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Item 2 of the provisional agenda

Execution of the Mandate of the Group**Different options for converting Unified Railway Law into a legally binding instrument including the corresponding management systems****Revision****Note by the secretariat****I. Mandate**

This document is submitted in line with Cluster 4: Rail transport and Trans-European Railway (TER) Project, para. 4.2. of the work programme of the transport subprogramme for 2018-2019 (ECE/TRANS/2018/21/Add.1) as adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 123) and the Terms of Reference (ECE/TRANS/2018/13/Rev.1) of the UNECE Group of Experts towards Unified Railway Law as adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 69) and by the Executive Committee of ECE. This document was revised at the request of the Group of Experts made at its eighteenth session (ECE/TRANS/SC.2/GEURL/2018/5, para. 6 (g) (ii)).

II. Different options for converting Unified Railway Law into a legally binding instrument

A. United Nations legally binding instruments

1. Terms

(a) Multilateral treaties

1. A multilateral treaty is an international agreement concluded between three or more subjects of international law, each possessing treaty-making capacity.

2. Treaty is a generic term embracing all instruments binding under international law, regardless of their formal designation, concluded between two or more international juridical persons. Thus, treaties may be concluded between:

- (a) States;
- (b) International organizations with treaty-making capacity and States; or
- (c) International organizations with treaty-making capacity.

3. The application of the term treaty, in the generic sense, signifies that the parties intend to create rights and obligations enforceable under international law. Based on the Vienna Convention on the Law of Treaties “treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation (article 2 (1) (a)).

4. Accordingly, conventions, agreements, protocols, and exchange of letters or notes may all constitute treaties. A treaty must be governed by international law and is normally in written form. Although the Vienna Convention 1969 does not apply to non-written agreements, its definition of a treaty states that the absence of writing does not affect the legal force of international agreements. No international rules exist as to when an international instrument should be entitled a treaty. However, usually the term treaty is employed for instruments of some gravity and solemnity.

5. The term “convention” is generally used for formal multilateral treaties with a broad number of parties. Conventions are normally open for participation by the international community as a whole, or by a large number of States. Usually instruments negotiated under the auspices of an international organization are referred to as conventions. The same holds true for instruments adopted by an organ of an international organization.

6. A protocol, in the context of treaty law and practice, has the same legal characteristics as a treaty. The term protocol is often used to describe agreements of a less formal nature than those entitled treaty or convention. Generally, a protocol amends, supplements or clarifies a multilateral treaty. A protocol is normally open to participation by the parties to the parent agreement. However, in recent times States have negotiated a number of protocols that do not follow this principle. The advantage of a protocol is that, while it is linked to the parent agreement, it can focus on a specific aspect of that agreement in greater detail.

(b) Bilateral treaties

7. The majority of treaties registered pursuant to Article 102 of the Charter of the United Nations are bilateral treaties. A bilateral treaty is an international agreement

concluded between two subjects of international law, each possessing treaty-making capacity. In some situations, several States or organizations may join together to form one party. There is no standard form for a bilateral treaty. An essential element of a bilateral treaty is that both parties have reached agreement on its content. Accordingly, reservations and declarations are generally inapplicable to bilateral agreements. However, where the parties to a bilateral treaty have made reservations or declarations, or agreed on some other interpretative document, such instrument must be registered together with the treaty submitted for registration under Article 102 of the Charter of the United Nations.

(c) Unilateral Declarations

8. Unilateral declarations that constitute interpretative, optional or mandatory declarations may be registered with the secretariat by virtue of their relation to a previously or simultaneously registered treaty or international agreement. Unlike interpretative, optional and mandatory declarations, some unilateral declarations may be regarded as having the character of international agreements in their own right and are registered as such. An example is a unilateral declaration made under article 36 (2) of the Statute of the International Court of Justice, recognizing as compulsory the jurisdiction of the International Court of Justice. These declarations are registered ex officio when deposited with the Secretary-General.

