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**Economic Commission for Europe****Inland Transport Committee****Working Party on Rail Transport****Seventy-eighth session**

Geneva, 13(pm)–15 November 2024

Item 3 of the provisional agenda

**Towards Unified Railway Law in the Pan-European Region and  
on Euro-Asian Transport Corridors****Next steps on Unified Railway Law****Submitted by the secretariat****I. Introduction and mandate**

1. The Working Party on Rail Transport adopted at its seventy-seventh session in November 2023 the Convention on the contract for international carriage of goods by rail. This Convention was created as a first Convention in a system of Unified Railway Law Conventions. Hence it was developed with the understanding that other Conventions, where applicable through the unification of existing laws, and where there is demand or legislative gaps, should be developed to form this system.

2. The Working Party agreed to explore the development of additional Conventions to form Unified Railway Law system at its seventy-eighth session. This document is prepared to support the discussion. In particular, it highlights earlier discussions and their outcomes with regard to demands or needs for unified railway laws which were held especially in the framework of the mandate of the Group of Experts towards Unified Railway Law (EGURL) as well as other intergovernmental discussions, outside of the direct deliberations of the Working Party and EGURL, exploring challenges in rail sector and identifying legislative gaps.

**II. Considerations of the Group of Experts towards Unified  
Railway Law**

3. EGURL, during its mandate, explored the needs for unifying railway laws other than contract of carriage, however, it was not in a position to formulate any concrete way forward or recommendation, let alone elaboration any concrete legal provisions beyond the contract of carriage. In addition, it should be recalled that many experts believed that EGURL was created with the expertise to deliver the unified law convention with a focus on the contract of carriage, and that many of the experts present were not able to discuss other aspects, while other expert groups should be established for elaborating instruments dealing with other relevant rail issues that require law unification or addressing a legislative gap.



4. EGURL also promoted the view that any such unification efforts should be only undertaken in areas where the new instruments would respond to a specific rail market need or improve the competitive position of rail vis-à-vis other modes taking into account the existing or planned operational practices in the rail sector between Europe and Asia and beyond.
5. EGURL more specifically reflected on needs for unification of laws concerning use of vehicles/wagons and use of infrastructure. Furthermore, EGURL, in its considerations, focused on rail freight carriage rather than passenger carriage and so any discussion that were held, for example on the law governing use of vehicles, should be viewed in that context.
6. On vehicle/wagon related legislation, it was recognized that from a high-level review of their purposes, COTIF CUV and SMGS Annex 6 have similar principles so an effort could be undertaken to unify them. It was however also noted that SMGS Annex 6, Article 4, refers to the technical standards of SMGS Annex 5 that wagons need to adhere to in order to be permitted for use in international carriage. This could mean that unification of wagon laws also requires unification of technical standards.
7. The technical standards would require long and detailed assessment before any conclusion with regard to the unification of the entire suite could be drawn. At the same time, the most necessary regulations/standards could be developed or unified if this is justified to support/facilitate the existing or planned operational practices in rail transport.
8. Concerning the laws on the use of infrastructure, COTIF CUI and SMGS Annex 4 appear to have different purposes, in which case unification of their provisions would not be possible. At the same time, EGURL identified a case that would justify a common law on the use of infrastructure. It was believed, at least by some experts, that if full or partial open access operation on networks was granted for railway undertakings in the entire ECE region, this would necessitate a law to regulate the contractual relationship between (i) the railway undertakings licensed for carriage of goods on the networks of foreign railways authorities and (ii) the foreign railways authorities/rail infrastructure managers. The contractual relationship would concern the use of infrastructure as well as the obligations and liabilities arising from it.
9. EGURL also reflected briefly on the existing practices in rail freight transport taking into account the technical differences in rail infrastructure, i.e. the wide application of a standard gauge (1435mm) in the Western part of the Economic Commission for Europe (ECE) region and the so-called Russian gauge (1520 mm) in the Eastern part of the region.
10. Transshipment and bogie changing technologies were considered at change of gauge stations. Transshipment is primarily used for cargo carried in containers, in which case there is no transfer of vehicles between COTIF and SMGS systems.
11. Bogie changing may be the preferred technology for cargo consisting of dangerous goods and transported in special wagons. This is due to the fact that for such goods the handling of the goods (pumping or pouring) generates additional safety and environmental pollution risk. At the same time, tank containers are also available what allows for container transshipment without the necessity of pumping or pouring of goods.
12. An alternative to bogie changing would be the use of variable gauge bogies on vehicles, in which case the entire trains can travel across the gauge interchange. This comes at extra costs linked with vehicle operation and high repair and maintenance costs, possible the reason why it is not widely used.
13. While EGURL did not formulate a common position on this, some experts suggested that the transshipment of containers was expected to continue as the predominant operational practice at for gauge interchange for cargo carriage. For this reason, EGURL did not identify any pressing need to work on unification of laws on use of vehicles for cargo carriage.
14. In addition, EGURL discussed the aspect of digitalization of documents in cargo carriage. Suggestions were made to discuss rail transport document digitalization beyond merely the digitalization of the consignment note. For the latter, many believed the Convention on the contract for international carriage of goods by rail incorporates consignment note digitalization provisions to the necessary degree.

