

CONVENTION ON INTERNATIONAL DIRECT RAILWAY TRAFFIC

The Governments of the States, hereinafter referred to as the 'Contracting Parties',
Recognising the importance of developing international railway traffic,
Stressing the need to create a common railway transport space,
Promoting an increase in the competitiveness of transcontinental railway routes,
Confirming our adherence to the Charter of the United Nations Organisation and guided
by the generally recognised principles and norms of international law,
Have agreed as follows:

PART I GENERAL PROVISIONS

SECTION 1 ORGANISATION FOR COOPERATION BETWEEN RAILWAYS

Article 1 International Intergovernmental Organisation

The Contracting Parties, having signed this Convention, shall convert the Organisation for Cooperation between Railways (hereinafter referred to as 'the OSJD') into an international intergovernmental organisation, in which they will continue their activity on the basis of this Convention.

Article 2 Abbreviated name

The official abbreviated names of the Organisation for Cooperation between Railways are as follows:

in English – OSJD.

in Chinese – **铁组**;

in Russian – ОСЖД;

Article 3
Legal status and legal capacity of the OSJD

1. The OSJD shall be a subject of international law and shall have international legal capacity which is necessary to achieve its goals.
2. The OSJD shall be a legal person and may, in particular:
 - 2.1. enter into contracts required for carrying out its work;
 - 2.2. acquire, lease and dispose of movable and immovable assets;
 - 2.3. open bank accounts and effect transactions with monetary assets in any currency;
 - 2.4. act as plaintiff or defendant in legal proceedings.

Article 4
Cooperation with subjects of international law and other organisations and associations

1. The OSJD may, in matters within its remit, cooperate with States and regional economic integration organisations and with international organisations whose interests and activity are relevant to the aims of the OSJD.
2. The OSJD may, in matters relating to its areas of activity, make suitable arrangements for consultation and cooperation with international organisations and associations.

SECTION 2
AIMS AND PRINCIPLES
AREAS OF ACTIVITY

Article 5
Aims of the OSJD

The OSJD's aims are to create conditions for the development of cooperation in the field of rail transport; the creation of a single rail transport space; the improvement of safety and security of transportation and competitiveness of transcontinental railway routes; and the development of international direct railway traffic.

Article 6
Principles governing activity

The OSJD shall operate on the basis of principles of sovereign equality, mutual respect and territorial integrity of the OSJD Member States and strict respect for the independence, voluntary participation and equality of rights and obligations of the OSJD Members in accordance with the provisions of this Convention.

Article 7
Areas of activity

The OSJD's areas of activity are:

- 1) promoting the shaping of transport policy in the field of international carriage by rail, working out a strategy for the development of rail transport;
- 2) developing and improving international law in the field of carriage by rail and in the field of facilitation of border crossing by rail transport;
- 3) administering under this Convention and international treaties concluded within the framework of the OSJD in connection with international carriage by rail;
- 4) developing the transport links;
- 5) developing, improving and increasing safety and security of international carriage by rail, including carriage involving the use of other transport modes;
- 6) cooperating on the issues relating to economic, informational, scientific and technical aspects of rail transport and coding;
- 7) cooperating in the field of operation of vehicles and railway infrastructure, on technical and operational issues related to the further development and organisation of international carriage by rail;
- 8) cooperating with international organisations;
- 9) establishing principles governing the organisation of financial settlements between and among railway companies (organisations) for international carriage by rail and services associated therewith.
- 10) training in the matters of application of the legal framework of the OSJD with regard to organisation and implementation of international railway traffic of passengers and goods.

SECTION 3
ANNEXES TO THIS CONVENTION

Article 8
General Provisions regulating international through railway traffic

1. If no reservations have been submitted in accordance with Article 72 of this Convention, mandatory rules for international railway traffic shall be established by:
 - 1.1. General Provisions on the Contract of Carriage of Goods in International Traffic (Annex 1 to this Convention);
 - 1.2. General Provisions on the Contract of Carriage of Passengers in International Traffic (Annex 2 to this Convention);

- 1.3. General Provisions on the Carriage of Dangerous Goods in International Traffic (Annex 3 to this Convention);
 - 1.4. General Provisions on Railway Infrastructure in International Traffic (Annex 4 to this Convention);
 - 1.5. General Provisions on Railway Rolling Stock in International Traffic (Annex 5 to this Convention);
 - 1.6. General Provisions on Use of Freight Wagons in International Traffic (Annex 6 to this Convention);
 - 1.7. General Provisions on Use of Passenger Coaches in International Traffic (Annex 7 to this Convention).
2. The Annexes referred to in paragraph 1 of this Article and shall form an integral part of this Convention.

PART 2

FORMS OF PARTICIPATION AND STRUCTURE OF THE ORGANISATION

SECTION 4

GENERAL PROVISIONS

Article 9

OSJD Members

The membership of the OSJD shall comprise the Contracting Parties as well as the governments of the States and regional organisations for economic integration that have acceded to this Convention in the manner provided by Articles 61 and 62 of this Convention.

