

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



ОСЖД 铁组
MINUTES
Session VI
International Conference
on adoption of the text of the Convention
on Direct International Railway Traffic

**25-29 March 2019,
Republic of Poland, Warsaw**

MINUTES

Session VI

International Conference on adoption of the text of the Convention on Direct International Railway Traffic

(25-29 March 2019, Warsaw, Republic of Poland)

In accordance with the decision of Session V of the International Conference on adoption of the text of the Convention on International Direct Railway Traffic (19-23 November 2018, Republic of Poland, Warsaw), Session VI of the Convention on International Direct Railway Traffic on adoption of the text of the Convention on International Direct Railway Traffic was held in Warsaw (Republic of Poland) on 25-29 March 2019 (hereinafter referred to as Session).

The delegations from the following Member States of the Organization for Co-operation between railways (hereinafter – OSJD) took part 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 Korea,
Republic of Latvia,
Republic of Lithuania,
Republic of Moldova,
Mongolia,
Republic of Poland,
Russian Federation,
Romania,
Slovak Republic,
Republic of Uzbekistan,
Ukraine,
Czech Republic,
Republic of Estonia

The Session was attended by the representatives from the European Union (EU) and the OSJD Committee.

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

In accordance with paragraph 3 of Article 7 of the Rules of Procedure for International Conference on adoption of the text of the Convention on Direct International Railway Traffic (hereinafter referred to as Rules), the Session had been chaired by Mr. Tadeusz Szozda, the Secretary of the Conference, until the Chairman of the Conference was elected.

In accordance with Article 5 of the Rules, the Credential Committee was set up, which was composed of representatives from the delegations of Hungary, Georgia, People's Republic of China, Russian Federation and Ukraine to examine credentials. The Committee examined the credentials. The Chairman of the Credential Committee Mr. Levan Tsurtsunia reported on the credentials available in accordance with Article 2 of the Rules with the following 24 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, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia.

Based on the abovementioned information, in accordance with Article 11 of the Rules, Mr. Tadeusz Szozda, the acting Chairman of the Session declared that the Session was quorate.

The Session participants took note that the representative from the European Union had credentials signed by the President of the European Commission.

To prepare the Minutes of Session VI, the Conference set up an editing group composed of representatives from delegations of Georgia, Republic of Kazakhstan, People's Republic of China, Republic of Latvia, Russian Federation and Ukraine.

Results of Discussion:

Item 1 of the Agenda

Following the consideration of draft agenda, the delegation from the Republic of Kazakhstan proposed the following wording for item 2 of the agenda:

“Election of the Chairman of the Conference from the Russian federation.”

The results of the voting:

10 delegations voted “In Favour”: the 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, Republic of Korea, Mongolia, Russian Federation.

11 delegations voted “Against”: the Republic of Bulgaria, Hungary, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia.

Three delegations abstained: the Republic of Azerbaijan, Republic of Poland and Republic of Uzbekistan.

The proposal was not adopted.

The delegation from the Russian Federation made a proposal to amend the Agenda by adding to it an item “Amendments and additions to the Rules of Procedure of International Conference on adoption of the text of the Convention on Direct International Railway Traffic”.

The results of the voting:

9 delegations voted “In Favour “: the Republic of Azerbaijan, Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic of Kazakhstan, People`s Republic of China, Democratic People`s Republic of Korea, Republic of Korea, Mongolia, Russian Federation.

Thirteen delegations voted “Against”: the Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic and Republic of Estonia.

Two delegations abstained: the Republic of Belarus and Republic of Uzbekistan.

This proposal was not adopted.

The Conference decided, as was proposed by the delegation from the People`s Republic of China, to add new item 3 to the agenda: “*3. Revision of the quorum of the participants present at a Session, based on Article 11 of the Rules of Procedure of the International Conference on adoption of the text of the Convention on Direct International Railway Traffic*”

The Conference adopted the agenda as follows:

1. Adoption of the agenda of Session VI.
2. Election of the Chairman of the Conference.
3. Revision of the quorum of the participants present at a Session, based on Article 11 of the Rules of Procedure of the International Conference on adoption of the text of the Convention on Direct International Railway Traffic in view of the change of the number of participants of OSJD member states.
4. Organization of work of the working group set up by Session IV of the Conference.
5. Discussion of the text of the Convention on Direct International Railway Traffic.
6. Date and agenda of Session VII of the Conference.

Item 2 of the Agenda

Two candidates were nominated for the position of the Chairman of the Conference: Mr. Andriy Galushchak from Ukraine and Mr. Vladimir Tokarev from the Russian Federation.

As a result of voting by secret ballot, 9 delegations voted in favour of the candidate from Ukraine and 14 delegations voted in favour of the candidate from the Russian Federation, with one delegation abstaining.

In accordance with Article 7 “Election of the Chairman and its Vice-Chairmen” and paragraph 4 of the Article 15 “Adoption of Decisions” of the Rules, Mr. Tokarev Vladimir (Russian Federation) was elected Chairman of the Conference by the Conference.

Mr. Tadeusz Szozda, Chair of the Session, handed over the functions of the Chairman of the Conference to Mr. Tokarev Vladimir, the new elected Chairman of the Conference, and reassumed his function of Secretary of the Session.

Under Item 3 of the Agenda

In view of accession of the Republic of Korea to the OSJD, the Session considered the issue of revision of quorum in accordance with Article 11 of the Rules.

Following the discussion of this matter, the Session deemed it advisable to make amendments to Article 11 of Rules.

In the course of discussion of this issue, the delegation from the People's Republic of China proposed determining the quorum of the Conference at the level of two thirds of participants being OSJD Member States.

8 (eight) delegations voted "In Favor": the Republic of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Republic of Korea, Mongolia, Russian Federation.

14 (fourteen) delegations voted "Against": the Republic of Belarus, Republic of Bulgaria, Hungary, Georgia, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia.

Two delegations abstained: the Islamic Republic of Afghanistan and Socialist Republic of Viet Nam.

Therefore, the proposal was not adopted.

Under Item 4 of the Agenda

As a result of discussion, the Conference participants unanimously decided to remove this item from the agenda.

Under Item 5 of the Agenda

The Conference considered and adopted the text of Articles 50-60, 62-64 of draft Convention on Direct International Railway Traffic (hereinafter – draft Convention) (*Annex 1 to these Minutes*).

Following the discussions, the Session decided to consider Article 61 at Session VII.

In the case where the proposals put forward for consideration in order to modify and/or supplement the text of draft Convention did not obtain the required number of votes, the text of draft Convention would be adopted, specified in paragraph 2 of Article 1 "Scope of Application" of the Rules.

The provisions of Articles 50-60, 62-64 of draft Convention were adopted after long-lasting discussions, in the course of which voting was conducted with regard to many of them. The detailed voting results in a numbered sequence are included in *Annex 2 to these Minutes in digital form*.

The following includes the course of discussion and the results of voting on individual Articles:

Voting No. 1

The delegation from Georgia made a proposal to draw up the title of Section 14 “*OSJD BUDGET*” in a wording as follows “OSJD BUDGET AND FINANCING”

The results of the voting:

“In Favor” – 14

“Against” – 2

“Abstained” – 8

The proposal was adopted.

Voting No. 2

The delegation from Georgia made a proposal to draw up paragraph 1 of Article 50 “Structure of OSJD budget” in a wording as follows:

“The budget shall be composed of expenditures and income. The budget may not have a deficit. The budget shall be compiled annually by the Committee and approved in the manner provided for by this Convention.”

The results of the voting:

“In Favor – 5;

“Against” – 10;

“Abstained” – 9

The proposal was not adopted.

Voting No. 3

The delegation from the Republic of Korea made a proposal to draw up paragraphs 2 and 3 of Article 50 “Structure of OSJD budget” in a wording as follows:

“Except as otherwise specified in this Convention, the expenditure and revenue parts shall be composed in accordance with the Procedure for the Planning, Accounting and Reporting of Revenues and expenditures of the OSJD Budget as proposed by the OSJD Committee and shall be approved by the Ministers Conference.”

The results of the voting:

“In Favor” – 6;

“Against” – 9;

“Abstained” – 9

The proposal was not adopted.

Prior to discussion of Article 51 “Membership contributions”, the delegation from the People’s Republic of China made a proposal to consider this Article after completing the consideration of the main text of draft Convention.

The results of the voting:

Two delegations were “In Favour”: the People’s Republic of China and Russian Federation.

19 delegations voted “Against”: the Republic of Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia.

Three delegations abstained: the Islamic Republic of Afghanistan, Republic of Korea and Mongolia.

This procedural proposal was not adopted.

Voting No. 4

The delegations from Georgia, Republic of Kazakhstan and Czech Republic made a proposal to draw up paragraph 3 of Article 51 "Membership contributions" in a wording as follows:

"3. An OSJD Member shall be liable to pay an annual membership contribution every year by the 1st of April of the budgetary year."

The results of the voting:

"In Favor" – 19;

"Against" – 3;

"Abstained" – 2

The proposal was adopted.

As was proposed by delegations from the Republic of Azerbaijan and Ukraine, the Session decided to take into account the provisions of paragraph 4 of Article 51 "Membership contributions", when Article 63 "Limitation of rights for participation in the OSJD activity in the event of failure to fulfil obligations" is considered.

Voting No. 5

The delegations from the Russian Federation and Ukraine made a proposal to draw up paragraph 5 of Article 51 "Membership contributions" in a wording as follows:

"5. Membership contributions shall be accrued in the established amount for the whole period of limitation of rights of participation in the OSJD activity".

The results of the voting:

"In Favor" – 20;

"Against" – 3;

"Abstained" – 1

The proposal was adopted.

Joint statement by the People's Republic of China of the Russian Federation following the discussion of Article 51 "Membership contributions."

This Article must be viewed in conjunction with other Articles of the Convention that define the principles of voting, distribution of positions in the OSJD Committee (Deputies of the Chair from China and Russia), etc. We propose considering this Article when discussions of all the provisions of the main text of draft Convention are completed. We insist that the following options be considered:

- 1. Article 51 of draft Convention spells out the current principle for distribution of OSJD membership contributions. If this principle is preserved, we believe that the current principle for distribution of positions in the OSJD Committee must be preserved as well (Deputies of the Chair from China and Russia).*
- 2. When the principle for distribution of OSJD membership contributions is defined, the principle for parity between rights and obligations must be observed.*
- 3. The principle of weighted voting, i.e. distribution of votes between OSJD Members*

according to the size of their membership contributions, e.g. one vote for each fifty thousand Swiss francs contributed to the OSJD Budget.

Voting No. 6

The delegation from the Republic of Kazakhstan made a proposal to draw up paragraph 2 of Article 52 “Contributions of Observers at OSJD and Associated Enterprises of the OSJD” in a wording as follows:

“2. The amount of the financial contribution and the method of payment shall be fixed by the Ministers Conference”.

The results of the voting:

“In Favour” – 12;

“Against” – 11;

“Abstained” – 1

The proposal was not adopted.

Voting No. 7

The delegation from the Czech Republic made a proposal to draw up paragraph 2 of Article 52 “Contributions of Observers at OSJD and Associated Enterprises of the OSJD” in a wording as follows:

“2. The amount of the financial contribution and the method of payment shall be fixed by the Ministers Conference on the basis of Agreement on the Status of Observer or Agreement on Associated Enterprise.”,

deleting paragraph 3 of this Article.

The results of the voting:

“In Favor” – 8;

“Against” – 12;

“Abstained” - 4

The proposal was not adopted.

Voting No. 8

The delegations from Georgia and Ukraine made a proposal to draw up paragraph 2 of Article 52 “Contributions of Observers at OSJD and Associated Enterprises of the OSJD” in a wording as follows:

“2. The amount of the financial contribution and the method for payment shall be fixed By the Ministers Conference with further conclusion of agreements between Observers/Associated Enterprise and the OSJD Committee.”

The results of the voting:

“In Favor” – 12;

“Against” – 4;

“Abstained” – 8.

The proposal was adopted.

Voting No. 9

The delegations from the Republic of Kazakhstan, People’s Republic of China, Russian

Federation made a proposal to amend the title of Article 53 “*Special financing*” by drawing up it in a wording as follows: “*Work with special financing*”.

The results of the voting:

“In Favor” – 4;

“Against” – 19;

“Abstained” – 1.

The proposal was not adopted.

Voting No. 10

The delegation from the Czech Republic made a proposal to delete Article 54 “*Remuneration of Committee staff*”:

The results of the voting:

“In Favor” – 2;

“Against” – 20;

“Abstained” – 2

The proposal was not adopted.

Voting No. 11

The delegation from the Democratic People`s Republic of Korea made a proposal to draw up Article 54 “*Remuneration of Committee staff*” in a wording as follows:

“*The remuneration of Committee staff shall be determined by the Committee Staff Regulations, which shall be approved by the Ministers Conference*”

The results of the voting:

“In Favor” – 7;

“Against” – 13;

“Abstained” – 4

The proposal was not adopted,

Before commencing to consider Article 55 “*Privileges and Immunities*”, the delegations from the People`s Republic of China and Russian Federation made a proposal to discuss this Article when Annex 8 to draft Convention “Protocol on the privileges and immunities of the OSJD” was discussed.

The results of the voting:

4 (Four) delegations voted “In Favor”: the People`s Republic of China, Democratic People`s Republic of Korea, Republic of Korea and Russian Federation.

13 (thirteen) delegations voted “Against”: the Republic of Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, Islamic Republic of Iran, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Republic of Estonia.

7 delegations abstained: the Islamic Republic of Afghanistan, Socialist Republic of Viet Nam, Georgia, Republic of Kazakhstan, Mongolia, Republic of Uzbekistan and Czech Republic.

The procedural proposal was not adopted.

Own opinion of the People's Republic of China:

“The Chinese delegation considers it appropriate to return to the discussion of this Article when Annex 8 to the Convention has been finalized.”

Voting No. 12

The delegations from Georgia, Republic of Kazakhstan, Republic of Uzbekistan and Ukraine made a proposal to draw up paragraph 1 of Article 55 “*Privileges and Immunities*” in the following wording:

“1. The OSJD, its properties, funds, assets and the Committee’s staff members, invited experts by the OSJD and representatives of OSJD Members shall enjoy the necessary privileges and immunities subject to the conditions specified in the Protocol on the Privileges and Immunities of the OSJD (Annex 8 to this Convention), which is an integral part of this Convention.”

The results of the voting:

“In Favor” – 11;

“Against” – 11;

“Abstained” – 2

The proposal was not adopted.

Own opinion of the Republic of Kazakhstan and Georgia:

“We note that, in the Preamble of the Convention, the Contracting Parties reconfirm their commitment to the Charter of the United Nations as well as universally recognized principles and norms of international law.

Under Article 1 and 3 of the Convention, the OSJD, as an international intergovernmental organisation, is a subject of international law, enjoys legal capacity, and may conclude international agreements if necessary, purchase, rent or dispose of movable or immovable properties, open bank accounts and execute cash transactions in any currency.

For the implementation of official activity, the OSJD, its properties, funds and assets shall enjoy such privileges and immunities as provided for in the UN Convention on Privileges and Immunities dated 13 February 1946, and the Convention on Privileges and Immunities of Specialized Organisations dated 21 November 1947.

At the same time, we note that the adopted wording of paragraph 1, article 55 of the Convention does not provide the coverage of privileges and immunities of the OSJD’s properties, funds and assets.”

Voting No. 13

The delegation from Georgia made a proposal to draw up paragraph 3 of Article 55 “*Privileges and Immunities*” in the following wording:

“3. The OSJD Committee’s staff members shall, on their official journeys, enjoy the privileges and immunities required performing their duties.”

The results of the voting:

“In Favor” – 4;

“Against” – 17;

“Abstained” – 3

The proposal was not adopted.

Voting No. 14

The delegations from the Slovak Republic and Czech Republic made a proposal to add a new paragraph 3 to Article 55 “*Privileges and Immunities*” in the following wording:

“Each OSJD Member may make a reservation in accordance with Article 72 of this Convention that it will not comply with the provisions of paragraph 1 of this Article.”

The results of the voting:

“In Favor” – 4;

“Against” – 13;

“Abstained” – 7

The proposal was not adopted.

Own opinion of the Slovak Republic:

“The delegation of the Slovak Republic proposes that the issue of privileges and immunities be considered exclusively under the Agreement between the OSJD and the State of its permanent seat.

The Slovak Republic believes that the OSJD is an organisation of mixed form and has a commercial element, since, apart from Governments, railway undertakings of any ownership structure are involved in its activities. This is also stipulated in Article 10 of this Convention. Based on this, the OSJD is not a classic international organisation to which international law grants privileges and immunities.

For this reason, the delegation of the Slovak Republic believes that Article 55 requires some wording that would allow making a preservation, since under Article 72 of this Convention, a preservation may be made only if it is explicitly allowed by the Convention.

Since the current approved version of Article 55 disallows preservations, the delegation of the Slovak Republic expresses its disagreement with the extension of the current list of the OSJD’s privileges and immunities, because such an extended list would go beyond the scope of the Agreement between the OSJD and the State of its permanent seat.

Voting No. 15

The delegations from the Republic of Azerbaijan, Republic of Kazakhstan, Republic of Uzbekistan and Czech Republic made a proposal to draw up Article 56 “*Logo and flag of the OSJD*” in the following wording:

“1. The OSJD shall have its own logo which shall be placed on the official OSJD blank forms and other materials and documents. The OSJD shall have its own flag on which its logo shall be reproduced. Regulations on the OSJD flag and logo shall be approved by the Ministers Conference.”

The results of the voting:

“In Favor” – 13;

“Against” – 4;

“Abstained”- 7.

The proposal was adopted

Voting No. 16

The delegations from the Republic of Bulgaria, Republic of Lithuania, Republic of Poland, Republic of Estonia made a proposal to draw up Article 58 “*Official languages*” in the following wording:

- “1. *The official languages of the OSJD shall be English, Chinese and Russian.*
2. *All contracts, agreements and documents produced in connection with this Convention or the OSJD shall be done in English, Chinese and Russian, all languages being equally authentic*”

The results of the voting:

“In Favour” – 12;

“Against” – 11;

“Abstained” – 1

The proposal was not adopted

Voting No. 17

The delegation from the Russian Federation made a proposal to draw up Article 58 “*Official languages*” in a wording as follows:

“The official languages of the OSJD, this Convention and all contracts, agreements and documents produced in connection with this Convention or the OSJD shall be Chinese and Russian. The English language shall be used as a working language of the OSJD. In the case of differences, the text in the Russian language shall be used for the purposes of interpretation”

The results of the voting:

“In Favour” – 6;

“Against” – 14;

“Abstained” – 4

The proposal was not adopted

Voting No. 18

The delegation from the Russian Federation made a proposal to amend the name of Part V of the draft Convention in a wording as follows: “***SPECIAL PROVISIONS***”

The results of the voting:

“In Favor” – 17;

“Against” – 1;

“Abstained” – 6

The proposal was adopted

Voting No. 19

The delegation from the Czech Republic made proposal to delete the name and numbering of Section 15 “**PRIVILEGES, IMMUNITIES, LOGO, FLAG AND PRINTED PUBLICATIONS OF THE OSJD**” and of Section 16 “**LANGUAGES**” of the draft Convention.

The results of the voting:

“In Favor” – 10;

“Against” – 11;
“Abstained” – 3
The proposal was not adopted

Voting No. 20

The delegation from the People’s Republic of China made proposal to amend the name of Section 15 “PRIVILEGES AND IMMUNITIES, LOGO, FLAG AND PRINTED PUBLICATIONS OF THE OSJD”

The results of the voting:
“In Favor” – 23;
“Abstained” –1
The proposal was adopted

Voting No. 21

The delegation from Georgia made a proposal to draw up paragraph 2 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“2. The government of a State wishing to join the OSJD shall submit to the Depository an official written application with intent to become a Member of the OSJD. The Depository of this Convention shall, within 14 calendar days, notify in writing the OSJD Members of the application received.”

The results of the voting:
“In Favor” – 13;
“Against” – 2
Abstained” – 9
The proposal was adopted

Voting No. 22

The delegation from the Russian Federation made a proposal to draw up paragraph 3 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“3. Accession shall take effect if within 90 calendar days of the notification being sent by the depository referred to in paragraph 2 of this Article, no objection has been received from the OSJD Members”

The results of the voting:
“In Favour” –6;
“Against” –8;
“Abstained” – 10
The proposal was not adopted

Voting No. 23

The delegations from the Republic of Azerbaijan, Georgia, Republic of Kazakhstan and Republic of Uzbekistan made a proposal to draw up the paragraph 3 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“3. If within 90 calendar days of the notification being sent by the depository referred to in paragraph 2 of this Article no objection has been received from any OSJD Member, the depository shall notify the Government of the State having wished

to accede to the OSJD of the need to submit its consent to be bound by this Convention in accordance with Article 67”

The results of the voting:

“In Favor” –14;

“Against” – 5;

“Abstained” – 5

The proposal was not adopted

Voting No. 24

The delegation from the People’s Republic of China made a proposal to draw up paragraph 3 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“3. The depository shall send the written application specified in paragraph 2 of this Article to the Ministers Conference for a decision.”

The results of the voting:

“In Favour” –3;

“Against” – 11;

“Abstained” –10

The proposal was not adopted.

Following the said three voting rounds on paragraph 3, Article 60, the original wording remained unchanged. The delegation of the People’s Republic of China deemed it unhelpful to retain the original wording of paragraph 3, Article 60, which has obvious drawbacks.

The delegation from Georgia proposed voting on all the available draft wordings of paragraphs 3 and 4, Article 60.

The delegation of the People’s Republic of China suggested that the original wording of paragraph 3, Article 60 be voted first. The suggestion was not supported.

Since the discussion of paragraph 3 was continued, the delegation from Ukraine proposed a technical break.

The delegation from Georgia was of the opinion, that since the Chair of the Session had not proceeded to reviewing para 4 of this Article, the Session participants were entitled to continue discussing para 3 of this Article.

Following the technical break, the delegation of the People’s Republic of China proposed voting on the original version of paragraph 3 of Article 60 “*Accession to the Convention by the governments of States.*”

The results of the voting:

5 (five) delegations voted “In Favor”: the Republic of Kazakhstan, People’s Republic of China, Republic of Korea, Mongolia, Russian Federation.

17 delegations voted “Against”: the Republic of Azerbaijan, Islamic Republic of Afghanistan, Republic of Belarus, Republic of Bulgaria, Hungary, Georgia, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia.

Two delegations abstained: the Socialist Republic of Viet Nam and Islamic Republic of

Iran.

This procedural proposal was not adopted.

Thereafter the delegation from Georgia made a proposal to vote, as a whole, on the existing wording of draft paragraph 3 and 4 of Article 60 “*Accession to the Convention by the governments of States*”.

19 delegations voted “In Favor”: the Islamic Republic of Afghanistan, Republic of Bulgaria, Hungary, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Kazakhstan, Democratic People’s Republic of Korea, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia.

Three delegations voted “Against”: Republic of Azerbaijan, Republic of Belarus and People’s Republic of China.

Two delegations from Mongolia and Russian Federation abstained.

The proposal was adopted.

Own opinion of the People’s Republic of China:

The results of the discussion of paragraph 3 of Article 60 demonstrate that if the proposal on any provision was not adopted, then the initial wording remains unchanged. This procedure is not expedient since the first wording of some Articles is also not faultless. The objective of the International Conference is to elaborate and approve the quality assured text of the Convention. When a proposal on any provision is made, it means that the initial wording of this provision requires improvement. Therefore, it is appropriate, at the request of any participant, to put to the initial wording of this provision to vote.

The Chinese delegation noted that at Session II of the Conference, in the course of discussion of Article 3 of the Convention with regard to the connection with the UN, voting was conducted on the original wording of Article 3.

Voting No. 25

The delegation from the Russian Federation made a proposal to draw up paragraphs 3 and 4 of Article 60 “*Accession to the Convention by the Governments of States*” in a wording as follows:

“3. Accession shall take effect if within 90 calendar days of the notification being sent by the depositary referred to in paragraph 2 of this Article no objection has been received from the OSJD Members.”

“4. If an objection is received from any Member of the OSJD, the Depositary shall forward the application for accession to the Ministers Conference for a decision. In this case the accession shall take effect from the date on which the decision on admission is adopted.”

The results of the voting:

“In Favor” – 6;

“Against” – 14;

“Abstained” – 4

The proposal was not adopted

Voting No. 26

The delegation from the Republic of Azerbaijan made a proposal to draw paragraphs 3 and 4 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“3. If within 90 calendar days of the notification being sent by the depositary referred to in paragraph 2 of this Article no objection has been received from any OSJD Member, the depositary shall notify the Government of the State having wished to accede to the OSJD of the need to submit its consent to be bound by this Convention in accordance with Article 67.”

“4. If an objection is received from any Member of the OSJD, the depositary shall forward the written application specified in paragraph 2 to the Ministers Conference for a unanimous decision. In case such a decision has been adopted, the depositary shall notify the Government of the State having wished to accede to the OSJD of the need to submit its consent to be bound by this Convention in accordance with Article 67”.

The results of the voting:

“In Favor” – 3;

“Against” – 14;

“Abstained” – 7.

The proposal was not adopted.

Voting No. 27

The delegations from Georgia, Republic of Kazakhstan, Republic of Latvia, Republic of Moldova, Republic of Uzbekistan, Ukraine and Czech Republic made a proposal to draw up paragraphs 3 and 4 of Article 60 “*Accession to the Convention by the governments of States*” in a wording as follows:

“3. If within 90 calendar days of the notification being sent by the depositary referred to in paragraph 2 of this Article, no objection has been received from any OSJD Member, the depositary of this Convention shall notify the Government of the State having wished to accede to the OSJD of the need to submit its consent to be bound by this Convention in accordance with Article 66.

4. If a proposal specified in paragraph 3 of this Article has been submitted, the depositary shall forward the application to the Ministers Conference for a decision. The depositary shall notify the Government of the State having submitted the application specified in paragraph 2 of this Article to accede the OSJD of the Ministers Conference’s decision taken.

In the event that the positive decision is taken by the Ministers Conference, the depositary of this Convention shall notify the Government of the State having wished to accede to the OSJD of the need to submit the consent to be bound by this Convention in accordance with Article 66.

The results of the voting:

“In Favor” – 17;

“Against” – 5;

“Abstained” – 2

The proposal was adopted.

Voting No. 28

The delegation from Mongolia, People's Republic of China and Russian Federation made a proposal to delete Article 61 "*Accession to the Convention by regional economic integration organisations.*"

The results of the voting:

"In Favor" –8;

"Against" – 12;

"Abstained" – 4

The proposal was not adopted.

Voting No. 29

The delegation from the Russian Federation made a proposal to delete paragraph 1 of Article 61 "*Accession to the Convention by regional economic integration organizations*".

The results of the voting:

"In Favor" – 9;

"Against" –11;

"Abstained" – 4

The proposal was not adopted.

In the course of discussion of paragraph 3 and 4, Article 64 "*Withdrawal of a Member of the OSJD from the Convention*", the delegation from the Russian Federation proposed getting back to the discussion of previously adopted paragraphs 1 and 2 of this Article.

The results of the voting:

8 delegations voted in favour: the Islamic Republic of Afghanistan, Georgia, Republic of Kazakhstan, People's Republic of China, Republic of Korea, Mongolia, Russian Federation and Republic of Uzbekistan.

14 delegations voted against: Republic of Belarus, Republic of Bulgaria, Hungary, Islamic Republic of Iran, People's Democratic 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.

Two delegations abstained: the Republic of Azerbaijan and the Socialist Republic of Viet Nam.

The proposal was not adopted.

Voting No. 30

The delegation from Georgia, People's Republic of China Republic of Lithuania, Russian Federation, Republic of Uzbekistan, Ukraine, Republic of Estonia made a proposal to draw up paragraphs 3, 4 and 5 of Article 64 "*Exclusion from the OSJD*" in a wording as follows:

"3. Depository shall notify OSJD Members within 14 calendar days from the date of receipt of the notification from the OSJD Member having wished to withdraw from the Organisation.

4. The OSJD Member submitting a notification under paragraph 1 of this Article shall fulfil its obligations within the OSJD before the date of termination of the Convention in respect of such a Member of the OSJD.

