



Economic Commission for Europe**Inland Transport Committee****Working Party on Rail Transport****Group of Experts on International Railway Passenger Hubs****Second session**

Geneva, 13–15 December 2021

Item 5 of the provisional agenda

**Identification of the legal instrument or tool to be used
for international railway passenger hub and
draft the necessary legal provisions****Potential forms of a legal instrument or tool for International
Railway Passenger Hubs****Note by the secretariat*****I. Introduction**

1. At its seventy-fourth session, the Working Party on Rail Transport (SC.2) agreed to the setting up of a Group of Experts on International Railway Passenger Hubs (HUBS), and supported the draft Terms of Reference for the Group (ECE/TRANS/SC.2/234). The Inland Transport Committee (ITC), at its eighty-third session, approved the establishment of a new Group of Experts on HUBS tasked with drafting a new legal instrument on international rail passenger hubs, on the basis of its Terms of Reference as contained in ECE/TRANS/2021/6, annex II (ECE/TRANS/304).
2. The Group of Experts on HUBS adopted, at its first session, a Programme of Work, on the basis of the approved Terms of Reference, which includes among its objectives the identification of what legal instrument or tool should be used to define and implement international railway passenger hubs and the drafting of necessary legal provisions.
3. At the first session, participants of the Group of Experts on HUBS discussed possible approaches to creating a legal instrument or tool to be used for passenger railway hubs and asked the secretariat to draft a document setting out the different options with their advantages and disadvantages (ECE/TRANS/SC.2/HUBS/2021/2). This document sets out possible parameters for further deliberations on the subject matter.

* This document was submitted late due to technical reasons beyond the secretariat's control.

II. The form of the legal instrument or tool

4. For the categorisation of international railway passenger hubs (hereinafter: Hubs) to take place effectively, member States may wish to insert them into a legal context at the same level as freight terminals in the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) or as an addition to the railway lines themselves in the European Agreement on Main International Railway Lines (AGC). To this end, member States may wish to consider the following potential courses of action towards developing a legal instrument or tool to govern Hubs:

- Modification to the AGC;
- Development of a new Convention;
- Establishment of a protocol to the AGC;
- Preparation of a set of recommendations;
- Other.

5. These alternatives, and their advantages and disadvantages, are presented in more detail below.

A. Modification to the AGC

6. The AGC can be modified in the following manner:

- Modification to the main text (e.g. by adding an additional annex) – Article 10;
- Modification to the annexes (adding stations in annex 1 and characteristics in annex 2) – Articles 11 and 12.

7. Both of these are possible with amendments agreed in SC.2 (also a conference can be called if necessary) and as such may be a simpler solution.

B. Development of a new Convention

8. A new Convention, similar to the AGTC may be developed, taking into account the following:

- The AGTC was agreed in order to provide the details that were needed by member States in relation to combined transport on the AGC network;
- In the main text it mirrors many of the provisions in the AGC but with a focus on the combined transport network, terminals and border crossing points;
- Its annexes also mirror the AGC in terms of the identification of the network and the key parameters but diverges by adding the terminals and border crossing points;

9. A new Convention following a similar approach would provide a common framework for the internationally harmonized development of the Hubs. However, this option may require more time than the amendment proposed in option A above as the creation of a new agreement has more milestones at UN level but also nationally.

C. Establishment of a protocol to the AGC

10. The AGTC has a Protocol that covers combined transport on inland waterways. The aim is to make combined transport on inland waterways more efficient. It designates a network and minimum technical requirements for inland waterways as does the AGTC. A Protocol to the AGC could mirror this approach.

11. The advantages and disadvantages would be similar to that of a new Convention. Much of the text and procedures are already available in the text for the Protocol of the AGTC making drafting simpler.

D. Preparation of a set of recommendations

12. In evaluating the option of preparing a set of recommendations to address Hubs, the following aspects should be considered:

- The process may be quicker as compared to the development of a new Convention or a protocol to an existing legal instrument;
- Recommendations are by nature non-binding, therefore potentially less effective. This “softer approach” may therefore not guarantee the harmonized and coordinated development of the network of Hubs;
- It may be necessary to develop a dedicated mechanism for updating and amending such a set of recommendations.

III. Next steps

13. Experts are invited to review these options and to consider which of those may be relevant for further, in-depth, examination by the Group.