Article 10

Participation of railway companies in the OSJD

Railway companies (organisations) under any form of ownership which are registered and operate in the territory of an OSJD Member State, are engaged in international transport and/or possess (manage) railway infrastructure used to implement the said transport operations or associations (holdings, etc.) of such railway companies directing and/or managing them, may take part in the work of the OSJD.

Article 11 a

Observer at the OSJD

1. The Ministers Conference may grant the government of a third State, sharing the aims and principles of the OSJD's activity and being interested in any areas of the OSJD's activity, the status of Observer at the OSJD in the Ministers Conference in accordance with an official written application addressed to the Chairman of OSJD Committee.

In the Ministers Conference, an Observer at the OSJD shall have the right to:

- 1.1. participate, with a consultative vote, in the work of the Commission on Transport Policy and Development Strategy and the Commission on Transport Law;
 - 1.2. participate, without the right to vote, in the consideration of items on the agenda of sessions of the Ministers Conference.
2. The Assembly of Railway Companies may grant a railway company (organisation) third State, being a carrier engaged in international traffic and/or an infrastructure manager, or an association (holding, etc.) of such companies, sharing the aims and principles of the OSJD's activity and being interested in any areas of the OSJD's activity, the status of Observer at the OSJD in the Assembly of Railway Companies in accordance with an official written application addressed to the Chairman of OSJD Committee.

In the Assembly of Railway Companies, an Observer at the OSJD shall be entitled to:

- 2.1. participate, in a consultative capacity, in the work of the Commission on Freight Traffic, the Commission on Passenger Traffic, the Commission on Infrastructure and Rolling Stock, the Commission on Coding and Informatics and the Commission on Finance and Accounting;
 - 2.2. participate, without the right to vote, in the consideration of items on the agenda of meetings of the Assembly of Railway Companies.
3. The procedure for exercising the rights set forth in paragraphs 1 and 2 of this Article and for fulfilling the obligations arising out of this Convention shall be determined by an agreement to be concluded between the Observer and OSJD Committee.
Observers at the OSJD shall participate in the activity of the OSJD individually.

Article 11b **Associated Enterprises of the OSJD**

1. The Assembly of Railway Companies may grant a commercial organisation or association whose activity coincides with the aims and principles of the OSJD the status of Associated Enterprise of the OSJD in accordance with an official written application addressed to the Chairman of OSJD Committee.

An Associated Enterprise of the OSJD shall have the right to:

- 1.1. participate, in a consultative capacity, in the work of the Commission on Freight Traffic, the Commission on Passenger Traffic, the Commission on Infrastructure and Rolling Stock, the Commission on Coding and Informatics and the Commission on Finance and Accounting;
 - 1.2. participate, without the right to vote, in the consideration of items on the agenda of meetings of the Assembly of Railway Companies.
2. The procedure for exercising the rights set forth in paragraph 4 of this Article and for fulfilling the obligations arising out of this Convention shall be determined by an agreement to be concluded between the Associated Enterprise and OSJD Committee.
Associated Enterprises of the OSJD shall participate in the activity of the OSJD individually or collectively.

Article 12

OSJD bodies

1. The bodies of the OSJD are:
 - 1.1. the Ministers Conference;
 - 1.2. the Assembly of Railway Companies;
 - 1.3. the Audit Commission;
 - 1.4. meetings of plenipotentiary representatives;
 - 1.5. OSJD Committee;
 - 1.6. the OSJD Commissions;
 - 1.7. other bodies established by decision of the Ministers Conference or the Assembly of Railway Companies.
2. The functions and working procedure of the bodies referred to in paragraph 1 of this Article shall be governed by this Convention, except for subparagraph 1.7. The functions and procedure of the bodies referred to in subparagraph 1.7 of paragraph 1 of this Article shall be determined by decisions or individual regulations approved by the Ministers Conference or the Assembly of Railway Companies.

SECTION 5

THE MINISTERS CONFERENCE

Article 13

General provisions concerning the Ministers Conference

1. The Ministers Conference shall be the highest governing body of the OSJD.
2. The heads of the plenipotentiary bodies of the OSJD Members who are designated by the OSJD Members shall become members of the Ministers Conference, and shall notify the Depository of this Convention thereof.
3. Decisions of the Ministers Conference shall be adopted at a session of the Ministers Conference (hereinafter 'session') and shall be binding on the OSJD Members, save where an OSJD Member has submitted the reservation provided for in paragraph 4 of this Article.
4. An OSJD Member may declare the decisions inapplicable where the implementation of the decisions imposes threat to the state security, environment, public health and/or conflicts with obligations under international treaties to which the OSJD Member is party, except for the decisions to be adopted in accordance with subparagraph 1.11 of paragraph 1 of Article 14 and paragraph 1 of Articles 44, 63 and 64 of this Convention.

