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Working Party on Rail Transport

Group of Experts on Permanent Identification of Railway Rolling Stock

Fourth session

Geneva, 13-14 September 2021

Item 2 (d) of the provisional agenda

Development of the permanent marking of the

Unique Rail Vehicle Identification System:

Development of the framework

List of issues to be discussed at the meeting of the 4th session of the Expert Group on the Permanent Identification of Railway Rolling Stock of the UNECE ITC

Submitted by the Russian Federation

This list is formed based on the analysis of the positions of the Railway Working Group and OTIF presented in the materials for the meeting, including taking into account comments and suggestions to the previously submitted draft Model Rules prepared by the Russian Federation for the 3rd meeting of the Expert Group.

1. We consider the draft Model Rules as the most convenient and understandable form of document for both railway companies and credit institutions. To our mind, such a document would be extremely convenient for contractual relations – a reference to it in the contract would allow not to describe in the contract the procedure for obtaining a number (who is responsible for obtaining a number, at whose expense, etc.). At the same time, if the nature of the contract requires somewhat different obligations of the parties to obtain a number than prescribed in the Model Rules, the parties to the contract can easily make appropriate changes.

(A good similar example could be Incoterms-a reference to certain delivery conditions allows you not to describe directly in the contract who should be responsible for what, at the same time, if deviations from the standard delivery conditions were required, the parties can easily provide for this in the text of the contract).

According to the comments of the Railway Working Group and OTIF, it is proposed to delete the provisions contained in the Luxembourg Protocol or the draft Rules for the International Register from the text of the draft Model Rules.

According to these documents, I would like to pay attention to the fact that the Luxembourg Protocol, although adopted, has not yet been ratified in a number of countries. And even after its adoption (after ratification by 4 States), it will not be a binding document for countries that have not ratified it. This can significantly slow down the early application of the Model Rules (in our opinion, the optimal form of approval of the Model Rules would be the approval or approval of their UNECE ITC). A document approved or adopted by the UNECE ITC can be used in contracts as soon as possible, regardless of whether the country in which the contract is concluded has ratified the basic document – the Luxembourg Protocol

(for example, the already mentioned Incoterms rules are not of the nature of an international treaty, but are actively used and recognized by the courts).

In this regard, in our opinion, the duplication in the text of the Model Rules of certain provisions of these documents (the Luxembourg Protocol and the Rules for the International Register) should not be considered as a serious problem. Another thing is that we fully agree with the position of the Railway Working Group and the OTIF that such provisions of the Model Rules should not contradict the specified documents or replace their provisions. It may be necessary to make a corresponding reservation about this in the text, that if the provisions of the Model Rules contradict the norms of the Luxembourg Protocol or the Rules for the International Register, then these documents have priority.

2. The expert group may wish to consider the proposal of the Railway Working Group to rename the draft Model Rules to the "Code of Practice". We have no fundamental objections, but it is possible that from a purely legal point of view, the term "Code" is a codification, that is, a systematization of disparate norms, while "Rules" are intended to determine the procedure for performing individual actions, which, in our opinion, is somewhat closer to the task of the document.

3. We consider it important to clearly define the list of equipment (vehicles) that are subject to the Model Rules during the discussion at the group. The Luxembourg Protocol provides a rather vague wording regarding the term "railway equipment".

Article 1 – (subparagraph e) – "Railway equipment" means "a vehicle that can move on fixed railway tracks or on, above or under guide tracks, including all traction systems, engines, brakes, axles, trolleys and pantographs, add-ons and other components, equipment and parts, in each case installed on them or attached to them, as well as all related information, manuals, records."

In the materials for the 3rd meeting of the expert group, a questionnaire was received, according to which a number of colleagues believe (see document ECE/TRANS/SC.2PIRRS/2020/10), that a fairly wide list falls under this definition (for example, trams and trolleybuses with electric and horse traction (except for horses) or funiculars).

In this regard, in the version of the Model Rules proposed by the Russian Federation, the list of means of railway rolling stock was an appendix. We would consider that at this stage it is the railway rolling stock that is most relevant, in the future, if necessary, this list can be expanded (if the railway equipment falls under the criteria of the Luxembourg Protocol). However, the Railway Working Group proposed to delete such a list precisely for the reasons that the criteria for these vehicles are contained in the Luxembourg Protocol.

This issue is proposed to be discussed at the expert group.

4. The practice of assigning operational numbers to rolling stock in the Russian Federation shows that one of the forms is to obtain such numbers (one or several) directly by the manufacturer of the rolling stock. The numbers are obtained in advance, the cars do not yet have a delivery contract, but obtaining the numbers allows you to quickly put them into circulation. The buyer receives the cars "turnkey", he does not need to perform any registration actions (only notification of the registering authority about the ownership of such cars). To our mind, this scheme is somewhat different from the standard (contractual) one, since the cars do not yet have any contract, and therefore it was taken into account in the draft Model Rules prepared by the Russian Federation as an independent scheme. However, this special scheme is not provided for in the draft finalized by the Railway Working Group.

This issue is proposed to be discussed at the expert group.

5. Regarding the contents of the URVIS plate:

We support option 1 of the plate (indicating only the URVIS number).

At the same time, in the text of the Model Rules, we suggest considering the possibility of applying information to the URVIS plate in cases where it is provided for by national legislation (for example, in the national language of the country of the contract, which is different from the generally accepted ones – English, German, Russian, French).

We consider that the Model Rules should not (OTIF's suggestion) contain technical methods for fixing the plate (on bolts, welding, glue, etc.). This issue should be considered depending on the type of railway equipment and in accordance with the technical documentation for railway equipment, depending on its technical performance. The size of the plate, colour, physico-chemical properties, font size (as far as this is the subject of the Model Rules) also requires discussion.

This issue is also linked to the question of which railway equipment is covered by the Model Regulations (for example, in the already mentioned document ECE/TRANS/SC.2PIRRS / 2020/10 one of the types of rolling stock is rolling stock that has historical value – it is not always possible to attach any additional devices, since the authenticity of vehicles may be violated, which may contradict national legislation).

6. We suggest that the introduction and listing of the list of organizations that must be represented in the work of the Model Rules Revision Committee requires additional discussion (paragraph 7.1. of the draft Model Rules presented by the Railway Working Group). This is due to the fact that, firstly, the list of railway equipment is completely unclear (only railway organizations are proposed in the project), secondly, representatives of financial organizations are not represented (the Cape Town Convention and the Luxembourg Protocol are aimed at ensuring the interests of which, in general, the Cape Town Convention and the Luxembourg Protocol are aimed at), other international railway transport organizations or manufacturers of railway equipment, and thirdly, it makes it impossible to make operational decisions on certain narrow issues (for example, the emergence of new types of vehicles).
