



Economic and Social Council

Distr.: General
28 November 2022

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

Seventy-sixth session

Geneva, 16–18 November 2022

Report of the Working Party on Rail Transport on its seventy-sixth session

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I. Attendance

1. The Working Party on Rail Transport (SC.2) held its seventy-sixth session from 16 to 18 November 2022 in Geneva and online.
2. The session of the Working Party was attended by representatives of the following countries: Albania, Austria, Belgium, Bulgaria, Canada, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, and United Kingdom of Great Britain and Northern Ireland. Representatives from the European Commission (EC), European Investment Bank, European Union Agency for Railways (ERA) and Europe's Rail Joint Undertaking were present. The European Union (EU) Delegation to the UN was present.
3. The Intergovernmental Organization for International Carriage by Rail (OTIF), International Institute for the Unification of Private Law, Organization for Cooperation between Railways (OSJD) and the Project Central Office of the Trans-European Railway (TER) were represented.
4. The following non-governmental organizations were represented: European Passengers' Federation, International Coordinating Council on Trans-Eurasian Transportation (CCTT) and International Union of Railways (UIC).
5. Representatives of the following private sector and academia attended the session: Albanian Railways, Azerbaijan Railways, Community of European Railway and Infrastructure Companies, FERRMED asbl, Georgian Railways JSC, International Transport Company FESCO, Network Rail, Korea Railroad Research Institute, Moscow State University, Plaske JSC, ProRail, Rail Working Group, TCDD Turkish State Railways and TRA Consulting.

II. Adoption of the Provisional Agenda (agenda item 1)¹

Documentation: ECE/TRANS/SC.2/237

6. The Working Party adopted the revised agenda as contained in ECE/TRANS/SC.2/237.
7. The Working Party regretted that its current session suffered from a considerable reduction in the allocation of conference services by the United Nations Office in Geneva versus the previously accepted service level. SC.2 stressed the importance of official intergovernmental deliberations for the promotion of railway transport and for increasing sustainability in countries of the ECE region. To this end, SC.2 expressed dissatisfaction that the cuts impacted its deliberations. It expressed a hope that such a situation would not be repeated in the future.

III. Towards Unified Railway Law in the Pan-European Region and on Euro-Asian Transport Corridors (agenda item 2)

Documentation: ECE/TRANS/SC.2/2022/3, ECE/TRANS/SC.2/2022/13

8. SC.2 recalled that at its seventy-fifth session, delegates discussed the conclusion of the mandate of the Group of Experts towards Unified Railway Law (URL) and agreed to further consultation within the framework of SC.2 managed by the Chair until the seventy-sixth session.

¹ Information on the session is available at:
<https://unece.org/info/Transport/Rail-Transport/events/369040>.

9. The secretariat reported on the consultations, as managed by the Chair, which consisted of a written consultation held in May and June 2022 and an oral consultation in a meeting of a special session of SC.2 on 7 September 2022.

10. The written consultation included the circulation of a simple questionnaire which was sent to all transport ministries of ECE member States with railway operations, to the two non-ECE member States who signed the Joint Declaration Towards URL as well as to OSJD and OTIF. The questionnaire has been also shared with experts who participated in the Group of Experts. The questionnaire requested position of the member States as to:

- The favoured approach to the development of URL;
- Benefits or lack of benefits to the freight transport industry carrying goods between Europe and Asia from the availability of the Convention on the contract for international carriage of goods by rail as a possible first Convention of a system of URL;
- Benefits from unifying other laws such as wagon law, infrastructure law, etc. to the industry involved in freight transport between Europe and Asia, or preconditions required to endorse the efforts necessary to unify these other laws;
- Provisions in the draft Convention on the contract for international carriage of goods by rail which cannot be accepted; and
- Provisions in existing COTIF and SMGS rail legal regimes conflicting with the Convention on the contract for international carriage of goods by rail's adoption.

11. The oral consultation in the SC.2 special session clarified some of the written statements. It was also used by four member States – Czechia, Ireland, Portugal and Switzerland – who had not taken part in the written consultation, to share their opinion as to the favoured approach to the development of URL.

