



Economic Commission for Europe**Inland Transport Committee****Working Party on Rail Transport****Group of Experts on Permanent Identification of Railway Rolling Stock****Fifth session**

Geneva, 4–6 May 2022

Item 2 of the provisional agenda

**Development of the permanent marking of
the Unique Rail Vehicle Identification System:
Development of the framework****Model Rules revision mechanism****Note from the secretariat****I. Introduction**

1. At the fourth session of the Group of Experts on the Permanent Identification of Railway Rolling Stock, experts continued discussions on the preparation of a set of Model Rules to the Permanent Identification of Railway Rolling Stock based on the document submitted by the Russian Federation (ECE/TRANS/SC.2/PIRRS/2021/10) and the feedback from the OTIF secretariat (ECE/TRANS/SC.2/PIRRS/2021/9) on Informal document SC.2/PIRRS No.1 (2021).

2. The Rail Working Group subsequently submitted document ECE/TRANS/SC.2/PIRRS/2021/8 annexing Suggested Model Rules on the Permanent Identification of Railway Rolling Stock (henceforth the Model Rules). These Model Rules, in their article 7, discuss the manner in which these Rules are to be revised. In particular the proposed text is:

7.1 The UNECE ITC shall establish a revisions committee to monitor and propose amendments to these Rules from time to time taking into account experience of operation of the Rules, legal and technological developments and industry comments and best practice and changes to the regulations. The revisions committee shall include representatives from the following organisations:

- Intergovernmental Organisation for International Carriage by Rail (OTIF)
- European Union Agency for Railways (EUAR)
- The Organization for Cooperation of Railways (OSJD)
- International Union of Railways (UIC)
- Association of American Railroads (AAR)

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- Rail Working Group
 - The Registrar

and such other stakeholder representative organisations as the revisions committee considers appropriate from time to time subject to the respective organisations' consent to participate. A representative from each of UNECE ITC and UNIDROIT shall participate ex officio.

7.2 The revisions committee shall have its seat in Geneva and will set its own rules of procedure.

7.3 Any amendments to the Rules shall be proposed by the revisions committee to the UNECE ITC which shall consider such proposed amendments and shall come into effect 30 days after their approval and publication on the UNECE ITC website.

3. The secretariat, during this fourth session noted that this particular aspect of the Model Rules would need to be reviewed further to ensure that it was in line with the requirements of normal UN rules and practices with particular emphasis on what is being done within the Inland Transport Committee (ITC) (ECE/TRANS/SC.2/PIRRS/2021/7 paragraph 20). This document provides initial analysis on what alternatives are available.

II. Examples of existing mechanisms within the Inland Transport Committee

4. The ITC is custodian to 59 Conventions and agreements as well as a number of rules, regulations resolutions and standards. While some of these conventions and agreements have different approaches to the manner in which they are amended, there are some common threads. This section provides some of these examples.

Amendments to an agreement

5. The Agreements on the international road, rail intermodal and inland waterway networks all have specific provisions on how amendments can be made to these agreements and their annexes. These are:

- European Agreement on Main International Traffic Arteries (AGR)
- European Agreement on Main International Railway Lines (AGC)
- European Agreement on Important International Combined Transport Lines and Related Installations (AGTC)
- European Agreement on Main Inland Waterways of International Importance (AGN).

6. Amendments are to be considered by the Working Party that oversees the relevant Agreement. For example, the updating of the AGR is discussed at the Working Party on Road Transport (Articles 7 to 9), the AGC is discussed at the Working Party on Rail Transport (Articles 10 to 12), the AGTC by the Working Party on Intermodal Transport and Logistics (Articles 14 to 16), the AGN at the Working Party on Inland Water Transport (Articles 12 to 14).

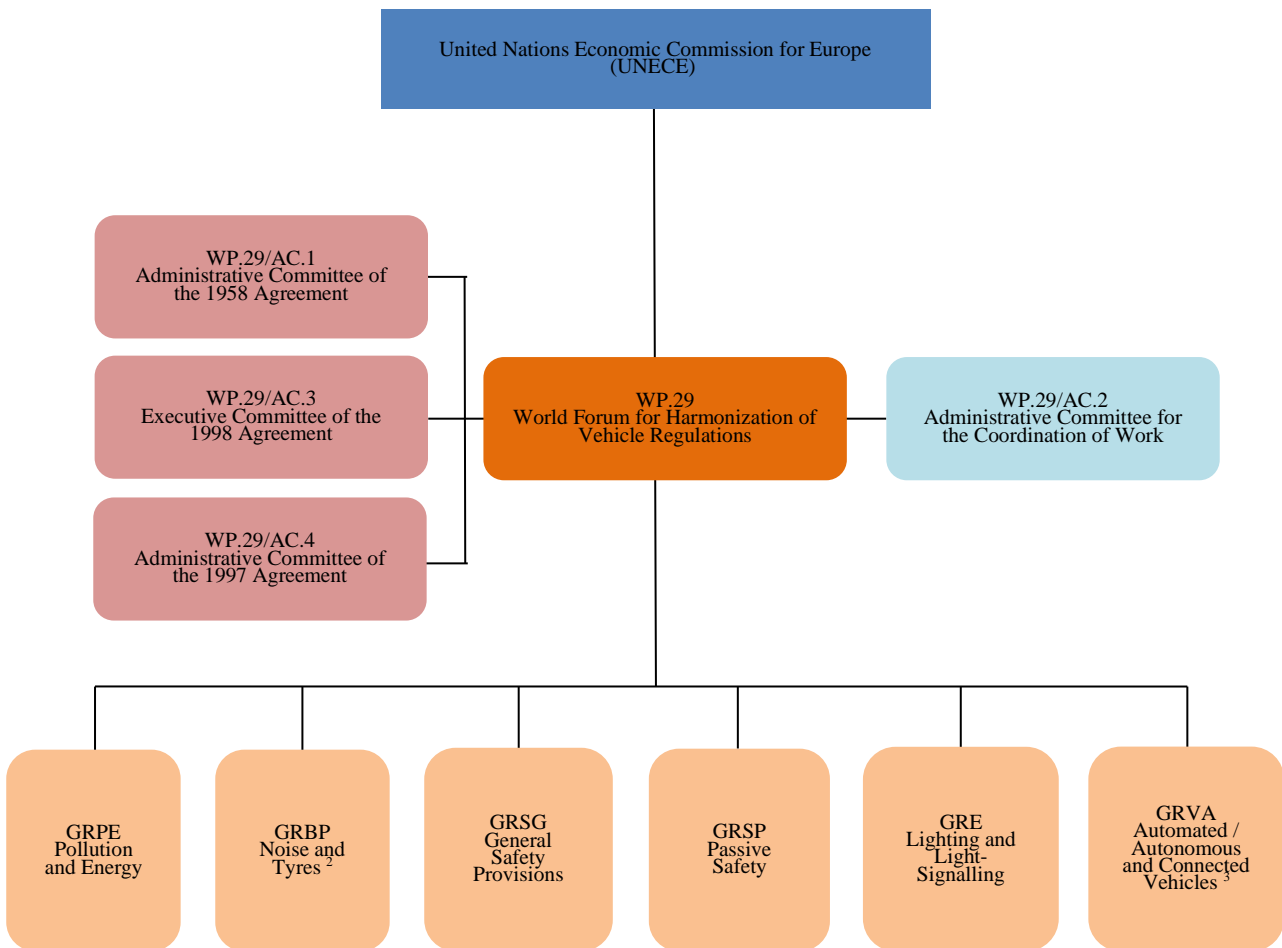
7. For these agreements, any amendments can be proposed only by contracting parties to the agreements and decisions to adopt these changes are decided on by those contracting parties participating in the relevant working party meeting. Decisions taken on the proposed amendments to the relevant agreement are then sent to the depository (the Secretary-General of the United Nations) for circulation and contracting parties then have 6 to 9 months (depending on the agreement) to object to any such proposed amendments. If there are no objections within this time period, then the amendments enter into force after 3 months from the date of the relevant communication by the Secretary-General of the United Nations issued pursuant to the relevant provisions of the agreement concerned.

Amendments to the regulations and rules annexed to the relevant agreements

8. This section provides examples of the agreements and regulations administered by the UNECE World Forum for Harmonization of Vehicle Regulations (WP.29) as well as the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) and its related bodies.

9. Matters related to the UN Vehicle Regulations under the 1958 Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations; UN Rules on Periodical Technical Inspections under the 1997 Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections; and the Global Technical Regulations (GTRs) under 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 are overseen by the respective Administrative/Executive Committees established by those Agreements. The Committees are composed only of contracting parties to the Agreements. These Agreements have annexed to them Regulations and Rules that require regular updating.

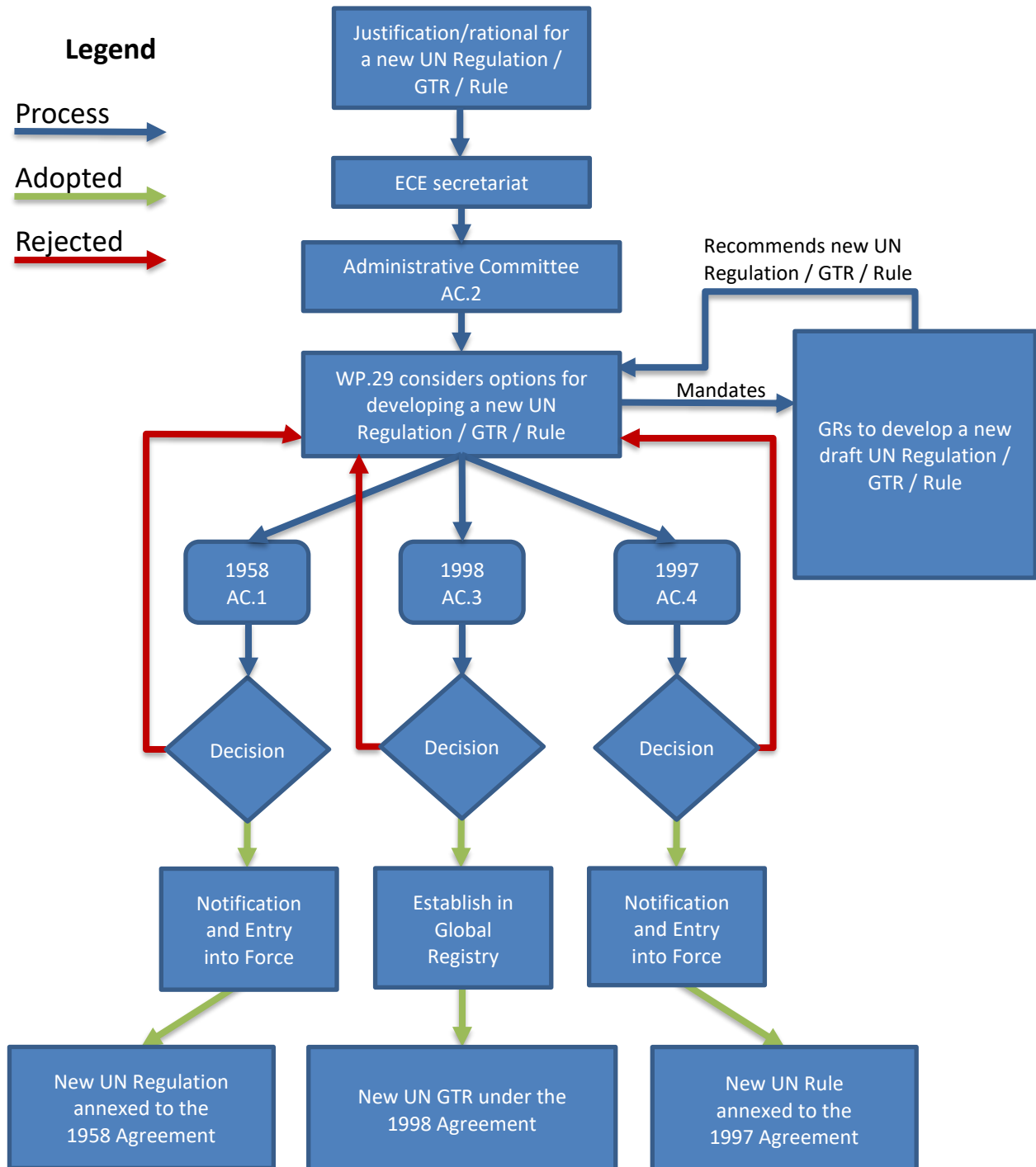
**Figure I
Framework for WP.29**



10. Proposals for the updating of these Regulations and Rules are made within individual Working Parties (GRs) (for example, on Pollution and Energy, Noise and Tyres, Lighting and Light-Signalling, etc.). For example, the Working Party on Lighting and Light-Signalling, which was established by the Inland Transport Committee, as a subsidiary body of the World Forum for Harmonization of Vehicle Regulations (WP.29), is composed of States that are members of the Economic Commission for Europe, States Members of the

United Nations not members of the Commission and are Contracting Parties to the relevant agreements, and regional economic integration organizations that are set up by countries that are members of the ECE or members of the United Nations and are Contracting Parties to the relevant agreements (ECE/TRANS/WP.29/690/Rev.2, rules 1, 35 and 36). Other States and entities may participate in a consultative capacity. If these proposals are accepted within the GRs then they are forwarded to WP.29 which then potentially discusses and agrees on the modifications or directly sends them to the relevant Administrative Committee for consideration.

