

CONVENTION ON INTERNATIONAL DIRECT RAILWAY TRAFFIC

The Governments of the States, hereinafter referred to as the 'Contracting Parties',
Recognising the importance of developing international railway traffic,
Stressing the need to create a common railway transport space,
Promoting an increase in the competitiveness of transcontinental railway routes,
Confirming our adherence to the Charter of the United Nations Organisation and
guided by the generally recognised principles and norms of international law,
Have agreed as follows:

PART I GENERAL PROVISIONS

SECTION 1 ORGANISATION FOR COOPERATION BETWEEN RAILWAYS

Article 1 International Intergovernmental Organisation

The Contracting Parties, having signed this Convention, shall convert the Organisation for Cooperation between Railways (hereinafter referred to as 'the OSJD') into an international intergovernmental organisation, in which they will continue their activity on the basis of this Convention.

Article 2 Abbreviated name

The official abbreviated names of the Organisation for Cooperation between Railways are as follows:

in English – OSJD.

in Chinese – 铁组

in Russian – ОСЖД;

Article 3
Legal status and legal capacity of the OSJD

1. The OSJD shall be a subject of international law and shall have international legal capacity which is necessary to achieve its goals.
2. The OSJD shall be a legal person and may, in particular:
 - 2.1. enter into contracts required for carrying out its work;
 - 2.2. acquire, lease and dispose of movable and immovable assets;
 - 2.3. open bank accounts and effect transactions with monetary assets in any currency;
 - 2.4. act as plaintiff or defendant in legal proceedings.

Article 4
Cooperation with subjects of international law and other organisations and associations

1. The OSJD may, in matters within its remit, cooperate with States and regional economic integration organisations and with international organisations whose interests and activity are relevant to the aims of the OSJD.
2. The OSJD may, in matters relating to its areas of activity, make suitable arrangements for consultation and cooperation with international organisations and associations.

SECTION 2
AIMS AND PRINCIPLES
AREAS OF ACTIVITY

Article 5
Aims of the OSJD

The OSJD's aims are to create conditions for the development of cooperation in the field of rail transport; the creation of a single rail transport space; the improvement of safety and security of transportation and competitiveness of transcontinental railway routes; and the development of international direct railway traffic.

Article 6
Principles governing activity

The OSJD shall operate on the basis of principles of sovereign equality, mutual respect and territorial integrity of the OSJD Member States and strict respect for the independence, voluntary participation and equality of rights and obligations of the OSJD Members in accordance with the provisions of this Convention.

Article 7

Areas of activity

The OSJD's areas of activity are:

- 1) promoting the shaping of transport policy in the field of international carriage by rail, working out a strategy for the development of rail transport;
- 2) developing and improving international law in the field of carriage by rail and in the field of facilitation of border crossing by rail transport;
- 3) administering under this Convention and international treaties concluded within the framework of the OSJD in connection with international carriage by rail;
- 4) developing the transport links;
- 5) developing, improving and increasing safety and security of international carriage by rail, including carriage involving the use of other transport modes;
- 6) cooperating on the issues relating to economic, informational, scientific and technical aspects of rail transport and coding;
- 7) cooperating in the field of operation of vehicles and railway infrastructure, on technical and operational issues related to the further development and organisation of international carriage by rail;
- 8) cooperating with international organisations;
- 9) establishing principles governing the organisation of financial settlements between and among railway companies (organisations) for international carriage by rail and services associated therewith.
- 10) training in the matters of application of the legal framework of the OSJD with regard to organisation and implementation of international railway traffic of passengers and goods.

SECTION 3

ANNEXES TO THIS CONVENTION

Article 8

General Provisions regulating international through railway traffic

1. If no reservations have been submitted in accordance with Article 72 of this Convention, mandatory rules for international railway traffic shall be established by:
 - 1.1. General Provisions on the Contract of Carriage of Goods in International Traffic (Annex 1 to this Convention);
 - 1.2. General Provisions on the Contract of Carriage of Passengers in

International Traffic (Annex 2 to this Convention);

1.3. General Provisions on the Carriage of Dangerous Goods in International Traffic (Annex 3 to this Convention);

1.4. General Provisions on Railway Infrastructure in International Traffic (Annex 4 to this Convention);

1.5. General Provisions on Railway Rolling Stock in International Traffic (Annex 5 to this Convention);

1.6. General Provisions on Use of Freight Wagons in International Traffic (Annex 6 to this Convention);

1.7. General Provisions on Use of Passenger Coaches in International Traffic (Annex 7 to this Convention).

2. The Annexes referred to in paragraph 1 of this Article and shall form an integral part of this Convention.

PART 2

FORMS OF PARTICIPATION AND STRUCTURE OF THE ORGANISATION

SECTION 4

GENERAL PROVISIONS

Article 9

OSJD Members

The membership of the OSJD shall comprise the Contracting Parties as well as the governments of the States and regional organisations for economic integration that have acceded to this Convention in the manner provided by Articles 61 and 62 of this Convention.

