



EUROPEAN COMMISSION

DIRECTORATE GENERAL IA
EXTERNAL POLITICAL RELATIONS
Relations with the newly independent States
Financial resource management



LEGAL & REGULATORY FRAMEWORK

(TRACECA Project No. 1)

PROJECT NO: TELREG 9306

Technical Proposal
(Annexes A, B & C)

Scott Wilson Kirkpatrick
CONSULTING ENGINEERS

in association with



October 1995

CAGER/Z

Scott Wilson Kirkpatrick

C O N S U L T I N G E N G I N E E R S

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TACIS Procurement Unit
23a rue Belliard
B-1040 Brussels
BELGIUM

Your Reference:

Our Reference: **APT/BE/DSC/CAGER**

29 September 1995

Dear Sir

**LEGAL & REGULATORY FRAMEWORK
(TRACECA PROJECT NO.1)**

PROJECT NUMBER: TELREG 9306

Thank you for your Letter of Invitation dated 31st July 1995 and we now have pleasure in submitting 2 originals and 6 copies of our Technical Proposal and 1 original and 2 copies of our Financial Proposal under the two envelope system.

Our proposal has been prepared in association with NEA of the Netherlands. Whilst SWK will be the lead consultant and undertake the majority of the work we believe that the combined capabilities and regional experience of SWK and NEA in the areas of legal reform, institutional strengthening, and human resource development will ensure the availability of specialist skills and back-up support necessary for this very demanding project.

We confirm the validity of our bid for 120 days from the 3rd October 1995 and, in the event of being awarded a contract, our intention to provide consultancy services in strict accordance with the Tender Dossier and to be bound by the terms of the Draft Contract and Annexes attached thereto.

Our authorised representative for this project will be Mr A.P. Tite and relevant contact details are per this letterhead.

Yours faithfully
for **SCOTT WILSON KIRKPATRICK & CO LTD**



A P Tite
Regional Director



Scott Wilson Kirkpatrick
Mr Adrian Tite
Scott House
Basing View
Basingstoke
RG21 4JG ENGLAND

Our Reference 953196.EVI
Subject : Confirmation of Association

Rijswijk, 19 September 1995

Dear Mr Tite,

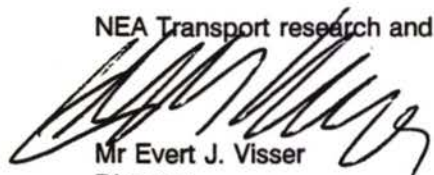
Confirmation of Association
for
Legal and Regulatory Framework
TRACECA

NEA Transport research and training and Scott Wilson Kirkpatrick herewith confirm that:

1. The firms have agreed to collaborate on an exclusive basis, to prepare and submit the technical and financial proposal and to undertake the Legal and Regulatory Framework (TRACECA) project.
2. In case the Consultancy Services Contract is awarded for the execution of the project to the Consortium mentioned under 1., Scott Wilson Kirkpatrick will assume the position of Leading Partner of the Consortium.

In witness hereof, this confirmation is made on 19 September 1995,

NEA Transport research and training



Mr Evert J. Visser
Director

Scott Wilson Kirkpatrick



Mr Adrian Tite
Director

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Registered with The Hague Chamber of Commerce no S154970
Our general conditions of business and our rules of conduct, which were
deposited at the office of the Clerk of the District Court of The Hague, latest
edition, are applicable to all our offices and activities.



EUROPEAN COMMISSION
Directorate General I
External Economic Relations
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Annex **A**

Terms of Reference

EUROPEAN UNION - TACIS

Technical Assistance to the Southern Republics of the
CIS and Georgia - TRACECA

TRADE AND TRANSPORT SECTORS

Terms of Reference

for

Legal and Regulatory

Framework

Final Recipients:
TRACECA Region Ministries of Transport

LEGAL AND REGULATORY FRAMEWORK

(TRACECA PROJECT N° 1)

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- 2. Objectives**
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 - 3.8. Other related projects**
 - 3.9. Logistics**
- 4. Timetable and Reporting**

1. INTRODUCTION AND BACKGROUND

The present project is one of the priority components of the TRACECA initiative launched at the Brussels Conference held in May 1993, at which the states of Armenia, Azerbaijan, Georgia, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan and Tadjikistan were represented.

The objectives of the Conference were :

- To promote co-operation among the participating states in all matters pertaining to the development of trade and transport in the region.
- To promote the Central Asian-Trans-Caucasian-Europe transport corridor.
- To identify problems and deficiencies in the region trade and transport systems.
- To define in terms of content and timing a Technical Assistance Programme to be financed by the EU.
- For the Technical Assistance programme 23 projects were identified to be implemented over several years.

In order to develop and manage the TRACECA Technical Assistance programme a Management Team has been established in Brussels, consisting of a Team Leader and Trade expert, a Road expert, a Rail expert, and a Maritime expert. Parallel to this similar national sectoral working groups have been established in each of the TRACECA states as part of the TRACECA programme. They meet periodically in the region. They have inaugurated specific projects, including this one and will monitor results.

Five horizontal projects were marked out as priority projects for immediate implementation including the Legal and Regulatory Framework project

The legislation framework of the trade and transport sectors in the TRACECA states was inherited from the Soviet Union command economy system of transport management, designed for trade and economic relations planned by, directed from and centred on Moscow.

The new separate independent Sovereign States in the TRACECA sub-region now find themselves compelled to create new legislation for the transport sector.

Such legislation must take into account previous USSR laws, new Russian Federation laws, Republic laws, and International laws or conventions.

Clarification and harmonisation of this situation is of vital importance to the transport sector in the TRACECA corridor. A fact-finding mission has been carried out, but except in Kazakhstan, no previous projects have actively promoted harmonisation of legislation and regulation.

2. OBJECTIVES

At a conference held in Almaty on 19-20 May 1995, which brought together authorities from the Recipient States, the following general objectives were defined for this Legal and Regulatory Framework project :

To provide technical assistance and documentary support in the field of transport legislation and promote :

- optimum utilisation and harmonisation of the existing transport systems
- improved use of the equipment, facilities and terminals
- a reduction in commercial risk and cross-frontier delays
- a competitive transport and compatible information system related to the exchange of commercial, customs and regulatory computerised data
- advice where necessary in joining international institutional training

Activities in the above fields should be directed towards achieving:

1. The introduction of legislative changes to national transport laws and regulations

- The updating or editing of all legislation including directives relating to transportation
- The drafting of new laws governing transport and trade
- The definition of the right to transport and the conditions under which it may be exercised
- The terms and conditions of transport and the environment under which it operates
- The conditions regulating competition in the transportation sector, and the role of the different modes in the framework of the market
- The acquisition of private and public resources to permit financing of necessary investments in the transport system
- The clarification of the role of the various public and political bodies responsible for regulation
- The clarification of the role of other semi-official or private entities providing transport and ancillary services
- The clarification of the rules applicable to private enterprises providing transport and ancillary services
- The clarification of the rules applicable to private operators/enterprises in the transport and ancillary fields
- The clarification of the relationship between national legislation and international conventions etc. in force in the transport sector

2. The regulation of the technical components in the transport sector

- The promotion of logistical chains.
- Normalisation of technical equipment, e.g. rolling stock, containers, mobile boxes, multimodal handling equipment.
- Definition of pricing principles applicable to public and private transport services, international transport, and to obligatory minimum service levels where applicable (e.g. frequency, and security).

3. The creation a Legal/Institutional Environment conducive to establishing good management practice in the movement of goods

- The revision of customs legislation in the context of evolving transport and information technologies
- Reducing the number of customs procedural services, simplifying customs procedures, simplifying banking procedures applicable to transit goods
- Adopting harmonised international documents
- Encouraging the establishment of private sector professional associations participating actively in the decision making process in the transport and trade sectors.
- Updating the regulatory framework for banking and insurance activities in the transport sector, on the basis of international practice.
- Encouraging private involvement and investment in the professional training process aimed at adapting transport managers to organisational change and at preparing logistics and international transport specialists.

4. The facilitation of Regional Co-operation in the development of infrastructure and services

- The encouragement of a joint approach between beneficiary states in project design and to international infrastructure financing
- The definition of the rights and obligations of infrastructure suppliers and users in the regional context.
- The establishment of support measures for regional sectoral and infrastructure projects.

5. The creation of regional harmonisation of the transport sector legal and regulatory framework

- Multimodal agreements
- International regulation of transport operations, including transit and equipment pooling activities

3. SCOPE OF WORK

3.1 Organisational Framework

To carry out the project it is proposed that an International Task Force (ITF) reporting to TACIS be established either in Brussels, or in the Contractors home office. This Task Force could consist of a core unit of Project Manager and a Transportation Legislation Expert, assisted by a Secretary Documentalist.

This International Task Force will be complemented by individual National Task Forces (NTF) in each TACIS State which comprise officials from the Transport and Justice Ministries. Each NTF will be assisted by a permanent local secretary/documentalist and by local well qualified short term experts, these assistants being appointed and remunerated by the Contractor, and be accountable to him.

It is anticipated that the NTFs will form the nucleus of future Trade and Transport Legislation Facilitating Committees in each TRACECA State. Their role would be to ensure maximum conformity between the laws of their individual States in this sector, as well as continuity of the work initiated by the ITF beyond the life of this project.

While remaining within this general framework, the Consultant's proposal must clearly explain his own detailed plan of action to address the projects' Objectives as defined in Section 2.

3.2 International Task Force (ITF)

It is a prerequisite for the successful execution of the project that two closely related conditions be fulfilled:

- there be effective communication links between the legislatures in the beneficiary states and a technical assistance team well versed in the theory and practice of international transport law.
- local legal professionals, and transport authorities and wherever possible practitioners should contribute actively in the formation of any proposed legislation.

To this end the ITF must establish a reasonably continuous presence in the region, and excellent close working relationships with their NTF counterparts.

The role of International Task Force is :

- to promote adoption of harmonised transport legislation and regulation and provide the outside expertise necessary for its formulation
- to provide the NTFs with documentation, model legislation, computer equipment and databases in conformity with the Consultants proposal or approved modified workplan (see Section 4.2 Deliverables)
- arrange for translation of all pertinent texts into the Russian language
- to establish a process of constant transport law development and updating
- to establish the long term framework and procedures of the NTF in each beneficiary state and relations between the respective NTF of the eight TRACECA states
- to provide training (see Section 3.7)

The ITF will establish co-ordination procedures with the TRACECA Project Management Team in Brussels. It will promote permanent links between the NTF and Western Institutions, such as the ECE in Geneva, to ensure continuity of information flow after the present contract is completed.

3.3 National Task Forces (NTF)

The contractor is to advise the Recipient State governments on the composition and appointment of their NTF, and agree with them a workplan, as well as relationships of the NTF with other governmental and non-governmental bodies.

The role of the NTF would be to present draft legislation to the legislature, to maintain close links with the ITF with the NTFs in the other beneficiary States, and with the TRACECA working groups. Ideally, at least one member of the NTF should also be a member of the TRACECA working group.

The NTF is to be supported by the following minimum resources to be provided by the Contractor:

- the ITF
- short term local consultants
- a permanent local secretary/documentalist, possessing appropriate qualifications including a good knowledge of English
- an office for the permanent secretary and experts, with telephone fax, computer (with standard/specialist software and e-mail), photocopier, and other equipment judged necessary by the Contractor. Preferably it should be located in a University legal faculty, or Transport Institute Legal Department and have access to a meeting room

The local offices are to act as the focal points for the projects activities in each Beneficiary state.

All documentation, equipment, software and databases are to remain the property of the Ministries of Transport of each beneficiary state at the conclusion of the project.

To achieve harmonisation and an exchange of views between the NTF's and ITF two seminars of 2-3 days duration should be held annually in the region to be attended by up to 5 NTF members from each beneficiary state.

3.4 External Expertise

The exact composition of the ITF would depend on the proposals received from interested contractors, but it could consist of a qualified transport legal expert or transport administration/practitioner with wide practical experience of transport legislation and its implementation as full time team leader, assisted by a full time deputy team leader of similar experience and qualification, backed up by a roster of specialists for short term to medium term assignments.

All experts should preferably possess some experience in the Former Soviet Union. A knowledge of the Russian language is highly desirable.

The ITF would be supported by a specialist secretary/documentalist, with a good knowledge of Russian.

The consultant is free to compose his team of experts and specialists for short and medium term missions as he thinks fit. However the following domains of expertise should be clearly visible in his proposed staff list :

- General Transport Legislation drafting
- International Conventions - road, rail, sea and multimodal
- International Transport Legislation and practice
- International Insurance Law and Practice
- Limitation of liability-passenger and freight transport
- Railway code formulation, and Railway law
- Freight forwarding-Legal aspects and codes of practice
- Operator licensing legislation and practice
- Environmental issues e.g. noise, exhaust, axle loading
- Customs Legislation and procedures, including integration with the world trade systems
- Documentary requirements
- Transit tariff harmonisation
- Institutional strengthening
- Legal training programmes

The Contractors proposal must fully describe the experts to be assigned to the project, their precise domain of expertise applicable to the project , their individual roles in the achievement of the projects objectives, the timing, duration and location of their assignments. Time spent in the beneficiary states and at home office is to be clearly shown.