Figure II
Process for modifying UN Vehicle Regulations, GTRs or Rules



11. As a further example, the ADN was done at Geneva on 26 May 2000 on the occasion of the Diplomatic Conference held under the joint auspices of UNECE and the Central

Commission for the Navigation of the Rhine (CCNR). Before the entry into force of the Agreement, updates of the annexed Regulations were carried out regularly by a Joint Meeting of Experts of the UNECE and CCNR in accordance with the resolution adopted on 25 May 2000 by the Diplomatic Conference. After the entry into force of ADN, the first session of the ADN Administrative Committee, which is composed of the Contracting Parties to ADN, was convened in accordance with article 17 of the Agreement, on 19 June 2008 (<https://unece.org/DAM/trans/doc/2008/adn/ECE-ADN-02e.pdf>). In order to amend the Regulations, a Joint Meeting of Experts (now Safety Committee) was established, which is composed of the Contracting Parties to the ADN. Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council may participate in the ADN Safety Committee in a consultative capacity on any matter of particular concern to those agencies or organizations. The ADN Safety Committee considers amendments to the ADN and then the ADN Administrative Committee may adopt them.

12. In the draft Rules of Procedure for the ADN Safety Committee (ECE/TRANS/WP.15/AC.2/2022/12), draft rule 1b states: “Non-member states of ECE as defined in paragraph 11 of the Terms of Reference of ECE may participate in a consultative capacity in the ADN Safety Committee on any matter of particular concern to them. These countries may however participate as full members at sessions of the ADN Safety Committee devoted to matters relating to a legal instrument to which they are Contracting Parties”. If adopted, this would allow non-ECE member States to be full members of the ADN Safety Committee for those aspects of relevance.

13. In this example it should be noted that the secretariat services are provided by the Secretary-General of the United Nations and the CCNR Secretary-General.

