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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Rail Transport

##### Seventy-seventh session

Geneva, 15–17 November 2023

Item 18 of the provisional agenda

##### Activities of the Inland Transport Committee and its Subsidiary Bodies

## Alignment of the Governance Framework and Review of the Mandate of the Working Party on Rail Transport

Note by the secretariat

### I. Mandate

1. This document is submitted in line with the proposed Programme Budget for 2023, part V, Regional cooperation for development, section 20, Economic Development in Europe, Programme 17, Economic Development in Europe (A/77/6 (Sect. 20), table 20.6).
2. At its eighty-fifth session, the Inland Transport Committee (ITC) (a) encouraged all working parties to review and align their terms of reference (ToR) and rules of procedure (RoP) to those of ITC, and (b) decided to proceed with the review process of the mandates of its Working Parties in the course of 2023 and noted that it takes place in the context of a broader transformation following the endorsement of the revised ToR of ITC by the Economic and Social Council (ECE/TRANS/328, paragraphs 16 and 18).
3. As a follow-up of the ITC decisions, the ITC Chair and the Director of the Sustainable Transport Division invited the Chairs of ITC Working Parties, and among them SC.2, to support and contribute to key decisions of ITC by:
  - Aligning their ToR and RoP to those of ITC, where appropriate
  - Taking part in the review process of their mandates in accordance with the proposed modalities by submitting the necessary information.
4. This document contains a proposal for the requested input of SC.2.

### II. Alignment of Terms of Reference and Rules of Procedure

5. At its seventy-fourth session (18–20 November 2020), SC.2 revised its ToR to bring them in line with the ITC Strategy until 2030 (ECE/TRANS/SC.2/2020/1). The revised ToR were adopted by ITC at its eighty-third session in February 2021.
6. At its seventy-sixth session (16–18 November 2022), SC.2 agreed on its own RoP, aligned with those of ITC (ECE/TRANS/SC.2/237). The ToR of SC.2 was further updated

at this session to reflect the new RoP and to ensure that it remained fully aligned to the ToR of ITC. They were adopted by ITC at its eighty-fifth session on 24 February 2022 (ECE/TRANS/328).

7. SC.2 may therefore wish to note that its ToR and RoP are fully aligned to those of ITC.

### **III. Input for the Review Process of the Mandate**

8. The information in this chapter is requested for the review process of the SC.2 mandate. It is structured in accordance with the proposed modalities of the 2023 review of mandates and the list of recommended information attached to the letter of the ITC Chair and the Director of the Sustainable Transport Division mentioned above.

#### **A. Subsidiary Body Mandates and Governance Framework**

9. Alignment with the ITC ToR and RoP: this information is provided in chapter II of this document.

#### **B. Working Party Objective**

10. The objective of SC.2 is carry out those activities related to ensuring an appropriate regulatory environment for railway transport across the region necessary to support the goal of the ECE transport subprogramme to facilitate the international movement of persons and goods by inland transport modes and improve safety, environmental protection, energy efficiency and security in the transport sector to levels that contribute effectively to sustainable transport, in line with the ITC Strategy to 2030.

#### **C. Work Areas Covered by the Working Party**

11. According to its ToR, the clusters of SC.2 activities are:<sup>1</sup>

(a) to update and extend the geographical scope of the European Agreement on Main International Railway Lines (AGC) network, increase the number of contracting parties to the AGC, consider the AGC Agreement with a view to possibly implementing and, whenever feasible, improving existing standards and operational parameters; upgrading review the coherence between the AGC parameters and infrastructure standards established within the European Union, the Eurasian Economic Union and other countries within the ECE region with a view to harmonizing them as appropriate. (Pillar A);

(b) to identify the need for new legal instruments in the rail sector for passenger and freight aimed at encouraging the further shift to rail as the most sustainable mode of transport and meeting the needs of the region's economies following the paradigm shift set in motion in the transport sector as a result of the COVID-19 epidemic. (Pillar A);

(c) develop, improve and maintain constantly updated online tools, such as the web tool developed to monitor AGC and the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) network and its infrastructure standards and the Rail Security Observatory (Pillar B);

(d) to improve intermodal coordination and integration of railway with other transport modes with a view to contributing to the development of pan-European sustainable transport systems taking into account the interrelationship of the ECE E-Networks and in close cooperation with the Working Party on Intermodal Transport and Logistics (WP.24). (Pillar D);

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<sup>1</sup> Each ITC Strategy Pillar is identified in brackets at the end of each activity.

