



MEMORANDUM OF UNDERSTANDING



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Between

Intergovernmental Organisation for International Carriage by Rail (OTIF)

&

The Cooperation Council for the Arab States of the Gulf- The Secretariat General (GCC-SG)¹

March 19, 2014

The Intergovernmental Organisation for International Carriage by Rail (OTIF) and the Cooperation Council for the Arab States of the Gulf - Secretariat General (GCC-SG) and its Member States (MS), hereinafter referred to as the 'Parties', both represented by their Secretaries General,

Considering that the GCC-SG's objective is to effect coordination, integration and interconnection among its Member States in all fields, including rail transport, and to formulate similar regulations in various fields, including, among others, economic and financial affairs, commerce, customs and communications, whereas OTIF's objective is to set up uniform systems of law applicable to international rail transport;

Aware that GCC-SG, and without limiting Member States' access to and communication with OTIF through the GCC-SG, has the objective of benefiting from the exchange of information and know-how to adopt and apply these uniform systems of law, adaptable to their needs and national requirements, during the implementation phases of the GCC Railway Project, i.e., detailed engineering design, construction, and operations and maintenance, and as soon as the railway network interconnecting them has been put into operation;

Recognising that accession of the GCC-SG and Member States to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the 1999 Vilnius Protocol (COTIF), could be the initial basis for applying/adopting as suitable these uniform systems of law within the GCC MS for the GCC Railway Project;

1: GCC MS - State of Kuwait; Kingdom of Bahrain; Kingdom of Saudi Arabia; United Arab Emirates; State of Qatar; and Sultanate of Oman.



Convinced that firstly, close cooperation between the Parties is necessary in order to prepare the accession of the GCC-SG and Member States to COTIF and to facilitate the application of the uniform legal regimes, and that secondly, such cooperation is necessary in order to prepare the accession to COTIF of GCC-SG and MS as a regional economic integration organisation at a later point in time, when the conditions of Article 38 of COTIF have been met;

Conscious that the Parties are interested in cooperating in the field of uniform legal, technical and operational regimes for railway transport, as is suitable to the needs and requirements of the GCC Railway Project;

Hereby agree to the following:

I. EXCHANGE OF INFORMATION

1. Each party shall keep the other regularly informed about activities of mutual interest.
2. GCC-SG will inform OTIF in particular about meetings relating to the issue of accession in general or to specific legal issues, including the technical approval of railway material, the decisions taken and the railway infrastructure put into operation.
3. OTIF will inform GCC-SG in particular about meetings regarding the issue of accession or having an impact on it, i.e. preparation or adoption of any amendments to COTIF, its appendices or annexes to appendices and the entry into force of such amendments; the information will also include other decisions important for international railway traffic, such as decisions regarding the facilitation of international railway traffic.
4. The Parties will exchange their annual management reports and other publications of mutual interest, as available, including:
 - a) Common coordination measures to consolidate and develop international rail transport.
 - b) Plans of development and modernisation of technical specifications [or characteristics] and the legislative and institutional regulations and laws of rail transport at regional and international levels, including the exchange of technical information between the two organisations and the Member States in order to overcome difficulties and challenges resulting from the amendment or update of the regulations applied in the Member States.



- c) Coordination between the two organisations concerning the requirements of international rail transport, such as overcoming technical and administrative obstacles to rail transport in an effective and economical manner in a way which is mutually beneficial for Member States.

II. CONSULTATION AND COOPERATION

1. Where necessary, the Parties shall consult and cooperate with each other in meetings and by other means, on the matters referred to in section I above.
2. Subject to decisions that may be taken by their respective decision-making bodies concerning participation in their meetings, the GCC Secretariat General and the Secretary General of OTIF shall invite each other, as needed, to attend their relevant meetings as observers on a reciprocal basis.
3. The Parties may jointly organise training seminars and workshops at national/regional level on different aspects of the international railway regimes and may provide advisory services at the specific request of the Member States.
4. In this context, the Parties may, in cooperation with their Member States, address various issues in connection with international railway transport between the Arabian Peninsula and Europe that have an impact in the GCC Railway Development or in other regions, and in so doing, they may seek the support of other international bodies if necessary.
5. In order to facilitate effective coordination and cooperation between the parties concerned, the secretariats of both organisations may designate a "communication officer" (at their respective discretion) to take care of coordination between the parties concerned with regard to the strategic cooperation and the exchange of information as mentioned in this MoU. The designated "communication officers" will communicate and coordinate (via electronic means) in order to ensure efficiency in coordination and cooperation between the two organisations and the GCC Member States.

III. DEFINITION OF AN ACCESSION ROADMAP

1. Bearing in mind that it is possible for GCC-SG to accede to COTIF as soon as at least one of the GCC Member States has acceded to COTIF, GCC-SG and OTIF will establish a list of states that intend to accede to COTIF.

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2. The accession procedure is different for states and for regional economic integration organisations:
 - For a Member State of GCC, the accession procedure in accordance with Article 37 of COTIF will take around 6 months from the time the Depository (i.e. the Secretary General of OTIF) notifies the Member States of OTIF of the application for accession.
 - The accession to COTIF of GCC as a regional economic integration organisation is regulated in Article 38 of COTIF. It requires the preparation of an accession agreement that must be submitted to the General Assembly of OTIF for approval (Article 14 § 2 n) of COTIF).
3. On the basis of their respective regulations, GCC-SG and OTIF agree to draw up an accession road map that will allow them to:
 - Define the content of the agreement and the area within the GCC States where OTIF law will be implemented (freight, infrastructure, technical rules, etc.);
 - Set up an ad-hoc procedure to minimise the accession timescale.
4. To the extent possible, in the pre-accession procedure, OTIF will keep GCC-SG and its Member States up to date with the latest developments in the railway sector through participation in technical or legal working groups at European level.

IV. CONCLUDING PROVISIONS

1. This MOU becomes effective from the date it is signed by both Parties and is renewable for one calendar year unless notified by any of the Parties to terminate it three months prior to its date of expiry.
2. This Memorandum of Understanding is subject to approval by the Parties' appropriate decision-making bodies and shall enter into force immediately upon signature by the Secretary General of OTIF and the Secretary General of GCC.
3. None of the provisions of this Memorandum of Understanding shall infringe upon the respective mandates of the Parties in accordance with their relevant rules and procedures.



4. This Memorandum of Understanding may be modified by mutual written consent and/or terminated by either Party following six months prior written notice to the other Party.

In witness whereof, this MOU is signed in Bern-Switzerland on March 19, 2014 in two original copies in both English and Arabic, and both texts are authentic.

Mr. Davenne François

A handwritten signature in blue ink, consisting of a large, sweeping 'V' shape followed by a horizontal line and a diagonal stroke.

Secretary General

**Intergovernmental Organisation for
International Carriage by Rail - OTIF**

Dr. Abdullatif Al-Zayani

A handwritten signature in blue ink, featuring a complex, stylized script with multiple loops and flourishes.

Secretary General

**The Cooperation Council for the Arab
States of the Gulf Secretariat General**