

**ОРГАНИЗАЦИЯ СОТРУДНИЧЕСТВА ЖЕЛЕЗНЫХ ДОРОГ
(ОСЖД)
铁路合作组织
(铁组)
ORGANISATION FOR CO-OPERATION OF RAILWAYS
(OSJD)**



MINUTES
III Session
International Conference
on adoption of the text of the Convention
on International Direct Railway Traffic

**Warsaw, Republic of Poland
27 November - 1 December 2017**

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In accordance with decisions of Session II of the International Conference on adoption of the text of the Convention on International Direct Railway Traffic (27-31 March 2017, Warsaw, Republic of Poland), Session III of International Conference on adoption of the text of the Convention on International Direct Railway Traffic was held in Warsaw (Republic of Poland) on 27 November-1 December 2017 (hereinafter referred to as Session).

The delegations from the following Member States of the Organisation for Co-operation of 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,
Islamic Republic of Iran,
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,
Ukraine,
Czech Republic,
Republic of Estonia.

The Session was attended by representatives from the European Union (EU), the Eurasian Economic Commission (EEC), the Republic of Korea, the Intergovernmental Organisation for International Carriage by Rail (OTIF) and OSJD Committee.

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

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

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

At the beginning of the Session, the Credentials Committee was set up to examine credentials, which was composed of representatives from the delegations of Hungary, Georgia, Republic of Poland, Russian Federation and Romania. The Chairman of the Credentials Committee Mr. Levan Tsurtsumia reported on the credentials available in accordance with those as specified in 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, Islamic Republic of Iran, 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, Ukraine, Czech Republic and Republic of Estonia.

Therefore and 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 representatives from the European Union had credentials signed by the President of the European Commission.

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

Results of Discussions:

Under Item 1 of the Agenda

1. The Session adopted the agenda as follows:
2. Adoption of the agenda of the Session.
3. Discussion of the main text of Convention on International Direct Railway Traffic.
4. Date and agenda for Session IV of the Conference.

Under Item 2 of the Agenda

The Session considered and adopted the text of Articles 22-27 of draft Convention on International Direct Railway Traffic (*Annex 1 to these Minutes*).

The provisions of Articles 22-27 of draft Convention were adopted after long-time discussions, in the course of which voting took place with regard to most of them. The voting results are as follows:

1. The delegation from the Republic of Kazakhstan made a proposal to add the following words to par.2 of Article 22 “General Provisions concerning OSJD Committee”: *“The matters uncovered by this Convention shall be regulated by the Committee Regulation which shall be approved by the Ministers Conference”*.

The results of voting are as follows:

“In favour” – delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, Democratic People’s Republic of Korea and Mongolia,

“Against” - delegations from the People’s Republic of China, Russian Federation, Ukraine, Czech Republic and Republic of Estonia;

“Abstaining” - delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania and Slovak Republic.

2. Delegations from Georgia and Russian Federation made a proposal to add the following words to par.2 of Article 22 “General Provisions concerning OSJD Committee”: *“The Committee shall act on the basis of this Convention as well as the Committee Regulation which shall be approved by the Ministers Conference”*. The proposal was not adopted either; it was supported by delegations from the Republic of Azerbaijan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, People’s Republic of China, Republic of Moldova, Russian Federation; delegations from Islamic Republic of Afghanistan, Republic of Bulgaria, Republic of Kazakhstan, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Lithuania, Mongolia, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against the proposal; and delegations from Hungary and Republic of Poland abstained.

3. The delegation from the Republic of Kazakhstan made a proposal to add the following words to par.4 of Article 22 “General Provisions concerning OSJD Committee”: *“The seat of the Committee may be changed by decision of the Ministers Conference.”* The proposal was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Georgia, Islamic Republic of Iran, Republic of Kazakhstan and Russian Federation; delegations from the Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against the proposal; delegations from the People’s Republic of China and Mongolia abstained. Therefore, the proposal was not adopted.

As a result of discussions and voting that took place, Article 22 “General Provisions concerning OSJD Committee” of draft Convention remained in the wording of the text specified in the “Scope” of the Rules.

4. The delegation from the Republic of Azerbaijan proposed the following wording for subpar.1.4 of par.1 of Article 23 “Competence of the Committee”: “*acting as a secretariat for the OSJD governing bodies*”. The proposal was not adopted. The wording was supported by delegations from the Republic of Azerbaijan, Republic of Bulgaria, Hungary, Democratic People’s Republic of Korea; delegations from the Republic of Belarus, Hungary, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Russian Federation, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against the proposal; and delegations from the Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan and Republic of Poland abstained.

5. The delegation from Georgia proposed the new wording for subpar.1.4 of par.1 of Article 23 “Competence of the Committee” as follows: “*acting as a secretariat for the OSJD governing bodies and other OSJD bodies*”. The proposal was not adopted either, it was supported by delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Republic of Moldova, Mongolia, Russian Federation; delegations from Republic of Bulgaria, Hungary, Democratic People’s Republic of Korea, Republic of Latvia, Romania, Slovak Republic, Ukraine, and Republic of Estonia voted against the proposal; and delegations from the Republic of Azerbaijan, Socialist Republic of Viet Nam, Republic of Lithuania, Republic of Poland and Czech Republic abstained.

6. As a result, subpar.1.4 of par.1 of Article 23 “Competence of the Committee” was adopted in the wording as follows: “*acting as a secretariat for the OSJD bodies*” proposed by the delegation from the Czech Republic. The wording was supported by delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Georgia, Islamic Republic of Iran, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia; the delegation from the Russian Federation voted against the wording; and delegations from the Republic of Azerbaijan, Socialist Republic of Viet Nam, Republic of Kazakhstan, Democratic People’s Republic of Korea and Republic of Moldova abstained.

7. The wording of subpar.2.8 of par.2 of article 23 “Competence of the Committee” was adopted as was proposed by delegations from the Republic of Azerbaijan, Russian Federation and Czech Republic as follows:

«2.8. “*concluding, on behalf of the OSJD, cooperation agreements with international organisations, decisions on the conclusion of which shall be adopted in accordance with subparagraph 1.16 of Article 14 of this Convention*”.

The wording was supported by all delegations except for delegations from the Republic of Bulgaria, Georgia, Republic of Latvia and Ukraine, which abstained.

8. As was proposed by the delegation from Hungary, the wording of par.3 of Article 23 “Competence of the Committee” was adopted as follows: “*The Committee has the right to make proposals, for approval by the OSJD governing bodies, on the establishment of ad hoc working groups of the OSJD*”. Delegations from the Islamic Republic of Afghanistan, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia,

Republic of Kazakhstan, People's Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted in favour of the wording; delegations from the Republic of Azerbaijan, Republic of Belarus, Islamic Republic of Iran and Mongolia voted against it; and delegations from the Democratic People's Republic of Korea, Republic of Moldova and Russian Federation abstained.

9. The delegation from Georgia made a proposal to add the words "*on behalf of the OSJD*" in par.4 of Article 23 "Competence of the Committee", before the word "cooperate".

The proposal was not adopted, it was supported by delegations from the Islamic Republic of Afghanistan, Hungary, Socialist Republic of Viet Nam, Georgia and Ukraine; delegations from Islamic Republic of Iran, Republic of Kazakhstan, Democratic People's Republic of Korea, Republic of Lithuania, Republic of Moldova, Russian Federation and Slovak Republic voted against the proposal; and delegations from the Republic of Azerbaijan, Republic of Belarus, Republic of Bulgaria, People's Republic of China, Republic of Latvia, Mongolia, Republic of Poland, Romania, Czech Republic and Republic of Estonia abstained.

10. Delegations from Georgia, Islamic Republic of Iran and Ukraine proposed a new wording of par.5 of Article 23 "Competence of the Committee" as follows: "*The Committee shall draw up and submit to the Ministers Conference for approval a draft report on the execution of the OSJD budget approved by the OSJD Revision Commission over the past year, draft summary Annual Report as well as draft OSJD budget*".

The proposal was not adopted; it was supported by delegations from Georgia, Islamic Republic of Iran, Democratic People's Republic of Korea and Ukraine; delegations from the Republic of Belarus, People's Republic of China, Republic of Lithuania, Republic of Moldova, Russian Federation, Slovak Republic and Republic of Estonia voted against the proposal; and delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Republic of Kazakhstan, Republic of Latvia, Mongolia, Republic of Poland, Romania, Czech Republic abstained.

11. As was proposed by delegations from the People's Republic of China and Russian Federation, the wording of par.5 of Article 23 "Competence of the Committee" was adopted as follows:

"5. *The Committee shall draw up and submit draft OSJD budget for approval as well as draft summary Annual Report that includes a report on the execution of the OSJD budget over the past year*".

The delegation from Ukraine voted against the proposal; and delegations from the Republic of Bulgaria, Georgia, Islamic Republic of Iran, Republic of Kazakhstan and Democratic People's Republic of Korea abstained.

12. In the course of discussion of subpar.1.4., par.1 of Article 24 "Composition and organisational structure of the OSJD Committee", a new wording was proposed by delegations from the Republic of Azerbaijan, Republic of Kazakhstan and Ukraine as follows: "*Chairmen and specialists of OSJD Commissions*". The proposal was not adopted; it was supported by delegations from the Republic of Azerbaijan, Islamic

Republic of Afghanistan, Republic of Belarus, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Mongolia, Romania, Ukraine; delegations from the Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, the Republic of Latvia, the Republic of Poland, Russian Federation, Slovak Republic, Czech Republic and Republic of Estonia voted against the proposal; and delegations from the Republic of Lithuania and Republic of Moldova abstained.

13. Delegations from the Republic of Bulgaria and Czech Republic proposed the following wording of subpar.1.4, par.1 of Article 24 "Composition and organisational structure of the OSJD Committee", "*1.4. other officials*", which was not adopted; it was supported by delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Czech Republic and Republic of Estonia. Delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Islamic Republic of Iran, Republic of Kazakhstan, Democratic People's Republic of Korea, Mongolia, Russian Federation and Ukraine voted against the proposal; and delegations from Georgia, People's Republic of China and Republic of Moldova abstained.

Therefore, subpar.1.4. par.1 of Article 24 "Composition and organisational structure of the OSJD Committee" remained in the wording of the text specified in par.2 of Article 1 of the "Scope" of the Rules:

"1.4. other officials on the staff of OSJD Commissions".

14. The proposal made by delegations from the Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China and Russian Federation was to make the wording of par.2 of Article 24 "Composition and organisational structure of the OSJD Committee" as follows: "*The work of the Committee shall be facilitated with establishing structural units of the Committee and editorial office for periodicals and OSJD Web-site by decision of the Ministers Conference*" was not adopted; it was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Mongolia and Russian Federation; delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against it; and the delegation from Georgia abstained.

As a result of discussion, based on the common consent, the following wording was adopted for par.2 of Article 24 "Composition and organisational structure of the OSJD Committee":

"2. The work of the Committee shall be facilitated by establishing:

2.1. structural units of the Committee, to be approved by the Ministers Conference;

2.2. editorial office for periodicals and OSJD Web-site".

15. In accordance with par.6 of Article 15 of the Rules, the Chairman of the Conference stated that the selection of one out of the two options of the Articles of Section 8 “OSJD Committee” of draft Convention was of procedural nature, since the selection did not affect the final wording of the respective Articles. Due to the protest expressed by the delegation of the Republic of Estonia, the voting was conducted, as a result of which the Chairman’s decision remained in force. The decision was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Moldova, Russian Federation and Ukraine; and delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against the decision.

Therefore, in the course of voting the Session selected Option I of Article 25 “Staff of the Committee” as the basis for its further discussion. The option was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Moldova, Mongolia and Ukraine; and delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Russian Federation, Romania, Slovak Republic, Czech Republic and Republic of Estonia voted in favour of Option II.

15.1. Delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Georgia, Islamic Republic of Iran, People’s Republic of China and Mongolia made a proposal to make the wording of subpar.1.1, par. 1 of Article “Staff of the Committee” as follows: *“officials of the Committee, specified in par.1 of Article 24 of this Convention, who shall be delegated by the plenipotentiary bodies of OSJD Members. The qualification requirements for the delegated persons shall be approved by the Ministers Conference”*. The proposal was not adopted; delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Moldova, Mongolia and Ukraine voted in favour of the proposal; delegations from the Republic of Belarus, Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Czech Republic and Republic of Estonia voted against the proposal; and the delegation of the Republic of Lithuania abstained.

15.2. Delegations from Russian Federation and Czech Republic proposed the following wording of the subparagraph 1.1 of Article 25 “Staff of the Committee”:

“Officials of the Committee shall be elected on a competitive basis which shall be appointed by plenipotentiary bodies of the OSJD Member States, taking account of qualification requirements to be approved by the Ministers of Conference. When recruiting the officials to work in the Committee, the principle of fair geographical representation shall be observed”.

Delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Russian Federation, Romania, Slovak Republic, Czech Republic and Republic of Estonia voted in favour of it. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Republic of Moldova, Mongolia and Ukraine voted against it. Delegation from Georgia abstained. The proposed wording was not accepted. In this regard, the following wording of the text as specified in paragraph 2 of Article 1 "Scope of application of rules" remained valid: *"1.1 Officials of the OSJD Committee who shall be appointed by plenipotentiary bodies of the OSJD Member States on a basis of qualification requirements to be approved by the Ministers Conference"*.

