



Economic and Social Council

Distr.: General
31 August 2022

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Seventy-sixth session

Geneva, 16–18 November 2022

Item 6 of the provisional agenda

The Permanent Identification of Railway Rolling Stock

Proposed Model Rules on Permanent Identification of Railway Rolling Stock

Submitted by the Group of Experts

Introduction

1. The Group of Experts on the Permanent Identification of Railway Rolling Stock, within document ECE/TRANS/SC.2/2022/4 noted that it believes that it has completed its mandate in relation to the terms of reference for the Group. In addition to the report included in the above-mentioned document the Group proposes that a set of Model Rules on the Permanent Identification of Railway Rolling Stock is adopted and maintained by the Working Party on Rail Transport as a framework for the permanent identification of railway rolling stock with the aim of facilitating the financing of this rolling stock.
2. The annex to this document provides the text of these Model Rules. The Working Party may wish to consider whether to adopt these Model Rules.

Annex

Model Rules on the Permanent Identification of Railway Rolling Stock

(First edition - 2022)

English Edition

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1. Introduction

- 1.1 These Model Rules are issued under the auspices of the Working Party on Rail Transport and are to be referred to as the Model Rules on the Permanent Identification of Railway Rolling Stock, or the PIRRS Rules and hereinafter referred to as “these Rules”.
- 1.2 These Rules are adopted in English, Russian and French editions at Geneva, this eighteenth day of November, two thousand and twenty-two in a single copy in the English, French and Russian languages, the three texts being equally authentic. Unless stipulated otherwise by a party, the English language edition of these Rules will be definitive.
- 1.3 A party wishing to be bound by these Rules shall make the following declaration:
 “We hereby undertake to be bound by the Model Rules on the Permanent Identification of Railway Rolling Stock (English edition) as amended from time to time, issued under the auspices of the Working Party on Rail Transport, as at the date of this declaration”, and shall notify the Registrar of such declaration in accordance with Article 4.2.
- 1.4 A participant shall be bound by the edition of these Rules in force as at the date of such adoption and amendments thereto from time to time pursuant to Article 8 from the effective date of their adoption.

2. Scope

- 2.1 These Rules lay down the methods and responsibilities for affixing the URVIS identifier to an item of railway rolling stock as envisaged by the Protocol.
- 2.2 The undertaking by any party to be bound by these Rules in accordance with Article 1 is voluntary except where national law requires such undertaking. However, a party must confirm that these Rules have been complied with if it wishes to register, or be the beneficiary of, any registrable interest registered at the International Registry.
- 2.3 Any party making an undertaking to be bound by these Rules shall be bound by them in their entirety until such undertaking is revoked in accordance with Article 4.7. These Rules are binding on a participant without modification or derogation save that participants may, by written agreement, agree between themselves modifications of, derogations from, or additional rights and obligations in the application of, these Rules, or may agree a stipulation to disapply any amendment to these Rules made in accordance with Article 8 provided always that such modifications, derogations, additions or stipulation may not bind or otherwise adversely affect a party that is not a contracting party to such agreement.

3. Definitions

For the purpose of these Rules, the following definitions shall apply:

“Admission” means the authorisation of railway rolling stock for entry into operational circulation in accordance with applicable law;

“Applicable law” means the law of the jurisdiction in which the keeper is situated;

“Applicant” shall mean, (a) unless otherwise agreed between the parties, the debtor or its agent, or (b) in the case of a unilateral registration, the unilateral registrant;

“Contracting State” means a State that has ratified accepted, approved or acceded to the Convention and the Protocol;

“Convention” means the Convention on International Interests in Mobile Equipment adopted in Cape Town in November 2001;

“Custodian” means the debtor and, if the debtor is not the keeper, the keeper;

“ECE” means the United Nations Economic Commission for Europe, with its seat in Geneva, Switzerland;

“International interest” means an interest held by a creditor to which Article 2 of the Convention applies;

“Item of railway rolling stock” or “item” means equipment that satisfies the definition of “railway rolling stock” and which is either (a) an individual autonomous vehicle or object not permanently connected to another vehicle or object or (b) a physically separable vehicle or object which constitutes a part of a fixed formation, such as a trainset. Appendix 2 sets out a non-exhaustive list of items of railway rolling stock;

