



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Commission ad hoc sur les questions
juridiques et la coopération
internationale**

**Ad-hoc-Ausschuss für Rechtsfragen
und internationale Zusammenarbeit**

**Ad hoc Committee on Legal Affairs
and International Cooperation**

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2022-2024 WORK PROGRAMME

Updated at the 5th session, 9 November 2023

I. LEGAL AFFAIRS

A. MONITORING AND ASSESSMENT OF LEGAL INSTRUMENTS

1. Monitoring and assessment of implementation of COTIF

Objective and scope of work. Assist the Secretary General in monitoring and assessing the implementation of the Convention (Article 2 § 1 of document OTIF-21002-AG 15 ‘Decision on the monitoring and assessment of legal instruments’).

Activities:

- assess the degree of implementation of COTIF, including approval of amendments adopted at the 12th and 13th sessions of the General Assembly
- assess information on the reasons for and necessity of maintaining reservations made in accordance with Article 42 § 1 of COTIF
- consider and recommend follow-up actions.

Priority: medium

2. Interfaces between customs and transport regulations: completed

3. The digitalisation of international transport, particularly freight transport documents

Objective and scope of work. New technologies, digitalisation in particular, have the potential to change the organisation and management of railway transport. However, digitalisation brings both improvements and new challenges. The aim is to monitor and assess how digitalisation, and which specific aspects, should be supported and/or regulated by OTIF.

Activities:

- identify relevant stakeholders
- monitor (carry out legal survey of) the usage of digital freight transport documents in the railway sector and the application of COTIF rules to such documents. The relevant regulatory practice of other international organisations and modes, as well as aspects linked to multimodality, should be considered as well
- assess the application and relevance of COTIF rules on digital freight transport documents and, if necessary, propose follow-up actions (e.g. amendment of relevant provisions).

Priority: high

4. **Bill of lading**

Objective and scope of work. Consider introducing the possibility of using transport documents with a document of title function for the carriage of goods under the CIM UR.

The United Nations Commission on International Trade Law (UNCITRAL) and the Organisation for Cooperation between Railways (OSJD) have recently started discussions on the necessity for, and regulation of, a bill of lading (transport document which is a document of title) in railway transport. Both organisations invite the OTIF Secretariat to take part in their respective meetings on the subject.

Article 6 § 5 of the CIM UR states that '[t]he consignment note shall not have effect as a bill of lading'. More importantly, other provisions on the delivery of goods, the right to dispose of goods etc. confirm that the CIM consignment note is not a document of title.

Activities:

- consult OTIF's members and relevant stakeholders on whether it is necessary to introduce the possibility of using transport documents with a document of title function under the CIM UR
- follow up activities of UNCITRAL, OSJD, ICC and CIT on transport documents which are documents of title
- if necessary, prepare modifications to the CIM UR.

Priority: medium

5. **Liability for loss or damage caused by a vehicle (Article 7 of the CUV UR)**

Objective and scope of work. Monitor and assess application of provisions on liability for loss or damage caused by a vehicle (Article 7 of the CUV UR).

The 26th Revision Committee mandated the Working Group of Legal Experts to consider feedback from the sector on the application of Article 7 of the CUV UR and, if necessary, to examine a possible modification to this Article.¹

Activities:

- identify relevant stakeholders
- monitor (carry out legal survey of) the application of Article 7 of the CUV UR. The relevant regulatory practice of other international organisations should be considered as well
- assess the application and relevance of Article 7 of the CUV UR and, if necessary, propose follow-up actions (e.g. amendment of relevant provisions).

Priority: medium

¹ See point 13 of the 26th Revision Committee decisions on page 6 of the [Minutes of the 26th session of the Revision Committee](#).

6. Movement of empty wagons

Objective and scope of work. Monitor and assess application of COTIF rules to the movement of empty wagons.²

Activities:

- identify relevant stakeholders
- monitor (carry out legal survey of) the application of COTIF rules to the movement of empty wagons. Relevant regulatory practice in other international instruments should be collected as well
- assess the application and relevance of COTIF to the movement of empty wagons and, if necessary, propose follow-up actions (e.g. amendment of relevant provisions).

Priority: medium

7. Arbitration

Objective and scope of the work. Assess whether the arbitration procedure in COTIF is actually necessary and, if necessary, propose modifications.

Activities:

- instruct the OTIF Secretariat to prepare an initial document on the arbitration procedure in COTIF 1999
- consult stakeholders on whether the arbitration procedure in COTIF is actually necessary
- consult stakeholders on possible improvements to the COTIF 1999 provisions on arbitration
- draft proposals.