15. EGURL also exchanged views on the laws for the carriage of dangerous goods by rail. It referred the work of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods. Beyond this work, it was unable to identify any regulatory problem with the transport of dangerous goods by rail between Europe and Asia that would require any legislative response.

16. Finally, EGURL briefly reflected on safety and interoperability standards of railways systems. It was noted by European Union (EU) member states and the European Commission that these standards for the EU countries are regulated at the level of the European Union and were subject to an on-going internal process of harmonization and simplification. At the same time, while the harmonization and unification of standards may be a desired future outcome, EGURL believed it did not have the competence and mandate for such a discussion.

### **III. Outputs from other intergovernmental discussions exploring challenges in rail transport**

17. The Working Party on Intermodal Transport and Logistics held, during its sixty-sixth session in 2023, a workshop on ways to create demand for intermodal transport and analysing the potential for modal shift. In this workshop, participants exchanged views on practices and measures for increasing reliability or competitiveness of intermodal/combined transport and concluded that certain solutions leading to better competitiveness of intermodal/combined transport depend on improvements in rail sector. Among them:

- Improved admission of train drivers to international rail traffic: there appears to be a need for identification of technological and automation solutions that would facilitate train drivers' admission to international traffic. International regulatory framework was recommended to enable wide application of such solutions.
- Increased possibility of path slotting/reduced path reservation time: there is a need for more flexibility to path reservation, allowing for increased capacity to adjust to cargo transport needs. International standard could potentially help introduce it as a practice.
- Improved capacity management: there is a need for path management based on transparent socio-economic measures. International standard could prove helpful.
- Interoperable railway systems: application of different rail systems decreases rail productivity over long distances. The most necessary standards should be unified or developed.

### **IV. Outlook and options**

18. Following the EGURL recommendation, the Working Party may wish to focus on issues which if addressed through new instruments would improve the positioning of the rail sector or facilitate rail transport taking into account the existing or planned operational practices in rail transport between Europe and Asia and beyond.

19. While EGURL in its former deliberations focused on freight transport, the Working Party may wish to consider instruments for the system of Unified Railway Law Conventions that would regulate either rail freight or rail passenger transport or both.

20. Concerning interoperable standards for railway systems, the Working Party may wish to consider standards in development in some countries or group of countries and undertake the creation of an ECE-wide standard in addition to an effort in attempting the unification of specific existing standards, where relevant and demanded. An example of the creation of an ECE-wide standard could be on digital automated coupling to avoid potential diversions in standards between Europe and Asia.

21. Moreover, for the existing standards and their unification, the Working Party may wish to build on the experience of its sister Working Party – the World Forum for Harmonization of Vehicle Regulations – under whose auspices the 1998 Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles,

Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles (GTR Agreement) was developed. The GTR Agreement co-exists with the 1958 Agreement<sup>1</sup> and it establishes a process through which countries from all regions of the world can jointly develop specific and desired UN Global Technical Regulations (UN GTRs) regarding the safety, environmental protection systems, energy sources and theft prevention of wheeled vehicles, equipment and parts. Thus far 19 UN GTRs have been developed and attached as addenda to the Global Registry of Technical Regulations. In similar way, specific and desired Global Rail Technical Standards could be developed and co-exist with other standards.

22. In conclusion, the Working Party may wish to consider options for instruments to address the following issues:

- Use of wagons in Euro-Asian rail transport and beyond for freight or passenger transport or both;
- Use of infrastructure in Euro-Asian rail transport and beyond;
- Globally interoperable standards;
- Digitalization of rail transport documents;
- Technical systems facilitating train driver admission to international traffic;
- Standards for rail capacity management and path allocation; and/or
- Any other options.

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<sup>1</sup> 1958 Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and /or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions.