

## **Organization for Railways Cooperation (OSJD)**

4<sup>th</sup> Edition

Including amendments and modifications, approved by  
30<sup>th</sup> Session of the Ministers Conference  
in Vilnius (11<sup>th</sup> -14<sup>th</sup> June 2002).

Effective from 1<sup>st</sup> July 2002

**A1**

Note: 3<sup>rd</sup> edition (18<sup>th</sup> June 1993) is waived.

## **Statutes of the Organization for Railways Cooperation**

The governmental bodies, responsible for the railway transport, or the central railway authorities of the states:

Azerbaijan Republic, Republic of Belarus, Republic of Bulgaria, Hungarian Republic, Socialist Republic of Vietnam, Republic of Georgia, Islamic Republic of Iran, Republic of Kazakhstan, People's Republic of China, Democratic People's Republic of Korea, Kyrgyz Republic, Republic of Latvia, Republic of Lithuania, Republic of Moldavia, Mongolia, Republic of Poland, Russian Federation, Romania, Republic of Slovakia, Republic of Tadzhikistan, Turkmenistan, Republic of Uzbekistan, Ukraine, Czech Republic, Republic of Estonia,  
which are duly authorized by its governments, (hereinafter referred to as Contracting Parties),

recognizing the importance of development of the international railway communications,

emphasizing the necessity to create a unified railway transport space in the Eurasian region,

promoting the improvement of the competitiveness of transcontinental railway directions,

have adopted:

## **Article I**

### **General Provisions**

1. The Contracting Parties will continue their activities in the Organization for Railways Cooperation on the basis of the actual Statutes of the OSJD (hereinafter referred to as Statutes).
2. The OSJD is the official abbreviation of the name of the Organization for Railways Cooperation.
3. The OSJD is international organization, acting on the basis of the actual Statutes.
4. The OSJD is subject of the international law and has legal capacity to carry out its activity.
5. The OSJD and its representatives enjoy privileges and immunity in the states, which are the OSJD-members.

## **Article II**

### **Scope of activity**

The activities of the OSJD are aimed at:

- 1) development and improvement of the international rail traffic, first of all between Europe and Asia, including the combined transport;
- 2) shaping of the harmonized transport policy in the field of the international rail traffic, elaboration of strategy for the railway operation and for OSJD activities;

- 3) improvement of the international transport law, management of the Agreement on international passenger traffic (SMPS), Agreement on international railway freight traffic (SMGS) and another legal documents, related to the international railway traffic;
- 4) cooperation in the field of the economic, informational, scientific, technical and ecological aspects of the railway transport;
- 5) elaboration of measures promoting the railway competitiveness in comparison with another modes of transport;
- 6) cooperation in the field of the railway operation and of technical questions related to the further development of the international railway traffic;
- 7) cooperation with the international organizations, which are responsible for the railway transport and combined transport;

The amendment of scope of OSJD activities is subject to decision of OSJD governing bodies.

### **Article III**

#### **Membership**

1. The OSJD members are the governmental bodies, responsible for the railway transport, or the central railway authorities, which are authorized by its governments. An OSJD member may appoint the body, which will represent it in the OSJD.
2. To participation in the OSJD activities are admitted observers and affiliated enterprises, their rights and obligations are subject of contracts.
3. The observer status shall be granted by the OSJD Ministers Conference (hereinafter referred to as the Ministers Conference), based on proposal of the OSJD Committee (hereinafter referred to as the Committee) and of the Conference of the General Directors (Responsible Representatives) of the OSJD-Railways (hereinafter referred to as the Conference).
4. The status of the affiliated enterprise shall be granted by the Conference, based on proposal of the Committee.
5. The Committee shall conclude the contract on observer status due to mandate of the Ministers Conference, and on affiliated enterprise status due to mandate of the Conference.

