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### Inland Transport Committee

### Working Party on Rail Transport

Seventy-fifth session

Geneva, 17–19 November 2021

## Report of the Working Party on Rail Transport on its seventy-fifth session

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## I. Attendance

1. The Working Party on Rail Transport (SC.2) held its seventy-fifth session from 17 to 19 November 2021 in Geneva and online.
2. The session of the Working Party was attended by representatives of the following countries: Albania, Austria, Azerbaijan, Belgium, France, Georgia, Germany, Italy, Kazakhstan, Lithuania, Netherlands, Poland, Portugal, Russian Federation, Serbia, Slovenia, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. The following non-ECE member State attended the session: Mongolia. Representatives from the European Commission, the European Investment Bank (EIB) and the European Association of Railway Police Forces (RailPol) were present.
3. The Intergovernmental Organization for International Carriage by Rail (OTIF), International Institute for the Unification of Private Law, Organization for Cooperation between Railways (OSJD) and the Project Central Office of the Trans-European Railway (TER) were represented.
4. The following non-governmental organizations were represented: European Passengers' Federation (EPF), International Coordinating Council on Trans-Eurasian Transportation (CCTT), International Rail Transport Committee (CIT) and International Union of Railways (UIC).
5. Representatives of the following organizations, private sector and academia attended the session: Rail Working Group, Hupac Intermodal SA (HUPAC), Railweb GmbH, PKP Polish Railway Lines, TRA Consulting, Network Rail, Rebelgroup, Self-regulating Organization Union of Railway Operators Market and Moscow State University.

## II. Adoption of the agenda (agenda item 1)<sup>1</sup>

*Documentation:* ECE/TRANS/SC.2/235 and Corr. 1

6. The Working Party adopted the revised agenda as contained in ECE/TRANS/SC.2/235 and Corr. 1.
7. The Working Party regretted that its current session suffered from a considerable reduction in the allocation of conference services by the United Nations Office in Geneva versus the previously accepted service level which has led to some agenda items being covered only "for information" and others being postponed to the next session. SC.2 stressed the importance of the official intergovernmental deliberations for the promotion of railway transport and for increasing sustainability in countries of the ECE region. To this end, SC.2 expressed dissatisfaction that the cuts impacted its deliberations. It expressed a hope that such a situation would not be repeated in the future.

## III. Workshop on "Railways at the centre of the post-pandemic recovery – Connectivity through the railways" (agenda item 2)<sup>2</sup>

8. A workshop on "Railways at the centre of the post-pandemic recovery – Connectivity through the railways" was convened on the first day of the Working Party on Rail Transport. About 100 participants were registered for the event. The workshop discussed in detail the role of railways on the COVID-19 post-pandemic recovery highlighting various actions that had already been taken and others that were being considered for the immediate future.

<sup>1</sup> Information on the session is available at <https://unece.org/info/Transport/Rail-Transport/events/359087>.

<sup>2</sup> Presentations from the workshop are also at <https://unece.org/info/Transport/Rail-Transport/events/359087>.

Speakers from national and international institutions as well as from the railways shared their experiences on the subject and identified challenges and possible solutions going forward.

9. The Chair of the Working Party concluded by summarizing the workshop. Member States and other delegates commented positively on the importance of this workshop which provided examples showing the key role that the railways have in ensuring a more sustainable future for the transport sector and agreed that the workshop had been very useful and a great success.

10. The Working Party welcomed discussions at the workshop “Railways at the centre of the post-pandemic recovery – Connectivity through the railways” and requested that the secretariat prepare a summary document of the workshop in order to continue discussion on this topic at future sessions of the Working Party.