9. Interpretative declaration: An interpretative declaration is a declaration by a State as to its understanding of some matter covered by a treaty or its interpretation of a particular provision. Unlike reservations, declarations merely clarify a State's position and do not purport to exclude or modify the legal effect of a treaty.

10. Mandatory declaration: A mandatory declaration is a declaration specifically required by the treaty itself. Unlike an interpretative declaration, a mandatory declaration is binding on the State making it.

11. Optional declaration: An optional declaration is a declaration that a treaty specifically provides for but does not require. Unlike an interpretative declaration, an optional declaration is binding on the State making it.

(d) Subsequent actions, modifications and agreements

12. Subsequent actions effecting a change in the parties to, or the terms, scope or application of, a treaty or international agreement previously registered must be registered with the secretariat. For example, such actions may involve ratifications, accessions, prolongations, extensions to territories, or denunciations. In the case of bilateral treaties, it is generally the party responsible for the subsequent action that registers it with the secretariat. However, any other party to such agreement may assume this role. In the case of a multilateral treaty or agreement, the depositary usually effects registration of such actions. Where a new instrument modifies the scope or application of a parent agreement, such new instrument must also be registered with the secretariat. It is clear that for the subsequent treaty or international agreement to be registered, the prior treaty or international agreement to which it relates must first be registered. To maintain organizational continuity, the registration number that has been assigned for the registration of the parent treaty or international agreement is also assigned to the subsequent treaty or international agreement.

2. Management – Administrative Committee

13. It is common practice with international agreements that there is a designated intergovernmental body (customarily composed of Contracting Parties) which is authorized, under the treaty, to make decisions relating to implementation and/or

amendments to part or whole of the agreement. In most cases, this body is regarded as an independent treaty body, which is nonetheless hosted by the organization holding the responsibility for administering the Agreement, and which also offers secretariat services.

14. There are, however, examples where the Agreement is integrally linked with an organization because the treaty body in question may be in fact an intergovernmental subsidiary body of the organization itself. Such examples are the European Agreement on Important International Combined Transport Lines and the European Agreement on Main International Railway Lines, both administered by the United Nations Economic Commission for Europe (ECE). In these two cases, the Working Party on Intermodal Transport and Logistics and the Working Party on Rail Transport respectively, are the responsible treaty bodies for all matters and this is clearly stated in both Agreements.

15. When it comes to treaty bodies, there are three main structures:

- The first is the case where the treaty itself specifies that the United Nations will provide secretariat services under the responsibility of the Secretary-General. In a subclass of those cases, a specific United Nations entity is tasked with this responsibility (e.g. TIR Convention (1975), annex 8, article 2 – obligation of the United Nations to provide secretariat services, and article 4 – obligation to convene the Committee at ECE). In other cases, there is only a generic reference (e.g. The Secretary-General shall provide the Committee with secretariat services).
- The second case is when the treaty establishes a treaty body (Administrative Committee) but does not stipulate an obligation for the United Nations secretariat to service this body. In this second case, since there is no obligation stipulated by the legal instrument, it is within the rights of the General Assembly not to consider that body as being serviced by the United Nations regular budget.
- The third structure is that whereby the Parties to a treaty agree to finance the secretariat of the treaty body and host it at the United Nations or elsewhere.

3. Participation in multilateral treaties

16. Treaties generally specify in their final clauses the categories of States, organizations or other entities that may become a party thereto. For instance, the United Nations Convention on the Law of the Sea, 1982, lists in article 305 the entities that may become parties to the Convention and contains an annex concerning participation by international organizations.

(a) The “all States formula”

17. Treaties may be open to participation by “all States” or “any State”. The “all States formula” has been used often in multilateral treaties that seek universal participation (see those treaties relating to disarmament, human rights, penal matters and environment).

(b) The “Vienna formula”

18. The “Vienna formula” was developed to overcome the uncertainties of the “all States formula”. The “Vienna formula” attempts to identify in detail the entities eligible to participate in a treaty. The “Vienna formula” permits participation in a treaty by member States of the United Nations, Parties to the Statute of the International Court of Justice and member States of specialized agencies or, in certain cases, by any other State invited by the General Assembly to become a party.

