE) also attended.
3. Experts from the following intergovernmental and non-governmental organizations participated: Organization for Cooperation between Railways (OSJD), Intergovernmental Organisation for International Carriage by Rail (OTIF) and International Rail Transport Committee (CIT).
4. Experts from the following railways and industry groups participated: Deutsche Bahn (DB), Turkish State Railways (TCDD) and Plaske JSC.

II. Chair

5. In accordance with the decision of the first session of the Group of Experts (ECE/TRANS/SC.2/GEURL/2011/4, para. 6) Mr. A. Druzhinin (Russian Federation) chaired the meeting.

III. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/SC.2/GEURL/2012/4

6. The Group of Experts considered the agenda prepared by the secretariat (ECE/TRANS/SC.2/GEURL/2012/4).
7. The representative from OSJD proposed to modify the explanatory text to agenda item 4 "Review of work on General Terms and Conditions for Euro-Asian transport contracts (GTC EurAsia)" which mentioned that the group of experts may wish to review progress made on GTC EurAsia. He declared that no work has been undertaken on this subject by OSJD and CIT in cooperation with OTIF.
8. The Group of Expert, recognizing that no work had been undertaken so far by railways experts on GTC EurAsia, adopted the agenda as contained in document ECE/TRANS/SC.2/GEURL/2012/4 with the deletion of the reference to OSJD, CIT and OTIF in the annotations to agenda item 4, line 5, *after experts delete the rest of the sentence.*

IV. Adoption of the report of the third session (agenda item 2)

Documentation: ECE/TRANS/SC.2/GEURL/2012/3

9. The Group of Experts adopted the report of its third session, as contained in document ECE/TRANS/SC.2/GEURL/2012/3.

V. Discussion on the Joint Declaration (agenda item 3)

Documentation: ECE/TRANS/SC.2/GEURL/2012/5, Informal document No. 1 (2012)

10. On the basis of a secretariat document (ECE/TRANS/SC.2/GEURL/2012/5), the Group of Experts reviewed the preamble and the substantive provisions of a joint declaration for adoption by Ministers of Transport interested in Euro-Asian rail transport. Informal document No. 1 (2012) contained a compromise proposal for para. 4 of the draft Joint Declaration referring to work on the development of non-mandatory rules for Euro-Asian rail transport contracts (GTC EurAsia).

11. The secretariat's proposals were based on the decisions taken by the Group of Experts at its first, second and third sessions (ECE/TRANS/SC.2/GEURL/2011/4, ECE/TRANS/SC.2/GEURL/2011/9, ECE/TRANS/SC.2/GEURL/2012/3) and took account of the considerations and proposals made at the informal meeting of friends of the chair of the UNECE Working Party on Rail Transport (Geneva, 2 March 2012).

12. Following a thorough review of these documents, the Group of Experts agreed by consensus on the text of a draft political document "Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law" including the main principles of the optional model rules for Euro-Asian rail transport contracts (GTC EurAsia) (annex of the present document).

13. The Group of Experts requested the secretariat to transmit the draft Joint Declaration for consideration and endorsement to the Working Party on Rail Transport (SC.2). The Group of Experts also recommended SC.2 to request the Inland Transport Committee to consider continuation of its work for 2013–2014 based on the terms of reference to be prepared by the secretariat and in line with articles 2 and 5 of the agreed draft Joint Declaration and relevant provisions of the UNECE Position Paper (ECE/TRANS/SC.2/GEURL/2011/2).

VI. Review of work on General Terms and Conditions for Euro-Asian transport contracts (GTC EurAsia) (agenda item 4)

14. The Group of Expert did not need to consider secretariat document ECE/TRANS/SC.2/GEURL/2012/6 as agreement was reached on the text of a draft Joint Declaration that referred to GTC EurAsia in an appropriate manner.