## **Article IV**

### **Governing bodies**

1. The Ministers Conference is the superior governing body of the OSJD.
2. The Conference is the governing body at the level of railways (railway enterprises).
3. The Ministers Conference examines and, with consideration the proposals of the Conference, takes decisions concerning the OSJD activities, in particular on issues 1,2,3,4,7 of the Article II of the actual Statutes, and also on:
  - the report on OSJD activities;
  - the budget and staff list of the Committee;
  - the report of the auditing commission of the OSJD (hereinafter referred to as the auditing commission);
  - the admission of the new members, the grant of the observer status in the OSJD;
  - the amendments and modifications of the OSJD Statutes.
4. The members of Ministers Conference implement the decisions taken by the Ministers Conference within the limits of the rights given to them in compliance with the national legislation of their states. The decisions on issues, which are beyond the limits of the rights given to them, are subject of approval by the appropriate government.
5. The session of the Ministers Conference is conducted usually once per annum.
6. The Conference organizes the work and takes decisions concerning the scope of activity of the OSJD within the limits of responsibility of the railways (railway enterprises), accordingly on issues 4,5,6,7 of Article II of the actual Statutes, and also on granting of the affiliated enterprise status.
7. The Conference is conducted usually once per annum. The Conference may authorize the commissions, permanent working groups of the OSJD and the Committee to take their proper decisions concerning certain questions, belonging to the Conference's responsibility.
8. The Ministers Conference and the Conference accordingly to their scope take decisions concerning:
  - establishment of working and another bodies, adoption of their number, structure, program of work, tasks, internal regulations and duration of mandate;
  - appointment the board of Committee management, arrangement among OSJD members the positions of chairmen and experts of commissions, experts of permanent working groups of the OSJD;
  - another issues related to the OSJD activities.
9. The Ministers Conference and the Conference setting up their own rules of procedure and the procedures on adoption of decision within the framework of all OSJD bodies, which are subordinated to them, including the internal regulations of

the meeting of authorized representatives of OSJD Ministers Conference members and members of the Conference of the General Directors (Responsible Representatives) of the OSJD Railways.

## **Article V**

### **Executive body**

1. The OSJD Committee is the executive body of the OSJD.
2. The Committee organizes the OSJD activities in the period between the sessions of the Ministers Conference and the Conference, in compliance with the internal regulations of the OSJD Committee.
3. The OSJD Committee acts as depositary of the actual Statutes and another agreements and contracts, concluded within the framework of OSJD, unless otherwise agreed upon.
4. Each of the OSJD members shall delegate to the Committee its representative.
5. The Ministers Conference, with consideration the proposal of the Conference, approves the internal regulations of the OSJD Committee.

## **Article VI**

### **Working bodies**

Working bodies are:

commissions;

joint groups with other international organizations;

working groups;

meeting of the representatives of the OSJD members;

another bodies, to be established by the decision of the Ministers Conference and Conference.

## **Article VII**

### **Voting**

1. Each of the OSJD members has one vote.
2. At the level of the Ministers Conference the decisions shall be taken unanimously by the actual participating members of the Ministers Conference. The decision on application of sanctions in case of non-payment of the membership fees shall be taken without participation in the voting of the OSJD member, which did not paid its membership fee.
3. At the level of the Conference the decisions shall be taken by two thirds votes of actual participating members of Conference, except the decisions which shall be taken unanimously on following issues:

financial consequences, resulting from the agreements and contracts concluded within the framework of the OSJD, if in these documents has been specified such procedure on adoption of decision;

amendments and modifications of the OSJD Statutes;

arrangement of membership fees;

budget of the Committee,

admission of the new OSJD members.

4. At examination of issues related to international agreements and contracts of the OSJD, the contracting parties of these agreements and contracts have the right to vote.

5. The procedure on adoption of decision specified in the agreements and contracts mentioned in the clause 4 of this article, shall correspond to the procedure on adoption of decision within the OSJD bodies, specified in the appropriate internal regulations.