(c) International Organizations

19. The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986 codified the practice of international organizations participation in treaties. Such participation primarily depends, as for States, upon the relevant provisions of the treaty. Certain treaties cannot be implemented by international organizations by reason of their nature and the absence of competence in respect of the subject matter of those treaties. Accordingly, negotiating parties have taken the view that such treaties would not be open to international organizations. For instance, the human rights conventions.

(d) Regional economic integration organizations

20. Certain treaties, in particular, those covering trade, commodities, the seas and the environment are increasingly open to participation by international organizations. Negotiating parties have specifically identified regional economic integration organizations with full or shared competencies in the subject matter covered by those treaties as capable of participation.

21. The definition of a regional economic integration organization encompasses two key elements: the grouping of States in a certain region for the realization of common purposes and the transfer of competencies relating to those common purposes from the members of the regional economic integration organization to the organization.

(e) Limitations on the ability of international organizations to participate in treaties

22. Some treaties provide that an organization may become party to a treaty only if its constituent member States are already parties to the treaty. A key concern is to avoid the parties to a regional economic integration organization being given additional votes in an international organization through the participation of the regional economic integration organizations.

(f) Exclusive competence of international organizations

23. Certain treaties prohibit member States of international organizations from becoming parties to the treaty in their own right, in cases where that international organization has competence over all the matters governed by the treaty.

(g) Participation by entities other than States or international organizations

24. In principle, non-metropolitan and other non-independent territories do not have the power to conclude treaties. However, the parent State may authorize such a territory to enter into treaty relations either ad hoc or in certain fields. Based on such delegated authority, some treaties authorize participation by entities other than independent States or international organizations. However, this is exceptional.

(h) Regional agreements

25. Certain regional treaties adopted within the framework of the United Nations regional commissions provide that they are open, not only to the member States of the Commission and to regional economic integration organizations but also to States having consultative status with the Commission and other entities specified.

4. Provisional application of a treaty

(a) Provisional application of a treaty before its entry into force

26. Provisional application of a treaty may occur when a State unilaterally decides to give legal effect to the obligations under a treaty on a provisional and voluntary basis. This provisional application may end at any time. A treaty or part of it is applied provisionally pending its entry into force if either the treaty itself so provides or the negotiating States, in some other manner, have so agreed (article 25 (1) of the Vienna Convention, 1969).

(b) Provisional application of a treaty after its entry into force

27. Provisional application is possible even after the entry into force of a treaty. This option is open to a State that may wish to give effect to the treaty without incurring the legal commitments under it. It may also wish to cease applying the treaty without complying with the termination provisions.

B. Case Studies

1. TIR Convention

28. The TIR Convention, 1975, is one of the most modern and up-to-date international Customs Conventions. It is working efficiently with only a limited number of incidences of litigation, resulting from unclear or vague provisions or differing interpretations.

