



# COTIF and its Appendices

## What is important for Azerbaijan as a new Member State

Workshop “Passengers, goods and dangerous goods“, Baku, 3-4.5.2016

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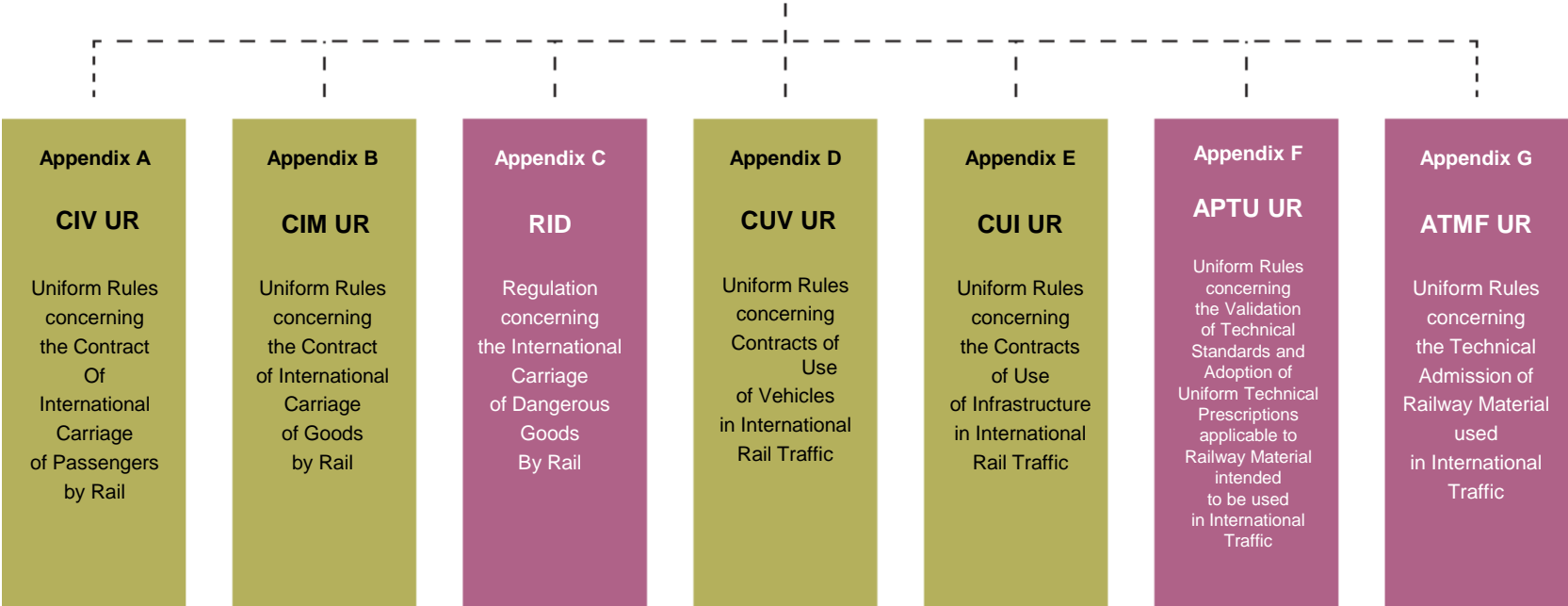
# 06

Interpretation  
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A freight train is shown in motion, moving from left to right across a field. The lead locomotive is orange and black, with the number 961 visible on its front. The train consists of several dark-colored freight cars. The background features a cloudy sky and a distant horizon. The entire image is overlaid with a dark blue semi-transparent filter.