5. OSJD membership shall terminate in respect of such a Member on the date on which

the Convention terminates for it. On the date of withdrawal of the OSJD Member from the Convention, the participation of its participants registered and operating in the territory of the State of such a Member in the Assembly shall at the same time be terminated”

The results of the voting:

“In Favor” – 20;

“Against” – 2;

“Abstained” – 2

The proposal was adopted

Under Item 6 of the Agenda

In the course of discussion of this item of the Agenda, the delegations from the Republic of Kazakhstan and Russian federation made a proposal to include an item into the provisional Agenda of Session VII as follows:

“Revision of provisions in the Rules of Procedure for International Conference on adoption of the text of Direct International Railway Traffic.”

The results of the voting:

7 delegations voted in favour: the Islamic Republic of Afghanistan, Republic of Kazakhstan, People’s Republic of China, Democratic People’s Republic of Korea, Republic of Korea, Mongolia and Russian Federation.

12 delegations voted against: the Republic of Azerbaijan, Republic of Bulgaria, Hungary, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Republic of Poland, Romania, Slovak Republic, Ukraine, Czech Republic, Republic of Estonia.

5 delegations abstained: the Republic of Belarus, Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran and Republic of Uzbekistan.

The proposal was not adopted.

The delegation from the People’s Republic of China brought up the issue of proofreading of the main text of the draft Convention when its discussion has been completed and a procedure for reviewing the text of the Annexes to the Convention has been developed.

The Conference adopted the provisional agenda for Session VII of the Conference as follows:

1. Adoption of the agenda of Session VII.
2. Consideration of the text of the Convention on Direct International Railway Traffic.
3. Discussion of the issues of proofreading throughout the main text of the Convention on Direct International Railway Traffic (in case work on adoption of the main text has been completed) as well as work on the texts of Annexes to the Convention on Direct International Railway Traffic.
4. Date and agenda of Session VIII of the Conference.

In the course of discussion of Item 3 of the draft agenda for Session VII, the conference participants discussed the issue of possible instructions to be given to the Conference Secretary to request the Ministers Conference to decide on preparation by the OSJD Commission on transport law of efforts harmonise the provisions of the Annexes to the

Convention: “General provisions on the Agreement on International Goods Transport, “General provisions on the Agreement on International Passenger Transport” to the current SMGS, SMPS.

In the course of discussion of the issue, Ukraine proposed a wording for Item 3 of the draft agenda for Session VII.

The third item of the provisional Agenda of Session VII was adopted by means of procedural voting. All delegations present at the Session voted in favor of this item, but for the delegation from Republic of Lithuania which abstained.

The Secretariat suggested that the city of Warsaw for holding Session VII should not be specified in the draft agenda. Therefore, the delegation from the Republic of Kazakhstan made a proposal to conduct the next sessions in Warsaw.

The results of voting:

3 (three) delegations voted “In Favor”: the Islamic Republic of Afghanistan, Republic of Kazakhstan and Democratic People’s Republic of Korea.

15 delegations voted against: the Republic of Azerbaijan, Republic of Belarus, Republic of Bulgaria, Hungary, People’s Republic of China, Republic of Latvia, Republic of Lithuania, Republic of Moldova, Mongolia, Republic of Poland, Russian Federation, Slovak Republic, Republic of Uzbekistan, Ukraine and Republic of Estonia.

6 delegations abstained: the Socialist Republic of Viet Nam, Georgia, Islamic Republic of Iran, Republic of Korea, Romania and Czech Republic.

Therefore, the Conference approved the proposal made by the Secretariat that the host city should not be specified for the next sessions since the issue is currently being tackled.

The Conference decided to hold Session VII of the Conference in the Republic of Poland in the period of **18-22 or 25-29 November 2019**:

The Conference approved the provisional date for conducting Session VIII of the Conference in the period of **9-13 or 16-20 March 2020** in the Republic of Poland.

The Conference corrected the errors detected in the Minutes of Session V (*Annex 3 to the Minutes*) and approved the proposal made by the Secretary that the copies of the Minutes shall be sent to the Conference participants during the week following its completion.

These Minutes are drawn up and signed in the English, Chinese and Russian languages in Warsaw on 29 March 2019

The Chairman of the Conference

Tokarev Vladimir

Representatives of the OSJD Member States from:

Republic of Azerbaijan

Rafiyev Fuad

Islamic Republic of Afghanistan

Bakhshi Abdulrazaq

Republic of Belarus

Shylau Ihar

Republic of Bulgaria

Vasilev Veselin

Hungary

Simon Roland

Socialist Republic of Viet Nam

Vu Quang Khoi

Georgia

Paatahvili Mikheil

Islamic Republic of Iran

Lotfi Reza

Republic of Kazakhstan

Amirkhanov Abzal

People's Republic of China

Liu Keqiang

Democratic People's Republic of Korea

Jang In Chol

Republic of Korea

Lee Yoonsang

Republic of Latvia

Merirands Dins

Republic of Lithuania

Šniuolis Andrius

Republic of Moldova

Pascan Veaceslav

Mongolia

Ariunbold Batbold

Republic of Poland

Bittel Andrzej

Russian Federation

Tokarev Vladimir

Romania

Călin Marian-Mihail

Slovak Republic

Juhás Milan

Republic of Uzbekistan

Kayumkhodjaev Shukhrat

Ukraine

Fedorenko Olexandr

Czech Republic

Beránek Milan

Republic of Estonia

Laineveer Indrek

LIST

of the Participants in Session VI of International Conference on adoption of
the text of the Convention on Direct International Railway Traffic

(25 – 29 March 2019, Warsaw, Republic of Poland)

The Chairman of the Conference

Tokarev Vladimir - Deputy Minister of Transport, Russian Federation

Republic of Azerbaijan

Almamedov Aykhan - Chief Consultant, Department of Legislation and
Legal Expertise, Administration of the President of the
Republic of Azerbaijan

Huseynov Toghrul - Consultant, Section of economic and civil
legislation, Department of legislation and legal
expertise, Administration of the President of the
Republic of Azerbaijan

