

MINUTES
Session IV
International Conference
on adoption of the text of the Convention
on International Direct Railway Traffic
(26-30 March 2018, Warsaw, Republic of Poland)

In accordance with the decision of Session III of the International Conference on adoption of the text of the Convention on International Direct Railway Traffic (27 November – 1 December 2017, Warsaw, Republic of Poland), Session IV of International Conference on adoption of the text of the Convention on International Direct Railway Traffic was held in Warsaw (Republic of Poland) on 26-30 March 2018 (hereinafter referred to as Session).

The delegations from the following Member States of the Organisation for Co-operation between Railways (hereinafter – OSJD) took participation in the Session:

Republic of Azerbaijan,
Islamic Republic of Afghanistan
Republic of Belarus,
Republic of Bulgaria,
Hungary,
Socialist Republic of Viet Nam,
Georgia,
Republic of Kazakhstan
People's Republic of China,
Democratic People's Republic of Korea,
Republic of Latvia,
Republic of Lithuania,
Republic of Moldova,
Mongolia,
Republic of Poland,
Russian Federation,
Romania
Slovak Republic,
Republic of Uzbekistan
Ukraine,
Czech Republic,
Republic of Estonia.

The Session was attended by representatives from the Republic of Korea, the European Union (EU), the Eurasian Economic Commission (EEC) and OSJD Committee.

The List of the Session participants is attached (*Annex A to these Minutes*).

The Session was chaired by Mr. Sergey Aristov, State Secretary – Deputy Minister of Transport of the Russian Federation.

On 28 March 2018 the functions of the Chairman of the Session were fulfilled by Mr. Liu Keqiang, Deputy Administrator of National Railway Administration of the People's Republic of China.

The functions of the Secretary of the Session were fulfilled by Mr. Tadeusz Szozda, Chairman of OSJD Committee.

In accordance with Article 5 of the Rules of Procedure for International Conference on adoption of the text of the Convention on International Direct Railway Traffic (hereinafter, the Rules), the Credentials Committee was set up to examine credentials, which was composed of representatives from the delegations of Hungary, Georgia, People's Republic of China, Republic of Poland, Russian Federation. This Committee examined the credentials. The Chairman of the Credentials Committee Mr. Levan Tsurtsunia reported on the credentials available in accordance with Article 2 of the Rules of Procedure for the International Conference on adoption of the text of the Convention on International Direct Railway Traffic (hereinafter – Rules) with the following 22 delegations of the OSJD Member States: Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, the Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic and Republic of Estonia.

Based on the abovementioned, in accordance with Article 11 of the Rules, Mr. Aristov, the Chairman of the Session, declared that the Session was quorate.

The Session participants took note that the representative from the European Union had credentials signed by the President of the European Commission.

To prepare the minutes of Session IV, the Conference established the editing group composed of representatives from delegations of Georgia, Republic of Kazakhstan, People's Republic of China, Republic of Latvia and Russian Federation.

A representative from the Republic of Korea addressed the Conference participants and thanked in his statement for the invitation and confirmed that his country was interested in getting the OSJD membership.

Results of Discussion:

Under Item 1 of the Agenda

The Session adopted the agenda as follows:

1. Adoption of the agenda of Session IV.
2. Discussion of the main text of Convention on International Direct Railway Traffic.
3. Date and agenda for Session V of the Conference.

Under Item 2 of the Agenda

The Session considered and adopted the text of Articles 28-38 of draft Convention on International Direct Railway Traffic (hereinafter, draft Convention) (***Annex 1 to these Minutes***).

In the cases where the proposals put forward for consideration in order to modify or supplement the text of draft Convention did not acquire the required number of votes, the text of draft Convention would be adopted, specified in paragraph 2 of Article 1 “Scope of Application” of the Rules.

The provisions of Articles 28- 38 of draft Convention were adopted after long-time discussions, in the course of which voting was conducted. The detailed voting results are included ***in Annex 2 to these Minutes in digital form***.

Voting No. 1

The delegations from the Republic of Azerbaijan and Georgia made a proposal to draw up paragraph 3 of Article 28 “Secretary of the Committee” in a wording as follows: “3. *Secretary of the Committee shall perform the functions of the Deputies of Chairman in their temporary absence*”.

The results of the voting:

“In Favour” – 11;

“Against” – 6;

“Abstained” – 5.

The proposal was not adopted.

Voting No. 2

The delegation from the Republic of Uzbekistan made a proposal to draw up paragraph 4 of Article 28 “Secretary of the Committee” in a wording as follows:

“4. *As instructed by the Chairman of the Committee, the Secretary of the Committee shall perform other functions falling within competence of the Committee*”.

The results of the voting:

“In Favour” – 5;

“Against” – 7;

“Abstained” – 10.

The proposal was not adopted.

Voting No. 3

The delegation from the Republic of Kazakhstan made a proposal to draw up paragraph 4 of Article 28 “Secretary of the Committee” in a wording as follows:

“4. *As instructed by the Chairman of the Committee, the Secretary of the Committee shall perform other functions within the framework of activities of the Committee*”.

The results of the voting:

“In Favour” – 2;

“Against” – 10;

“Abstained” – 10.

The proposal was not adopted.

Voting No. 4

The delegation from the Republic of Estonia made a proposal to exclude Article 2 “Committee meetings” from draft Convention:

The results of the voting:

“In Favour” – 5;

“Against” – 17;

The proposal was not adopted.

Voting No. 5

The delegations from Georgia, Republic of Kazakhstan, People`s Republic of China and Republic of Uzbekistan made a proposal to draw up paragraph 1 of Article 29 “Committee meetings” in a wording as follows:

“1. A Committee meeting shall be quorate if attended by at least two-thirds of the Committee's officials”.