3.5 Local Expertise

The maximum possible use should be made of experienced national consultants of high academic standing, who should be closely involved in all aspects of the project. All TRACECA countries have institutions specialising in various aspects of transport legislation and planning. It is a firm requirement that organisation and methodologies include local experts and Institutions to:

- make full use of local experience, antecedent projects and data bases
- promote the emergence of a financially viable local consulting sector
- ensure the effective transfer of know-how to the beneficiary states
- ensure the enduring effect of project output

Consultants must make amply clear in their proposal the arrangements they have made to work with local entities.

3.6 Fields of Specific Consultancy Activity

Legislative requirements in the following sectors are common to all states.

1. General Transport Legislation, covering road, rail, air and where applicable, maritime.
2. Customs Legislation, including integration with the world trade systems.
3. Transport and international trade documentation for use in international trade, which should be common to all TRACECA states.
4. Freight forwarding
5. Institutional strengthening
6. Maritime Law, where applicable
7. Railway Law
8. Integration with world trading practices and international convention
9. Road transport legislation, including licensing, environment and safety legislation
10. Banking
11. Warehousing
12. Transit tariff harmonisation

The following schedule reflects specific legal reform needs advised during the preliminary fact finding survey, and should be considered as priority requests for technical assistance.

Most problems are encountered in all TRACECA states, but with varying degrees of severity of impact.

TACIS - TRACECA PROJECT

		AR	AZ	GE	KA	KYR	TAD	TUR	UZ
1.	Civil Law-Contracts, commercial codes bringing coherence to different laws, carrier client relationships convention binding forms way bills	*	*	*		*			
2.	Transport law framework modal codes normative acts and rules	*	*	*		*	*	*	
3.	Consistency of bi-lateral agreements and regional agreements	*	*	*		*	*	*	
4.	Legal aspects of Customs (additions to SAD, documentation, customs code, TIR, transit, traffic, inspections, customs information exchange, assistance to adopt new customs schedule and regime with regards to imports, exports, re-export I/E transformation, transit, temporary admission, harmonising documentation and standards)	*	*		*	*	*	*	*
5.	Insurance law, premium determination, insurance certificates, claims and their settlement	*	*	*	*	*	*	*	*
6.	Arbitration boards, commercial courts procedural advice, settlement of disputes	*	*	*	*				
7.	Privatisation laws, trade liberalisation (tariffs, bilateral exemptions; freedom of entry/exit, bankruptcy, freedom of tariff setting, non-discriminatory licensing)	*	*			*			*
8.	Russian road transport statute (contents and embodiments)	*	*	*		*	*		*
9.	Membership in new conventions, such as transport of dangerous goods, container pool, etc.	*	*		*	*	*	*	*
10.	COTIF/SMGS compatibility	*		*		*	*	*	

TACIS - TRACECA PROJECT

	(additional agreements required adaptation of rail domestic law to international law)								
11.	Draft Road Transport Bill, road international rules and regulations, contracts, waybills, documents and their legal basis, co-ordination of road carriage regulations	*				*	*	*	*
12.	Domestic transport documents		*						
13.	Institutional building expertise (directories and ministries concentration of responsibilities)		*						
14.	Advice on licensing, permits, road worthiness, license to act as haulage contractor, and to be a foreign trade actor			*			*	*	*
15.	Rail/Road Competition, pricing, fares, freight, rate system								*
16.	Financing methods to support restructuring, transfer of assets to new owners, promotion of small and medium enterprises in road freight sector								
17.	Setting professional associations such as freight forwarders associations, advice on standard contracts within the profession		*	*	*	*		*	
18.	Shipping codes, bills of lading		*	*				*	
19.	Combined transport convention			*					
20.	Banking expert, documentary credits, letter of credit practice, setting up effective system		*						
21.	Inland waterways legislation				*				
22.	Seamen's passports and officer rank status				*				
23.	INCO Terms meaning and exact method of application					*			
24.	FIATA -documents and regulations					*		*	

3.7 Training

The ITF should assist the beneficiary states in introducing or expanding transport law training programmes at selected universities or institutes throughout the TRACECA region.

The ITF should promote regional seminars, workshops, conferences and on-the-job training aimed at improving and harmonising the legal trade and transport regime. It should make full use of the expertise and material already available in international institutes such as the ECE.

The ITF will assist in the introduction of a training programme covering the following identified urgent requirements, and mobilising the ITF experts or external consultants when visiting the beneficiary countries

<i>SUBJECT</i>	<i>AR</i>	<i>AS</i>	<i>GE</i>	<i>KA</i>	<i>KY</i>	<i>TU</i>	<i>TA</i>	<i>UZ</i>
• Training of the Top level executives (transport legislation concepts, principles and prospects)								*
Training private sector lawyers, and legal advisers (drafting transport business and international law)	*	*						
• Training in the operational aspects of international law technicalities	*	*				*		
Training in European transport legislation								*
• Training operators in the transport, freight forwarding, and in the issuing of convention related documents for all	*	*	*	*	*	*	*	*
Training in EDI		*			*			*
Training of documentalists	*	*	*	*	*	*	*	*
Specialist foreign language training	*	*	*	*	*	*	*	*

3.8 Other Related Projects

Several related reports prepared by western Consultants precede this project:

- Organisation for the Transfer of a Legal Framework for Transport and Trade in the Region TRACECA (TACIS "Mercadal")
- Technical Assistance in the Reform of Transport Law Kazakhstan (TACIS)
- Central Asia outline Transport Strategy Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan EBRD/TACIS
- ESCAP Studies

At the time of writing the following projects, sharing certain domains of interest with this legal framework project are expected to commence shortly.

- Trade facilitation, Customs Procedures, Freight Forwarding, TACIS
- Forwarding-Multimodal Transport Systems, TACIS
- Programme of Economic Integration between the Republics of Kazakhstan, Uzbekistan, and Kyrgystan (CACOM), Regional Governmental Initiative supported by TACIS
- Transit Treaty for Central Asia sponsored by UNCTAD and ESCAP

Other related projects are or may expected to commence within the time frame of the present project.

The consultants appointed to carry at this project are to co-ordinate their work closely with all other related activities within the TRACECA region, especially with the Trade Facilitation, Customs Procedures and Freight Forwarding Project.

3.9 Logistics

The consultant shall be responsible for arranging necessary living accommodation transportation, telecommunications, equipment, document reproduction, printing, secretarial services, office space, and all other inputs required for the purpose of executing the project.

It is specifically noted that telecommunications between Europe and the TRACECA member states are of low standard. As the achievement of project objectives will require excellent communications between the ITF and NTF, the Contractor should make clear in his proposal that his workplan is not sensitive to such difficulties.

4. TIME TABLE AND REPORTING

4.1 The project's total duration is two years.

4.2 Technical Deliverables

The Contractor will catalogue in his proposal the individual Deliverables by which he proposes to address the full range of legislative issues raised in the Objectives and Scope of Work, and his schedule for their provision.

Technical Deliverables may be model legislation, draft legislation, seminar manuals, databases, or any other tool which the Contractor proposes to utilise. The Contractors Work Schedule must indicate his follow-up activities with the NTF, to promote and guide legislation

All Technical Deliverables must be provided in both English and Russian, in numbers and formats to be agreed with TACIS.

4.3 Reports

4.3.1 All Reports are to be delivered in the numbers, languages and locations as follows :

	Bound English	Russian	Loose-leaf		Diskette (English + Russian)
			English	Russian	
TACIS Brussels	5		1	1	1
Traceca CU (per state)	1	5	1	1	0

The word processing programme to be used will be agreed with TACIS.

4.3.2 Reporting is to be in accordance with standard TACIS guidelines. These foresee. -

4.3.3 A Project Inception Report shall be issued within 2 months of the start of the project.

It shall summarise initial activities and propose any modifications to the methodology and work plan.

In particular it will describe the establishment of the NTF.

Moreover it will adapt to the work plan and needs of each individual TRACECA state taking into account the parallel activities of other international assistance programmes, avoiding duplication of effort, and addressing unfilled needs.

4.3.4 Periodic/Status Reports

Periodic Status Reports will be submitted to TACIS on a quarterly basis, and will cover the operational progress of the project, the programme for the following quarter and administrative aspects of the project.

Any deviation from the Contractors schedule or difficulties encountered should be noted, as well as actions necessary to compensate them.

4.3.5 Annual Report

After 12 months a detailed report will be submitted by the Project Manager to TACIS recapitulating all the activities undertaken since the start of the project.

4.3.6 Final Report

A Draft Final Report on the operational and technical contribution to the project will be submitted by the Project Manager to TACIS at least one month before the end of the project. Any comments on the Draft Final Report will be issued by TACIS Brussels within six weeks of its receipt. The Final Report incorporating any modifications will be issued one month thereafter, i.e. 2,5 months after receipt of the Draft Final Report by TACIS.



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Annex **B**

Organisation and Methods

B1. Background and Objectives

B1.1 Background

The TRACECA initiative was launched at the Brussels Conference in May 1993 with the principal objective of promoting regional trade and transport in Georgia and the southern republics of the CIS comprising Armenia, Georgia, Azerbaijan, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan and Tadjikistan as shown on the attached Key Plan - Figure 1.

The Legal and Regulatory Framework project was one of five priority projects identified for immediate implementation to clarify and harmonise regional transport legislation as a result of the change from the former Soviet Union command economy to more of a free market demand economy.

It is envisaged that this regional project will build on the TACIS Transport and Legal Reform project currently being undertaken in Kazakhstan and will take account of previous USSR laws, new Russian Federation Law, Republic Laws and International Laws and Conventions.

B1.2 Objectives

At a further conference held in Almaty in May 1995 and attended by the recipient countries the following broad objectives were defined for the Legal and Regulatory Framework project:

To provide technical assistance and documentary support in the field of transport legislation and promote:

- optimum utilisation and harmonisation of the existing transport systems
- improved use of the equipment, facilities and terminals
- a reduction in commercial risk and cross-frontier delays
- a competitive transport and compatible information system related to the exchange of commercial, customs and regulatory computerised data
- advice where necessary in joining international institutions.

In pursuing these broad objectives the principal activities were envisaged as:

- the introduction of legislative changes to national transport laws and regulations
- the regulation of the technical components in the transport sector
- the creation of a legal/institutional environment conducive to establishing good management practice in the movement of goods
- the facilitation of regional cooperation in the development of infrastructure and services
- the creation of regional harmonisation of the transport sector legal and regulatory framework.

B1.3 Visit to Region

Richard Levett of Scott Wilson Kirkpatrick visited the following states during September 1995 to gain background information for the project and seek National Task Force participation:-

Kazakhstan
Kyrgyzstan
Uzbekistan
Turkmenistan

In Kazakhstan meetings were held with the Deputy Minister of Transport - Mr Kaplan and the head of the Law Development Department of the Ministry of Transport and Communications Mr Karibjanov.

Mr Karibjanov agreed to be the National Task Force Chairman for Kazakhstan. Other proposed local experts met included Mr Bekmagambetov Director of the Research Institute for Road Transport and Mr Tuleugaliyev Head of the Civil Law Department of the Kazak State National University.

Both Mr Bekmagambetov and Mr Tuelvgaliyev agreed to become members of the Regional sub-unit based in Almaty.

Kyrgyzstan

During the visit to Kyrgyzstan Richard Levett met the Minister of Transport Mr Ajikeev and the head of the International Department of the Ministry of Transport Mr Almozbek Irsalic. Mr Irsalic agreed to propose suitably experienced staff to join the National Task Force. The Vice Rector of Kyrgyzstan State University Dr Valery L Kim was also interested in participating and said that a room with an international telephone/fax connection could be made available at the University for the National Task Force. The University have a legal faculty that could form a focus for further training in transport law matters. A visit was also made to the Technical University in Bishkek and the local TACIS Co-ordination Unit. Both these organizations were supportive and a further visit to the Technical University would be planned for the Mobilisation period.

Uzbekistan

In Tashkent Richard Levett visited the Legal Faculty of the State University who were most helpful and interested but needed the approval of Mr Samatov Pulat Azazovich the Deputy Minister of Justice before making appointments. A further visit to the Ministry of Justice and the State University would be made during the project mobilization period. Richard Levett met Mr Bagavtdinov - Senior Lawyer of the Uzbekistan Auto Transport Division who agreed to help identify staff for the National Task force. A meeting was also held with Vyacheslav G. Spodik who is Vice president of the Union of Lawyers for Uzbekistan and President of the International Law Firm FICON based in Tashkent. It was suggested that Mr Spodik be invited to present a paper on international transport issues at one of the conferences to be held in Tashkent. Again a visit was made to the local TACIS Co-ordination Unit Office who were most helpful.

Turkmenistan

In Ashjhabad Richard Levett met the Minister of Transport and his Deputy (in charge of International Relations). The Minister appointed his deputy to be Chairman of the National Task Force. His deputy agreed to identify suitably experienced participants to cover the main transport disciplines. A further meeting was held with the Vice Rector of the Turkmen State Institute of Transport - Mr Murad Choryev who was very enthusiastic and offered a room in his Technical University for the use of the National Task Force. The University hope to introduce a module to cover European Transport Law so further meetings would be planned with this institute during the mobilisation period. Again the local TACIS offices in Ashkhabad were helpful.

