Economic Commission for Europe
Inland Transport Committee
Working Party on Rail Transport
Seventy-third session
Geneva, 25-27 November 2019
Agenda item 5
Towards unified railway law in the pan-European region
and on Euro-Asian transport corridors


Note by the secretariat*

I. Mandate


2. During the extension of the mandate, the Group of Experts was tasked to work on the following issues:

   (a) Monitor the finalization of necessary documents in order to perform international rail transport under the unified railway law 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 Unified Railway Law 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;

* The Group of Experts towards Unified Railway Law was able to agree on the text of its report by 1 November 2019, following the initial agreement of this report at its twenty-first session (Geneva, 16-18 October 2019). For this specific reason, this document containing the report of the Group of Experts on the execution of its mandate could not have been submitted at any earlier date.
(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 at (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.

3. The Group of Experts was also tasked to prepare its report to the Working Party on Rail Transport meeting at the seventy-third session on 25-27 November 2019.

4. The Group of Experts, in order to execute its mandate, met five times in Geneva:
   - 9-11 July 2018
   - 29-31 October 2018
   - 2-4 April 2019
   - 9-11 July 2019, and
   - 16-28 October 2019.

5. This document contains the report on the execution of the extension of the 2018-2019 mandate by the Group of Experts. This report was agreed by the Group of Experts at its session on 16-18 October 2019.

II. Execution of mandate

Task (a) of the mandate:

6. The Group of Experts monitored the finalization of the necessary documents to perform international carriage of goods by rail under URL (documents other than the consignment note). The Group of Experts assessed existing documents related to contract of carriage in use under CIM or SMGS systems and agreed that there are 10 documents of relevance to the provisions of URL: (1) notice of damage; (2) wagon label; (3) wagon list; (4) container list; (5) subsequent orders; (6) notification of circumstances preventing carriage; (7) notification of circumstances preventing delivery; (8) missing goods report; (9) notification of corrections; and (10) accompanying document. These documents should be developed for use under URL – for majority of them based on existing documents through modification of CIM or CIM/SMGS documents – once the legal provisions for the contract of international carriage of goods by rail are adopted as a legally binding instrument. CIT and OSJD should be invited to undertake the modification work. Details of the documents’ relevance to URL provisions is provided in annex I together with preliminary suggestions for modifications.

Task (b) of the mandate:

7. The Group of Experts monitored the performance of one real pilot test carried out by the railway companies from Turkey, Georgia and Azerbaijan, with the focus on verifying the operational validity and effectiveness of the existing URL legal provisions as available (Informal document SC.2/GEURL No. 6 (2017)). Based on the test, the Group of Experts was able to conclude that no further changes to the draft URL provisions were necessary, while a number of issues were listed for consideration of further modifications to the version of the ad hoc consignment note agreed upon by the Group of Experts for use in the tests.
8. The report of the test is provided in annex II.

9. The Group of Experts concluded that organization of a substantial number of pilot tests turned out to be difficult for the railway undertakings for two main reasons:

   • some railway undertakings from countries along the corridors suggested for tests had not participated actively in the work of the Group of Experts and had not responded to the secretariat correspondence inviting them to perform the tests, including correspondence at the highest level (letter from the ECE Executive Secretary to the Ministers of Transport with copy to managing directors of the railway undertakings), and

   • railway undertakings due to regulations in force (for SMGS countries Article 3 of the SMGS was mentioned as imposing restrictions) stated that they are not in position to test URL existing provisions on contractual basis using the provisions as general rules and conditions. Even the test conducted by Turkey, Azerbaijan and Georgia had been carried out utilizing the consignment notes of CIM and SMGS systems and in parallel the URL ad hoc consignment note.

10. Against this background, and considering that the test carried out by Turkey, Georgia and Azerbaijan was successful in verifying the validity and effectiveness of the draft URL provisions, the Group of Experts agreed not to request any further tests to the railway undertakings.

11. The Group of Experts further agreed that the ad hoc consignment note agreed for use in the tests should serve as a basis for the preparation of the final version of the consignment note for URL. This work should however only be undertaken upon adoption of the legal instrument for the contract of international carriage of goods by rail. Such work should preferably be undertaken by CIT and OSJD. In this work, the issues raised in terms of possible modifications should be considered. These issues are listed in annex III. Upon finalization of the consignment note, also an appropriate manual providing guidance for filling out the consignment note should be prepared.

12. The ad hoc consignment note as agreed by the Group of Experts is included in annex IV.

Tasks (c) and (d) of the mandate:

13. The Group of Experts in executing tasks 1 (c) and 1 (d) assessed and discussed on which should be the scope of URL and how to convert it into a legally-binding instrument.

