

2nd Preparatory Conference for the 18th OSCE Economic and Environmental Forum

Facilitation of international transport by rail between States applying the law of the EU and other States

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Organisation intergouvernementale pour les Transports Internationaux Ferroviaires
Zwischenstaatliche Organisation für den Internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail
Межправительственная организация по международным железнодорожным перевозкам
المنظمة الحكومية الدولية للنقل الدولية السككية

- founded 1 May 1985
 - predecessor of OTIF was OCTI (Office Central des transports internationaux par chemins de fer) since 1893
- 44 Member States, Headquarters: Berne, Switzerland
- Official languages: English, French and German
- Legal Basis
 - Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of Vilnius 1999
 - 7 Appendices (CIV, CIM, RID, CUV, CUI, APTU, ATMF)

OTIF'S main tasks

Systems of uniform law for

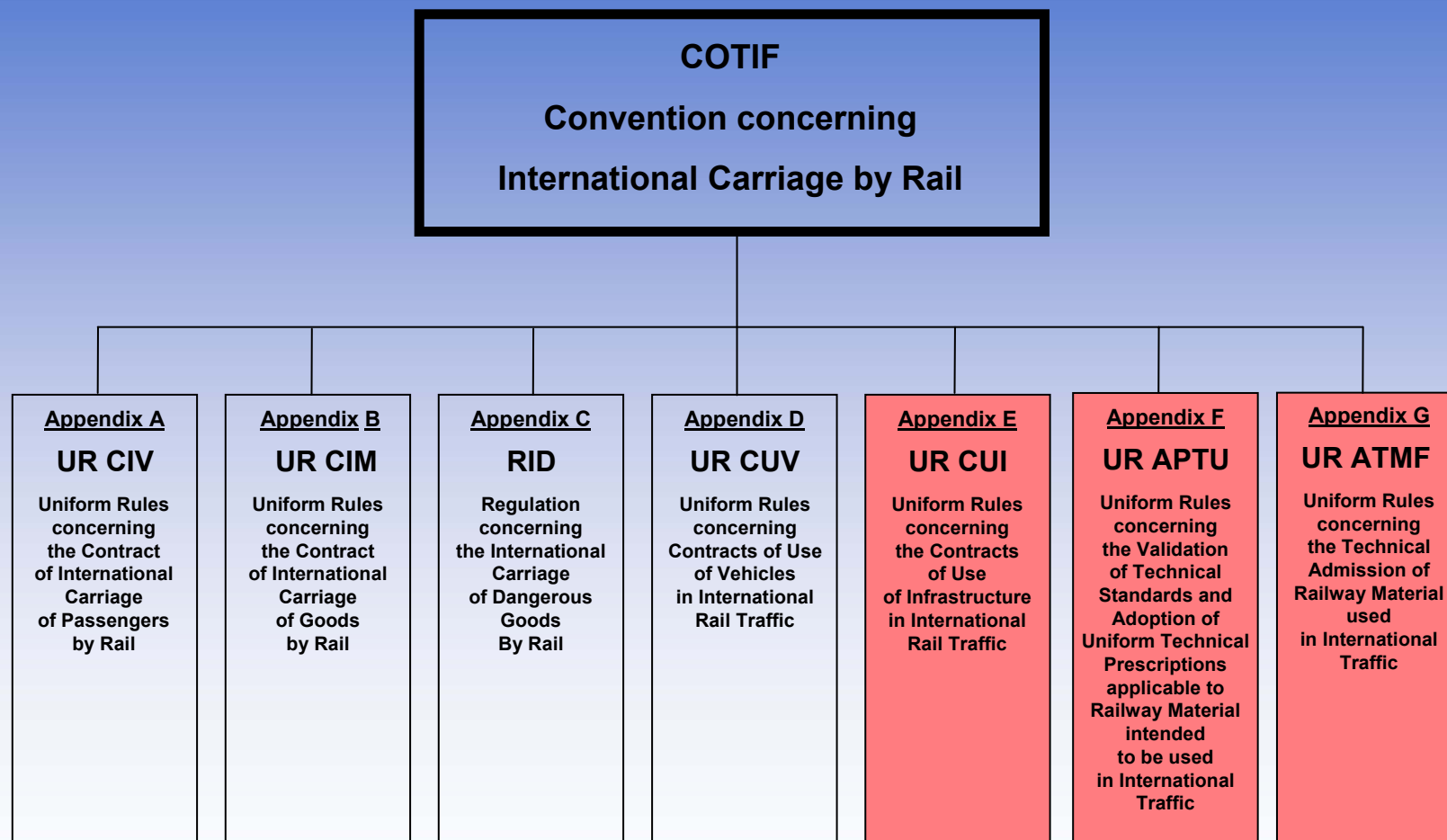
Contracts (private law) of

- carriage by rail
- use of wagons
- use of railway infrastructure

Safety/Interoperability (public law)

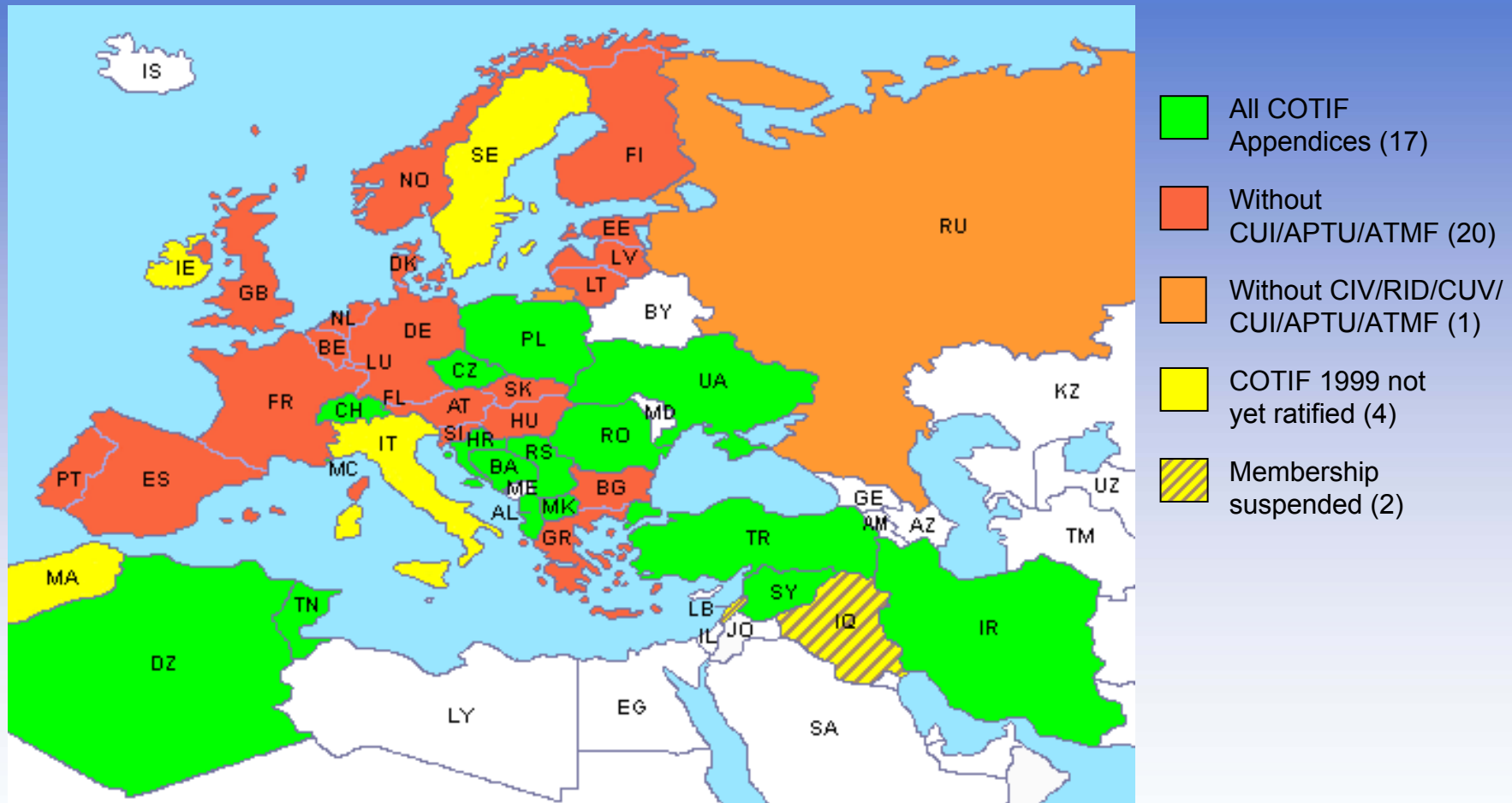
- carriage of dangerous goods by rail
- technical prescriptions for railway material
- technical admission of railway material

COTIF 1999



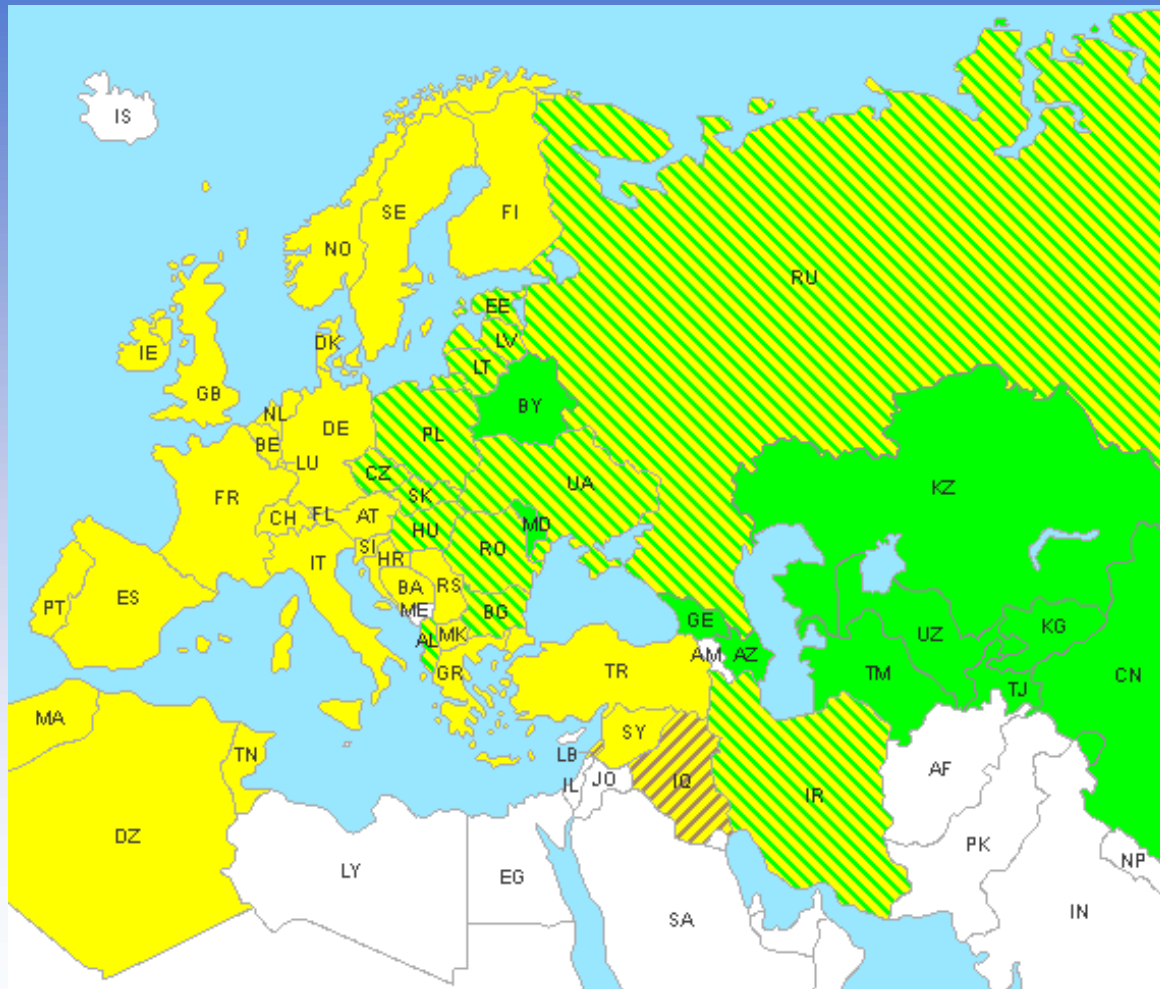
Scope of application of COTIF and its Appendices

(as at 1.2.2010)



OTIF - OSJD Member States

(as at 1.2.2010)



