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Inland Transport Committee

Working Party on Rail Transport

Group of Experts towards Unified Railway Law

Thirteenth session

Geneva, 13–14 June 2016

Report of the Group of Experts towards Unified Railway Law on its thirteenth session

I. Attendance

1. The Group of Experts towards Unified Railway Law held its thirteenth session from 13 to 14 June 2016 in Geneva.
2. The session was attended by experts from the following countries: Belgium, Germany and the Russian Federation.
3. Experts from the following intergovernmental organizations participated: Intergovernmental Organisation for International Carriage by Rail (OTIF) and the Organization for Cooperation between Railways (OSJD). Experts from the following non-governmental organization participated: International Rail Transport Committee (CIT).
4. At the invitation of the secretariat, experts from the following organization participated: PLASKE JSC.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/SC.2/GEURL/2016/1 and Corr.1

5. The Group of Experts adopted the provisional agenda.

III. Election of Officers (agenda item 2)

6. The Group of Experts re-elected Mr. A. Druzhinin (Russian Federation) as Chair.

IV. Mandate: Inland Transport Committee Resolution No. 263 on Unified Railway Law (agenda item 3)

Documentation: ECE/TRANS/2016/17

7. The Group of Experts recalled that during the seventy-eighth session of the Inland Transport Committee a resolution (ECE/TRANS/2016/17) on Unified Railway Law was considered and adopted.

8. ITC by adopting this resolution welcomed the work undertaken and report prepared by the Group of Experts towards Unified Railway Law. Over the last three years the ITC Group of Experts has discussed, negotiated and agreed the draft legal provisions towards the Unified Railway Law. These draft legal provisions include the contract of carriage and, in particular, the rights and obligations of the parties to the contract of carriage, documentation, liability, assertion of claims and relationship among carriers of a unified railway law. The Group of Experts has taken into consideration good practices already implemented by the CIM-COTIF Convention and SMGS Agreement, as well as other international transport conventions.

9. Furthermore, ITC:

(a) Invited Governments to disseminate these legal provisions to all key stakeholders in their countries;

(b) Encouraged Railways Undertakings and International Organizations for railways to test these legal provisions, whenever possible, in practice;

(c) Invited the Group of Experts towards the Unified Railway Law to work in order to prepare the necessary documents for rail transport following the legal provisions prepared as well as to monitor results of pilot tests and prepare recommendations accordingly;

(d) Requested that further development and progress in the application of the above mentioned activities should be reported by the Group of Experts towards the Unified Railway Law at the seventieth session (2016) of UNECE Working Party on Rail Transport (SC.2);

(e) Requested the UNECE Working Party on Rail Transport (SC.2) to report the results of the Group of Experts towards the Unified Railway Law work, as well as to suggest possible next steps of the work on Unified Railway Law at its seventy-ninth session (2017) for its consideration and approval.

V. UNECE Group of Experts: Administrative arrangements (agenda item 4)

Documentation: ECE/TRANS/2016/18, ECE/TRANS/SC.2/GEURL/2016/3

10. On the basis of the ITC Resolution and its terms of reference adopted by the Inland Transport Committee on its seventy-eighth session (ECE/TRANS/2016/18), the Group of Experts considered a draft work plan prepared by the secretariat defining objectives and activities and including a tentative time schedule for implementation of these tasks before the end of 2016 (ECE/TRANS/SC.2/GEURL/2016/3).

11. The Russian Federation suggested that in paragraph 3 of the document the Eurasian Economic Union should be added after the European Union. The Group adopted its work plan as amended.

12. The Group of Experts had extensive discussions on the first objective of the Group which is the preparation of the draft legal provisions documents. The Group is in general of the opinion that it should not reinvent the wheel regarding documents preparation and existing documents such as the common CIM/SMGS consignment note should be used. However, the Group felt that it cannot take a decision if existing documents are sufficient as is, or whether some changes should be made in order to better accommodate the requirements in the draft legal provisions. Therefore, it requested the secretariat to send an email to all Governments and Railways Undertakings experts seeking their opinion and active participation in Group's work. The Group requested that the following information should be requested:

- (a) Types of documents needed;
- (b) Possible amendments to existing documents;
- (c) Is the Common CIM/SMGS consignment note sufficient to address the requirements in the draft legal provisions?
- (d) Is Customs involvement needed?
- (e) What kind of cargo should be moved during the pilot tests?
- (f) What kind of success criteria should be used in order to evaluate the results of the pilot train runs?

13. Regarding the second objective of the Group, monitoring the results of, and preparing recommendations on, pilot tests performed by Railway Undertakings and International Organizations for railways, the Group considered presentations made by Mr. Cesare Brand (CIT) and Mr. François Davenne (OTIF). The representatives of OTIF and CIT illustrated the way in which the pilot rail runs could be performed in the COTIF region by using the draft legal provisions and the common CIM/SMGS consignment note. They pointed out that they do not see any major issues that could work against such pilot runs except for the non-active participation of interested railway undertakings. The Group requested the OSJD secretariat to perform a similar analysis for the SMGS agreement region in order to present it at the next session of the Group. The Group also agreed that the active participation of railways undertakings should be ensured in order to perform such pilot runs.

14. The Group considering the tasks that have to be undertaken and the meetings that have been scheduled during the year and requested the secretariat to organize an extraordinary meeting, "Friends of the chair", possibly towards the end of August, in order to ensure achievement of the objectives of the group given the very tight time schedule. The secretariat took note of that request and promised that such a meeting will be organized in due time.

VI. Other business (agenda item 5)

15. There were no proposals under this agenda item.

VII. Date of next session (agenda item 6)

16. The next session of the Group of Experts is scheduled to be held from 5 to 7 October 2016 at the Palais des Nations in Geneva.

VIII. Summary of decisions (agenda item 7)

17. The Group of Experts agreed that the secretariat would prepare a short report on the outcome of the session.