15.3 While discussing subparagraph 1.2 of Article 25 "Staff of the Committee" representatives of the delegations from People's Republic of China proposed the following wording of this subparagraph: *"employees to be recruited to work in the Committee on a competitive basis which shall be recommended by the plenipotentiary body of OSJD Member States and perform administrative-technical functions"*. The session rejected proposal, in the course of voting, on this wording. The proposal was supported by the delegations from the People's Republic of China and Democratic People's Republic of Korea. Delegations from Republic Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, Georgia, Islamic Republic of Iran, Republic of Latvia, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against it. Delegations from Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Republic of Kazakhstan, Republic of Lithuania, Mongolia and Russian Federation abstained.

15.4 An amendment proposal on subparagraph 1.2 of Article 25 "Staff of the Committee" was made also by representatives of the delegation of Republic of Azerbaijan. The following wording was submitted by them for consideration: *"employees of structural units and editorial office as specified in paragraph 2 of Article 24 of this Convention to be recruited for work in the Committee on a competitive basis which are citizens of the OSJD member-states and perform administrative-technical functions in the Committee"*. Delegations from the Republic Azerbaijan, Hungary and Georgia voted in favour of it. Delegations from Republic of Belarus, Republic Bulgaria, Socialist Republic of Viet Nam, People's Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Russian Federation, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against it. Delegation from Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic Kazakhstan, Democratic People's Republic of Korea and Mongolia abstained. The proposed wording was not accepted. In this regard, the following wording of the text as specified in paragraph 2 of Article 1 the "Scope" of the Rules remained valid: *"1.2 "employees to be recruited for work in the Committee on a competitive basis which are citizens of the OSJD member-states and perform administrative-technical functions in the Committee"*.

15.5 The following wording of subparagraph 1.3 of Article 25 "Staff of the Committee" was accepted according to the proposal submitted by representatives of the delegations from Republic of Kazakhstan and Ukraine: *"service staff of the Committee"*.

15.6 The delegation of the Russian Federation and Czech Republic proposed the following wording of paragraph 2 of Article 25 “Staff of the Committee”: “*Selection of candidates as specified in subparagraphs 1.1 and 1.2 of Article 25*” shall be carried out by the qualification commission. The composition and rules of procedure of the qualification commission shall be determined in the regulations to be approved by the Ministers Conference”. The proposal was not accepted for lack of a qualified majority . Delegations from Russian Federation and Czech Republic voted in favour of it. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic 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, Romania, Slovak Republic and Ukraine voted against it. Delegation from the Republic of Estonia abstained.

15.7 The following wording of paragraph 2 of Article 25 “Staff of the Committee” was accepted according to the proposal submitted by representatives of the delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China and Romania: “2. *Applicants specified under subparagraph 1.2 of paragraph 1 of this Article shall be selected by a qualification commission. The composition and working procedures of the qualification commission shall be determined by regulations to be approved by the Ministers Conference.*” Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Latvia, Mongolia, Republic of Poland, Romania and Ukraine voted in favour of it. Delegations from the Republic of Lithuania, Russian Federation, Slovak Republic, Czech Republic and Republic of Estonia abstained.

15.8 The following wording of paragraph 3 of Article 25 “Staff of the Committee” was proposed by representatives of Ukrainian delegation: “*Legal status of the Committee’s staff as specified in subparagraphs 1.1 and 1.2 of this Article shall be determined by an international agreement as specified in paragraph 2 of Article 56 of this Convention and by a separate document as specified in paragraph 4 of this Article while in the part not covered within the scope of these documents, by national legislation of the State of the Committee’s permanent seat*”.

The proposal was not accepted for lack of a qualified majority. The delegation from Ukraine voted in favour of it. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Georgia, Islamic Republic of Iran, Republic Kazakhstan, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Czech Republic and Republic Estonia voted against it. Delegation from the Hungary, Socialist Republic of Viet Nam, People’s Republic of China, Democratic People’s Republic of Korea and Republic of Moldova abstained.

Special statement of the People’s Republic of China with regard to subparagraph 1.2 of Article 25.

Taking account of the fact that OSJD is a specialized international organization, the employees performing administrative-technical functions (for example translators, interpreters) shall be selected among persons who were recommended by plenipotentiary bodies of OSJD Member States. The plenipotentiary body acting as a competent national authority in the field of railway transport may integrate and secure domestic resources and talents in order to support the proper functioning of the Committee.

15.9 The following wording of paragraph 3 of Article 25 “Staff of the Committee” was accepted according to the proposal submitted by representatives of the delegation from Czech Republic: “3. *The legal status of the Committee's staff shall be determined by this Convention, the International Agreement referred to in paragraph 2 of Article 56 of this Convention, and the separate document referred to in paragraph 4 of this Article, while in the part not covered by these documents the law of the State of the Committee's permanent seat shall apply*”.

Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic 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, Czech Republic and Republic Estonia voted in favour of it. Ukrainian delegation voted against it.

15.10. Delegations from the Republic Azerbaijan and Czech Republic proposed to exclude paragraph 4 of Article 25 “Staff of the Committee”. The proposal was not accepted for the lack of a qualified majority. Delegations from the Republic Azerbaijan, Republic of Belarus, Georgia, Republic Kazakhstan, Democratic People’s Republic of Korea, Russian Federation, Slovak Republic, Ukraine and Czech Republic voted in favour of it. Delegations from the Hungary, Socialist Republic of Viet Nam, Islamic Republic of Iran, Mongolia, Republic of Poland and Romania voted against it. Delegations from the Islamic Republic of Afghanistan, Republic of Bulgaria, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldavia and Republic Estonia abstained.

15.11 The following wording of paragraph 5 of Article 25 “Staff of the Committee” was accepted according to the proposal submitted by representatives of the delegations the Republic Azerbaijan, Islamic Republic of Afghanistan, Georgia, Islamic Republic of Iran, Republic Kazakhstan and Ukraine: “5. *The Chairman of the Committee, the Deputies Chairman of the Committee and the Secretary of the Committee shall be citizens of different OSJD Member States*”. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Slovak Republic, Ukraine and Republic Estonia voted in favour of it. Delegations from the Republic of Lithuania and Czech Republic voted against it. Romanian delegation abstained.

16. The session chose, in the course of voting, Article 26 (Second Option) as an article to discuss and consider. Delegations from the Republic Azerbaijan, Islamic Republic of

Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic Kazakhstan, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Romania, Slovak Republic, Ukraine, Czech Republic and Republic Estonia voted in favour of Option II. Delegations from the People's Republic of China, Democratic People's Republic of Korea, Mongolia, Republic of Poland, Russian Federation and Ukraine voted in favour of Option I.