“Keeper” shall mean the natural or legal person (the Party) that, being the owner of an item of railway rolling stock or, having the right to use it, exploits it as a means of transport, but if there is no such person at the time of determination, the natural or legal person that has physical possession of an item of railway rolling stock;

“National interest” means an interest held by a creditor in an object and created by an internal transaction covered by a declaration under Article 50(1) of the Convention;

“Non-consensual right or interest” means a registrable non-consensual right or interest pursuant to Article 40 of the Convention as applied to railway rolling stock pursuant to a declaration made by a Contracting State;

“Notice of a national interest” means notice registered or to be registered in the International Registry that a national interest has been created;

“Notice of sale” shall mean a notice of sale authorised under the Regulations pursuant to Article XVII of the Protocol;

“Participant” means a party bound by these Rules provided that neither a State, nor any agency or subsidiary of a State or a collection of States, shall be a participant unless it has made and deposited a declaration with the Registrar undertaking to be so bound and such undertaking has not been revoked in accordance with Article 4.7;

“Party” means any individual, firm, company, corporation, government, State or agency of a State or an agency of a collection of States, or any association, trust, joint venture, consortium or partnership or proprietorship or other entity (whether or not having separate legal personality);

“Pre-existing right or interest” means a pre-existing right or interest to which Article 60 of the Convention (as amended by Article XXVI of the Protocol) applies;

“Prospective international interest” means an interest that is intended to be created or provided for in an item as an international interest in the future, upon the occurrence of a stated event (which may include the debtor’s acquisition of an interest in the object), whether or not the occurrence of the event is certain;

“Protocol” means the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, signed in Luxembourg on 23 February 2007;

“Railway rolling stock” shall mean vehicles movable on a fixed railway track or directly on, above or below a guideway, together with traction systems, engines, brakes, axles, bogies, pantographs, accessories and other components, equipment and parts, in each case installed on or incorporated in the vehicles, and together with all data, manuals and records relating thereto;

“Registrar” shall mean the registrar appointed by the Supervisory Authority from time to time to operate the International Registry;

“Registrable interest” means an international interest, a non-consensual right or interest, a prospective international interest, a pre-existing right or interest, a notice of national interest or a notice of sale;

“Regulations” means the regulations for the International Registry issued by the Supervisory Authority under Article 17(2) (d) of the Convention and the Protocol and any procedures agreed thereunder by the Supervisory Authority in force as of the date of determination;

“Revisions Committee” shall have the meaning set forth in Article 8;

“State” means a member country of the United Nations;

“Unilateral registration” shall mean the registration of a pre-existing right or interest, notice of national interest, notice of sale, or of a non-consensual right or interest;

“Unilateral registrant” means the public or private entity entitled to register a unilateral registration;

“URVIS identifier” shall mean, in respect of an item of railway rolling stock, the unique, 16-digit identification number allocated by the Registrar in accordance with the Regulations;

“URVIS marker” means the physical marking system to show the URVIS identifier in accordance, at a minimum, with the specifications set out in Appendix 1 hereto;

“Working Party on Rail Transport” means the Working Party on Rail Transport of the Inland Transport Committee of ECE;

and the terms “Supervisory Authority” and “International Registry” and “situated” shall have the meanings given in the Convention as modified, where appropriate, by the Protocol but, in the case of “situated”, applied to the custodian. The terms “creditor” and “debtor” shall have the meaning ascribed to them in the Convention save that they shall be deemed to include respectively a seller and a purchaser of an item. References to Articles shall be to articles of these Rules unless otherwise stated.