Other TRACECA Countries

Our local representative in Kazakhstan Mr Bekmagamberov contacted on our behalf potential National Task Force participants for the countries of Armenia, Georgia, Azenbaijan and Tadjikistan and these have been identified in Task A Para a).

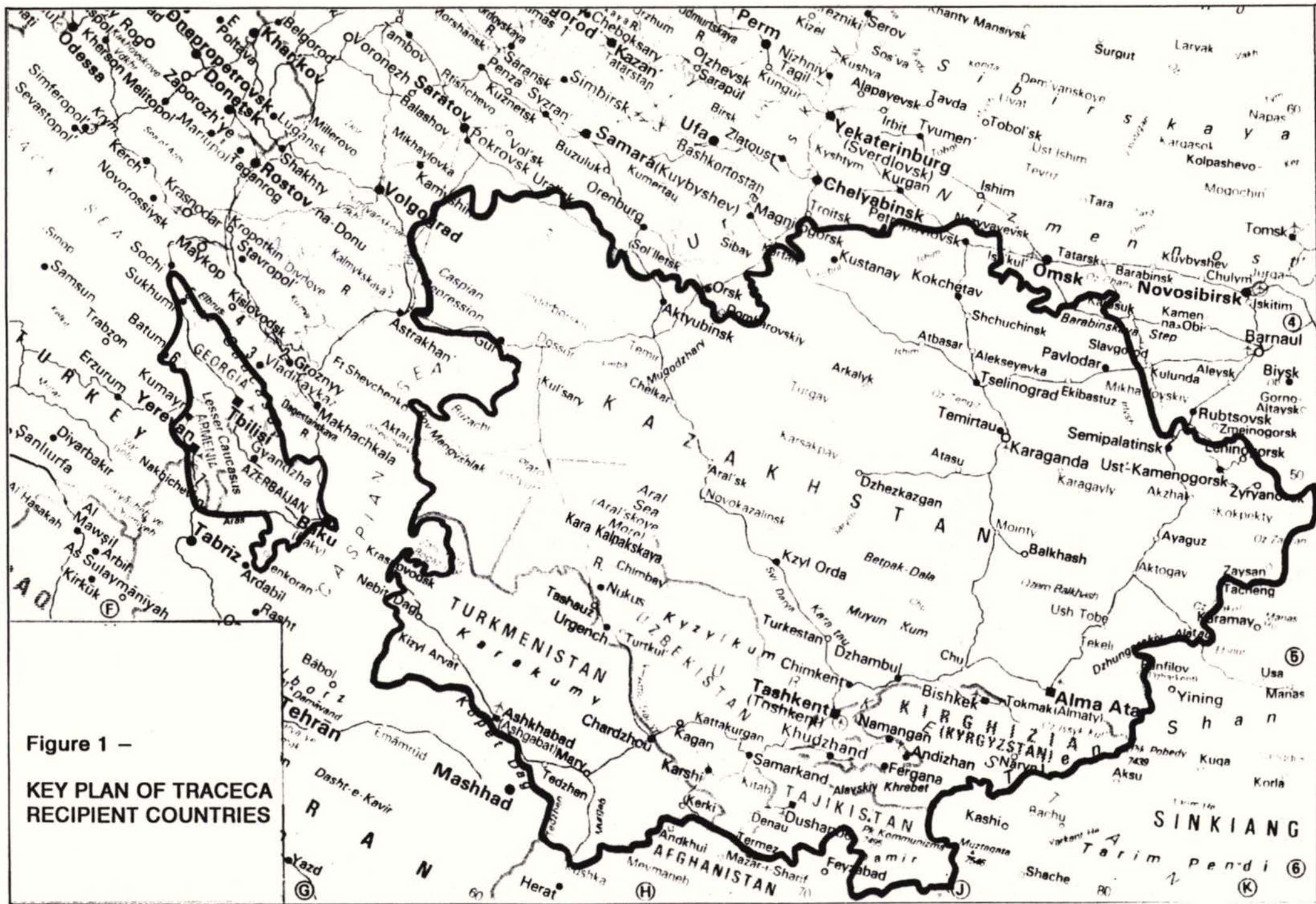


Figure 1 –
KEY PLAN OF TRACECA
RECIPIENT COUNTRIES

B2.1

Organisation

a) Organisation Chart

We agree with the organisational framework conceived in the Terms of Reference based on the formation of a centralised International Task Force (ITF) with support from individual National Task Forces (NTFs) in each of the recipient states. Figure 2 illustrates our proposed organisation accordingly.

We envisage the ITF being based in our UK head office in Basingstoke to take full advantage of our existing office facilities and support services thus expediting mobilisation and optimising efficiency. At the same time frequent air and high speed channel tunnel rail links with Brussels will facilitate good communications and attendance at co-ordination meetings with TACIS.

We fully recognise the importance of both positive communications between the ITF and beneficiary states and active participation by ITF team members in the development work undertaken by the NTF's. We propose a dual strategy to ensure maximum support to the NTFs.

- the ITF will be regarded as a highly mobile group spending the majority of their time on country visits in order to establish a continuous presence in the region and develop close working relations with their NTF counterparts.
- the ITF will include a Regional Sub unit headed by a local Transport Specialist with support from a Regional Co-ordinator, the ITF Documentalist and a number of other local specialists. Although operating as a part of the core ITF the sub unit staff will be local Russian speakers based permanently in the TRACECA region with occasional visits to the UK as necessary. They will co-ordinate, support and accompany expatriate missions; undertake missions in their own right under the direction of the Team Leader; act as a conduit for the 2 way flow of information between the ITF and NTF's; assist in the early identification and resolution of problems; and provide a focal point for addressing local translation and language training issues.

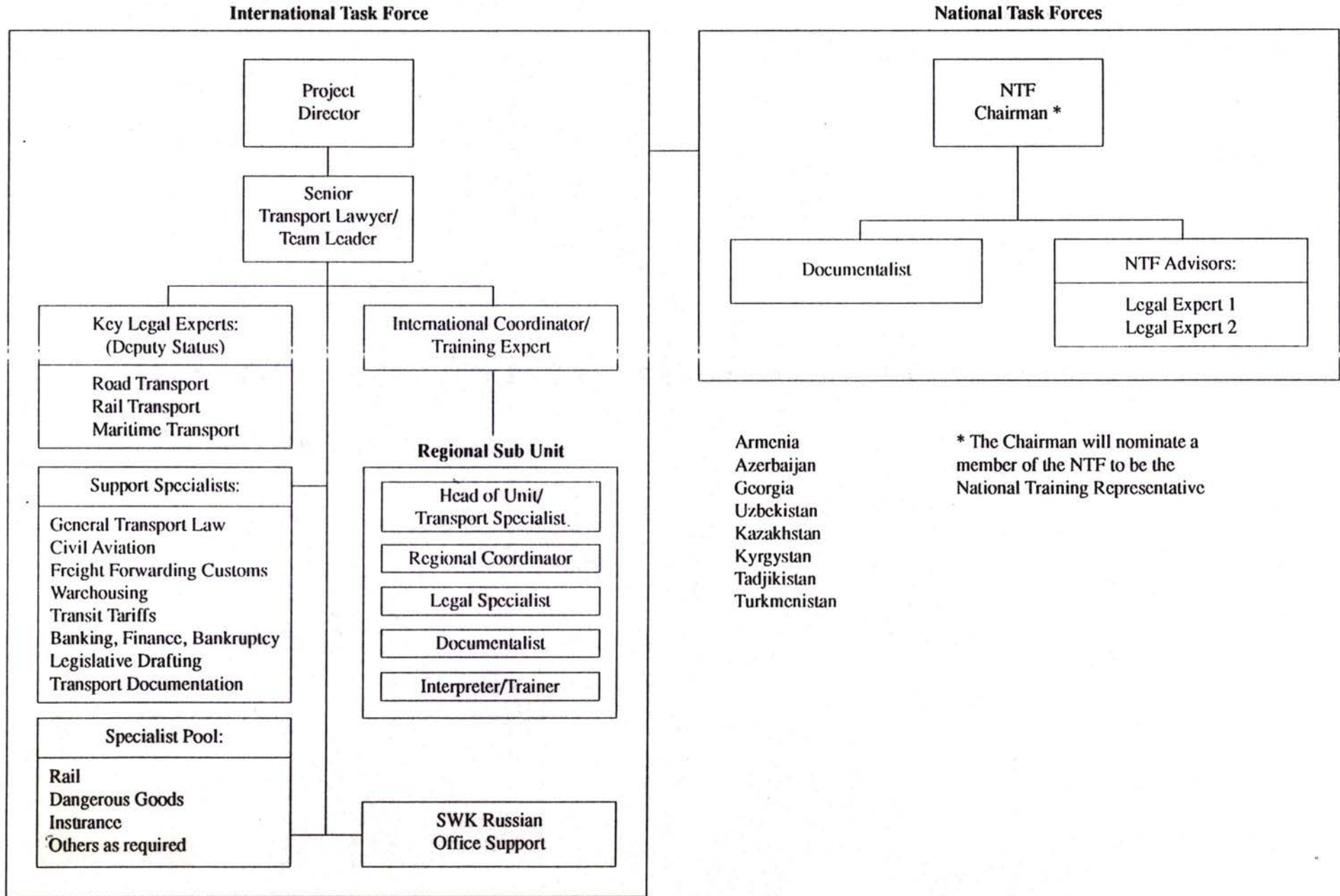
b) Critical Factors Influencing Planning

The massive scale of this project is not to be underestimated. It would already be a significant project if it dealt only with operational or commercial aspects of a single mode of transport using the local resources available.

The project will only have prospects of succeeding as it is currently conceived if there is in fact a strong underlying desire for harmonisation of legislation among all participating states. This desire must be substantially stronger than any desire to incorporate significant local content into proposed draft legislation. It will generally only be possible to develop one basic model for adoption by each of the states. This need not rule out some variation to meet specific local conditions but the process of development of each specific law will nonetheless need to be compatible in each state and, where possible carried out at a similar pace.

This presupposes a high degree of centralised planning by the core International Task Force and they will need to be able to draw up models in the knowledge that these will be broadly

Figure 2 - Organisation Chart



acceptable to counterparts in each beneficiary state. The role of the National Task Forces and associated local experts will therefore be of critical importance. They will first have to advise the ITF team on policy objectives and constraints imposed by existing general legislation in their countries and later to assist in gaining acceptance for ITF proposed models in their own government and commercial circles. They will need to remain in close touch with one another throughout the project in order that the parallel progress on individual laws mentioned above can be maintained. Proposed drafts will therefore be debated and agreed with NTF experts at the Regional Conferences referred to below.

Both ITF and NTF will need to remain very sensitive to the political evolution of individual states and in particular the degree to which developments within the Russian Federation affect that evolution. It is noticeable that the nature of legal reform being undertaken in Russia is of keen interest to political leaders elsewhere and that ensuring compatibility with those reforms is perceived as being at least as important as adopting best western practice. Continuing economic ties with the Russian Federation cannot be ignored even though in terms of legal reforms this may impose constraints on the use of best-practice models which would otherwise be recommended. Fortunately the Russian Federation is adopting some European models but it is regrettable that there appears to be no parallel TACIS law programme operating there with which proper co-ordination could be achieved.

The logistics of the project are complex with political unrest within and between certain countries and occasional outbreaks of hostilities. Whilst it is possible for expatriates to visit Kazakhstan, Krgyzstan, Uzbekistan, and Turkmenistan on a regular basis the other four countries, particularly Georgia and Tadjikistan, pose varying degrees of difficulty. Given this background and the requirements for flexibility in responding to local and regional needs as they are more fully identified during the mobilisation/inception stage, it is not possible to provide detailed itineraries for the regional visits. Instead, we propose to adopt the following approach in which the underlying philosophy addresses the problems whilst allowing flexibility of arrangements:

- Our Regional Sub Unit staff, comprising local Russian speaking experts with good contacts at the TRACECA/ministerial level, will enjoy relatively free access to the TRACECA countries compared to expatriate staff. We will therefore take full advantage of our Regional Sub Unit to establish primary contacts during the mobilisation/inception stage and thereafter make regular visits to all the TRACECA countries.
- Our Team Leader and other key ITF legal experts (notably the Road Transport Law Expert) will visit as many of the TRACECA countries as possible during the mobilisation/inception stage, although there is some doubt as to whether expatriates will be able to enter Tadjikistan. Thereafter they will make regular visits to the more accessible countries with at least one further visit per year to the less accessible countries where possible.
- We will establish Regional Centres in Turkmenistan (Ashkabad), Uzbekistan (Tashkent) and Kazakhstan (Almaty). Twice yearly conferences will be held, alternating between these centres, to which the NTF's will be invited to provide co-ordination between the ITF and NTFs and between NTFs, identify problems, review progress and priorities and agree drafts. If necessary supplementary meetings will be arranged in the most appropriate Regional Centre to provide co-ordination between the ITF expatriate staff and less accessible NTFs.

c) International Task Force

It is essential that a small number of legal experts be permanently involved with the project to act as co-ordinators, facilitators and motivators of both NTF members and associated experts and of the short-term ITF experts. A project of this scale will require constant planning and adjustment of the intellectual component and responsibility for this should be concentrated and not diffuse. At the same time, in view of the highly specialised and diverse nature of the subject matter, we believe that many individual components of the programme will need to be delegated to short-term and medium-term experts working under close supervision. Equally some tasks lend themselves to generic treatment across the board by a procedures expert, notably documentation, rather than being left in the hands solely of individual modal experts. Our team has been assembled to give the best "match" of expertise to individual components of the work programme, and to provide the flexibility which a project on this scale will inevitably require.