OTIF



OSJD



OTIF + OSJD



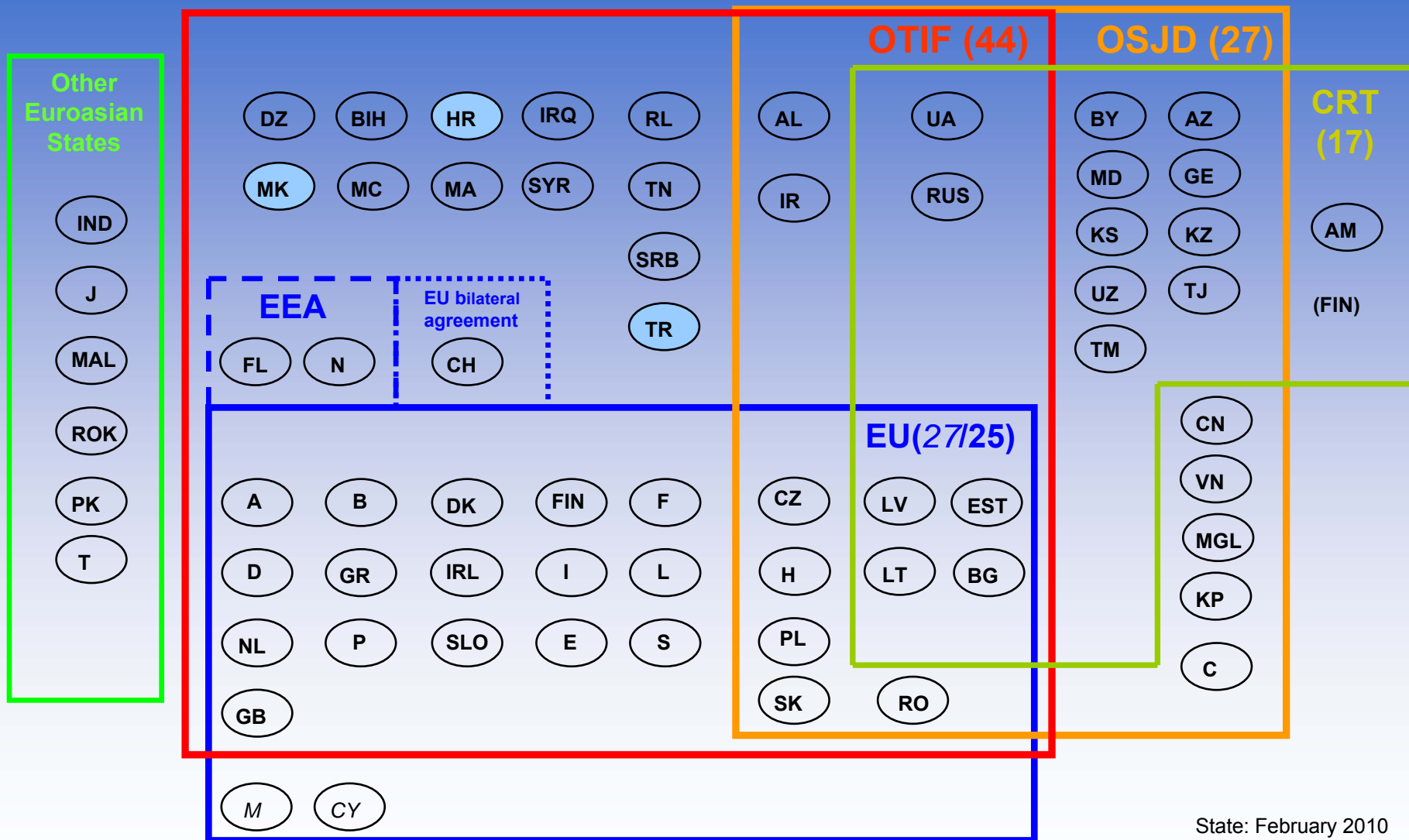
OTIF membership
suspended

Other OSJD States:

- Mongolia
- North Korea
- Vietnam
- Cuba



OTIF, OSJD, EU and CRT- CIS Membership



OTIF MS applying the law of the EU

The 44 OTIF MS include

- **25 members of the EU**

Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

- **2 members of the EEA**

Liechtenstein, Norway

- **1 party to bilateral agreements with EU**

Switzerland

- **3 candidates for accession to EU**

Croatia, The former Yugoslav Republic of Macedonia, Turkey

- **3 potential candidates for accession to EU**

Albania, Bosnia and Herzegovina, Serbia

Total: 34 \approx $\frac{3}{4}$ of OTIF MS

Compatibility COTIF 1999 – EU law

- 3.6.1999 COTIF 1999 adopted, **compatible with the law of the EU** at that time
- subsequent entry into force of **new law of the EU** covering partly areas regulated in COTIF – Annexes:
 - 15 March 2001: Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification
 - 20 April 2001: Directive 2001/16/EC on the interoperability of the trans-European conventional rail system
 - 30 April 2004: Directive 2004/51/EC amending Council Directive 91/440/EEC on the development of the Community's railways
 - 21 June 2004: Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive)
 - 3 December 2009: entry into force of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations
- 1.7.2006 entry into force of COTIF 1999, **compatibility with the then law of the EU disputed**

Compatibility COTIF 1999 – EU law

- after 2006: **Reservations** by **24 OTIF MS** regarding non-application of Appendices CUI, APTU and ATMF
- 23 – 25 June 2009 meeting of OTIF's **Revision Committee** to adapt these appendices in order to achieve full compatibility of COTIF with EU law
- 1.12.2010 revision will **take effect**



Effects on facilitation

- **withdrawal of reservations**
- **accession of EU to COTIF**
- legal and technical **interoperability** between EU and non-EU MS of OTIF
- securing **interests of Non-EU MS** by
 - participation in development of TSI
 - dedicated meetings of non-EU MS



Cooperation with OSJD/UNECE

- 1st session of informal Group of Experts on Unified Railway Law
to be held in Geneva 26.03.2010
- Annex 9 to the International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) to be adopted in Geneva on 27.05.2010

THANK YOU FOR YOUR ATTENTION!

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