12. ECE/TRANS/SC.2/2022/3 presents the summary of member States' responses on the five elements listed above within its section II and the Chair's concluding comments in its section III. The detailed written responses received from the member States are annexed to the document.

13. Following the presentation by the secretariat, Germany presented ECE/TRANS/SC.2/2022/13 submitted by Austria, Belgium, Germany and Slovenia which recommends to SC.2 a decision on a way forward on URL. Germany clarified that this decision concerns the process and next steps aimed at the finalisation of the Convention on the contract for international carriage of goods by rail as a possible first Convention of a system of URL. At the same time, Germany pointed out that separately to this process, SC.2 would continue discussing URL on other elements than the contract of carriage to decide, when and if appropriate, to develop other conventions of the system of URL.

14. In the discussion that ensued, OTIF reminded SC.2 of the position of the OTIF General Assembly to the development of URL, in particular on the support to the development of URL as an interface law and on the requirement that a prior OTIF General Assembly decision would be necessary for OTIF to take part in a process on developing any legal instrument which would be envisaged to replace OTIF's already existing legal instruments.

15. The position of the Russian Federation is included in the annex to the report (Annex).

16. Slovenia shared its view that finalisation and future adoption of the Convention on the contract for international carriage of goods by rail would truly help the sector.

17. Czechia expressed its support to the way forward as presented by Germany. It referred to a possibility of reaching an important milestone for the rail sector with the finalization and future adoption of the Convention on the contract for international carriage of goods by rail.

18. It also pointed at difficulties in reaching such a milestone with the new OSJD Convention due to challenging discussions between OSJD countries on technical issues. Also challenges in discussing technical specifications between the countries of the EU were

recalled showing how challenging and long-lasting are negotiations on technical parameters for railways.

19. Netherlands told SC.2 that the time has come to achieve a result on URL and thus called upon SC.2 to follow the way forward presented by Germany for the finalisation of the Convention on the contract for international carriage of goods by rail. Belgium, Italy, Poland, Slovakia and United Kingdom also supported this position.

20. Kazakhstan expressed its interest in creating conditions for efficient freight carriage on Euro-Asian Transport Corridors, yet Kazakhstan was not convinced that adoption and later implementation of the Convention on the contract for international carriage of goods by rail, contrary to creating a single set of URL, would help achieving such conditions.

21. EC and the Chair referred to material produced during the mandate of the Group of Experts towards URL and documents submitted to earlier sessions of SC.2 which list the benefits to the sector, including consignors and industry from adopting the Convention on the contract for international carriage of goods by rail as well as show documents discussing options available for converting URL into a legally binding instrument or industry needs for unified railway provisions. This information is contained in Informal document SC.2 No. 5 (2018), ECE/TRANS/SC.2/GEURL/2019/5, ECE/TRANS/SC.2/GEURL/2020/06.

22. Georgia and Türkiye expressed their support to the development of URL through Approach A.

23. Following these exchanges, and in view of differing positions and lack of consensus, Czechia suggested to hold a vote on the proposal for the way forward set out in ECE/TRANS/SC.2/2022/13 and presented by Germany.

24. Thirty-two member States, which participated in person in the seventy-sixth session as full SC.2 members voted. Of them: thirty member States voted in favour of adopting the decision on the way forward presented by Germany, one member State voted against this proposal, and one member State abstained.

25. As a result of the vote, SC.2 decided as follows on the way forward to the development of the URL:

- SC.2 commended the Chair and the secretariat for managing the consultations of ECE member States and other stakeholders such as OSJD and OTIF, as agreed upon at its seventy-fifth session.
- SC.2 took note of the results of the consultations presented in document ECE/TRANS/SC.2/2022/3, in particular of the fact that an overwhelming majority of the respondents advocated developing Unified Railway Law through Approach A (as described in paragraph 3 of that document). SC.2 recalled that Approach A envisages the creation of unified rules for rail transport on Euro-Asian corridors in areas where they are urgently needed by the industry – i.e. the contract of carriage – while leaving unaffected the two existing rail organizations and the legal rules applicable for the transport of goods within their respective territories (interface law). It aims to fill a gap in international rail regulations where neither CIM nor SMGS rules apply over the entire journey.
- Against this background, SC.2 decided to select Approach A for the development of Unified Railway Law, and therefore decided to finalise the text of the Convention on the contract for international carriage of goods by rail on the basis of the draft text reproduced in the Note issued by the secretariat “Convention on the contract for international carriage of goods by rail as a first Convention of a system of Unified Railway Law Conventions” (document ECE/TRANS/SC.2/GEURL/2021/3). Issues to address should include:
 - whether to include provisions on negotiable documents based on those contained in the Note; and
 - provisions for an appropriate management system.
- The process of finalization shall be managed by the Chair with support of the secretariat.