#### **IV. European Agreement on Main International Railway Lines (agenda item 3)**

*Documentation:* ECE/TRANS/SC.2/2020/2, ECE/TRANS/SC.2/2020/4  
ECE/TRANS/63/Rev.4, ECE/TRANS/SC.2/2021/2, C.N.89.2021.TREATIES-XI.C.3,  
C.N.280.2021.TREATIES-XI.C.3

11. The European Agreement on Main International Railway Lines (AGC) currently has 28 contracting parties.<sup>3</sup> Detailed information on AGC, the up-to-date and consolidated text of AGC (ECE/TRANS/63/Rev.4), a map of the AGC network, the document ECE/TRANS/SC.2/2020/2 setting out the background, benefits and accession requirements for the AGC, an inventory of minimum standards stipulated in AGC and the Depository Notifications are available on the website of the Working Party.<sup>4</sup> The Working Party noted the importance of having the current consolidated version of the AGC published and available in all official ECE languages.

12. The Working Party took note of the efforts of the secretariat to increase the number of contracting parties to AGC and noted the accession of Turkmenistan to AGC in August 2020.

13. The Working Party recalled that at its seventy-fourth session, it had requested the secretariat to proceed with the depository notification for the amendments set out in ECE/TRANS/SC.2/2020/4 in relation to changes proposed by the Republic of Serbia to annex I of AGC and adopted at its seventy-fourth session. These amendments were notified to the depository in New York on 24 March 2021 (C.N.89.2021.TREATIES-XI.C.3). The secretariat informed the Working Party that no objections were received before the September 2021 deadline (C.N.280.2021.TREATIES-XI.C.3) and thus the amendments entered into force on 12 December 2021.

14. The Working Party was informed that the secretariat had received a proposal for amendment to annex I of AGC from Georgia (ECE/TRANS/SC.2/2021/2). The secretariat noted that these amendments were in line with similar amendments made by Georgia to the European Agreement on Main International Combined Transport Lines and Installations (AGTC). The Working Party approved these amendments.

15. Finally, under this agenda item, the secretariat explained that work continues on the modernization of AGC through the gathering of data in collaboration with the European Union Agency for Railways (ERA) in order to provide accurate information on the AGC network in GIS format. The secretariat will inform the Working Party of progress on this point at its next session.

<sup>3</sup> Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Poland, Republic of Moldova, North Macedonia, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Turkey, Turkmenistan and Ukraine.

<sup>4</sup> [www.unece.org/trans/main/sc2/sc2\\_agc\\_text.html](http://www.unece.org/trans/main/sc2/sc2_agc_text.html).

16. The Working Party welcomed the updated information on AGC including on accession and additional steps taken in the modernisation of the Agreement. The Working Party noted that the amendments agreed in ECE/TRANS/SC.2/2020/4 had been notified to the depository and that they entered into force on 12 December 2021 as no objections had been received. It asked the secretariat to send the amendments agreed at the seventy-fifth session, included in ECE/TRANS/SC.2/2021/1, to the depository.

## V. Towards unified railway law in the pan-European region and on Euro-Asian transport corridors (agenda item 4)

*Documentation:* ECE/TRANS/SC.2/2018/13/Rev.1,  
ECE/TRANS/SC.2/GEURL/2020/4, ECE/TRANS/SC.2/GEURL/2020/5,  
ECE/TRANS/SC.2/GEURL/2020/6

17. The Working Party recalled that, at its seventy-third session in 2019, it had decided to extend the mandate of the Group of Experts towards Unified Railway Law (GEURL) for two more sessions, to be held in 2020, under the current Terms of Reference, as set out in document ECE/TRANS/SC.2/2018/13/Rev.1. to conclude on tasks (c) and (d) and to report to the Working Party at its seventy-fourth session in November 2020.

18. Unfortunately, due to the COVID-19 pandemic and United Nations liquidity issues, restrictions had been placed on the ability of ECE to hold meetings as scheduled. These limitations had led to delaying the two sessions, which finally could only take place on 28 and 29 September 2020, and from 13 to 15 January 2021. As a result of this delay, the Working Party could only be apprised of outcomes from the first of the two meetings of GEURL at its seventy-fourth session in 2020 while the discussion on the execution of the mandate had to be postponed to the seventy-fifth session.