The results of the voting:

“In Favour” – 18;

“Against” – 3;

“Abstained” – 1.

The proposal was adopted.

By common consent, the Session decided as follows:

- not to consider Option II of Article 30 “Distribution of posts in the Committee”,
- to exclude paragraph 1 “Distribution of posts in the Committee” drawn up in Option I of Article 30 in view of the new wording of Articles 26 and 27 of draft Convention.

Voting No. 6

The delegations from the People`s Republic of China and Russian Federation made a proposal to draw up paragraph 1 of Article 30 “Distribution of posts in the Committee” in a wording as follows: *“1. The posts of the Deputies of Chairman of the Committee shall be distributed among the officials that are representatives from the OSJD Member States whose annual membership contributions have the largest shares in the total amount of membership contributions of the OSJD Member States”.*

The results of the voting:

“In Favour” – 6;

“Against” – 12;

“Abstained” – 4.

The proposal was not adopted.

Voting No. 7

The delegation from the Czech Republic made a proposal to draw up a paragraph of Article 30 “Distribution of posts in the Committee” in a wording as follows: *“1. The posts of the Chairman of the Committee, his Deputies and Secretary of the Committee*

shall be distributed by the principle of rotation and principle of fair geographical representation (taking into account the shares of membership contributions to be paid).

For this purpose, four regional groups of the Member States shall be established as follows:

- *Group of Members States from the Central Europe;*
- *Group of Member States from the Eastern Europe;*
- *Group of Members States from the Central Asia and the Caucasus;*
- *Group of Members States from the Far East.*

Each regional group shall, according to its internal agreement, propose a candidate of one official to be sent to the Committee by the plenipotentiary body of a Member State belonging to the group. In doing so, it shall follow the principle of successive rotation of all the groups on the posts, which are mentioned in paragraph 2, and observe the respective provisions of Articles 25, 26, 27 and 28”.

The results of the voting:

“In Favour” – 5;

“Against” – 16;

“Abstained” – 1.

The proposal was not adopted.

Voting No. 8

The delegation from Ukraine made a proposal to draw up paragraph 1 of Article 30 “Distribution of posts in the Committee” in a wording as follows: *“1. The posts of the Deputies of Chairman of the Committee shall be distributed among the officials that are representatives from the OSJD Member States by the principle of rotation, based on the annual membership contributions ranging from larger contributions to smaller ones”.*

The results of the voting:

“In Favour” – 4;

“Against” – 15;

“Abstained” – 3.

The proposal was not adopted.

Voting No. 9

The delegations from the Republic of Azerbaijan, Republic of Belarus, Republic of Kazakhstan and Republic of Uzbekistan made a proposal to draw up paragraph 1 of Article 30 “Distribution of posts in the Committee” in a wording as follows: *“1. The posts of the Chairman of the Committee, his Deputies and Secretary of the Committee shall be distributed by the principle of rotation”.*

The results of the voting:

“In Favour” – 8;

“Against” – 8;

“Abstained” – 6.

The proposal was not adopted.

Voting No. 10

The delegation from the Republic of Kazakhstan made a proposal to draw up paragraph 1 (former paragraph 2) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“1. The plenipotentiary bodies of OSJD Members shall send proposals to the Committee for holding the posts of the Committee or of a specific Commission”.

The results of the voting:

“In Favour” – 11;

“Against” – 3;

“Abstained” – 8.

The proposal was adopted.

Voting No. 11

The delegations from the Republic of Kazakhstan, Ukraine, Republic of Estonia made a proposal to draw up paragraph 2 (former paragraph 3) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“2. Distribution of posts in the Committee shall be formed on the basis of the proposals referred to in paragraph 1 of this Article.”

The results of the voting:

“In Favour” – 18;

“Against” – 3;

“Abstained” – 1.

The proposal was adopted.

Voting No. 12

The delegations from the Republic of Kazakhstan and Czech Republic made a proposal to exclude the 2nd sentence of paragraph 2 (former paragraph 3) of Article 30 “Distribution of posts in the Committee”:

The results of the voting:

“In Favour” – 15;

“Against” – 6;

“Abstained” – 1.

The proposal was not adopted.

Paragraph 2 (former paragraph 3) of Article 30 “Distribution of posts in the Committee” was adopted in a wording as follows: *“2. Distribution of posts in the Committee shall be formed on the basis of the proposals referred to in paragraph 1 of this Article.*

Where more proposals are submitted for holding the posts in a Commission than there are posts available in it, OSJD Members' representatives who worked in that Commission in its previous composition shall leave it in the Russian alphabetical order of the names of the OSJD Member States and shall receive the right to occupy posts in other Commissions in the said order of priority. OSJD Members' representatives who have not been included in the staff of the Commission applied for shall receive the same right.”

Voting No. 13

The delegations from Georgia and Ukraine made a proposal to draw up paragraph 3 (former paragraph 4) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“3. The distribution of posts in the Committee and Commissions shall be implemented every four years.”

The results of the voting:

“In Favour” – 10;

“Against” – 9;

“Abstained” – 3

The proposal was not adopted.

Voting No. 14

The delegations from the Republic of Azerbaijan, Russian Federation and Czech Republic made a proposal to transfer the provisions of paragraph 3 (former paragraph 4) of Article 30 “Distribution of posts in the Committee” into Article 31 “General provisions concerning Commissions”.

The results of the voting:

“In Favour” – 13;

“Against” – 1;

“Abstained” – 8.

The proposal was not adopted.

