

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Office central
Zentralamt
Central Office**

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TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

**Legal consequences of the entry into force of COTIF 1999 if not ratified by
all States in due time**

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1. Based on the instruments of ratification, acceptance or approval which have been deposited so far and on the results of surveys concerning the status of the ratification, acceptance or approval procedures of the 1999 Vilnius Protocol, it is anticipated that the 1999 Vilnius Protocol will enter into force before the middle of 2005.
2. In the circular in which the Secretariat of OTIF notified the Member States of the deposit of Slovakia's and Finland's instruments of ratification and of the instrument of accession from Iran, the Member States were made aware of the most important legal consequences which the entry into force of COTIF will entail if not all States have deposited their instruments in due time before entry into force (circular dated 10.8.2004, A 52-01/505.2004). This information was repeated in the circular concerning the deposit of Denmark's instrument of ratification (circular dated 8.11.2004, A 56-01/506.2004) and in the circular concerning the deposit of Bulgaria's instrument of ratification (circular dated 10.12.2004, A 56-01/507.2004). In addition, brief information was in each case published under "News" on OTIF's website.
3. Moreover, at the beginning of 2004, CIT was made aware of the problems, in the hope that the rail transport undertakings would take all the steps necessary to ensure that the as yet unfinished procedures for ratification, acceptance or approval would be concluded in due time.
4. Furthermore, at its 41st session in November 2004, the RID Committee of Experts was informed of the legal consequences for the law on the carriage of dangerous goods by means of a document from the Secretariat (OCTI/RID/CE/41/7a dated 8 October 2004).
5. Time is pressing and the problems to be solved are of considerable legal and practical relevance. The Secretariat has now prepared internally a comprehensive document analysing in detail the legal consequences that will arise after the entry into force of COTIF 1999 if not all Member States have ratified, accepted or approved the 1999 Vilnius Protocol by that time. To prepare for the General Assembly, the Secretariat is sending this document, attached at Annex, to all Member States for comments. The Secretariat is thus also fulfilling a request made by the Administrative Committee.

6. Member States are asked to let the Secretariat have their comments by no later than

20 February 2005

The Secretariat will deem comments received by e.mail to be acceptable.

7. As it seems very likely that a working group made up of lawyers from all the Member States and interested international organisations will have to be convened in April 2005 to discuss the document and to develop proposals for solutions, it is not possible to set another deadline.

(Stefan Schimming)
Director General

Annex

cc: interested international organisations

Organisations et Associations internationales :**Internationale Organisationen und Verbände:****International Organisations and Associations:**

- Commission économique pour l'Europe des Nations Unies (CEE/ONU),
Division des transports,
Palais des Nations, CH - 1211 Genève 10
- Conférence européenne des ministres des transports (CEMT),
Secrétariat général, 2, rue André-Pascal, FR - 75775 Paris Cédex 16
- Institut international pour l'unification du Droit privé (UNIDROIT),
Villa Aldobrandini, Via Panisperna 28, IT - 00184 Rome
- Organisation für die Zusammenarbeit der Eisenbahnen (OSShD),
ul. Hoza 63-67, PL - 00681 Warschau
- Association internationale des usagers d'embranchements particuliers (AIEP),
M. Frank Furrer, Secrétaire
Suracherstrasse 6, Postfach 31, CH - 8142 Uitikon/Zurich
- Comité européen de normalisation (CEN),
Rue de Stassart 36, BE - 1050 Bruxelles
- Comité européen de normalisation électrotechnique (CENELEC),
Boîte 5, Rue de Stassart 35, BE - 1050 Bruxelles
- Communauté européenne du rail et des compagnies d'infrastructure (CER),
Avenue des Arts, 53, BE - 1000 Bruxelles
- European Intermodal Association (EIA),
Rue Ravenstein 60, BP 21, BE - 1000 Bruxelles
- European Rail Freight Association (ERFA),
Avenue de la Renaissance 1, BE - 1000 Bruxelles
- European Rail Infrastructure Managers (EIM),
Rue de la Tourelle 21, BE - 1040 Bruxelles
- European Shippers' Council (ESC),
Park Leopold, Rue Wiertz 50, BE - 1050 Bruxelles
- Internationaler Verband der Tarifeure (IVT),
Postfach 355, Europaplatz 1, AT - 1150 Wien

- Internationales Eisenbahntransportkomitee (CIT),
Sekretariat, Weltpoststrasse 20, CH - 3000 Bern 15
- International Federation of Freight Forwarders Associations (FIATA),
Schaffhauserstrasse 104, P.O.Box 364, CH - 8152 Glattbrugg
- Union arabe des chemins de fer (UACF),
B.P. 6599, Alep (Syrie)
- Union internationale des chemins de fer (UIC),
Direction générale, 16, rue Jean Rey, FR - 75015 Paris
- Union Internationale des sociétés de transport combiné Rail-Route (UIRR),
31, rue Montoyer - bte 11, BE - 1000 Bruxelles
- Union internationale des wagons privés (UIP),
Boulevard du Souverain 53, Boîte 17, BE - 1160 Bruxelles
- Association of European Railway Industries (UNIFE)
221, Avenue Louise (B.11), BE - 1050 Brussels