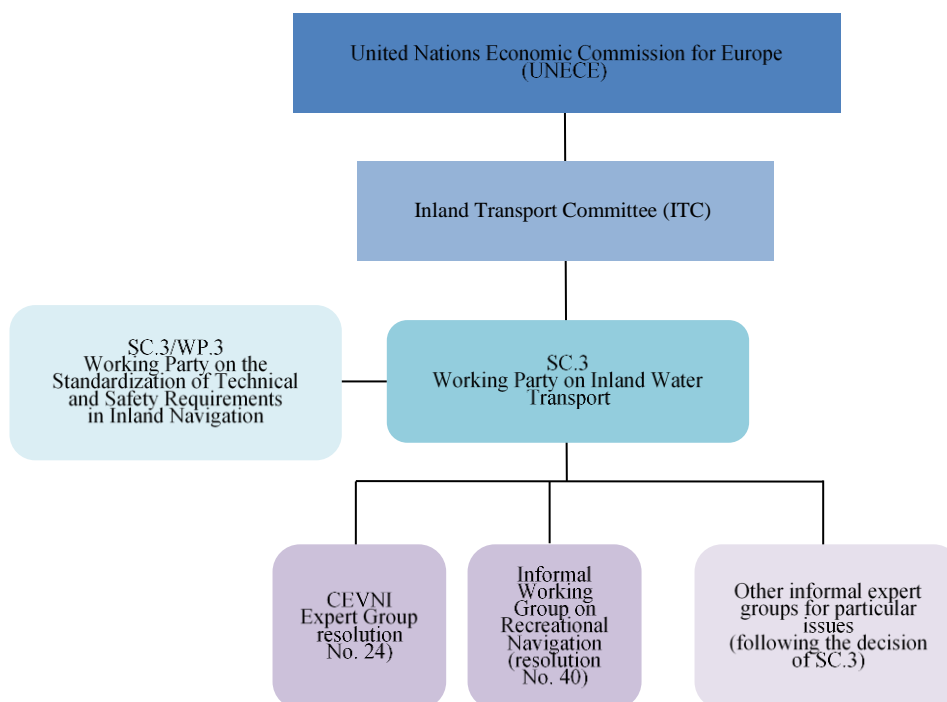
Amendments to the regulations and rules adopted by the Working Party on Inland Water Transport

14. As a relevant example, the Working Party on Inland Water Transport (SC.3), which was established by the Inland Transport Committee (originally as the Sub-Committee on Inland Water Transport) and which is composed of member States of the Economic Commission for Europe, also administers over 100 resolutions which specify rules and regulations on the various topics of inland water transport. These include such regulations as resolution No. 24 - the European Code for Inland Waterways (CEVNI), resolution No. 40 (the International Certificate for Operators of Pleasure Craft) to name two. Member States of the ECE have implemented those regulations and rules through their national legislation. As these are ECE Resolutions they are applied by ECE member States, however, for example, Resolution No. 40 is also applied outside the ECE region (South Africa).

15. Changes to resolutions may be discussed and proposed by standing groups of experts (formal or informal), established by the relevant decisions of SC.3 at its formal sessions¹ (see figure III).

¹ For the examples provided here: the creation of the CEVNI Expert Group, is set out in ECE/TRANS/SC.3/183, paragraph 13. For the Informal Working Group on recreational navigation, it is ECE/TRANS/SC.3/203, paragraph 93.