Although the TOR calls for a Deputy Team Leader we believe that project needs are best served by a small nucleus of cross sector key legal experts rather than a single legal expert nominated as a Deputy Team Leader. This arrangement provides greater strength in depth and improved flexibility in responding to technical demands and project logistics.

Our proposed ITF therefore comprises a Project Director and full time Team Leader supported by 3 key legal experts in the areas of road, rail and maritime transport and a variety of short term legal, operational, financial and institutional specialists. In addition our Training Expert will also act as home office International Co-ordinator providing a first point of contact for the Regional Sub Unit.

As described in B2.1a the Regional Sub Unit will provide a permanent overseas arm to the ITF comprising a Head of Unit/Transport Specialist, Regional Co-ordinator, Documentalist and Legal and Language Training Specialists.

With regard to establishing the Regional Sub Unit we already have a local office established in Almaty and we will adapt these existing facilities to the needs of the Regional Sub Unit thereby expediting mobilisation and releasing the regional staff to help establish the NTF's, collect existing data, and assist the preliminary appraisal mission in its activities leading up to the inception report. We have used our contacts and experience from the Kazakhstan Transport Legal Reform project and the Samara Transport project in Russia to select highly qualified staff to fulfil this important role as regional facilitators between the ITF and NTF's.

d) National Task Forces

We believe that the parallel operation of National Task Forces and of separate teams of local experts, in addition to local TRACECA working groups, a regional group and the ITF, and in time National and Regional Trade and Transport Facilitation Commissions would defeat the organisational capabilities of a project of this scale as presently resourced. The TOR are ambiguous as to the exact demarcation as between NTF and local expert membership and indeed in places the two are referred to effectively as one entity.

Having carefully considered the local requirements in each state on the basis of visits and extensive discussion with interested parties we would propose a merger of identity between local NTF and local experts as follows. An official counterpart would be established in each state as Chairman of the local NTF to act as co-ordinator of all ministerial responsibilities and generally to facilitate the fulfilment of project objectives. He would be substantially supported within the NTF by local experts provided by the Consultant. Externally we would expect the NTF to receive full co-operation and assistance from all relevant government departments and officials as necessary to facilitate the technical assistance programme without charge to the

project. Experience in Kazakhstan suggests to us that a single individual of sufficient stature and legal experience can ensure effective official co-ordination, provided he or she has full backing of the relevant ministries and is freed from other duties to a sufficient degree.

In order to advance individual reform issues on a day-to-day basis a combination of motivation and competence is required and this is most likely to be united in the local team of experts, all of whom will have had historically close links with the ministries and many of whom will still hold semi-official positions as professors, Institute Directors etc. in newly autonomous largely self-financing organisations. It is from this background that are emerging the fledgling local law firms and firms of management consultants to whom will fall the task of taking forward reform following completion of the project. We agree strongly with one of the underlying objectives of the project which is to train and promote key individuals who will create the new institutions and organisations required to implement future work, and the teams of local experts, designated as "National Task Force Advisers", have been assembled with this objective firmly in mind.

e) SWK Russian Office Support

We will draw on the facilities and local knowledge available within our Samara Project Office to expedite the collection of Russian documentation which needs to be considered in developing and harmonising the legal and regulatory framework in the TRACECA countries.

f) Translation and Interpreters

Both of these can cause considerable problems for a project of this scale if reliance is placed only on ad hoc arrangements. It is particularly difficult to find adequate legal translators from and into Russian. Based on our East European experience we have entered into arrangements with a number of tried and proven translators in the UK, to cover the long-term needs of the project in this area, supplemented by local arrangements within the TRACECA region. In addition we have incorporated a full-time Interpreter and Language Training Expert in our core ITF Regional Sub Unit with previous experience of the specialised subject-matter. He will accompany many of the missions and will be supplemented by additional regionally-based interpreters.

It is appreciated that in many countries it is desirable to have interpreters who can not only translate from Russian to English but also the National tongue into English.

B2.2

Work Programme

a) General Phasing

Our proposed work programme is indicated in Figure 3 and reflects both the list of 12 main tasks itemised in Para 3.6 of the TOR and the table of individual country priorities at the end of Para 3.6. These priorities lend themselves to re-arrangement into a phased sequence in order for the most time-effective approach to be adopted by the teams of experts.

The precise phasing of work cannot be set out in advance of actual experience on the ground at inception stage but our proposed division would be into 3 phases, a mobilisation/evaluation/development phase of 2 months and 2 phases of 11 months each to undertake defined parts of the programme.

(I) Phase One: mobilisation/evaluation/development

The core ITF team will be concerned with

- establishment of local offices
- integration of National Task Forces
- briefing by NTFs on existing reform work
- evaluation of existing reform work
- arranging translation of relevant material
- compiling models and guidelines for future project work
- discussing proposed models and guidelines with NTF members
- discussing models and guidelines with short and medium term experts and agreeing a programme of future work with them.

(II) Phase Two:

During this phase the principal components of the new framework of laws would be put together in draft form and sub-topics which lend themselves to immediate treatment would be dealt with. Staying with the numerical sequence of topics identified in the table to section 3.6 of the TOR we would propose to tackle in phase 2 the following topics:-

1. Advice and assistance in relation to commercial codes
- 2/18. Framework for General Transport Law and modal codes (including 18 "shipping code")
4. Customs Law (the provisional recommendations of the other TACIS project would need to be considered and discussed)
8. Consideration of Russian Road Transport Statute
9. Advice and assistance in relation to ratification of international conventions
10. Possible amalgamation of COTIF/SMGS
- 13/17. Institutional strengthening including associations
23. Advice on Incoterms
15. Advice on competition policy
20. Banking practice

Most of these elements should be agreed before work proceeds on the elements left for phase 3 as the latter are frequently dependent on the former.

(III) Phase Three:

In this phase would be carried out the following tasks:-

5. Insurance Law (because the liability regimes to be insured must first be elaborated.)
6. Arbitration and settlement of disputes
3. Transit agreements (because the recommendations of the UNCTAD financed initiative would need to be considered and discussed)
7. Privatisation (because the policy must first be agreed and elaborated)
- 11/12. Road Documents (because the laws should first be revised)
14. Operator Licensing etc. (because procedures for enforcement will need to be prepared)
16. Advice on financing methods
21. Inland waterway
22. Seamen's passports
24. FIATA Documents (because laws should first be prepared)
19. Combined transport convention (because of the need to consider recommendations of the TACIS forwarding project)

Some adjustment to the above phasing may be necessary or desirable and will be dealt with in our Inception Report at the end of month 2.

b) Method of Operation

The bulk of the core legal work will consist of assisting with drafting and implementation of General Laws on Transport in the Republics, the making of individual modal codes for Road, Rail, Air and Sea and normative acts to implement provisions of the codes. This work will primarily be executed by the core ITF team of specialist lawyers working with their NTF partners.

Co-ordination of progress of these activities will be assured on a day-to-day basis by the project team leader and regional co-ordinators. So that all concerned will be properly involved in the process, it is proposed that a proportion of the twice yearly seminar/workshop programmes should be devoted to discussion of working drafts (see also Methodology Section B2.3, Task C, Training).

Many of the topics itemised in the TOR section 3.6 table are discrete and highly specialised. Some are specific to only 1 or 2 Republics. These elements of the work programme will mainly be tackled by short or medium-term experts working under the guidance and supervision of a core team member. It is not logistically possible for all short and medium-term experts to spend time in all Republics but they will need to make a number of visits to selected Republics each of which will have its own priorities. In planning the detailed work of short and medium-term experts we would hope that the NTF of individual Republics would "sponsor" particular topics as ones in which they are willing and able to contribute significant inputs. In this way the workload of individual NTFs would be equalised to some extent and unproductive duplication of specific effort avoided. Precise detail will need to await inception report stage.

The allocation of some specific responsibilities to individual NTFs or small groups of NTFs should also make for far more stimulating discussion sessions at the twice yearly seminars as the NTFs would introduce their activities to the wider audience.

c) Co-ordination with Other Programmes

We will have due regard to relevant regional projects already completed under EBRD, TACIS and ESCAP funding and in this respect, believe our previous involvement in the Kazakhstan Transport Legal Reform Project will be of particular value in developing and harmonising the legal and regulatory framework in the TRACECA countries.

We will co-ordinate our activities closely with those of the sister TACIS project on Trade Facilitation, Customs and Freight Forwarding and other transport and regional initiatives sponsored by TACIS, CACOM, UNCTAD and ESCAP.

We are already in close touch with the following international organisations with active projects or interests in the region and will continue to co-operate fully with them to ensure cross-fertilisation of ideas and avoidance of duplicated effort:-

International Road Transport Union (IRU)
UNDP
UNCTAD
ECE
FIATA
CACOM
ESCAP

SITPRO
IMCO

We will make use of the resources already available in the region through other programmes where appropriate, for example the highly successful TACIS Bank Training Centre and UNCTAD training programmes in Multi-modal transport operational techniques and the IRV workshop programme on TIR systems.

We will establish links at an early stage with the local TACIS Co-ordination Office in each state.

d) Training

Our work programme shows training commencing with the identification of training needs immediately following the completion of mobilisation and inception and in parallel with the early development of legal and regulatory reforms. Training will subsequently continue to the end of the 24 month contract period and detail is included Methodology Section B2.3, Task C, Training.

B2.3

Methodology

In preparing this tender proposal we have been guided by what we perceive to be the fundamental objective of the project, namely a restructuring of the legislative framework of transport in the region with a view to developing a mixed economy system where many key operational services will be privately operated but with the state continuing to have responsibility and control of the basic fabric of the infrastructure such as roads, railway lines and air space. This system should draw extensively on existing western practice but will need to take account of specific regional geo-political factors, notably the continuing close economic relationship with the Russian Federation.

It will throughout be our aim not to advocate complete change for its own sake but rather to assist beneficiary governments to adapt and incorporate the best and most straightforward examples of regulatory frameworks, laws and model conditions from elsewhere into the general legislative structures already under development by their own specialists.

We therefore attach great importance to the training element in this project. We see this not merely as a one-way process of formal instruction but as a dialogue which will permit the project consultants to perfect recommendations and guidelines and enable relevant managers and officials to appreciate not only the meaning and effect of proposed legal modifications but also the economic and practical reasons for the proposals so that they will be able to promote the ideas in wider circles within their individual States.

In the same perspective we also intend to give an important emphasis to the creation and strengthening of consultative institutions within each state and within the regions so that local teams of experts will emerge capable of continuing the processes set in motion by this project. The members of these institutions will ensure the future integration of the region within the world trade structure and will represent and defend national and regional interests within international governmental and non-governmental institutions.

We believe the success of our contribution will be assured by the team of experts we have assembled who blend both academic and practical experience in parliamentary and contract drafting, representational work on committees and commissions, commercial experience and public service, and management training experience. It is a team having both the essential responsiveness and flexibility and the capacity to devise the required structures and guidelines.

Our approach to each of the main tasks is set out in the following task data sheets.

Phase 1	Mobilisation & Inception
Task A	

The two key areas to be addressed in mobilisation are:

- setting up the International Task Force (ITF) Regional Sub Unit and National Task Force (NTF's) including associated office facilities and support services.
- mobilising key members of the ITF to undertake a Preliminary Appraisal Mission within the TRACECA region in order to confirm project needs, methodology, and programme for the Inception Report.

a) Mobilising ITF Regional Sub Unit and NTFs

We will place an immediate priority on mobilising our Regional Sub Unit Staff operating from existing office facilities in Almaty. They will undertake an early tour of the recipient countries to confirm appointment of the NTF chairmen and, in consultation with the chairman, the appropriate local legal experts, to pave the way for the Preliminary Appraisal Mission. At the same time they will arrange for preliminary briefings from each NTF on existing legislation and reforms and will collect relevant source documents for initial translation in Almaty and possibly the UK depending on the nature and extent of material.

We recognise the necessarily tight deadline of 2 months for the Inception Report and the logistics problems of mobilising eight NTF's, collecting/translating source documents, and appraising project needs within this time scale. We therefore envisage the mobilisation tour being subdivided into two areas with the Regional Co-ordinator visiting the more remote west TRACECA region of Armenia, Georgia and Azerbaijan returning to Almaty via Turkmenistan whilst the Transport Specialist undertakes more local visits to Uzbekistan, Tadjikistan and Krgyzstan in addition to dealing with Kazakhstan. However, these arrangements are flexible and the allocation of resources and subdivision/sequence of visits will be adjusted as necessary to respond to local circumstances and ensure that programme deadlines are met.