26. In noting the results of the vote, the Chair encouraged all delegations to continue engaging on these next steps of the work on URL.

27. In addition, SC.2 requested the secretariat to make necessary resources available to administering the finalisation processes in 2023, including, if necessary, organisation of special sessions of SC.2 on the finalisation of the Convention on the contract for international carriage of goods by rail with interpretation in three languages and the translation of agenda, pre and post session documents into the three languages.

28. SC.2 also agreed to keep as part of its agenda the item Towards Unified Railway Law in the Pan-European Region and on Euro-Asian Transport Corridors under which discussion should continue, as deemed appropriate, on elements of URL other than the contract of carriage.

IV. Workshop: “The impact of climate change on the railways: how to protect, adapt and mitigate” (agenda item 3)²

29. A workshop on “The impact of climate change on the railways: how to protect, adapt and mitigate” was convened on the second day of the Working Party on Rail Transport. About 130 participants were registered for the event. The workshop discussed in detail the impacts that these events are having on the railways. Speakers from national and international institutions as well as from the railways shared good practice in how to minimise disruption and reduce safety risks resulting from extreme weather, as well as identified technological developments and procedural innovations to mitigate the harmful effects on the railways.

30. The secretariat concluded by summarizing the workshop. Member States and other delegates commented positively on the importance of this workshop which provided examples showing the key role that the railways have in ensuring a more sustainable future for the transport sector and agreed that the workshop had been very useful and a great success.

31. The Working Party welcomed discussions at the Workshop “The impact of climate change on the railways: how to protect, adapt and mitigate” and requested that the secretariat prepare a summary document of the workshop in order to continue discussion on this topic at future sessions of the Working Party.

V. Terms of Reference and Rules of Procedure (agenda item 4)

Documentation

ECE/TRANS/SC.2/2022/1, ECE/TRANS/SC.2/2022/2, E/RES/2022/2

32. The Working Party was informed about the endorsement of the new Terms of Reference of the Inland Transport Committee (ITC) by The UN Economic and Social Council (ECOSOC) on 16 February 2022 (E/RES/2022/2) and the subsequent entry into force of the ITC Rules of Procedure as contained in ECE/TRANS/294, annex III. The secretariat informed the Working Party that the ITC Chair had written to Working Parties and asked them to consider adopting their own Rules of Procedure to be in line with those of ITC.

33. The Working Party discussed ECE/TRANS/SC.2/2022/1 setting out the proposed Rules of Procedure for the Working Party on Rail Transport, based on those of ITC, and document ECE/TRANS/SC.2/2022/2 setting out the proposed, updated, Terms of Reference for the Working Party on Rail Transport to incorporate direct reference to the proposed Rules of Procedure.

34. The Working Party noted that it was important to add the Eurasian Economic Commission to the list of entities included in paragraph 8 of ECE/TRANS/SC.2/2022/2 and

² Presentations from the workshop are also at:
<https://unece.org/info/Transport/Rail-Transport/events/369040>.

that the maximum term requirement for the Chair, as identified in the ITC Rules of Procedure, should be added to the SC.2 Rules of Procedure.

35. The Working Party agreed to the Draft Rules of Procedure for the Working Party on Rail Transport as set out in ECE/TRANS/SC.2/2022/1 and amended during the session and requested that they are submitted to ITC for approval.

36. The Working Party noted that it had already aligned its Terms of Reference to those of ITC and to the ITC Strategy to 2030 at its seventy-fourth session. It noted that ECE/TRANS/SC.2/2022/2 contained these Terms of Reference and had only been updated to reflect the new Rules of Procedure for the Working Party as included in ECE/TRANS/SC.2/2022/1. As such, it agreed to the new Terms of Reference, as amended during the session, and requested that they are submitted to ITC for approval.