Voting No. 15

The delegations from the Republic of Azerbaijan and Czech Republic made a proposal to draw up paragraph 3 (former paragraph 5) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“3. Controversial issues that relate to the distribution of post in the Commissions shall be settled by consultations and negotiations of the parties concerned”

The results of the voting:

“In Favour” – 4;

“Against” – 9;

“Abstained” – 9.

The proposal was not adopted.

Voting No. 16

The delegations from Georgia, Republic of Kazakhstan and Ukraine made a proposal to draw up paragraph 3 (former paragraph 5) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“3. If in the course of distribution of posts, the Parties fail to reach a mutually acceptable solution, the decision shall be taken on the basis of principles and mechanisms agreed by the Ministers Conference”

The results of the voting:

“In Favour” – 9;

“Against” – 5;

“Abstained” – 8.

The proposal was not adopted.

Voting No. 17

The delegation from Russian Federation made a proposal to draw up paragraph 4 (former paragraph 5) of Article 30 “Distribution of posts in the Committee” in a wording as follows:

“3. Distribution of posts in the Committee shall be implemented every four years. Disputable issues that relate to the distribution of posts in the Committee shall be settled by means of consultations and negotiations. If the Parties fail to reach a mutually acceptable solution, the decision shall be taken by the Ministers Conference”

The results of the voting:

“In Favour” – 18;

“Against” – 2;

“Abstained” – 2.

The proposal was adopted, therefore it was decided not to transfer the provisions of paragraph 3 (former paragraph 4) of Article 30 “Distribution of posts in the Committee” to Article 31 “General provisions concerning Commissions”, as was envisaged by the results of voting No.14.

Voting No. 18

The delegations from Republic of Azerbaijan and Romania made a proposal to draw up paragraph 3 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“3 Facilitation of the Commission’s activity shall be the responsibility of the Commission Chairman and other officials on the staff of the Commission”.

The results of the voting:

“In Favour” – 13;

“Against” – 3;

“Abstained” – 6.

The proposal was adopted.

Voting No. 19

The delegations from Georgia made a proposal to draw up paragraph 5 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“5.The duties of officials on the staff of a Commission shall be specified in accordance with that Commission's areas of activity defined by the Chairman of the Committee on a proposal from the Commission Chairman who shall coordinate the Commission’s activity.”

The results of the voting:

“In Favour” – 5;

“Against” – 6;

“Abstained” – 11.

The proposal was not adopted.

Voting No. 20

The delegations from Georgia, Republic of Kazakhstan and Russian Federation made a proposal to draw up paragraph 6 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“6. The Commission on Transport Policy and Development Strategy shall be responsible for the key areas of the OSJD's activity within the remit of the Ministers Conference in the field of transport policy, rail transport development strategy”.

The results of the voting:

“In Favour” – 16;

“Against” – 3;

“Abstained” – 3.

The proposal was adopted.

Voting No. 21

The delegations from the Republic of Kazakhstan and Russian Federation made a proposal to draw up paragraph 6 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“7. The Commission on Transport Law shall be responsible for the key areas of the OSJD's activity within the remit of the Ministers Conference in the area of improvement of international law in the field of carriage by rail”.

The results of the voting:

“In Favour” – 19;

“Against” – 1;

“Abstained” – 2.

The proposal was adopted.

Voting No. 22

The delegations from Georgia, Republic of Kazakhstan and Republic of Lithuania made a proposal to draw up paragraph 8 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“8. The Commission on Freight Traffic shall be responsible for the key areas of the OSJD's activity within the remit of the Ministers Conference and Assembly in the field of administration of contracts concluded within the framework of OSJD by railway companies (organisations)”.

The results of the voting:

“In Favour” – 5;

“Against” – 11;

“Abstained” – 6.

The proposal was not adopted.

Voting No. 23

The delegations from the Republic of Azerbaijan, Republic of Belarus, Russian Federation and Ukraine made a proposal to draw up paragraph 8 of Article 31 “General provisions concerning Commissions” in a wording as follows:

“8. The Commission on Freight Traffic shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of freight traffic”.

The results of the voting:

“In Favour” – 12;

“Against” – 6;

“Abstained” – 4.

The proposal was not adopted.

Voting No. 24

The delegations from the Republic of Kazakhstan and Ukraine made a proposal to draw up paragraph 11 of Article 31 “General provisions concerning Commissions” in a wording as follows:

11. The Commission on Information Technologies and Coding shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of information technologies and coding”

The results of the voting:

“In Favour” – 17;

“Against” – 2;

“Abstained” – 3.

The proposal was adopted.

The delegations from Georgia, Republic of Kazakhstan and Russian Federation drew the Conference participants' attention to paragraph 10 of Article 7 “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”, which is one of the aspects of the OSJD activity. In this respect, an opinion was expressed that it was necessary to establish a respective working body of the OSJD i.e. the Commission on vocational training/education in the field of railway transport. It was decided to finally consider this question after the preparation of a wording of the respective paragraph.

Voting No. 25

The delegations from Georgia and Ukraine made a proposal to draw up paragraph 2 of Article 32 “Meetings of the Commissions” in a wording as follows:

“2. The internal regulation of Commission meetings shall be adopted by the Ministers Conference and the Assembly in accordance with their remits”

The results of the voting:

“In Favour” – 5;

“Against” – 15;

“Abstained” – 2.

The proposal was not adopted.

Voting No. 26

At the request of Georgia, Republic of Kazakhstan and Russian Federation, the Session considered the wording of new paragraph 8 of Article 31 “General provisions

concerning Commissions” as follows:

“8. The Commission on vocational education/training in the field of railway traffic shall be responsible for the development and implementation of educational programmes on the issues of use of OSJD documents”.

The results of the voting:

“In Favour” – 10;

“Against” – 9;

“Abstained” – 3.

The proposal was not adopted.

Voting No. 27

As a result of the voting No. 26 the delegations from Georgia made a proposal to include a note in these Minutes that the issue concerning the establishment of the Commission on vocational education/training in the field of railway traffic shall be addressed at the next session of the Ministers Conference. The proposal was a subject to the voting.

The results of the voting:

“In Favour” – 10;

“Against” – 10;

“Abstained” – 2.

The proposal was not adopted.

The Statement made by the delegations from Georgia, Republic of Kazakhstan, People’s Republic of China and Russian Federation

“In accordance with paragraph 10 of Article 7 “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” is one of the aspects of the OSJD activity. In this regard, we consider it necessary to return to consideration of the issue concerning the establishment of the respective working body of the OSJD i.e. the Commission on vocational training/education in the field of railway transport before the adoption of the main text of the Convention”.

Voting No. 28

The delegations from the Republic of Azerbaijan made a proposal to draw up paragraph 2 of Article 33 “General provisions concerning the OSJD Audit Commission” in a wording as follows:

“2. The Audit Commission shall verify and analyze the financial and accounting activity and other information on financial-economic activity of the OSJD during the previous budgetary year and any other period of time on the instruction of the Ministers Conference. The Audit Commission shall draw up conclusions and recommendations based on the results of the checks, which are to be set out in its report that is submitted to the Ministers Conference”.

The results of the voting:

“In Favour” – 5;

“Against” – 9;
“Abstained” – 8.

The proposal was not adopted.

Voting No. 29

The delegations from Georgia , Republic of Kazakhstan, Czech Republic, Republic of Uzbekistan and Russian Federation made a proposal to draw up paragraph 1 of Article 34 “Work of the Audit Commission” in a wording as follows:

“1. The Audit Commission shall be composed of three representatives, each one from different OSJD Members except for the regional economic integration organisations. The composition of the Audit Commission shall be changed so that one member of the Audit Commission shall be replaced every year, in turn, according to the alphabetical order of the names of OSJD Member States in the Russian language”.

The results of the voting:

“In Favour” –22;
“Against” – 0;
“Abstained” – 0.

The proposal was adopted unanimously.

Voting No. 30

The delegations from the Republic of Azerbaijan, Georgia, Russian Federation and Ukraine made a proposal to draw up subparagraph 2 of paragraph 1 of Article 34 “Work of the Audit Commission” in a wording as follows:

“The representatives of OSJD Members, who are delegated to the Audit Commission, shall be engaged in financial-economic activity at their main place of work and may not be officials working in the Committee”.

The results of the voting:

“In Favour” –20;
“Against” – 1;
“Abstained” – 1.

The proposal was adopted..

Voting No. 31

The delegations from the Republic of Azerbaijan and Ukraine made a proposal to draw up paragraph 2 of Article 34 “Work of the Audit Commission” in a wording as follows:

“2. The audit shall be conducted in accordance with international standards issued by the International Auditing and Assurance Standards Board. In the course of the audit, the correctness of preparation of finance and accounting activity shall be conducted as a whole”.

The results of the voting:

“In Favour” – 5;
“Against” – 11;
“Abstained” – 6.

The proposal was not adopted.

Voting No. 32

The delegations from Russian Federation and Romania made a proposal to delete paragraph 2 of Article 34 “Work of the Audit Commission”

The results of the voting:

“In Favour” – 8;

“Against” – 13;

“Abstained” – 1.

The proposal was not adopted.

Voting No. 33

The delegations from Republic of Azerbaijan, Republic of Kazakhstan, Czech Republic made a proposal to draw up paragraph 3 of Article 34 “Work of the Audit Commission” in a wording as follows:

“3. The Audit Commission shall have the right to check any other aspects of financial and economic activity in accordance with the Rules of Procedures or at the request of the Ministers Conference”.

The results of the voting:

“In Favour” –15;

“Against” –6;

“Abstained” –1.

The proposal was not adopted.

Voting No. 34

The delegation from Ukraine made a proposal to draw up paragraph 3 of Article 34 “Work of the Audit Commission” in a wording as follows:

“3. The Audit Commission shall have the right to check any other aspects of financial and economic activity”.

The results of the voting:

“In Favour” – 8;

“Against” – 3;

“Abstained” – 11.

The proposal was not adopted.

Voting No. 35

The delegation from the Russian Federation made a proposal to draw up paragraph 1 of Article 35 “General provisions concerning voting” in a wording as follows:

“1. Each OSJD Member shall have that number of votes which is proportional to the share of membership contributions”.

The results of the voting:

“In Favour” – 3;

“Against” –19;

“Abstained” – 0.

The proposal was not adopted.

Voting No. 36

The delegations from the Republic of Azerbaijan, Georgia, Republic of Uzbekistan and Czech Republic made a proposal to delete paragraph 3 of Article 35 “General provisions concerning voting”:

The results of the voting:

“In Favour” – 9;

“Against” – 13;

“Abstained” – 0.

The proposal was not adopted.

Voting No. 37

The delegation from Ukraine made a proposal to draw up paragraph 4 of Article 35 “General provisions concerning voting” in a wording as follows:

“4. Voting shall be conducted openly, in the English alphabetical order”.

The results of the voting:

“In Favour” – 4;

“Against” – 5;

“Abstained” – 13.

The proposal was not adopted.