In parallel with NTF staffing and data collection we will arrange for the setting up of NTF office facilities and equipment from visits made in September provisional agreements have been reached with the following establishments:

Armenia	-	Ministry of Transport & Communications
Georgia	-	Chairman of Dept. of Road Transport
Azerbaijan	-	Deputy head of Transport and Communications Dept-Cabinet of Ministers and President of the "Azerovtotrans"
Turkmenistan	-	The Ministry of Transport The Technical University
Uzbekistan	-	Uzbekistan Auto Transport Division The State University (Legal Faculty)
Kazakhstan	-	The Ministry of Transport The Road Research Institute
Krgyzstan	-	The Ministry of Transport The State University
Tadjikistan	-	Minister of Transport and Highway Construction

b) Preliminary Appraisal Mission

We will mobilise our Team Leader and key ITF legal experts (notably the Road Transport Law Expert) to undertake a Preliminary Appraisal Mission (PAM) to review and confirm project needs, methodology and programme. In view of time constraints we again envisage the ITF Staff dividing forces between the west TRACECA region with Turkmenistan and the east TRACECA region including Kazakhstan. Detail arrangements will be formulated in the light of experience on the advance mobilisation tour since the PAM will largely mimic the same sequence of visits, subject to country accessibility. If necessary PAM meetings will be held with such countries as Georgia and Tadjikistan in Ashkabad and Almaty respectively.

The PAM will initiate more detailed briefing sessions with each NTF covering the following as applicable:

- understanding of former Soviet transport administration structures
- existing institutional arrangements and transport legislation, regulation and codes including institutional and legal reforms since dissolution of the Soviet Union and any moves towards deregulation and privatisation
- perceived priorities for the promotion of individual transport modes
- present tariff regimes for freight and passenger transport
- existing safety standards and technical inspections to improve environmental protection
- extent of cross border connections for all modes of transport including present customs practices and procedures
- present liability regimes for the transport of goods and passengers and procedures for insurance and claims
- present freight forwarding procedures and forms of contract
- present transport and trade documents
- existing bilateral and regional transport and trade agreements
- existing procedures for issuing operators licences and permits.

The PAM will also hold initial discussions with each NTF on possible models and guidelines which could be introduced to the TRACECA region based on our East European experience and in particular the reform work carried out in Kazakhstan. In this regard, we fully recognise that problems and priorities will vary from country to country and our exploratory mission will therefore be adapted to each country in the light of individual circumstances. At the same time we will not lose sight of the central objective of achieving the maximum degree of harmony between the TRACECA countries.

On completion of the PAM the Team Leader will hold a debriefing session with the key ITF Legal Experts and Regional Sub Unit Staff before returning to the UK.

On return to the UK the Team Leader will convene a meeting with the remaining ITF specialists to discuss proposed models and guidelines and refine the project scope, methodology and programme in the light of the PAM.

We will conclude the PAM with the preparation of the Inception Report following the required format set out in Annex B of the Invitation Documents:

- **Project Synopsis**

This will be prepared in the form of a logical framework analysis to define the wider and specific project objectives and related inputs and outputs in achieving these objectives. The analysis will also set out the indicators of achievement, how achievement can be measured, and the assumptions and risks involved.
- **Project Analysis**

We will outline the results of our mobilisation tour and PAM showing overall progress during the mobilisation/inception stage, giving full details of the NTF established in each country, cataloguing the source documents collected, and outlining preliminary appraisal meetings held with each NTF, the Regional Sub Unit, and ITF members.

Particular problems which may necessitate departures from the original TOR will be highlighted together with our recommendations for addressing such problems on either a country or regional scale.

The scope and timing of parallel technical assistance projects will be reviewed to avoid duplication of effort and address unfulfilled needs.

• **Project Planning**

We will refine the work programme in the light of our findings to confirm the following:

- tasks
- task durations
- resources (inputs)
- deliverables (outputs)

The programme will be presented as an overall project programme with a sub programme for the next quarter using standard EC proformas.

The programme will be particularly adapted to both individual country and regional needs and take due account of parallel technical assistance projects.

Phases 2 & 3	General Transport Legislation for Road, Rail, Air and Maritime
Task B.1	

We will seek to introduce a General Law on Transport for each Republic setting out the broad objectives of the sector and the rights and responsibilities of the parties, carrier, forwarder, goods owner etc. Such a law could be a self-standing entity as is General Law already developed in Kazakhstan or could be incorporated as an annexe within the commercial code of each Republic.

The specifically identified tasks set out in the table to section 3.6 of the TOR include giving advice and assistance in relation to the Commercial Code for each Republic and the opportunity will therefore be taken to ensure that a coherent framework for transport legislative policy is established within the legal system of each Republic.

Modal Codes

Under powers set out in the General Law on Transport Specific modal codes for Rail, Road, Maritime and Air transport will be elaborated. These should have a broadly similar framework but will need to take account of the special characteristics of the different modal systems. Models already developed for Kazakhstan would provide the starting-point in discussions with the NTF of other Republics. These models should be capable of further improvement and refinement given a wider input of expert opinion and it would be desirable if a high degree of harmonisation between the laws ultimately passed by each Republic could thus be achieved. This would not only facilitate transport and trade within the region but also lead to the emergence of a common body of case law and Jurisprudence which would be of considerable benefit to practising lawyers.

Phases 2 & 3	Customs Legislation Including Integration with the World Trade Systems
Task B.2	

At the time of this proposal the Russian Federation had elaborated a new Customs Code drawing on EU precedents. This in turn has been used by Kazakhstan as a model for its own new Customs Code recently implemented by Presidential Decree. It is desirable that existing reform efforts be subjected to critical scrutiny for possible amendment and improvement but the scope for proposing a radical rethink of current Customs strategies in the region may be limited by the work already undertaken by the Russian Federation.

To the extent that the new Russian and Kazakh codes present acceptable models we will work with these in order to bring other countries in the region to a similar stage of development. Naturally the foundation model may be capable of improvement and the opportunity will be taken to do so.

We will assist with ratification and implementation of the very important TIR convention, which requires considerable work with Customs Authorities, MOT, the IRU in Geneva and newly created National Carriers Associations, using the programme successfully developed in Kazakhstan. Similar measures would be adopted in the case of the ATA Carnet system for the temporary admission of goods. Other International Conventions which we would take into account are listed under Task B.8.

We will undertake revision of relevant trader and governmental Customs-related documentation and make recommendations concerning implementation of harmonised automated Trader-entry data. However, we would point out that implementation of such systems will require considerable investment not available under the project. We will assist with possible feasibility studies for finance from development banks and commercial sources to attempt to seek investment finance in this area.

There is already extensive parallel activity taking place in the field of Customs facilitation. We shall co-operate fully with the parallel TACIS programme which we believe should take the lead in planning of future Customs policies, hence our proposal in Figure 2 - Work Programme to phase the major Customs activity into the second half of our programme. There is also activity by UNCTAD and other agencies in implementing ASYCUDA internal customs management systems in a number of the Republics and full account will be taken of these developments. For example there seems little scope now to recommend adoption of rival systems even though the Russian Federation is known to be working on an alternative system to ASYCUDA.

We will attempt to establish Customs Consultative Committees as described under Task B5 - Institutional Strengthening.

Phases 2 & 3	Transport and International Trade Documentation
Task B.3	

We will supervise the development of standardised documents for use in international trade, aligned to the UN system, thus permitting their eventual production by computer and EDI processes. We will assist with the preparation, inter alia, of the following documents:-

- multi-modal transport consignment note/Bill of Lading
- Bill of Lading
- Road & Rail Consignment note
- Airway bill
- Certificate of origin
- Documentary credit
- Insurance certificate
- Standard shipment note for controls in ports and terminals
- Commercial invoice
- Forwarder's certificate of receipt/shipment
- Warehouse receipt
- Phytosanitary certificate
- Veterinary health certificate
- Packing list

The contents of these documents presently in use requires revision and substantial simplification in many cases and this will necessitate the setting up of industry working-groups to decide the content of new documents. In parallel with this work the process of alignment with UN systems will be carried out on the basis of UN recommendations 1 (Layout key), 2 (invoice layout key) and 22 (consignment instructions layout key). It is extremely desirable that common documents should be accepted throughout the Region.

Completion of this task will be a necessary pre-condition for later implementation of automated document-processing systems and advice will be given to counterparts on appropriate systems, such as the SPEX systems devised by the UK's Simpler Trade Procedures Board (SITPRO). Actual implementation of such systems by individual traders or groups of traders will however be dependent on straightforward commercial decisions or on future hardware/software project finance by one of the development banks. We would explore the possibility of a regional initiative with the Banks and assist with the development of a feasibility study.

Phases 2 & 3	Freight Forwarding
Task B.4	

a) General

We will assist in the creation of a strong forwarding industry based on open access principles. A modern forwarding industry can play a key economic role in assembling the most cost-effective combination of transport and ancillary services to ensure trouble-free export and import of goods. We see the role of forwarding essentially as an international activity. For domestic traffic within each state transport providers of all kinds should be free to provide multi-service activities without requiring a special status.

We will propose a clear demarcation between forwarders acting in an agency capacity and those undertaking responsibilities as principals. The latter role is likely to become preponderant with time as exporters and importers wish to be able to rely on a single enterprise, i.e. an integrated transport operator, to meet all their requirements in a particular transaction and for that same enterprise to be accessible for redress in the event of problems. A local trader will expect redress from the local forwarder with whom it contracted and not to have to commence legal action against transport operators in other countries at great cost and uncertainty on the ground that the forwarder was "only an agent".

There will also be demarcations between forwarders with through responsibilities and "clearing agents" whose role is generally limited to the customs process. The "clearing agent" role is often the base activity from which wide range forwarding services extend.

b) Regulatory Framework

Within the overall framework of legislation/codes/rules adopted we will suggest that forwarding should be regulated on a qualitative basis with open entry provided that qualitative standards are met. The regulatory framework would deal with:

- Solvency requirements
- Code of professional conduct
- Qualification and training requirements for personnel
- Terms and conditions of trading
- Minimum insurance requirements

We will prepare guidelines for the above, including model contract clauses, taking account of practices and provisions listed below:

- British International Association (BIFA) standard trading conditions and code of practice
- FIATA conditions of membership and 1992 standard conditions governing the FIATA multimodal transport bill of lading
- Nordic countries joint conditions
- Russian Road Transport Statute

c) Institutional Strengthening

As described under Institutional Strengthening, Task B5 we would assist forwarders to create National Associations and affiliate to FIATA enabling use of the FIATA FBL. It is our recommendation that regulations on the commercial activities of Freight forwarders should incorporate provisions closely modelled on those of FIATA so that even forwarders unable to become members of an Association affiliated to FIATA will nonetheless be statutorily bound by similar terms conditions and obligations. Statutory effect can similarly be given to Codes of Practice based on simple precedents such as the British International Freight Association (BIFA) Code of Practice.

Phases 2 & 3	Institutional Strengthening
Task B.5	

Our general experience in East Europe indicates that the benefits of technical assistance in institutional strengthening can be limited through a lack of government financial resources to support the restructuring of existing institutions or development of new institutions. It is therefore important that sufficient funding is made available, either by the recipient governments or external funding agencies, to allow key staff and essential facilities and support services to be brought together in any proposed new institutions during the course of the project. In addition, long term benefits will only be assured if sufficient funding continues to be made available for ongoing institutional development beyond the period of project and as dictated by the pace of reform. Notwithstanding possible financial constraints we will make our best endeavour to provide professional advice and assistance to strengthen existing institutional arrangements.

We will assist counterparts to establish National Transport and Trade Facilitation Commissions/Committees taking as a starting point for discussion the blueprint elaborated in Kazakhstan. Members of the NTF would form a nucleus for the membership of such commissions and they, together with local experts would decide the initial composition of each commission which would need to be chaired by an eminent and respected senior political figure.

The commissions would be composed of key decision makers from the public and private sectors across the whole trade spectrum including carriers, forwarders, warehouse and terminal operators, customs and other government agencies, banks, insurance companies, and transport users. There could be sub-committees dealing with domestic and international issues with the objective of:

- providing a national forum for facilitation of procedures and documentation used in trade and transport;
- proposing draft regulations for government approval and implementation;
- making recommendations on future public investment in transport infrastructure;
- disseminating information on technological and legal developments among members of its constituent groups;
- taking forward the work of the TRACECA project after project completion.

The already established TRACECA administrative structure could be transformed into a permanent Regional Transport and Trade Facilitation Council before the end of the project so as to leave behind a permanent regional facilitation structure. We will explore further funding assistance for such commissions/council, funding not being within the scope of the project itself but a key question which could not be resolved fully in the earlier Kazakh project. The aim should be for a self-financing system to be introduced within 2 years of the end of the project and interim funding would therefore be necessary either via another TACIS programme or via another technical assistance or development agency. Experience in Kazakhstan suggests that without seed corn finance it will be very difficult to establish the paid secretariat without which commissions are unlikely to have any long term prospect of success.

