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Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Seventeenth session

Geneva, 9-11 July 2018

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the seventeenth session*, **

To be held at the Palais des Nations, Geneva starting at 10 a.m. on Monday, 9 July 2018

I. Provisional agenda

1. Adoption of the agenda.
2. Election of Officers.
3. Mandate: The Group of Experts towards Unified Railway Law.
4. The Group of Experts: Administrative arrangements.
5. Monitor the finalization of necessary documents to perform international rail transport under Unified Railway Law including a standard model for the consignment note for the new provisions and its manual.

* Delegates are requested to register online at the following address:

<https://uncdb.unece.org/app/ext/meeting-registration?id=vUuRIu>.

Upon arrival at the Palais des Nations, delegates should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact the secretariat by telephone (+41 22 917 40 30). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

** For reasons of economy, delegates are requested to bring copies of all relevant documents to the session. There will be no documentation available in the conference room. Before the session, documents may be downloaded from the UNECE Sustainable Transport Division's website www.unece.org/trans/main/sc2/sc2.html. During the session, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

6. Monitor the performance of a substantial number of real pilot tests to be carried out by the railway companies involved in the Group along the corridors agreed and along other corridors if proposed by governments to ensure the operational validity and effectiveness of the legal provisions prepared.
7. Draft a document (or systems of documents) on Unified Railway Law which could be adopted as a legally binding instrument.
8. Discuss other relevant issues related to international rail freight transport with a view to adding, where appropriate, provisions to the document referred to agenda item 7.
9. Other business.
10. Date of next session.
11. Summary of decisions.

II. Annotations

1. Adoption of the agenda

The first item to be considered is the adoption of the agenda.

Documentation

ECE/TRANS/SC.2/GEURL/2018/1

2. Election of Officers

The Group of Experts may wish to elect a Chair and a Vice-Chair.

3. Mandate: The Group of Experts towards Unified Railway Law

The Group of Experts may wish to recall that during the eightieth session of the Inland Transport Committee (ITC) on 20-23 February 2018 the continuation of Group's work for two more years was approved and its new terms of reference were considered and adopted (ECE/TRANS/2018/13/Rev.1).

ITC welcomed the work undertaken and report prepared by the Group of Experts towards Unified Railway Law. The Group managed during the last years to prepare legal provisions towards Unified Railway Law (URL) that include the contract of carriage, the liability regime and the relationships between the carriers as well as to test these legal provisions in practice by monitoring pilot tests along specific transport corridors. The Group, while preparing these provisions, took into consideration good practices already implemented by the Uniform Rules concerning the Contract of Carriage of Goods by Rail (CIM-COTIF Convention) and SMGS Agreement as well as other International Transport Conventions (CMR, CMNI, Montreal Convention, Warsaw Convention, etc.).

In line with the Joint Declaration on Euro-Asian Rail transport and Activities towards URL, signed at the ECE ministerial meeting “Making the Euro-Asian Transport Network Operational” on 26 February 2013, as well as with the draft legal provisions towards URL prepared by the Group of Experts; the Group, during this phase, will focus its work on the following issues:

(a) Monitor the finalization of necessary documents in order to perform international rail transport under URL including a standard model for the consignment note for the new provisions and its manual;

(b) Monitor the performance of a substantial number of real pilot tests to be carried out by the railway companies involved in the Group along the corridors agreed and along other corridors if proposed by governments in order to ensure the operational validity and effectiveness of the legal provisions prepared;

(c) Draft a document (or systems of documents) on URL which could be adopted as a legally binding instrument; the document (or systems of documents) shall:

(i) take into account the draft legal provisions on the contract of carriage already prepared;

(ii) include the necessary formal provisions such as depository, management, secretariat, administrative committee, amending procedures, voting rights, etc.;

(iii) be structured in a way which allows to easily supplement it with provisions on other issues related to international rail freight transport where the Group considers it appropriate to do so.

(d) Discuss other relevant issues related to international rail freight transport with a view to adding, where appropriate, provisions to the document referred to in point (c); these issues may include:

(i) Common provisions on dangerous goods;

(ii) Common provisions on the use of freight wagons;

(iii) Common provisions on rail infrastructure;

(iv) Common provisions on rolling stock.

Documentation

ECE/TRANS/2018/13/Rev.1, ECE/TRANS/274

4. The Group of Experts: Administrative arrangements

ITC decided to renew the mandate of the Group of Experts on Unified Railway Law for two more years after the approval by the United Nations Economic Commission for Europe (UNECE) Executive Committee (EXCOM) based on new terms of reference in order to report back at its parent body the Working Party on Rail Transport (SC.2) in November 2020. The operation and convening of the Group of Experts in 2018, 2019 and 2020 with conference facilities and documentation services provided by UNECE is, however, still subject to approval by EXCOM.

In line with these Terms of Reference, the Group of Experts will have to adopt a work plan, clearly defining its objectives and activities, including a time schedule for their implementation. In line with this mandate, the Group of Experts may wish to consider secretariat document ECE/TRANS/SC.2/GEURL/2018/3 containing a work plan, milestones and administrative arrangements that should allow accomplishment of the objectives of the group for the coming two years.