4. Application

- 4.1 The Rules, where adopted by participants, apply regardless of whether one or more participants are situated in a Contracting State.
- 4.2 A party adopting by way of declaration, or deemed by applicable law to have adopted, these Rules shall promptly notify the Registrar of such adoption in accordance with the procedures set out in or under the Regulations and confirming that such declaration may be made publicly available by the Registrar on its website. A party, duly authorised, may make a declaration, on behalf of its affiliates and subsidiaries and in such case shall notify the Registrar listing the entities covered by such declaration.
- 4.3 In the event of any conflict between these Rules and the Protocol or the Regulations, the Protocol and the Regulations shall prevail.
- 4.4 Nothing in these Rules shall prevent (a) States deeming or requiring by applicable law the adoption of these Rules by a party, or recommending through guidance, parties to adopt these Rules by way of a declaration; or (b) States or participants from establishing additional requirements to those set out herein.
- 4.5 The URVIS identifier and its marking on railway rolling stock are additional to, and do not affect, the existing numbering systems applied in accordance with applicable legislation on admission or operation of railway rolling stock and do not replace the existing registry or information systems used in States or groups of States for the operation of railway rolling stock. A participant may register an item of railway rolling stock for admission purposes and may operate or use such item in each case in accordance with applicable legislation notwithstanding the provisions of these Rules.
- 4.6 Where the keeper is not a participant or debtor, the debtor shall ensure, or be satisfied, that the keeper has undertaken to be bound by these Rules in accordance with Article 1.3 and subject to Article 2.3.
- 4.7 A participant may revoke its adoption of these Rules by giving the Registrar written notice of revocation which shall be effective three (3) months after the Registrar publishes such notice on its website. However, these Rules shall continue to apply, as if no such revocation had been made, in respect of all rights and obligations arising prior to the effective date of any such revocation.

- 4.8 A unilateral registrant may enforce its rights under Articles 5 to 7 as a third-party beneficiary.

5. Permanent Marking of Railway Rolling Stock

- 5.1 It is a requirement for the registration of a registrable interest in relation to an item at the International Registry, pursuant to the Protocol and the Regulations, that the URVIS identifier is affixed permanently to such item.
- 5.2 The applicant shall apply for the allocation of the URVIS identifier by the Registrar, if not already allocated, in accordance with the Regulations and will be responsible for the cost of the URVIS marker and its affixing to an item unless otherwise agreed by parties. The URVIS identifier shall be obtained either from the Registrar or a company or agency authorised by the Registrar as an official distributor of the URVIS identifier.
- 5.3 Once an URVIS identifier is allocated to an item, such item shall be marked by the debtor (or at the debtor's request the keeper if the debtor is not the keeper) with the URVIS marker showing the URVIS identifier allocated by the Registrar for such item. The debtor's obligation shall arise regardless of whether an international interest or notice of sale is registered in relation to an item at the International Registry.
- 5.4 Once allocated to an item, the URVIS identifier may not be affixed to or associated with any other item.
- 5.5 The URVIS marker shall be affixed permanently in accordance with paragraph 1 of Appendix 1. Neither the applicant, the debtor nor the keeper may remove the URVIS marker in the event of a discharge of a registration at the International Registry in relation to an item or otherwise except, and without prejudice to Article 5.9, on a temporary basis for maintenance purposes.
- 5.6 The custodian shall ensure that the fixation shall be in full compliance with any applicable law or local, national or international rules or guidelines regarding alteration of the item due to such fixation.
- 5.7 Only one URVIS identifier may be allocated and affixed to an item during its lifetime regardless of any modification, rebuild, damage or other alteration to such item.
- 5.8 The debtor shall maintain, or cause to be maintained by the keeper if the debtor is not the keeper, the URVIS marker in good and readable condition and to take all reasonable steps to protect the URVIS marker from vandalism or other deliberate damage. The custodian shall promptly notify the creditor, and where appropriate the unilateral registrant, of any damage to, or replacement of, the URVIS marker.
- 5.9 In the event of any loss of the URVIS marker for an item or damage to the item or to the URVIS marker resulting in the URVIS marker being obscured or rendering the URVIS identifier human unreadable, the debtor agrees to ensure that the keeper of such item shall, within twenty-one (21) calendar days of the discovery of such a loss or damage, replace or otherwise rectify the URVIS marker to comply with these Rules provided that the URVIS identifier thereon shall not change.
- 5.10 Nothing herein shall preclude the debtor or keeper adding information on the URVIS marker in addition to that required in accordance with these Rules and it shall do so where required by either applicable law or where reasonably required by the creditor or, where applicable, the unilateral registrant.
- 5.11 Subject to any other provision herein, the costs for compliance with this Article shall be borne by the applicant unless (a) otherwise required by applicable law; or (b) agreed to be assumed by other participants.