Voting No. 38

The delegation from Romania made a proposal to draw up paragraph 1 of Article 36 “Voting at sessions” in a wording as follows: *“1. Decisions at a Ministers Conference session shall be adopted by three-quarters of the votes of the plenipotentiary bodies of the OSJD Members present at the session, save for decisions on the matters specified in subparagraphs 1.3, 1.6, 1.7 of Article 14 of this Convention, decisions on which shall be adopted unanimously”.*

The results of the voting:

“In Favour” – 9;

“Against” – 10;

“Abstained” – 3.

The proposal was not adopted.

Voting No. 39

The delegations from Republic of Azerbaijan, DPRK and Ukraine made a proposal to draw up paragraph 1 of Article 36 “Voting at sessions” in a wording as follows:

“Decisions at a Ministers Conference session shall be adopted by three-quarters of the votes of the plenipotentiary bodies of the OSJD Members present at the session, save for decisions on the matters specified in subparagraphs 1.2, 1.3, 1.4, 1.5 (in part of approval of the Report of the Audit Commission), 1.6, 1.7, 1.10, 1.12 and 1.14 of Article 14 of this Convention, decisions on which shall be adopted unanimously, and save for decisions on the matters referred to in subparagraph 1.11 of Article 14 of this Convention, decisions on which shall be adopted by four-fifth of the votes”.

The results of the voting:

“In Favour” – 3;

“Against” –14;

“Abstained” –5.

The proposal was not adopted.

Special Opinion of the Republic of Azerbaijan concerning paragraph 3 of Article 35 and paragraph 1 of Article 36

“Following the OSJD activity’s principles stipulated in Article 6 of draft Convention, the delegation of the Republic of Azerbaijan hereby expresses his special opinion concerning the wordings of paragraph 3 of Article 35 and paragraph 1 of Article 36 of draft Convention on international direct railway traffic, which were adopted at Session IV of the International Conference as follows:

1. Taking into account the fact that the text of Article 72 of draft Convention “Reservations” is not agreed as of today, we propose excluding paragraph 3 of Article 35 or drawing it up in a wording as follows:

“3. If an OSJD Member made a reservation for non-application of any provision of the Convention in accordance with Article 72 of this Convention, the OSJD Member would not take part in the voting on the matters concerning the very provision”

2. Under paragraph 1 of Article 36 of draft Convention the exclusion of an OSJD Member from the Organisation shall be implemented by the unanimously adopted decision of the Ministers Conference.

At the same time, under the said paragraph the decision of the Ministers Conference on admission to OSJD membership in the cases stipulated in the Convention shall be adopted by three fourth of votes.

In view of the above-mentioned, to provide a single fair approach both to admission to OSJD membership and exclusion from the Organisation, we believe that it is advisable to refer paragraph 1.2 of Article 14 of draft Convention as the points on which decisions shall be adopted unanimously”.

Special opinion of the Democratic People’s Republic of Korea on paragraph 1 of Article 36 “Voting at Session”

“The delegation from the Democratic People’s Republic of Korea hereby makes a statement that the decision on admission to OSJD membership shall be adopted unanimously at the Session of the OSJD Ministers Conference, taking into account the global interests of each OSJD Member”.

In this regard, the DPRK side is against the application of paragraph 1 of Article 36 of this Convention, where the principle of unanimity is excluded with regard to admission to OSJD membership”.

Voting No. 40

The delegation from the Czech Republic made a proposal to draw up paragraph 1 of Article 36 “Voting at sessions” in a wording as follows:

“1. Decisions at a Ministers Conference session shall be adopted by three-quarters of the votes of the plenipotentiary bodies of the OSJD Members present at the session, save for decisions on the matters specified in subparagraphs 1.3, 1.5, 1.7 and 1.10 of Article 14 of this Convention, decisions on which shall be adopted unanimously, and save for decisions on the matters referred to in subparagraph 1.11 of Article 14 of this Convention, decisions on which shall be adopted by four-fifth of the votes”.

The results of the voting:

“In Favour” – 10;

“Against” – 9;

“Abstained” – 3.

The proposal was not adopted.

Voting No. 41

The delegation from Georgia made a proposal to draw up paragraph 1 of Article 36 “Voting at sessions” in a wording as follows:

“1. Decisions at a Ministers Conference session shall be adopted by three-quarters of the votes of the plenipotentiary bodies of the OSJD Members present at the session, save for decisions on the matters specified in subparagraphs 1.2, 1.3, 1.4, 1.5 (in part of approval of the Report of the Audit Commission), 1.6, 1.7, 1.10 and 1.14 of Article 14 of this Convention, decisions on which shall be adopted unanimously, and save for decisions on the matters referred to in subparagraph 1.11, 1.12 of Article 14 of this Convention, decisions on which shall be adopted by four-fifth of the votes”.

The results of the voting:

“In Favour” – 10;

“Against” – 10;

“Abstained” – 2.

The proposal was not adopted.

Voting No. 42

The delegations from the Republic of Azerbaijan, Ukraine and Czech Republic made a proposal to delete paragraph 4 of Article 36 “Voting at sessions”.

The results of the voting:

“In Favour” – 10;

“Against” – 8;

“Abstained” – 4.

The proposal was not adopted.

Voting No. 43

The delegation from the Republic of Azerbaijan made a proposal to consider the provisions of paragraph 4 of Article 36 in the course of discussion of Section “Acts of OSJD”.

The results of the voting:

“In Favour” – 10;

“Against” – 7;

“Abstained” – 5.

The proposal was not adopted.

Voting No. 44

The delegations from the Republic of Kazakhstan and Russian Federation made a proposal to draw up paragraph 4 of Article 36 “Voting at sessions” in a wording as follows:

“4. The Ministers Conference shall adopt its decisions taking into account the proposals of the Assembly”.

The results of the voting:

“In Favour” –16;

“Against” – 4;

“Abstained” – 2.

The proposal was adopted

The Russian Federation put forward a proposal to establish a working group on consideration and settlement of disputable Articles of draft Convention.

The issue was put for voting i.e. when the Working group should be established. Two options were considered as follows:

1. the Working group shall be established at Session IV;
2. the Working group shall be established after the completion of work on the main text of draft Convention.

In accordance with paragraph 4 of Article 15 of the Rules of Procedure, the Session decided that the Working group to elaborate proposals on the provisions of the Convention, which would be entrusted by the Conference to consider, shall be established at Session IV.

Twelve delegations (the Republic of Azerbaijan, Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, the Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Moldova, Mongolia, Russian Federation and Romania) were in favour of the decision.

9 delegations (the Republic of Bulgaria, Hungary, Republic of Lithuania, Republic of Poland, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic and Republic of Estonia) were against this decision.

The delegation of the Republic of Belarus abstained.

In accordance with paragraph 4 of Article 15 of the Rules of Procedure, the Session decided that a decision of the Conference to assign the Working group to elaborate proposals on the provisions of the Convention shall be adopted by a majority of three fourth.

Twelve delegations (the Republic of Bulgaria, Hungary, Georgia, Republic of Kazakhstan, Republic of Latvia, Republic of Lithuania, Republic of Poland, Slovak

Republic, Republic of Uzbekistan, Ukraine, Czech Republic and Republic of Estonia) were in favour of the decision.

Nine delegations (the Republic of Azerbaijan, Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, People's Republic of China, Democratic People's Republic of Korea, Republic of Moldova, Mongolia, Russian Federation and Romania) were against the decision.

The delegation of the Republic of Belarus abstained.

As was proposed by Ukraine, in accordance with paragraph 4 of Article 15 of the Rules, the Session adopted unanimously a decision (but for the delegation from the Republic of Belarus which abstained) to count three fourth of the Conference participants from the number of those taking part in the voting.

Under Item 3 of the Agenda

The Conference decided to hold Session V of the Conference in Warsaw (Republic of Poland) **on 19-23 November 2018** and adopted the provisional agenda as follows:

1. Adoption of the agenda of Session V.
2. Election of Deputy Chairman of the Conference from the Republic of Poland.
3. Organisation of work of the Working group established by Session IV of the Conference.
4. Discussion of the text of the Convention on International Direct Railway Traffic.
5. Date and agenda of Session VI of the Conference.

The Session adopted the provisional date for Session VI of the Conference as follows: 25-29 March 2019.

These Minutes of Session IV are drawn up and signed in the English, Chinese and Russian languages in Warsaw on 30 March 2018.

The Chairman of the Conference

Sergey Aristov

Representatives of the OSJD Member States from:

Republic of Azerbaijan

Nijat Guliyev

Islamic Republic of Afghanistan

Abdulrazaq Bakhshi

Republic of Belarus

Ihar Shylau

Republic of Bulgaria

Veselin Vasilev

Hungary

Roland Simon

Socialist Republic of Viet Nam

Vu Quang Khoi

Georgia

Mikheil Paataashvili

Republic of Kazakhstan

Dmitriy Potlov

People's Republic of China

Liu Keqiang

Democratic People's Republic of Korea

Jang In Chol

Republic of Latvia

Dins Merirands

Republic of Lithuania

Andrius Sniuolis

Republic of Moldova

Valerii Constantinov

Mongolia

Tsevegsuren Altankhuyag

Republic of Poland

Jakub Kapturzak

Russian Federation

Sergey Aristov

Romania

Nicolaos Jean

Slovak Republic

Milan Juhas

Republic of Uzbekistan

Komil Ismoilov

Ukraine

Olexandr Fedorenko

Czech Republic

Blanka Bednarova

Republic of Estonia

Indrek Laineveer

LIST

of the Participants in Session I of the International Conference on the adoption of
the text of the Convention on International Through Railway Traffic

(26 – 30 March 2018, Warsaw, Republic of Poland)

The Chairman of the Conference

Aristov Sergey - State Secretary – Deputy Minister of Transport,
Russian Federation

Republic of Azerbaijan

Guliyev Nijat - Head of Legal Division, CJSC “Azerbaijan
Railways”

Almammadov Aykhan - Senior Adviser, Unit of Legislation and Legal
Expertise, Administration of the President of the
Republic of Azerbaijan

Safarov Fuad - Head of Financial and Economy Department,
CJSC “Azerbaijani Railways”

Huseynov Azad - Deputy Head of Financial and Economy
Department, CJSC “Azerbaijan Railways”

Alishanova Afag - Head of International Relations Division, CJSC
“Azerbaijani Railways”

Safarov Bakhtiyar - Member of OSJD Committee from the Republic of
Azerbaijan

Shurganova Angelina - Assistant to Representative of CJSC “Azerbaijan
Railways” at OSJD Committee

Islamic Republic of Afghanistan

Abdulrazaq Bakhshi - Member of OSJD Committee from the Islamic
Republic of Afghanistan

Republic of Belarus

- Shylau Ihar - First Deputy Head of the Belarusian Railway
- Nepahodzina Aksana - Head of Legal Service of the Administration of the Belarusian Railway
- Serhiyenka Aliaksandr - Head of International Relations Service of the Belarusian Railway

Republic of Bulgaria

- Vasilev Veselin - Executive Director, Executive Agency “Railway Administration”
- Sveshtarov Vladimir - State Expert at the Ministry of Transport, Information Technology and Communications
- Mehandzhiyska Vesela - State Expert at the Ministry of Transport, Information Technology and Communications
- Yordanov Iliya - State Expert, Legal Directorate, Ministry of Transport, Information Technology and Communications
- Kirkova Kunka - Member of OSJD Committee from the Republic of Bulgaria