19. The secretariat introduced ECE/TRANS/SC.2/2021/1 which contains the report on the execution of the extension of 2018–2019 mandate by GEURL. The secretariat referenced all the outputs produced by GEURL during the mandate extension, in particular ECE/TRANS/SC.2/GEURL/2021/3 which consolidates the text of various provisions prepared by GEURL relevant to the unified railway law (URL) contract for international carriage of goods by rail (CoC) Convention. This document can be considered as the draft URLCoC Convention, which if finalized would become the first Convention of a system of URL Conventions. The secretariat also voiced the position of the Russian Federation suggesting that it was premature to prepare the draft URLCoC Convention and reiterated the two opposing approaches to the development of URL:

- Approach A – creation of unified rules for rail transport on Euro-Asian corridors in areas where they are urgently needed by the industry – i.e. the contract of carriage – while leaving unaffected the two existing rail organizations and the legal rules (in particular Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM) and Agreement on International Freight Traffic by Rail (SMGS)) applicable for transports of goods within their respective territories (interface law), and
- Approach B – creation of a single set of unified legal rules for any cross-border rail transport in the Euro-Asian area replacing the existing systems of CIM and SMGS and only being put in force after all annexes (e.g. infrastructure, rolling stock, wagon law, transport of dangerous goods, etc.) have been negotiated and adopted. According to this approach, the industry does not have an urgent demand in the third legal regime, as CIM/SMGS consignment note provides seamless railway deliveries.

20. The secretariat further informed the working party that GEURL had not identified in unanimous way any specific issue related to international freight transport for which unified rules would need to be developed. GEURL believes that depending on approach (A or B) followed in the development of URL, there would be potentially different needs for unification of rules.

21. Finally, the secretariat told the Working Party that GEURL with the outputs produced during the mandate extension deemed its mandate concluded while, at the same time, GEURL invited the Working Party to:

- For task (c): take stock of the two approaches and decide on a possible way forward, if needed including further consultations, and
- For task (d): analyse the available material and agree on potential next steps, either by organising a work on preparation of specific unified legal provisions or by starting a specific research.

22. The OTIF secretariat informed the Working Party about the decision from the fifteen session of OTIF's General Assembly concerning the ECE project on the unification of railway law reproduced in the Informal document SC.2 No.1 (2021). OTIF's General Assembly would only support the formation and adoption of URL to facilitate international rail freight transport as interface law which would not conflict with OTIF's relevant rules.

23. OSJD told the Working Party it was working on holding consultations with OTIF on URL and a possible URLCoC Convention.

24. In the discussion that ensued various countries expressed their positions towards development of URL:

- Slovenia supported the development of URL through a step-by-step approach and requested that the URLCoC Convention be concluded based on the draft prepared by GEURL as the first Convention of URL System of Conventions.
- Poland supported the Approach A to the development of URL and also requested that the URLCoC Convention be concluded.
- Russian Federation reiterated its support to development of URL as a single set of unified legal rules for any cross-border rail transport in the Euro-Asian area replacing the existing systems of CIM and SMGS and only put in force after all of its agreed annexes have been negotiated and adopted. Russian Federation did not see a need in the development of URL as a "third" legal regime and was against finalisation of the URLCoC Convention based on the consolidated text prepared by GEURL.
- The Netherlands called upon the Working Party to respond to the needs of the market. In this context, the Netherlands supported the development of URL through Approach A. The Netherlands was convinced that the finalisation of the URLCoC Convention based on EGURL's draft would be a success.
- Germany thanked EGURL for their work and appreciated the finalisation of the mandate. Germany was in favour of a pragmatic solution and considered as such development of URL through Approach A. Germany requested that the URLCoC Convention was finalized based on the consolidated text prepared by GEURL.
- Switzerland and United Kingdom also supported the step-by-step approach and thus Approach A.

25. The European Commission voiced its view in favour of the finalization of the URLCoC Convention based on the text prepared by GEURL. The European Commission proposed the Convention would be finalized by interested member States through a correspondence procedure and that the Convention's final version be tabled by them for adoption at the next session of the Working Party.

