



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 October 2012

14653/12

TRANS 319

"I/A" ITEM NOTE

From:	General Secretariat
To:	Coreper
Subject:	Preparation of the 4th session of the UNECE Group of Experts towards Unified Railway Law (19 October 2012) and of the 66th session of the UNECE Working Party on Rail Transport (8-9 November 2012) - Coordination of the EU position

1. The Working Party on Land Transport of 5 October 2012 examined a Commission working document with a view to establishing a coordinated EU position on the relevant agenda items of the 4th session of the UNECE Group of Experts towards Unified Railway Law (19 October 2012), on the one hand, and the 66th session of the UNECE Working Party on Rail Transport (8-9 November 2012), on the other hand. Most agenda items could be agreed upon, except agenda item 3 of the 66th session of the UNECE Working Party on Rail Transport, on which DE entered a reservation.
2. Following bilateral consultations between the Presidency, DE and the Commission, a solution was found on this outstanding issue. A silence procedure was launched on the basis of a revised Commission working document, following which a coordinated EU position on all agenda items could be agreed upon by all delegations.

3. In the light of the above, the Committee is invited to endorse the position recommended for each agenda item of both UNECE meetings in the Annex to this note.

EU Common Position

To prepare the

I Fourth Session of the Group of Experts towards Unified Railway Law to be held on 19 October 2012

and the

II Sixty-Sixth session of the Working Party on Rail Transport to be held on 8 and 9 November 2012

Documentation: All UNECE documents reference here may be downloaded at the web site of UNECE at <http://www.unece.org/trans/main/sc2/sc2.html>

I Fourth Session of the Group of Experts towards Unified Railway Law

Agenda item 1: Adoption of the agenda

Line to take: agreement.

UNECE document ECE/TRANS/SC.2/GEURL/2012/4

Agenda item 2 Adoption of the report of the third session

UNECE document ECE/TRANS/SC.2/GEURL/2012/3

Line to take: agreement.

Background:

Under the initiative of "Uniform Railway Law", UNECE seeks to harmonise the two legal systems under the OTIF and OSJD as they exist in Europe. UNECE decided to tackle this in a three step approach, whereby General Terms and Conditions for the carriage of goods and a political declaration on uniform railway would mark the beginning of this process.

Under Polish Presidency, the Council's Land Transport Working Party had taken the position that no binding arrangements are negotiated or agreed at the present stage and that the said approach is supported.

UNECE's Land Transport Committee gave a drafting mandate to its Railway Working Party in February 2010, which then convoked a Group of Experts on Uniform Railway Law. When this group could not come to conclusions after its first two meetings, its mandate was extended to the end of 2012 covering a third and a fourth meeting.

OSJD has opposed any work on the GTC Eurasia (see paragraph 8). They explained that they could not move because their members had not supported the initiative unanimously. Many participants found such reasoning not acceptable. OSJD's proposal to delete the relevant agenda item was refused. OSJD is undergoing a process of profound institutional reform.

Agenda item 3: Discussion of the Joint Declaration

UNECE document ECE/TRANS/SC.2/GEURL/2012/5

Line to take: agreement.

As regards item 3 of the main part of the Joint Declaration, it should be ensured that institutional aspects would only be discussed after a consensus on material issues of uniform railway law has been established.

As regards section III on page 4: The amendments proposed by OTIF (section A) may be accepted. Items (a) to (c) suggested by OSJD (section B) are accepted, but items (d) and (e) are rejected.

Background: The use of the term 'ministers' in the Joint Declaration will not prevent the EU representative from signing it, according to the UNECE secretariat.

UNECE providing the only Eurasian platform overarching the two legal systems appears in a good position to carry on with the work on the GTC Eurasia. The EU would welcome OSJD involvement, but at the same time the EU is ready to move on should OSJD maintain its blockage. Anyway, the invitation is voluntary and nobody is forced to engage.

The policy principles GTC were submitted by the CIT as competent organisation. They mark an important starting point for the GTC Eurasia, this initiative and work at UNECE are based on. Therefore, the EU dismisses OSJD's position that these principles are "inadmissible" at the present stage.

