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Group of Experts towards Unified Railway Law

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Item 2 (b) of the provisional agenda

Execution of the Mandate of the Group:

Monitoring of performance of a substantial number of real pilot tests

**Draft report on the findings of the first URL real pilot test on
Turkey-Georgia-Azerbaijan route:
Mersin - Kars- Tbilisi - Baku- Ashkhabad
Container Transport**

Submitted by Turkey

**DRAFT REPORT ON THE FINDINGS OF THE FIRST URL REAL PILOT TEST
ON TURKEY-GEORGIA-AZERBAIJAN ROUTE
Mersin - Kars- Tbilisi - Baku- Ashkhabad Container Transport**

With the aim of conducting a real pilot test along the Baku-Tbilisi-Kars Railway line as agreed during the meetings of the Group of Experts of Unified Railway Law, delegates of Turkey, Georgia and Azerbaijan held a meeting to sign a Memorandum of Understanding on March 15, 2019 in Ankara and agreed upon the performance of a pilot test run in March 2019 to test provisions of the Unified Railway Law and ad hoc URL consignment note.

For the reason that international agreements/conventions bringing any obligation to the government cannot gain validity without the approval of the National Assembly in Turkey, it has not been possible to make an actual test run with the sole use of ad hoc URL Consignment note. That is why, in addition to the utilization of official/binding consignment notes in each country (namely CIM and SMGS), a draft URL Consignment Note was issued and all administrative transactions and procedures were applied to this URL Consignment Note.

The following findings were noted by the enroute countries with regards to the ad hoc URL Consignment Note and provisions of the draft URL during the pilot test run which moved on March 22, 2019 at 1.am. (in Turkey's time) from Mersin..

1-Route

Route of the first test train consisting of 8 wagons from Mersin (Yenice station) to Turkmenistan:

Mersin-Canbuz/Ahlakalaki- Gardabani/Böyük Kesik- Aliat Port-Türkmenbaşlı Port -Aşkabat
Carried freight: 40 feet container (item:....)

URL Consignment Note (10. Section Deliverance Place) organized for Alat Port.

2- Organizing the Consignment Note

Ad hoc URL Consignment Note was issued separately for each wagon, in accordance with customs procedures.

- URL Article 5 Paragraph 2 envisages the issuance of a Consignment Note for each consignment loaded (piece) on a wagon. This provision is not compatible with Turkish customs procedures.

- There is no drawback in terms of customs procedures to issue a single Consignment Note for more than one wagon.

The Article 5 Paragraph 2 of URL has to be amended as “Each wagon is accepted as a consignment and a consignment note is issued for each wagon, unless otherwise agreed in the contract of carriage.”.

3-Information in the Consignment Note

Sections of Consignment Note are sufficient. However;

-It is not clear that whether “the weight” in the 48th section is the weight of “goods”, “wagon tariff” or “gross weight” of the wagon.

- The 26th section must have customs information, not customs annotations.

-A new section must be added to clarify the name of the transfer station. If the wagons with changeable wheels are used, this section must be signed with X.

4-Payment of carriage charges

In accordance with the agreement between the consigner and the TCDD Transport JSC as the contractual carrier, the consigner has made the payment of carriage charges which cover the route in Turkey until Canbaz/Kartshaki border point. The consignee must pay all other national route fees and expenses from this border to the final destination. (URL Article 8, par,1)

On the back side of pages 1 and 2 of ad hoc URL Consignment Note, there are calculation sections for the carriage charges to the consigner and consignee. The information requested in this section is useful in terms of providing detailed information. However, it would be more appropriate to have a section on the front side of the Consignment Note with regards to the payment of carriage charges and expenses (including INCOTERMS). In this respect, the 18th section of the URL Consignment Note should be designed by taking into consideration the 20th section of the CIM Consignment Note.

5-Transfer of Conventional Freight (1435-1520)

A new section can be added to the URL Consignment Note for registering the new wagon numbers after the transfer of the freight (1435-1520) or a “Freight/Container Transfer Receipt” document can be designed, to be issued with a date stamp by the Transfer Station, to register “wagon numbers before and after the transfer” and “other relevant information about the freight (type of the good, net ton/wagon etc.)”.

In transportation of conventional freight , the number of wagons may increase or decrease after the transfer. Such cases may cause inconsistencies between the URL Consignment Note and number of wagons, the weight/number of packages in the wagons, thus, may create difficulties in completing customs procedures, specifically in implementing Simplified Customs procedure. In such cases, it may require to re-arrange the Consignment Note after the transfer of wagons at the Transfer Station to enable implementation of Simplified Customs Procedure.

A sample scenario for this problem:

Transfers in the BTK Railway Line take place in Georgia's Ahlakalaki station. In a sample case, we assume that “5 wagons loaded with coal in “big bags” in Kazakhstan with 5 URL Consignment Note issued for each” will reach to Ahlakalki transfer station in Georgia, the freight in these 5 wagons will be transferred to 6 Turkish wagons. In this case, an inconsistency will occur in terms of the registered information on the tonnage / package number of the carriage, the number of the wagons and the amount of freight in the carriage / number of parcels / etc.. In addition, a wagon will arrive at the border point of Kars without a URL Consignment Note.

6-Delivery Period

The draft URL does not envisages “maximum delivery times”. It is advisable to provide maximum transport times in the URL according to the railway transportation route, except for sea and inland waterways.



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7- Compensation of damage to the right holder, such as liability and loss of freight / damage / deficiency

In this regard, an “agreement model” should be prepared regarding the procedures and transactions to be applied by the railway organizations in such cases and should be discussed in Group of Experts. .

8- Transportation Irregularities

In addition to the URL Consignment Note, some other documents similar to existing CIM models should be designed for the URL such as Wagon Delivery/Receipt Document, Damage/ Loss/ Deficiency Identification Minute, Consigner Instruction for Transport Irregularities etc.
