Model Instruments

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Table of Contents

[Model instrument of full powers 3](#_Toc498693186)

[Model instrument of general full powers 4](#_Toc498693187)

[Model instrument of accession 5](#_Toc498693188)

[Model instrument of accession with (a) reservation(s)/declaration(s) 6](#_Toc498693189)

[Model instrument of application for associate membership 7](#_Toc498693190)

[Model instrument of (a) reservation(s)/declaration(s) 8](#_Toc498693191)

[Model instrument of withdrawal of (a) reservation(s)/declaration(s) 9](#_Toc498693192)

[Model instrument of inclusion/deletion of (a) railway line(s) in/from the CIV list of railway lines and/or CIM list of railway lines 10](#_Toc498693193)

[Model instrument of inclusion of (a) maritime and/or inland waterway service(s) in the CIV list of maritime and inland waterway services and/or CIM list of maritime and inland waterway services 11](#_Toc498693194)

[Model instrument of deletion of (a) maritime and/or inland waterway service from the CIV list of maritime and inland waterway services and/or CIM list of maritime and inland waterway services 13](#_Toc498693195)

[Model instrument of approval 14](#_Toc498693196)

[Model instrument of non approval 15](#_Toc498693197)

[Model instrument of objection 16](#_Toc498693198)

[Model instrument of withdrawal of objection 17](#_Toc498693199)

# Model instrument of full powers

**[HEAD OF STATE, HEAD OF GOVERNMENT OR MINISTER OF FOREIGN AFFAIRS]**

**FULL POWERS**

**I,** [name and title of Head of State, Head of Government or Minister of Foreign Affairs],

**HEREBY AUTHORISE** Mr/Ms [name and title] to [the clearly indicated action, e.g. approve the amendments to the Convention concerning International Carriage by Rail (COTIF) adopted by the [number] General Assembly held at Berne on [date]] on behalf of the Government of [name of State].

Done at [place] on [date]

[Signature]

# Model instrument of general full powers

**[HEAD OF STATE, HEAD OF GOVERNMENT OR MINISTER OF FOREIGN AFFAIRS]**

**GENERAL FULL POWERS**

**I**, [name and title of Head of State, Head of Government or Minister of Foreign Affairs],

**HEREBY AUTHORISE** Mr/Ms [name and title] to [execute any binding treaty action under the Convention concerning International Carriage by rail (COTIF), including but not limited to reservations, declarations, approval of amendments to the Convention concerning International Carriage by rail (COTIF)] on behalf of the Government of [name of State],

These full powers will remain valid, unless revoked or modified, for the duration of Mr/Ms [name]’s duties as [title] of [State].

Done at [place] on [date]

[Signature]

# Model instrument of accession

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**APPLICATION FOR ACCESSION**

**WHEREAS** pursuant to Article 37 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Modification Protocol of 3 June 1999, accession to the Convention shall be open to any State on the territory of which railway infrastructure is operated,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers] declare that the Government of [name of State], having considered the Convention concerning International Carriage by Rail (COTIF) in its version currently in force, applies for accession to the same and undertakes faithfully to perform and carry out the stipulations therein contained as soon as the accession has taken effect,

**IN WITNESS WHEREOF**, I have signed this instrument of application for accession at [place] on [date].

[Signature]

# Model instrument of accession with (a) reservation(s)/declaration(s)

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**APPLICATION FOR ACCESSION WITH (A) RESERVATION(S)/DECLARATION(S)**

**WHEREAS** pursuant to Article 37 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Modification Protocol of 3 June 1999, accession to the Convention shall be open to any State on the territory of which railway infrastructure is operated,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers] declare that the Government of [name of State], having considered the Convention concerning International Carriage by Rail (COTIF) in its version currently in force, applies for accession to the same and undertakes faithfully to perform and carry out the stipulations therein contained as soon as the accession has taken effect, subject to the following declaration(s)/reservation(s):

In accordance with Article [number of Article and paragraph] of [COTIF/title of Appendix], the Government of [name of State] [substance of reservation/declaration][[1]](#footnote-1),

**IN WITNESS WHEREOF**, I have signed this instrument of application for accession at [place] on [date].

[Signature]

# Model instrument of application for associate membership

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR ANOTHER COMPETENT AUTHORITY]**

**APPLICATION FOR ASSOCIATE MEMBERSHIP**

**WHEREAS** pursuant to Article 39 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Modification Protocol of 3 June 1999, any State on whose territory railway infrastructure is operated may become an Associate Member of the Intergovernmental Organisation for International Carriage by Rail (OTIF),

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or another competent authority] declare that the Government of [name of State], having considered the Convention concerning International Carriage by Rail (COTIF) in its version currently in force, applies for associate membership of the OTIF and undertakes to use its rights and fulfil its obligations according to Article 39 COTIF as an Associate Member of the OTIF,

**IN WITNESS WHEREOF**, I have signed this instrument of application for associate membership at [place] on [date].

[Signature]

# Model instrument of (a) reservation(s)/declaration(s)

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**RESERVATION/DECLARATION**

**I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers],

**HEREBY DECLARE** that the Government of [name of State] makes the following reservation(s)/declaration(s)

in accordance with [Article] of the Convention concerning International Carriage by Rail (COTIF) [substance of reservation/declaration];

in accordance with [Article] of the Convention concerning International Carriage by Rail (COTIF) [substance of reservation/declaration].

