

**Economic and Social Council**Distr.: General  
25 April 2013

Original: English

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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 4 of the provisional agenda

**UNECE Group of Experts: Administrative arrangements****Work Plan and Terms of Reference of the UNECE Group of Experts towards Unified Railway Law****Note by the secretariat****I. Work Plan****A. Objectives of work**

1. In accordance with the Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law signed by thirty-seven (37) European and Asian countries during the Ministerial session of the seventy-fifth Inland Transport Committee, the Group of Experts will implement the strategy (rail map) planned to establish legal conditions for railways equivalent with those existing for competing modes such as road, air, inland water and maritime transport.
2. The planned strategy 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 establishing unified railway law;
  - (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 (Intergovernmental Organisation for International Carriage by Rail (OTIF), Organization for Cooperation between Railways (OSJD) 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.

3. The UNECE secretariat should ensure close cooperation with the European Commission (EC), the International Rail Transport Committee (CIT), OSJD and OTIF as well as with the other concerned Regional Commissions of the United Nations, particularly with the Economic and Social Commission for Asia and the Pacific (ESCAP).

## **B. Activities**

4. At its fifth session, the Group of Experts will undertake the following tasks:

(a) Adoption of a work plan (objectives, activities, time schedule);

(b) Establish a unified set of transparent and predictable provisions and legal rules:

(i) Discuss and determine by consensus the main problems and issues to be addressed by a unified set of provisions and legal rules;

(ii) Designate experts to prepare a draft, unified set of transparent and predictable provisions and legal rules.

(c) Analyse existing international modal transport conventions and related agreements:

(i) Discuss and comment on the working document prepared by the secretariat;

(ii) Designate experts to help in preparing a final working document analyzing the existing international modal transport conventions and the related agreements.

(d) Unify international railway law with the objective to allow rail carriage under a single legal regime:

(i) 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.

5. At its sixth session, the Group of Experts will undertake the following tasks:

(a) Review and discuss the draft unified set of transparent and predictable provisions and legal rules prepared by the experts;

(b) Review and discuss the draft analysis of existing international modal transport conventions and related agreements prepared by the experts;

(c) Unify international railway law with the objective to allow rail carriage under a single legal regime:

(i) Discuss and comment on the working document prepared by the secretariat, based on the preliminary exchange of views on possible key elements and regulations to be included or addressed in a unified or single international legal regime of the first session;

- (ii) Designate experts to help in preparing a draft working document on the Unification of international railway law with the objective to allow rail carriage under a single legal regime.
- (d) Identify an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport:
  - (i) Preliminary exchange of views on possible identification of an appropriate management system for unified railway law;
  - (ii) Designation of experts to help in the preparation of a draft working document regarding the identification of an appropriate management system for unified railway law.
- 6. At its seventh session, the Group of Experts will undertake the following tasks:
  - (a) Finalize and agree on the unified set of transparent and predictable provisions and legal rules prepared by the experts;
  - (b) Finalize and agree of the working document on the analysis of existing international modal transport conventions and related agreements prepared by the experts;
  - (c) Review and discuss the draft document on the Unification of international railway law with the objective to allow rail carriage under a single legal regime prepared by the experts;
  - (d) Review and discuss the draft document on the identification of an appropriate management system for unified railway law prepared by the experts;
- 7. At its eighth session, the Group of Experts will undertake the following tasks:
  - (a) Review and discuss the draft document on the Unification of international railway law with the objective to allow rail carriage under a single legal regime prepared by the experts;
  - (b) Review and discuss the draft document on the identification of an appropriate management system for unified railway law prepared by the experts.
- 8. At its ninth session, the Group of Experts will undertake the following tasks:
  - (a) Agree and finalize the document on the Unification of international railway law with the objective to allow rail carriage under a single legal regime prepared by the experts;
  - (b) Agree and finalize the document on the identification of an appropriate management system for unified railway law prepared by the experts;

### **C. Time schedule**

- 9. In accordance with the Joint Declaration on Euro-Asian Rail Transport and Activities towards Unified Railway Law, work on preparing and completing the planned strategy (rail map) is scheduled as follows:
  - (a) UNECE Group of Experts, fifth session, 4–5 July 2013, Geneva;
  - (b) UNECE Group of Experts, sixth session, 5–6 December 2013, Geneva;
  - (c) UNECE Group of Experts, seventh session, 3–4 April 2014, Geneva;
  - (d) UNECE Group of Experts, eighth session, 10–11 July 2014, Geneva;
  - (e) UNECE Group of Experts, ninth session, 30–31 October 2014, Geneva.

<i>Activities/Deliverables</i>	<i>Planned Sessions</i>									
	<i>4–5 July 2013</i>		<i>5–6 December 2013</i>		<i>3–4 April 2014</i>		<i>10–11 July 2014</i>		<i>30–31 October 2014</i>	
	<i>a*</i>	<i>b**</i>	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>
	<i>19/04</i>	<i>25/04</i>	<i>20/09</i>	<i>26/09</i>	<i>20/01</i>	<i>23/01</i>	<i>28/04</i>	<i>30/04</i>	<i>10/08</i>	<i>21/08</i>
4 (a)										
4 (b) (i)										
4 (b) (ii)										
4 (c) (i)										
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7 (a)										
7 (b)										
8 (a)										
8 (b)										

a\* Secretariat's deadline for accepting documents or comments to working documents.

b\*\* United Nations deadline for submitting working documents for official translation.

## II. Terms of Reference<sup>1</sup>

### A. Scope of issues and achievements expected

10. 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 establishing 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 (OSJD, OTIF and others) as well as of international organizations of other modes of transport.

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

12. 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.

### B. Methods of work

13. 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.

14. 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.

15. 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.

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<sup>1</sup> The terms of reference of the Group of Experts were adopted by the UNECE Inland Transport Committee on 26–28 February 2013 as contained in ECE/TRANS/2013/9.

16. 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.

### **C. Secretariat**

17. UNECE will provide secretariat services for the Group of Experts and shall ensure close cooperation with all stakeholders, including EC, CIT, OSJD, OTIF and concerned regional commissions of the United Nations, particularly ESCAP.

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