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Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Tenth session

Geneva, 11–13 February 2015

Item 1 of the provisional agenda

Adoption of the agenda

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

To be held at the Palais des Nations, Geneva
starting at 10.00 a.m. on Wednesday, 11 February 2015

I. Provisional agenda

1. Adoption of the agenda.
2. Election of Officers.
3. Mandate: Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law.

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. 724 03). 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 of allowing rail carriage under a single legal regime.
5. Identifying an appropriate management system for unified railway law based on 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/2015/1

2. Election of Officers

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

3. Mandate: Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law

The Group of Experts may wish to recall that during the Ministerial session of the seventy fifth Inland Transport Committee thirty-seven (37) European and Asian countries signed the Joint Declaration and expressed their willingness to further develop and promote Euro-Asian rail transport and activities towards unified railway law (ECE/TRANS/2013/2).³ The Joint Declaration outlines a strategy (rail map) to establish legal conditions for railways equivalent with those existing for competing modes such as road, air, inland water and maritime transport. It includes the following elements:

(a) Establishment of a unified set of transparent and predictable provisions and legal rules for Euro-Asian rail transport operations in all countries concerned that would facilitate border crossing procedures, particularly for transit traffic;

(b) Analysis of existing international modal transport conventions (rail, road, air, inland water and maritime transport) and related agreements in order to identify provisions and procedures important for the establishment of unified railway law;

(c) Unification of international railway law with the objective to allow rail carriage under a single legal regime from the Atlantic to the Pacific;

(d) On the basis of a future material consensus on unified railway law, identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport (Organization for Cooperation between Railways (OSJD), Intergovernmental Organization for

³ Refer to: www.unece.org/fileadmin/DAM/trans/doc/2013/itc/Joint_Declaration_on_URL.pdf.

International Carriage by Rail (OTIF) and others) as well as of international organizations of other modes of transport;

(e) Support for the widest possible use of electronic document workflow and intelligent transport systems.

The first, completed draft of these provisions was submitted at the sixty-eighth session of the Working Party on Rail Transport on the 24 November 2014 and the Bureau of Inland Transport Committee on 27–28 November 2014.

The Bureau considered extending the mandate of the Group of Experts on Unified Railway Law which was to expire at the end of 2014. With a need to organize meetings between the end of the mandate of the Group of Experts and the seventy-seventh session of the Inland Transport Committee, the Bureau decided, on an exceptional basis, to approve the extension of the mandate of the Group of Experts for one more year in order to avoid losing the momentum that had been created, and to submit this request to EXCOM at its December 2014 meeting. The extension of the mandate of the Group for one more year was approved by EXCOM.

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

The Group of Experts held its seventh, eighth and ninth sessions on the 3–4 April 10–11 July and 30–31 October 2014, respectively. An informal meeting of the “Friends of the Chair” of the Group of Experts was also held on 29 September 2014.

The secretariat prepared a document which served as a basis for discussion for all the Group of Experts’ sessions. This document provided a comparison of provisions in COTIF/CIM (column 1) and SMGS (column 2). These legal provisions were also briefly evaluated in the context of other international legal documents such as the CMR, and the Montreal Convention (column 3). Column 4 included draft wording of legal provisions as agreed in the Group of Experts, as well as other elements that could form part of a legal instrument for Euro-Asian rail freight transport. The experts reviewed and amended the document so that the provisions would cover the needs of all participating stakeholders.

In order to finalize the provisions of this new legal instrument, three main tasks remain:

- 1) fine-tuning the wording substantively and settling all open issues;
- 2) fine-tuning the wording linguistically in three languages (English, French and Russian); and
- 3) reaching a decision on an appropriate management system for the URL.

Based on the review, discussions and comments from the ninth session of the Group, the secretariat prepared document ECE/TRANS/SC.2/GEURL/2015/3 for consideration and review by the Group.

Documentation

ECE/TRANS/SC.2/GEURL/2015/3

5. Identifying an appropriate management system for unified railway law based on the experience of international organizations in the field of the railway transport

The Group of Experts may wish to recall the preliminary discussions at its previous sessions on identifying an appropriate management system for the new legal railway regime. The Group of Experts may also wish to recall that a decision on an appropriate management system for the URL is one of the three main tasks remaining.

On the basis of ECE/TRANS/SC.2/GEURL/2015/4, ECE/TRANS/SC.2/GEURL/2013/12, Informal documents SC.2/GEURL Nos. 2, 3 and 9 (2014), the Group of Experts may wish to continue discussions on management issues of the new legal railway instrument.

Documentation

ECE/TRANS/SC.2/GEURL/2015/4, ECE/TRANS/SC.2/GEURL/2013/12, Informal documents SC.2/GEURL Nos. 2, 3 and 9 (2014)

6. Other business

At present, there are no proposals under this item. Proposals can 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 from 11 to 13 March 2015.

8. 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.
