



Economic and Social Council

Distr.: General
9 September 2013

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Sixth session

Geneva, 2–3 December 2013

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixth session^{1, 2}

To be held at the Palais des Nations, Geneva
starting at 10.00 a.m. on Monday, 2 December 2013

I. Provisional agenda

1. Adoption of the agenda.
2. Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations.
3. Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements.

¹ Delegates are requested to complete the registration form available for download at the UNECE Transport Division's website www.unece.org/trans/registfr.html. It should be transmitted to the UNECE secretariat no later than one week prior to the session by e-mail (sc.2@unece.org) or by fax (+41 22 917 0039). 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 (ext. 740 30). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

² 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 Transport Division's website www.unece.org/trans/main/sc2/sc2.html. On an exceptional basis, documents may also be obtained by e-mail (sc.2@unece.org) or by fax (+41 22-917 0039). During the session, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

4. Unification of international railway law with the objective to allow rail carriage under a single legal regime.
5. Identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport.
6. Other business.
7. Date of next session.
8. 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/2013/7

2. Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations

The Group of Experts may wish to recall that at its previous session, it considered and discussed the main problems and issues to be addressed by a unified set of provisions and legal rules for Euro-Asian rail transport operations. It noted that the legal rules governing international road, sea and air transport as enshrined in international treaties (Convention on the Contract for the International Carriage of Goods by Road (CMR), Hague-Visby Rules, Montreal Convention, etc.) should guide its work and be used as benchmarks.

The Group of Experts agreed to prepare the legal provisions covering international carriage of goods by rail focusing on the contract of carriage, in particular, on rights and obligations of the Parties to the contract of carriage, documentation, liability, assertion of claims and relationship among carriers. It was understood that further details such as technical specifications, rail infrastructure, rolling stock as well as security and safety should be decided on the basis of the analysis of Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM) and the Agreement on International Railway Freight Transportation (SMGS) (to be prepared by the UNECE secretariat).

The Group of Experts agreed that the geographical scope of unified rail transport rules should encompass primarily the ECE region as well as interested countries, such as China and Mongolia. Therefore, the Group decided that the involvement of these countries as well that of the UNESCAP secretariat in the legal work of the Group of Experts was highly desirable and requested the secretariat to facilitate their participation.

On the basis of ECE/TRANS/SC.2/GEURL/2013/9 containing an analysis of CIM and SMGS, the Group of Experts may wish to review and decide about the further details of the legal provisions, such as technical specifications, rail infrastructure, rolling stock as well as security and safety.

Documentation

ECE/TRANS/SC.2/GEURL/2013/9

3. Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements

The Group of Experts may wish to recall that at its previous session, it reviewed existing international arrangements and legal instruments covering all modes of transport on the basis of an outline provided by the secretariat with a view to identifying elements and mechanisms as well as best practices that could be of relevance for the establishment of a unified railway regime.

On the basis of ECE/TRANS/SC.2/GEURL/2013/4 containing a first review of some of the key provisions of such international arrangements and legal instruments, the Group of Experts may wish to provide feedback on the correctness and completeness of the information provided. In addition, experts may wish to identify and present best practices as well as elements and mechanisms used in other international conventions/agreements that could be utilized in the preparation of a unified railway regime.

Documentation

ECE/TRANS/SC.2/GEURL/2013/4

4. Unification of international railway law with the objective to allow rail carriage under a single legal regime

The Group of Experts may wish to recall that at its previous session, it had an exchange of views on possible key elements and regulations to be included or addressed in a unified international legal regime for rail freight transport operations that would provide legal transparency and certainty for Euro-Asian rail freight transport.

On the basis of ECE/TRANS/SC.2/GEURL/2013/9, ECE/TRANS/SC.2/GEURL/2013/10 and ECE/TRANS/SC.2/GEURL/2013/11, the Group of Experts may wish to review a comparison of relevant legal provisions in CIM and in SMGS in the following seven fields (listed without prioritization):

- (a) Scope of application;
- (b) Contract of carriage (conclusion and performance);
- (c) Liability;
- (d) Assertion of claims;
- (e) Relationship between rail carriers;
- (f) Recourse of action (infrastructure, rolling stock, technical specifications, safety and security, etc.);
- (g) Other relevant provisions (electronic data interchange, reservations, disputes, entry into force, transition period, etc.).

This comparison briefly evaluates the relevant legal provisions and, as appropriate, first elements and a possible wording of some specific legal provisions that could be included into a legal instrument for Euro-Asian rail freight transport.

Documentation

ECE/TRANS/SC.2/GEURL/2013/9, ECE/TRANS/SC.2/GEURL/2013/10,
ECE/TRANS/SC.2/GEURL/2013/11

5. Identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport.

The Group of Experts may wish to recall that at its previous session, it requested the secretariat to prepare for its next session, a preliminary analysis of pertinent management issues enshrined in other transport conventions/agreements addressing at least the following issues:

- (a) Depository functions (custody, certified copies, notifications, etc.);
- (b) Administrative functions (amendments, interpretation, monitoring, etc.);
- (c) Secretariat support functions.

On the basis of ECE/TRANS/SC.2/GEURL/2013/12, the Group of Experts may wish to consider and review a preliminary analysis of pertinent management issues.

Documentation

ECE/TRANS/SC.2/GEURL/2013/12

6. Other business

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

7. Date of next session

The next session of the Group of Experts is scheduled to be held at the Palais des Nations in Geneva on 3–4 April 2014.

8. Summary of decisions

In accordance with established practice, the Chair will make a brief summary of the decisions taken. Following the session, the UNECE secretariat, in cooperation with the Chair and Vice-Chair, will establish a report on the outcome of the session.
