

OTIF



ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL

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(Berne, 20 and 21 May 2014)

Subject: RID Contracting States

Proposal transmitted by the Secretariat

Introduction

1. On the basis of the Secretariat document OTIF/RID/CE/2009/8 (http://www.otif.org/fileadmin/user_upload/otif_verlinkte_files/05_gef_guet/02_RID_fach/02_20_09/CE_2009-08_E.pdf), the RID Committee of Experts decided at its 47th session (Sofia, 16 to 20 November 2009) to use the term "RID Contracting States" in Appendix C to COTIF, instead of the term "Member States of OTIF". The background to this was Russia's accession to COTIF, which for the first time meant that there was a Member State that had made a declaration in accordance with Article 42 of COTIF not to apply RID.
2. Annex 2 to the final document of OTIF's 7th General Assembly (Berne, 23 and 24 November 2005) sets out the legal consequences of the entry into force of COTIF 1999 if not all States have ratified the Vilnius Protocol in due time (http://www.otif.org/fileadmin/user_upload/otif_verlinkte_files/04_recht/AG_7_PV_24.11.2005_ad02_e.pdf).
3. Among other things, the document explains that the right to vote can only be granted to States that have not ratified, accepted or approved the 1999 Protocol or have not acceded to it to the extent that the discussions in these organs concern provisions that it would be possible to amend on the basis of the enabling power in accordance with COTIF 1980. For the RID Committee of Experts, this means that all Member States are entitled to develop RID (Annex to Appendix C), but those States that have not ratified, accepted or approved the 1999 Proto-

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col, or have not acceded to it, are not entitled to vote in decisions concerning amendments to Appendix C itself.

4. As a result, until all the RID Contracting States have ratified the 1999 Protocol, a distinction must be drawn between States which are fully entitled in terms of amendments to Appendix C, including RID (Annex to Appendix C), and those States which are only entitled to vote on amendments to RID itself.
5. In addition, there should also be a distinction in terms of States whose membership is suspended.
6. The Secretariat therefore suggests that under the RID Contracting States on page 1 of the official version of RID, the list should only include those States that have ratified COTIF 1999 and whose membership has not been suspended. This could be followed by the additional explanations below:

"Ireland, Italy and Sweden have not yet ratified the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 and are not therefore considered as RID Contracting States. However, in accordance with a decision of OTIF's General Assembly, they are granted the enabling power to develop the Annex to COTIF Appendix C and are therefore entitled to vote on amendments to the Annex to COTIF Appendix C.

Until international traffic is resumed, Iraq's and Lebanon's membership of OTIF is suspended."