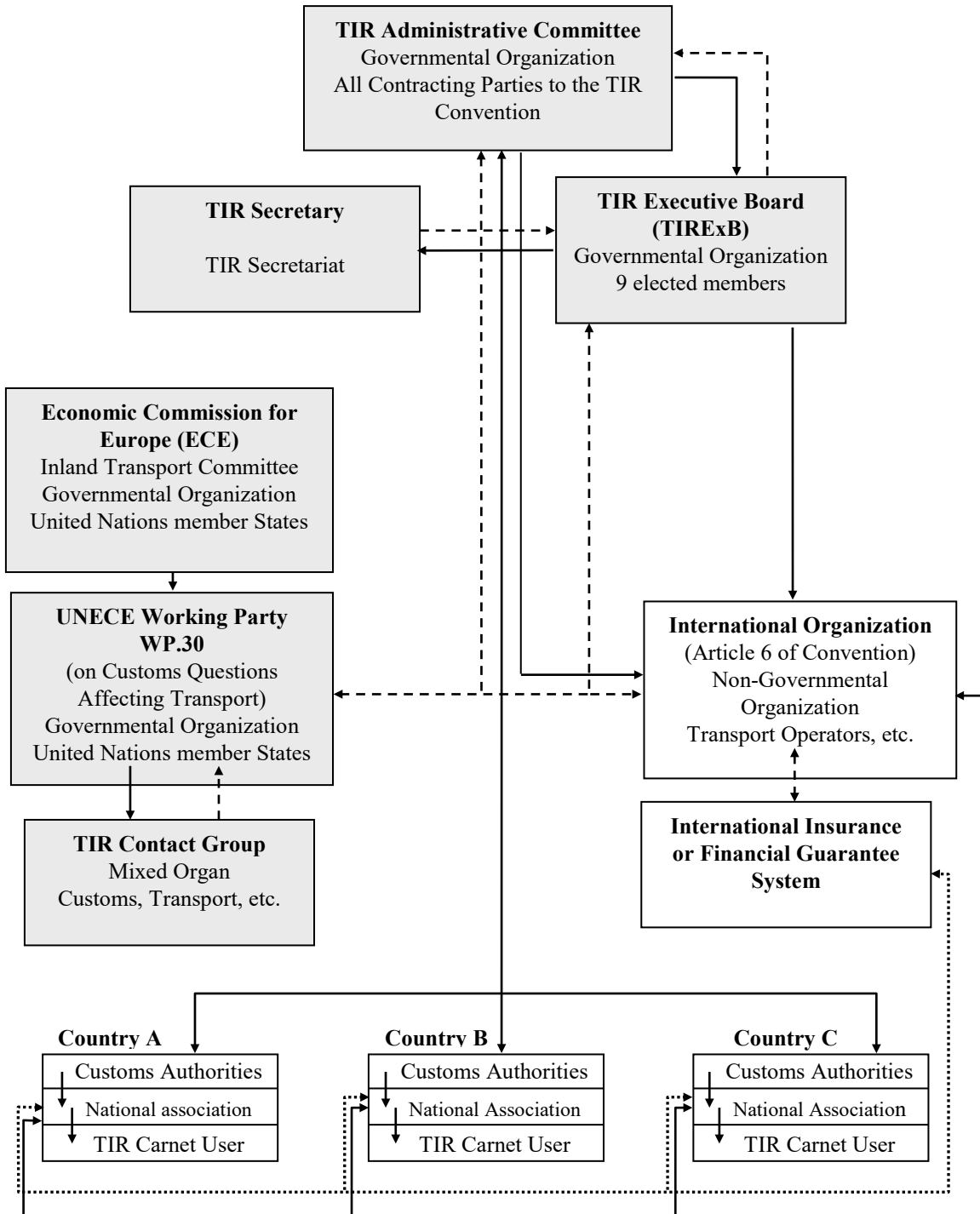
29. Several reasons for the smooth functioning of the Convention exist, one of which is the interest of all Parties concerned, be it transport operators or customs authorities, to keep the system in operation as it saves time and money for all concerned. Another reason lies in the fact that the authors of the TIR Convention have already provided some interpretation of the legal text through the introduction of explanatory notes into the Convention. These explanatory notes, contained in annex 6 of the Convention, form an integral part of the Convention. They interpret certain provisions of the Convention and its annexes and describe recommended practices for the everyday functioning of the TIR system. These explanatory notes do not modify the provisions of the Convention, but make their contents, meaning and scope more precise.

30. Technological changes occur very rapidly today, and what was "state of the art" in 1975 when the Convention was created, is not necessarily valid today. This affects not only customs techniques, but also vehicle and container manufacturing and smuggling techniques. In addition, as smuggled goods, particularly drugs, become more and more expensive, profits for smugglers soar, with the result that more and more elaborate smuggling techniques evolve.