(e) to foster the development of green transport through the review of technological advancements in rail transport aimed at increasing the efficiency of transport operations. (Pillar B);

(f) to assist in the development of harmonized safety approaches across the sector through constant discussions on rail safety issues. (Pillar C);

(g) to drive the development of a secure rail system through the exchange of best practice in this area. (Pillar D);

(h) to follow-up the developments of the ECE Trans European Railway (TER) Project, and explore further interaction between TER activities and that of SC.2; (Pillar D);

(i) to evaluate, study and review Euro-Asian rail traffic trends, developments and opportunities and explore possibilities for further contribution to and interaction with the Euro-Asian Transport Linkages (EATL) project and the preparation of relevant conclusions and recommendations in collaboration with the Working Party on Trends and Economics; (Pillar C);

(j) to facilitate international rail transport in the pan-European region through improved border crossing procedures and harmonization of technical specifications of different railway systems and their operations at borders in light of cooperation in the Contact Group between Organization for the Cooperation Between Railways (OSJD) and the European Union Agency for Railways; (Pillar A);

(k) to support the implementation of expert group programmes and task forces as established by the Working Party and the Inland Transport Committee on technical and legal rail matters and review rail market trends, needs and challenges through the establishment of ad hoc expert groups and the elaboration of studies, as appropriate; (Pillar A);

(l) to monitor developments on the pan-European Rail Transport Corridors in cooperation with the European Commission; (Pillar C);

(m) to review general trends in rail transport developments and rail transport policy, analyse specific rail transport economic issues, assist in the collection, compilation and dissemination of rail transport statistics, in cooperation with the Working Party on Transport Statistics (WP.6), other governmental and non-governmental organizations, expert groups and task forces and prepare reports, reviews and publications concerning rail transport development and best practices; (Pillar C).

12. For each of these activities the relevant Pillar of the ITC Strategy to 2030 has been identified at the end of each point in order to show how SC.2 is aligned to, and implementing the Strategy.

13. Activities of SC.2 listed in paragraph 11 above cover the following main areas of work:

- Transport facilitation (subparagraphs (a), (b), (d) (h), (i), (j), (k), (l) and (m));
- Safety (subparagraphs (c), (f) and (g));
- Environmental and climate performance (subparagraphs (a), (b), (d) and (e));
- Innovations (subparagraphs (a), (c) and (e)).

14. In terms of legal instruments for railway transport, SC.2 services two United Nations Conventions and Agreements administered by ITC: The AGC and the Model Rules on the Permanent Identification of Railway Rolling Stock. The AGC is, for the moment, is a European Agreement and therefore is limited to the ECE Region. The Model Rules are, from their inception, global in nature. It also supports other Working Parties in the implementation of their rail related Conventions and Agreements as highlighted further below.

## **D. Efficiency and Value Added**

### **1. Internal overlaps and/or duplication with other bodies of the Economic Commission for Europe**

15. As identified, SC.2 is the only ITC subsidiary body that addresses all relevant aspects of railway transport in Europe and beyond the ECE Region for some areas. SC.2, and its subsidiary bodies, deliver inputs to the implementation of the ITC Strategy until 2030, as indicated in paragraph 11 above. It does this in a very efficient manner by concentrating its activities within the limited time available for its sessions and minimising the work of member State representatives outside individual sessions.

### **2. External overlaps and/or duplication with other bodies outside the Economic Commission for Europe**

16. The Working Party on Rail Transport is unique in its coverage of rail transport across the region and beyond and its focus on legal, regulatory and policy work. UNECE has a Memorandum of Understanding with the International Union of Railways (UIC) with which it collaborates closely on a number of different matters relevant for the sector from a technical standpoint. SC.2 collaborates closely with OTIF and OSJD on legal matters which transcend both those areas. SC.2 also works with the European Commission and the European Railway Agency on regulatory matter of interest to the member States of the European Union. The Eurasian Economic Commission also participates in the activities of SC.2. The Working Party also collaborates with the International Transport Forum (ITF) on policy matters as well as UNIDROIT and its bodies for aspects related to the Model Rules. SC.2 also collaborates with a number of Multilateral Development Banks on Public Private Partnership initiatives. Finally, a number of national and international associations play an active part in the activities of SC.2.

