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Inland Transport Committee

Working Party on Rail Transport**Group of Experts towards Unified Railway Law****Eighteenth session**

Geneva, 29–31 October 2018

Item 2 of the provisional agenda

Fulfilment of the Group's mandate**Proposals of the Ministry of Transport of the Russian Federation****Transmitted by the Russian Federation****I. Mandate**

The present document is submitted in conformity with cluster 4, Rail transport, and the Trans-European Railway (TER) project, paragraph 4.2. Draft programme of work of the transport subprogramme for 2018–2019 (ECE/TRANS/2018/21/Add.1), adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 123) and, under the terms of reference of the ECE Group of Experts towards Unified Railway Law (ECE/TRANS/2018/13/Rev.1), adopted by the Inland Transport Committee on 23 February 2018 (ECE/TRANS/274, para. 69) and the Executive Committee of ECE.

II. Proposals of the Ministry of Transport of the Russian Federation for the agenda of the seventeenth session of the Group of Experts

1. Concerning agenda item 5, we wish to make the following comments on the proposals of Deutsche Bahn AG (DB AG) to adapt the CIM/SMGS consignment note form to the draft legal provisions for international freight traffic (URL) for the purpose of using this document to perform pilot tests.

1.1. The draft consignment note still contains a number of references to CIM and SMGS, which is inappropriate, insofar as carriage is carried out according to URL (for example, the names of notes 3, 5 and 6 of the consignment note and the reference to RID/SMGS Appendix 2 in box 22 of the consignment note).



1.2. There is a need to analyse the number of notes of the consignment note once more. The draft was based on a CIM/SMGS form made up of 6 notes and, moreover, note 6 is used only for SMGS.

1.3. There is a need to take the CIM/SMGS consignment form approved by the OSJD Commission on Transport Law in October 2017 and CIT for CIM in March 2018 respectively as a basis.

1.4. An analysis of the number of boxes in the URL consignment note form must be conducted. Furthermore, boxes 49 to 58 are envisaged for charges for carriage under CIM. Taking into consideration a single URL consignment note, perhaps there is a need not to divide these boxes according to their falling under one agreement or another, or, for carriage under URL terms, the boxes may not be necessary as a whole.

1.5. There is a need to number the boxes sequentially in the form.

1.6. The draft form does not take account of the information provided for under article 6 of URL, as follows.

1.6.1. Name and address of the person to whom the goods have effectively been handed over if this person is not the contractual carrier (para. 1 (d) of the draft URL).

1.6.2. In case of using an intermodal transport unit, its category, number or other characteristics (para. 1 (k) of the draft URL); the agreed time of delivery (para. 2 (b) of the draft URL) and the agreed route to follow (para. 2 (c) of the draft URL).

1.7. The URL draft consignment note form does not provide for any mention of any of the points agreed on at the working meeting for the virtual pilot test on the basis of the draft URL (15–17 May 2017, Berlin), namely:

- Expansion of responsibility
- Complete time of delivery and partial time for individual carriers
- Time of transfer of the right to dispose of the goods from the consignor to the consignee
- Persons authorized for the consignor and consignee to give subsequent orders in the event of obstacles

2. Concerning agenda item 6:

We wish again to draw your attention to the fact that carrying out pilot tests requires the involvement of all participants in transport operations. The prospects for organizing pilot tests along the Russia-Belarus-Poland-Germany corridor were thus currently unclear because no representatives of Belarus were in fact involved in that work.

3. Concerning agenda items 7 and 8:

We reaffirm our position that the outcome of the work carried out within the framework of the Inland Transport Committee should be a single convention (or system of agreements), which should include the following.

3.1.1. General provisions on the contract for the carriage of goods in international freight traffic.

3.1.2. General provisions on the contract for the carriage of passengers in international rail transport.

3.1.3. General provisions on the carriage of dangerous goods in international freight traffic.

3.1.4. General provisions on the use of freight wagons in international rail transport.

3.1.5. General provisions on the use of passenger wagons in international rail transport.

3.1.6. General provisions on rail infrastructure.

3.1.7. General provisions on rolling stock.

III. Proposals of the Ministry of Transport of the Russian Federation on the draft Convention

1. The upcoming expert group meeting is expected to discuss the structural content of the draft of the new Convention and the algorithm for further work on preparing and negotiating that draft. It is proposed to add the following definitions in the Convention:

- General provisions on the contract for the carriage of goods in international freight traffic
- General provisions on the contract for the carriage of passengers in international rail transport
- General provisions on the carriage of dangerous goods in international freight traffic
- General provisions on the use of freight wagons in international rail transport
- General provisions on the use of passenger wagons in international rail transport
- General provisions on rail infrastructure
- General provisions on rolling stock

2. The draft legal provisions on the carriage of goods in international freight traffic developed by the Group of Experts may lay the ground for one of the annexes to the Convention as it is being finalized (General provisions on the contract for the carriage of good in international freight traffic).

3. We believe that it is appropriate to include provisions in the Convention concerning the contract of carriage regarding the rights and obligations of the parties to the contract of carriage, documentation, liability, assertion of claims and relationship between consignors, freight forwarders and carriers.

4. We also support the need to structure of the Convention so that it can be easily amended with provisions on other matters relating to international rail freight transport. The key aspect of the Convention should be a clear division of State authorities and the participants in the carriage process itself.

5. We consider it necessary for the draft Convention to reflect all the administrative provisions concerning in particular the depository, administrative committee, procedures for introducing amendments, voting rights, regional economic integration organizations and other matters.