# Structure of the Convention

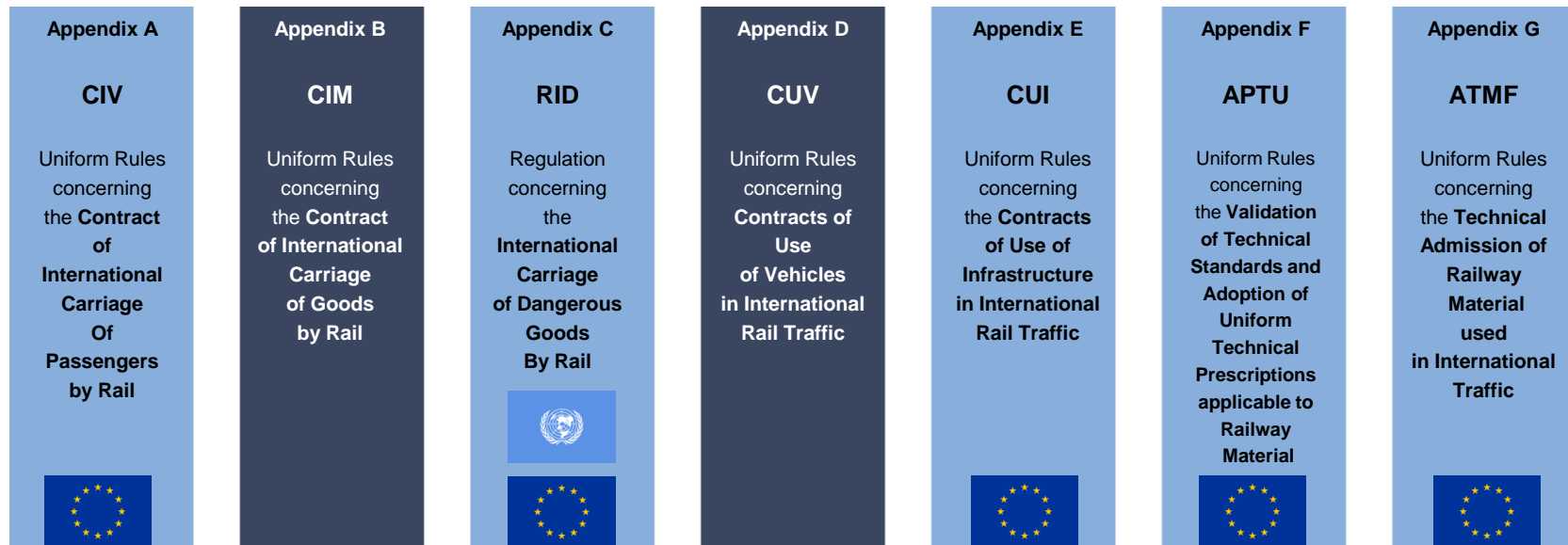
# COTIF Convention concerning International Carriage by Rail



COTIF: Convention and Appendices

# Seven Appendices of COTIF

## Relation to EU and UN rules



An aerial view of a large railway station with multiple tracks and high-speed trains. The station has a complex roof structure and many tracks. Several high-speed trains are visible on the tracks. The image is overlaid with a blue tint.

# Scope of application



## Application of Appendices to COTIF by Member States

41 OTIF Member States apply all the 7 Appendices, among others the Baltic States and Ukraine

As far as **Members of CIS** are concerned:

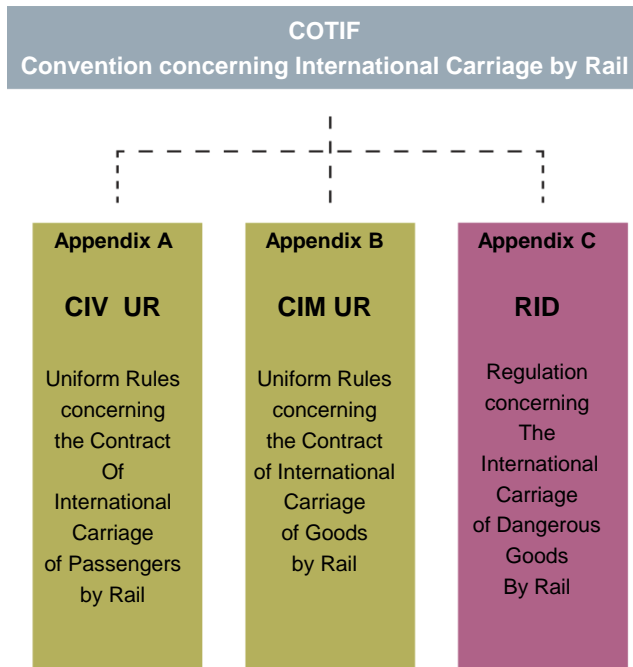
**Russia** CIM only

**Armenia** all 7 Appendices

(formally: no declaration made)