26. The Russian Federation stressed the fact that no consensus had been reached on the development of URL and it requested to refer the decision on the development of URL to the Inland Transport Committee at its next session.

27. A number of countries including the Netherlands, Poland and Slovenia and as well as the European Commission opposed the proposal of simply referring the decision on URL to ITC. They considered the Working Party was the right forum to identify the way forward and so agree its position towards the development of URL, and only then transmit this position to ITC.

28. The Working Party thanked the secretariat for presenting the report on the execution of the extension of the mandate by GEURL. It also thanked its member States and other stakeholders for presenting their positions.

29. SC.2 welcomed work done by the Group of experts towards Unified Railway Law (URL). Considering all the positions and views expressed, SC.2 agreed that decisions on the way forward on URL are up to SC.2 to decide. To this end, it agreed on the conclusion of the mandate by the group of experts.

30. As regards the development of a URL legally binding instrument, SC.2 noted the valuable material and analyses produced by the Group of Experts. It also recognized at the same time that no consensus was reached for the preparation of a document on URL which could be adopted as a legally binding instrument.

31. SC.2 noted the view expressed by Albania, Austria, Belgium, Germany, France, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovenia, Switzerland, Turkey and United Kingdom of Great Britain and Northern Ireland as well as the European Commission participating in the seventy-fifth session who favour a step-by-step approach for the development of URL, and the finalisation and adoption, as a first step, of an interface law convention on contract for international carriage of goods by rail between COTIF/CIM and SMGS to fill a gap in the international regulations when neither the COTIF/CIM nor SMGS apply over the entire journey (traffic on Euro-Asian corridors); document ECE/TRANS/SC.2/GEURL/2021/3 produced by the Group of Experts contains the consolidated text of a draft Convention on the contract for international carriage of goods by rail as a possible first Convention of a system of Unified Railway Law (URL) Conventions.

32. SC.2 also noted the view expressed by the Russian Federation on its position regarding URL as a single set of unified legal rules for any cross-border rail transport in the Euro-Asian area replacing the existing systems of CIM and SMGS and only being put in force after all annexes (e.g. infrastructure, rolling stock, wagon law, transport of dangerous goods, etc.) are adopted.

33. SC.2 agreed to hold the consultations of Member States and other stakeholders such as OSJD and OTIF managed by the Chair with support of the secretariat on URL till the seventy-sixth session in November 2022.

34. SC.2 further noted the efforts of OSJD and OTIF to establish OSJD-OTIF consultations. SC.2 invited OSJD and OTIF to provide input from any relevant OSJD-OTIF consultations.

35. SC.2 also empowered its Chair to hold a meeting of friends of the Chair, should he find the need to do so for facilitating the consultations identified in paragraph 33.

## **VI. The Permanent Identification of Railway Rolling Stock (agenda item 5)**

*Documentation:* ECE/TRANS/SC.2/PIRRS/2021/2, ECE/TRANS/SC.2/PIRRS/2021/7

36. The Working Party recalled it had decided to create the Group of Experts on the Permanent Identification of Railway Rolling Stock at its seventy-third session. The secretariat explained that the Group had met twice in 2021 with a significantly reduced timetable resulting from the restrictions imposed by the United Nations Office of Geneva. Notwithstanding these difficulties, important progress was made in the mandate with discussions focusing on the form in which rolling stock is to be marked and its location. The Group also agreed that a key component of this work was the development of model rules for the permanent identification of railway rolling stock. The secretariat noted that discussions will continue during the May and September 2022 sessions and the Group will report on progress to SC.2 in November 2022.

37. The Working Party noted that the developments in the work of the Group of Experts on the Permanent Identification of Railway Rolling Stock and encouraged experts to continue their excellent work.