Done at [place] on [date]

[signature]

# Model instrument of withdrawal of (a) reservation(s)/declaration(s)

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**WITHDRAWAL OF RESERVATION/DECLARATION**

**WHEREAS** the Government of [name of State] on [date] made (a) reservation(s)/declaration(s)

in accordance with [Article] of the Convention concerning International Carriage by Rail (COTIF) according to which [substance of a reservation/declaration],

in accordance with [Article] of the Convention concerning International Carriage by Rail (COTIF) according to which [substance of a reservation/declaration].

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers], declare that the Government of [name of State], having reviewed the said reservation(s)/declaration(s), hereby withdraws the same with immediate effect/effect from [date].

Done at [place] on [date]

[Signature]

# Model instrument of inclusion/deletion of (a) railway line(s) in/from the CIV list of railway lines and/or CIM list of railway lines

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**INCLUSION/DELETION OF (A) RAILWAY LINE(S) IN/FROM THE CIV LIST OF RAILWAY LINES (AND)/CIM LIST OF RAILWAY LINES**

**WHEREAS**, upon accession to the Convention concerning International Carriage by Rail (COTIF),the Government of [name of State] made a declaration in accordance with [Article 1 § 6 CIV Uniform Rules (and)/Article 1 § 6 CIM Uniform Rules] of the Convention concerning International Carriage by Rail (COTIF) regarding the scope of the CIV Uniform Rules (and)/CIM Uniform Rules,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers], declare that the Government of [name of State], having reviewed the said declaration, hereby notifies in accordance with Article 24 § 3 of COTIF the inclusion/deletion of the following railway line(s) in/from the CIV List of railway lines (and)/CIM List of railway lines:.

* [End points of the route]
* [Length of route in kilometres]
* [Name and address of the entity managing the infrastructure of the railway line] (optional)

Done at [place] on [date]

[Signature]

# Model instrument of inclusion of (a) maritime and/or inland waterway service(s) in the CIV list of maritime and inland waterway services and/or CIM list of maritime and inland waterway services

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR ANOTHER COMPETENT AUTHORITY]**

**INCLUSION OF (A) MARITIME (AND)/INLAND WATERWAY SERVICE(S) IN THE CIV LIST OF MARITIME AND INLAND WATERWAY SERVICES (AND)/ CIM LIST OF MARITIME AND INLAND WATERWAY SERVICES**

**WHEREAS**, when international carriage being the subject of a single contract of carriage includes carriage by sea or transfrontier carriage by inland waterway as a supplement to carriage by rail, the CIV (and)/CIM Uniform Rules shall apply if the carriage by sea or inland waterway is performed on services included in the CIV list of maritime and inland waterway services (and)/CIM list of maritime and inland waterway services,

**AND WHEREAS** the maritime and inland waterway services linking COTIF Member States[[2]](#footnote-2) shall only be included in the lists with the agreement of those States,

**AND WHEREAS** the Government of [name of State] and the Government of [name of State] agreed2 to include (a) maritime and/inland waterway service(s) in the CIV list of maritime and inland waterway services (and)/CIM list of maritime and inland waterway services[[3]](#footnote-3),

**AND WHEREAS** the Government of [name of State] and the Government of [name of State] agreed2 to apply the liability regime[[4]](#footnote-4) in accordance with Article 38 of the CIM UR to that route, which will be the same for all undertakings included in the list of services,

**I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or another competent authority], notify

the inclusion of the following maritime/inland waterway service in the CIV List of maritime and inland waterway services:

* [End points of the route],
* [Length of route in kilometres],
* [Name and address of the shipping company operating/shipping companies jointly operating the service].

the inclusion of the following maritime/inland waterway service in the CIM List of maritime and inland waterway services:

* [End points of the route]
* [Length of route in kilometres]
* [Name and address of the shipping company operating/shipping companies jointly operating the service]
* Application of the special liability regime in accordance with Article 38 CIM Uniform Rules[[5]](#footnote-5)

Done at [place] on [date]

 [Signature]

# Model instrument of deletion of (a) maritime and/or inland waterway service from the CIV list of maritime and inland waterway services and/or CIM list of maritime and inland waterway services

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR ANOTHER COMPETENT AUTHORITY]**

**DELETION OF (A) MARITIME (AND)/INLAND WATERWAY SERVICE(S) FROM THE CIV LIST OF MARITIME AND INLAND WATERWAY SERVICES (AND)/ CIM LIST OF MARITIME AND INLAND WATERWAY SERVICES**

**WHEREAS** the Government of [name of State] (in agreement with Government of [name of State]) on [date] notified in accordance with Article 24 of the Convention concerning International Carriage by Rail (COTIF) the inclusion of the following services:

 • [End points of the route]

• [Length of route in kilometres]

• [Name and address of the shipping company operating/shipping companies jointly operating the service]

**I**, [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or another competent authority], notify the deletion of the same.