Documentation

ECE/TRANS/SC.2/GEURL/2018/3

5. Monitor the finalization of necessary documents to perform international rail transport under Unified Railway Law including a standard model for the consignment note for the new provisions and its manual

The Group may wish to recall that based on the results of the first pilot test on the corridor Germany-Poland-Belarus-Russian Federation, the experts agreed that the current common CIM/SMGS consignment note can be adapted to the requirements of URL legal provisions to perform the real pilot tests without any difficulty. Additional agreements between the parties can also be entered on this consignment note (e.g. field 7 of the CIM/SMGS consignment note). Furthermore, the draft legal provisions of the URL do not impose any new requirements for the accompanying documents. The documents currently required can therefore continue to be used (i.e. wagons list, containers list, etc.).

At its fifteenth session, the Group requested the common CIM/SMGS consignment note group, organized by The International Rail Transport Committee (CIT) and Organisation for Co-operation between Railways (OSJD), to adapt the common CIM/SMGS consignment note to URL needs. However, the common CIM/SMGS consignment note group, which held its meeting on 12 and 13 July 2017, found it impossible to fulfil that task due to the intense schedule of its meetings. Hence, the CIT took on the initiative to adapt the consignment note to URL needs and requirements. The representative of CIT presented the amended version during the sixteenth session of the Group (Informal document SC.2/GEURL No.4 (2017), Informal document SC.2/GEURL No.5 (2017)). The experts discussed and amended the draft consignment note. Nevertheless, it was found that a number of matters should be resolved and reflected in the draft of the consignment note and that work should be done in cooperation between railway undertakings. The Group noted that railways are aware that a URL consignment note is necessary to carry out real pilot tests under URL.

The Group may wish to continue monitoring the finalization of necessary documents to perform international rail transport under URL including a standard model for the consignment note for the new provisions and its manual and provide recommendations accordingly.

Documentation

Informal document SC.2/GEURL No.4 (2017), Informal document SC.2/GEURL No.5 (2017)

6. Monitor the performance of a substantial number of real pilot tests to be carried out by the railway companies involved in the Group along the corridors agreed and along other corridors if proposed by governments in order to ensure the operational validity and effectiveness of the legal provisions prepared

The Group may wish to recall that following ITC resolution (ECE/TRANS/2016/17) on URL which encouraged railway undertakings and international organizations for railways to test the draft legal provisions, whenever possible, in practice. During its previous sessions, the Group had monitored the results of those pilot tests and prepared recommendations accordingly.

The Group at its fourteenth session decided that both virtual and real tests should be used and implemented. Furthermore, it agreed that the corridors Russian Federation-Belarus-Poland-Germany and Turkmenistan-Iran (Islamic Republic of)-Turkey were suggested for analysis.

The meeting for the virtual pilot test on the corridor Russian Federation-Belarus-Poland-Germany was organized by DB AG (15-17 May 2017, Berlin) (Informal document SC.2/GEURL No.1 (2017), Informal document SC.2/GEURL No.2 (2017), Informal document SC.2/GEURL No.3 (2017)). In addition, the representatives of the Iranian and Turkish railways attended the sixteenth session and discussed pilot tests along the corridors: (a) Turkmenistan-Iran (Islamic Republic of)-Turkey and (b) Turkey-Georgia-Azerbaijan.

However, no real pilot tests have been performed thus far. The Group may wish to continue monitoring the performance of a substantial number of real pilot tests to be carried out by the railway companies in order to ensure the operational validity and effectiveness of the legal provisions prepared and provide recommendations accordingly.

Documentation

ECE/TRANS/2016/17, Informal document SC.2/GEURL No.1 (2017), Informal document SC.2/GEURL No.2 (2017), Informal document SC.2/GEURL No.3 (2017)

7. Draft a document (or systems of documents) on Unified Railway Law which could be adopted as a legally binding instrument

The Group while drafting a document (or systems of documents) on URL which could be adopted as a legally binding instrument should:

- (i) take into account the draft legal provisions on the contract of carriage already prepared (Informal document SC.2/GEURL No.1 (2018));
- (ii) include the necessary formal provisions such as depository, management, secretariat, administrative committee, amending procedures, voting rights, etc.;
- (iii) structure it in a way which allows the easy supplement with provisions on other issues related to international rail freight transport where the Group considers it appropriate to do so;

The Group of Expert may wish to consider establishing an appropriate management system for URL using the experience of the international organizations in the field of the railway transport (OSJD, OTIF and others) as well as of international organizations of other modes of transport.

In preparation of such discussions, the Group of Experts may wish to designate experts to:

- Review the present management systems of the COTIF and SMGS railway regimes and
- Assess the pros and cons of the administrative structures of other modern transport and/or transport related (framework) conventions, such as the TIR Convention, the so-called Harmonization Convention or the ADR convention for dangerous goods

Documentation

Informal document SC.2/GEURL No.1 (2018)

8. Discuss other relevant issues related to international rail freight transport with a view to adding, where appropriate, provisions to the document referred to agenda item 7

The Group, while drafting a document (or systems of documents) on URL which could be adopted as a legally binding instrument, should discuss other relevant issues related to international rail freight transport with a view to adding, where appropriate, provisions to the document referred to agenda item 7. These relevant issues may include:

- (a) Common Provisions on dangerous goods;
- (b) Common provisions on the use of freight wagons;
- (c) Common provisions on rail infrastructure;
- (d) Common provisions on rolling stock.

9. Other business

At present, there are no proposals under this item. Proposals can be transmitted to the secretariat (sc.2@unece.org).

10. Date of next session

The next session of the Group of Experts is scheduled to be held at the Palais des Nations in Geneva from 29 to 31 October 2018.

11. Summary of decisions

In accordance with established practice, the Chair will briefly summarize the decisions taken. Following the session, the Secretary, in cooperation with the Chair and Vice-Chair, will draft the final report.
