



ORGANISATION INTERGOUVERNEMENTALE POUR LES TRANSPORTS INTERNATIONAUX FERROVIAIRES
ZWISCHENSTAATLICHE ORGANISATION FÜR DEN INTERNATIONALEN EISENBAHNVERKEHR
INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL

**Assemblée générale
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PARTIAL REVISION OF COTIF – BASIC CONVENTION

Proposals to amend the consolidated Explanatory Report

**Convention concerning International Carriage by Rail
(COTIF)**

1. It is proposed to amend the part of the consolidated Explanatory Report on Article 12 of COTIF as follows, with the addition of a paragraph 4:
 4. The 12th General Assembly (Berne, 29 - 30.9.2015) decided to align the definition of "keeper" with the definition adopted by the Revision Committee (25th session, 25 - 26.06.2014) when amending Article 2 c) of the CUV UR.

2. It is proposed to amend the part of the consolidated Explanatory Report on Article 20 of COTIF as follows, with the addition of a new paragraph 7:

7. According to the CTE, the wording of Article 20 § 3 of COTIF, which prohibited any modification of uniform technical prescriptions at the time UTP are adopted, was not in accordance with Article 33 § 6 of COTIF.

The objective of Article 20 § 3 of COTIF adopted by the 5th General Assembly was in fact to avoid modifications being introduced by people who are not responsible for drafting them into a set of requirements being prepared. But in fact, the UTP are drafted by the standing working group WG TECH, in accordance with Article 4 § 2 of APTU. The Member States, the EU and the railway organisations (as observers) can have an influence on the drafting. Many WG TECH participants are also delegated to the CTE.

However, at each session of the CTE, the UTP have had to be amended during the session so that they could be adopted. Such amendments are provided for in the CTE's Rules of Procedure, but were not in conformity with Article 20 § 3 of COTIF.

At its 6th session (Geneva, 12.6.2013), the CTE was of the view that the text of Article 20 of COTIF should be amended to come up with wording similar to that adopted by the Revision Committee in October 1998 that would reflect current practice and be fully in line with Article 33 § 6 of COTIF, Articles 5 and 6 of APTU and the Committee of Technical Experts' Rules of Procedure, and submitted a proposal to the Revision Committee along these lines.

At its 25th session (25 - 26.6.2014), the Revision Committee approved this proposal to amend Article 20 § 3 of COTIF, which the General Assembly adopted at its 12th session (Berne, 29 - 30.9.2015.).

Current paragraphs 7 and 8 become 8 and 9.

3. It is proposed to amend the part of the consolidated Explanatory Report on Article 24 of COTIF as follows, with the addition of a sentence in paragraph 3:
 3. This does not apply to the case of complementary maritime transport or to inland waterway transport, when this part of the transport is itself trans-frontier. This is why, in these cases, the application of the CIV Uniform Rules and the CIM Uniform Rules continues to be determined by the registration of such lines on the corresponding lists (see the decisions of the Revision Committee concerning Article 1, § 4 of CIV and Article 1, § 4 of CIM cited in No. 1, as well as No. 19 of the remarks relating to Article 1 CIM, General Assembly document AG 5/3.5 of 15.2.1999). These are taken into account in Article 24, §§ 1, 3 and 5. To this extent, the regulation corresponds to Article 10 of COTIF 1980. The retention of the system

of registered lines for maritime trans-frontier complementary transport or for inland waterway transport is possible due to the fact, for example, that application of international maritime transport law is not mandatory, as is the case with the CIM Uniform Rules. **However, the 12th General Assembly (Berne, 29 – 30.9.2015) decided in § 5 to harmonise the period after which a deleted line is no longer subject to COTIF (up to now, three months) and the period for entering new lines (up to now, the line has been subject to COTIF after one month).**

4. It is proposed to amend the part of the consolidated Explanatory Report on Article 25 of COTIF as follows:

~~"4.~~ In 1999, the introduction of a special article **was** considered to be useful in the interest of editorial simplification, the Revision Committee having decided to change to a biennial timetable in matters relating to the programme of work, the budget, the accounts and the management report (Report on the 19th session, pp. 21/22 and 39/40; Report on the 21st session, p. 33).

However, this Article was adapted when the 12th General Assembly (Berne, 29-30.9.2015) decided to return to an annual timetable, as recommended by the Auditor for the budget, the accounts and the management report.

~~2. Notwithstanding the fact that provision has been made for publishing the Management Report on a biennial basis, there is nothing to prevent the Organisation from publishing an annual Management Report insofar as this is justified by the volume of work or the results achieved (Report on the 21st session, p. 33)."~~

5. It is proposed to amend the part of the consolidated Explanatory Report on Article 26 of COTIF as follows:

[...]

5. **The 12th General Assembly (Berne, 29-30.9.2015) decided to return to an annual timetable, as recommended by the Auditor, particularly for the budget and the accounts (see Article 25 of COTIF).** In order to ensure the liquidity of OTIF, the contributions for the current ~~biennial~~-annual period are due, in the form of a cash advance, ~~payable in two instalments~~, by not later than 31 October of the budget year covered by the budget (§ 5). The treasury advance shall be fixed on the basis of the definitive contribution for the preceding year.

6. § 6 corresponds, to a large extent, to Article 11 § 2, indent 1 of COTIF 1980.

7. § 7 corresponds to Article 11 § 2, indent 2 of COTIF 1980. ~~,but with the following amendment: the sums due bear interest from 1 January of the following year and the voting right of a debtor State is suspended for one year starting from the year for which it is under formal notice to pay.~~