

OSJD – advantages and risks

- ✦ Covers a big territory in Eurasia, participation ensures a good traffic for Baltic states, good potential for further development in East direction
- ✦ Members are very different states with different political systems and traditions

OSJD – advantages and risks

- ✦ Due to big differences reforming is a slow process
- ✦ Risk of creating supranational legislative entity (CM)
- ✦ Possibility to split in "old" and "new" OSJD thus losing the advantages
- ✦ The reform is going on

OSJD and similar organisations in Europe

Europe	OSJD
✦ OTIF	✦ OSJD
✦ CIT	✦ OSJD (partly)
✦ UIC	✦ OSJD
✦ CER	✦ -

Comparison of European and OSJD Railway Legislation Concerning International Carriage by Rail

OTIF	OSJD
COTIF 1999 Convention	Statutes of organization (updated 2002)
Annexes of convention – uniform rules of contract of Carriage by Rail:	Separate international agreements – Uniform rules of contract of International Carriage by Rail signed by national railways or governments under OSJD supervision
✦ Annex A – CIV	✦ SMPS
✦ Annex B – CIM	✦ SMGS
✦ Annex C – RID	✦ Annex II of SMGS – Carriage of Dangerous Goods by Rail
✦ Annex D – CUV	✦ PPV
✦ Annex F – APTU	✦ Rules of financial clearing
✦ Annex G – ATMS	✦ Etc.

now synchronised

Comparison of European and OSJD Railway Legislation Concerning International Carriage by Rail

OTIF	OSJD
Members	Members
States with liberal regulation of rail market	States with different model of rail market regulation:
	✦ railways as state-operated monopolies;
	✦ national flag-carrying companies;
	✦ liberal market regulation for RU

Comparison of European and OSJD Railway Legislation Concerning International Carriage by Rail

OTIF	OSJD
EU Legislation	National Railway Legislation
✦ Directives	Depends on state political regime and system of national law
✦ Regulations	
✦ Decisions	
National Railway Legislation	
The principles of Directives are implemented in national railway legislation of EU member states - members of OSJD as well.	

Main problem points in OSJD Statutes drafts

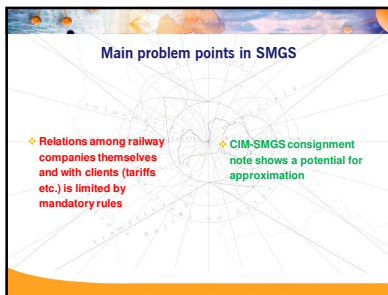
- ✦ Despite the statement of the members' equality, some countries have traditional exclusive rights for top positions in OSJD Committee
- ✦ Problems with "Assembly of railway enterprises' managers":
 - ✦ only one nominated undertaking can represent member state – what about others?
 - ✦ how the decisions in this case can be mandatory for other industry?
 - ✦ what's member's fee in this case?
- ✦ Voting procedures

Main problem points in SMGS

- ✦ Existing SMGS have not distinction between 'carrier', 'successive carrier', 'substitute carrier'
- ✦ Partly solved by latest amendments and current draft of new version

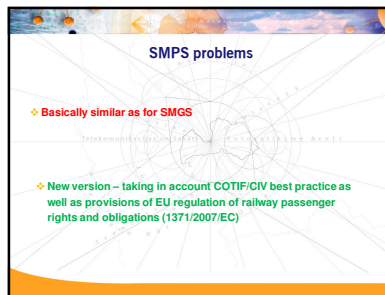
Main problem points in SMGS

- ✦ Different meaning of 'carrier' in OSJD member states hinders development of uniform contractual rules. Western countries prefer contractual regulation, while Eastern ones prefer imperative and administrative, sometimes too detailed rules



Main problem points in SMGS

- ✧ Relations among railway companies themselves and with clients (tariffs etc.) is limited by mandatory rules
- ✧ CIM-SMGS consignment note shows a potential for approximation



SMPS problems

- ✧ Basically similar as for SMGS
- ✧ New version – taking in account COTIF/CIV best practice as well as provisions of EU regulation of railway passenger rights and obligations (1371/2007/EC)



Our expectations

- ✧ Drafting of common convention (Statutes + SMGS & SMPS as integral part) – like COTIF
- ✧ Due to big diversity of OSJD member states this is too slow process
- ✧ Risks, mentioned before



Our expectations (reasonable alternative)

- ✧ Drafting of separate agreements, as it is now,
- ✧ Allowing not only "full members", but also "observers" participation in SMGS (SMPS) also – probable solution
- ✧ Not possible now