## VII. International Railway Passenger Hubs (agenda item 6)

38. The Working Party recalled that, following a very interesting workshop on international passenger transport in the ECE region, it had decided to create a new Group of Experts on International Railway Passenger Hubs at its seventy-fourth session to work on further facilitating the switch to rail for passengers. The Group recalled that the focus of the group is on the identification of railway passenger stations that could act as hubs, the facilities that should be in those hubs, what legal instrument to adopt once this identification has been made, to review current legal instruments in rail passenger transport and to identify what incentives have been provided to operators during the pandemic.

39. The secretariat explained that the Group had its first meeting in July 2021 and has its second meeting in December 2021. Work had commenced all the tasks of the mandate with wide stakeholder involvement. The Group will continue its work and meet twice in 2022. An update of progress with the Group will be presented at the next session of SC.2 in November 2022.

40. The Working Party noted that the developments in the work of the Group of Experts on International Railway Passenger Hubs and encouraged experts to continue their excellent work.

## VIII. Euro-Asian rail transport (agenda item 7)

41. The Working Party recalled that at its seventy-third session a workshop was held on: “Making rail freight more competitive and the coordinated development of the rail network with a focus on how to work together at the government and sectoral levels on EATL”<sup>5</sup>. Following the seventy-third session a summary publication was prepared by the secretariat and is available on the Working Party’s webpage.

42. The Working Party was informed about new developments on Euro-Asian rail transport corridors, its involvement in developing the EATL project, including the results of the recent meetings on EATL and developments in relation to the “Sustainable Inland Transport Connectivity Indicators”.

43. HUPAC and CCTT presented developments in Euro-Asian transport. An update from United Transport and Logistics Company – Eurasian Rail Alliance on the Eurasian Rail Alliance Index (ERAI) was not possible at this session.

44. The secretariat updated participants on developments in EATL and on the SITCIN project. On EATL, the Russian Federation stated that, as the participant member States in the coordinating mechanism are all OSJD members, it is important to have further consultations on the coordinating mechanism prior to the next meeting of the Inland Transport Committee between OSJD and ECE to ensure that it matches the relevant OSJD corridor. The Working Party noted that it was competent to decide on such aspects as this was a project run by the Working Party on Transport Trends and Economics.

45. The Working Party thanked HUPAC and CCTT for their presentations and noted the developments in EATL and SITCIN. The Working Party noted the request from the Russian Federation that consultations be held between ECE and OSJD on the setting up of a coordinating mechanism prior to the next meeting of the Inland Transport Committee. The Working Party asked that this information be transmitted to the Working Party on Transport Trends and Economics (WP.5).

## IX. Trans-European Railway project (agenda item 8)

*Documentation:* ECE/TRANS/WP.5/2021/3, publication: “High speed Masterplan for the TER region Phase 2 – A general background to support further required studies”

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<sup>5</sup> Euro-Asian Transport Links (EATL).



46. The Project Manager of TER project, Ms. M. Kopczynska reported on the activities of the TER Project for 2021 (ECE/TRANS/ WP.5/2021/3). The work of the TER Steering Committee had focused on facilitation and development of coherent and efficient international railway and combined transport system in the Central and Eastern European countries (through the territories of the TER countries and between them and other European countries) as well as on the completion of a High Speed Masterplan for the region and the initiation of three important projects: on setting up a GIS based platform for AGC and AGTC for the TER region, on assessing the technical compliance of TER country networks to AGC and AGTC and on preparing a new strategy for the TER project.

47. The Working Party took note of the information provided by the TER Project Manager and welcomed the continued progress on the delivery of its mandate.

## **X. Railway financing and Public-Private Partnerships (agenda item 9)**

48. The Working Party recalled the discussions at previous sessions on good practices in implementing Public-Private Partnerships (PPPs) in railway infrastructure development, and on the development of standards aimed at facilitating the implementation of PPP projects. On this subject, presentations were made by EIB on railways and PPP projects that it is funding as well as its role as EU's Climate Bank.

