



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

**Secrétaire général
Generalsekretär
Secretary General**

**LAW-17003
16/03/2017**

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**TO THE MEMBER STATES OF OTIF AND TO REGIONAL
ORGANISATIONS WHICH HAVE ACCEDED TO COTIF**

Amendment of the procedure for revising COTIF

Calling notice for a working group set up by the Secretary General

Berne, 3 and 4 May 2017

Two revision systems apply to amendments to COTIF and its Appendices. Experience has shown that it takes an increasing amount of time for amendments adopted by the General Assembly to enter into force.

The legal environment is constantly changing at an ever increasing rate, which means that both the Secretariat and the OTIF Member States have to become more responsive. However, the sector is often criticised for its lack of adaptability and inability to react.

It would be disadvantageous if the entry into force of amendments that are necessary were delayed by another four to six years before becoming applicable, as they have often been negotiated over several years, then discussed at the Revision Committee and then approved a year later at the highest level by the General Assembly.

This is why the work programme for 2016 – 2017 adopted by the Administrative Committee at its 124th session (Berne, 29/30 January 2016) says that: “With a view to the consistent and rapid implementation of amendments to COTIF and its Appendices, the legal department will carry out a study on the feasibility of adapting Article 34 of COTIF to enable amendments adopted at the General Assembly to be applied by a fixed deadline. ”.

At its 126th session (Berne, 6 and 7 December 2016), the Administrative Committee noted the study carried out by the legal department and the Secretary General’s convening of a working group at the beginning of 2017 to deal with this issue, with the help of a recognised expert in international public law.

Following a call for tenders, the Secretariat of OTIF entrusted Mrs Catherine Brölmann with the task of preparing a legal opinion on the procedure for revising COTIF and possible solutions for changing it. Mrs Brölmann is an associate professor of international law at the University of Amsterdam’s Department of international and European public law.

The Secretariat of OTIF would particularly like to draw the Member States’ attention to the fact that the working group convened by the Secretary General will deal mainly with questions of international public law, to the extent that these questions concern the procedures for revising treaties or international conventions.

The working group is open to all the Member States, the European Union and all the international organisations and associations concerned. It will be held on

3 and 4 May 2017

at the

**Universal Postal Union
Weltpoststrasse 4
3015 Berne.**

The meeting will begin on Wednesday, 3 May 2017 at **10.00** and will end by no later than **12.30** on Thursday, 4 May 2017.

Participants will be able to speak in any of the Organisation’s three working languages. However, simultaneous interpretation will only be provided into English.

Attached at annex is a provisional agenda (LAW-17004WGREVCOTIF 2) and a registration form. .

In order to organise the meeting efficiently, the Secretariat of OTIF requests the Member States, the European Commission and the international associations and organisations concerned to fill out the registration form and return it to the Secretariat (secretary.general@otif.org) by 31 March 2017 at the latest.

The documents to be discussed will be sent out at least one month before the meeting, i.e. by 3 April 2017. All the documents will also be available on OTIF's website.



François Davenne
(Secretary General)

Annexes:

- Registration form
- Provisional agenda (doc. LAW-17004WGREV-COTIF 2)
- Practical information (WGREVCOTIF INF.1) and map showing the location of the Universal Postal Union (UPU)

cc:

- International organisations and associations concerned, as an invitation

**INVITATION TO INTERNATIONAL
ORGANISATIONS AND ASSOCIATIONS**

- European Railway Agency (ERA)
- United Nations Economic Commission for Europe (UNECE)
Transport Division
- Economic Cooperation Organization (ECO)
- Gulf Cooperation Council (GCC)
- International Institute for the Unification of Private Law (UNIDROIT)
- Organisation for Co-operation between Railways (OSJD)
- International Association of Private Sidings Users (AIEP)
- Community of European Railway and Infrastructure Companies (CER)
- European Intermodal Association (EIA)
- European Rail Freight Association (ERFA)
- European Rail Infrastructure Managers (EIM)
- Organisation of Tariff and Transport Experts (IVT)
- International Rail Transport Committee (CIT)
- International Union of Railways (UIC)
- International Federation of Freight Forwarders Associations (FIATA)
- Arab Union of Railways (UACF)
- International Union of Wagon Keepers (UIP)
- International Union of Public Transport (UITP)
- International Union for Road-Rail Combined Transport (UIRR)