6. Unilateral Registrations

- 6.1 If a unilateral registrant wishes to register a unilateral registration against an item in accordance with the Regulations and no URVIS marker is affixed to such item, then, on request from the unilateral registrant, the debtor shall, or, if the debtor is not the keeper, the

debtor shall cause the keeper to, promptly affix the URVIS identifier designated by the unilateral registrant to such item by way of an URVIS marker. The action taken by the debtor or the keeper to comply with the request of the unilateral registrant does not in any way indicate their acceptance of the validity or legitimacy of the unilateral registration or the rights on the item claimed by the unilateral registrant.

- 6.2 In the case of a unilateral registration, where the URVIS marker has not already been affixed to an item, the reasonable cost of obtaining and affixing the URVIS marker to the item, as well as for the maintenance of the URVIS marker, shall be for the account of the unilateral registrant.

7. Creditor Rights

- 7.1 The creditor, and, where applicable, the unilateral registrant, may (a) on its registration of a registrable interest at the International Registry and thereafter from time to time, request from the debtor or the keeper written confirmation and recent photographic evidence showing its compliance with its obligations in article 5 (which confirmation and evidence shall be provided promptly by the debtor or keeper as appropriate) (b) at reasonable intervals and on giving reasonable notice, directly, or indirectly through an appointed auditor, inspect an item to ensure that it is marked in accordance with these Rules.
- 7.2 In the event that the debtor has not affixed the URVIS marker to the item in accordance with these Rules, the creditor, and where applicable the unilateral registrant, shall have the right, but not the obligation, to comply on behalf of the debtor and if such right is exercised, the debtor shall ensure that the creditor and, where applicable the unilateral registrant, or their respective agents, have access to the item within fourteen (14) calendar days for such purpose. The creditor's reasonable costs in so doing will be for the account of the debtor but the unilateral registrant's costs shall be for its own account.
- 7.3 The creditor's, and where applicable the unilateral registrant's, rights hereunder are assignable without the debtor's or keeper's consent, but any assignment must be notified to the custodian in writing to be enforceable by the assignee against respectively the debtor and the keeper.

8. Revision of the Rules

- 8.1 A Revisions Committee shall be established to monitor the implementation and propose amendments as necessary to these Rules, including the appendices hereto, from time to time, taking into account experience of operation of these Rules, legal and technological developments, industry comments and best practice and changes to the Regulations and procedures thereunder.
- 8.2 The Revisions Committee will be established as a standing body and function in accordance with the Guidelines for the establishment and functioning of teams of specialists within ECE approved by the Executive Committee of ECE on 31 March 2010 (ECE/EX/2/Rev.1) and any revisions thereto. The Revisions Committee shall function in accordance with its terms of reference established and revised from time to time by the Working Party on Rail Transport.
- 8.3 Any amendments to these Rules proposed by the Revisions Committee shall be considered by the Working Party on Rail Transport. Amendments approved by the Working Party on Rail Transport shall come into effect three (3) months following the publication of the report of the relevant session of the Working Party on Rail Transport and will be made available on the ECE website. Notwithstanding the foregoing, the Working Party on Rail Transport may determine in its report that in urgent matters, amendments shall come into effect after the elapse of such shorter period as it considers appropriate following the publication of the report of the relevant session of the Working Party on Rail Transport.

9. Disputes

- 9.1 Application, or interpretation, of these Rules shall be subject to the law of the jurisdiction in which the debtor, or if there is no debtor, the keeper is situated, unless otherwise agreed between participants through the incorporation of these Rules into an agreement between them or otherwise.
- 9.2 Unless otherwise agreed by the participants, the courts of the jurisdiction in which the debtor, or if there is no debtor, the keeper, is situated shall have jurisdiction to deal with disputes between such participants relating to the implementation and enforcement of these Rules.
- 9.3 On request, and at the cost, of participants in dispute, the Revisions Committee may decide to appoint a mediator or establish a mediation panel, which shall be separate to the Revisions Committee, to mediate on any disputes in relation to the operation of these Rules under rules and procedures set out by the Revisions Committee.
- 9.4 The Revisions Committee may appoint an expert or a panel of experts as required from time to time, which shall be separate to the Revisions Committee, to provide to participants, courts, administrative entities and other parties, at their cost, clarification on the interpretation of these Rules.