VI. European Agreement on Main International Railway Lines (agenda item 5)

Documentation: ECE/TRANS/63/Rev.4, C.N.61.2022.TREATIES-XI.C.3, ECE/TRANS/SC.2/2020/2, ECE/TRANS/SC.2/2021/2, ECE/TRANS/SC.2/2022/12

37. The European Agreement on Main International Railway Lines (AGC) currently has 28 contracting parties.³ Detailed information on AGC, the up-to-date and consolidated text of AGC (ECE/TRANS/63/Rev.4), a map of the AGC network, the document ECE/TRANS/SC.2/2020/2 setting out the background, benefits and accession requirements for the AGC, an inventory of minimum standards stipulated in AGC and the Depository Notifications are available on the website of the Working Party.⁴ The Working Party noted the importance of having the current consolidated version of the AGC published and available in all official ECE languages.

38. The Working Party took note of the efforts of the secretariat to increase the number of contracting parties to AGC.

39. The Working Party recalled that at its seventy-fifth session, it had requested the secretariat to proceed with the depository notification for the amendments set out in ECE/TRANS/SC.2/2021/2 in relation to changes proposed by the Republic of Georgia to annex I of AGC and adopted at its seventy-fifth session. These amendments were notified to the depository in New York on 28 February 2022 (C.N.61.2022.TREATIES-XI.C.3). The secretariat informed the Working Party that no objections were received before the August 2022 deadline (C.N.275.2022.TREATIES-XI.C.3) and thus the amendments would enter into force on 28 November 2022.

40. The Working Party was informed that the secretariat had received a proposal for amendment to annex I of AGC from Lithuania (ECE/TRANS/SC.2/2022/12). The secretariat noted that these amendments were in line with similar amendments made by Lithuania to the European Agreement on Main International Combined Transport Lines and Installations (AGTC). The amendments were approved by Contracting Parties.

41. Finally, under this agenda item, the secretariat explained that work continues on the modernization of AGC through the gathering of data in collaboration with ERA in order to provide accurate information on the AGC network in GIS format. This work had been finalised and was explained under agenda item 12.

42. The Working Party welcomed the updated information on the AGC including on accession and additional steps taken in the modernisation of the Agreement.

43. The Working Party noted that the amendments agreed in ECE/TRANS/SC.2/2021/1 had been notified to the depository and would enter into force on 28 November 2022 as no

³ Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Poland, Republic of Moldova, North Macedonia, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Türkiye, Turkmenistan and Ukraine.

⁴ www.unece.org/trans/main/sc2/sc2_AGC_text.html.

objections had been received. It asked the secretariat to send the amendments included in ECE/TRANS/SC.2/2022/12 to the depository.

VII. The Permanent Identification of Railway Rolling Stock (agenda item 6)

Documentation: ECE/TRANS/SC.2/2022/4, ECE/TRANS/SC.2/2022/5, ECE/TRANS/SC.2/2022/6, ECE/TRANS/SC.2/2022/7, ECE/TRANS/SC.2/PIRRS/2022/7

44. The Working Party recalled it had decided to create the Group of Experts on the Permanent Identification of Railway Rolling Stock at its seventy-third session. The secretariat explained that the Group had met twice in 2022 with a significantly reduced timetable resulting from the restrictions imposed by the United Nations Office of Geneva. Notwithstanding these difficulties, the Group had managed to successfully complete its mandate within the timing planned. The secretariat introduced a summary of the work undertaken by the Group as set out in ECE/TRANS/SC.2/2022/4. The Working Party discussed ECE/TRANS/SC.2/2022/4 as well as the outputs of the Group and proposals for consideration by the Working Party as set out in ECE/TRANS/SC.2/2022/5 containing the Draft Model Rules for the Permanent Identification of Railway Rolling Stock; ECE/TRANS/SC.2/2022/6 containing the Draft Terms of Reference for the Revisions Committee of the Model Rules; and ECE/TRANS/SC.2/2022/7 containing the first version of the non-binding Guidance Note to the Model Rules.