**Georgia** CIV, CIM, RID

**Azerbaijan** CIV, CIM, RID



## Scope of application of Appendices A and B

- General principle: **application to railway traffic on the whole railway infrastructure**
- Exception: **reservation on the scope** (only possible on accession, for SMPS/SMGS States parties) – regarding CIV and CIM: **only parts of railway infrastructure are subject**
  - **Ukraine:** development in several steps, today 1230 km CIM lines
  - **Estonia:** Tallinn – Tapa – Valga line
  - **Russia:** Baltiysk, Ust-Luga, Kavkaz (all of them: port-railway stations)
  - **Georgia:** Gardabani-state border with Turkey (+ CIM only Poti and Batumi, both of them port-railway stations)
  - **Azerbaijan:** Baku – Boyuk-Kesik (+ CIM only Alyat port – railway station)



# Azerbaijan's accession to COTIF

A person is standing on a wet street at night, looking towards a train. The scene is illuminated by streetlights, creating a warm, orange glow. The train is moving, and its lights are blurred. The person is wearing a dark jacket and pants. The street is wet, and there are puddles reflecting the lights. The overall atmosphere is quiet and contemplative.A decorative horizontal bar with five colored segments: blue, dark blue, red, orange, and purple.

# Azerbaijan's instrument of accession



Azərbaycan Respublikasının  
Xarici İşlər Naziri

Minister of Foreign Affairs  
of the Republic of Azerbaijan

OTIF CORRESPONDANCE			
1 6 JUL. 2015			
A	57	08	12.2015

INSTRUMENT OF ACCESSION  
OF THE REPUBLIC OF AZERBAIJAN  
TO THE CONVENTION CONCERNING INTERNATIONAL CARRIAGE  
BY RAIL (COTIF) OF 9 MAY 1980, AS AMENDED  
BY THE VILNIUS PROTOCOL OF 3 JUNE 1999

*WHEREAS* Convention concerning International Carriage by Rail (COTIF) was done at Bern on the 9th day of May 1980 and amended by the Vilnius Protocol on the 3rd day of June 1999.

*AFFIRMING* that the Milli Majlis (Parliament) of the Republic of Azerbaijan adopted the Law No. 1257-IVQ of April 14, 2015, signed by the President of the Republic of Azerbaijan H.E. Mr. Ilham ALIYEV, on accession by the Republic of Azerbaijan to the above-mentioned Convention with the following reservation and declarations:

**“Reservation of the Republic of Azerbaijan regarding arbitration:**

In accordance with Article 28 § 3 of the Convention concerning International Carriage by Rail (COTIF), the Republic of Azerbaijan reserves the right not to apply § 1 and § 2 of Article 28 of COTIF.

**Declaration of the Republic of Azerbaijan on the scope of application of CIV:**

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 Republic of Azerbaijan will apply these Uniform Rules on the Baku – Boyuk-Kesik railway line (503 km), after the new Baku-Tbilisi-Kars railway line is put into operation.

**Declaration of the Republic of Azerbaijan on the scope of application of CIM:**

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 Republic of Azerbaijan will apply these Uniform Rules on the following railway lines:

- The Baku – Boyuk-Kesik railway line (503 km), after the new Baku-Tbilisi-Kars railway line is put into operation;
- The railway line (6 km) between the Alyat Port and the Alyat Railway Station, after this line is put into operation.

**Declaration of the Republic of Azerbaijan in accordance with the first sentence of Article 42 § 1 of COTIF:**

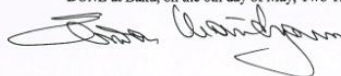
In accordance with Article 42 § 1 of COTIF, the Republic of Azerbaijan reserves the right not to apply the following Appendices:

- The Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV – Appendix D to the Convention);
- The Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI – Appendix E to the Convention);
- The Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (AFTU – Appendix F to the Convention);
- The Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF – Appendix G to the Convention).”

*NOW THEREFORE* I, Elmar MAMMADYAROV, Minister of Foreign Affairs of the Republic of Azerbaijan, declare that the Government of the Republic of Azerbaijan accedes to the above-mentioned Convention and undertakes faithfully to perform and carry out the stipulations therein contained.

*IN WITNESS WHEREOF*, I have signed this Instrument of Accession and affixed the Seal of the Ministry of Foreign Affairs of the Republic of Azerbaijan.

*DONE* at Baku, on the 6th day of May, Two Thousand and Fifteen.

 Elmar MAMMADYAROV

H.E. FRANÇOIS DAVENNE  
SECRETARY-GENERAL  
OF THE INTERGOVERNMENTAL  
ORGANIZATION FOR INTERNATIONAL  
CARRIAGE BY RAIL  
BERN



## Accession to the version of the Convention in force

- Currently applicable: 1999 version of COTIF, in force since 1.7.2016, revised in 2009, 2014 and 2015
- During the preparatory process preceding the deposit of the accession instrument the Convention and/or its Appendices may be modified
  - the State acceding has to transpose the version **in force** into its national law at the point in time when the accession comes into effect
  - the State acceding also has to transpose into its national law all **modifications adopted** by competent OTIF bodies, even if they have **not yet entered into force** (for entry into force of these modifications only the approval or objections made by those Member States count which were Member States at the point in time of the decision (taken by OTIF's General Assembly or one of its Committees) – **no need to deposit any additional instrument with regard to these amendments**

## Azerbaijan's reservation on the scope

Reservations made on accession

CIV UR: Baku – Boyuk-Kesik

CIM UR: Baku – Boyuk-Kesik and Alyat port –  
Alyat railway station

RID: no reservation was possible

Regarding the application of the CIV and CIM  
UR, other railway lines may be subject  
later and

shipping services using Alyat port may be  
subject in addition – rail-sea carriage  
under the CIM legal regime will be  
possible





## Multimodal transport subject to the CIV/CIM legal regime (rail-sea)

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- Agreement of the States concerned/connected with a shipping service on the legal regime to be applied
- Communication of shipping services to be subject to the CIV/CIM UR to the Secretary General

### Data requested

- Name and address of the shipping company operating the service
  - End points of the service, i.e. ports
  - Length in kilometers
- 
- These services will be listed in the CIV/CIM List of maritime and inland waterway services



# Rights and obligations of Member States

# Apply and develop the uniform law set up in COTIF and its Appendices

**Apply** COTIF and its Appendices with the exception of those Appendices against which Azerbaijan made a declaration in accordance with Article 42 of COTIF

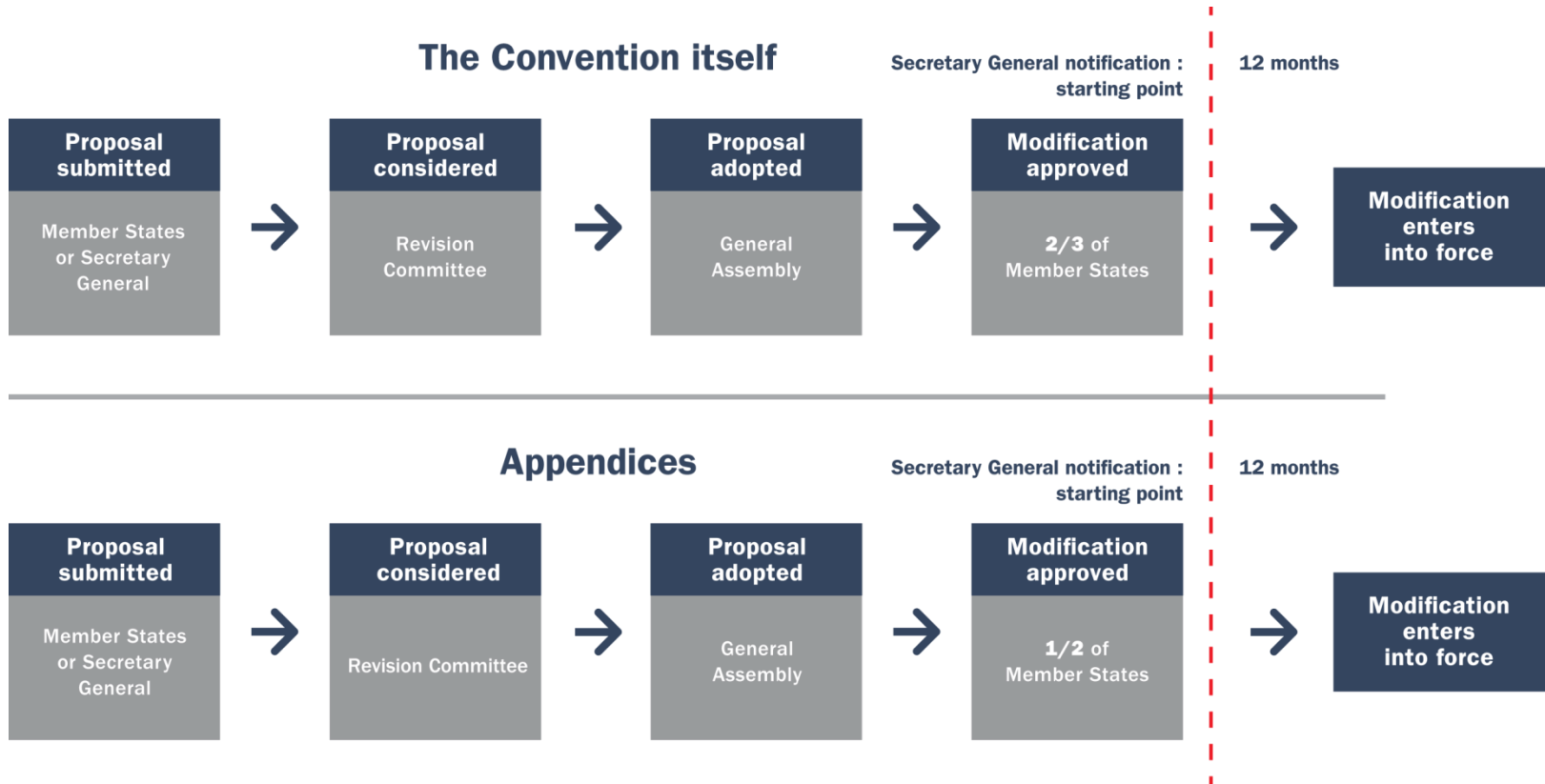
Rule: The application is mandatory (stakeholders, courts and other State institutions,)

In case of any doubt an opinion on disputes arising from the interpretation or application of COTIF can be requested from the Secretary General