Article 10

Participation of railway companies in the OSJD

Railway companies (organisations) under any form of ownership which are registered and operate in the territory of an OSJD Member State, are engaged in international transport and/or possess (manage) railway infrastructure used to implement the said transport operations or associations (holdings, etc.) of such railway companies directing and/or managing them, may take part in the work of the OSJD.

Article 11 a

Observers at the OSJD

1. The Ministers Conference may grant the government of a third State, sharing the aims and principles of the OSJD's activity and being interested in any areas of

the OSJD's activity, the status of Observer at the OSJD in the Ministers Conference in accordance with an official written application addressed to the Chairman of OSJD Committee.

In the Ministers Conference, Observers at the OSJD shall have the right to:

- 1.1. participate, with a consultative vote, in the work of the Commission on Transport Policy and Development Strategy and the Commission on Transport Law;
- 1.2. participate, without the right to vote, in the consideration of items on the agenda of sessions of the Ministers Conference.

2. The Assembly of Railway Companies may grant a railway company (organisation) third State, being a carrier engaged in international traffic and/or an infrastructure manager, or an association (holding, etc.) of such companies, sharing the aims and principles of the OSJD's activity and being interested in any areas of the OSJD's activity, the status of Observer at the OSJD in the Assembly of Railway Companies in accordance with an official written application addressed to the Chairman of OSJD Committee.

In the Assembly of Railway Companies, Observers at the OSJD shall be entitled to:

- 2.1. participate, in a consultative capacity, in the work of the Commission on Freight Traffic, the Commission on Passenger Traffic, the Commission on Infrastructure and Rolling Stock, the Commission on Coding and Informatics and the Commission on Finance and Accounting;
- 2.2. participate, without the right to vote, in the consideration of items on the agenda of meetings of the Assembly of Railway Companies.

3. The procedure for exercising the rights set forth in paragraphs 1 and 2 of this Article and for fulfilling the obligations arising out of this Convention shall be determined by an agreement to be concluded between the Observer and OSJD Committee.

Observers at the OSJD shall participate in the activity of the OSJD individually.

Article 11b **Associated Enterprises of the OSJD**

1. The Assembly of Railway Companies may grant a commercial organisation or association whose activity coincides with the aims and principles of the OSJD the status of Associated Enterprise of the OSJD in accordance with an official written application addressed to the Chairman of OSJD Committee.

An Associated Enterprise of the OSJD shall have the right to:

- 1.1. participate, in a consultative capacity, in the work of the Commission on Freight Traffic, the Commission on Passenger Traffic, the Commission on Infrastructure and Rolling Stock, the Commission on Coding and Informatics and the Commission on Finance and Accounting;

- 1.2. participate, without the right to vote, in the consideration of items on the agenda of meetings of the Assembly of Railway Companies.
2. The procedure for exercising the rights set forth in paragraph 1 of this Article and for fulfilling the obligations arising out of this Convention shall be determined by an agreement to be concluded between the Associated Enterprise and OSJD Committee. Associated Enterprises of the OSJD shall participate in the activity of the OSJD individually or collectively.

Article 12

OSJD bodies

1. The bodies of the OSJD are:
 - 1.1. the Ministers Conference;
 - 1.2. the Assembly of Railway Companies;
 - 1.3. the Audit Commission;
 - 1.4. meetings of plenipotentiary representatives;
 - 1.5. OSJD Committee;
 - 1.6. the OSJD Commissions;
 - 1.7. other bodies established by decision of the Ministers Conference or the Assembly of Railway Companies.
2. The functions and working procedure of the bodies referred to in paragraph 1 of this Article shall be governed by this Convention, except for subparagraph 1.7. The functions and procedure of the bodies referred to in subparagraph 1.7 of paragraph 1 of this Article shall be determined by decisions or individual regulations approved by the Ministers Conference or the Assembly of Railway Companies.

SECTION 5

THE MINISTERS CONFERENCE

Article 13

General provisions concerning the Ministers Conference

1. The Ministers Conference shall be the highest governing body of the OSJD.
2. The heads of the plenipotentiary bodies of the OSJD Members who are designated by the OSJD Members shall become members of the Ministers Conference, and shall notify the Depositary of this Convention thereof.
3. Decisions of the Ministers Conference shall be adopted at a session of the Ministers Conference (hereinafter 'session') and shall be binding on the OSJD Members, save

where an OSJD Member has submitted the reservation provided for in paragraph 4 of this Article.

