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Economic Commission for Europe

Inland Transport Committee

Working Party on Rail Transport

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Item 2 of the provisional agenda

**Finalisation of the provisions of
the Convention on Unified Railway Law**

Draft provisions for the proposed Convention on the contract for international carriage of goods by rail as a first Convention of a system of Unified Railway Law Conventions

Note by the secretariat

Background

1. This document reproduces in the annex comments and text adjustments to the draft provisions of the Convention as received from France on 1 June 2023. These comments and adjustments proposals are provided in French with informal translation in English by the secretariat.
2. The comments and proposals are shown under each Article or its specific paragraph which they have been addressing.
3. Each comment and adjustment proposals are clearly marked. The proposed text of the adjustment is presented as strikethrough for deleted text and bold for added text as compared with the original draft provisions from ECE/TRANS/SC.2/GEURL/2021/3.
4. This document should be reviewed together with ECE/TRANS/SC.2/2023/1.

Annex

Comments and adjustment proposals to the draft provisions for the proposed Convention on the contract for international carriage of goods by rail as a first Convention of a system of Unified Railway Law Conventions

Preamble
<p>The States that are parties to this Convention, hereinafter referred to as the “Parties”,</p> <p><i>Conscious</i> of the need to facilitate international transport by rail,</p> <p>Comment: Explication de l’approche poursuivie (approche visant à créer un droit unifié, issu du droit existant), en cohérence avec l’article 1er du projet de convention</p> <p>Informal translation: the approach pursued should be clarified (ie. approach to create a unified law based on existing laws) and be consistent with Article 1 of this draft agreement.</p> <p>Adjustment proposal:</p> <p>«Conscients de la nécessité de faciliter le transport international par chemin de fer dans les corridors eurasiatiques dans lesquels ni les règles CIM, ni les règles SMGS ne s’appliquent à l’intégralité du trajet. »</p> <p>Informal translation: “<i>Conscious</i> of the need to facilitate international transport by rail on Euro-Asian corridors where neither CIM nor SMGS rules apply over the entire journey”</p> <p><i>Conscious</i> of the rapid increase in east-west transport by rail and the need to increase the market share of rail transport to reduce the environmental impact of freight transport by easing the administrative and contractual barriers that exist in the sector.</p> <p><i>Considering</i> that in order to facilitate such transport, it is essential to standardize the conditions for governing the contract of intranational carriage of goods by rail, particularly with respect to the documents used for such a carriage and to the carrier’s liability,</p> <p><i>Considering</i> that in order to facilitate such transport, it is essential to standardize the conditions for governing the contract of international carriage of goods by rail, particularly with respect to the documents used for such a carriage and to the carrier’s liability, “</p> <p><i>Noting</i> the importance of increasing the competitiveness of rail transport vis-à-vis other transport modes,</p> <p>Comment: Proposition de considérants nouveaux/additional paragraphs are proposed.</p> <p>Adjustment proposal:</p> <p>«Prenant acte de la Convention relative aux transports internationaux ferroviaires (COTIF) du 9 mai 1980 dans la teneur du Protocole de modification du 3 juin 1999, en particulier des Règles uniformes concernant le contrat de transport international ferroviaire des marchandises (CIM - appendice B à la Convention). »</p> <p>Informal translation: “<i>Noting</i> the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Modification Protocol of 3 June 1999, in particular the Uniform Rules concerning the</p>

Contract of International Carriage of Goods by Rail (CIM - Appendix B to the Convention),”

« **Souhaitant que la présente convention s’articule avec le droit issu des deux organisations ferroviaires existantes (l’OTIF et l’OSJD) au sein de leurs aires géographiques respectives** ».

Informal translation: “**Desiring that the present Convention links with laws from two existing rail organisations (OTIF and OSJD) within their respective geographical areas.**”

Have agreed upon the following provisions/Have agreed as follows:

**Chapter 6
Final Provisions**

Article 37, Entry into force

§ 1 This Convention shall enter into force six months after the date on which five States have deposited their instruments of ratification, acceptance, approval or accession.

Comment: Mise en cohérence avec le champ d’application du projet de convention défini à l’article 1^{er}

Informal translation: make it consistent with the scope of the draft convention defined in Article 1.

Adjustment proposal:

« **La présente convention entrera en vigueur six mois après la date à laquelle cinq États de l’espace eurasiatique ont déposé leurs instruments de ratification, d’acceptation, d’approbation ou d’adhésion et lorsque la condition définie à l’article premier, paragraphe 1, point 3, est satisfaite entre ces cinq États.** »

“This Convention shall enter into force six months after the date on which five States **in the Euro-Asian region** have deposited their instruments of ratification, acceptance, approval or accession **and when the condition laid down in Article 1 § 1, point 3, is fulfilled between these five States.**”

Article 42, Procedures for amending the provisions of the Convention

§ 4 Within a period of nine months from the date on which the proposed amendment is communicated by the Depository, any Party may inform the Depository that it has objection to the amendment proposed.

Comment: Il est important de garantir une procédure de modification, impliquant explicitement l’OTIF et l’OSJD.

Informal translation: it is important to guarantee a procedure for amendment explicitly involving OTIF and OSJD.

Adjustment proposal:

« **Aux fins de l’examen des modifications à la Convention, l’OTIF et l’OSJD seront invitées à faire part de leurs observations dans un délai raisonnable et conviées aux réunions pertinentes.** »

“For the purpose of reviewing amendment proposals to this Convention, OTIF and OSJD are invited to provide their comments within reasonable delay and invited to the relevant meetings.”