## **Article VIII**

### **Financial affaires**

1. The funding of OSJD activities is born by the members of the OSJD.

2. The budget of the Committee shall be fixed for a year and approved by the Ministers Conference, taking into account the proposals of the Conference. The report on budget execution in the past year should be approved by the Ministers Conference.

3. Each member of OSJD is obliged to pay its membership fee every year in two installments: 30% shall be paid until 30<sup>th</sup> November prior to the budget year, 70% shall be paid until 31<sup>st</sup> March of the current budget year.

4. The amount and distribution of the membership fee shall be fixed annually by the Ministers Conference, taking into account the proposals of the Conference.

5. In case of the delay in payment of the yearly membership fee the following sanctions may be applied:

fine at the rate of 6% per annum, to be imposed from 1<sup>st</sup> July of the budget year;

deprivation the debtor member of OSJD of right to use the OSJD railway service passes and free tickets for one journey, being in possession of the member in case;

deprivation the debtor member of OSJD of right to adopt decisions in all the bodies of OSJD;

deprivation the debtor member of OSJD of right to have its own representative in the Committee of OSJD; the representative of the member in case should resume its work in the Committee only after the repayment of debts.

In every specific case the application of sanctions is subject to decision of the Ministers Conference.

6. The financial assets of the Committee are controlled by the Chairman of the Committee, in his absence - by one of the deputy chairmen of Committee.

7. The governing authorities of OSJD may establish financial funds for the completion of certain works, in accordance to the methodology agreed by the interested members of the OSJD.

## **Article IX**

### **Auditing commission**

1. The auditing commission has been established to perform the control of the appropriate use of financial assets by the Committee. The auditing commission consists of representatives of 3 OSJD-members, appointed by the Ministers Conference, taking into account the proposal of the Conference.

The auditing commission is acting on the basis of the “Internal regulation of auditing commission of the OSJD” approved by the Ministers Conference.

2. The auditing commission carries out the documented audit of financial operations of the Committee no less than once per annum. The Chairman of the auditing commission informs the Chairman of Committee on the audit results and gives a report during the session of Ministers Conference.

## **Article X**

### **Residence of the Committee of the OSJD**

The Committee shall be situated in the state of one of the OSJD members. The residence of the Committee of the OSJD shall be settled every five years by the Ministers Conference, taking into account the proposal of the Conference. The agreement concluded in accordance with the decision of the Ministers Conference shall determine the relationships between the OSJD and the state of the residence of OSJD Committee.

## **Article XI**

### **Procedure of the admission of new members and relinquishment the membership**

1. The admission of new OSJD members is performed by the Ministers Conference on the basis of the applications and of presentation by the Committee, with consideration the proposals of the Conference.

2. The announcement on the exit from the OSJD shall be presented to the Chairman of the Committee six months before the end of calendar year. In this case the membership terminate with 1<sup>st</sup> January of the next year.

3. The new members of the OSJD should be admitted on the basis of the written consent of all OSJD members, if there will be no objection to admission of the new member within two months from the date of distribution the application by the Committee.

## **Article XII**

### **Languages**

1. The working languages of the OSJD are the Chinese and Russian.
2. Each of OSJD members has the right to use other languages. In that case this OSJD member should ensure the translation into one of the working languages of the OSJD.
3. The English and German languages should be applied in the field of the international relationship.

## **Article XIII**

### **Final provisions**

1. Amendments and modifications of the present Statutes are subject to decision of the Ministers Conference, with consideration the proposals of the Conference, in line with clauses 3,4 of the Article IV of this regulation.
2. The present Statutes are done in Chinese and Russian. The text on both of these languages is equally authentic. In case of different interpretation of the texts the precise definition shall be based on the Russian text.

## **Article XIV**

### **Effective date**

The present Statutes, which are valid since 1957 including all amendments and modifications that have been adopted in line with established procedure during the period of validity until 14th June 2002, will come into force on the first of July 2002.