16.1 The following wording of paragraph 1 of Article 26 was proposed by representatives of the delegation from the Republic of Azerbaijan: *“The Chairman of the Committee shall be the chief executive officer of OSJD who shall manage the Committee, organize and supervise the activities of the Committee's staff bearing responsibility towards the Ministers Conference and Assembly for appropriate functioning of the Committee, sign treaties on behalf of OSJD in compliance with paragraph 2.8 of Article 23 of this Convention”*. The proposal was not accepted for lack of a qualified majority. Delegations from the Republic Azerbaijan and Democratic People's Republic of Korea voted in favour of it. Delegations from the Republic of Belarus, Republic of Bulgaria, Hungary, Islamic Republic of Iran, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic and Republic of Estonia voted against it. Delegations from the Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, Republic Kazakhstan, People's Republic of China, Republic of Moldova, Ukraine and Czech Republic abstained.

16.2 The following wording of paragraph 1 of Article 26 was adopted in compliance with proposal submitted by representatives of the delegation from the Republic of Kazakhstan and Georgia. *“1. The Chairman of the Committee shall be the chief executive officer of the OSJD, who shall manage the Committee and organise and supervise the work of staff of the Committee, shall be responsible to the Ministers Conference and the Assembly for the proper performance of the Committee's functions, and shall sign agreements on behalf of the OSJD”*. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, Republic of Latvia, Republic of Moldova, Russian Federation, Romania, Slovak Republic, Ukraine and Czech Republic voted in favour of it. Polish delegation voted against it. Delegations from the Democratic People's Republic of Korea and Republic of Lithuania abstained.

16.3 Georgian delegation proposed to exclude paragraph 2 of Article 26 “Chairman of the Committee” while defining at the same time the Committee of OSJD as depositary of the Convention”. The proposal was not accepted for lack of a qualified majority. Delegations from the Georgia, Republic of Moldova and Ukraine voted in favour of it. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Islamic Republic of Iran, People's Republic of China, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Czech Republic and Republic of Estonia voted against it. Delegations from the Republic of Kazakhstan and Democratic People's Republic of Korea abstained.

16.4 The following wording of paragraph 2 of Article 26 was proposed by representatives of the delegation from the Islamic Republic of Iran:

“The Chairman of the OSJD Committee shall be depositary of this Convention and other international treaties to be concluded within the framework of OSJD. His/her functions as depositary shall be as specified in Articles 76 and 77 of the Vienna Convention on the law of treaties of 23rd May 1969 and in this Convention”.

The proposal was not accepted for lack of a qualified majority. Delegations from the Islamic Republic of Afghanistan, Islamic Republic of Iran and Czech Republic voted in favour of it. Delegations from the Republic Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Ukraine and Republic of Estonia voted against it. Delegations from the Republic Kazakhstan, People’s Republic of China and Democratic People’s Republic of Korea abstained.

16.5 The following wording of paragraph 2 of Article 26 was adopted in compliance with proposal submitted by representatives of the Russian delegation: *“2. The Chairman of the Committee shall exercise the functions of the Depositary of this Convention and other international treaties entered into under the OSJD. The Chairman's functions as Depositary shall be as specified in Article 77 of the Vienna Convention on the Law of Treaties of 23 May 1969 and in this Convention”.*

Delegations from the Republic of Belarus, Socialist Republic of Viet Nam, Islamic Republic of Iran, Democratic People’s Republic of Korea, Mongolia, Russian Federation, Slovak Republic, Czech Republic and Republic of Estonia voted in favour of it. Delegations from the Republic of Bulgaria, Hungary and Ukraine voted against it. Delegations from the Republic Azerbaijan, Islamic Republic of Afghanistan, Georgia, Republic Kazakhstan, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland and Romania abstained.

16.6 The following wording of paragraphs 3 and 4 of Article 26 “Chairman of the Committee” was proposed by representatives of the delegations from the People’s Republic of China, Republic of Poland and Russian Federation:

“3. The Chairman of the Committee shall be elected for a term of four years and shall be released from office by decision of the Ministers Conference”. The post of Chairman of the Committee shall not be held by a citizen of the same State for more than two successive terms of office.

4. The Chairman of the Committee shall be representative of the state of the Committee’s permanent seat”.

The proposal was not accepted for the lack of a qualified majority. Delegations from the Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, People’s Republic of China, Democratic People’s Republic of Korea, Mongolia, Republic of Poland and Russian Federation voted in favour of it. Delegations from the Republic of Azerbaijan, Republic of Belarus, Hungary, Georgia, Islamic Republic of Iran, Republic Kazakhstan, Czech Republic and Republic of Estonia voted against it. Delegations from the Republic Bulgaria, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Romania, Slovak Republic and Ukraine abstained.

16.7 The following wording of paragraph 3 of Article 26 “Chairman of the Committee” was proposed by representatives of the delegations from the Republic of Kazakhstan:

“3. The Chairman of the Committee shall be elected for a term of four years and shall be also released from office by decision of the Ministers Conference”. The post of Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than two successive terms of office.

This motion was not accepted. The delegation from the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan and the Czech Republic voted in favour. The delegations from the Republic of Bulgaria, Hungary, the Socialist Republic of Viet Nam, The People’s Republic of China, the Democratic People’s Republic of Korea, the Republic of Latvia, the Republic of Lithuania, the Republic of Moldova, Mongolia, the Republic of Poland, the Russian Federation, Romania, the Slovak Republic, Ukraine and the Republic of Estonia voted against this motion. The delegation from the Islamic Republic of Afghanistan abstained in the voting.

16.8. On the proposal of delegations from the Republic of Bulgaria, the Republic of Azerbaijan and Georgia, the paragraphs 3 and 4 of Article 26 were adopted as follows: «The Chairman of the Committee»:

«3. The Chairman of the Committee shall be elected for a term of four years and shall be released from office by decision of the Ministers Conference. The post of Chairman of the Committee shall not be held by a citizen of the same state for more than two successive terms of office.

4. The first Chairman of the Committee upon the entry into force of this Convention shall be the representative of the State of the Committee’s permanent seat».

The delegations from the Republic of Azerbaijan, Republic of Bulgaria, Hungary, Georgia, Republic of Kazakhstan, the People’s Republic of China, the Republic of Latvia, the Republic of Lithuania, the Republic of Moldova, the Republic of Poland, the Russian Federation, Romania, the Slovak Republic, Ukraine, the Czech Republic and the Republic of Estonia voted in favour of this motion. The delegations from the Republic of Belarus and the Democratic People’s Republic of Korea voted against this motion. The delegations from the Islamic Republic of Afghanistan, the Socialist Republic of Viet Nam and the Islamic Republic of Iran abstained in the voting.

