

Analytical note regarding the two options of articles concerning distribution of posts in OSJD Committee

The XXXVI meeting of the TWG considered two options of distribution of posts drafted by the group. Neither of the options was supported by a two-third majority of votes. Therefore, the TWG considered it advisable to discuss the given matter at the sessions of the OSJD governing bodies in 2014. The TWG also supported the proposal made by the chairman of OSJD Committee to consider the issues concerning qualifications and competences of OSJD Committee's staff.

However, a decision in favour of one or another option of distribution of posts was not made by the OSJD governing bodies at their sessions.

At the same time, for the period until 2018, the current distribution of posts has been approved for OSJD Committee between the OSJD Member States. The initiative of the Chairman of OSJD Committee to modify the existing principle before the entry into force of the Convention was blocked at the session of OSJD Members on the threshold of the sessions of the OSJD governing bodies.

The XLI meeting of the TWG finally considered two options of distribution of posts in OSJD Committee. TWG members from Bulgaria, Georgia, Kazakhstan, China, Moldova, Slovakia, Uzbekistan, Ukraine and Czech Republic spoke in favour of Option I (filling posts by representatives from OSJD Member States with qualification requirements applied to the posts). TWG members from Belarus, Latvia, Lithuania, Poland, Russia, Estonia and Chairman of OSJD Committee voted in favour of Option II. In view of the non-availability of the qualified two-third majority of votes and taking into account the fact that the matter was not agreed at the XLII session of the OSJD Ministers Conference, the TWG decided to submit two alternative options of distribution of posts in OSJD Committee for consideration by the International Inter-Governmental Conference on adoption of the text of the Convention.

Therefore, the TWG prepared two options of Articles of draft Convention concerning the given matter.

The given matter must be finally considered in the course of the International Conference on adoption of the text of the Convention.

The TWG member from Kazakhstan, at the XLII meeting (26-30 January 2015, OSJD Committee) expressed a special opinion proposing consideration of the mixed option of Articles 24-29 Chapter 7 "OSJD Committee" of draft Convention, excluding the way of binding the governing posts to certain States and stipulating the rotation principle for such posts.