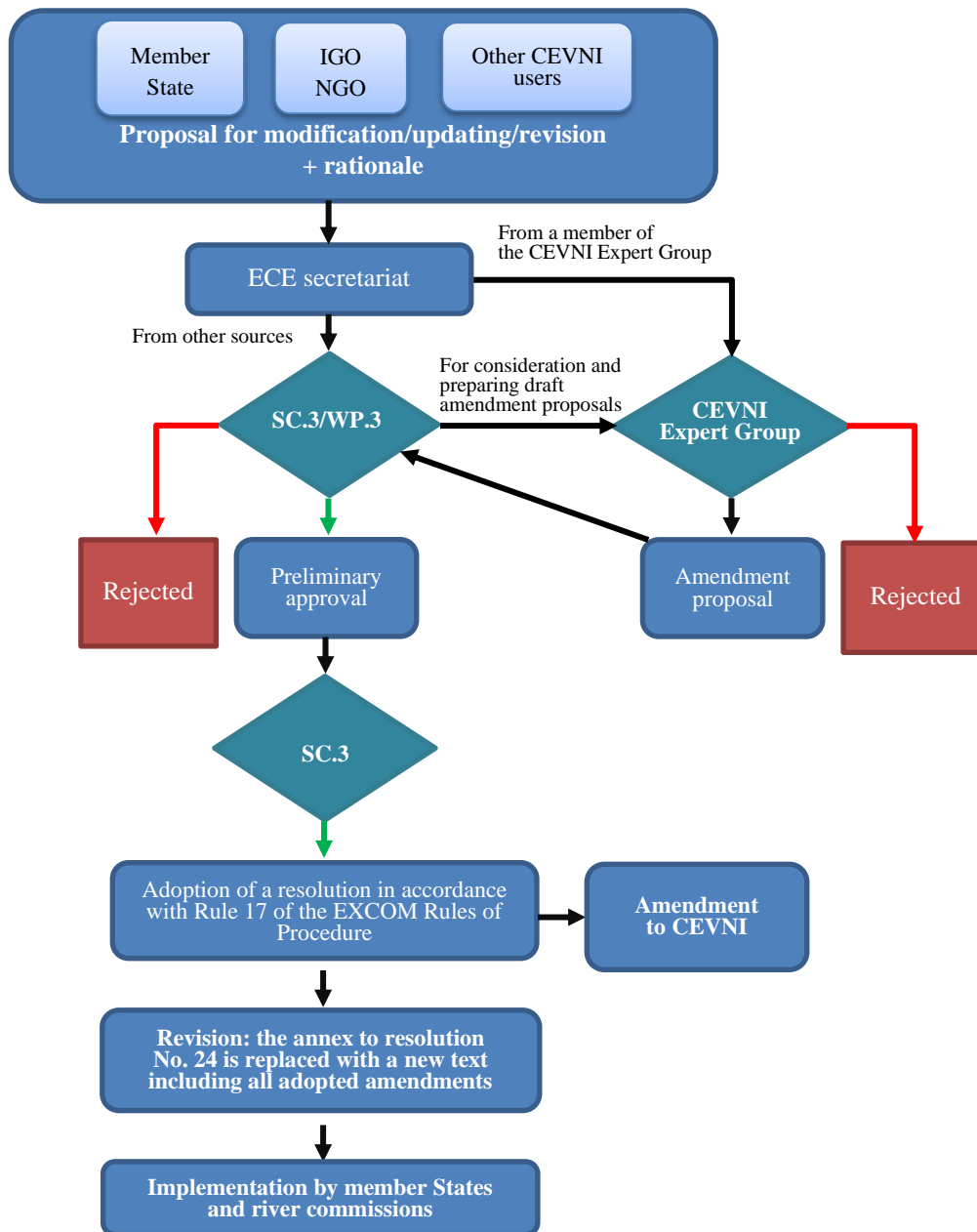
Figure III
SC.3 and its subsidiary bodies responsible for updating ECE resolutions in the field of inland water transport



16. The Groups of Experts mandated with the various issues related to the standardization of technical and safety requirements in inland navigation, discuss proposals made by its members or transmitted by member States, intergovernmental organizations (IGO), including river commissions, non-governmental organizations (NGO) or other key players and subsequently propose draft amendments for the preliminary approval to the Working Party on the Standardization of the Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) - a subsidiary body to SC.3. The preliminarily approved proposals are then transmitted for final adoption to SC.3. An example of discussing amendments to CEVNI is shown in figure IV. It should be noted that participation in the Group of Experts is open to representatives of all interested governments and river commissions in accordance with the decision of SC.3 (ECE/TRANS/SC.3/183, paragraph 13). Other international organisations and other interested parties can participate as observers.

