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Working Party on Rail Transport

Revisions Committee to the Model Rules on the Permanent Identification of Railway Rolling Stock

First session

Geneva, 30 August–1 September 2023

Item 9 of the provisional agenda

Summary of decisions and reading of the draft report

Report of the first session of the Revisions Committee to the Model Rules on the Permanent Identification of Railway Rolling Stock

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I. Attendance

1. The Revisions Committee to the Model Rules on the Permanent Identification of Railway Rolling Stock (the Revisions Committee) held its first session from 30 August to 31 August 2023 in the Palais des Nations, Geneva.
2. The session of the Revisions Committee was attended by representatives of the following countries: Cambodia, Hungary, Mexico, Saudi Arabia, Turkiye, United Kingdom of Great Britain and Northern Ireland, and Zimbabwe. The European Union and the EU Agency for Railways were also represented.
3. The following inter-governmental organizations were represented: Intergovernmental Organisation for International Carriage by Rail (OTIF) and the International Institute for the Unification of Private Law (UNIDROIT). The following non-governmental organizations were represented: International Union of Wagon Keepers.
4. The representatives of the following entities attended the session: Rail Working Group and Community of European Railways and Infrastructure Managers (CER).

II. Adoption of the agenda (agenda item 1)

Document: ECE/TRANS/SC.2/RC.1/2023/1

5. The secretariat presented the agenda. The Revisions Committee adopted the draft agenda noting the modified timetable and the addition of the new informal document as set out in ECE/TRANS/SC.2/RC.1/2023/1.

III. Election of Officers (agenda item 2)

Document: ECE/TRANS/2023/9

6. The Revisions Committee elected the United Kingdom of Great Britain and Northern Ireland as Chair of the Revisions Committee for 2023 and 2024 and did not elect a Vice-Chair, requesting that member States consider whether they would be interested in acting as Vice-Chair and proposing their nomination to the secretariat no later than six weeks prior to the second session of the Revisions Committee in 2024.

IV. Background information on the Revisions Committee (agenda item 3)

Documents: ECE/TRANS/2023/9, ECE/TRANS/2023/37, ECE/TRANS/2023/38, ECE/TRANS/SC.2/2022/4

7. The secretariat provided delegates with a summary of the background to the Revisions Committee. In particular, the secretariat explained the reason for setting up the Revisions Committee, its origins in the Group of Experts on the Permanent Identification of Railway Rolling Stock (the Group of Experts) and the role of the Model Rules on the Permanent Identification of Railway Rolling Stock (the Model Rules). The secretariat explained that the Model Rules, following the proposal of the Group of Experts and the subsequent acceptance by the Working Party on Rail Transport (SC.2), were adopted by the Inland Transport Committee of the United Nations Economic Commission for Europe (UNECE) in February 2023.
8. The secretariat proceeded to explain the ways of working for the Revisions Committee explaining the manner in which decisions are made and then referred to SC.2. This was followed by an explanation of the decision making process at SC.2 in relation to the Model Rules. The secretariat explained that, as per the Rules of Procedure for SC.2, all ECE member States automatically have full membership rights at SC.2. Non-ECE member States have full membership for those agenda items which discuss legal instruments to which they are a contracting party to, or to those legal instruments that do not have contracting parties where

they have expressed an interest in their functioning. The Model Rules are one of these instruments that do not have, by default, State contracting parties and therefore non-ECE member States will need to express an interest in the Model Rules to have full membership when the relevant agenda item is discussed at SC.2. For this purpose, the secretariat introduced Informal Document RC.1 No.1 (2023) containing a template letter that non-ECE member States can send to the Executive Secretary of UNECE expressing their interest in full membership for Model Rules discussions at SC.2.

9. Finally, the secretariat noted that the next session of SC.2 that has an agenda item on the Model Rules will be 15-17 November 2023 and that those non-ECE member States interested in expressing their interest should do so as soon as possible and at least ten days prior to that meeting.

10. The Revisions Committee noted the background to the activities of the Revisions Committee as set out by the Secretariat and reminded those non-ECE member States that would like to express an interest in decision making on the Model Rules within the sessions of the Working Party on Rail Transport to send their letter of interest to the secretariat using the template, and following the modalities set out in Informal Document RC.1 No.1 (2023).

V. Update on the Luxembourg Rail Protocol (agenda item 4)

11. The Rail Working Group introduced discussions on agenda item 4 by providing a detailed explanation of the Luxembourg Rail Protocol (the Protocol), its current developments, ongoing entry into force and implementation. In particular, the explanation focused on the current strategy for the Protocol, an introduction to the Unique Rail Vehicle Identification System (URVIS) and the integration of the Model Rules into this system. This was followed by interventions from OTIF and UNIDROIT on their role in the working of the Protocol.