### **3. Internal synergies other bodies of the Economic Commission for Europe**

17. SC.2 has a mandate to collaborate closely with:

- Working Party on Intermodal Transport and Logistics (WP.24) as the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) is closely linked to the AGC in addition to the policy aspects of promoting rail and modal shift which includes a strong rail component in intermodal transport.
- Working Party on Customs Questions Affecting Transport (WP.30) in relation to the border crossing agreements that are related to the railways (eight agreements) and in particular in relation to the International Convention on the Harmonization of Frontier Controls of Goods.
- Working Party on Transport Statistics (WP.6) on the gathering of rail statistics as well as in relation to the definition of the Glossary of Transport Statistics.
- Working Party on Transport Trends and Economics (WP.5) in relation to the development of corridors with a rail component.

18. SC.2 contributes to the implementation of the ECE Road Map on Intelligent Transport Systems for 2021–2025 and collaborate with other ITC subsidiary bodies involved in this activity.

19. As part of its work on PPPs, SC.2 also collaborates with the Economic Cooperation and Trade Division.

### **4. External synergies with other bodies outside the Economic Commission for Europe**

20. SC.2 collaborates closely with the entities identified in paragraph 16.

## **E. Work Methods**

21. The deliverables of SC.2, including the number of meetings, official documents, publications and databases, are indicated in the ITC programmes of work of the Transport subprogramme, programme plans and publication programmes:

- 2018: ECE/TRANS/2018/21, Add.1 and Corr.1, ECE/TRANS/2018/22;
- 2019: ECE/TRANS/2019/23, ECE/TRANS/2019/24;
- 2020: ECE/TRANS/2020/21, ECE/TRANS/2020/22/Rev.1, ECE/TRANS/2020/23;
- 2021: ECE/TRANS/2021/8, ECE/TRANS/2021/9, ECE/TRANS/2021/10;
- 2022: ECE/TRANS/2022/8, ECE/TRANS/2022/9, ECE/TRANS/2022/10 and Corr.1;
- 2023: ECE/TRANS/2023/11, ECE/TRANS/2023/12, ECE/TRANS/2023/13/Rev.1.

22. All subsidiary bodies of the Working Party on Rail Transport, currently: The Revisions Committee to the Model Rules on the Permanent Identification of Railway Rolling Stock; and the Group of Experts in International Railway Passenger Hubs follow the Rules of Procedure of the SC.2.

## **F. Main Partners**

23. The main partners are listed in paragraph 16 above.

## **G. Results Achieved\***

24. Information on the results achieved by SC.2 is available in the ITC reports and programmes of work of the Transport subprogramme mentioned above. In recent years, SC.2 has evolved its activities to keep them in line with the requirements of the sector and, as a result, has been able to achieve a number of successes. Detailed information on achievements is given below.

25. Regulatory and normative work:

- Recent secretariat efforts have increased the number of contracting parties to the AGC to twenty-eight. In recent years significant efforts have been made to modernise the AGC and its related instruments. SC.2, in this regard, hosts the meetings of the AGC contracting parties to discuss its potential amendment modifications. Firstly, the AGC network has been regularly updated in many countries to ensure it mirrors actual prioritisations and investments on the ground. Secondly, its usefulness to the full spectrum of stakeholders has been increased with the creation of the new, joint, AGC-AGTC GIS tool highlighting the key technical parameters across the networks and allowing all interested parties to estimate, from point to point, the minimum technical requirements to run a train. Thirdly and most recently, the Group of Experts on International Railway Passenger Hubs has made a proposal to amend the AGC to include aspects related to international railway passenger hubs (ECE/TRANS/SC.2/2023/5). This last point is to be discussed at the seventy-seventh session of the Working Party.
- Following the request included in the ITC Strategy to 2030, the Working Party has also continued its efforts to identify, define and create new legal instruments as needed by member States. Firstly, work has progressed on the development of Unified Railway Law with proposed text for the first Convention from this work, the Convention on the Contract of International Carriage of Goods by Rail, being discussed at the seventy-seventh session of the Working Party.