17. SC.3 applies the rules of procedure of the Executive Committee of UNECE (EXCOM). Since only member States of the ECE are members of SC.3, only ECE member States may vote in SC.3, and non-ECE member States can participate as observers.

Figure IV
Procedure of introducing amendments to CEVNI



III. The creation of a revisions mechanism

18. As seen above, some agreements and regulations with respect to which ITC performs certain functions have some form of revision mechanism. The relevant entity is established by the instrument itself or established as an organ of the ECE.

19. In all cases reviewed in this note, the committee that has been established to review the relevant instrument meets regularly within the framework of a working party and discussions are held if there are amendments to a treaty or to regulations to be addressed.

20. The examples above show that there is no one-size-fits-all option though for how the revision mechanism works. For the purpose of this document three options have been developed for consideration:

- Option 1: A revisions committee could be established as a team of specialists and its recommendations should be approved by the Working Party on Rail Transport.

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- Option 2: A revisions committee could be composed only of member States that declare that they accept the Model Rules, and its recommendations would be approved by the Working Party on Rail Transport.
 - Option 3: The revisions committee could be composed of contracting parties to the Luxembourg Protocol but its recommendations would be approved by the Working Party on Rail Transport.

Option 1

21. A Revisions Committee (RC) could be established to review the rules as a subsidiary body of the Working Party on Rail Transport. Membership of the RC could include governmental experts from any interested country and other specialists based on the guidelines for the establishment and functioning of teams of specialists within ECE (ECE/EX/2/Rev.1). In this case, the RC discusses and agrees proposals to change/update the rules that it submits to SC.2 for approval. In this option, the revision process for the Model Rules works in essentially the same manner as the revision process for the Inland Waterway Resolutions mentioned above. Decisions are taken at SC.2 by its members (participation as observers is possible for non-ECE member States and other stakeholders).

22. For non-ECE member States to participate in the decision-making process for the Model Rules within the Working Party on Rail Transport, the Inland Transport Committee may adopt a decision that allows these member States to be full members of the Working Party, pursuant to ECE/EX/1, paragraph 2, or full members only for the relevant discussions related to the Model Rules, similar to draft rule 1 (b) of the draft Rules of Procedure for the ADN Safety Committee mentioned above.

23. SC.2 can decide the date on which agreed upon amendments to the Model Rules come into force.

Option 2

24. The RC could be established as a subsidiary body of the Working Party on Rail Transport and membership of the RC could be limited to those States that declare that they accept the Model Rules. Similar to the example of Resolution 40 (ECE/TRANS/SC.3/147/Rev.4, para. 2), the Model Rules can be included as an annex in a resolution of the Working Party on Rail Transport for acceptance by the interested Governments. This option would require the same approvals process as option 1, through SC.2, and entail the same considerations in relation to the participation of non-ECE member States (see paras. 20 and 21 above).

Option 3

25. The RC could be established as a subsidiary body of the Working Party on Rail Transport and membership of the RC could be limited to those States that are contracting parties to the Luxembourg Protocol. This option would require the same approvals process as option 1, through SC.2, and entail the same considerations in relation to the participation of non-ECE member States (see paras. 20 and 21 above).

IV. The role of UNECE

26. As each of the options require some form of secretariat role for UNECE, a role also as participating ex officio could create a conflict of interest. As such UNECE's role would remain solely as secretariat to the revision mechanism for the Model Rules.

V. Next steps

27. The Group of Experts may wish to take into account the information provided above.
