

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Office central
Zentralamt
Central Office**

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TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

Ratification of the 1999 Protocol by Turkey

**Entry into force of the Protocol of 3 June 1999 for the Modification of the
Convention concerning International Carriage by Rail (COTIF) of 9 May
1980 (Vilnius Protocol)**

Par souci d'économie, le présent document a fait l'objet d'un tirage limité. Les délégués sont priés d'apporter leurs exemplaires aux réunions. L'Office central ne dispose que d'une réserve très restreinte.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Das Zentralamt verfügt nur über eine sehr geringe Reserve.

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In accordance with Article 2 § 1 of the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 (1999 Protocol), OTIF performs the functions of the Depositary Government, provided for in Articles 22 to 26 of COTIF 1980, as Provisional Depositary, from the opening for signature of this Protocol and until the date of its entry into force.

In application of Article 26 (c) of COTIF 1980, in conjunction with Article 2 of the 1999 Protocol, the Secretariat of OTIF informs the Member States of the deposit of instruments of ratification, acceptance or approval of the 1999 Protocol and of the day on which this Protocol enters into force.

Turkey deposited its instrument of ratification of the 1999 Protocol on 3 April 2006. No reservation or declaration was attached to the instrument of ratification.

This means that 27 Member States, i.e. more than two-thirds of them, have ratified, accepted or approved the 1999 Protocol or have acceded to it, and the conditions of Article 20 § 2 of COTIF 1980 for the entry into force of the decisions of the General Assembly have been met. According to Article 4 § 1 of the 1999 Protocol, it enters into force on the first day of the third month following that during which the Provisional Depositary has notified the Member States of the deposit of the instrument by which these conditions are fulfilled. Thus the 1999 Protocol and hence the new version of COTIF (COTIF 1999) with its Appendices

shall enter into force on 1 July 2006

for those Member States that have ratified, accepted or approved the Protocol or have acceded to it.

With the entry into force of the 1999 Protocol and hence COTIF 1999, application of the CIV and CIM Uniform Rules is suspended in respect of traffic with and between those Member States which, one month before the date fixed for such entry into force, have not yet deposited their instruments of ratification, acceptance or approval.

The Secretariat would again like to point out that in accordance with paragraph 2 of Article 20 § 3 of COTIF 1980, this suspension will not apply to Member States which have notified the Secretariat that, without having deposited their instruments of ratification, acceptance or approval, they will apply the amendments decided upon by the General Assembly (de facto application). So far, only the Ukraine has made such a declaration (see circular A 56-01/509.2005 dated 23.8.2005).

With regard to the legal consequences of the entry into force of COTIF 1999 if not all States have ratified the Vilnius Protocol, please refer to the decision of the 7th General Assembly (Berne, 23/24.11.2005) (see final document – doc. AG 7/9 dated 24.11.2005, paragraph 7.3 and Annex 2). This document can also be consulted on OTIF's website (www.otif.org, see under "News").

An overview of the “State of the signatures, ratifications, acceptances, approvals, accessions and entry into force” is also available on the website (see under "Publications", COTIF 3.6.1999). It can also be seen from this overview which Member States have made which declarations and reservations. As a reservation concerning arbitration can only be made at the time application for accession to the Convention is made (Art. 28 § 3 of COTIF 1999), it is assumed that reservations made by some Member States when signing, or when depositing

their instrument of ratification, acceptance, approval or accession in accordance with Article 12 § 3 of COTIF 1980, still stand, unless the Member States concerned withdraw them.

The Governments of those Member States that have not yet ratified the 1999 Protocol are therefore urgently requested to ensure that the ratification, acceptance or approval procedure required at national level is carried out and that the corresponding instrument is deposited with OTIF as the Depositary, if possible before the 1999 Protocol enters into force. If this is not now possible, the Secretariat kindly asks the Member States concerned for declarations in accordance with paragraph 2 of Article 20 § 3 of COTIF 1980 (de facto application) in order to avoid the negative consequences associated with suspension of the application of the CIV and CIM Uniform Rules.

(Stefan Schimming)
Director General

cc:

- Estonia

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