## **Participate in developing** COTIF and its Appendices

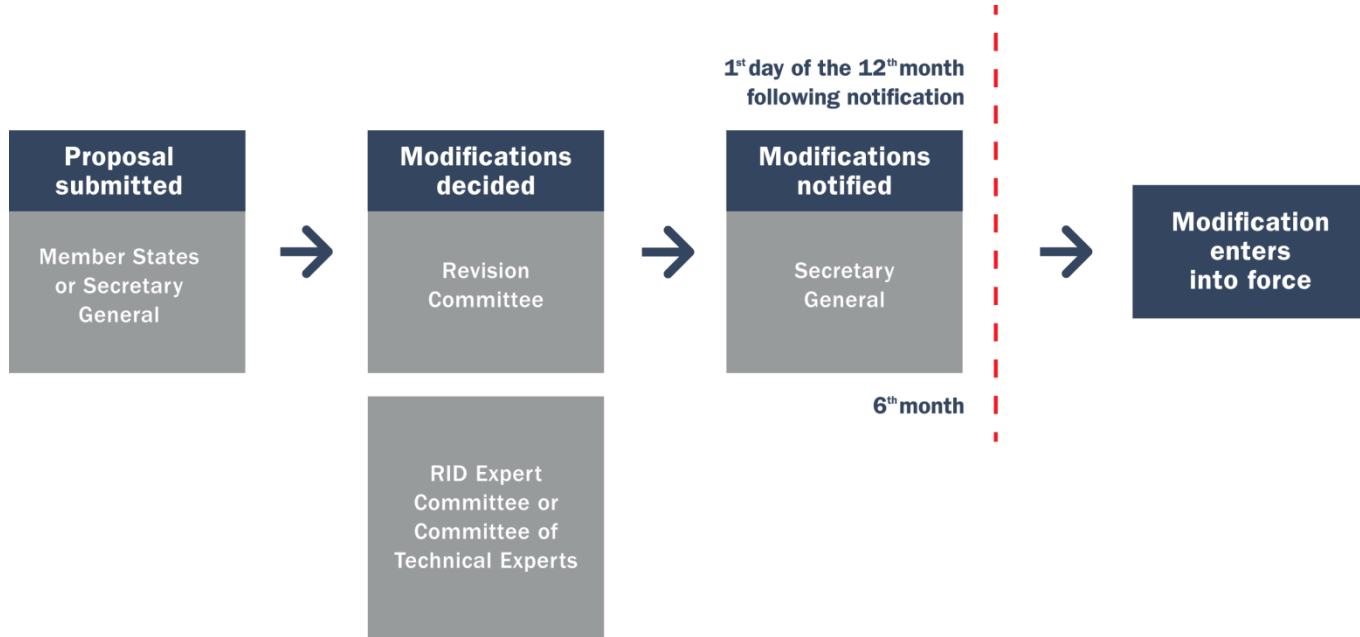
- Participation in working groups
- Positions, proposals
- Participation in meetings of OTIF bodies dealing with revision of the Convention, i.e. General Assembly  
Revision Committee  
RID Committee of Experts – with a right to vote  
CTE – without a right to vote
- Transpose the amendments adopted

# COTIF revision procedure: modifications adopted by General Assembly





# COTIF simplified revision: modifications adopted by Committees



## Administrative issues – participation and information

- Pay membership contribution
- Right to be informed of decisions of the Administrative Committee, in particular
  - Work programme
  - Budget
  - Annual report
  - Approved minutes of the meetings of the Administrative Committee
- Each Member State can be elected as a member of the Administrative Committee, but only 1/3 are represented on the Committee (+ 1/3 as deputy members)
- Submit applications for posts in the Secretariat in case of call for applications (all senior posts are internationally advertised); GA elects the Secretary General, for other senior posts the Administrative Committee is involved: decides/approves



## OTIF's website

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Text of the Convention including all its Appendices

Depositary table, overview of declarations and reservations, lists of lines, maps

Publications: work programme, annual report, Bulletin, press releases

Dates of meetings, working documents

Notifications of new texts adopted

# Contractual freedom of the parties to the contract



# Appendices A, B, D and E – contractual regulation

**Appendices A, B, D, E** – contain mandatory legal rules, allow (where expressly provided for) derogations by agreement of the parties

## Contractual relation

CIV

Carrier – passenger

CIM

Carrier – consignor (consignee)

CUV

Railway undertaking – keeper

CUI

Carrier – infrastructure manager

## Contractual freedom and membership of stakeholder associations

Carriers, wagon keepers, infrastructure managers

Space left for contractual freedom at legislative level = space for standardised solutions at stakeholder associations level

Different situation: COTIF contractual regulations and SMGS/SMPS  
(e.g. freight tariffs, period of validity of tickets)

Advantage of membership in stakeholder associations: use of standardised terms and conditions, model transport documents, model contracts

# Interpretation issues, disputes



## When an interpretation issue or a dispute arise

- Address a request for opinion to OTIF SG
  - Opinion on interpretation
  - Good offices to settle disputes between the parties concerned
- Arbitration
- Judicial proceedings





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

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