VII. Other business (agenda item 5)

15. No other business was brought forward.

VIII. Date of next session(s) (agenda item 6)

16. As the Group of Experts agreed on the text of the Joint Declaration, no further sessions were proposed.

IX. Summary of decisions (agenda item 7)

17. The Group of Experts agreed that the secretariat would establish a short report on the outcome of the session.

Annex

Draft Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law

Adopted by the UNECE Group of Experts on 19 October 2012

We, Ministers of Transport of Governments interested in Euro Asian rail transport,

Meeting in Geneva on February 2013 under the auspices of the United Nations Economic Commission for Europe (UNECE),

Recognizing the potential for efficient and seamless Euro-Asian rail transport caused by economic globalization and by ever increasing trade within the Euro Asia area,

Noting the progress of important rail infrastructure projects along Euro-Asian land transport links,

Noting also the continuous growth of containerized transport between Europe and Asia where railways are called upon to take a significant role and to also contribute to decreasing congestion at seaports,

Convinced that long distance Euro-Asian rail transport of goods may significantly increase, if fast, reliable and seamless rail and intermodal transport services are developed along Euro-Asian links,

Aware that globalization, railways reform and opening of transport markets provide railways with new options to reach out to transcontinental traffic and to turn Euro-Asian transport market opportunities into rail business,

Convinced that in order to make rapid progress towards that goal, Governments, with the assistance of international organizations, should cooperate and commit to a set of common objectives, legal principles and operational rules to provide support to railway transport,

Aware that Euro-Asian railway transport involves and transits many countries, all members of UNECE and UNESCAP, with different national railway systems and structures as well as different legal regimes governing international rail transport, i.e. Convention concerning International Carriage by Rail (COTIF) Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM), Agreement on International Railway Freight Transport (SMGS), the relevant “acquis” of the European Union, the Customs Union of Belarus, Kazakhstan and the Russian Federation, the World Customs Organization (WCO), the Economic Cooperation Organization (ECO) and other inter-Governmental organizations,

Bearing in mind the progress achieved by the other transport modes in harmonizing and simplifying their legal framework, making it imperative to ensure comparable business conditions among these modes and rail transport,

Conscious that different legal regimes along Euro-Asian rail transport links increase cost, reduce competitiveness and impede the development of effective rail transport operations and efficient railways business,

Aware of the challenges posed by rail transport safety and security and taking account of the technical differences that should not become barriers to the development of Euro-Asian rail transport;

Welcoming progress made through the joint activities of the Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD) and the International Rail Transport Committee (CIT) in establishing the common CIM/SMGS consignment note, including related electronic documents,

Recognizing that further steps should be taken to facilitate the conclusion of Euro-Asian rail transport contracts,

Declare the following

1. Ministers having signed the present Joint Declaration endeavour to jointly develop and strengthen cooperation in the area of Euro-Asian rail transport;
2. Ministers strive to pursue the following 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:
 - (a) Establishment of a unified set of transparent and predictable provisions for Euro-Asian rail transport operations in all countries concerned that would eventually facilitate border crossing procedures, particularly for transit traffic;
 - (b) Unification of international railway law with the objective to allow rail carriage under a single regime from the Atlantic to the Pacific;
 - (c) Analysis of existing international modal transport (road, rail, air, maritime and inland water transport) and related agreements in order to identify provisions and procedures important for the establishment of unified railway law;
 - (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 (OSJD, OTIF and others) as well as of international organisations of other modes of transport;
 - (e) Development of legal rules for unified railway law;
 - (f) Support for the widest possible use of electronic document workflow and intelligent transport systems;
3. 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 optional model rules for Euro-Asian rail transport contracts (GTC EurAsia), in parallel and as a complementary direction from the strategic priorities contained in paragraph 2. This work should be in line with the principles of optionality, of providing uniform contracts, of being in line with the relevant provisions of the COTIF/CIM Convention and the SMGS Agreement and provide for a single (common) consignment note and, to the extent possible, a single liability regime. GTC Euro-Asia may be used for some types of rail freight transport and some types of cargo shipped by rail.

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).

4. Ministers welcome the work undertaken and progress made by UNECE towards unified railway law and invite UNECE, with the participation of interested countries, to pursue its activities in this field with a view to making rapid progress towards unified railway law.

5. Ministers agree that further development and progress in the application of this Joint Declaration should be monitored at regular intervals by the UNECE Working Party on Rail Transport (SC.2) with the participation of interested countries.