14. In this process, the Group considered numerous documents, most importantly:

   • ECE/TRANS/SC.2/GEURL/2018/6 and ECE/TRANS/SC.2/GEURL/2018/6/Rev.1 which outlines a number of case studies from several United Nations transport legal instruments on the modalities for updating the instruments and the accompanying management systems established for these legal instruments

   • ECE/TRANS/SC.2/GEURL/2019/5, prepared by the European Commission and which contains impact analysis and the benefits from adopting the convention on contract for carriage of goods by railway in international traffic, as an opting in solution applicable solely for Euro-Asian rail freight traffic (interface law), provided in annex V

   • ECE/TRANS/SC.2/GEURL/2019/12, prepared by the Russian Federation and which suggests that URL is developed as a framework convention which would regulate the economic, operational, technical, technological and financial aspects of the railway operations, such as the carriage of goods, the use of wagons, the use of infrastructure, passenger transport, etc. and which proposes URL to become single regime for railways, provided in annex VI (ECE/TRANS/SC.2/GEURL/2019/5).

15. In addition, the Russian Federation submitted ECE/TRANS/SC.2/GEURL/2019/18 which contains benchmarking of the agreed draft URL provisions against relevant CIM and SMGS provisions.
16. The long-lasting discussion, which spanned over three sessions on the two approaches, led in the first place to a conclusion that URL should be developed as a system of conventions. Further discussions revealed that while experts saw a system of conventions forming unified railway law as a possible solution, there had been a difference of opinions as to how the process of development should be managed. All experts except for the Russian Federation advocated for a step by step approach meaning negotiations, adoption and opening for accession separately convention by convention. Experts from the Russian Federation believed that all the conventions of the system should be adopted and open for accession simultaneously, that is the first convention would wait for the last convention of the URL system for adoption. Such approach, in view of the Russian Federation, would prevent the situation in which any of the new conventions becomes a “third-law”, that is a convention existing in parallel to the existing regional legal systems.

17. The other experts argued that the approach suggested by the Russian Federation would offset all the benefits of the system of conventions, would not allow quick gains and would discourage investment into the process of the development of the system (reference to the arguments provided in ECE/TRANS/SC.2/GEURL/2019/5). They also considered that the approach suggested by the Russian Federation might require decisions in other fora.

18. Suggestions were made to open to accession each convention of the system after its finalization and adoption, while leave it to countries to choose when to accede to it – separately or to all conventions at the same time.

19. In the discussion, experts from the Russian Federation requested that the conventions to form the URL system were all identified while other experts believed that this should be a careful process during which issues for which unified provisions in form of conventions should be developed subject to adequate justification and consultations with international organizations and industry associations.

20. The Group of Experts was not able to agree on the scope of URL and on the approach to convert it into a legally-binding instrument by the twenty-first and last session of its mandate, thus it has not fulfilled its mandate with regard to tasks 1 (c) and 1 (d). At the same time, experts agreed to recommend for an extension of mandate for one more year (two more sessions) to finalize the work on its tasks 1 (c) and (d) of the terms of reference (ECE/TRANS/SC.2/GEURL/2018/3/Rev.1) before the 2020 session of SC.2.

21. Germany, Luxembourg, supported by the European Commission, and Turkey considered that the short extension, if granted, needs to ensure that the Group’s work will focus on the following objectives: (i) finalize the text of the legal instrument on the contract for international carriage of goods by rail for consideration by SC.2 in 2020 (i.e. agree on all substantive provisions, the management system, the preamble and final provisions); and (ii) identify and agree, where appropriate, as per task 1 (d), the next issue relevant to international rail freight, for which substantive URL provisions (another URL legal instrument) should be developed.

Other considerations

22. In its decision to extend the mandate under the existing terms of reference, and in the interest of successful conclusion of the extended mandate, SC.2 may wish to:

- expand the Group of Experts to invite to it country representatives with expertise on issues to be envisaged in the full set of conventions to form the system of URL conventions; and
- expand the geographical representation in the Group to invite to it interested countries along the entire Euro-Asian transport corridors.

23. SC.2 may also request the Group of Experts to explore the possibility to establish the legally binding instrument on contract of carriage on a corridor basis based on agreements between the governments concerned.

Annex I

List of documents assessed as relevant to perform international carriage of goods by rail under URL

The table below contains 10 documents in addition to the consignment note which the Group of Experts considers of relevance to the provisions of URL in order to perform international carriage of goods by rail.