12. The Revisions Committee thanked the Rail Working Group, OTIF and UNIDROIT for providing an update on the developments with the Luxembourg Rail Protocol.

VI. Model Rules on the Permanent Identification of Railway Rolling Stock (agenda item 5)

Document: ECE/TRANS/SC.2/RC.1/2023/3

(a) Implementation

13. The secretariat introduced this agenda item recalling that as the Protocol has not yet come into force, it was not aware of anyone actually using the Model Rules to date. Therefore the implementation of the Model Rules had not commenced. The secretariat explained that this agenda sub-item would have more information on implementation at future sessions.

14. The Rail Working Group noted that although the Protocol had not yet entered into force, the preliminary website of the International Registry is already accessible. OTIF explained that the address of the preliminary website is www.rollingstockregistry.com. The Revisions Committee expressed its preference that it would be helpful if a list of persons who have already made a declaration of undertaking to be bound by the Model Rules could be shown on the preliminary website of the International Registry. The Rail Working Group agreed to ask the Registrar if it were possible to make this available soon. If this is not possible then the Rail Working Group and UNECE will work together to find a temporary solution.

15. The Revisions Committee have not received feedback on the implementation of the Model Rules as the Luxembourg Protocol has not yet entered into force. It asked the secretariat to update the Revisions Committee on developments in this area at its second session and asked members to provide their experiences with the Model Rules in their jurisdictions at the next session.

(b) Amendment proposals

16. The Rail Working Group introduced the amendment proposal included in document ECE/TRANS/SC.2/RC.1/2023/3 on the possible introduction of Transition Rules into the Model Rules to facilitate the marking of rolling stock which is already in operation that may be difficult to reach and mark immediately after a credit agreement is signed. The Revisions Committee discussed the provisions at length, noting the nature of the transition proposal and its necessity. During the session, the Revisions Committee discussed and agreed some text changes to the amendment proposal contained in the annex to ECE/TRANS/SC.2/RC.1/2023/3. The annex to the report of this session contains the updated text of the agreed amendment proposal.

17. In addition to the above amendment, the Rail Working Group noted that 8.3 of the Model Rules allows for a shorter period of time to be requested in relation to the entry into force of amendment proposals. In this regard, given the imminent entry into force of the Protocol, the Rail Working Group requested that the amendment proposals set out in ECE/TRANS/SC.2/RC.1/2023/3 (as amended) enter into force one month after the publication of the report of SC.2 rather than the standard three months. The Revisions Committee agreed to this proposal and requested that it is sent to the Working Party for adoption at its seventy-seventh session in November 2023. The Revisions Committee also asked that a consolidated version of the Model Rules is prepared and printed including these amendment proposals if adopted by the Working Party.

18. Under this agenda item the Revisions Committee also discussed the size of the URVIS identifier and the text and the number to be used on the URVIS marker. The EU Agency for Railways noted that there are a number of international standards that define the manner in which markings should be applied on railway rolling stock (e.g. the EN 15877 standard, Technical Standards for Interoperability of the European Union, and European Commission Decisions) and that the Revisions Committee may wish to check the use of these standards in relation to the URVIS marker. CER noted that these standards related to operational markings rather than markings related to the URVIS number and as such there would be no confusion in this regard because they serve different purposes. The Revisions Committee agreed not to change the provisions related to the format and size of the URVIS marker at this stage.

19. The secretariat reminded the Revisions Committee of the process by which amendment proposals are to be submitted to the Revisions Committee for future sessions. Any amendment proposal should be sent to the secretariat no later than 12 weeks prior to the start of the session. Following secretariat editorial review and formatting, the original language version is placed on the website of UNECE on the dedicated session page that is available under the “rail transport” tab, accessible on the left bar of the Transport Division’s website¹ within a period of approximately two weeks. All official ECE language versions of the document are then uploaded to the same webpage no later than 4 weeks before the start of the session.

VII. Preparation, publication and revision of guidance and support documents (agenda item 6)

Document: Model Rules and Guidance Notes

20. The secretariat introduced this agenda item reminding delegates of the publication of the Model Rules and of the progress with the publication of the Guidance Notes. The secretariat reminded the Revisions Committee that the Guidance Notes are non-binding in nature and are to be seen as a dynamic document that can be updated on a regular basis to facilitate the implementation of the Model Rules. The secretariat noted that, as a result, although a version of the Guidance Notes is now available on the website, before it is printed it is still possible to make some adjustments to the contents at the session.