31. In view of these developments, the TIR system, and the TIR Convention as its legal base, have to be constantly kept up-to-date. This task has been entrusted to the TIR Administrative Committee (AC.2), the TIR Executive Board (TIRExB) and to ECE in Geneva.

32. An overview of the administrative structure of the TIR Convention is provided in the following figure.

Administrative Structure of the TIR system



- Decision or Approval
- - - - Advice or Consultation
- International Insurance or Financial Guarantee System
- ▭ Part of intergovernmental structure

(a) The TIR Administrative Committee and the amendment provisions

33. The Administrative Committee, composed of all Contracting Parties to the Convention, is the highest organ under the Convention. It usually meets twice a year in spring and autumn under the auspices of the ECE in Geneva to approve amendments to the Convention and to give all countries, competent authorities and concerned international organizations an opportunity to exchange views on the functioning of the system. Until today thirty-five amendments to the TIR Convention have been adopted and numerous resolutions, recommendations and comments have been approved by the Committee.

34. Any proposed amendment adopted by the Administrative Committee by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General to the Contracting Parties for their acceptance. Amendments to the body of the Convention are accepted, if there is no objection by any Contracting Party within 12 months from the time of its communication by the Secretary-General. The accepted amendments enter into force for all Contracting Parties three months after the expiry of the 12 months acceptance period. If an adopted amendment concerns annexes it is accepted if not objected by five Contracting Parties within a period determined by the Administrative Committee at the time of adoption. If accepted, such amendment enters into force on a date also determined at the time of its adoption by the Administrative Committee.

(b) The TIR Executive Board (TIRExB)

35. The TIR Executive Board (TIRExB) was established by the Contracting Parties to the Convention in 1999. Its objective is to enhance international cooperation among customs authorities in the application of the TIR Convention and to supervise and to provide support in the application of the TIR system and the international guarantee system. The TIRExB is composed of 9 members who are elected in their personal capacity by the governments which are Contracting Parties to the Convention for two-year terms of office.

36. TIRExB is inter alia mandated to supervise the centralized printing and distribution of TIR Carnets, to oversee the operation of the international guarantee and insurance system and to coordinate and foster exchange of intelligence among Customs and other governmental authorities.

37. The decisions of TIRExB are executed by the TIR Secretary who is assisted by the TIR secretariat. The TIR Secretary shall be a member of the ECE secretariat. The operation of the TIRExB is financed, for the time being, through an amount on each TIR Carnet issued.

(c) The ECE Working Party on Customs Questions affecting Transport

38. The work of the TIR Administrative Committee is supported by the ECE Working Party on Customs Questions affecting Transport (WP.30) which holds between two and three sessions a year in Geneva, usually in conjunction with the sessions of the TIR Administrative Committee. Participation in the Working Party is open to all member States of the United Nations and to interested international organizations.

39. The Working Party also regularly adopts comments on certain provisions of the Convention. These comments are not legally binding for the contracting parties to the Convention, such as are the articles and the explanatory notes of the Convention. However, they are important for the interpretation, harmonization and application of the TIR Convention because they reflect a consensus opinion of the Working Party in which the majority of the contracting parties and the major users of the TIR system are represented (comments adopted by the Working Party are usually transmitted to the TIR Administrative Committee for consideration and endorsement).

(d) **Bodies of the transport industry**

40. The functioning of the TIR Convention would be impossible without public-private partnership. The International Road Transport Union and its member associations, supported by insurance companies, provide the necessary guarantees to customs authorities. Apart from this most important function, they also issue TIR Carnets to transport operators and monitor their performance, in close cooperation with customs. In case of need, unreliable operators can be deprived of TIR Carnets and even excluded from the TIR system.

2. **European Agreement concerning the International Carriage of Dangerous Goods by Road and European Agreement concerning the International Carriage of Dangerous Goods by Waterways**

41. The European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) was done at Geneva on 30 September 1957 under the auspices of the ECE, and it entered into force on 29 January 1968. The Agreement itself was amended by the Protocol amending article 14 (3) done at New York on 21 August 1975, which entered into force on 19 April 1985.