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\* Since 2017.

- Following the recommendations of the Group of Experts on the Permanent Identification of Railway Rolling Stock, the subsequent adoption by SC.2, ITC, at its eight-fifth session in February 2023, adopted, as its sixtieth Legal Instrument, the Model Rules on the Permanent Identification of Railway Rolling Stock as an important tool in assisting the financing of railway rolling stock. This instrument is also the first instrument of its kind administered by SC.2 which is global in nature and thus contributing to the new role of ITC beyond the ECE region.
- The Working Party, through the activities of the secretariat, has recently provided advice and capacity building support to aid member States in the accession to, and implementation of, the rail related Conventions and Legal Agreements. For this purpose it has provided a document explaining the process and steps to take (ECE/TRANS/SC.2/2020/2).

26. Policy related activities:

- The Working Party has positioned itself at the forefront of policy discussion and debate on rail issues of importance across the region and beyond through the preparation of dedicated workshops (at least one per year) on such issues as climate change, improving competitiveness in rail freight, railway reform and the promotion of international passenger transport by rail. These workshops have drawn significant interest and participation from member States and stakeholders from around the globe. They have also led to member States initiating regulatory initiatives such as those identified in the previous bullet points. Finally, SC.2 has also organised dedicated events on key areas of rail transport such as on rail security held in conjunction with ITF and UIC.
- In addition to the legislative aspects that follow from the workshops mentioned above, SC.2 has also proposed a number of ITC recommendations with the aim of supporting and developing the role of railways within wider ITC policies.

27. SC.2 regularly, on a biennial basis, evaluates its results based on the expected accomplishments and adjusts its programme of work as appropriate. At its seventy-third session, SC.2 agreed to maintain the biennial programme of work (ECE/TRANS/SC.2/232, paragraphs 77-79). The review of the programme of work of SC.2 and the expected accomplishments for 2018–2019, 2020–2021 and 2022–2023 are available in ECE/TRANS/SC.2/2017/5, ECE/TRANS/SC.2/2019/1 and ECE/TRANS/SC.2/2021/3.

## H. Results and Changes Expected in Near Future

28. SC.2 will discuss the expected accomplishments for the forthcoming biennial period in the programme of work. The expected accomplishments for 2024–2025 are proposed in ECE/TRANS/SC.2/2023/9.

29. The Working Party notes that, as mentioned in the previous sections, it works very successfully with a number of internal and external stakeholders in promoting the development of the rail sector through its regulatory and policy activities. This is exemplified by the results that it has achieved in recent years identified above and shown in the programme of work and biannual evaluation which point to the high level of efficiency of the Working Party and of its activities. It therefore does not see the need to alter its current trajectory focused on further implementing the requirements in the ITC Strategy and in the Terms of Reference of SC.2. Nor does it see the need to review the approach to any of the thematic areas within the agenda of annual Working Party session other than through the normal evolution of activities that progresses annually. Part of this evolution involves the taking up of further activities that go beyond the ECE Region as has already started through the Model Rules identified above. As similar opportunities arise, SC.2 will be able to capitalise on these global initiatives and workstreams and update its activities accordingly in line with its ToR. The Working Party concludes that no significant changes are needed to the mandates of SC.2.

30. Currently, the successful work and accomplishment of all activities identified in this document and required by the mandates set by member States and ITC for SC.2 and its

subsidiary bodies are carried out by one professional staff member of the ECE Sustainable Transport Division with the support of part of the time of a second professional staff member. While the secretariat is putting every effort to deliver high quality service, its capacity appears limited for a number of activities undertaken by SC.2 and its subsidiary bodies. Allocation of additional human and budget resources to the secretariat should therefore be considered, in particular, if SC.2 finds it desirable to intensify its activities in certain areas or to introduce new areas of work that are not currently within its remit or which require additional geographical scope.

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