16.9. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Belarus, Georgia and Romania proposed to delete paragraph 5 of Article 26 “Chairman of the Committee”. This proposal was not accepted. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Belarus, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the People’s Republic of China, the Democratic People’s Republic of Korea, the Republic of Moldova, Mongolia, the Russian Federation, Romania, the Slovak Republic and Ukraine voted in favour of this proposal. The delegations from the Republic of Bulgaria, the Socialist Republic of Viet Nam, the Republic of Lithuania, the Czech Republic and the Republic of Estonia voted against this proposal. The delegations from Hungary, the Republic of Latvia and the Republic of Poland abstained in the voting.

16.10. The delegations from the Republic of Belarus and the Republic of Bulgaria

suggested amending paragraph 5 of Article 26 “The Chairman of the Committee” to read as follows: «5. *The Chairman of the Committee shall organize the recruitment of officials and employees to work in the Committee.*». This motion was not accepted. The delegations from the Republic of Azerbaijan, the Republic of Belarus, the Republic of Bulgaria and the Republic of Moldova voted in favour of this motion. The delegations from the Islamic Republic of Afghanistan, Georgia, the Islamic Republic of Iran, the People’s Republic of China, the Democratic People’s Republic of Korea, the Republic of Latvia, the Russian Federation, Romania, Ukraine, the Czech Republic and the Republic of Estonia voted against this motion. The delegations from Hungary, the Socialist Republic of Viet Nam, the Republic of Kazakhstan, the Republic of Lithuania, Mongolia, the Republic of Poland and the Slovak Republic abstained in the voting.

16.11. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, Georgia and the Islamic Republic of Iran suggested amending paragraph 5 of Article 26 “The Chairman of the Committee” to read as follows: «5. *The Chairman of the Committee shall organize the recruitment of employees on a competitive basis to work in the Committee*». This motion was not accepted. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Belarus, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the Democratic People’s Republic of Korea and the Republic of Moldova voted in favour of this motion. The delegations from the Republic of Bulgaria, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Russian Federation, Romania, the Slovak Republic and the Republic of Estonia voted against this motion. The delegations from the People’s Republic of China, Mongolia, Ukraine and the Czech Republic abstained in the voting.

16.12. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Kazakhstan and Ukraine suggested amending paragraph 5 Article 26 “The Chairman of the Committee” to read as follows: «5. *The Chairman of the Committee shall conclude and terminate the employment contracts with officials and employees of the Committee*». This motion was not accepted. The delegations from the Republic of Azerbaijan, the Republic of Belarus, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the People’s Republic of China, the Democratic People’s Republic of Korea, the Republic of Moldova, Mongolia, the Russian Federation, Romania, Ukraine and the Czech Republic voted in favour of this motion. The delegations from the Republic of Bulgaria, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Slovak Republic and the Republic of Estonia voted against this motion.

16.13. The delegations from the Islamic Republic of Afghanistan, the Russian Federation and Romania suggested to delete paragraph 5 Article 26 “The Chairman of the Committee”. This motion was not accepted. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Belarus, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the People’s Republic of China, the Democratic People’s Republic of Korea, the Republic of Moldova, Mongolia, the Russian Federation, Romania and Ukraine voted in favour of this motion. The delegations from the Republic of Bulgaria, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Slovak

Republic and the Republic of Estonia voted against this motion.

The delegation from the Czech Republic refused to participate in this voting.

Statement by delegation of the Czech Republic with regard to the voting on paragraph 5 of Article 26 “The Chairman of the Committee”:

“The delegation from the Czech Republic did not participate in the voting due to the fact that the voting was allowed for the second time on the same text that had been rejected in the previous voting”.

16.14. As a result of discussions held and voting, the wording of paragraph 5 of Article 26 “The Chairman of the Committee” remained as indicated in paragraph 2 Article 1 “Scope of application” of the Rules:

«5. The Chairman of the Committee shall organize the recruitment of officials and employees on a competitive basis to work in the Committee».

Separate opinion of delegations of the Republic of Azerbaijan, the Islamic Republic of Afghanistan and the Republic of Kazakhstan:

«According to subparagraph 1.1 of Article 25 of draft Convention, officials of the Committee shall be delegated by the plenipotentiary bodies of the OSJD Members and shall meet qualification requirements approved by the Ministers Conference. However, according to subparagraph 1.2 and paragraph 2 of Article 25 of draft Convention, the employees of the Committee shall be recruited on a competitive basis to work in the Committee and shall be selected by the Qualification Commission.

At the same time, according to paragraph 5 of Article 26 of draft Convention, the Chairman of the Committee shall organize the recruitment both of employees and officials of the Committee on a competitive basis.

Taking into account the sequence of decision making (agreement) on the provisions of draft Convention as well as the contradiction of paragraph 5 of Article 26 with paragraphs 1 and 2 of Article 25, we consider it reasonable to exclude from paragraph 5 Article 26 the words “officials and”.

Separate opinion of delegations of the Republic of Moldova and Georgia on paragraph 5 of Article 26 “The Chairman of the Committee” of draft Convention on international direct railway traffic taking into account the voting results of 29.11.2017:

“The delegations of the Republic of Moldova and Georgia express its separate opinion on paragraph 5 of Article 26 “The Chairman of the Committee” of draft Convention on international direct railway traffic as adopted at the III session of the International Conference.

Given that paragraph 5 of Article 26 “The Chairman of the Committee” of draft Convention in the adapted wording: «The Chairman of the Committee shall organize the recruitment of officials and employees on a competitive basis to work in the Committee» is in contradiction with the provisions of subparagraphs 1.1 and 1.2 of Article 25 “Staff of the Committee” of draft Convention:

«1.The staff of the Committee shall be composed of:

1.1. *officials of the Committee delegated by the plenipotentiary bodies of the OSJD Member States on the basis of qualification requirements approved by the Ministers Conference;*

1.2. *employees recruited on a competitive basis to work in the Committee who are nationals of OSJD Members States and perform administrative and technical or service functions»,*

The Republic of Moldova and Georgia can accept draft paragraph 5 of Article 26 of draft Convention on condition of excluding from the text of this paragraph the words «officials and» or of its total exclusion from this Article, which corresponds to the voting result of the delegations of the Republic of Moldova and Georgia on this Article».

Separate opinion of the Islamic Republic of Iran

The delegation of the Islamic Republic of Iran supports the separate opinion of the delegation from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, Republic of Kazakhstan and Mongolia, and at the same time, suggests that disagreements should be solved before the voting in order to avoid the repetition of such cases at next Sessions during consideration of the text of the Convention, taking into account the opinion of the lawyer of the OSJD Committee and the Chairman of the Conference.

