

Ad hoc group on elaboration of definitions for the Convention on Direct International Railway Traffic

28 November 2017

Proposals of the definitions

DIRECT INTERNATIONAL RAILWAY TRAFFIC

Option 1: Transportation of freight, passengers and luggage through the territory of two or more states under one transportation document (consignment, consignment note, consignment agreement);

Option 2: Direct international railway traffic: transportation of freight, passengers, luggage, goods baggage, post through the territory of two or more states under one transportation document (consignment, consignment note, consignment agreement) including the railway ferry transportation.

CONTRACTING PARTIES

Option 1: States and regional organization for economic integration, that expressed their consent to be bound by the Convention. (*This definition will require changing the Preamble of the Convention and in opinion of some states also in Article 1 and Article 9*).

Option 2: There is no necessity of a definition of this term. The meaning of the term should be understandable from the Preamble, Article 1, Article 9, etc.

REGIONAL ORGANISATION FOR ECONOMIC INTEGRATION

Option 1: Organisation of states, to which its members have conferred competence over certain matters a number of which are governed by this Convention, including the authority to take decisions binding on them in respect of those matters.

Option 2: Intergovernmental organisation of states, to which its members have conferred competence over certain matters a number of which are governed by this Convention, including the authority to take decisions binding on them in respect of those matters.

Option 3: There is no necessity of a definition of this term. The meaning of the term should be understandable from Article 62.

RAILWAY COMPANY

Option 1: Any entity established under private or public law irrespective of its ownership operating rail transport or managing railway infrastructure on the territory of a state that is an OSJD member or their national associations/or legal cooperation of thereof. (There is a need to change Article 10 accordingly)

Option 2: Railway companies - organizations under any form of ownership which are registered and operate in the territory of an OSJD Member State, are engaged in international transport and /or possess (manage) railway infrastructure issued to implement the set transport operations, or associations (holdings, etc.) of such railway companies directing and / or managing them. *There is a need to change Article 10.*

Option 3: There is no necessity of a definition of this term. The meaning of the term should be understandable from Article 10.

ASSOCIATION

Association – *Comment: bearing in mind, that this term appears only twice in the text of the project, it is not justified to define it. It has to be assumed that the definition has primary character.*

NATIONAL ASSOCIATION OF RAILWAY COMPANIES

Option 1: National association of railway companies – a group or an organisation of railway companies of a state that is an OSJD member representing their interests.

Option 2: The definition is not needed. (Check Article 16.2)

COMMERCIAL ORGANIZATION

Option 1: For the purpose of this Convention, a commercial organization is a legal entity of private law which is registered in the OSJD Member State and carries on business in a railway-related area for the purpose of profit. (Check Article 11 para 4)

Option 2: A commercial organization or an association which goals are in accordance with goals and rules of OSJD and that has been provided with a status of the associated company according to Article 11 on the bases of written recommendation of the Committee Chairman and one authorized authority of an OSJD Member.

Option 3: Bearing in mind that this term appears only once in Convention's project text, it has to be assumed that the definition has primary character. There is no necessity of a definition.

OFFICIALS

The group has concluded, that there is no necessity of a definition of this term.