Agenda item 4: Review of work on General Terms and Conditions for Euro-Asian transport contracts (GTC EurAsia)

UNECE document ECE/TRANS/SC.2/GEURL/2012/6

Line to take: The Model Framework maybe attached to Joint Declaration, thus serving as an optional guidance to the railway undertakings and the customers.

Agenda item 5 to 7: No comments.

II Sixty-Sixth session of the Working Party on Rail Transport to be held on 8 and 9 November 2012

UNECE document ECE/TRANS/SC.2/217 (annotated provisional agenda)

UNECE Railway Working Party SC.2 is holding its annual meeting on 8 and 9 November 2012. Its main purpose is to exchange best practice and update on recent developments in the rail sector. The only binding arrangement to be discussed is the European Agreement on Main International Railway Lines (AGC) under agenda item 4b and c.

Agenda items 1 to 4(a)

Line to take: no comments

Agenda item 4(b) Amendment proposals (updating and extending the AGC network)

UNECE document ECE/TRANS/SC.2/2009/1

Line to take: agreement but document ECE/TRANS/SC.2/2009/1 should be corrected as shown in the Annex I.

Background: The AGC highlights a European network of main lines including certain technical parameters to be met when developing this network. 27 UNECE Member States are contracting parties to AGC, among which are the 17 EU Member States AT, BE, BG, CZ, FR, DE, EL, HU, IT, LV, LT, LU, PL, RO, SK, SI plus HR. Russia is also a contracting party. UNECE has been gathering informally the points in the AGC that might need amending. On this basis, UNECE will then seek a mandate to negotiate an amendment.

Agenda item 4 (c)

UNECE documents ECE/TRANS/SC.2/214; ECE/TRANS/SC.2/2012/1

Line to take: agreement.

Background: UNECE proposes to update AGC and AGTC and, on this occasion, align it to the parameters of EU interoperability rules and parameters. In fact, these differences are minor due to their much lower level of detail relative to the EU interoperability provisions in force.

Agenda item 11.

UN ECE documents: Pending the outcome of the 4th meeting of the Group of Experts to be held on 19 October 2012, UNECE will make available documents at a later stage.

Line to take: agreement in line with the common position proposed under section I of the present document.

UN-ECE

Distr.

GENERAL

ECE/TRANS/WP.24/2009/4

ECE/TRANS/SC.2/2009/1

3 August 2009

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE

Seite 2, Kap. II B

5. The AGC and AGTC Agreements provide that railway lines E 530 and C-E 530 link Nykøbing-Gedser (Denmark) with a ferry link to Rostock (Germany). However, on the Danish side this line is no longer used for rail freight transport. Similarly there exists no rail ferry link between Gedser (Denmark) and Rostock (Germany) and there are ~~neither~~no rail cargo handling facilities in the port of Gedser ~~nor rail tracks in the port of Rostock~~. It is therefore proposed to

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consider deletion of E 530 and C-E 530 on the Danish side between Nykøbing and Gedser as well as the rail ferry link between Gedser and Rostock.”

Seite 5 oben:

“ ECE/TRANS/WP.24/2009/4

ECE/TRANS/SC.2/2009/1

page 4

Ingolstadt-München-~~(Kufstein~~ (~~Wörgl~~)

Contracting Parties directly concerned (AGC; Article 11(3)): Norway, Sweden, Denmark, Germany, Austria, Italy.”

sowie Seite 5 oben:

“ IV. EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED TRANSPORT LINES AND RELATED INSTALLATIONS

Annex I

(9) Germany

Modify line C-E 45 to read as follows:

C-E 45 (Rodby-) Puttgarden -Hamburg-Hannover-Würzburg-Nürnberg-
(Padborg-) Flensburg

Ingolstadt-München (-Kufstein)

Contracting Parties directly concerned (AGTC; Article 15(3)): Norway, Sweden, Denmark, Germany, Austria, Italy.”