16.15. The delegations from the People's Republic of China and the Russian Federation suggested amending paragraph 7 of Article 26 "The Chairman of the Committee" to read as follows:

«7. The Chairman of the Committee shall have the right to:

- 7.1. *conduct, on behalf of the OSJD, negotiations and correspondence relating to the OSJD's activity;*
- 7.2. *submit proposals, where necessary, to the plenipotentiary bodies of OSJD Members, for delegating officials and candidates to official positions in the Committee;*
- 7.3. *submit proposals to the plenipotentiary bodies of OSJD Members concerning the recall of officials from the Committee».*

This motion was not accepted. The delegations from the Republic of Belarus, the Republic of Kazakhstan, the People's Republic of China, the Republic of Moldova, Mongolia, the Republic of Poland, the Russian Federation and the Czech Republic voted in favour of this motion. The delegations from the Republic of Azerbaijan, the Republic of Bulgaria, Hungary, Georgia, the Republic of Latvia, the Republic of Lithuania, the Slovak Republic, Ukraine and the Republic of Estonia voted against this motion. The delegations of the Islamic Republic of Afghanistan, the Socialist Republic of Viet Nam, the Islamic Republic of Iran, the Democratic People's Republic of Korea and Romania abstained in the voting.

16.16. The delegation of Georgia suggested amending paragraph 7 of Article 26 "The Chairman of the Committee" to read as follows:

«7. The Chairman of the Committee shall have the right to:

- 7.1. *conduct, on behalf of the OSJD, negotiations and correspondence relating to the OSJD's activity;*
- 7.2. *submit proposals to the plenipotentiary bodies of OSJD Members concerning the recall of officials from the Committee, if they fail to fulfil the*

requirements of job descriptions».

This motion was not accepted. The delegations of the Islamic Republic of Afghanistan, the Republic of Bulgaria, Georgia, the Islamic Republic of Iran, the Republic of Latvia, the Republic of Lithuania, Mongolia and Ukraine voted in favour of this motion. The delegations from the Republic of Belarus, Hungary, the Republic of Poland, the Russian Federation, the Czech Republic and the Republic of Estonia voted against of this motion. The delegations of the Republic of Azerbaijan, the Socialist Republic of Viet Nam, the Republic of Kazakhstan, the People's Republic of China, the Democratic People's Republic of Korea, the Republic of Moldova, Romania and the Slovak Republic abstained in the voting.

16.17. The delegation of the Republic of Azerbaijan suggested amending paragraph 7 of Article 26 "The Chairman of the Committee" to read as follows:

«7. The Chairman of the Committee shall have the right to:

- 7.1. conduct, on behalf of the OSJD, negotiations and correspondence relating to the OSJD's activity;*
- 7.2. submit proposals to the plenipotentiary bodies of OSJD Members, for delegating officials to official positions in the Committee as well as the recall of officials from the Committee».*

This motion was not accepted. The delegations of the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Kazakhstan and the Czech Republic voted in favour of this motion.

The delegations of the Republic of Bulgaria, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Russian Federation, Romania, the Slovak Republic, Ukraine and the Republic of Estonia voted against this motion. The delegations from the Republic of Belarus, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the People's Republic of China, the Democratic People's Republic of Korea, the Republic of Moldova and Mongolia abstained in the voting.

16.18. The delegation of the Republic of Kazakhstan suggested amending paragraph 7 Article 26 "The Chairman of the Committee" to read as follows:

«7. The Chairman of the Committee shall have the right to:

- 7.1. conduct, on behalf of the OSJD, negotiations and correspondence relating to the OSJD's activity;*
- 7.2. submit proposals, where necessary, to the plenipotentiary bodies of OSJD Members, for delegating officials and candidates to official positions in the Committee;*
- 7.3. submit proposals for consideration by the governing bodies of OSJD concerning the re-election of officials approved by governing body of OSJD;*

7.4. submit proposals to plenipotentiary bodies of OSJD concerning the recall of officials from the Committee».

This motion was not accepted. The delegations from the Islamic Republic of Afghanistan, the Republic of Belarus, The Islamic Republic of Iran, the Republic of Kazakhstan, the People's Republic of China, Mongolia, the Republic of Poland, the Russian Federation, and the Slovak Republic voted in favour of this motion. The delegations from the Republic of Azerbaijan, the Republic of Bulgaria, the Socialist Republic of Viet Nam, Georgia, the Republic of Latvia, the Republic of Lithuania, the

Republic of Moldova, Romania, Ukraine, the Czech Republic and the Republic of Estonia voted against of this motion. The delegations from Hungary and the Democratic People's Republic of Korea abstained in the voting.

16.19. As a result of discussions held and voting paragraph 7 Article 26 "The Chairman of the Committee" remained in wording as indicated in paragraph 2 Article 1 "Scope of application" of the Rules:

«7. The Chairman of the Committee shall conduct, on behalf of the OSJD, negotiations and correspondence relating to the OSJD's activity;

16.20. On the proposal of delegations from the Islamic Republic of Afghanistan, the Republic of Kazakhstan and the Czech Republic paragraph 9 of Article 26 was adopted in the following wording:

«9. If the Chairman of the Committee is temporarily absent, his/her functions shall be performed by one of the Chairman's deputies and in case of their absence - by Secretary of the Committee».

The delegations from the Islamic Republic of Afghanistan, the Republic of Belarus, the Republic of Bulgaria, Hungary, the Socialist Republic of Viet Nam, Georgia, the Republic of Kazakhstan, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, Romania, the Slovak Republic, Ukraine, the Czech Republic and the Republic of Estonia voted in favour of this motion. The delegations of the Islamic Republic of Iran, the Democratic People's Republic of Korea and the Republic of Moldova voted against this motion. The delegations of the Republic of Azerbaijan, the People's Republic of China, Mongolia and the Russian Federation abstained in the voting.

17. In accordance with paragraph 6 of Article 15 of the Rules of procedure the Chairman of the Conference stated that the choosing of one of two options of Article 27 "The Deputies Chairman of the Committee" refers to procedural issues, since this choice does not affect the adoption of final wording of this Article. Due to the protests of delegations of the Republic of Lithuania, and the Republic of Estonia a voting took place and as a result, the decision of the Chairman remained. The delegations from the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Republic of Belarus, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the People's Republic of China, the Democratic People's Republic of Korea, the Republic of Moldova, Mongolia, the Russian Federation, Romania and Ukraine voted in favour. The delegations of the Republic of Bulgaria, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, the Slovak Republic, the Czech Republic and the Republic of Estonia voted against it.

