

Towards Unified Railway Law in the Pan-European Region and on Euro-Asian Transport Corridor

*Working Party on Rail Transport
Seventy-sixth session
Geneva, 16-18 November 2022*

Decision at the 75th session and the follow-up



- **Decision: continue consultations on URL until the 76th session; the SC.2 chair was requested to manage these consultations**
- Follow-up:
 - Written consultation => collection of views from transport ministries of ECE member States and from two non-ECE member States who signed the joint declaration towards URL, and from OSJD and OTIF, and experts who participated in the work of EGURL , May-June 2022
 - Special session of SC.2 on 7 September 2022 => clarification on some of the information collected through the written consultation

Outcomes of the consultations



- Focus (questions in the consultations):

- 1) Favoured approach to the URL development
- 2) Benefits vs lack of benefits to freight transport industry from availability of CCICGR
- 3) Benefits from vs preconditions required for unifying other laws
- 4) CCICGR provisions which cannot be accepted
- 5) COTIF/SMGS provisions conflicting CCICGR

(1) Favoured approach to the URL development: responses received

- Approach A:

- 16 countries: Belgium, Bosnia and Herzegovina, Finland, France, Germany, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Slovenia, Sweden, Türkiye and United Kingdom of Great Britain and Northern Ireland
- 4 countries during the special session: Czechia, Ireland, Portugal and Switzerland

- Approach B:

- 3 countries: (Republic of Moldova, Russian Federation and Uzbekistan)

- Other:

- Belarus (combination of A and B)

(1) Favoured approach to the URL development: responses received



Approach A

Creation of unified rules (interface law) for rail transport on Euro-Asian corridors in areas where they are needed by industry and leaving unaffected the two existing systems (CIM and SMGS)

20 countries

Approach B

Creation of a single set of unified legal rules for any cross-border rail transport in the Euro-Asian area replacing existing systems of CIM and SMGS

3 countries

Proposed by Belarus

CCICGR is to co-exist in the initial phase with CIM and SMGS and thereafter CCICGR is to become the only Convention regulating contract of carriage ie. it is to replace CIM and SMGS

1 country

(2) Benefits vs lack of benefits to freight transport industry from availability of CCICGR

Benefits identified in responses:

- Reduction of administrative costs
- Reduction of transportation time
- Simplification of procedures
- More transparency
- No burden to adopt the new Convention (relation to CMR)
- Contractual freedom to decide various details (*not fully shared*)

- **If a country is operating both CIM and SMGS**

- Little benefit

Lack of benefits identified in responses:

- Fails to address technical/technological issues linked to the process of carriage
- Time and operational costs already decreased by unified CIM/SMGS consignment note
- CIM and SMGS ensure uninterrupted rail transport(?)

(3) Benefits from vs preconditions required for unifying other laws

Benefits identified by the respondents:

- Harmonization of technical requirements for infrastructure and rolling stock would allow for carriage of a wider range of goods

Preconditions required identified by respondents:

Different gauges require transshipment from the wagon of one gauge to another; Passing of full trains (with changeover of wheelsets) is not practiced (unless for some bulk cargo);

- passing of full trains is a good precondition for unification of wagon and infrastructure laws
- Independent transport with use of own traction is also a good precondition for unification of these laws

(4) CCICGR provisions which cannot be accepted



- Final examination of all provisions is still outstanding

Identified by respondents as needing further discussion:

- Article 13 on time of delivery if it is not stipulated in the contract
- Article 28 para 1 preferably to refer to formal report for notification of damage
- Availability of a specimen for the consignment note will be useful
- Article 34 on recourse to specify limitation of action and rules and deadline for making recourse
- Opt-in provisions to be reconsidered (CCICGR to be mandatory for cross CIM-SMGS carriage)

(4) CCICGR provisions which cannot be accepted



Identified by respondents as needing further discussion:

- CCICGR cannot be accepted as long as it does not stipulate the responsibility of parities to the carriage
 - Scope of application needs redrafting
 - Rules to be added on conditions of carriage
 - Provisions for pre-contractual agreements
 - Penalties level for the consignor in Article 7
 - Article on transfer of wagons should be added (addition to the consignment note, and increase of time for delivery)
- Cases where application of CCICGR would not be possible as per the existing draft provisions need to be discussed (including on necessary documents accompanying carriage)

(5) COTIF/SMGS provisions conflicting CCICGR



Respondents noted:

- **No conflicts to CIM as long as CCICGR serves as interface law**
- **If CCICGR would replace CIM (after an initial phase) then conflict**

COTIF, Article 4 requires OTIF General Assembly to agree to initiate a process where any legal instrument developed by OTIF would be envisaged to be replaced by another instrument

Way forward?