45. The Working Party thanked the Group of Experts on the Permanent Identification of Railway Rolling Stock for their hard work and for their proposals as set out in ECE/TRANS/SC.2/2022/4. The Working Party agreed to the creation of the Model Rules for the Permanent Identification of Railway Rolling Stock as set out in ECE/TRANS/SC.2/2022/5 and asked that they be submitted to ITC for adoption. In support of the creation of the Model Rules, the Working Party also agreed to the request for the creation of a Revisions Committee for the Model Rules and recommends it to ITC for approval and requested that the Terms of Reference for the Revisions Committee set out in ECE/TRANS/SC.2/2022/6 be submitted to ITC for adoption. The Working Party agreed to the first version of the Guidance Note as set out in ECE/TRANS/SC.2/2022/7 and asked that the Revisions Committee keep this document updated once the Revisions Committee has been established. Finally, the Working Party asked that the adopted Model Rules and the draft Guidance Note are published in three languages and made available on the UNECE website.

46. The Working Party also agreed that the entities identified in paragraph 12 of ECE/TRANS/SC.2/2022/4 should be included as members of the Revisions Committee.

VIII. International Railway Passenger Hubs (agenda item 7)

Documentation: ECE/TRANS/SC.2/2022/8

47. The Working Party recalled that, following a workshop “International Passenger Transport in the ECE region”, it had decided to create a new Group of Experts on International Railway Passenger Hubs at its seventy-fourth session to work on further facilitating the switch to rail for passengers. The Group recalled that the focus of the group is on the identification of railway passenger stations that could act as hubs, the facilities that should be in those hubs, what legal instrument to adopt once this identification has been made, to review current legal instruments in rail passenger transport and to identify what incentives have been provided to operators during the pandemic.

48. The secretariat explained that the Group had continued its work in 2022 and a progress report of activities was included in ECE/TRANS/SC.2/2022/8. The secretariat also introduced the study “Railways at the centre of a post-pandemic recovery: Measures to support international rail carriers” prepared as part of the work of this Group.

49. The Working Party thanked the Group of Experts on International Railway Passenger Hubs for their efforts and asked that a report on the completion of its activities is submitted to the Working Party for its next session in 2023.

50. The Working Party also welcomed the publication of the study “Railways at the centre of a post-pandemic recovery: Measures to support international rail carriers”⁵ based on the information provided by the Group and in the Workshop held at the seventy-fifth session of the Working party titled “Railways at the centre of the post-pandemic recovery – Connectivity through the railways”.

IX. Euro-Asian Rail Transport (agenda item 8)

51. The Working Party recalled that at its seventy-third session a workshop was held on: “Making rail freight more competitive and the coordinated development of the rail network with a focus on how to work together at the government and sectoral levels on EATL”.⁶ Following the seventy-third session a summary publication was prepared by the secretariat and is available on the Working Party’s webpage.

52. The Working Party was informed about new developments on Euro-Asian rail transport corridors, its involvement in developing the EATL project, including the results of the recent meetings on EATL and the completion of the “Sustainable Inland Transport Connectivity Indicators” (SITCIN).

53. The secretariat noted that the Eurasian Rail Alliance Index representative was not available to present progress with their work in this area.

54. The Working Party noted that the developments in EATL and the completion of the SITCIN.

X. Trans-European Railway Project (agenda item 9)

Documentation: ECE/TRANS/SC.2/2022/9

55. The Project Manager of TER project, Ms. M. Kopczynska reported on the activities of the TER Project for 2022 (ECE/TRANS/SC.2/2022/9). The work of the TER Steering Committee had focused on the finalisation of the TER strategy, facilitation and development of coherent and efficient international railway and combined transport system in the Central and Eastern European countries (through the territories of the TER countries and between them and other European countries) as well as on the completion of the GIS based platform for the AGC and AGTC for the TER region, and on assessing the technical compliance of TER country networks to AGC and AGTC.

56. The Working Party took note of the information provided by the TER Project Manager and welcomed the continued progress on the delivery of its mandate.