Guliyev Nijat - Head of Legal Department of CJSC “Azerbaijan
Railways”

Rafiyev Fuad - Deputy Head of Finance and Economy Department of
CJSC “Azerbaijan Railways”

Safarov Bakhtiyar - Member of OSJD Committee from the Republic of
Azerbaijan

Shurganova Angelina - Assistant to Member of OSJD Committee from the
Republic of Azerbaijan

Islamic Republic of Afghanistan

Bakhshi Abdulrazaq - Member of the OSJD Committee from the Islamic
- Republic of Afghanistan

Republic of Belarus

Shylau Ihar - First Deputy Head of the Belarusian Railway

Nepahodzina Aksana - Head of the Legal Department of the Belarusian
Railway

Serhiyenka Aliaksandr - Head of the International Activity Department of the Belarusian Railway

Republic of Bulgaria

Vasilev Veselin - Executive Director, Executive Agency “Railway Administration”

Mehandzhiyska Vesela - State Expert at the Ministry of Transport, Information Technology and Communications

Yordanov Iliya - State Expert, Legal Directorate, Ministry of Transport, Information Technology and Communications

Kirkova Kunka - Member of OSJD Committee from the Republic of Bulgaria

Hungary

Simon Roland - Deputy Director, International Relations Department, Ministry for Innovation and Technology

Martonne-Kovacs Ildiko - Senior Counsellor, International Relations Department, Ministry for Innovation and Technology

Csehy Erzsébet - Supervisor of legal matters of railway operation, Directory of Legal Matters MAV Hungarian State Railways Company

Socialist Republic of Viet Nam

Vu Quang Khoi - General Director of Viet Nam Railway Authority, Ministry of Transport

Nguyen Duc Minh - Member of OSJD Committee from the Socialist Republic of Viet Nam

Nguyen Tien Thinh - Head of Planning, Investment and International Cooperation Division, Viet Nam Railway Authority, Ministry of Transport

Pham Quoc Cuong - Head of Science, Technology and Environment Division, Viet Nam Railway Authority, Ministry of Transport

Georgia

- Paatashvili Mikheil - Head of Land Transport Division, Department of Transport and Logistics Development Policy, Ministry of Economy and Sustainable Development
- Kajaia Nino - Head of Department, Department of agreements expertise and court representation, Ministry of Justice
- Tsurtsunia Levan - Deputy Director, International Law Department, Ministry of Foreign Affairs
- Siashvili Ana - Head of Foreign Investment Attraction and Export Promotion Division of the International Economic Relations Departments of the Ministry of Foreign Affairs
- Talakhadze Mamuka - Deputy Director of Branch "Freight Transport", the JSC Georgian Railway
- Kozmava Zurab - Member of OSJD Committee from Georgia

Islamic Republic of Iran

- Lotfi Reza - Member of OSJD Committee from Islamic Republic of Iran

Republic of Kazakhstan

- Amirkhanov Abzal - Deputy Chairman of Transport Committee, Ministry of industry and infrastructural development
- Aspayeva Zubaida - Member of OSJD Committee from the Republic of Kazakhstan
- Kenbayeva Saule - Chief expert of the Transport Committee of the Ministry of industry and infrastructural development
- Nurakhimov Temirlan - IInd Secretary, Embassy of the Republic of Kazakhstan to the Republic of Poland
- Abuova Khanshaim - Chief manager, Department for integration and foreign policy, National Company Kazakhstan Railway

People's Republic of China

- Liu Keqiang - Deputy Administrator of National Railway Administration
- Zhang Qun - Member of OSJD Committee from People's Republic of China
- Wang Jiayu - Deputy Director General, Department of External Relations, National Railway Administration
- Wang Ping - Deputy Director General, Department of Science, Technology and Legislation, National Railway Administration
- Li Zhenjiang - Director, Department of Transport Supervision, National Railway Administration
- Zhao Yanrui - Expert, Department of Treaty and Law, Ministry of Foreign Affairs
- Yin Qiongyao - Expert, Department of External Relations, National Railway Administration
- Wang Lin - Expert, Department of Enterprise Management and Legal Affairs, China Railway

Democratic People's Republic of Korea

- Jang In Chol - Member of OSJD Committee from Democratic People's Republic of Korea
- Pak Kye Rim - Representative of Ministry of Railways of the DPRK in the Russian Federation

Republic of Korea

- Lee Yoonsang - Director, Railway Policy Division, Ministry of Land, Infrastructure and Transport
- Koo Seungbeom - Deputy Director, Railway Policy Division, Ministry of Land, Infrastructure and Transport
- Ahn Namhyeon - Assistant to Director, Railway Policy Division, Ministry of Land, Infrastructure and Transport

- Lee Yuseong - Second Secretary, Embassy of the Republic of Korea to the Republic of Poland
- An Seongmin - Member of OSJD Committee from the Republic of Korea
- Kang Hyeonsoo - Specialist of the OSJD Commission on freight traffic

Republic of Latvia

- Merirands Dins - Deputy State Secretary, Ministry of Transport
- Artemjeva Olga - Deputy Director, Railway Department, Ministry of Transport
- Rumpe Maris - Third Secretary of the Embassy of the Republic of Latvia to the Republic of Poland
- Aizstrauts Maris - Member of OSJD Committee from the Republic of Latvia

Republic of Lithuania

- Šniuolis Andrius - Head of Water and Railway Transport Policy Group acting Chancellor, Ministry of Transport and Communications
- Bauza Liutauras - Counsellor of division, Economic Security Policy Unit, Department for Foreign Relations and Economic Security, Ministry of Foreign Affairs
- Dumane Giedre - Project manager, International relations Division, Department of Communications
JSC Lithuanian Railways
- Antonevic Jelena - Member of OSJD Committee from the Republic of Lithuania