Article 14

Competence of the Ministers Conference

1. The remit of the Ministers Conference shall include the following:
 - 1.1. considering and adopting decisions in the OSJD's areas of activity mentioned in paragraphs 1, 2, 3 (except for administration relating to contracts concluded within the OSJD by railway companies (organisations)), 4 and 8 of Article 7 of this Convention;
 - 1.2. approving the summary Annual Report and Work Programme of the OSJD for the areas of activity within its remit;
 - 1.3. approving the OSJD's budget, the Procedure for the planning, accounting and reporting of revenue and expenditure in the OSJD's budget, and determining the amount of membership dues;
 - 1.4. approving the staffing table of OSJD Committee;
 - 1.5. approving the composition and report of the OSJD Audit Commission;
 - 1.6. considering and adopting decisions to temporarily suspend OSJD Members from participating in the OSJD's activity in accordance with the procedure provided for in Article 63 of this Convention;
 - 1.7. considering and adopting decisions to exclude OSJD Members from the OSJD in accordance with the procedure provided for in Article 64 of this Convention;
 - 1.8. considering and adopting decisions to grant, suspend or cancel the status of Observer at the OSJD in the Ministers Conference;
 - 1.9. considering and adopting decisions relating to the creation of the bodies provided for in subparagraphs 1.6 and 1.7 of paragraph 1 of Article 12 of this Convention, and to matters concerning the organisation of their work;
 - 1.10. approving the distribution of posts in OSJD Committee;
 - 1.11. considering and adopting decisions relating to amendments and additions to this Convention;
 - 1.12. adopting decisions to accept as Members of the OSJD in the cases mentioned in paragraph 4 of Article 61 of this Convention;
 - 1.13. approving and amending the rules arising out of this Convention;
 - 1.14. adopting decisions to create a uniform system of technical regulation as a set of specifications for railway rolling stock and a mechanism for assessing conformity with such specifications;
 - 1.15. coordinating the work of the OSJD Commissions referred to in paragraphs 6 and 7 of Article 31 of this Convention;
 - 1.16. adopting decisions to conclude agreements on cooperation with international organisations relating to areas of the OSJD's activity;
 - 1.17. adopting decisions on the matters referred to in Article 44 of this Convention;
 - 1.18. considering the report of the Assembly of Railway Companies on its activity and taking note of it;
 - 1.19. considering and adopting decisions on other matters arising out of this Convention, except for the matters relating to the remit of the Assembly of Railway Companies.

2. The Ministers Conference shall adopt the rules of procedure for a session, elect the working bodies and adopt decisions on organisational and administrative matters within its remit.

Article 15 **Session of the Ministers Conference**

1. A session shall be quorate if it is attended by not less than two-thirds of Heads of the plenipotentiary bodies of the OSJD Members or of persons authorised by them.

2. The voting at a session shall be held in accordance with Article 36 of this Convention.

3. The decisions of a session shall enter into force on the date of signature of the minutes of the session, save where another date is specified in them or in this Convention.

3. The decision of the Ministers Conference shall enter into force on the day of the completion of the session, unless another date is specified in them or in this Convention. The decisions of the Ministers Conference shall be drawn up in the form of the minutes.

SECTION 6 **THE ASSEMBLY** **OF RAILWAY COMPANIES**

Article 16 **General Provisions concerning the Assembly of Railway Companies**

1. The Assembly of Railway Companies (hereinafter 'Assembly') shall be a governing body of the OSJD, representing the interests of railway companies (organisations) and shall carry out work within its remit on the basis of the provisions of this Convention.

2. The Assembly participants shall be railway companies (organisations) or associations (holdings etc.) of such railway companies or their national associations that have expressed a desire to participate in the Assembly and which meet the requirements set out in this Convention. The plenipotentiary body of an OSJD Member shall inform OSJD Committee as to the composition of its Assembly participants and as to the participant with the right to vote on behalf of their State. The criteria for selection shall be established separately within each State.

3. The number of Assembly participants shall be unlimited.

4. The Assembly participants shall be represented at the Assembly meetings by their heads or persons authorised by them.

5. The decisions of the Assembly shall be binding on the Assembly participants if they adopt them. Otherwise, these acts shall be of a recommendatory nature.

Article 17

Competence of the Assembly

1. The remit of the Assembly shall include the following:
 - 1.1. considering, agreeing and presenting to a session proposals prepared by OSJD working bodies for amendments and additions to the rules and regulations arising out of the provisions of this Convention;
 - 1.2. participating in the areas of the OSJD's activity referred to in paragraphs 3, 5, 6, 7 and 9 of Article 7 of this Convention;
 - 1.3. considering and adopting decisions to grant, suspend or cancel the status of Observer at the OSJD in the Assembly of Railway Companies;
 - 1.4. granting the status of Associated Enterprise of the OSJD;
 - 1.5. coordinating the work of the OSJD Commissions referred to in paragraphs 8-12 of Article 31 of this Convention;
 - 1.6. setting up specialized temporary working groups for the areas of the OSJD's activity falling within the remit of the Assembly;
 - 1.7. considering and making recommendations as to revenues and expenditures in the OSJD budget;
 - 1.8. ensuring the implementation of decisions of the OSJD governing bodies by the Assembly participants;
 - 1.9. coordinating the work of the Assembly participants on preparing, discussing, concluding and amending the economic agreements in the OSJD's areas of activity relating to the remit of the Assembly;
 - 1.10. drafting and adopting model agreements, rules and manuals of an economic, financial, operational, technical, technological or other nature with the aim of implementing and uniformly and consistently applying the international agreements on rail transport governed by this Convention;
 - 1.11. considering and adopting decisions on other matters arising out of this Convention, relating to the competence of the Assembly.