Done at [place] on [date]

[Signature]

# Model instrument of approval

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**INSTRUMENT OF APPROVAL**

**WHEREAS** the modifications to [list of acts modified][[6]](#footnote-6) were adopted by the [number] General Assembly held in [place] on [date],

**NOW THEREFORE I,** [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers] declare that the Government of [name of State], having considered the above-mentioned modifications, approves them and undertakes faithfully to perform and carry out the Convention in its modified version.

**IN WITNESS WHEREOF**, I have signed this instrument of approval at [place] on [date].

[Signature]

# Model instrument of non approval

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR A PERSON HAVING FULL POWERS]**

**INSTRUMENT OF NON-APPROVAL**

**WHEREAS** the modifications to [list of acts modified][[7]](#footnote-7) were adopted by the [number] General Assembly held in [place] on [date],

**NOW THEREFORE I,** [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or a person having full powers] declare that the Government of [name of State], having considered the above-mentioned modifications, does not approve them,

**IN WITNESS WHEREOF**, I have signed this instrument of non-approval at [place] on [date].

[Signature]

# Model instrument of objection

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR ANOTHER COMPETENT AUTHORITY]**

**INSTRUMENT OF OBJECTION**

**WHEREAS** the modifications to [list of acts modified][[8]](#footnote-8) were adopted by the [number] Revision Committee/RID Expert Committee/Committee of Technical Experts held in [place] on [date],

**NOW THEREFORE I,** [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or another competent authority] declare that the Government of [name of State], having considered the above-mentioned modifications, lodges an objection against the following modification(s):

[list of modifications]

**IN WITNESS WHEREOF**, I have signed this instrument of objection at [place] on [date].

[Signature]

# Model instrument of withdrawal of objection

**[HEAD OF STATE, HEAD OF GOVERNMENT, MINISTER OF FOREIGN AFFAIRS OR ANOTHER COMPETENT AUTHORITY]**

**INSTRUMENT WITHDRAWAL OF OBJECTION**

**WHEREAS** the Government of [name of State] on [date] made an objection against the modification(s) adopted by the [number] Revision Committee/RID Expert Committee/Committee of Technical Experts held in [place] on [date]:

[list of modifications][[9]](#footnote-9),

**NOW THEREFORE I,** [name and title of the Head of State, Head of Government, Minister for Foreign Affairs or another competent authority] declare that the Government of [name of State], having reviewed the said objection, hereby withdraws the same with immediate effect/effect from [date].

Done at [place] on [date]

[Signature]

1. For instance:

In accordance with Article 1 § 6 of the Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV – Appendix A to the Convention), the Government of [name of State] declares that [name of State] will apply these Uniform Rules to carriage performed on the following parts of the railway infrastructure situated on its territory: [railway lines].

In accordance with Article 1 § 6 of the Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM – Appendix B to the Convention), the Government of [name of State] declares that [name of State] will apply these Uniform Rules to carriage performed on the following parts of the railway infrastructure situated on its territory: [railway lines]. [↑](#footnote-ref-1)
2. Where applicable: this shall only be used for services linking COTIF Member States. [↑](#footnote-ref-2)
3. Optional: (a) State(s) may decide to include services in both lists or in one of them. [↑](#footnote-ref-3)
4. This special liability regime is optional. Where applicable, this shall only be used if the sea route concerned is served by several undertakings to be included in the list at the request of several Member States. [↑](#footnote-ref-4)
5. Optional. States may agree to apply the special liability regime, or not. [↑](#footnote-ref-5)
6. For instance, the Convention concerning International Carriage by Rail (COTIF) and its Appendices [list of Appendices]. [↑](#footnote-ref-6)
7. For instance, [Article] of the Convention concerning International Carriage by Rail (COTIF) (and)/[Article] of the [Appendix] of the Convention concerning International Carriage by Rail (COTIF). [↑](#footnote-ref-7)
8. For instance, [Article] of the [Appendix] of the Convention concerning International Carriage by Rail (COTIF). [↑](#footnote-ref-8)
9. For instance, [Article] of the [Appendix] of the Convention concerning International Carriage by Rail (COTIF). [↑](#footnote-ref-9)