In this regard, the session chose option II of Article 27 "The Deputies Chairman of the Committee" as a basis for further discussion. The delegations of the Republic of Azerbaijan, the Republic of Belarus, the Republic of Bulgaria, Hungary, the Socialist Republic of Viet Nam, Georgia, the Islamic Republic of Iran, the Republic of Kazakhstan, the Republic of Latvia, the Republic of Lithuania, the Republic of Moldova, the Republic of Poland, Romania, the Slovak Republic, Ukraine, the Czech Republic and the Republic of Estonia voted in favour of this option. The delegations of the Islamic Republic of Afghanistan, the People's Republic of China, the Democratic people's

Republic of Korea, Mongolia and the Russian Federation voted in favour of option I.

17.1. The delegations of the Republic of Kazakhstan, the People's Republic of China and the Russian Federation suggested a new wording of paragraph 1 of Article 27 "The Deputies of the Chairman of the Committee": *«1. The Chairman of the Committee shall have three Deputies, two out of which shall be officials representing the OSJD Member States the membership fees of which have the largest shares of the total amount of membership fees of the OSJD member States, the third Deputy shall be elected among representatives of other OSJD Member States».*

This motion was not accepted. The delegations of the Republic of Azerbaijan, the Islamic Republic of Afghanistan, the Socialist Republic of Viet Nam, the Republic of Kazakhstan, the People's Republic of China, the Democratic People's Republic of Korea, the Republic of Moldova, Mongolia and the Russian Federation voted in favour of this motion. Delegations from the Republic of Bulgaria, Hungary, Georgia, Islamic Republic of Iran, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Ukraine and Republic of Estonia voted against the motion; and delegations from the Republic of Belarus and Czech Republic abstained.

17.2. The delegation from Ukraine proposed a new wording for par.1 of Article 27 "Deputies of Chairman of the Committee" as follows: *"The chairman of the Committee shall have two Deputies who shall be elected on a rotation basis, taking into account par.5 of Article 25 of this Convention"*.

The proposal was not supported. Delegations from Georgia, Islamic Republic of Iran, Republic of Moldova and Ukraine voted in favour of it. Delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Russian Federation, Romania. Slovak Republic, Czech Republic and Republic of Estonia voted against the proposal. The delegation from the Republic of Azerbaijan abstained.

17.3. Delegations from the Republic of Bulgaria, Republic of Poland and Romania proposed a new wording of par.1 of Article 27 "Deputies of Chairman of the Committee" as follows: *"Deputies of Chairman of the Committee" as follows: The Chairman of the Committee shall have two Deputies who shall be elected for a four-year term, taking into account par.5 of Article 25 of this Convention.*

For the first-term upon the entry into force of this Convention, the Deputies of Chairman of the Committee shall be representatives of the People's Republic of China and the Russian Federation"

The proposal was supported by delegations from Islamic Republic of Afghanistan, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Czech Republic and Republic of Estonia. Delegations from the Republic of Belarus, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Mongolia, Russian Federation and Ukraine voted against the proposal. Delegations from the Republic of Azerbaijan, Islamic Republic of Iran and Republic of Moldova abstained.

17.4. The delegation from Georgia proposed a new wording of par.1 of Article 27

“Deputies of Chairman of the Committee” as follows: *“The Chairman of the Committee shall have three Deputies”*.

The proposal was not adopted. It was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Georgia, Republic of Kazakhstan, Republic of Moldova, Mongolia, Russian Federation, Ukraine and Czech Republic. Delegations from the Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Islamic Republic of Iran, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic and Republic of Estonia voted against the proposal. Delegations from People’s Republic of China and Democratic People’s Republic of Korea abstained.

Therefore, the wording of par.1 of Article 27 remained as follows: *“The Chairman of the Committee shall have two Deputies”*.

17.5 As a result of discussion and voting conducted, par.1 of Article 27 “Deputies of the Chairman of the Committee” remained in the wording of the text specified in par.2 of Article 1 of the “Scope of the Rules” as follows:

“1. The Chairman of the Committee shall have two deputies”

17.6. Delegations from the Republic of Poland and Romania proposed a new wording of par.2 of Article 27 “Deputies of Chairman of the Committee” as follows:

“The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be elected for a term of four years, and shall also be released from office, by a decision of the Ministers Conference. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same State for more than two successive terms of office.

For the first-term upon the entry into force of this Convention, this Deputy Chairman shall be the representative of the Russian Federation”.

The wording was not adopted. It was supported by delegations from the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Latvia, Republic of Lithuania, Romania, Slovak Republic, Czech Republic and Republic of Estonia. Delegations from Georgia, Republic of Kazakhstan, People’s Republic of China, Mongolia, Russian Federation and Ukraine voted against the proposal. Delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Islamic Republic of Iran, and Republic of Moldova abstained.

17.7. The delegation from the Russian Federation proposed a new wording par.2 of Article 27 “Deputies of Chairman of the Committee” as follows: *“The Ministry Conference may take a decision to introduce the position of the third Deputy Chairman of the Committee”*

The proposal was not adopted. It was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Democratic People’s Republic of Korea, Russian Federation and Romania. Delegations from Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against the proposal. Delegations from the Republic of Belarus, Republic of Bulgaria, Georgia and Republic of Moldova abstained.

17.8. The delegation from the Russian Federation proposed a new wording par.2 of Article 27 “Deputies of Chairman of the Committee” as follows:

2. The Ministers Conference may take a decision to introduce the position of the third Deputy Chairman of the Committee.

2. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference and shall be an official representative of the Russian Federation.

The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Assembly shall be appointed for a term of four years, and shall also be released from office, by a decision of the Assembly and shall be an official representative of the People’s Republic of China

“The Ministry Conference may take a decision to introduce the position of the third Deputy Chairman of the Committee”

The proposal was not adopted. It was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Iran, People’s Republic of China, Democratic People’s Republic of Korea, Mongolia and Russian Federation. Delegations from the Republic of Bulgaria, Hungary, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Poland, Slovak Republic, Ukraine, Czech Republic, Republic of Estonia voted against the proposal. Delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Republic of Kazakhstan, Republic of Moldova and Romania abstained.

17.9. The delegation from the Republic of Azerbaijan proposed a new wording of par.2 of Article 27 “Deputies of Chairman of the Committee” as follows:

“The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be elected for a term of four years, and shall also be released from office, by a decision of the Ministers Conference, and shall be the representative of the OSJD Member State having the largest share of membership contribution”.

The proposal was not adopted. It was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Moldova, Mongolia and Russian Federation.

Delegations from Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Ukraine and Republic of Estonia voted against the proposal. Delegations from the Republic of Belarus Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Romania, Slovak Republic and Czech Republic abstained.