49. The Working Party welcomed the presentations from EIB.

## **XI. Rail Security (agenda item 10)**

*Documentation:* ECE/TRANS/SC.2/2018/2

50. The Working Party recalled that in 2018 the "Workshop on Rail Security" had been organized with UIC and the International Transport Forum (ITF) at the ITF Annual Summit in Leipzig, Germany. The main conclusions are in ECE/TRANS/SC.2/2018/2. The workshop was well received, and the secretariat received positive feedback as a key area of cooperation between ECE, ITF and UIC.

51. The Working Party recalled that the secretariat had developed an advanced web-based platform on rail security which can operate as an international observatory on rail security issues (henceforth the Rail Security Observatory).

52. The secretariat informed the Working Party that it is working closely with UIC on security matters as requested by the Inland Transport Committee at its eighty-third session in February 2021. For this year this has involved reciprocal participation in rail security related events.

53. During this agenda item UIC updated the Working Party on its work in the security field as well as on the activities of the COVID-19 Task Force that is helping railways share good practice in combatting the virus and facilitating a rail focused recovery.

54. RailPol also updated the Working Party on its activities in relation to rail security.

55. The Working Party thanked UIC and RailPol for their interventions and requested that the secretariat keep it updated on developments in this area and on the ECE rail security observatory at future meetings.

## **XII. Innovation in Rail Transport (agenda item 11)**

*Documentation:* ECE/TRANS/SC.2/2019/5

56. The Working Party recalled that it agreed to the creation of a rail innovation observatory aimed at sharing with member States best practice innovations that could further help develop the competitiveness of the railways. The aim would also be to assist in achieving the Sustainable Development Goals and work towards the achievement of technology pillar

of the Inland Transport Committee (ITC) strategy. The secretariat informed the Working Party that work was still ongoing on the preparation of this observatory.

57. The Working Party recalled that at its seventy-third session it discussed document ECE/TRANS/SC.2/2019/5 prepared by the secretariat on innovation in rail transport. This was in line with the ECE road map for promoting the use of Intelligent Transport Systems (ITS) that contains 20 global actions for 2012–2020 (“Intelligent Transport Systems (ITS) for sustainable mobility”, 2012).

58. The secretariat informed the Working Party that ITC, at its eighty-third session in 2021, adopted a Road Map until 2025 on Intelligent Transport Systems (ITS) to which SC.2 provided input under action 10 – Integrating with rail transport. Going forward, the secretariat will inform the secretary to the World Forum for Harmonization of Vehicle Regulations (WP.29) in his capacity of the ITS focal point, on SC.2 activities that support the implementation of the ITS Road Map for its action 10.

59. The Working Party asked the secretariat to update it on progress with the rail innovation observatory at its next session and to continue efforts tied to the ITS Road Map in relation to rail.

### **XIII. Productivity in Rail Transport (agenda item 12)**

*Documentation:* ECE/TRANS/SC.2/2020/7, ECE/TRANS/SC.2/2021/4

60. The Working Party recalled that, at its last session, it agreed to sending the productivity questionnaire provided in document ECE/TRANS/SC.2/2020/7. The secretariat informed the Working Party about the data gathering efforts made and the information received as contained in ECE/TRANS/SC.2/2021/4 based on UIC and ECE data.

61. The Working Party thanked UIC and the secretariat for undertaking this analysis and requested that the analysis be continued on a biannual basis.

### **XIV. Climate Change and Rail Transport (agenda item 13)**

62. The secretariat informed the Working Party on the activities of the Group of Experts on Climate Change Impacts and Adaptation for Transport Networks and Nodes; on Climate Change mitigation and the For Future Inland Transport Systems tool; and activities related to green logistics, eco-scoring and related matters. Noting in particular its collaborations with UIC and the Working Party on Intermodal Transport and Logistics (WP.24) and related work of the secretariat such as the publication: “Recommendations for Green and Healthy Sustainable Transport – Building Forward Better”.

63. The Working Party thanked the secretariat for the updates on climate change and rail transport and asked that it be updated on this at future meetings.