Republic of Moldova

- Pascan Veaceslav - Member of OSJD Committee from the Republic of Moldova
- Sacagiu Vladimir - Head of Unit for international multilateral agreements, Ministry of Foreign Affairs and European Integration of the Republic of Moldova

Mongolia

- Ariunbold Batbold - Director, Department for implementation and coordination of railway and maritime transport policy, Ministry for development of road and transport
- Baatar Ider - Specialist, Department for implementation and coordination of railway and maritime transport policy, Ministry for development of road and transport
- Tsevegsuren Altankhuyag - Member of OSJD Committee from Mongolia

Republic of Poland

- Bittel Andrzej - Deputy Minister of Infrastructure
- Grygiel Szymon - Head of International Affairs Unit of Railway Department, Ministry of Infrastructure
- Błaszak Krzysztof - Assisten, International Unit, Railway Department, Ministry of Infrastructure
- Pohibielko Edyta - Chief Specialist, International Cooperation Unit, Management Board Office, Polish State Railways JSC

Russian Federation

- Tokarev Vladimir - Deputy Minister of Transport
- Likhachev Sergey - Deputy Director, Department for State Policy in the field of Railway Transport, Ministry of Transport
- Denisenko Alexandra - Acting Head of Unit, Department for State Policy on Railway Transport, Ministry of Transport
- Kustov Sergei - Counsellor, Department of Economic Cooperation, Ministry of Foreign Affairs
- Pavlovskiy Vyacheslav - Deputy General Director, JSCo “RZD”
- Renne Liudmila - Deputy Head of Department for foreign projects and international cooperation, JSCo “RZD”

Allakhverdyan Konstantin Head of Unit, Department for foreign projects and international cooperation, JSCo “RZD”

Guryanov Platon - Head of Unit, Legal Department, JSCo “RZD”

Romania

Titea Dragos Virgil - Secretary of State, Ministry of Transport

Molodvan Adrian Eugen - Director of Office of Secretary of State, Ministry of Transport

Călin Marian-Mihail - General-Director, Romania Railway Authority,

Nicolaos Jean - Director, Communications and External Relations Directorate, National Railway Company “CFR” JSC

Iurkovski Diana - Member of the OSJD Committee from Romania

Radoi Catalin - Counsellor of the Embassy of Romania to the Republic of Poland

Ion Alexandru - Head of Department, Romanian Rail Authority

Slovak Republic

Juhas Milan - Chief State Advisor, Department for Railway Transport and Roads, Ministry of Transport and Construction

Jancurova Alena - State Advisor, Department for railway transport and roads, Ministry of Transport and Construction

Jancova Andrea - Department for International Law, Ministry of Foreign and European Affairs

Republic of Uzbekistan

Kayumkhodjaev Shukhrat - Member of OSJD Committee from the Republic of Uzbekistan

Kalmuratov Berdak - Chief of division, Treaty-Law Department, Ministry of Foreign Affairs, Republic of Uzbekistan

Rakhmangulov Viner - Legal Counsel, Legal Department, Railway of Uzbekistan

Ukraine

- Fedorenko Olexandr - Director, Department for State Policy in the field of Railway Transport, Ministry of Infrastructure
- Galushchak Andriy - Secretary of State, Ministry of Infrastructure
- Tomchuk Iurii - Chief Expert, Unit for development of railway transportations, logistics and liaison with market players, Department for State Policy in the field of railway transport, Ministry of Infrastructure
- Korzhenivska Iryna - Head of Regulative and International Legal Affairs Division, Legal Department, Ministry of Infrastructure of Ukraine
- Gnatenko Denys - First Deputy Director, Department for International Cooperation, JSC Ukrainian Railway
- Horjakov Ivan - First Deputy Director, Department for commercial work, JSC Ukrainian Railway
- Kuzmenko Serhii - Head of Unit for contractual work and international cooperation, Legal Department, JSC Ukrainian Railway
- Vnukova Svitlana - Head of Branch “Single Accountancy Centre of Railway Transportation of JSC Ukrainian Railway”
- Baranetskyi Ihor - Embassy Counsellor, Head of Economic Section, Embassy of Ukraine to the Republic of Poland

Czech Republic

- Bednarova Blanka - Deputy Director of Department of International Relations and EU Affairs, Ministry of Transport
- Beránek Milan - Deputy Director, International Law Department, Ministry of Foreign Affairs
- Vopalecky Radovan - Member of OSJD Committee from the Czech Republic

Republic of Estonia

- Laineveer Indrek - Head of Railways Division, Ministry of Economic Affairs and Communications

Agamalova Jelena

Head of international cooperation, JSC Estonian Railway

INVITED GUESTS:

REGIONAL ORGANISATIONS FOR ECONOMIC INTEGRATION:

European Union (EU)

Vasauskaitė Kornelija - Policy officer, Unit C4 Rail Safety & Interoperability, Directorate-General for Mobility and Transport, European Commission (DG MOVE, EC)

Committee of the Organization for cooperation of Railways (OSJD)

Szozda Tadeusz - Chairman of OSJD Committee

Vsevolozhskiy Mikhail - Deputy Chairman of OSJD Committee

Kiss Attila - Secretary of OSJD Committee

Nosenko Nikolay - Chairman of OSJD Commission on transport law
Member of OSJD Committee from Ukraine

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

Meszka Hanna - Interpreter

Nevmyanov Marat - Interpreter

Nuyanzin Nikolay - Interpreter

Pedchenko Andrey - Interpreter

Wu Yang - Interpreter

Guo Zhen - Interpreter

Bi Weiwei - Interpreter

Liu Shan - Interpreter

Xu Cuicui - Interpreter

Zhang Enchang - Interpreter

Yang Kainan - Interpreter

Shubina Marina - IT-operator

Pashkova Galina - IT-operator

Korniluk Taisa - Registration of Conference Participants

Szczerbinska Malgorzata - Registration of Conference Participants