17.10 The delegation from Romania proposed a new wording for par.2 of Article 27 “Deputies of Chairman of the Committee” as follows:

“The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be elected for a term of four years, and shall also be released from office, by a decision of the Ministers

Conference. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same State for more than two successive terms of office.

For the first-term upon the entry into force of this Convention, this Deputy Chairman shall be the representative of the OSJD Member State with the largest annual membership contribution”.

The proposal was not adopted. It was supported by delegations from the Republic of Azerbaijan, Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, Republic of Latvia, Republic of Poland, Romania, and Czech Republic. Delegations from the Republic of Bulgaria, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Lithuania, Mongolia, Russian Federation and Ukraine voted against the proposal. Delegations from the Republic of Belarus, Hungary, Republic of Moldova, Slovak Republic and Republic of Estonia abstained.

17.11. As a result of discussion and voting conducted; par.1 of Article 27 “Deputies of the Chairman of the Committee” remained in the wording of the text specified in par.2 of Article 1 of the “Scope of the Rules” as follows:

“2. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same State for more than two successive terms of office”.

17.12. The delegation from the Czech Republic proposed a new wording of par.3 of Article 27 “Deputies of Chairman of the Committee” as follows:

“The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Assembly shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than two successive terms of office”.

The proposal was supported by delegations from the Republic of Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Democratic People’s Republic of Korea, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia. Delegations from the Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic of Kazakhstan, People’s Republic of China, Mongolia and Russian Federation voted against the proposal. Delegations from Georgia, Republic of Latvia and Republic of Moldova abstained. Therefore, the proposal was not adopted.

17.13 The delegation from the Republic of Kazakhstan proposed a new wording of par.3 of Article 27 “Deputies of Chairman of the Committee” as follows:

“3. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Assembly shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference taking into account the decision of the Assembly. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than

two successive terms of office”.

The proposal was not adopted. Delegations from the Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Republic of Kazakhstan, People’s Republic of China, Mongolia and Russian Federation voted in favour of it. Delegations from the Republic of Belarus, Republic of Bulgaria, Hungary, Republic of Lithuania, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia voted against it. Delegations from the Republic of Azerbaijan, Georgia, Islamic Republic of Iran, Democratic People’s Republic of Korea, Republic of Latvia and Moldova abstained.

17.14 As was proposed by Georgia, the wording of par.3 of Article 27 “Deputies of Chairman of the Committee” was adopted as follows:

“3. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Assembly shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference in view of the opinion of the Assembly. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than two successive terms of office”.

Delegations from the Islamic Republic of Afghanistan, Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Republic of Kazakhstan, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Romania, Ukraine, Czech Republic and Republic of Estonia voted in favour of it. Against were delegations from the Republic of Bulgaria, Hungary, Islamic Republic of Iran and Slovak Republic. Delegations from the Republic of Azerbaijan and Democratic People’s Republic of Korea abstained.

Statement of the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Republic of Estonia:

“Distinguishing the relevance of the balanced text of the Convention on international direct railway traffic (hereinafter, Convention) to all Parties participating in the International Conference on adoption of the text of the Convention, the Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Poland, Romania, Republic of Estonia have confirmed their readiness to reconsider the provisions of agreed Article 27 “Deputies of the Chairman of the Committee” upon final discussion of the whole text of the Convention”.

Special opinion of the People’s Republic of China and Russian Federation as to Article 27:

“For a great while the railways of China and Russia have made a substantial contribution to promote Eurasian railway traffic and development of the OSJD in the whole. The operational length of railways of China and Russia amounts to more than half the total operational length of the OSJD Member States. Both countries undertake multiple obligations including the annual membership contribution. The Initiative of One Belt, One Road put forward by Mr. President Xi Jin ping found active support from many States, in particular, effective results have been achieved in organisation of container train traffic between China and Europe in virtue of support by the member countries along the OSJD Corridors. The Chinese and Russian sides believe that the positions of the Deputies of Chairman of the Committee must be preserved for China and Russia, which allows us to make an additional contribution the development of the OSJD”.

18. The delegation of Georgia declared the arrangements reached at Session II of the Conference concerning the advisability of cooperation between the OSJD and UN, which can be implemented under Article 63 of the UN Charter. Therefore, the delegation of Georgia considers necessary to organise additional discussions in order to elaborate an agreed position on this issue, since the delegation believes that availability of such an Article is reasonable.

The delegation of the Russian Federation noted the significance of cooperation of the OSJD with international organisations of the UN system and acquisition of the status of specialized institution.

19. The Chairman of the Conference kindly requested the Conference participants to prepare proposals on this issue and submit them to the OSJD Committee for their further consideration at Session IV of the Conference.

The Session tasked the ad hoc working group on preparation of the “Definitions” Article of draft Convention to elaborate the final wording of this Article to consider it in the course of this Session.

The Chairman of the ad hoc working group who is a representative from Republic of Poland Mr. Szymon Grygiel informed the Session participants that it was not feasible to find a single wording for most of definitions. The results of work carried out by the ad hoc working group shall be included in Annex 2 to these Minutes.

Under Item 3 of the Agenda

The Conference decided to hold Session IV of the Conference in Warsaw (Republic of Poland) **on 26 - 30 March 2018** and adopted the provisional agenda as follows:

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

The Session adopted the provisional date for Session V of the Conference as follows:
19-23 November 2018.

These Minutes are drawn up and signed in the English, Chinese and Russian languages in Warsaw on 1 December 2017.

The Chairman of the Conference

Aristov Sergey

Representatives of the OSJD Member States from:

Republic of Azerbaijan

Guliyev Nijat

Islamic Republic of Afghanistan

Abdulrazaq Bakhshi

Republic of Belarus

Shylau Ihar

Republic of Bulgaria

Vasilev Veselin

Hungary

Simon Roland

Socialist Republic of Viet Nam

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Mehmanparast Ramin

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Sklyar Roman

People's Republic of China

Liu Keqiang

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Šniuolis Andrius

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Diacenco Alina

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Republic of Poland

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Fedorenko Olexandr

Czech Republic

Bednářová Blanka

Republic of Estonia

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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

(27 November – 1 December 2017, Warsaw, Republic of Poland)

The Chairman of the Conference

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- Laineveer Indrek - Head of Railways Division, Ministry of Economic Affairs and Communications
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- Szozda Tadeusz - Chairman of OSJD Committee
- Zhukov Viktor - Deputy Chairman 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
- Nevmyanov Marat - Interpreter
- Nuyanzin Nikolay - Interpreter
- Wu Yang - Interpreter
- Bi Weiwei - Interpreter
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- Liu Shan - Interpreter
- Pang Chao - Interpreter
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| Aganina Olga | - IT-operator |
| Korniluk Taisa | - Registration of Conference Participants |
| Szczerbinska Malgorzata | - Registration of Conference Participants |