2. The Assembly may formulate proposals for consideration at a session on all the areas of the OSJD's activity.

3. The Assembly shall adopt rules of procedure, elect working bodies and adopt decisions on organizational and administrative matters within its remit.

4. The Assembly shall submit reports on its activity to the Ministers Conference.

Article 18

Meetings of the Assembly

1. A meeting of the Assembly shall be recognised as quorate if it is attended by not less than two-thirds of the Assembly participants with the right to vote.

2. Voting at an Assembly meeting shall be held in accordance with Article 37 of this Convention.

SECTION 7
MEETINGS OF PLENIPOTENTIARY REPRESENTATIVES

Article 19

Meeting of Plenipotentiary representatives of the Heads of plenipotentiary bodies of OSJD Members

1. The Meeting of Plenipotentiary representatives of the Heads of the plenipotentiary bodies of OSJD Members shall:
 - 1.1. examine and agree on material and draft decisions to be submitted to a session of the Ministers Conference;
 - 1.2. approve the work plans of OSJD working bodies falling within the jurisdiction of the Ministers Conference;
 - 1.3. examine and adopt decisions relating to functions delegated by the Ministers Conference. The delegation of functions provided for in subparagraphs 1.1–1.8, 1.10-1.14, 1.17 and 1.18 of Article 14 of this Convention shall not be allowed;
 - 1.4. adopt decisions on the establishment and discontinuance of temporary working groups of the OSJD Commissions that are accountable to the Ministers Conference.
2. The Rules of Procedure of the Meeting of Plenipotentiary representatives of the Heads of the plenipotentiary bodies of OSJD Members shall be subject to approval by the Ministers Conference.

Article 20

Meeting of Plenipotentiary Representatives of Assembly Participants

1. The Meeting of Plenipotentiary representatives of the Assembly participants shall:
 - 1.1. examine and agree on papers and draft decisions to be submitted to the meeting of the Assembly;
 - 1.2. approve the work plans of OSJD working bodies falling within the jurisdiction of the Assembly;
 - 1.3. examine and adopt decisions relating to the functions delegated by the Assembly. The delegation of functions provided for in paragraphs 1.3, 1.4 and 1.7 of Article 17 of this Convention shall not be allowed;
 - 1.4. adopt decisions on the establishment and discontinuance of temporary working groups of the OSJD Commissions that are accountable to the Assembly.
2. The Rules of Procedure of the Meeting of Plenipotentiary representatives of the Assembly participants shall be subject to approval by the Assembly.

Article 21
Joint session of meetings of Plenipotentiary Representatives

1. The Joint session of meetings of Plenipotentiary representatives of the Heads of Plenipotentiary bodies of OSJD Members and of the Assembly participants shall be convened at least once a year and it shall take decisions on the matters within its remit in accordance with Articles 19 and 20 of this Convention.

The Rules of procedure of the Joint meeting of Plenipotentiary representatives shall be adopted by the Ministers Conference.

SECTION 8
OSJD COMMITTEE

Article 22
General Provisions concerning OSJD Committee

1. OSJD Committee (hereinafter 'Committee') shall be a permanent executive body of the OSJD.
2. The Committee shall act on the basis of this Convention.
3. The Committee shall have a seal, the specimen of which shall be approved by the Ministers Conference.
4. The permanent seat of the Committee shall be Warsaw (Republic of Poland).
5. The conditions governing the Committee's presence shall be determined by a relevant international treaty between the OSJD and the State of its permanent seat.

Article 23
Competence of the Committee

1. The Committee shall ensure the implementation of decisions taken by the governing bodies of the OSJD, including as follows:
 - 1.1. analyzing and coordinating the execution of decisions of the governing bodies of the OSJD and the OSJD's Work Programme and Work Plan;
 - 1.2. facilitating interaction between OSJD Members, Assembly participants and OSJD bodies;
 - 1.3. advising on matters relating to the application of this Convention, agreements, contracts and acts of the OSJD;
 - 1.4. acting as a secretariat for the OSJD bodies.
2. The Committee shall provide organisational, informational, analytical and advisory support for the OSJD's activity, including:
 - 2.1 having the right to make proposals for consideration by the governing bodies of the OSJD on the aspects of OSJD's activity;
 - 2.2. elaborating proposals for draft decisions of OSJD bodies on matters relating to the OSJD's activity;