Hungary

- Mosoci Laszlo - Deputy State Secretary on Transport, Ministry of National Development
- Simon Roland - Deputy Director, International Relations Department, Ministry of National Development
- Martonne-Kovacs Ildiko - Senior Counsellor, International Relations Department, Ministry of National Development
- Gedeon Andras - Senior Counsellor, European Union Department, Ministry of National Development
- Erb Silvia - Director of Department of Automobile and Railway transport, Ministry of National Development

- Rigo Hajnalka Szabina - Legal Officer, expert of Department for International Law, Ministry of Foreign Affairs and Foreign Trade
- Csehy Erzsebet - Lawyer-Expert, Legal Directorate, CJSC “MAV” Hungarian State Railways

Socialist Republic of Viet Nam

- Vu Quang Khoi - General Director of Viet Nam Railway Authority, Ministry of Transport, Socialist Republic of Viet Nam
- Nguyen Duc Minh - Member of OSJD Committee from Socialist Republic of Viet Nam
- Nguyen Tien Thinh - Head of Planning, Investment and International Cooperation Division, Viet Nam Railway Authority, Ministry of Transport
- Pham Quoc Cuong - Head of Science, Technology and Environment Division, Viet Nam Railway Authority, Ministry of Transport
- Nguyen Van Ha - Head of Transport and Traffic Safety Division, Viet Nam Railway Authority, Ministry of Transport

Georgia

- Paataashvili Mikheil - Head of Land Transport Division, Department of Transport and Logistics Development Policy, Ministry of Economy and Sustainable Development
- Kajaia Nino - Head of Department, Department of agreements expertise and court representation, Ministry of Foreign Affairs of Georgia
- Tsurtsunia Levan - Deputy Director, International Law Department, Ministry of Foreign Affairs of Georgia
- Talakhadze Mamuka - Deputy Director of Subsidiary “Freight Transport” JSC Georgian Railway
- Kozmava Zurab - Member of OSJD Committee from Georgia

Republic of Kazakhstan

- Potlov Dmitriy - Deputy Chairman of Transport Committee, Ministry for Investments and Development
- Aspayeva Zubaida - Member of OSJD Committee from the Republic of Kazakhstan
- Kassymzhanov Olzhas - Second Secretary of the Embassy of the Republic of Kazakhstan in the Republic of Poland
- Kenbayeva Saule - Chief expert of the Transport Committee of the Ministry for Investment and Development
- Abuova Khanshaim - Chief Manager, Department for Integration and Foreign Policy, JSC NC Kazakhstan temir zholy

People's Republic of China

- Liu Keqiang - Deputy Administrator, National Railway Administration
- Zhang Qun - Member of OSJD Committee from the People's Republic of China
- Yang Fan - Deputy Director, Department of Treaty and Law, Ministry of Foreign Affairs
- Zhao Yanrui - Expert, Department of Treaty and Law, Ministry of Foreign Affairs
- Jiang Chuan - Expert, Department of European-Central Asian Affairs, Ministry of Foreign Affairs
- Wang Jiayu - Deputy Director General, Department of External Relations, National Railway Administration
- Wang Ping - Deputy Director General, Department for Science, Technology and Legislation, National Railway Administration
- Li Zhenjiang - Deputy Director, Department of Transport Supervision, National Railway Administration
- Yin Qiongyao - Expert, Department of External Relations, National Railway Administration

Jiao Degui - Deputy Director, Department of Enterprise Management and Legal Affairs, China Railway

Democratic People's Republic of Korea

Jang In Chol - Member of OSJD Committee from Democratic People's Republic of Korea

Pak Kye Rim - Representative of Ministry of Railways of the PPRK in the Russian Federation

Republic of Latvia

Merirands Dins - Deputy State Secretary, Ministry of Transport

Artemjeva Olga - Deputy Director, Railway Department, Ministry of Transport

Bondars Edgars - Ambassador Extraordinary and Plenipotentiary of the Republic of Latvia to the Republic of Poland

Grinasko Andrejs - First Secretary of the Embassy of the Republic of Latvia to the Republic of Poland

Aizstrauts Maris - Member of OSJD Committee from the Republic of Latvia

Republic of Lithuania

Sniuolis Andrius - Director of Water and Railway Transport Policy Department, Ministry of Transport and Communications

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Republic of Moldova

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Pascan Veaceslav - Member of OSJD Committee from the Republic of Moldova

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Tsevegsuren Altankhuyag - Member of the OSJD Committee from Mongolia

Baasandorj Khulan - Senior Officer, Ministry of Road and Transport Development

Republic of Poland

Kapturzak Jakub - Deputy Director of Railway Department, Ministry of Infrastructure

Grygiel Szymon - Acting Head of Foreign Relations Unit of Railway, Ministry of Infrastructure

Lacki Janusz - Minister-Counselor, Department for Treaties and Law, Ministry for Foreign Affairs

Majczyk Slawomir - Head of Public International Law Unit, Department for Treaties and Law, Ministry for Foreign Affairs

Pohibielko Edyta - Chief Specialist, International Cooperation Unit, Management Board Office, Polish State Railways JSC