Priority: low

8. Database of case law and bibliography

Objective and scope of work. Set up a database of case law and bibliography relating to application of COTIF

Activities:

- develop a comprehensive structure for the database
- develop a system for the collection of relevant case law and bibliography
- prepare a decision on establishing the database and how it should be funded.

Priority: medium

² See discussions at the 26th Revision Committee on pages 16 – 17 of the [Minutes of the 26th session of the Revision Committee](#).

- 9. Adoption, authentication, certified copies and publication of COTIF: completed**
- 10. Suspension and termination of COTIF and/or membership of OTIF with regard to a particular Member State.**

Objective and scope of work. Review OTIF and international law rules and relevant practice on suspension and termination of treaties and membership (including limitation of some rights).

Activities:

- determine and assess relevant OTIF rules and practice;
- determine and assess relevant international law and practice;
- if necessary, prepare modifications to COTIF and any other relevant OTIF rules.

Priority: high

B. LEGAL ADVICE

1. UNECE initiative on Unified Railway Law

Objective and scope of work. Monitor the UNECE project concerning the unification of railway law

Activities:

- follow the development of the UNECE initiative on Unified Railway Law
- issue advisory opinions on legal matters, if necessary

Priority: low

2. Railway network access conditions and cross-border cooperation for the purpose of organising international rail transport

Objective and scope of work. Develop a non-binding legal framework on railway network access conditions and cross-border cooperation for the purpose of organising international rail transport.³ The corresponding work should be concentrated along the following lines⁴:

- defining access conditions (capacity allocation, infrastructure charges etc.)
- defining the scope of access (core infrastructure, including or excluding services facilities, whole network or certain lines, restrictions)
- defining requirements for railway undertakings, infrastructure managers and the relationship between them (licence, civil liability insurance, safety certificate, contract of use etc.)
- defining an appropriate legal form for the instrument and a mechanism for acceding to it (general application among all parties to the instrument or application only between states which have mutually agreed to apply it).

Activities:

- identify relevant stakeholders

³ See 7.15 of the [final document](#) of the 13th General Assembly and document SG-18041-AG 13/15 submitted to the 13th General Assembly.

⁴ These guidelines have been defined in part VI of document SG-18041-AG 13/15 submitted to the 13th General Assembly.

- carry out legal survey on
 - relevant existing international instruments and practices
 - possible content of OTIF’s instrument
- draft a non-binding instrument.

Priority: medium

3. Uniform contract for international train paths: deleted

4. Use of gender-neutral language in OTIF: completed

5. Use of electronic signatures in official communications between OTIF and its members

Objective and scope of work. Examine the legal requirements for the use and acceptance of electronically signed documents (credentials, letters, approvals, reservations, depositary notifications etc.) in official communications between OTIF and its members.

Activities: issue a recommendation on the use and acceptance of electronic signatures in official communications between OTIF and its members.

Priority: medium

6. Application of the CUI UR to service facilities: completed

7. Legal protection of OTIF’s name, abbreviation, logo and works

Objective and scope of work. Examination of the legal requirements to ensure legal protection of OTIF’s name, abbreviation, logo and works and determination of measures to this effect.

Activities:

- determine the applicable law;
- assess OTIF’s practice and relevant international practice;
- issue a recommendation on the measures to be taken.

Priority: medium

II. INTERNATIONAL COOPERATION

1. Monitor and support cooperation with international organisations and associations

Objective and scope of work. Monitor and enhance cooperation of OTIF with international organisations and associations, in particular those with direct responsibilities in the field of railway transport.

Activities:

- monitor international cooperation by the Secretariat
- take decisions on cooperation with other international organisations and associations
- establish and monitor joint contact groups.

Priority : medium

2. Enhancing stakeholder involvement within OTIF: completed

3. Handbook on COTIF and its implementation and application by international associations

Objective and scope of work. Clarify the roles and responsibilities of international associations with regard to the implementation and application of COTIF, thus, promoting and facilitating the uniform implementation and application of COTIF.

Activities:

- identify relevant international associations
- together with relevant international associations, jointly develop and approve a handbook on COTIF and its implementation and application
- disseminate the handbook and organise a special event to promote it.

Priority: high

III. LONG-TERM STRATEGY

Development of a long-term strategy

Objective and scope of work. Assist the Secretary General in the preparation of a long-term strategy based on the decision of the General Assembly at its 15th session.

Activities:

- advise the Secretary General on strategic objectives
- consider legal and international cooperation aspects in a draft long-term strategy and its subsequent implementation.

Priority: high