- 2.3. concluding contracts with Observers at the OSJD and Associated Enterprises of the OSJD on behalf of the Ministers Conference and the Assembly;
 - 2.4. issuing normative, reference and periodical publications of the OSJD;
 - 2.5. organising meetings of the OSJD bodies, providing translation, reproduction and timely distribution of documents relating to the OSJD's activity to the OSJD Members;
 - 2.6. keeping the originals of the minutes of meetings of the OSJD bodies;
 - 2.7. managing and updating the OSJD website;
 - 2.8. concluding, on behalf of the OSJD, cooperation agreements with international organisations, decisions on the conclusion of which shall be adopted in accordance with subparagraph 1.16 of Article 14 of this Convention.
3. The Committee has the right to make proposals, for approval by the OSJD governing bodies, on the establishment of *ad hoc* working groups of the OSJD.
 4. The Committee shall cooperate in the field of rail transport with the executive and working bodies of international organisations.
 5. The Committee shall draw up and submit for approval the draft OSJD budget as well as draft summary Annual Report, which includes a report on the execution of the OSJD budget over the past year.
 6. The Committee shall perform other functions assigned to it by this Convention or the OSJD governing bodies.

Article 24

Composition and organizational structure of the Committee

1. The Committee shall be composed of:
 - 1.1. the Chairman of the Committee;
 - 1.2. the Deputies of Chairman of the Committee;
 - 1.3. the Secretary of the Committee;
 - 1.4. other officials on the staff of OSJD Commissions.
2. The work of the Committee shall be facilitated by establishing:
 - 2.1. structural units of the Committee, to be approved by the Ministers Conference;
 - 2.2. editorial office for periodicals and OSJD Web-site.

Article 25:

Staff of the Committee

1. The staff of the Committee shall be composed of:
 - 1.1. officials of the Committee delegated by the plenipotentiary bodies of the OSJD Members on the basis of qualification requirements approved by the Ministers Conference;

- 1.2. employees recruited on a competitive basis to work in the Committee who are nationals of OSJD Member States and perform administrative and technical functions in the Committee.
 - 1.3. service staff who perform operational functions in the Committee.
2. Applicants specified under subparagraph 1.2 of paragraph 1 of this Article shall be selected by a qualification commission. The composition and working procedures of the qualification commission shall be determined by regulations to be approved by the Ministers Conference.
 3. The legal status of the Committee's staff shall be determined by this Convention, the International Agreement referred to in paragraph 2 of Article 56 of this Convention, and the separate document referred to in paragraph 4 of this Article, while in the part not covered by these documents the law of the State of the Committee's permanent seat shall apply.
 4. The provisions of paragraph 3 of this Article shall not be deemed to prevent an official from being in an employment relationship in the State of the OSJD Member delegating him to work in the Committee.
 5. The Chairman of the Committee, the Deputies of Chairman of the Committee and the Secretary of the Committee shall be citizens of different OSJD Member States.
 6. The Committee Staff Regulations shall be approved by the Ministers Conference.

Article 26

The Chairman of the Committee

1. The Chairman of the Committee shall be the chief executive officer of the OSJD, who shall manage the Committee and organise and supervise the work of staff of the Committee, shall be responsible to the Ministers Conference and the Assembly for the proper performance of the Committee's functions, and shall sign agreements on behalf of the OSJD.
2. The Chairman of the Committee shall exercise the functions of the Depositary of this Convention and other international treaties entered into under the OSJD. The Chairman's functions as Depositary shall be as specified in Article 77 of the Vienna Convention on the Law of Treaties of 23 May 1969 and in this Convention.
3. The Chairman of the Committee shall be elected for a term of four years, and shall also be released from office, by a decision of the Ministers Conference. The post of Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than two successive terms of office.
4. The first Chairman of the Committee upon the entry into force of this Convention shall be the representative of the State of the Committee's permanent seat.
5. The Chairman of the Committee shall organise the recruitment of officials and employees on a competitive basis to work in the Committee.
6. The Chairman of the Committee shall conclude and cancel employment contracts with employees and services staff of the Committee.

7. The Chairman of the Committee shall, on behalf of the OSJD, conduct negotiations and correspondence relating to the OSJD's activity.

8. In addition to functions provided for under this Convention, the Chairman of the Committee shall also perform other functions determined by decision of the OSJD's governing bodies within their remit.

9. If the Chairman of the Committee is temporarily absent, his/her functions shall be performed by one of the Chairman's Deputies and in case of their absence - by Secretary of the Committee.

Article 27

Deputies of Chairman of the Committee

1. The Chairman of the Committee shall have two Deputies.

2. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Ministers Conference shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same State for more than two successive terms of office.

3. The Deputy Chairman of the Committee with responsibility for OSJD activity relating to matters falling within the remit of the Assembly shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference in view of the opinion of the Assembly. The post of Deputy Chairman of the Committee shall not be held by a citizen of the same OSJD Member State for more than two successive terms of office.

Article 28

Secretary of the Committee

1. The Secretary of the Committee shall be appointed for a term of four years, and shall also be released from office, by a decision of the Ministers Conference, taking into account the opinion of the Assembly. The post of Secretary of the Committee shall not be held by a citizen of the same state for more than two successive terms of office.

2. The Secretary of the Committee shall ensure cooperation with international intergovernmental and non-governmental organisations and with OSJD associated enterprises.

