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Working Party on Rail Transport

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Towards unified railway law in the pan-European region and along Euro-Asian transport corridors

Draft Joint Declaration on the promotion of Euro-Asian rail transport and activities towards unified railway law

Adopted by the UNECE Group of Experts on 19 October 2012

We, Ministers of Transport of Governments interested in Euro Asian rail transport:

Meeting in Geneva on February 2013 under the auspices of the United Nations Economic Commission for Europe (UNECE),

Recognizing the potential for efficient and seamless Euro-Asian rail transport caused by economic globalization and by ever increasing trade within the Euro Asia area,

Noting the progress of important rail infrastructure projects along Euro-Asian land transport links,

Noting also the continuous growth of containerized transport between Europe and Asia where railways are called upon to take a significant role and to also contribute to decreasing congestion at seaports,

Convinced that long distance Euro-Asian rail transport of goods may significantly increase, if fast, reliable and seamless rail and intermodal transport services are developed along Euro-Asian links,

Aware that globalization, railways reform and opening of transport markets provide railways with new options to reach out to transcontinental traffic and to turn Euro-Asian transport market opportunities into rail business,

Convinced that in order to make rapid progress towards that goal, Governments, with the assistance of international organizations, should cooperate and commit to a set of common objectives, legal principles and operational rules to provide support to railway transport,

Aware that Euro-Asian railway transport involves and transits many countries, all members of UNECE and UNESCAP, with different national railway systems and structures as well as different legal regimes governing international rail transport, i.e. Convention

concerning International Carriage by Rail (COTIF) Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM), Agreement on International Railway Freight Transport (SMGS), the relevant acquis of the European Union, the Customs Union of Belarus, Kazakhstan and the Russian Federation, the World Customs Organization (WCO), the Economic Cooperation Organization (ECO) and other inter-Governmental organizations,

Bearing in mind the progress achieved by the other transport modes in harmonizing and simplifying their legal framework, making it imperative to ensure comparable business conditions among these modes and rail transport,

Conscious that different legal regimes along Euro-Asian rail transport links increase cost, reduce competitiveness and impede the development of effective rail transport operations and efficient railways business,

Aware of the challenges posed by rail transport safety and security and *taking account* of the technical differences that should not become barriers to the development of Euro-Asian rail transport;

Welcoming progress made through the joint activities of the Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD) and the International Rail Transport Committee (CIT) in establishing the common CIM/SMGS consignment note, including related electronic documents,

Recognizing that further steps should be taken to facilitate the conclusion of Euro-Asian rail transport contracts,

Declare the following

1. Ministers having signed the present Joint Declaration endeavour to jointly develop and strengthen cooperation in the area of Euro-Asian rail transport;
2. Ministers strive to pursue the following strategy (rail map) to establish legal conditions for railways equivalent with those existing for competing modes such as road, air, inland water and maritime transport:
 - (a) Establishment of a unified set of transparent and predictable provisions for Euro-Asian rail transport operations in all countries concerned that would eventually facilitate border crossing procedures, particularly for transit traffic;
 - (b) Unification of international railway law with the objective to allow rail carriage under a single regime from the Atlantic to the Pacific;
 - (c) Analysis of existing international modal transport (road, rail, air, maritime and inland water transport) and related agreements in order to identify provisions and procedures important for the establishment of unified railway law;
 - (d) On the basis of a future material consensus on unified railway law, identification of an appropriate management system for unified railway law using the experience of international organizations in the field of the railway transport (OSJD, OTIF and others) as well as of international organisations of other modes of transport;
 - (e) Development of legal rules for unified railway law;
 - (f) Support for the widest possible use of electronic document workflow and intelligent transport systems;

3. Ministers invite interested railway enterprises, other stakeholders and international railway organizations to pursue, on the basis of the UNECE Position Paper adopted by its Working Party on Rail Transport (SC.2) (ECE/TRANS/2011/3), work on the development of optional model rules for Euro-Asian rail transport contracts (GTC EurAsia), in parallel and as a complementary direction from the strategic priorities contained in paragraph 2. This work should be in line with the principles of optionality, of providing uniform contracts, of being in line with the relevant provisions of the COTIF/CIM Convention and the SMGS Agreement and provide for a single (common) consignment note and, to the extent possible, a single liability regime. GTC Euro-Asia may be used for some types of rail freight transport and some types of cargo shipped by rail.

The UNECE secretariat is invited to provide its good offices to facilitate such endeavours. Progress achieved should be reported annually to the UNECE Working Party on Rail Transport (SC.2);

4. Ministers welcome the work undertaken and progress made by UNECE towards unified railway law and invite UNECE, with the participation of interested countries, to pursue its activities in this field with a view to making rapid progress towards unified railway law.

5. Ministers agree that further development and progress in the application of this Joint Declaration should be monitored at regular intervals by the UNECE Working Party on Rail Transport (SC.2) with the participation of interested countries.