<table>
<thead>
<tr>
<th>Title of the document</th>
<th>Relevance to URL provisions</th>
<th>Modifications required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Notice of damage</td>
<td>Article 28</td>
<td>There are no existing documents that could be modified, a new document should be developed.</td>
</tr>
<tr>
<td>2. Wagon label</td>
<td>Its use can be helpful to the railway undertakings</td>
<td>CIT 14 document could be used. No substantive content modifications necessary.</td>
</tr>
<tr>
<td>3. Wagon list</td>
<td>Article 5 para 2 in connection with Article 2 para. 10</td>
<td>CIM/SMGS Wagon list document could be used after modifications: substantive content changes to box 16.</td>
</tr>
<tr>
<td>4. Container list</td>
<td>Article 5 para 2 in connection with Article 2 para. 10</td>
<td>CIM/SMGS Container list document could be used after modifications: substantive content changes to box 16.</td>
</tr>
<tr>
<td>5. Subsequent orders</td>
<td>Articles 15 and 16</td>
<td>CIT 7 document could be used after modifications: substantive content changes to box on consignment number and on instructions.</td>
</tr>
<tr>
<td>6. Notification of circumstance preventing carriage</td>
<td>Article 17</td>
<td>CIT 8 document could be used after modifications: substantive content changes to box on consignment number and on circumstance preventing carriage.</td>
</tr>
<tr>
<td>7. Notification of circumstance preventing delivery</td>
<td>Article 17</td>
<td>CIT 9 document could be used after modifications: substantive content changes to box on consignment number and on circumstance preventing delivery.</td>
</tr>
<tr>
<td>8. Missing goods report</td>
<td>Article 20</td>
<td>CIT 21 document could be used. No substantive content modifications necessary.</td>
</tr>
<tr>
<td>9. Notification of corrections</td>
<td>Articles 15, 16, 17 and 18</td>
<td>CIT 22 document could be used. No substantive content modifications necessary.</td>
</tr>
</tbody>
</table>
| 10. Accompanying document              | Its use can be helpful to the railway undertakings for subsequent processing of goods en route in case when the consignment of which the goods are part cannot be identified (goods without documents) | The accompanying document is to take the same form as a consignment note with the following changes:  
  - Box 37: The description of the document is to read “Accompanying document” and the reference clause is not required.  
  - The box situated next to box 37 of the consignment note and intended to identify the individual sheets of the consignment note is to be blank. |

To be used for corrections, which are to be made or have been made to the consignment note when goods have already been sent.
Annex II

Report on the findings of the first URL real pilot test on Turkey-Georgia-Azerbaijan route (Mersin - Kars- Tbilisi - Baku- Ashkhabad Container Transport)

This report was submitted by the Ministry of Transport and Infrastructure of Turkey. It was issued as Information document No. 4 to the nineteenth session of the Group of Experts, held in Geneva on 2-4 April 2019.


Background information

With the aim of conducting a real pilot test along the Baku-Tbilisi-Kars Railway line as agreed during the meetings of the Group of Experts of Unified Railway Law, delegates of Turkey, Georgia and Azerbaijan held a meeting to sign a Memorandum of Understanding on 15 March 2019 in Ankara and agreed upon the performance of a pilot test run in March 2019 to test provisions of the Unified Railway Law and ad hoc URL consignment note.

For the reason that international agreements/conventions bringing any obligation to the government cannot gain validity without the approval of the National Assembly in Turkey, it has not been possible to make an actual test run with the sole use of ad hoc URL Consignment note. That is why, in addition to the utilization of official/binding consignment notes in each country (namely CIM and SMGS), a draft URL Consignment Note was issued and all administrative transactions and procedures were applied to this URL Consignment Note.

The following findings were noted by the enroute countries with regards to the ad hoc URL Consignment Note and provisions of the draft URL during the pilot test run which moved on 22 March 2019 at 1 a.m. (in Turkey’s time) from Mersin.

1. Route

Route of the first test train consisting of 8 wagons from Mersin (Yenice station) to Turkmenistan:

Mersin-Canbuz/Ahlakalaki- Gardabani/Böyük Kesik- Aliat Port-Türkmenbashı Port -Aşkabat Carried freight: 40 feet container (item: …)

URL Consignment Note (10. Section Deliverance Place) organized for Alat Port.

2. Organizing the Consignment Note

Ad hoc URL Consignment Note was issued separately for each wagon, in accordance with customs procedures.

• URL article 5, para. 2 envisages the issuance of a Consignment Note for each consignment loaded (piece) on a wagon. This provision is not compatible with Turkish customs procedures

• there is no drawback in terms of customs procedures to issue a single Consignment Note for more than one wagon.

The Article 5, para. 2 of URL has to be amended as “Each wagon is accepted as a consignment and a consignment note is issued for each wagon, unless otherwise agreed in the contract of carriage.”.
3. **Information in the Consignment Note**

Sections of Consignment Note are sufficient. However:

- it is not clear that whether “the weight” in the 48th section is the weight of “goods”, “wagon tariff” or “gross weight” of the wagon
- the twenty-sixth section must have customs information, not customs annotations
- a new section must be added to clarify the name of the transfer station. If the wagons with changeable wheels are used, this section must be signed with X.

