



Economic and Social Council

Distr.: General
12 December 2017

Original: English

Economic Commission for Europe

Inland Transport Committee

Eightieth session

Geneva, 20-23 February 2018

Item 5 (e) of the provisional agenda

Strategic questions of a modal and thematic nature:

Rail transport

Terms of Reference of the ECE Group of Experts towards Unified Railway Law

Note by the secretariat

Summary

This note provides the terms of reference for the Group of Experts on Unified Railway Law in order to continue its work and deliberations for other two years.

The Committee may wish to approve these terms of reference, deciding on one of the proposed options, and therefore the extension of the mandate of the group for other two years.

I. Scope of issues and achievements expected

A. Option 1

1. In line with the Joint Declaration on Euro-Asian Rail Transport and Activities towards Unified Railway Law, signed at the ECE ministerial meeting “Making the Euro-Asian Transport Network Operational” on 26 February 2013, and with the draft legal provisions towards unified railway law prepared by the Group of Experts, the Group during this phase will focus on:

(a) Coordinate the preparation and /or review the already prepared necessary documents for rail transport by the relevant international associations in the railway sector meaning the Organization for Cooperation between Railways (OSJD), the Intergovernmental Organization for International Carriage by Rail (OTIF) and the

International Rail Transport Committee (CIT), following the draft legal provisions prepared during the previous phase of the Group. The documents that should be prepared and/or reviewed during this phase are the following:

- Standard Model for the Consignment Note;
- Formal Report;
- Wagon List;
- Container Note;
- Charges Note;
- Subsequent Orders;
- Circumstances Preventing;
- Notification of Payment;
- Authorization to Escort;
- Missing Goods Report;
- Notification Correction;
- Provisional Analysis to Transit;
- Wagon Labels.

(b) The ITC resolution on unified railway law (ECE/TRANS/2016/17) encourages railway undertakings and international organizations for railways to test the draft legal provisions towards unified railway law prepared, whenever possible, in practice. The Group of Experts should monitor the results of these pilot tests and prepare recommendations accordingly.

2. The Group of Experts should base its considerations on previous work of ECE in this field, in particular the provisions of articles 2 and 5 of the Joint Declaration and the legal provisions prepared by the Group of Experts on Unified Railway Law.

B. Option 2

3. In line with the Joint Declaration on Euro-Asian Rail Transport and Activities towards unified railway law, signed at the ECE Ministerial Meeting “Making the Euro-Asian Transport Network Operational” on 26 February 2013, as well as with the draft legal provisions towards Unified Railway Law prepared by the Group of Experts, the Group during this phase will focus its work on the following issues:

(a) Transform the draft legal provisions towards unified railway law prepared by the Group of Experts to a convention by preparing all administrative clauses missing such as depository, administrative committee, procedures for amending the convention, voting rights, the case of regional economic integration organizations etc.;

(b) Finalization of necessary documents in order to perform international rail transport under the unified railway law including the consignment note of the new convention and its manual;

(c) Perform real pilot tests along the corridors agreed or along other corridors if proposed by governments in order to ensure the operational validity and effectiveness of the legal provisions prepared;

C. Option 3

4. In line with the Joint Declaration on Euro-Asian Rail Transport and Activities towards Unified Railway Law, signed at the ECE Ministerial Meeting “Making the Euro-Asian Transport Network Operational” on 26 February 2013, as well as with the draft legal provisions towards Unified Railway Law prepared by the Group of Experts, the Group during this phase will focus its work on the following issues:

(a) Prepare a comprehensive framework convention on international rail freight transport including its annexes on:

- (i) Contract of carriage (already prepared and agreed by the Group);
- (ii) Common provisions on dangerous goods;
- (iii) Common provisions on the use of freight wagons;
- (iv) Common provisions on rail infrastructure;
- (v) Common provisions on rolling stock;

(b) Prepare all administrative clauses of this framework convention such as depository, administrative committee, procedures for amending the convention, voting rights, the case of regional economic integration organizations, etc.;

(c) Discuss and prepare different options regarding the management and the secretariat of the new framework convention on international rail freight transport;

(d) Finalization of necessary documents in order to perform international rail transport under the new framework convention on international rail freight transport including the consignment note and its manual;

(e) Perform real pilot tests along the corridors agreed or along other corridors if proposed by governments in order to ensure the operational validity and effectiveness of the legal provisions prepared.

II. Methods of work

5. The Group of Experts will be established and function in accordance with the ECE guidelines for teams of specialists approved by the Executive Committee of ECE on 31 March 2010 (ECE/EX/2/Rev.1). At its first meeting, the Group of Experts will adopt a work plan, clearly defining its objectives and activities, including a time schedule for their implementation.

6. The Group of Experts is expected to meet twice in 2018, and at least three times in 2019 at the Palais des Nations in Geneva, before concluding its activities with the transmission of a report to the Working Party on Rail Transport at its seventy-third session (November 2019, Geneva). This report shall also contain proposals for monitoring procedures and follow-up activities.

7. Translation of documents and simultaneous interpretation of its sessions in English, French, and Russian shall be provided by United Nations services (UNOG) for the sessions held at the Palais des Nations in Geneva.

8. Participation in the Group of Experts is open to all concerned United Nations member countries and experts. Concerned intergovernmental and non-governmental organizations, concerned railway companies, freight and forwarding industries are invited to participate and provide expert advice in compliance with United Nations rules and practices.

III. Secretariat

9. ECE will provide secretariat services for the Group of Experts and shall ensure close cooperation with all stakeholders, including the European Commission, the Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD), the International Rail Transport Committee (CIT) and concerned regional commissions of the United Nations, ESCAP.
