



Report on the execution of 2018-19 mandate by the Group of Experts towards Unified Railway Law

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Federation

Group of Experts

2018-19 mandate

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- (a) Monitor the finalization of necessary documents in order to perform international rail transport under the unified railway law
- (b) Monitor the performance of a substantial number of real pilot tests to be carried out by the railway companies
- (c) Draft a document (or systems of documents) on Unified Railway Law which could be adopted as a legally binding instrument
- (d) Discuss other relevant issues related to international rail freight transport with a view to adding, where appropriate, provisions to the document referred to at (c)

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report

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- ECE/TRANS/SC.2/2019/4
- Outcomes of five meetings
 - ECE/TRANS/SC.2/GEURL/2019/14
 - ECE/TRANS/SC.2/GEURL/2019/8
 - ECE/TRANS/SC.2/GEURL/2019/2
 - ECE/TRANS/SC.2/GEURL/2018/5
 - ECE/TRANS/SC.2/GEURL/2018/2

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task (a) – finalization of documents

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<i>Title of the document</i>	<i>Relevance to URL provisions</i>	<i>Modifications required</i>
1. Notice of damage	Article 28	There are no existing documents that could be modified, a new document should be developed.
2. Wagon label	Its use can be helpful to the railway undertakings	CIT 14 document could be used. No substantive content modifications necessary.
3. Wagon list	Article 5 para 2 in connection with Article 2 para. 10	CIM/SMGS Wagon list document could be used after modifications: substantive content changes to box 16.
4. Container list	Article 5 para 2 in connection with Article 2 para. 10	CIM/SMGS Container list document could be used after modifications: substantive content changes to box 16.
5. Subsequent orders	Articles 15 and 16	CIT 7 document could be used after modifications: substantive content changes to box on consignment number and on instructions.
6. Notification of circumstance preventing carriage	Article 17	CIT 8 document could be used after modifications: substantive content changes to box on consignment number and on circumstance preventing carriage.
7. Notification of circumstance preventing delivery	Article 17	CIT 9 document could be used after modifications: substantive content changes to box on consignment number and on circumstance preventing delivery.
8. Missing goods report	Article 20	CIT 21 document could be used. No substantive content modifications necessary.;
9. Notification of corrections	Articles 15,16, 17 and 18	CIT 22 document could be used. No substantive content modifications necessary. To be used for corrections, which are to be made or have been made to the consignment note when goods have already been sent.
10. Accompanying document	Its use can be helpful to the railway undertakings for subsequent processing of goods en route in case when the consignment of which the goods are part cannot be identified (goods without documents)	The accompanying document is to take the same form as a consignment note with the following changes: <ul style="list-style-type: none"> • Box 37: The description of the document is to read “Accompanying document” and the reference clause is not required. • The box situated next to box 37 of the consignment note and intended to identify the individual sheets of the consignment note is to be blank.

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Task b – performance of real pilot tests

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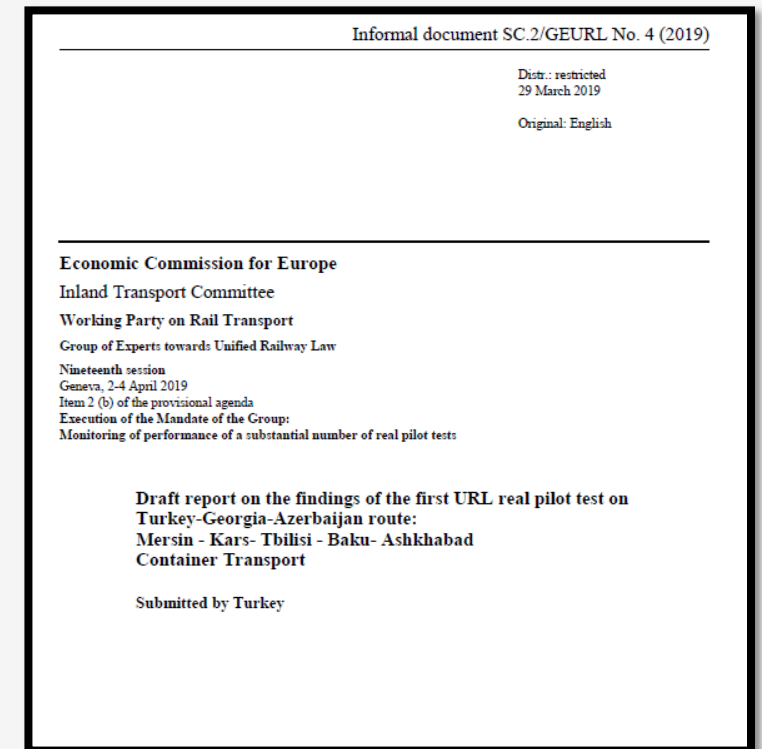


Test by railway companies from Turkey, Georgia and Azerbaijan

Test succeeded in verifying the validity and effectiveness of the draft URL provisions

Conclusion:

- No further changes to draft URL provisions
- Number of issues identified for consideration to modify the consignment note



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Task b – performance of real pilot tests

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Further considerations on the tests

- Difficulty with organization of tests:
 - Absence of railways undertakings in the work of the Group of Experts
 - Restrictions from SMGS article 3 to performance of tests (contractual basis, using provisions as general rules and conditions)
- No further test are necessary

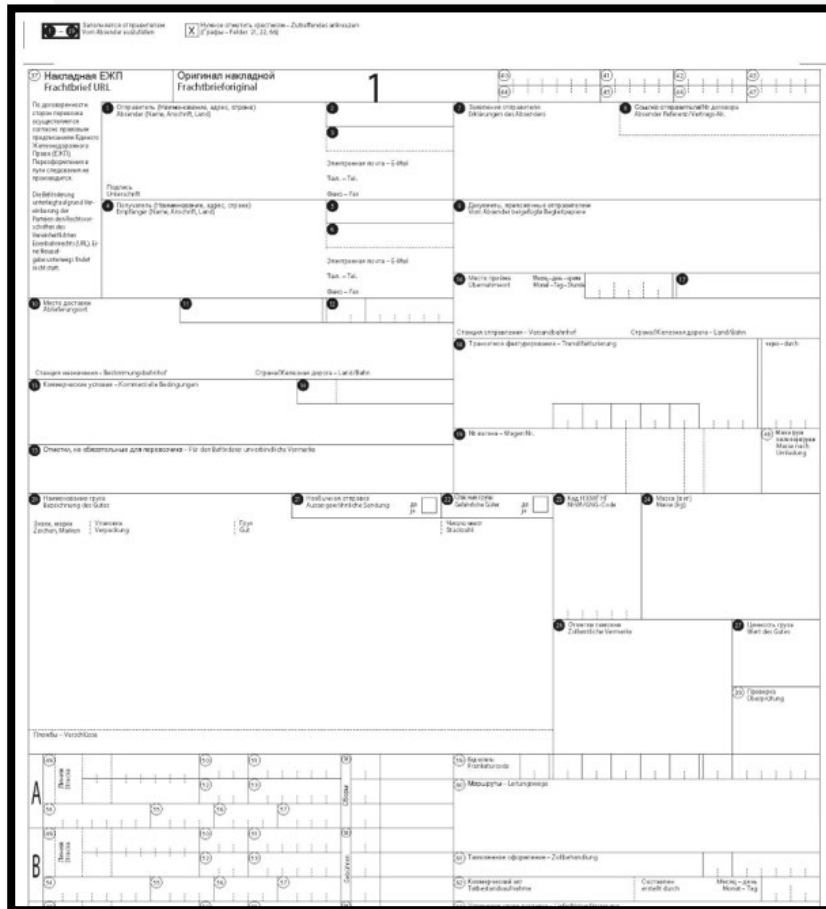
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Task b – performance of real pilot tests

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Consignment note



Further changes only when a legally-binding instrument for the contract of international carriage of goods by rail is adopted

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Tasks c/d – URL document/system of documents

