

15 April 2010

English

Original: English and Russian

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## **Working Party on Rail Transport**

Informal Group of Experts on Unified Railway Law

### **First session**

Geneva, 26 March 2010

## **Report**

### **I. Attendance**

1. The Expert Group held its first session in Geneva on 26 March 2010.
2. The session was attended by representatives of the following countries: Austria; France; Germany; Latvia; Poland; Russian Federation and Turkey. The following intergovernmental organizations were represented: Organization for Co-operation between Railways (OSJD); Intergovernmental Organization for International Carriage by Rail (OTIF). The following non-governmental organizations were represented: International Rail Transport Committee (CIT); International Union of Railways (UIC).

### **II. Introduction**

3. The secretariat introduced UNECE activities pertaining to international rail transport and outlined the rationale for developing a unified legal framework.

### **III. Election of the Chair**

4. Following the nomination by Poland, seconded by the Russian Federation, Dr. Erik Evtimov was elected to chair the Expert Group. At the same time, the Russian Federation's position concerning the need for unbiased work of the Expert Group, without prioritizing one transport legal system over another, was noted.

### **IV. Adoption of the agenda**

5. The Group adopted the agenda <[http://unece.org/trans/doc/2010/sc2/Ag1\\_260310.pdf](http://unece.org/trans/doc/2010/sc2/Ag1_260310.pdf)> of its first session.

## V. Discussion of issues

6. After in-depth discussions of the background document prepared by the secretariat ([http://unece.org/trans/doc/2010/sc2/Id1\\_260310e.pdf](http://unece.org/trans/doc/2010/sc2/Id1_260310e.pdf)) and the keynote presentation on legal interoperability issues by the Chair,<sup>1</sup> the Expert Group decided to focus its work on two main issues: (1) Organizational and operational interoperability in international rail transport; (2) Harmonized rules for the contract for the international carriage of goods by rail.

7. It was also agreed that activities of the Expert Group should be additional to the ongoing work of the UNECE in the area of border-crossing facilitation and analyze mainly the above mentioned international rail transport issues with a view to developing harmonized legal solutions for the pan-European and Euro-Asian regions. The Group noted that its activities are consistent with the “Appeal from Bern” by railway undertakings that was distributed during the meeting <[http://www.unece.org/trans/doc/2010/sc2/Id2\\_260310e.pdf](http://www.unece.org/trans/doc/2010/sc2/Id2_260310e.pdf)>. It also appreciated a presentation by Polish State Railways (PKP) on the development of the system SUW 2000 for railway networks with different track gauges.

## VI. Programme of work

8. Participants adopted a programme of work that is annexed to this report. It was agreed that the next meeting of the Expert Group would take place in St. Petersburg after the 2<sup>nd</sup> Global Rail Freight Conference ([www.uic-grfc.org](http://www.uic-grfc.org)) and focus on the two main issues with the aid of **thematic papers** or in-depth presentations on the following topics that have been identified as crucial for the creation of the **Unified Railway Law** (principal authors of thematic papers are indicated in brackets):

- Harmonization of air & maritime transport contracts (Russian Federation);
- Harmonization of liability rules (CIT/OSJD);
- Global transport of dangerous goods (OTIF);
- Contract for use of wagons (UIC);
- Main issues on Euro-Asian links (Turkey/UNECE);
- Access to rail infrastructure (DG MOVE);
- Cross-acceptance and safety (ERA/EBA);
- SMGS (OSJD);

9. The authors of thematic studies who were not present at the first session of the Expert Group (DG MOVE, ERA) should be asked by the secretariat to confirm their willingness to undertake the assignments mentioned above. Further, Russian Railways would be approached with a request to host the second Expert Group meeting in St. Petersburg on 8 July 2010.

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<sup>1</sup> A Russian translation of the background document, kindly provided by OSJD, has been posted on the Expert Group website at [http://unece.org/trans/main/sc2/sc2\\_igeur11.html](http://unece.org/trans/main/sc2/sc2_igeur11.html). The keynote presentation, entitled “Legal interoperability CIM/SMGS,” can be downloaded at the same address.

## VII. Workshop on Euro-Asian rail transport law

10. Drafts of thematic papers (or presentations) should be circulated to all Expert Group members by 15 June 2010 or earlier. The results of subsequent discussions will be reflected in the **concept paper** of the Expert Group and presented at a **Workshop** that is scheduled to take place during the 64<sup>th</sup> session of the UNECE Working Party on Rail Transport (Vienna, 18-19 November 2010). The Workshop conclusions and recommendations will be included in a **policy paper** that should be submitted for approval to the 73<sup>rd</sup> session of the Inland Transport Committee (Geneva, 1-3 March 2011).

## VIII. Conclusions and follow up

11. The Expert Group identified two main work areas:

- (i) **Operational rules** and relevant sub-items that include the access to infrastructure, mutual use of wagons, cross-acceptance and safety;
- (ii) Harmonization of liability rules and preconditions for a **single transport contract** between the railway undertakings and customers and between the railway undertakings themselves for transport of goods (inclusive dangerous goods) in the pan-European and Euro-Asian regions.

The Expert Group also assigned responsibilities for relevant studies and decided to hold two more meetings in 2010.

## IX. Date and place of next meeting

12. The next meeting of the Expert Group will take place on 8 July 2010 in St. Petersburg, Russian Federation.

**Annex**

Draft Programme of Work of the Informal Expert Group on Unified Railway Law

<i>Meetings</i>	<i>Dates</i>	<i>Objectives, Actions and Outputs</i>
Second session	St. Petersburg, 8 July 2010	<p><b>1. Presentation on the main tasks and preparation of thematic papers as follow:</b></p> <p>Harmonization of air &amp; maritime transport contracts (Russia); Harmonization of liability rules (CIT/OSJD); Global transport of dangerous goods (OTIF); Contract for use of wagons (UIC); Main issues on Euro-Asian links (Turkey/ECE); Access to rail infrastructure (DG MOVE); Cross-acceptance and safety (ERA/EBA); SMGS (OSJD).</p> <p><b>2. Producing of tentative programme:</b></p> <p>ECE Workshop on Euro-Asian rail transport law, 19 November 2010 in Vienna.</p>
Third session	Geneva, 16 September 2010	<p><b>1. Presentation of the draft concept paper;</b></p> <p><b>2. Finalization of the programme</b> of the ECE Workshop on Euro-Asian rail transport law;</p> <p><b>3. Discussion on the Report</b> with preliminary recommendations and <b>terms of reference</b> of the Expert Group on Unified Railway Law.</p>
Sixty-fourth session of the Working Party on Rail Transport (SC.2)	Vienna, 18-19 November 2010	<p><b>1. Report</b> with recommendations for policy paper, incl. <b>terms of reference</b> for a formal Group of Experts.</p> <p><b>2. Submission</b> by the Chair to the SC.2 and further on to the Inland Transport Committee for consideration.</p>

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