XI. Railway Financing and Public-Private Partnerships (agenda item 10)

57. The Working Party recalled the discussions at previous sessions on good practices in implementing Public-Private Partnerships (PPPs) in railway infrastructure development, and on the development of standards aimed at facilitating the implementation of PPP projects. On this subject, no presentations were made at this session.

58. The Working Party invited delegates to present their developments under this agenda item at future meetings.

⁵ <https://unece.org/publications/rail-transport>.

⁶ Euro-Asian Transport Linkages (EATL).

XII. Rail Security (agenda item 11)

59. The Working Party recalled that the secretariat had developed an advanced web-based platform on rail security which can operate as an international observatory on rail security issues (henceforth the Rail Security Observatory).

60. The secretariat informed the Working Party that it is continuing to work with UIC on security matters as requested by ITC at its eighty-third session in February 2021. Discussions on the manner in which this collaboration could be augmented will be discussed further.

61. During this agenda item UIC updated the Working Party on its work in the security field.

62. The Working Party thanked UIC for its intervention and requested that the secretariat keep it updated on developments in this area and on the ECE rail security observatory at future meetings.

XIII. Innovation in Rail Transport (agenda item 12)

63. The Working Party recalled that it agreed to the creation of a rail innovation observatory aimed at sharing with member States best practice innovations that could further help develop the competitiveness of the railways. The aim would also be to assist in achieving the Sustainable Development Goals and work towards the achievement of technology pillar of the ITC strategy. The secretariat informed the Working Party that work was still ongoing on the preparation of this observatory in line with new developments in similar observatories prepared by the Sustainable Transport Division.

64. The secretariat recalled that ITC, at its eighty-third session in 2021, adopted the Road Map until 2025 on Intelligent Transport Systems (ITS) to which SC.2 provided input under action 10 – Integrating with rail transport.

65. The secretariat presented the updated and more user-friendly AGC/AGTC inventory of technical standards as an important tool in the innovation of our activities in rail transport.

66. The Russian Federation updated the Working Party on developments in relation to the INTERTRAN project.

67. The Working Party noted the completion of the AGC/AGTC tool and asked the secretariat to disseminate it to ensure that it can be used effectively.

68. The Working Party also noted developments in the INTERTRAN project.

XIV. Productivity in Rail Transport (agenda item 13)

Documentation: ECE/TRANS/SC.2/2021/4

69. The Working Party recalled that, at its last session, it discussed the results of the data gathering process as set out in ECE/TRANS/SC.2/2021/4. The Working Party discussed the need to renew the data gathering process for 2023 based on desktop information available at UIC and ECE.

70. The Working Party asked the secretariat to renew its data gathering on productivity in rail transport in 2023 and prepare a document with the results for the next annual session of the Working Party.

XV. Climate Change and Rail Transport (agenda item 14)

71. The secretariat informed the Working Party on the activities of the Group of Experts on Climate Change Impacts and Adaptation for Transport Networks and Nodes; on Climate Change mitigation and the For Future Inland Transport Systems tool; and activities related to green logistics, eco-scoring and related matters, noting in particular its collaborations with the Working Party on Intermodal Transport and Logistics (WP.24).

72. The Working Party thanked the secretariat for the updates on climate change and rail transport and asked that it be updated on this at future meetings.

73. The Working Party also asked the secretariat to circulate the survey prepared by the Group of Experts on Climate Change Impacts to SC.2 focal points.

XVI. Railway Reform and Review (agenda item 15)

74. The Working Party was informed about the developments on railway reform, building on the workshop held at the seventy-first session of the Working Party through a presentation by Albanian Railways.

75. The Working Party thanked Albanian Railways for its update on railway reform and reminded member States that they may want to update participants on similar work in respective countries at future meetings.

XVII. Facilitation of International Rail Transport in the Pan-European Region (agenda item 16)

Documentation: ECE/TRANS/SC.2/2022/10

76. The Working Party recalled that at its last session it had agreed to send a questionnaire on the new annex 9 to the “Harmonization Convention” on facilitating rail border crossings in the pan-European region. The secretariat presented the results of the survey as contained in ECE/TRANS/SC.2/2022/10 highlighting that a total of 11 stakeholders from member States had provided responses.