### **XV. Railway Reform (agenda item 14)**

64. The Working Party was informed about the developments on railway reform, building on the workshop held at the seventy-first session of the Working Party. The secretariat noted that, Ukraine and the United Kingdom (through the presentation of the Chair of Network Rail) had highlighted aspects related to its reform process within its presentation under agenda item 2.

65. The Working Party reminded member States that they may want to update participants on similar reforms in respective countries at future meetings.

## **XVI. Facilitation of international rail transport in the pan-European region (agenda item 15)**

*Documentation:* ECE/TRANS/WP.30/2021/4

66. The Working Party was informed by the secretariat about developments in the new annex 9 to the “Harmonization Convention” on facilitating rail border crossings in the pan-European region. The Working Party discussed the draft survey developed by the secretariats of SC.2 and the Working Party on Customs Questions affecting Transport (WP.30) on annex 9, included in ECE/TRANS/WP.30/2021/4 and its update included in Informal document No. 3 (2021) as agreed at the session of WP.30 in October 2021. The Working Party noted that the survey was now in a position to be completed by railway stakeholders.

67. The Working Party thanked WP.30 and the secretariat for the preparation of a survey on border crossing procedures for rail movements and asked the secretariat to send the survey to SC.2 delegates for completion.

68. The OTIF secretariat informed the Working Party that, during the summer of 2021, it had launched a consultation with its members and relevant stakeholders in the rail, transport and customs sectors on the interfaces between customs regulations and transport. The consultation focused on article 6 paragraph 7 of CIM which provides that “[i]n the case of carriage which takes place on the customs territory of the European Union or the territory on which the common transit procedure is applied, each consignment must be accompanied by a consignment note satisfying the requirements of article 7.” Railway undertakings benefited from a simplified transit regime for goods carried by rail or in large containers. The CIM consignment note was therefore a valid Community transit declaration. The current European Union customs legislation limits the use of electronic transport documents as a transit customs declaration to transport by sea and air. Transport by rail is unequivocally excluded. It is planned to deploy the NCTS5, along with the attendant end to paper-based transit, between 2021 and 2023. In customs matters, the railways are a crucial step. The OTIF secretariat therefore questioned why the survey for annex 9 was not also being sent to customs authorities. It noted that it would approach the relevant organs (WP.30 and SC.2) to exchange information on the current surveys. The Secretary of WP.30 noted that the customs authorities present in its session had noted that they would not be in a position to complete the annex 9 survey and that as such it should be shared with SC.2 focal points as those working directly on customs matters on international rail journeys.

69. No further information was provided by OSJD and ERA on their joint work on the harmonization of technical specifications on different railway systems. The Working Party asked OSJD and ERA to update it on developments at future meetings.

## **XVII. Rail Review (agenda item 16)**

*Documentation:* ECE/TRANS/WP.30/2019/7

70. The Working Party recalled that at its seventy-third session, it had discussed document ECE/TRANS/SC.2/2019/7 setting out investment-related data on projects and the mapping of this information on a GIS platform and the preparation of a dedicated publication.

71. The Working Party noted the important work done at previous sessions on rail review including a dedicated publication. It noted that many of the issues here are closely related to the developments under the agenda item on rail reform and decided to merge these two agenda items for future sessions.

## **XVIII. Rail statistics (agenda item 17)**

72. The Working Party was informed by the secretariat about the ongoing work in rail statistics and its relevance to the Working Party, in particular, the work of the Working Party on Transport Statistics (WP.6) and the data being gathered for the E-Rail Census.

73. The Working Party noted the developments in rail statistics as set out by the secretary of WP.6 and asked that the secretariat is kept informed at future sessions of SC.2.

## **XIX. Improving safety in Rail Transport (agenda item 18)**

74. The secretariat updated the Working Party on the developments related to the CTU Code as a key element of railway safety. EPF noted the importance of further analysis in relation to trips, slips and falls at railway stations as discussed at previous sessions.