¹ This is subject to any change in the UNECE website between now and the next session which is outside the control of the Revisions Committee secretariat.

21. The Revisions Committee welcomed the publication of the Model Rules and noted the developments with the Guidance Notes. It asked the secretariat to continue its efforts in finalising the publication of the Guidance Notes.

VIII. Other business (agenda item 7)

22. Under this agenda item, the Chair, supported by the delegates in the room noted the importance of the Model Rules as a global initiative and as such asked that the documents for the sessions be translated into all the official languages of the United Nations (therefore also in Arabic, Chinese and Spanish) under UNECE's regular budget. Furthermore, the Chair, supported by delegates asked that, as no funding is available to finance participation in the meeting, that UNECE provide for the possibility of full hybrid meeting participation for future meetings under the regular budget. The secretariat noted that as only English, French and Russian are the only official languages of UNECE it may be difficult to get approval for the additional languages. It also mentioned that there are restrictions on being able to allow for hybrid participation through the regular budget due to budget limitations.

23. The Revisions Committee asked that, given the global nature of the Model Rules, the Working Party on Rail Transport ask the Inland Transport Committee to request, through the regular budget, for the translation of documents for the Revisions Committee session in all official United Nations languages and that future sessions of the Revisions Committee are held in hybrid format.

IX. Date of the next session (agenda item 8)

24. The Revisions Committee noted that the second session of the Revisions Committee would be held from 3 to 4 September 2024, with a possible extension to 2 September 2024, at the Palais des Nations in Geneva.

X. Summary of decisions and reading of the draft report (agenda item 9)

25. Given discussions at the session, the Revisions Committee decided to read and consider the entire draft report of the session, as prepared by the Chair, under this agenda item, rather than just the decisions. The Revisions Committee adopted its report of the first session and asked that the secretariat forward to SC.2 for adoption the agreed amendment proposal to the Model Rules, the request relating to the entry into force of these amendments, in addition to the separate request for additional services set out in section VIII above.

Annex

Proposed Amendments to Model Rules (2023) as agreed by the Revisions Committee

Article 3

Insert in Article 3 the following additional definitions:

“Admitted” means the date an item of railway rolling stock is first authorised for entry into operational circulation in accordance with applicable law;

“Credit agreement” shall be an agreement, as defined in the Convention, entered into following the entry into force of the Protocol in a Contracting State in which the debtor is situated;

“Qualifying rolling stock” means railway rolling stock that has been admitted on the date of signature of the credit agreement relating thereto or, where there is no such credit agreement, in the case of an item which is subject to a unilateral interest, admitted on the date the debtor is notified thereof;

“Running number” means the identification number allocated to an item of railway rolling stock by a national or regional agency authorising railway rolling stock on admission or, in the absence of such number, the identification number of the item used in operation;

“Transition period” means the later of the period of (a) 12 months from the date of signature of a credit agreement or (b) 18 months from the date the Protocol enters into force in accordance with Article XXIII (1) of the Protocol;

“Unilateral interest” means a non-consensual right or interest or a pre-existing right or interest.

Insert a new Article 7A as follows:

7A. Transition Rules

7A.1 Notwithstanding the provisions of Articles 5 and 6 if, on the signature of a credit agreement no URVIS marker is attached to an item of railway rolling stock, the keeper shall (a) use all reasonable efforts to affix the URVIS marker in accordance with Article 5 at the earliest possible opportunity, but in any event no later than the end of the transition period; and (b) ensure that the running number assigned at the time of signature of a credit agreement is marked on such item and is clearly visible; and (c) immediately affix the URVIS marker in accordance with Article 5 if the running number on the item changes or if there is no running number.

7A.2 Where there is no credit agreement entered into with respect to an item, Article 7A.1 applies in the case of a unilateral interest save that the transition period shall commence on the day the keeper is notified in writing by the holder of such interest.

7A.3 In exceptional cases where an item of railway rolling stock is physically inaccessible for the keeper and the debtor, a holder of a registrable interest may agree to extend the transition period to up to 3 years from the date of signature of the credit agreement or the date the debtor is notified of the unilateral interest, as appropriate, and if both apply, whichever is the earlier, provided that this derogation may only apply as between the holder and the debtor and shall not affect the rights of any other holder of a registrable interest.

7A.4 These transition rules only apply to qualifying rolling stock.