77. The secretariat and OTIF noted the importance of comments on the responses to Question 5 of the survey on the implementation of Annex 9 of the Harmonization Convention and on the role and use of the CIM/SMGS consignment note.

78. The Working Party thanked member States for responding to the survey and noted the results of the survey.

79. The Working Party noted that the joint work of OSJD and ERA had temporarily paused and asked the two bodies to update it on developments at future meetings.

XVIII. Rail Statistics (agenda item 17)

80. The Working Party was informed by the secretariat about the ongoing work in rail statistics and its relevance to the Working Party. In particular the work of the Working Party on Transport Statistics (WP.6) and the data processing and visualisation efforts that had been undertaken since the last session of the Working Party.

81. The Working Party noted the developments in rail statistics as set out by the secretary of WP.6 and asked that the secretariat is kept informed at future sessions of SC.2.

XIX. Improving Safety in Rail Transport (agenda item 18)

82. The secretariat updated the Working Party on the developments related to the CTU Code as a key element of railway safety.

83. The Working Party welcomed progress in the ongoing preliminary work in the updating of the CTU Code and asked that the Working Party is kept informed on this and other safety related issues at future sessions of SC.2.

XX. Activities of Inland Transport Committee and its Subsidiary Bodies (agenda item 19)

Documentation: ECE/TRANS/SC.2/2022/11

84. The Working Party was informed about progress in the implementation of the ITC Strategy and the adoption by ECOSOC of the new Terms of Reference for ITC. The secretariat informed the Working Party of the letter received by the Chair relating to the main decisions of the ITC session of 2022. In particular, the secretariat introduced ECE/TRANS/SC.2/2022/11 providing a proposed response to the questions raised by the ITC Chair. The Working Party discussed the contents of the document noting that the majority of areas covered within it had been addressed in previous agenda items.

85. The secretariat proceeded to introduce LearnITC – the Inland Transport and Trade Connectivity eLearning Platform – developed by the Sustainable Transport Division (learnitc.unece.org). LearnITC is the only UN platform to provide multiple training courses dedicated to inland transport. It has been designed and created to help government officials and other relevant stakeholders to understand, apply and implement UN Inland Transport Conventions and Legal Agreements as well as trade connectivity principles and standards.

86. The Working Party noted the response to the ITC Chair prepared in document ECE/TRANS/SC.2/2022/11 and asked that it be sent to the relevant ITC focal points. It also welcomed the creation of the LearnITC elearning platform and recommended that member States, and other interested stakeholders register and take the courses available.

XXI. Activities of the European Commission in Rail Transport (agenda item 20)

87. The Working Party was informed by the representative from EC of EU about its most recent developments (Informal document No.2 (2022)). The Working Party noted the update provided by EC.

XXII. Activities of International Organizations in Rail Transport (agenda item 21)

88. The Working Party was informed by OTIF and OSJD of their activities. The Working Party thanked OTIF and OSJD for their interventions.

XXIII. Other Business (agenda item 22)

89. No items were discussed under this agenda item.

XXIV. Date and Venue of the Next Session (agenda item 23)

90. The Working Party confirmed the dates of 15 to 17 November 2023 for the next session of SC.2 noting that, for the moment, only in person participation will be allowed for during this meeting.

XXV. Adoption of Decisions (agenda item 24)

91. As agreed, and in line with the Working Party decision of its fifty-second session (TRANS/SC.2/190, paragraph 6), the Working Party reviewed the main decisions of the session, and the secretariat, in cooperation with the Chair and Vice-Chair prepared the present report.

92. The Working Party adopted its report which, in accordance with the decision of ECE Executive Committee at its meeting on 5 October 2020 need to undergo a 72 hours silence

period, which would be notified to all Permanent Missions in Geneva by the office of the ECE Chef de Cabinet. The decisions would be adopted with the unbroken closure of the silence procedure.

93. Following the special procedures to take decisions in formal meetings with remote participation adopted by EXCOM on 5 October 2020, the decisions made at the session were circulated through all Geneva Permanent Representations for approval by silence procedure of 72 hours by the participating delegations of the session. The silence procedure closed on Thursday, 24 November 2022 at 6 p.m. (CET) and concluded without objections. The decisions of the above meeting are thus considered adopted. Related information is available on the UNECE website under www.unece.org/info/about-unece/executive-committee-excom/silence-procedure.html.