4. An OSJD Member may declare the decisions inapplicable where the implementation of the decisions imposes threat to the state security, environment, public health and/or conflicts with obligations under international treaties to which the OSJD Member is party, except for the decisions to be adopted in accordance with subparagraph 1.11 of paragraph 1 of Article 14 and paragraph 1 of Articles 44, 63 and 64 of this Convention.

Article 14

Remit of the Ministers Conference

1. The remit of the Ministers Conference shall include the following:

- 1.1. considering and adopting decisions in the OSJD's areas of activity mentioned in paragraphs 1, 2, 3 (except for administration relating to contracts concluded within the OSJD by railway companies (organisations)), 4 and 8 of Article 7 of this Convention;
- 1.2. approving the summary Annual Report and Work Programme of the OSJD for the areas of activity within its remit;
- 1.3. approving the OSJD's budget, the Procedure for the planning, accounting and reporting of revenue and expenditure in the OSJD's budget, and determining the amount of membership dues;
- 1.4. approving the staffing table of OSJD Committee;
- 1.5. approving the composition and report of the OSJD Audit Commission;
- 1.6. considering and adopting decisions to temporarily suspend OSJD Members from participating in the OSJD's activity in accordance with the procedure provided for in Article 63 of this Convention;
- 1.7. considering and adopting decisions to exclude OSJD Members from the OSJD in accordance with the procedure provided for in Article 64 of this Convention;
- 1.8. considering and adopting decisions to grant, suspend or cancel the status of Observer at the OSJD in the Ministers Conference;
- 1.9. considering and adopting decisions relating to the creation of the bodies provided for in subparagraphs 1.6 and 1.7 of paragraph 1 of Article 12 of this Convention, and to matters concerning the organisation of their work;
- 1.10. **approving the distribution of posts in OSJD Committee (Russia, Georgia);**
- 1.10. ~~approving the distribution of posts in OSJD Committee to return after consideration of Article 25 (Estonia)~~
- 1.11. considering and adopting decisions relating to amendments and additions to this Convention;
- 1.12. adopting decisions to accept as Members of the OSJD in the cases mentioned in paragraph 4 of Article 61 of this Convention;
- 1.13. approving and amending the rules arising out of this Convention;
- 1.14. adopting decisions to create a uniform system of technical regulation as a set of specifications for railway rolling stock and a mechanism for assessing conformity with such specifications;

- 1.15. coordinating the work of the OSJD Commissions referred to in paragraphs 6 and 7 of Article 31 of this Convention;
 - 1.16. adopting decisions to conclude agreements on cooperation with international organisations relating to areas of the OSJD's activity;
 - 1.17. adopting decisions on the matters referred to in Article 44 of this Convention;
 - 1.18. considering the report of the Assembly of Railway Companies on its activity and taking note of it;
 - 1.19. considering and adopting decisions on other matters arising out of this Convention, except for the matters relating to the remit of the Assembly of Railway Companies.
2. The Ministers Conference shall adopt the rules of procedure for a session, elect the working bodies and adopt decisions on organisational and administrative matters within its remit.

Article 15 **Session of the Ministers Conference**

1. A session shall be quorate if it is attended by not less than two-thirds of Heads of the plenipotentiary bodies of the OSJD Members or of persons authorised by them.
2. The voting at a session shall be held in accordance with Article 36 of this Convention.
3. The decisions of a session shall enter into force on the date of signature of the minutes of the session, save where another date is specified in them or in this Convention.
3. The decision of the Ministers Conference shall enter into force on the day of the completion of the session, unless another date is specified in them or in this Convention. The decisions of the Ministers Conference shall be drawn up in the form of the minutes.

SECTION 6 **THE ASSEMBLY** **OF RAILWAY COMPANIES**

Article 16 **General Provisions concerning the Assembly of Railway Companies**

1. The Assembly of Railway Companies (hereinafter 'Assembly') shall be a governing body of the OSJD, representing the interests of railway companies (organisations) and shall carry out work within its remit on the basis of the provisions of this Convention.
2. The Assembly participants shall be railway companies (organisations) or associations (holdings etc.) of such railway companies or their national associations that have expressed a desire to participate in the Assembly and which meet the

requirements set out in this Convention. The plenipotentiary body of an OSJD Member shall inform OSJD Committee as to the composition of its Assembly participants and as to the participant with the right to vote on behalf of their State. The criteria for selection shall be established separately within each State.