42. The ADR is made of the agreement proper and the technical provisions contained in its annexes A and B. The structure of the annexes is consistent with that of the United Nations Recommendations on the Transport of Dangerous Goods, Model Regulations, the International Maritime Dangerous Goods Code (of the International Maritime Organization), the Technical Instructions for the Safe Transport of Dangerous Goods by Air (of the International Civil Aviation Organization) and the Regulations concerning the International Carriage of Dangerous Goods by Rail (of the Intergovernmental Organization for International Carriage by Rail (OTIF)).

43. The Agreement itself is short and simple. The key article is the second, which says that apart from dangerous goods barred from carriage by its annex A, other dangerous goods may be carried internationally in road vehicles subject to compliance with:

(a) the conditions laid down in annex A for the goods in question, in particular, their packaging and labelling; and

(b) the conditions laid down in annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question.

44. Amendments to the text of the Agreement, according to its article 13, shall be made by a Conference of the Parties that can be convened at the request of any Contracting Party, once the Agreement has been in force for three years. The Secretary General shall notify all Contracting Parties of the request and a review conference shall be convened by the Secretary General if, within a period of four months following the date of notification, not less than one fourth of the Contracting Parties notify him of their concurrence with the request.

45. Any Contracting Party may propose amendments to the annexes A and B to the agreement. The same amendment procedure as the one applicable to the agreement proper applies. Alternatively, the protocol of amendment to article 14, paragraph 3, allows for the following simplified procedure.

46. According to the procedure described in article 14, as amended by the Protocol amending paragraph 3, the proposals for amendment are discussed first at meetings of experts of the Contracting Parties. The Working Party on the Transport of Dangerous Goods (WP.15) is playing that role. Once adopted, the proposed amendments are communicated by one Contracting Party (usually by the country of the Chairman) to the Secretary-General who would transmit them to all Contracting Parties. The proposals for

amendment(s) to the annexes are deemed to be accepted unless, within 3 months from the date on which the Secretary-General circulates it, at least one-third of the Contracting Parties, or five of them if one-third exceeds that figure, have given the Secretary General written notification of their objection to the proposed amendment(s).

47. Annexes A and B have been regularly amended and updated since the entry into force of ADR. The latest consolidated revised edition (ADR 2019) takes account of the amendments adopted for entry into force on 1 January 2019.

48. The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) was done at Geneva on 26 May 2000 under the auspices of the ECE and the Central Commission for the Navigation of the Rhine, and it entered into force on 29 February 2008.

49. Similarly to ADR, the ADN is also made of the agreement proper and the annexed regulations containing the technical provisions.

50. The ADN agreement is short and simple. The article 4 is the key one, which say that dangerous goods barred from carriage by the annexed Regulations shall not be accepted for international carriage, the international carriage of other dangerous goods being authorized, subject to compliance with the conditions laid down in the annexed Regulations.

51. Amendments to the ADN (the agreement proper and its annexed Regulations) are considered by an Administrative Committee.

52. The Agreement, excluding its annexed Regulations, may be amended upon the proposal of a Contracting Party. Any proposed amendment shall be considered by the Administrative Committee. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance. They shall come into force with respect to all Contracting Parties six months after the expiry of a period of twenty-four months following the date of communication of the proposed amendment if, during that period, no objection to the amendment in question has been communicated in writing to the Secretary-General by a Contracting Party.

53. The annexed Regulations may be amended upon the proposal of a Contracting Party. The Secretary-General may also propose amendments with a view to bringing the annexed Regulations into line with other international agreements concerning the transport of dangerous goods and the United Nations Recommendations on the Transport of Dangerous Goods, as well as amendments proposed by a subsidiary body of ECE with competence in the area of the transport of dangerous goods.