Russian Federation

- Aristov Sergey - State Secretary – Deputy Minister of Transport
- Petrenko Viacheslav - Director of Department for State Policy on Railway Transport, Ministry of Transport
- Denisenko Alexandra - Deputy Head of Unit, Department for State Policy on Railway Transport, Ministry of Transport
- Khakimova Irina - Deputy Chief, International Treaties Division, Legal Department, Ministry of Transport
- Arkhipov Anton - Counselor to Department for economic cooperation, Ministry for Foreign Affairs
- Purtova Alexandra - Third Secretary of Legal Department, Ministry of Foreign Affairs
- Pavlovskiy Vyacheslav - Deputy General Director, JSC Russian Railways
- Renne Liudmila - Deputy Head of Department for foreign projects and international cooperation, JSC RZD
- Allakhverdyan Konstantin - Head of Unit, Department for foreign projects and international cooperation, JSC RZD
- Guryanov Platon - Head of Unit, Legal Department, JSC RZD

Romania

- Grigore Maria Magdalena - Secretary of State, Ministry of Transport
- Nicolaos Jean - Head of Directorate for communication and international relations, National Railway Company JSC “CFR”
- Dascalu Ana-Maria - Counsellor to Secretary of State, Ministry of Transport
- Cutieru Ion - Member of the OSJD Committee from Romania

Simion Teodora - Adviser to the Minister, Embassy of Romania in the Republic of Poland

Iurkovski Diana - Chief Engineer of Directorate for communication and international relations, National Railway Company JSC “CFR”

Slovak Republic

Juhas Milan - Chief State Advisor, Department for Railway Transport and Roads, Ministry of Transport and Construction

Dorcak Miroslav - Director of the Department of railway and combined transport, Ministry of Transport and Construction

Blichova Alena - State Advisor, Department for Railway Transport and Roads, Ministry of Transport and Construction

Jancova Andrea - Department for International Law, Ministry of Foreign Affairs

Republic of Uzbekistan

Ismoilov Komil - Head of Legal Department, UTI

Kalmuratov Berdak - Second Secretary of Treaty-Law Department, Ministry for Foreign Affairs

Kayumkhodjaev Shukhrat - Member of the OSJD Committee from Republic of Uzbekistan

Ukraine

Fedorenko Olexandr - Director, Department for State Policy in Railway Transport Sector, Ministry of Infrastructure

Vnukova Svitlana - Head of Branch “Single Accountancy Centre of Railway Transportation of PJSC Ukrainian Railway”

Gnatenko Denys - First Deputy Director, Department for International Cooperation, PJSC Ukrainian Railway

- Korzhenivska Iryna - Head of Regulative and International Legal Affairs Division, Legal Department, Ministry of Infrastructure of Ukraine
- Kuzmenko Serhii - Head of Division for contractual activity and international relations, Legal Department, PJSC Ukrainian Railway
- Horjakov Ivan - First Deputy Head of Department for commercial activity, PJSC Ukrainian Railway
- Isachenko Dmitry - Embassy Counsellor, Ukrainian Embassy in Poland

Czech Republic

- Bednarova Blanka - Deputy Director, Department of International Relations and EU Affairs, Ministry of Transport
- Beranek Milan - Deputy Director, International Law Department, Ministry of Foreign Affairs
- Krstevova Simona - Ministerial Counsellor, Department of International Relations and EU Affairs, Ministry of Transport
- Spousta Jan - Ministerial Counsellor, Department for Railway and Water Transport, Ministry of Transport
- Vopalecky Radovan - Member of OSJD Committee from the Czech Republic

Republic of Estonia

- Laineveer Indrek - Head of Railways Division, Ministry of Economic Affairs and Communications
- Agamalova Elena - Head of International Cooperation with Countries of the Eastern European Region, JSC Estonian Railway

INVITED GUESTS:

Republic of Korea

- Son Myoung soo - Assistant Minister, Ministry of Land, Infrastructure and Transport

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| Jo Jin hwan | - Deputy General Manager, Ministry of Land, Infrastructure and Transport |
| Han Dong kyun | - Deputy Director, Ministry of Land, Infrastructure and Transport |
| Hong Suk pyo | - Deputy Director, Ministry of Land, Infrastructure and Transport |
| Cho Ho Kwon | - General Manager, Korea Railroad Corporation “KoRail” |
| Cho Ha jin | - Manager, Korea Railroad Corporation “KoRail” |

REGIONAL ORGANISATIONS FOR ECONOMIC INTEGRATION:

European Union (EU)

- | | |
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| Vasauskaitė Kornelija | - Policy officer, Unit C4 Rail Safety&Interoperability, DG MOVE, EC |
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Eurasian Economic Commission

- | | |
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| Negrei Sergei | - Deputy Director, Department of Transport and Infrastructure |
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Committee of the Organization for cooperation of Railways (OSJD)

- | | |
|---------------------|--|
| Szozda Tadeusz | - Chairman of OSJD Committee |
| Zhukov Viktor | - Deputy Chairman of OSJD Committee |
| Kiss Attila | - Secretary of OSJD Committee |
| Car Slawomir | - Lawyer of OSJD Committee |
| Budek Sebastian | - Chief Accountant |
| Szczerbinski Bogdan | - Chief of Office Administration |
| Kabankov Sergey | - Chief Editor, “OSJD Bulletin” magazine |
| Kozhanov Andrey | - Interpreter |

Meszka Hanna	- Interpreter
Nevmyanov Marat	- Interpreter
Nuyanzin Nikolay	- Interpreter
Wu Yang	- Interpreter
Bi Weiwei	- Interpreter
Zhang Enchang	- Interpreter
Xu Cuicui	- Interpreter
Pang Chao	- Interpreter
Shen Yang	- Interpreter
Shubina Marina	- IT-operator
Pashkova Galina	- IT-operator
Korniluk Taisa	- Registration of Conference Participants
Szczerbinska Malgorzata	- Registration of Conference Participants