75. The Working Party welcomed progress in the preliminary work in the updating of the CTU Code and asked that the secretariat is kept informed on this and other safety related issues at future sessions of SC.2.

## **XX. Activities of Inland Transport Committee and its subsidiary bodies (agenda item 19)**

76. The Working Party was informed about progress in the implementation of the ITC strategy and the Working Party discussed the role of rail transport in assisting in its achievement.

77. The Working Party noted the activities of ITC with a specific focus on rail transport and asked the Chair, with the support of the secretariat, to continue to monitor the implementation of ITC Strategy with respect to railways.

## **XXI. Activities of the European Commission in rail transport (agenda item 20)**

*Documentation:* Informal Document No.4 (2021)

78. The Working Party was informed by the representative of European Commission of the European Union (EC) about its most recent developments (Informal document No.4 (2021)). The Working Party noted the update provided by the European Commission.

## **XXII. Activities of international organizations in rail transport (agenda item 21)**

79. The Working Party was informed by CIT about its activities on rail and inland waterways and by OTIF on its activities. The Working Party thanked CIT and OTIF for their interventions.

## **XXIII. Programme of Work 2022–2023 (agenda item 22)**

*Documentation:* ECE/TRANS/SC.2/2019/2, ECE/TRANS/SC.2/2020/1, ECE/TRANS/SC.2/2021/3

80. The Working Party recalled that at its seventy-third session it approved the document on the implementation of the ITC strategy (ECE/TRANS/SC.2/2019/2). At its seventy-fourth session the Working Party then adopted its new terms of reference adjusting its approach to reflect the implementation of the ITC strategy (ECE/TRANS/SC.2/2020/1). This document was then subsequently approved by the Inland Transport Committee. Based on these documents, the secretariat has prepared a draft programme of work for the period 2022–2023 (ECE/TRANS/SC.2/2021/3). The Working Party adopted the updated programme of work for 2022–2023.

## **XXIV. Other business (agenda item 23)**

81. No items were discussed under this agenda item.

**XXV. Election of officers (agenda item 24)**

82. The Chair of the Working Party on Rail Transport, Mr. Krzysztof Kulesza announced that he would not be a candidate for Chair of the Working Party at the end of his term this year. The Working Party proceeded to discuss potential candidates for the Chair and Vice-Chair positions of the Working Party.

83. The Working Party thanked Mr. Kulesza for his 14 years of chairmanship of the Working Party on Rail Transport during which he contributed significantly to the advancement of the rail sector. The Working Party elected Mr. Hinne Groot from the Netherlands as Chair of the Working Party on Rail Transport for 2022 and Vice-Chair for 2023 and Mr. Jakub Kapturzak from Poland as Vice-Chair for 2022 and Chair for 2023.

**XXVI. Date and venue of next session (agenda item 25)**

84. The Working Party confirmed the dates of 16 to 18 November 2022 for the next session of SC.2 hoping that by then the restrictions on room availability and interpretation will have been removed.

**XXVII. Adoption of decisions (agenda item 26)**

85. As agreed, and in line with the Working Party decision of its fifty-second session (TRANS/SC.2/190, paragraph 6), the Working Party reviewed the main decisions of the session, and the secretariat, in cooperation with the Chair and Vice-Chairs prepared the present report.

86. The Working Party adopted its list of decisions which, as per recent EXCOM decision, would be subject to a 72-hour silence procedure in the event of technical connection difficulties of member State representatives.

87. Following the special procedures to take decisions in formal meetings with remote participation adopted by EXCOM on 5 October 2020, the decisions made at the session were circulated through all Geneva Permanent Representations for approval by silence procedure of 72 hours by the participating delegations of the session. The silence procedure closed on Thursday, 16 December 2021 at 6 p.m. (CET) and concluded without objections. The decisions of the above meeting are thus considered adopted. Related information is available on the UNECE website under [www.unece.org/info/about-unece/executive-committee-excom/silence-procedure.html](http://www.unece.org/info/about-unece/executive-committee-excom/silence-procedure.html).

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