54. Any proposed amendment to the annexed Regulations shall in principle be submitted to the Safety Committee,¹ which shall submit the draft amendments it adopts to the Administrative Committee. At the specific request of a Contracting Party, or if the secretariat of the Administrative Committee considers it appropriate, amendments may also be proposed directly to the Administrative Committee. They shall be examined at a first session and if they are deemed to be acceptable, they shall be reviewed at the following

¹ Amendments to the Regulations annexed to ADN are prepared by the Safety Committee in partnership with the Central Commission for the Navigation on the Rhine (CCNR). It is understood that, pursuant to the resolution adopted on 25 May 2000 by the Diplomatic Conference for the Adoption of a European Agreement concerning ADN, cooperation in organizing this joint meeting of experts could be extended to the Danube Commission.

session of the Committee at the same time as any related proposal, unless otherwise decided by the Committee.

55. Any draft amendment to the annexed Regulations communicated for acceptance shall be deemed to be accepted unless, within three months from the date on which the Secretary-General circulates it, at least one-third of the Contracting Parties, or five of them if one-third exceeds that figure, have given the Secretary-General written notification of their objection to the proposed amendment. If the amendment is deemed to be accepted, it shall enter into force for all the Contracting Parties, on the expiry of a further period of three months, except in the cases specified in article 20, paragraph 5 (a) and (b).

56. The annexed Regulations to ADN have been regularly amended and updated since the entry into force of the Agreement. The latest consolidated revised edition (ADN 2019) takes account of the amendments adopted for entry into force on 1 January 2019.

57. Amendments to ADR and to ADN requiring or calling for harmonization with provisions relating to the transport of dangerous goods by rail are prepared by the Joint Meeting of the RID Committee of Experts for the Carriage of Dangerous Goods of OTIF and WP.15 (RID/ADR/ADN Joint Meeting) (WP.15/AC.1).

3. Convention on the Contract for the International Carriage of Goods by Road

58. The Convention on the Contract for the International Carriage of Goods by Road (CMR) was done at Geneva on 19 May 1956 under the auspices of ECE and it entered into force on 2 July 1961. The Convention was modified by the Protocol amending article 23 of the Convention done at Geneva on 5 July 1978. The Protocol entered into force on 28 December 1980. The Convention is also supplemented by the Additional Protocol concerning the electronic consignment note (e-CMR) done at Geneva on 20 February 2008. The Additional Protocol entered into force on 5 June 2011.

59. The objective of the CMR Convention is the standardization of the conditions governing the contract for the international carriage of goods by road, particularly with respect to the documents used for such carriage and to the carrier's liability.

60. The CMR Convention consists of eight chapters: (i) Scope of application; (ii) Persons for whom the carrier is responsible; (iii) Conclusion and performance of the contract of carriage, (iv) Liability of the carrier; (v) Claims and actions; (vi) Provisions relating to carriage performed by successive carriers; (vii) Nullity of stipulations contrary to the convention; and (viii) Final provisions.

61. The Working Party on Road Transport (SC.1) of ECE, among its tasks, encourages new accessions to the CMR Convention and its Protocol and may discuss the provisions of the CMR Convention or its Protocol in the context of the work aimed at facilitation and development of international transport by road through harmonization and simplification of rules and requirements relating to that transport as well as of administrative procedures and documentation to which such transport is subject.

62. From among the CMR Convention, its Protocol and the Additional Protocol only the latter contains provisions regarding its amendment. Any amendment proposal to the Additional Protocol shall be considered and decided upon by SC.1. The acceptance of a proposal for amendment shall be preferably reached by consensus, or in case such has not been reached by a two-third majority of Parties present and voting. The amendment shall then be submitted by the secretariat of the ECE to the Secretary-General for circulation for acceptance to all Parties to this Protocol, as well as to signatory States. The Parties have then nine months from the time of the notification by the Secretary-General to object the amendment proposed. If no objection was communicated by the end of the nine months period, the amendment is deemed to be accepted. It will enter into force six months after

the date of the notification of the acceptance of the amendment to all Parties by the Secretary-General. The provisions related to the amendment process are provided under article 13 of the Additional Protocol.