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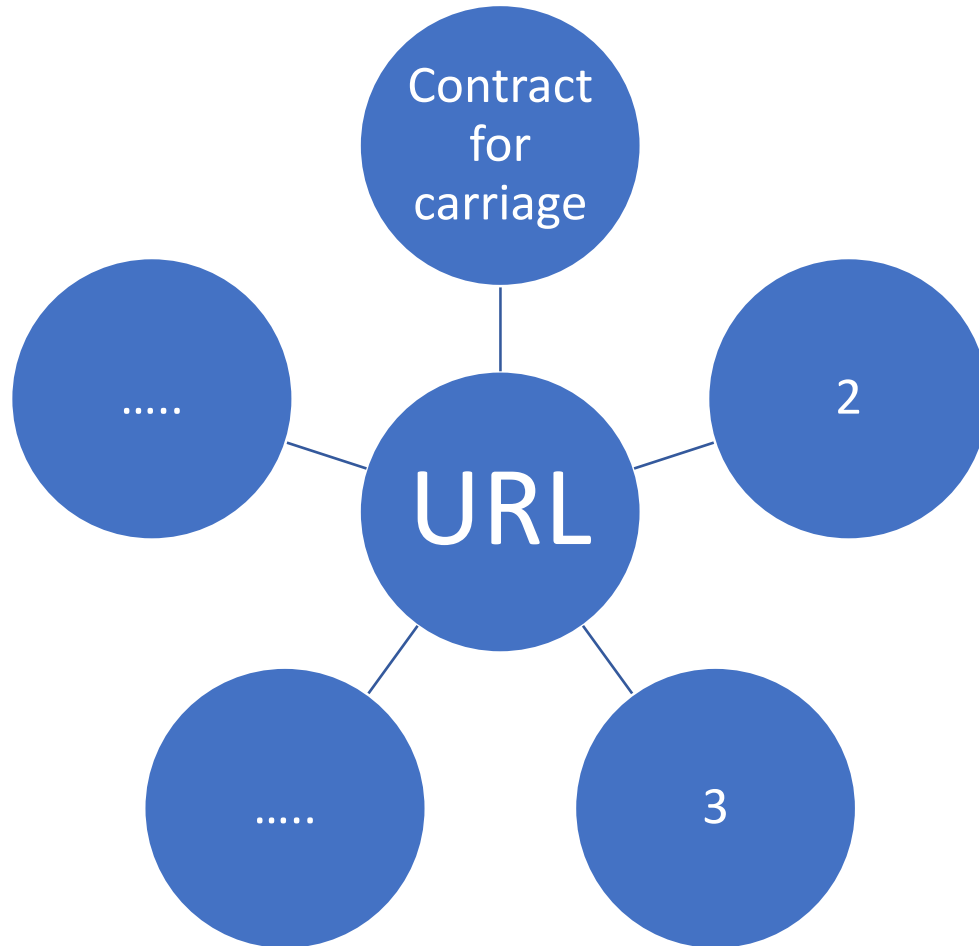


- Working documents considered
 - ECE/TRANS/SC.2/GEURL/2018/6 and ECE/TRANS/SC.2/GEURL/2018/6/Rev.1
 - ECE/TRANS/SC.2/GEURL/2019/5
 - ECE/TRANS/SC.2/GEURL/2019/12

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Tasks c/d – URL document/system of documents

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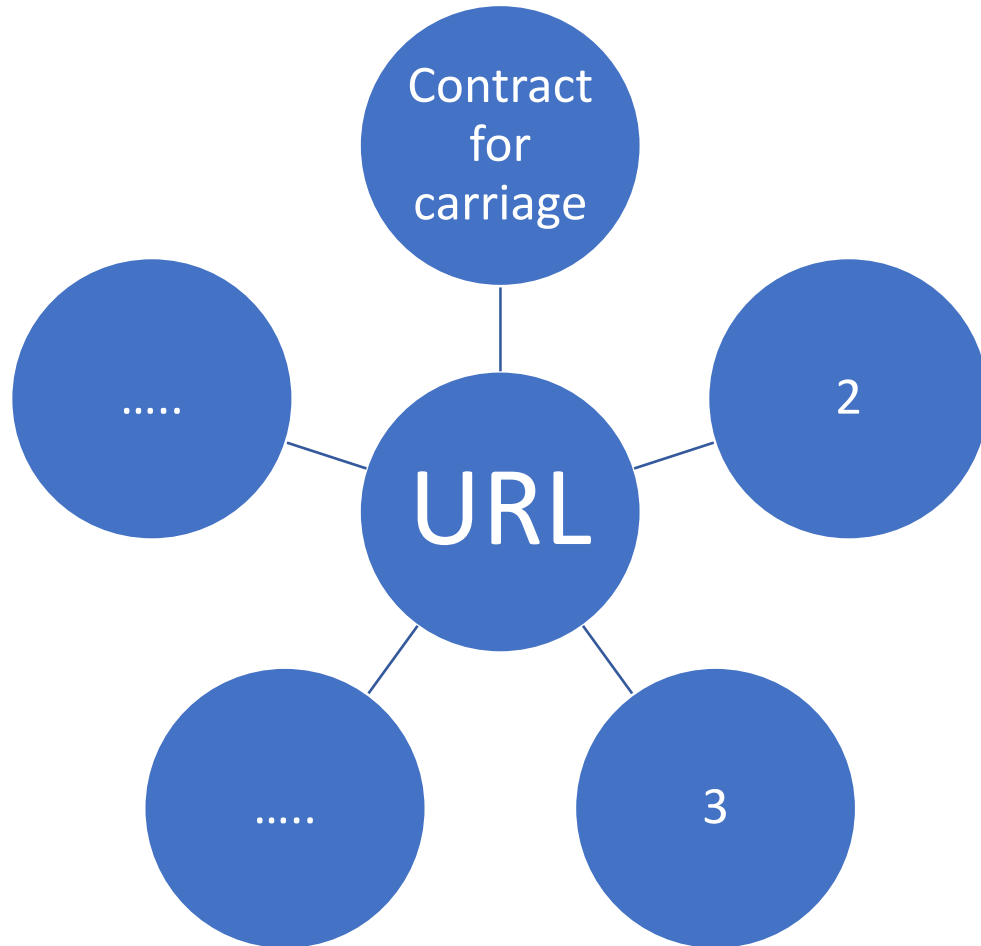
Outstanding:

- Adoption of all legal pieces at once (RF)
- Adoption of the separate legal pieces one by one (other countries)
- 2, 3, remains to be identified
Candidates: wagon law, rolling stock, dangerous goods, etc.

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Tasks c/d – URL document/system of documents

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Two converging but different views

- Adoption of all legal pieces at once (RF)
- Adoption of the separate legal pieces one by one (other countries)

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Tasks c/d – URL document/system of documents

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- Task c and d are not concluded, request for an extension of mandate – one year, two more meetings
- **SC.2 accepted this request** – extension under the existing ToR to conclude tasks (c) and (d)
- SC.2 also invited the secretariat to:
 - Expand the Group of Experts to invite to it country representatives with expertise on issues to be envisaged in the full set of conventions to form the system of URL conventions; and
 - Expand the geographical representation in the Group to invite to it interested countries along the entire Euro-Asian transport corridors
 - Explore the possibility to establish the legally binding URL instrument on a corridor basis based on agreements between the governments concerned

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Tasks c/d – URL document/system of documents

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Views on mandate continuation (Belgium, Greece, Luxembourg, Netherlands, Slovenia, Switzerland and the European Commission):

“

- Finalize the text of the legal instrument on the contract for international carriage of goods by rail (i.e. to agree on all substantive provisions, the management system, the preamble and final provisions)
- After the work referred to above is completed, identify and agree, where appropriate, on the next issue relevant to international rail freight, for which substantive URL provisions (another URL legal instrument) should be developed

“

Source ECE/TRANS/SC.2/232, para 29 (a) and (b)

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Tasks c/d – URL document/system of documents

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Views on mandate continuation (Russian Federation):

“

Development of a framework Convention, which should reflect provisions related to the organization and implementation of transcontinental transportation of goods by rail in the East – West – East route, and which should reflect a number of fundamental provisions discussed and agreed during the joint work within the framework of the Group of Experts, as set out in document ECE/TRANS/SC.2/2019/4, as well as proposals on the structure of a unified railway law, namely:

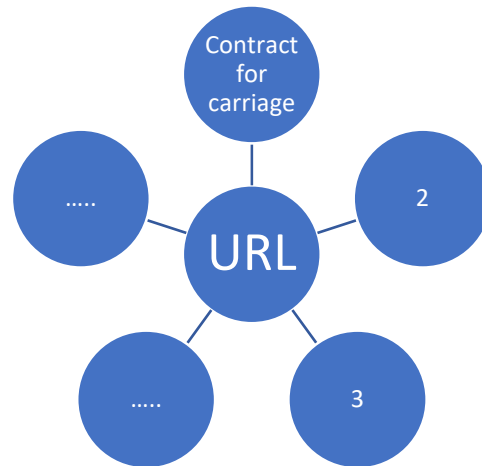
- Contract of carriage
- Infrastructure requirements
- Rolling stock requirements
- Use of wagons
- Management of unified railway law (a system of agreements governing all aspects of the functioning of railway transport)

“

Source ECE/TRANS/SC.2/232, para 30

ITC decision

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Two converging but different views

- Adoption of all legal pieces at once (RF)
- Adoption of the separate legal pieces one by one (other countries)

ITC is invited to extend the mandate of the Group of Experts further to the decision of SC.2

ITC may wish to provide further guidance



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Thank you!