3. The Secretary of the Committee shall perform the functions of one of the Deputies of Chairman in his absence.

4. The Secretary of the Committee shall perform other functions as instructed by the Chairman of the Committee.

Article 29

Committee meetings

1. A Committee meeting shall be quorate if attended by at least two-thirds of the Committee's officials.

2. The rules of procedure for Committee meetings shall be adopted by the Ministers

Conference.

Article 30
Distribution of posts in the Committee

1. The plenipotentiary bodies of OSJD Members shall send proposals to the Committee for holding the posts of the Committee or of a specific Commission.
2. Distribution of posts in the Committee shall be formed on the basis of the proposals referred to in paragraph 1 of this Article.

Where more proposals are submitted for holding the posts in a Commission than there are posts available in it, OSJD Members' representatives who worked in that Commission in its previous composition shall leave it in the Russian alphabetical order of the names of the OSJD Member States and shall receive the right to occupy posts in other Commissions in the said order of priority. OSJD Members' representatives who have not been included in the staff of the Commission applied for shall receive the same right.

3. Disputes relating to the distribution of posts in the Commissions shall be resolved through consultations and negotiations between the parties concerned. If the parties fail to reach a mutually acceptable solution during consultations and negotiations, disputes shall be resolved on the basis of principles and mechanisms agreed by the Ministers Conference for the distribution of posts in the Commissions.
4. Distribution of posts in the Committee shall be implemented every four years. Controversial issues that relate to the distribution of post in the Committee shall be settled by means of consultations and negotiations. If the Parties fail to reach a mutually acceptable solution, the decision shall be taken by the Ministers Conference

SECTION 9
OSJD COMMISSIONS

Article 31
General provisions concerning Commissions

1. The OSJD Commissions (hereinafter 'Commissions') are working bodies of the OSJD.
2. The Commissions shall be composed of experts delegated by the plenipotentiary bodies of OSJD Members or by the Assembly participants.
3. Facilitation of the Commission's activity shall be the responsibility of the Commission Chairman and other officials on the staff of the Commission.
4. The Commission Chairman shall be appointed from among the officials on the staff of the Commission by decision of the OSJD governing bodies.
5. The duties of officials on the staff of a Commission shall be specified in accordance with that Commission's areas of activity defined by the Chairman of the Committee on a proposal from the Commission Chairman.

6. The Commission on Transport Policy and Development Strategy shall be responsible for the key areas of the OSJD's activity within the remit of the Ministers Conference in the field of transport policy, rail transport development strategy.

7. The Commission on Transport Law shall be responsible for the key areas of the OSJD's activity within the remit of the Ministers Conference in the area of improvement of international law in the field of carriage by rail.

8. The Commission on Freight Traffic shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of administration of contracts concluded by railway companies (organisations) within the framework of the OSJD on the operational issues of freight transport.

9. The Commission on Passenger Traffic shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of administration of contracts concluded by railway companies (organisations) within the framework of the OSJD on the operational issues of passenger transport.

10. The Commission on Infrastructure and Rolling Stock shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of infrastructure and rolling stock.

11. The Commission on Information Technologies and Coding shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly in the field of information technologies and coding.

12. The Commission on Finance and Accounting shall be responsible for the key areas of the OSJD's activity within the remit of the Assembly with regard to matters relating to accounts in international passenger and freight transport by rail.

13. The list of main functions and tasks of the Commissions arising from the key areas of the Commissions' activity referred to in paragraphs 6-7 of this Article shall be approved by the Ministers Conference.

14. The list of main functions and tasks of the Commissions arising from the key areas of the Commissions' activity referred to in paragraphs 8-12 of this Article shall be approved by the Assembly.

15. The Commissions may deal with other tasks as determined by the respective governing bodies of the OSJD.

16. The Commissions may submit proposals on the establishment of temporary working groups of the Commissions to address specific problems in their areas of activity.

Article 32

Meetings of the Commissions

1. Matters within the remit of Commissions in accordance with Article 31 of this Convention shall be considered at meetings of the Commissions.

2. The rules of procedure of Commission meetings shall be adopted by the Ministers Conference and the Assembly in accordance with their remits.

SECTION 10 AUDIT COMMISSION

Article 33

General provisions concerning the OSJD Audit Commission

1. The Audit Commission shall be the control body of the OSJD.

2. The Audit Commission shall verify and analyze the financial and economic activity of the OSJD during the previous budgetary year and shall draw up conclusions and recommendations based on the results of the checks, which are to be set out in its report that is submitted to the Ministers Conference.

3. The working procedures of the Audit Commission shall be subject to approval by the Ministers Conference.

Article 34

Work of the Audit Commission

1. The Audit Commission shall be composed of three representatives, each one from different OSJD Members except for the regional economic integration organisations. The composition of the Audit Commission shall be changed so that one member of the Audit Commission shall be replaced every year, in turn, according to the alphabetical order of the names of OSJD Member States in the Russian language.
The representatives of OSJD Members, who are delegated to the Audit Commission, shall be engaged in financial-economic activity at their main place of work and may not be officials working in the Committee.