Appendix 1

to the model rules on the permanent identification of railway rolling stock establishing the permanent marking system referred to therein under Article 5 thereof.

Issue Date: 2022

1. Basic Principles:

- a. URVIS identifier to be imprinted/engraved on a plate (the URVIS marker).
- b. URVIS identifier on the plate to be identical with the one issued and confirmed by the international registry.
- c. Plate to be permanently affixed on an item, preferably close to other identification/running numbers through adhesive, permanent bolts, rivet or weld, in a clearly visible position and may not obscure other numbers or identification marks.
- d. Minimum of two plates to be fixed on the opposite sides of the item.
- e. Bar codes and QR codes may be added to the plate but the URVIS identifier must be human readable.
- f. Electronic/GPS based tagging chips, radio-frequency identification (RFID) systems or other IoT solutions to be in addition and not replacement of the plate.
- g. The plate may be sourced from the Registrar, if available or other industry suppliers as long as the plate is in compliance with the minimum parameters as set out in this Appendix 1.

2. Dimensions:

Dimensions on the plate should be minimum 15cm x 10cm and guarantee:

- visibility of the full URVIS identifier from a reasonable (i.e. not less than 1 metre) distance;
- optional space for security markers, e.g. QR code, holographic image, etc.

3. Material:

The material utilised for the plate should withstand:

- variety of weather conditions, including extreme temperatures
- daily rail operations and maintenance procedures, including shunting, cleaning, gauge change

and shall be resistant to graffiti and other defacement and not discolour, rust or corrode.

4. Colour:

The URVIS number on the plate to be embossed or stamped (raised) lettering coloured in grey/black on a silver background or other such other colours and background ensuring sufficient contrast to facilitate human readability.

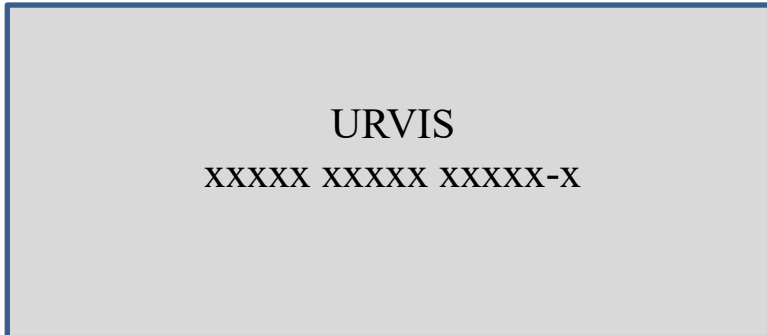
5. Font:

Times New Roman, at least 24 point.

Minimum information on the plate:

the URVIS identifier “URVIS XXXXX XXXXX XXXXX-X”

Visualisation



Appendix 2

to the model rules on the permanent identification of railway rolling stock relating to the definition of an item of railway rolling stock under Article 3 thereof

Issue Date: 2022

Non-exhaustive List of Items of Railway Rolling Stock

Items that are either a physically separable vehicle or object which constitutes a part of a fixed formation, such as a trainset

All types of locomotives, power cars, railcars, shunters

All types of hauled passenger coaches, including control cars

Car carriers

Light rail rolling stock

Metro/underground/subway passenger wagons

Trams (known in the United States of America as trolleys): electric and horse drawn

Tram-trains

Cable cars (on tracks or under cables)

All types of freight wagons

Special vehicles mounted on rails used for maintaining, repairing or restoring railways (including on track machines, infrastructure inspection vehicles, environment vehicles, emergency vehicles)

Heritage/vintage/legacy rolling stock

Road-rail vehicles

Shuttles at airports

Hyperloop pods

Monorail vehicles

Maglev vehicles

The Revisions Committee may add further categories of equipment to this list from time to time where they qualify as items of railway rolling stock under the Protocol.