In the case of Azerbaijan priority assistance has been requested with restructuring of responsibilities within Ministries. We will take account of latest practice within Europe including the trend towards devolving certain functions onto quasi-autonomous government executive agencies. The experience gained in Azerbaijan may well prove of value to other states in the region.

We will assist in the establishment of professional Trade Associations for Road Carriers and Freight Forwarders using blueprints already developed in the Kazakh project as a starting point. Such bodies would have a key role in modernising practices within their respective industries. They should affiliate to IRU (Road) and FIATA

(Forwarding) at the earliest opportunity and we will assist in that process. The implementation of certain international conventions such as TIR will only be possible after the creation of a Trade Association in the country concerned, and the system will need to be introduced in close consultation between the Local Association and government agencies. The establishment of functioning associations will therefore be an early priority in the project.

We will also assist in the setting up of Customs Consultative Committees comprising all relevant trade interests.

Phases 2 & 3	Maritime Law
Task B.6	

Maritime law is not of equal importance to each of the 8 Republics. Assistance has been specifically requested by the countries having a Caspian Sea coastline and the objective will be to develop a comprehensive Maritime Code which would be acceptable to these countries.

We will also assist Kazakhstan and Turkmenistan with the development of suitable inland waterways legislation, which may later be of interest to neighbouring republics. Similarly assistance requested by Kazakhstan with maritime personnel problems will lead to development of guidelines which could be of value to other republics.

We will examine the regulatory framework for shipping with a view to achieving the right balance between free market operations and regulation. Possible options which we will investigate include:

- full economic regulation of route entry and pricing
- regulation of route entry but only monitoring, rather than control, of pricing
- self-regulation by the shipping industry itself (the most common form in practice). The organisation responsible is the "conference". These can be either:
 - "open", meaning that route entry is not controlled
 - "closed", meaning that entry is restricted by the member lines
- free competition (the standard practice in international tramp shipping)
- either of the last two cases but with "watchdog" body monitoring the industry to detect abuse

We will review the suitability of these shipping regulatory options for the relevant TRACECA countries, consolidate available information on international experience and draw conclusions on the effects in practice of the differing approaches.

An important component of the work in this area will be to advise counterparts on ratification of international conventions, as listed under Task B8, and implementation of the requirements imposed by those conventions. The experience of Kazakhstan, Georgia and Turkmenistan who are parties to the 1948 IMO Convention and to some other IMO sponsored conventions will be used to provide guidance for remaining states in the region having a maritime interest.

We will also have regard to the following EU directives on maritime and inland waterway transport:

- EU Directive 87/540 on admission of carriers to national and international transport and the mutual recognition of formal qualifications.
- EU Regulation 3921/91 governing the carriage of goods and passengers on inland waterways in member states by non resident carriers.
- EU Regulation 3577/92 dealing with maritime cabotage.
- EU Regulation 3192/92 regarding means of inland waterway transport registered or put into service in external countries.

We will also advise on appropriate liability regimes having regard to the Hague-Visby or Hamburg Rules on Liability for Goods in Transit and other relevant international conventions listed under Task B8.

Phases 2 & 3	Railway Law
Task B.7	

Given the heavy dependence on rail for long distance transport in the region the establishment of comprehensive codes governing both operational and commercial aspects will be an early priority for the project and it is desirable that these should follow a common format in each of the republics. Experience in East Europe suggests that most of the operational regulations will need to take full account of developments within the Russian Federation in order to preserve the operational integrity of the former Soviet rail network.

Significant management restructuring is required in the railway sector rather than radical changes in the ownership of the systems and equipment. The new railway codes should not entrench any previous management and land ownership characteristics so as to inhibit the management restructuring which is likely to be recommended by World Bank and other teams currently engaged on management consultancies for the national rail networks. It will be necessary for counterparts to determine the future policy for rail before any drafting work commences and our present experience in East Europe suggests this will require extensive discussion of key issues by counterparts before the arrival of the project team.

a) Operational

The project team will review objectives with counterparts on arrival as part of the preparation of the inception report, notably to establish the extent to which it is desirable to introduce private capital to the rail network, and the extent of any legislative changes required as a consequence.

Railway operation and management and provision of railway services is a particularly complex subject. It requires maintenance of a complex infrastructure with safety considerations being paramount. Privatisation as it can be conceived in road transport, where relatively small units can be viable and economies of scale do not necessarily play much part, does not seem appropriate for the region in the immediate future. Retention of infrastructure by the state and public operation of passenger and most freight services is the most realistic option. Within the system there would exist scope for private sector investment and involvement with such matters as:-

- provision and maintenance of passenger and freight rolling stock;
- ownership and operation of terminals;
- supply of signalling and other lineside equipment;
- purchase of charter space on passenger and freight trains for retailing to customers (via travel agents/forwarders);
- ownership of sidings and freight only spurs into factories, warehouses etc

and for introduction of private sector type management structures, accounting structures and disciplines. We will suggest to counterparts that a financial and legal structure drawing strongly on the French model of the autonomous but state owned SNCF probably offers the best medium term option for the regions railways.

We will also consider inter alia the following:

- EU Directive 91/440 on the development of the Community's railways.
- EU Resolution 15/12/81 on Community railway policy.
- EU Recommendation 84/646 on strengthening the co-operation of the national railway companies of the member states.
- UNDP Guidelines on Privatisation 1991.

b) Commercial (Freight Transport)

Most of the beneficiary states have requested assistance to ensure COTIF/SMGS compatibility. The COTIF/CIM and SMGS regimes have a very similar structure. The principal differences relate to redundant planned economy provisions in the SMGS, which could fairly easily be removed, and the principle of full liability in the SMGS which could be modified to bring in limitation of liability for rail carriers, either exactly in line with CIM, or to a new regional limit of liability. One of the most significant changes of attitude achieved by the earlier Kazakhstan law reform project was in the area of carrier liabilities where familiarisation with western liability and insurance issues persuaded counterparts that for freight transport a continuation of a system based on unlimited liabilities, including liability for consequential loss, could not be sustained. We would therefore propose to assist with development of a new liability regime for domestic and international freight by rail in substitution for existing provisions, but to be effective such reforms would need to be acceptable also to the Russian Federation, whose experts will need to be consulted over this issue.

We will also pay attention to the need to develop appropriate commercial structures to facilitate the development of combined transport of goods both within states and between neighbouring states. We will take account of the following in making our recommendations:

- terms and conditions of UIRR, FIATA, and Intercontainer
- EU Directive 92/106 on the establishment of common rules for certain types of combined transport
- EU Decision 93/628 on the creation of a trans-european combined transport network.

We will assist in the restructuring of rail freight pricing policy which is urgently required to stem the continuing loss of traffic from rail. At the same time such policy must properly reflect the transition to a market economy with the ultimate removal of subsidies and the proper recovery of costs based on internationally accepted accounting and auditing systems. In particular the depreciation/amortization of capital goods is frequently overlooked or not given sufficient weight. In considering policy we will have regard to:

- EU Decision 82/529 on the fixing of rates for the international carriage of goods by rail
- Regulation 2183/78 laying down uniform costing principles for railway undertakings.

c) Commercial (Passenger Transport)

Although passenger transport is less crucial than freight transport to the central project objective of trade facilitation we will, if required, assist counterparts to adopt a regime of liability broadly based on the COTIF Convention and the CIV Uniform Rules Concerning the Contract for International Carriage of Passengers and Luggage by Rail. Many of these international provisions can be modified for domestic application.

We will advise on rail fare structures which reflect the progressive change to a free market economy where capital and operational costs of providing services are recovered from the fare paying passengers. However, whilst freight carriers are seen to be transferring rapidly from rail to road transport, private car ownership remains low in the region and many people will be dependent upon public transport for some time to come. This implies a realistic phased approach to the removal of state subsidy and rationalisation of passenger services.

Phases 2 & 3	Integration with World Trade Practices & International Conventions
Task B.8	

Many of these aspects are dealt with under other task headings. We set out below a list of conventions and facilitation agreements we have identified as being of potential interest to counterparts. Discussions will take place throughout the course of the project with NTF members to establish which of the conventions should be ratified by individual states and in what country specific order of priority. Advice and assistance will then be given with implementation. While it will be desirable to aim for a harmonised approach to trade facilitation instruments the capacity of particular states to ratify individual conventions within the timescale of the project will vary, as will the relevance of individual conventions. This is an area where each state's requirements will need to be considered mainly on its own merits.

We will aim to treat this subject in conjunction with "institutional strengthening" as the momentum for implementation and reform will be enhanced by new institutions such as Trade Associations and Transport and Trade Facilitation Commissions.

With regard to dangerous goods this is a large and complex specialist area where the present project budget will allow initiatives to be taken to commence and guide reforms but where full implementation of appropriate laws and regulations may need to be accomplished under an independent follow-on project. Nevertheless, it is particularly important that there is harmonisation of regulations to avoid transit delays, enable positive action to be taken in the event of damage and spillage, and to ensure that safety procedures are not compromised. We will therefore familiarise NTF counterparts with the main provisions concerning dangerous goods and provide general guidelines on the ratification and implementation in such international conventions as:

- IMCO (Marine)
- IATA (Air)
- ADR, Accord Dangerous Routiers (Road)
- RID (Rail)

Indicative List of International Conventions & Agreements

AIR TRANSPORT

Operational Legislation

Convention on Offences and certain other Acts Committed on board Aircraft signed at Tokyo on 14 September 1963 (the Tokyo Convention).

Convention on International Civil Aviation sixth edition 1980 (the Chicago Convention) ICAO document 7300/6.

Commercial Legislation

Convention for the unification of certain rules relating to international carriage by air (Warsaw Convention) 1929.

Protocol to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 (Hague Protocol) 1955. ICAO document 7632.

Convention supplementary to the Warsaw Convention for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier (Guadalajara Supplementary Convention) 1961. ICAO document 8181.

Protocol to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 as amended by the Protocol done at the Hague on 28 September 1955 (Guatemala City Protocol) 1971. ICAO document 8932.

Protocol to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 as amended by the Protocol done at the Hague on 28 September 1955 (Montreal Protocol No 4) 1975. ICAO document 9148.

Additional Protocol No 1 to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 (Montreal Additional Protocol No 1) 1975 ICAO document 9145.

Additional Protocol No 2 to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 as amended by the protocol done at the Hague on 28 September 1955 (Montreal Additional Protocol No 2) 1975. ICAO document 9146.

Additional Protocol No 3 to amend the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on 12 October 1929 as amended by the Protocols done at the Hague on 28 September 1955 and at Guatemala City on 8 March 1971 (Montreal Additional Protocol No 3) 1975 ICAO document 9147.

IATA standard conditions of contract and notices effective from 1.10.95.

CONTAINERISED AND INTERMODAL TRANSPORT

Operational Legislation

International Convention for Safe Containers (CSC) signed at Geneva on 2 December 1972 IMO.

Revised and consolidated recommendations on harmonised interpretation of the International Convention for Safe Containers 1972 IMO.

Amendments to the CSC Convention dated 1981, 1983, 1993.

IMO/ILO guidelines for packing cargo in freight containers and vehicles 1990 IMO.

Code of safe practice for cargo stowage and securing 1992 IMO.

Commercial Legislation

Former ICC Rules for a Combined Transport Document 1975.

UN Convention on Multimodal Transport of Goods 1980 (not yet in force).

UNCTAD/ICC Rules for Multimodal Transport Documents 1991.

Standard Conditions governing the FIATA Multimodal Transport Bill of Lading 1992.

International Road-Rail Federation (UIRR) General Conditions for International Road-Rail Transport.

INTERCONTAINER General Conditions.

CUSTOMS CONVENTIONS

Customs Convention on Temporary Importation of Private Road Vehicles 1954.

Customs Convention on Containers signed at Geneva on 18 May 1956.

Customs Convention on Temporary Importation of Commercial Road Vehicles 1956.

Customs Convention on Temporary Importation of pallets and containers 1965?

Customs Convention on Containers signed at Geneva on 2 December 1972 IMO.

Convention on a Common Transit Procedure.

International Convention of Simplification and Harmonisation of Customs Procedures 1973 (The Kyoto Convention).

Customs Convention on the International Transport of Goods under Cover of TIR Carnets signed at Geneva on 14 November 1975 (TIR Convention).

International Convention on Harmonisation of Frontier Controls on Goods 1982,

International Convention on the Harmonised Commodity Description and Coding System 1982.

International Road Transport Union (IRU) TIR Checklist 1991.

MARITIME TRANSPORT

Passenger Transport

International Convention on Carriage of Passengers by sea 1961.

Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterways.

International Convention on Carriage of Passengers and their Luggage by Sea 1974 (Athens Convention)
Protocol to the Athens Convention 1976.

Protocol to the Athens Convention 1990 (not yet in force).

Freight Transport

International Convention for the Unification of certain Rules of Law relating to Bills of Lading signed at Brussels on 25 August 1924 (the Hague Rules).

Protocol to amend the International Convention for the Unification of certain Rules of Law relating to Bills of Lading signed at Brussels on 25 August 1924, 1968 (the Hague Visby Rules).