2. The audit process shall comprise verification and analysis of the following:
 - 2.1. implementation of all revenue items and appropriate use of expenditures approved in the OSJD budget;
 - 2.2. administration of cash and bank transactions by the Committee's accounts department, and cash settlements with the Committee's staff;
 - 2.3. correctness of travel expense accounts;
 - 2.4. verifying the presence, depreciation and liquidation of tangible assets and fixed assets;
 - 2.5. timeliness and completeness of inventory;
 - 2.6. use of provisions;
 - 2.7. implementation of recommendations based on the findings of the previous audit.

3. The Audit Commission shall have the right to check any other aspects of financial and economic activity under the programme it has adopted.

4. The Audit Commission shall be competent to carry out its work only when all its members are present.

PART 3
OSJD PROCEDURES AND ACTS

SECTION 11
VOTING

Article 35
General provisions concerning voting

1. Each OSJD Member shall have one vote.
2. When matters relating to agreements and treaties concluded within the framework of the OSJD are voted on, the parties to those agreements and treaties shall have the right to vote.
3. If an OSJD Member has submitted a reservation in accordance with Article 72 of this Convention, it shall not take part in the voting on the matter concerned by the reservation.
4. Voting shall be conducted openly, in the Russian alphabetical order.

Article 36
Voting at sessions

1. Decisions at a Ministers Conference session shall be adopted by three-quarters of the votes of the plenipotentiary bodies of the OSJD Members present at the session, save for decisions on the matters specified in subparagraphs 1.2, 1.3, 1.4, 1.6, 1.7, 1.10 and 1.14 of Article 14 of this Convention, decisions on which shall be adopted unanimously, and save for decisions on the matters referred to in subparagraph 1.11 of Article 14 of this Convention, decisions on which shall be adopted by four-fifth of the votes.
2. Decisions on the matters referred to in subparagraphs 1.6 and 1.7 of Article 14 of this Convention shall be adopted without the participation in the vote of the OSJD Member in respect of which the application of measures provided for in those subparagraphs is being considered.
3. An OSJD Member which is a party to a dispute as referred to in Article 44 shall not take part in the vote when the Ministers Conference considers that dispute.
4. The Ministers Conference shall adopt its decisions taking into account the proposals of the Assembly.

Article 37
Voting at meetings of the Assembly

1. Save for the cases specified in paragraphs 2 and 3 of this Article, decisions at Assembly meetings shall be adopted by a majority of two-thirds of the votes of the Assembly participants present at the meeting, in compliance with the 'one country – one vote' principle.
2. On matters that have financial implications, decisions at Assembly meetings shall be adopted by unanimity in accordance with the 'one country – one vote' principle.

3. On matters relating to the conclusion, modification or termination of economic contracts to which the Assembly participants are parties, voting at Assembly meetings shall be held in the cases and under the rules stipulated in the contracts themselves.

Article 38

Voting at meetings of Plenipotentiary Representatives

1. Voting at meetings of Plenipotentiary Representatives of the heads of the plenipotentiary bodies of OSJD Members shall be conducted in accordance with Article 36 of this Convention.

2. Voting at meetings of Plenipotentiary Representatives of the Assembly participants shall be conducted in accordance with Article 37 of this Convention.

3. At joint meetings of Plenipotentiary Representatives of the heads of the plenipotentiary bodies of OSJD Members and of the Assembly participants, when votes are taken on the matters falling within the remit of the Ministers Conference or of the Assembly, Articles 36 and 37 of this Convention shall apply *mutatis mutandis*.

Article 39

Voting at Committee meetings and meetings of Commissions

1. Decisions at Committee meetings shall be taken by a simple majority of the votes of the Committee officials present.

2. Decisions at meetings of Commissions shall be taken by a simple majority of the votes of the experts present at the meeting.

SECTION 12 ACTS OF THE OSJD

Article 40

General provisions

1. Acts of the OSJD shall be the OSJD's written documents adopted by the governing bodies of the OSJD within their remit.

2. Acts of the OSJD shall be of obligatory and/or recommendatory nature which shall be defined by the act.

3. The procedure for preparation of acts of the OSJD shall be determined by the rules to be approved in accordance with the procedure laid down by the Ministers Conference and the Assembly within their competence.

Article 41
Procedure for official publication of acts of the OSJD

1. Acts of the OSJD shall be subject to official publication.
2. The procedure for official publication of acts of the OSJD shall be determined by the rules to be approved in accordance with the procedure laid down by the Ministers Conference and the Assembly within their competence.
3. Acts of the OSJD shall be included in the register of acts of the OSJD, which shall be managed by the OSJD Committee in accordance with the rules to be adopted by the Ministers Conference.

Article 42
Interpretation of Acts of the OSJD

1. Acts of the OSJD shall be interpreted in such a way as to ensure consistency with the provisions of this Convention. In the event of inconsistency between the provisions of Acts of the OSJD and provisions of this Convention, the provisions of this Convention shall be applied.
2. Acts of the Assembly shall also be interpreted in such a way as to ensure consistency with the provisions of Acts of the Ministers Conference.

