
Project Working Group on Transport and Border Crossing (PWG-TBC)

17th Session
25-26 April 2012
Almaty, Kazakhstan

**Development of the CIM/SMGS project and unified railway law
in the SPECA region**
(Item 4.6 of the Agenda)

Note by UNECE / UNESCAP

1. The Working Party on Rail Transport (SC. 2) noted that the Inland Transport Committee had approved, in March 2011, its Position Paper that contained a long-term strategy as well as work

Procedures towards unified railway law using a three step approach (ECE/TRANS/2011/3). The position paper also proposed the establishment of a dedicated group of experts to tackle this complex work.

2. In accordance with its terms of reference, approved by the UNECE Executive Committee (EXCOM), the Group of Experts towards Unified Railway Law held two meetings on 6 May 2011 (ECE/TRANS/SC.2/GEURL/2011/4) and on 7 October 2011 (ECE/TRANS/SC.2/GEURL/2011/9). In line with its mandate, it launched short-term work under step A of the UNECE Position Paper. This work, to be completed in 2012, consisted in the preparation of an Inter-governmental Document (IGD EurAsia) that provided a framework and political support for so-called General Terms and Conditions for rail transport contracts (GTC EurAsia). GTC EurAsia, to be prepared in parallel by the railway industry, should allow for efficient Euro-Asian rail transport operations on the basis of a single contract of carriage, a single consignment note and a single liability system applicable under the current institutional and legal framework of the COTIF/CIM and SMGS Agreements.

3. At the second session on 7 October 2011, the Group of Experts noted that a final draft of GTC EurAsia had not yet been established by the railway organizations and no consensus emerged among experts on how to further pursue the mandated work on IGD EurAsia.

4. The SC. 2 expressed its apprehension about the difficulties that had emerged in the preparation of IGD EurAsia and GTC EurAsia and called on all involved experts from Governments, international organizations and industry groups to comply with the mandate of the UNECE Position Paper and to make rapid progress in the negotiation of these documents. It agreed to extend the time schedule by one year to allow completion of step A of the UNECE Position Paper in 2013 (see above). In this context, and as result of the discussion held between the representatives of involved international organizations, Governments, secretariat and European Commission, the will for further collaboration has been shown, the Working Party welcomed the proposal of the Chair to convene an informal meeting at the beginning of 2012 to prepare a revised draft of IGD EurAsia reconciling the different positions within the Group of Experts that could be submitted for consideration at the next session of the Group of Experts on 2–3 July 2012.

5. The SC. 2 requested the secretariat and the Chair of the Group of Experts to provide a report on the outcome of their work at its next session in order to allow the SC. 2 to take a decision on IGD EurAsia and GTC Eurasia for approval by the Inland Transport Committee in March 2013.

6. In the framework of the UNECE Inland Transport Committee, the Chairman of SC.2 convened on 2 March 2012 a special meeting at Geneva. On the basis of a first draft of a possible Joint Declaration for signature by Ministers of Transport, good progress has been made to arrive at a political document supporting the application of GTC EurAsia which would be fully in line with the existing provisions of the SMGS and COTIF-CIM Conventions and would provide a contractual bridge between the two railway regimes complementing the already adopted common SMGS-CIM consignment note. Further work is still required to also include in this political document procedures and provisions towards unified railway law as the ultimate objective of these activities by the international community.

7. The next session of the Group of Experts towards Unified Railway Law will be held at Geneva on 2 and 3 July 2012 (<http://www.unece.org/trans/main/sc2/sc2.html>).

8. Due to rapid growth in intra-regional trade among the countries in the Asian and Pacific region, and increasing awareness of importance of sustainable transport development, the countries in the region have started to stress the importance of railway transport to reduce fuel consumption and emissions. The entry into force of the Inter-Governmental Agreement on the Trans-Asian Railway Network in 2009 has further enhanced the need for facilitation of international railway transport. Accordingly, the UNESCAP secretariat is undertaking a study to identify the specific areas to increase cooperation for efficient and safe railway operations between and among countries of the UNESCAP region and with Europe.

The Project Working Group may wish to:

- Take note of the activities developed by the UNECE Group of Experts in order to fulfil the two years mandate to provide the political framework for the acceptance of “General Terms and Conditions for Euro-Asian Rail Transport Contracts”;
- Encourage the SPECA countries, as well as their respective railways companies, to take an active part in this work;
- Request the SPECA countries to use the common CIM/SMGS consignment note in Euro-Asian rail transport as a practical means to reduce border crossing delays that happen due to different legal requirements; and
- Encourage the SPECA countries to support the study on railway facilitation to be undertaken by the UNESCAP to identify specific areas to increase cooperation among the countries to facilitate rail transport.