Annex

Statement from the Russian Federation

1. The Russian Federation stated that the approach suggested in document ECE/TRANS/SC.2/2022/13 by Austria, Belgium, Germany and Slovenia was not in accordance with the provisions of the Joint Declaration of the Ministers of Transport on the Promotion of Euro-Asian Rail Transport and Activities towards Unified Railway Law that had become the basic document for the work of the Group of Experts towards Unified Railway Law. The Russian Federation acknowledged that paragraph 2 of the Declaration determines “to establish legal conditions for railways equivalent with those existing for competing modes such as road, air, inland water and maritime transport” while paragraph 2 a) of the document clearly provides for “establishment of a unified set of transparent and predictable provisions and legal rules.”

2. The Russian delegation highlighted that this draft decision systematically contradicted the Declaration since, instead of working towards a Unified (single) Law, it suggested that SC.2 should adopt a third law, in the form of a separate Convention, in addition to the two effective systems of CIM (OTIF) and SMGS (OSJD) law operating in the Euro-Asian region.

3. The delegation of the Russian Federation confirms its position on the need for a comprehensive approach towards Unified Railway Law. The Russian delegation believes that Unified Law is a system of agreements and treaties governing all the aspects (technical, operational, economic, and financial) of the organization and implementation of transportation in international rail traffic: general provisions on the contract of carriage of goods in international traffic; the very rules of transportation (including transportation of dangerous goods), the rules for the use and operation of wagons, technical requirements for rolling stock and infrastructure, financial issues and others. The Russian Federation recalled that in 2019 it submitted a position paper reflecting an approach towards Unified Railway Law (document ECE/TRANS/SC.2/GEURL/2019/10).

4. The Russian Federation emphasizes that the developed draft legal provisions for the transportation of goods (URL) in international traffic should be regarded as the first step towards Unified Law rather than a separate intergovernmental agreement (convention). This document does not meet the goals and objectives defined in the Joint Declaration on the Promotion of Euro-Asian Rail Transport and Activities towards Unified Railway Law (February 2013).

5. The Russian Federation has done a lot of work on drafting text for unified legal provisions (URL), including the analysis of the two systems of law, CIM and SMGS, the analysis of the URL draft provisions developed by the Group of Experts and the provisions of the CIM and SMGS, and the Russian Federation has developed precise specific proposals for URL provisions.

6. The Russian Federation presented to the participants the following conclusions on the developed URL: a number of important norms of the interface law are dispositive in nature and some of them are referential, i.e., they create the need to refer to the established practice and/or national legislation.

7. We must state that the proposals developed by the Russian Federation to amend and supplement URL were not properly considered by the Group of Experts and SC.2.

8. In addition, we note that the fact that countries applying the SMGS, including China and other cargo-generating countries, did not participate in the negotiations at the meetings of the Group of Experts and SC.2 on the issues of the URL indicates that the approach towards a third law did not find support in these countries. Meanwhile, at the OSJD meetings and during bilateral consultations, the Russian Federation repeatedly informed the representatives of these countries on the existing problems.

At the same time, we emphasize that we respect the other countries' position on this issue. We note that in the course of work both the Russian Federation and the representatives of the other countries repeatedly attempted to find compromise solutions, as evidenced, in

particular, by a number of URL text issues that were agreed upon. Yet, regrettably, no solution was found to the basic issue, that is, the status of law being established (a “third law” in addition to the existing systems or a separate law to replace the existing systems).

9. Bearing in mind paragraphs 1–8, the delegation of the Russian Federation opposes the SC.2 decision put forward by Austria, Belgium, Germany and Slovenia in document ECE/TRANS/SC.2/2022/13.

10. The Russian Federation thanks the Group of Experts towards URL and the secretariat for the extensive work done on this issue.

11. Taking into account the approach proposed in document ECE/TRANS/SC.2/2022/13, respecting the UNECE ITC principles and regulations, as well as the opinion of the countries supporting the Approach A that allows for the implementation of a third interface law (URL), the Russian Federation is ready to further participate in finalizing the URL as an observer.