SECTION 13
DISPUTE RESOLUTION

Article 43
Resolution of disputes between or among OSJD Members

In the event of any disagreement between or among two or more Members of the OSJD concerning the interpretation or application of this Convention, one of the Members of the OSJD involved in the disagreement shall notify other OSJD Members concerned about the commencement of the disagreement.

The dispute may be settled by means of consultations and negotiations. In case the dispute has not been settled within 180 days of written notification, the matter shall, at the request of an OSJD Member involved in that dispute, be referred to the Ministers Conference for the purpose of resolving the dispute.

Article 44
Disputes between or among economic entities

1. Disputes between or among economic entities relating to the application of this Convention other international agreements concluded within the OSJD, acts of the OSJD as well agreements relating to international railway traffic may, by written agreement between the parties to the dispute, be referred for consideration by conciliation procedure with the participation of an intermediary or arbitration established in accordance with the

provisions of this Convention (hereinafter referred to as 'arbitration').

2. The rules of the conciliation procedure shall be approved by the Assembly. The rules of arbitration shall be approved by the Ministers Conference.

3. The Committee itself shall not settle disputes. Only Committee staff recruited on a competitive basis may administer the process of settling disputes in accordance with the Conciliation Procedure Rules and the Arbitration Rules.

Article 45 **Arbitration agreement**

1. An arbitration agreement may be concluded in the form of an arbitration clause in an agreement concluded between the economic entities or in the form of a separate agreement.

2. An arbitration agreement shall be concluded in written form.

3. The requirement referred to in paragraph 2 of this Article shall be deemed to be complied with if the arbitration agreement is concluded in any form allows the information contained in it to be recorded or to be accessible for further use. (Kazakhstan)

4. An arbitration agreement shall be deemed to be concluded in written form with regard to electronic communication if the information contained therein is accessible for further use; 'electronic communication' means any communication which the parties transmit with the aid of data transmission; 'data communication' means information prepared, sent, received or stored with the aid of electronic, magnetic, optical or analogue media, including though not confined to electronic data exchange, electronic mail, telegram, telex or telefax.

5. An arbitration agreement shall also be deemed to be concluded in written form if it is concluded by the exchange of a statement of claim and a statement of defence in which one of the parties confirms the presence of an agreement and the other does not contradict this. A reference in the agreement to any document containing an arbitration clause shall constitute an arbitration agreement in written form provided that such reference makes the said clause part of the agreement.

Article 46 **Arbitrators**

1. An arbitrator shall be impartial and independent of the parties to the dispute. Before being appointed or confirmed, an arbitrator shall sign a declaration of impartiality and independence.

2. In accordance with the arbitration agreement, disputes shall be settled by a sole arbitrator or by three arbitrators. If the parties have not agreed on the number of arbitrators, the dispute shall be settled by a sole arbitrator, save in cases where the authorised person considers that the nature of the dispute calls for three arbitrators to be appointed.

3. The authorised person shall be determined by the Arbitration Rules.
4. If a dispute is to be considered by a sole arbitrator, he shall be appointed by mutual agreement of the parties. If the dispute is to be considered by three arbitrators, each party shall designate one of them and, by mutual agreement of the arbitrators, they shall determine the third arbitrator who shall perform the duties of chairman of the arbitration board.

If the parties cannot agree on the appointment of a sole arbitrator, or if the members of the arbitration panel appointed by the parties cannot agree on the determination of the third member, he shall be determined by an authorised person. If the parties to the dispute do not have one and the same citizenship, the sole arbitrator or the chairman of the arbitration board shall be from a State to which neither party belongs.

5. Where there are multiple claimants or respondents, the co-claimants jointly and the co-respondents jointly shall appoint arbitrators in accordance with paragraph 3 of this Article.

Article 47

Provisional measures in arbitration proceedings

Arbitration awards as well as rulings prescribing provisional measures adopted in the context of the settlement of disputes in arbitration shall be binding and final and enforced in accordance with current international agreements and national legal acts governing the recognition and enforcement of arbitration awards.

Article 48

Confidentiality

1. As participants in arbitration proceedings or a conciliation procedure, Committee staff may not, without the consent of the parties or their successors, disclose information that has become known in the course of arbitration proceedings or a conciliation procedure, save by decision of a competent court.
2. An arbitrator or intermediary may not be as a witness on information that has become known to him in the course of arbitration proceedings or a conciliation procedure.
3. The provisions of this Article shall be applied without prejudice to the legal provisions governing the recognition and enforcement of arbitration awards.

PART 4

FINANCING

SECTION 14

OSJD BUDGET

Article 49

General Provisions

1. The OSJD shall be financed from the OSJD budget.

2. The OSJD budget (hereinafter 'the budget') shall be approved in accordance with subparagraph 1.3 of paragraph 1 of Article 14 of this Convention and as provided for in Article 36 of this Convention.
3. All revenues shall be accounted on the basis of the Procedure for the Planning, Accounting and Reporting of Revenues and Expenditures of the OSJD Budget which shall be approved by the Ministers Conference.
4. The Committee shall carry out financial transactions for amounts outside the budget with a view to ensuring the special financing provided for in Article 54 of this Convention.