Convention of a Code of Conduct for Liner Conferences 1974.

Protocol amending the International Convention for the Unification of certain Rules of Law relating to Bills of Lading signed at Brussels on 25 August 1924 as amended by the Protocol of 23 February 1968, signed at Brussels on 21 December 1979 (SDR Protocol).

UN Convention on the Carriage of Goods by Sea 1978 (Hamburg Rules).

CMI Uniform Rules for Sea Waybills 1990.

CMI Rules for Electronic Bills of Lading 1990.

Operational

- International Maritime Organisation Convention 1948.
- Convention on Facilitation of International Maritime Traffic 1965.
- International Convention on Load Lines 1966.
- Civil Liability Convention 1969 (CLC).
- International Convention on Tonnage Measurement of Ships 1969.
- Convention on the International Regulations for Preventing Collisions at sea 1972.
- Convention on Immunity of State Owned Ships 1972.
- Convention relating to the Limitation of Liability of Owners of Inland Navigation Vessels 1973 (CLN).
- International Convention for the Safety of Life at Sea 1974 (SOLAS).
- Convention on the International Maritime Satellite Organisation 1976.
- Convention on limitation of Liability for Maritime Claims 1976.
- CLC Protocol 1976.
- International Convention on Standards of Training Certification and Watchkeeping for Seafarers 1978 (currently under review).
- SOLAS Protocol 1978.
- Convention on the Limitation of Liability of Owners of Seagoing ships 1979.
- International Convention on Maritime Search and Rescue 1979.
- Convention on the Arrest of Seagoing Ships.
- UN Law of the Sea Treaty 1982.
- CLC Protocol 1984 (not yet in force).
- Standard Marine Navigation Vocabulary 1985 IMO.
- United Nations Convention on Conditions for Registration of Ships 1986 (not yet in force).
- International Code of Signals 1987 IMO.
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988.
- Protocol to the Load Lines Convention 1988 (not yet in force).
- SOLAS Protocol 1988 (not yet in force).
- CLC Protocol 1992 (not yet in force).

International Convention on Maritime Liens and Mortgages 1993 (not yet in force).

INTERNATIONAL TRADE

Convention and Statute on Freedom of Transit 1921 (Barcelona Transit Convention).

Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention).

Convention on Transit Trade of Land-Locked States 1965 (New York Transit Convention).

UNCTAD resolutions on land-locked states of 23.68 and 19.5.72.

UNCITRAL Arbitration Rules 1976.

Convention on the Limitation Period in the International Sale of Goods 1974 (amended in 1980).

UNCITRAL Conciliation Rules 1980.

Convention on Contracts for the International Sale of Goods (Vienna Convention) 1980.

UNCITRAL Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance 1983.

UNCITRAL Model Law on International Commercial Arbitration 1985.

United Nations Convention on International Bills of Exchange and International Promissory Notes 1988 (not yet in force).

INCOTERMS 1990. International Chamber of Commerce (ICC) document.

UNCITRAL Model Law on International Credit Transfers 1992.

Uniform Customs and Practice for Documentary Credits 1993 (UCP 500) ICC.

UNCITRAL Legal Guide on International Countertrade Transactions 1993.

UNCITRAL Model Law on International Commercial Arbitration 1994.

RAIL TRANSPORT

Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail CIV (Appendix A to COTIF) 1980.

Uniform Rules concerning the Contract for International Carriage of Goods by Rail CIM (Appendix B to COTIF) 1980.

COTIF Protocol 1990 (not yet in force).

REFRIGERATED TRANSPORT AND STORAGE

Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage signed at Geneva on 1 September 1970 as amended (ATP).

International Institute of Refrigeration publications.

ROAD TRANSPORT

Operational

International Convention relative to Motor Traffic concluded at Paris 1926 (Paris Convention).

Convention on Road Traffic concluded at Geneva 1949 (Geneva Convention).

Convention on Road Traffic concluded at Vienna 1968 (Vienna Convention) with Amendment Number 1 coming into force in 1993.

European Agreement Supplementing the UN Convention on Road Traffic concluded at Geneva in 1971 with Amendment Number 1 coming into force in 1993.

Convention on Roads Signs and Signals 1968.

European Agreement on Main Traffic Arteries (AGR) 1975.

European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) 1970.

Passenger

Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) 1973 (not in force).

Agreement on General Conditions for International Carriage of Passengers by Bus signed at Berlin on 5 December 1970.

Agreement on the International carriage of Passengers by Road by means of occasional Coach and Bus Services (ASOR).

Freight

Convention on the Contract for the International Carriage of Goods by Road signed at Geneva on 19 May 1956 (CMR).

Protocol to the above (SDR Protocol).

International Road Transport Union (IRU) CMR checklist 1991.

TERMINALS AND WAREHOUSING

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade 1991 (not yet in force).

Phases 2 & 3	Road Transport Legislation Including Related Licensing, Environmental and Safety Laws
Task B.9	

We will develop modal codes for Road Transport to deal with operational and commercial aspects of road transport in the individual states, drawing on our present international and European experience.

a) Operational (Freight Transport)

We will advocate the creation of a privatised road haulage industry with private, public and own account operations subject to the same qualitative controls but with open access via non-discriminatory licensing. The United Kingdom was some 20 years in advance of the rest of Europe in introducing a quality and not quantity system of licensed road haulage and the system has been notably successful, both in achieving market flexibility and ensuring safety standards. We will assist establishment of such a system modelled partly on the Provisions of the UK Transport Act 1968, The Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984 and having regard to relevant EU directives including:

- EU Directive 74/561 on admission of road haulage operators to national and international operations
- EU Regulations 881/92, 3118/93 and 792/94 governing access for the carriage of goods and conditions under which non resident carriers may operate road haulage services within member states.

The criteria for obtaining national or international carrier licences could be:

- fitness of the applicant to conduct a haulage business by being free from conviction of a specified range of criminal offences connected with operation of vehicles
- professional competence (modelled on the criteria contained in various Directives of the European Union)
- good repute, by being free of convictions for criminal offences of dishonesty and offences connected with the management of a business (such as fraud)
- satisfactory maintenance arrangements for vehicles based on:
 - daily running checks (with records kept)
 - periodic safety inspections (with records kept)
 - annual ministry inspection and test.
- satisfactory arrangements, in the interest of road safety, to regulate the driving hours of drivers employed (based on the various regulations of the EU notably Regulations 85/3820 and 85/3821)
- minimum solvency requirements such as to ensure that vehicles will be properly maintained.

The state will retain the responsibility for licensing and enforcement and the system would be self financing or could even be set up to produce surplus revenue for the state. We will provide guidelines for the legislative measures required and also for the measures required for practical implementation of a quality based licensing system.

b) Operational (Passenger Transport)

Whilst we understand that passenger transport is not regarded as crucial to the central project objective of trade facilitation we would attach some importance to the development and maintenance of an integrated public transport system in which road, rail and air transport play complementary roles. In this context a total

deregulation of public passenger transport may not be advisable as it will be necessary to maintain a system for subsidising the operation of socially necessary loss making routes. An EBRD study has canvassed a number of possible solutions which we will consider further with NTF counterparts if required, including competitive tendering for such routes.

c) Commercial (Freight Transport)

We will make recommendations for an appropriate system of liabilities for goods in transit based on a mixture of legislation/codes/model contracts. We would favour delegating as many responsibilities as possible to contractual rather than legislative stipulations - perhaps on the basis of model contract clauses upon which the sender of goods could insist, but which equally could be the subject of further individual negotiation, at the request of the sender. In preparing guidelines and model contracts we will consider:

- the several categories of binding model contract clauses applicable to goods carriage in France under the LOTI laws of 30.12.1986 brought progressively into force after May 1986.
- the conditions of carriage of the UK Road Haulage Association dated 1991.
- relevant provisions of Russian Law
- the provisions of the CMR Convention.

We will also make recommendations for the development of appropriate insurances to cover the legal and contractual liability of road haulage operators having regard to EU directives 72/166 and 90/232 on the approximation of the laws of member states relating to insurance against civil liability in respect of the use of motor vehicles.

We will advise on freight rate policies which reflect the move to a market economy and ensure the proper recovery of costs based on internationally accepted accounting and auditing systems and having regard to EU Recommendation 78/624 and EU Regulation 4058/89 on the fixing of rates for the carriage of goods by road.

d) Commercial (Passenger Transport)

We will assist with the reduction or abolition of tariff structures. We will suggest a framework for statutory liability of operators towards passengers and the insurance provisions required to give the system practical effect having regard to EU directives 76/166 and 90/232.

With regard to international passenger transport operators we will take account of the following in framing strategy for an appropriate liability regime.

- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) 1973. This is not yet in force but was signed by Germany and adopted by Czechoslovakia and Yugoslavia.
- Any existing local agreements between the TRACECA and other neighbouring countries.

e) Environmental and Safety Issues

The codes will also need to include provisions concerning construction and use of vehicles, driver and vehicle testing and exhaust and noise emissions standards. We regard it as essential to achieve the maximum degree of harmonisation on such important issues but, at the same time, it must be recognised that the upgrading of vehicle standards will be progressive rather than instantaneous. Even given the international awareness and international pressure for environmental controls and safety improvements the pace of reform and technological change in the emerging countries will necessarily be governed by economic constraints and moving towards western standards must therefore be realistically viewed as a long term rather than an immediate goal.

In developing the legal and regulatory framework for road transport we will have regard to the following:

- UN Convention on Road Traffic 1968 with Amendment Number 1 dated 1993
- EU Supplement 1971 to UN Convention on Road Traffic with Amendment Number 1 dated 1993
- EU Directive 85/3 on the weights dimensions and other characteristics of road vehicles
- EU Directives 70/157, 70/220, 72/306, 78/1015, 88/77, 91/441, 92/97, 94/12 relating to noise and exhaust emission controls
- EU Directive 85/120 concerning the lead content of petrol
- EU Directive 76/914 on the minimum level of training for road transport drivers.

f) **Russian Road Statute**

In developing the legal and regulatory framework for road transport we will take due account of the Russian Road Transport Statute in addition to International Conventions listed in Task B8 and EU directives and other references listed above. Relevant sections of the Russian Statute are summarised below:

- Section II
Roads, fleet operations and facilities for organisation of freight and passenger transport.
- Section III
Planning and organisation of freight transport
- Section IV
Planning and organisation of passenger transport including passenger baggage and transport of mail.
- Section VI
Tariffs and carrier charges.
- Section VII
Multi modal transport.
- Section VIII
Freight forwarding.
- Section IX
Liabilities of carriers and freight forwarders including procedures for complaints and claims.
- Section X
Regulation of road transport undertakings.

Phases 2 & 3	Banking, Insurance and Bankruptcy
Task B.10	

The major instruments of deregulation are seen as price reform, privatisation and competition. Maximum opportunities for such liberalisation exist in the road transport sector as described under Task B9 with more limited scope for privatisation in the rail sector as described under Task B7.

In the case of maritime and air transport, whilst limited scope for private investment may also exist in port/airport facilities, the capital funding involved in any significant privatisation of the maritime and air industries would be substantial and we therefore see these sectors continuing as state enterprises for the foreseeable future in most of the beneficiary states.

At the multimodal level there is considerable scope for privatisation of warehouse and terminal operations as described under Task B11.

The development of banking and financial services to support reforms in the transport industry, particularly road/rail are a vital component in the total work, the importance of which becomes more and more obvious to counterparts the longer they are involved with the market economy.

We will provide assistance in relation to documentary letters of credit practice and procedure and any other banking practices relevant to counterparts, such as barter and countertrade. We would propose to extend banking assistance to include financing methods in the commercial marketplace (table item 16) and also techniques of constructing investment proposals for assistance from development agencies. A number of practical projects may serve as "demonstration models" in the course of the project, for example the automated document processing systems mentioned elsewhere in this proposal.

We will provide assistance to NTF counterparts in understanding the system of INCOTERMS which can greatly facilitate international sales and purchases and which tie in with other aspects of the project - documentation, finance, multi model transport.

Advice and assistance on bankruptcy matters will be available from our team member who has an Eastern European background allowing immediate parallel experience to be applied.

In the field of insurance we will advocate the emergence of free and competitive markets for cargo, liability and 3rd party motor insurance. We will assist with the introduction of appropriate modern market wordings in policies and with all ancillary aspects such as putting in place claims handling techniques. Development of 3rd Party motor insurance should be a high priority and we will cooperate in this regard with other agencies such as UNCTAD believed to be planning initiatives in the area.

Phases 2 & 3	Warehousing
Task B.11	

Two areas of possible technical assistance are foreseen:

- operational legal structures where a programme of privatisation may be appropriate; and
- commercial legal structures principally the contract between warehouse keepers and their customers and any supporting legislation required.

a) Privatisation/Operational Issue

We will make recommendations as to appropriate legal structures for warehousing operations taking account of UNDP recommendations with regard to privatisation. Within the study and recommendations on cold stores, account will be taken of relevant aspects of inter alia:-

- recommendations from the International Institute for Refrigeration in Paris
- EC Food Hygiene Directive 1993
- The Agreement on International Carriage of Perishable Foodstuffs (ATP) signed by the former USSR and already ratified by Kazakhstan.

b) Commercial Legal Structures

We will make recommendations and draw up guidelines to deal with warehousing and handling of goods including:

- loading and unloading
- packing
- storage
- uncollected goods

We will also make recommendations on safe working practices with regard to warehouse operations including such regulations as separation of pedestrians and fork trucks, shelf stacking procedures, outline fire regulations etc.