63. The CMR Convention, its Protocol as well as the Additional Protocol contain provisions on their possible review that can be done at a conference convened for such a purpose by the Secretary-General. Such conference can only be requested by any Party after the instruments had been in force for three years (CMR Convention and the Protocol) or in force (the Additional Protocol). The Secretary-General would organize it if within a period of four months from the initial notification of a request for a conference not less than one-fourth of the contracting parties would notify of their concurrence with the request. The provisions related to the review of the CMR Convention, the Protocol and the Additional Protocol are provided respectively under their article 49, article 10 and article 14.

4. The cases of Agreement on International Goods Transport by Rail and Uniform Rules concerning the Contract of International Carriage of Goods by Rail

64. The management of the Agreement on International Goods Transport by Rail (SMGS) is entrusted to the Organization for Cooperation between Railways Committee (OSJD Commission on Transport Law). The Commission shall hold its meetings and shall be composed of delegations from the Parties to SMGS. Proposals on modifications and amendments to be made in the SMGS shall be submitted to OSJD Committee and to all the Parties to the SMGS at the same time or not later than two months before a meeting of the Commission on Transport Law. The Commissions' activity in relation to amendments and modifications to be made in SMGS shall be carried out by experts and it includes two phases: consideration of proposals on amendments and modifications to be made in SMGS at expert meetings; and consideration of proposals on amendments and modifications to be made in SMGS at the meetings of OSJD Commission on Transport Law.

65. The date of entry into force of amendments and modifications in SMGS and Manual for SMGS, adopted upon the expiry of not less than five years dating from the latest date of their entry into force, and the date of entry into force of amendments and modifications in annex II, adopted upon the expiry of not less than two years dating from the latest date of their entry into force, shall be established by the OSJD Committee. As to individual, critical issues requiring modification of SMGS and Manual for SMGS, on which one cannot adhere to the five-year term, the adopted amendments shall enter into force on the first of July of the year to follow, if within two months following their transmission to all the railways which are Parties to SMGS, no objections are submitted by any railways which are Parties to SMGS.

66. The management of Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM) is entrusted to OTIF and in particular to the Secretary-General of OTIF in his function of the depository. All the submitted proposals on amendments to be made in CIM shall be considered by the Revision Committee. Where necessary, experts shall be involved or working groups shall be established. The member States and the Secretary-General may submit proposals on modifications of CIM to the Revision Committee or to the General Assembly. The Revision Committee shall take decisions on modifications which fall within its competence or it shall examine the proposals for submission to the General Assembly if the modifications fall within competence of the latter (article 33 of COTIF).

67. Amendments to CIM adopted by the General Assembly shall enter into force twelve months after their approval by at least half of member States which have not declared that they will not apply CIM in their entirety, for all member States except those which made such a declaration before the date of entry into force, according to which they did not approve the amendments, and those which declared that they would not apply CIM in their

entirety. Amendments adopted by the Revision Committee shall enter into force on the first day of the twelfth month dating from the month of the notification on the amendments, sent by the Secretary-General to member States. Member States may submit their objections no later than four months from the time of notification. In case of objections received from at least one-fourth of member States, the amendments shall not enter into force. In member States which have submitted their objections against the decision within the established period of time, the application of CIM shall be suspended in its entirety so far as concerns traffic with and between those member States from the moment of the decision's entry into force.

68. In practice, it takes about six years for the amendments adopted by the General Assembly to enter into force. For this reason, at its thirteenth session on 25 and 26 September 2018, the General Assembly amended the procedure for revising the provisions of the appendices to COTIF, and therefore to CIM, which fall within its competence.

69. Should the procedure for revising the provisions amended by the General Assembly at its thirteenth session enter into force, the amendments to CIM adopted by the General Assembly will enter into force more rapidly, as they will enter into force within a determined period, namely three years after their notification by the Secretary-General. Nonetheless, the General Assembly may decide by simple majority to defer their entry into force.
