



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

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**Secrétaire général  
Generalsekretär  
Secretary General**

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## **MONITORING AND ASSESSMENT OF LEGAL INSTRUMENTS**

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Note by the OTIF Secretariat

The Convention concerning International Carriage by Rail (COTIF) sets forth that the Intergovernmental Organisation for International Carriage by Rail (OTIF) “shall keep a watch on the application of all the rules and recommendations established within the Organisation” (COTIF Article 2 § 1, letter e)).

Monitoring implementation and application of the Organisation’s legal instruments will provide evidence concerning their usage. Based on the monitoring outcomes, assessment of the Organisation’s legal instruments will determine their relevance and whether it is necessary to revise them. It should be emphasised that successful implementation of the monitoring and assessment of legal instruments depends on the active involvement and participation of the Member States, regional organisations and relevant stakeholders.

The Working Group of Legal Experts was tasked with developing the monitoring and assessment policy for OTIF’s legal system. Adoption of the policy is in the competence of the General Assembly. The next ordinary session of the General Assembly will take place in September 2021.

At its 2<sup>nd</sup> session (Vilnius, 30 October 2019) the Working Group of Legal Experts, among other matters:

- (1) noted and endorsed the proposal for a decision on the monitoring and assessment of legal instruments (draft decision) and the accompanying Explanatory Notes with the modifications approved during the session;
- (2) recommended that the OTIF organs listed in COTIF Article 13 §§ 1 and 2 provisionally apply the draft decision and requested the Secretariat to publish the draft decision and disseminate it to the stakeholders participating in the above-mentioned organs with an accompanying note explaining the aim of the draft decision;
- (3) will review the draft decision and accompanying Explanatory Notes in order to take into account experience gained during its provisional application, before submitting the draft decision to the General Assembly for adoption;
- (4) instructed the Secretary General to explore reasonable and feasible tools for collecting and disseminating case law and the judicial practice of national or regional organisations’ courts in connection with the application of the Convention (database).

Based on the decision of the Working Group of Legal Experts and taking into account that the success of the whole monitoring process depends on cooperation with stakeholders and their interest in this subject, the draft decision on the monitoring and assessment of legal instruments and accompanying Explanatory Notes have been made available on OTIF’s website.

Stakeholders are invited to share their views on the draft decision and to take part actively during its provisional application.