3. The number of Assembly participants shall be unlimited.
4. The Assembly participants shall be represented at the Assembly meetings by their heads or persons authorised by them.
5. The decisions of the Assembly shall be binding on the Assembly participants if they adopt them. Otherwise, these acts shall be of a recommendatory nature.

Article 17 **Competence of the Assembly**

1. The remit of the Assembly shall include the following:
 - 1.1. considering, agreeing and presenting to a session proposals prepared by OSJD working bodies for amendments and additions to the rules and regulations arising out of the provisions of this Convention;
 - 1.2. participating in the areas of the OSJD's activity referred to in paragraphs 3, 5, 6, 7 and 9 of Article 7 of this Convention;
 - 1.3. considering and adopting decisions to grant, suspend or cancel the status of Observer at the OSJD in the Assembly of Railway Companies;
 - 1.4. granting the status of Associated Enterprise of the OSJD;
 - 1.5. coordinating the work of the OSJD Commissions referred to in paragraphs 8-12 of Article 31 of this Convention;
 - 1.6. setting up specialised temporary working groups for the areas of the OSJD's activity falling within the remit of the Assembly;
 - 1.7. considering and making recommendations as to revenues and expenditures in the OSJD budget;
 - 1.8. ensuring the implementation of decisions of the OSJD governing bodies by the Assembly participants;
 - 1.9. coordinating the work of the Assembly participants on preparing, discussing, concluding and amending the economic agreements in the OSJD's areas of activity relating to the remit of the Assembly;
 - 1.10. drafting and adopting model agreements, rules and manuals of an economic, financial, operational, technical, technological or other nature with the aim of implementing and uniformly and consistently applying the international agreements on rail transport governed by this Convention;
 - 1.11. considering and adopting decisions on other matters arising out of this Convention, relating to the competence of the Assembly.
2. The Assembly may formulate proposals for consideration at a session on all the areas of the OSJD's activity.

3. The Assembly shall adopt rules of procedure, elect working bodies and adopt decisions on organisational and administrative matters within its remit.
4. The Assembly shall submit reports on its activity to the Ministers Conference.

Article 18
Meetings of the Assembly

1. A meeting of the Assembly shall be recognised as quorate if it is attended by not less than two-thirds of the Assembly participants with the right to vote.
2. Voting at an Assembly meeting shall be held in accordance with Article 37 of this Convention.

SECTION 7
MEETINGS OF PLENIPOTENTIARY REPRESENTATIVES

Article 19
Meeting of Plenipotentiary representatives of the Heads of plenipotentiary bodies of OSJD Members

1. The Meeting of Plenipotentiary representatives of the Heads of the plenipotentiary bodies of OSJD Members shall:
 - 1.1. examine and agree on material and draft decisions to be submitted to a session of the Ministers Conference;
 - 1.2. approve the work plans of OSJD working bodies falling within the jurisdiction of the Ministers Conference;
 - 1.3. examine and adopt decisions relating to functions delegated by the Ministers Conference. The delegation of functions provided for in subparagraphs 1.1–1.8, 1.10-1.14, 1.17 and 1.18 of Article 14 of this Convention shall not be allowed;
 - 1.4. adopt decisions on the establishment and discontinuance of temporary working groups of the OSJD Commissions that are accountable to the Ministers Conference.
2. The Rules of Procedure of the Meeting of Plenipotentiary representatives of the Heads of the plenipotentiary bodies of OSJD Members shall be subject to approval by the Ministers Conference.

Article 20

Meeting of Plenipotentiary Representatives of Assembly Participants

1. The Meeting of Plenipotentiary representatives of the Assembly participants shall:
 - 1.1. examine and agree on papers and draft decisions to be submitted to the meeting of the Assembly;
 - 1.2. approve the work plans of OSJD working bodies falling within the jurisdiction of the Assembly;
 - 1.3. examine and adopt decisions relating to the functions delegated by the Assembly. The delegation of functions provided for in paragraphs 1.3, 1.4 and 1.7 of Article 17 of this Convention shall not be allowed;
 - 1.4. adopt decisions on the establishment and discontinuance of temporary working groups of the OSJD Commissions that are accountable to the Assembly.
2. The Rules of Procedure of the Meeting of Plenipotentiary representatives of the Assembly participants shall be subject to approval by the Assembly.

Article 21

Joint session of meetings of Plenipotentiary Representatives

1. The Joint session of meetings of Plenipotentiary representatives of the Heads of Plenipotentiary bodies of OSJD Members and of the Assembly participants shall be convened at least once a year, and it shall take decisions on the matters within its remit in accordance with Articles 19 and 20 of this Convention.
2. The Rules of procedure of the Joint meeting of Plenipotentiary representatives shall be adopted by the Ministers Conference.