4. **Payment of carriage charges**

In accordance with the agreement between the consigner and the TCDD Transport JSC as the contractual carrier, the consigner has made the payment of carriage charges which cover the route in Turkey until Canbaz/Kartshaki border point. The consignee must pay all other national route fees and expenses from this border to the final destination. (URL Article 8, para. 1)

On the back side of pages 1 and 2 of ad hoc URL Consignment Note, there are calculation sections for the carriage charges to the consigner and consignee. The information requested in this section is useful in terms of providing detailed information. However, it would be more appropriate to have a section on the front side of the Consignment Note with regards to the payment of carriage charges and expenses (including INCOTERMS). In this respect, the 18th section of the URL Consignment Note should be designed by taking into consideration the 20th section of the CIM Consignment Note.

5. **Transfer of Conventional Freight (1435-1520)**

A new section can be added to the URL Consignment Note for registering the new wagon numbers after the transfer of the freight (1435-1520) or a “Freight/Container Transfer Receipt” document can be designed, to be issued with a date stamp by the Transfer Station, to register “wagon numbers before and after the transfer” and “other relevant information about the freight (type of the good, net ton/wagon etc.)”.

In transportation of conventional freight, the number of wagons may increase or decrease after the transfer. Such cases may cause inconsistencies between the URL Consignment Note and number of wagons, the weight/number of packages in the wagons, thus, may create difficulties in completing customs procedures, specifically in implementing Simplified Customs procedure. In such cases, it may require to re-arrange the Consignment Note after the transfer of wagons at the Transfer Station to enable implementation of Simplified Customs Procedure.

A sample scenario for this problem:

Transfers in the BTK Railway Line take place in Georgia's Ahlakalaki station. In a sample case, we assume that “5 wagons loaded with coal in “big bags” in Kazakhstan with 5 URL Consignment Note issued for each” will reach at Ahlakalaki transfer station in Georgia, the freight in these 5 wagons will be transferred to 6 Turkish wagons. In this case, an inconsistency will occur in terms of the registered information on the tonnage/package number of the carriage, the number of the wagons and the amount of freight in the carriage/ number of parcels/etc. In addition, a wagon will arrive at the border point of Kars without a URL Consignment Note.

6. **Delivery Period**

The draft URL does not envisage “maximum delivery times”. It is advisable to provide maximum transport times in the URL according to the railway transportation route, except for sea and inland waterways.
7. **Compensation of damage to the right holder, such as liability and loss of freight/damage/deficiency**

In this regard, an “agreement model” should be prepared regarding the procedures and transactions to be applied by the railway organizations in such cases and should be discussed in Group of Experts.

8. **Transportation irregularities**

In addition to the URL Consignment Note, some other documents similar to existing CIM models should be designed for the URL such as Wagon Delivery/Receipt Document, Damage/Loss/Deficiency Identification Minute, Consigner Instruction for Transport Irregularities etc.
Annex III

**Issues to be considered in finalizing the consignment note under URL**

The following are issues to be further considered when finalizing the consignment note under URL:

- inclusion of a specific box for indicating transhipment/transfer station
- redesign of box 18 to match information provided in the box 20 of the CIM consignment note
- inclusion of new section for registering new wagon numbers (wagon numbers before and after transfers)
- merging of boxes 49 to 58 and 72 to 94
- expansion of the boxes 24 and 48 to include in them information from weighting of wagons for the wide gauge and from weighting the wagons for standard gauge, and
- removal from the box 65 reference to subcontracted carrier as URL does not refer to such a category of carriers.
Annex IV

Ad hoc consignment note

[Russian/German only]
### Разделы по расчету провозных платежей – Frachtberechnungsabschnitte

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- **B** - Расчетная длина
- **C** - Дополнительные услуги / Rabattgutschrifs
- **D** - Сумма
- **E** - Курс валюты – Währungskurs
- **F** - Другие статьи – Weitere Artikel
- **G** - Сумма – Gesamtsumme

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**Варианты для многократного использования:**
- **В** - Сумма
- **Г** - Другие статьи
- **Д** - Сумма

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Дополнительные коэффициенты – Hervorhebung der

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**Дубликат наложений Frachtbiegebügel**
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Annex V

Options available for converting URL into a legally binding instrument – URL as contract of carriage’s convention

This document was submitted by the European Commission to the nineteenth session of the Group of Experts, held in Geneva on 2-4 April 2019 and was issued as ECE/TRANS/SC.2/GEURL/2019/5.

Annex VI

Unified Railway Law – Structure and Management System

This document was submitted by the Russian Federation to the twentieth session of the Group of Experts, held in Geneva on 9-11 July 2019 and was issued as ECE/TRANS/SC.2/GEURL/2019/12.

It can be consulted at www.unece.org/trans/main/sc2/sc2_geurl_20.html.