Although not specifically referred to in the TOR the operation of freight terminals is also an important component of land, air, sea and combined transport systems. Like warehousing, freight terminals offer considerable opportunities for privatisation and, since they also involve short and long term storage of goods, share many of the same considerations as warehousing. The approach outlined for warehousing can also therefore be applied to terminals. In addition we will make recommendations with regard to the adoption of international regulations such as The International Convention on Safe Containers (CSC).

For both warehouses and terminals we will consider how the UNIDROIT Convention on the Liability of International Terminal Operators may be adopted to the TRACECA region and how insurance can be tailored to any statutory or contractual liabilities.

Phases 2 & 3	Transit Tariff Harmonisation
Task B.12	

We would interpret this item to include not merely customs-based tariffs and their harmonisation but evaluation, advice and assistance in relation to tariff and fare structures generally.

In relation to bilateral and transit agreements we will take full account of the work commenced by ESCAI and UNCTAD in this area.

In relation to customs tariffs we will take account of recent reforms in the Russian Federation.

Our transport-economist team members will be available to advise on priority competition and pricing issues raised by Uzbekistan but which may well be of concern to other states.

As with import tariffs, there is a danger of that escalating transit tariffs could erect barriers to trade. Some ex-Comecon countries are already yielding to the temptation to charge high tariffs on foreign goods crossing their territory. This practice could place large hurdles in the way of the development of (i) Central Asia-Transcaucasia-Europe corridors and (ii) trade and transport in the region. It would be contrary to the objective of optimum utilisation of existing transport systems.

It is appreciated that countries should be free to exploit their geographical advantages but, as a generalisation, the abuse of monopoly powers tends to raise transport costs. The more desirable model to follow would be the practice in many areas of the world, where transport operators will discount to attract marginal traffic rather than increasing charges to take advantage of captive traffic.

As a basic principle regulation of tariffs should be discouraged, further more, it is likely to be unsuccessful, because if high transit tariffs were ruled out, they could be replaced by high tariffs at other points in the transport system (for example, in port, railway, road transport or warehouse changes). However, mechanisms should be available to prevent the progressive raising of costs which would eventually be to all countries' disadvantage. The study will therefore examine alternatives for co-operation and harmonisation to prevent such an escalation of transit tariffs.

Task C	Training
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a) Training Methods

Training will form the key to the continuing development of legal reform in the TRACECA states. The objective will be to provide training to both match the urgent needs stipulated by the individual states and also to take account of particular needs identified during the mobilisation period.

The training will be carried out at different levels:-

- **On the job training**

The visiting experts will discuss with the counter parts the staged development of all the models of laws presented. The visting experts will listen to the experience of local experts and seek to obtain a blend of individual countries priorities and the international needs.

By discussion with the visiting experts a fuller understanding of the reasons behind any proposed changes in legislation will be gained.

Counterparts will be working for relatively short periods alongside the experts and the particular local needs will be addressed at that time. It will be necessary for the counterpart staff to work independently of the experts and only seek advise on specific matters beyond their experience. The visiting experts will give guidelines for the local experts on legislation needs as identified by the individual countries and be available on a planned visit basis to give specific advice.

With the National Task Force Office established in each country with a multi-lingual secreterial staff there will be a regular exchange of information between the local experts and the International Team.

- **Workshops**

Training workshops will be given by all visiting experts. The ideal workshop number should not exceed 15. The counterpart members of the National Task Force will identify staff to suit the subject matter of the visiting specialist. The International Training Co-ordinator will arrange in advance a programme of workshops so that the National Task Force has time to prepare questions and select suitable staff to attend. The likely duration of workshops will typically be 1/2 days. The workshops will deseminate specialist information.

- **Regional Seminar/Conferences**

To meet the need for specific high level training Regional Seminars will be held in:

Almaty,
Tashkent,
Ashkabad,

The Regional Seminar will not only provide specific training to suit the needs identified by the International Task Force but will also provide an essential communication link between the country representatives. This will allow an exchange of views and an opportunity to judge how effectively the harmonisation of-legal trade and transport regimes are progressing.

b) **Organisation**

For each National Task Force one team member will be made responsible to the International Task Force for training matters.

- **On the job training**

No specific requirements are needed other than a willingness of the counterparts to maximise the training opportunities given when an expert visits. Some thought should be given in advance to questions that will be raised. Where possible a list of questions or areas of specific interest should be prepared and forwarded to the I.T.F so that visiting experts can be briefed and any additional training material identified in advance.

- **Workshops**

The locally appointed Training representatives will be required to identify suitable staff for training and arrange through their employer for their attendance at the workshops.

The NTF representative will agree a location for the workshop and make all necessary arrangements for the hire of a suitably equipped room. (Each country will be provided with an overhead projector and screen by the Contractor.)

For participants attending workshops a light lunch will be provided.

- **Regional Seminars/Conferences**

This will be a twice yearly activity and require the active co-operation of the host country. The International National Training Co-ordinator will be responsible for locating a suitable seminar venue, ensuring that suitable training equipment is to hand including - overhead projector, flip chart and copies of course notes. The Regional and National Training Co-ordinators will arrange hotel accommodation and transport for visiting experts, it is anticipated that accommodation will be necessary for up to 3 country representatives to travel to each Regional Seminar (i.e. 7x3 = 21 delegates). For the major Regional Seminars the following will be covered and language training will be available on the morning of each opening day to those who want it. Conference opens after lunch.

First Conference

- 1) Introduction of project
- 2) Framework of law governing International Trade
- 3) Presentation of model laws and discussion
- 4) Working groups on Road/Rail/Air/Sea codes
- 5) Closing session

Second Conference

- 1) Progress report
- 2) Background to International Transport Conventions and detailed presentations
- 3) Working groups on Road/Rail/Air/Sea codes
- 4) Closing session

Third Conference

- 1) Progress report
- 2) Principles of insurance
- 3) Principles of legal drafting
- 4) Working groups
- 5) Closing session

Fourth Conference

- 1) Progress report
- 2) Banking procedures/privatisation
- 3) Documents in International Trade
- 4) Working groups
- 5) Closing session and review of project

In addition

- 1) We will re-run the 1 week course on International Trade & Transport (Kazakhstan) for Uzbekistan top executives. This is a 4/5 days course on international trade and transport comprising:
 - framework of law governing international trade
 - terms of sale with emphasis on Incoterms 1990
 - European Union Law
 - financing exports and imports
 - documents in international trade
 - background to international conventions
 - international sea transport rules
 - international road transport, the CMR
 - international rail transport, CIM/CIV
 - international air transport, Warsaw Convention
 - principles of insurance and typical policy terms
 - organisation of the insurance market
 - claims procedures
- 2) We will arrange but not perform a course for Lawyers from Azerbaijan/Armenia but separate finance will be needed to send them to Europe, (a course is offered by Crown Agents).
- 3) We will carry out a workshops in Ashkabad for Armenia/Azerbaijan/Turkmenistan on operational aspects of international law technicalities.
- 4) The training in European Law for Uzbekistan will be included in the 1 week course on International Law.
- 5) The training in Trade Documents will be given at the fourth Regional Conference.
- 6) Training in EDI will be carried out by experts during a conference at Tashkent.
- 7) Training of Documentalists - will be based on the needs of the project and explained by the visting experts.

Our Interpreter/Translator will give brief language training to delegates before the start of each conference. This training will concentrate on common terms relevant to the particular conference. However English Language training as such is beyond the scope of this project. The British Council may be prepared to provide sponsorship.

Task D	Deliverables
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The main deliverables can be split into 3 groups:

- Legal and regulatory framework
- Training
- Progress reporting

Whilst the frequency of reports are pre-determined by the Terms of Reference the detailed project deliverables will become more apparent during the Preliminary Appraisal Mission and a more definitive list will therefore be included in the Inception Report to respond to both the needs of regional harmonisation and local needs. The following list of legal regulatory framework and training deliverables are therefore indicative at this stage. In a number of cases the deliverables are effectively "end products" which will be described in the interim and final reports rather than free standing documents to be included as annexes to such reports.

a) Legal and Regulatory Framework Documents

Task 1 General Transport Legislation

- Commercial Code Annexes to Civil Code
- Road Transport Code
- Rail Transport Code
- Air Transport Code
- Maritime Transport Code (where applicable)

Task 2 Customs Legislation

- Customs Code
- Customs Nomenclature
- Recommendations on Automating Systems

Task 3 Transport and International Trade Documents

- Multi modal Consignment Note/Bill of Lading
- Maritime Bill of Lading
- Road and Rail Consignment Notes
- Airway Bill
- Seaway Bill
- Certificate of Origin
- Documentary Credit
- Insurance Certificate
- Standard Shipment Note
- Commercial Invoice
- Forwarder's Certificate of Receipt/Shipment
- Warehouse Receipt
- Phytosanitary Certificate
- Veterinary Health Certificate
- Packing List

Task 4 Freight forwarding

- Advice on pricing policy
- Establishment of National Associations
- Establishment of Codes of Practice

Task 5 Institutional strengthening

- Establishment of Trade and Transport Facilitation Committees
- Establishment of Trade Associations, Road & Forwarding
- Advice on Ministerial Structures

- Establishment of Customs Consultative Committees

Task 6 Maritime Law

- Most aspects will be developed in the Maritime code. In addition the following will be produced:

B

- Inland Waterway Rules
- Provisions on Seaman's Passports
- Advice on tariffs

Task 7 Rail Transport Law

- Most aspects will be developed in the Railway Code including possible harmonisation between SMGS/COTIF. In addition the following will be produced
 - Advice on tariffs

Task 8 Integration with World Trade Practices

- Bilateral and Multi lateral Transit Agreements
- Ratification & Implementation of International Conventions. (Note: the following indicative list is not exhaustive but represents priorities to achieve Trade Facilitation objectives).

Air:	Chicago & Warsaw Conventions
Customs:	Convention on Harmonisation of frontier controls
Road:	CMR, TIR, ATP, AETR
Sea:	Hague Visby or Hamburg Rules, CSC
Trade:	Vienna Convention
Transit:	New York Convention, 1965
- Compatibility with SMGS/COTIF
- Recommendations on Dangerous Goods Legislation
- Advice on Incoterms

Task 9 Road Transport Law

- Most aspects will be developed in the road code. In addition the following will be developed.
 - Advice on tariffs

Task 10 Banking and Finance

- Advice on Letter of Credit Procedures
- Advice on Insurance Systems
- Advice on Financing for Restructuring of Enterprises
- Advice on Bankruptcy Problems
- Recommendations on Insurance Policy Wording for Goods Owners & Carriers
- Advice on Privatisation

Task 11 Warehousing

- Guidelines on Cold Storage Procedures
- Guidelines on Commercial Terms of Business

Task 12 Transit Tariff Harmonisation

- Bilateral and Regional Agreements

- Advice on Road/Rail Competition & Pricing
- Advice on Rate/flow Structure

b) **Training Material**

The training material will include bound copies of training material presented at the Regional Conference. The material will be presented in both the Russian and English language and include the following:-

- framework of law governing international trade
- terms of sale with emphasis on Incoterms 1990
- financing exports and imports
- documents in international trade
- background to international conventions
- international sea transport rules
- international road transport, the CMR
- international air transport, Warsaw Convention
- Principles of insurance and typical policy terms
- organisation of the insurance market
- claims procedures
- licensing of operation
- vehicle maintenance and testing controls
- control of drivers hours of work
- principle of vehicle testing

Model laws

Where relevant laws developed in one particular state will be presented to other states as suitable base documents to build up their own legislation on. The formal lecture sessions will set in context the International Task Force recommendations in formulating legislative change.

c) **Reports**

The following reports are envisaged in accordance with the Terms of Reference

- Inception Report as described in Task A
- Quarterly Progress Reports covering progress in the reporting period, the programme for the next quarter and administrative aspects. Technical or administrative problems will be particularly highlighted with actual or proposed resolutions as appropriate.
- Annual Progress Report covering progress in the first year.
- Draft/Final Report describing project achievements in the following key areas:
 - Legal and regulatory reform by sector in each country
 - Regional harmonisation of legal and regulatory framework by sector
 - Immediate trade facilitation objectives achieved
 - Long term trade facilitation objectives envisaged and further technical assistance programmes which may be required to realise these objectives
 - Training



EUROPEAN COMMISSION
Directorate General I
External Economic Relations
Relations with the newly independent States
Financial resource management

Annex **C**

List of Staff and CV's

C. List of staff and CV's

C.1 List of staff

Our proposed list of staff is set out in the following table with the corresponding allocation of tasks and manpower deployment being shown in Figures 4 and 5 respectively.

We have assembled a strong team of key legal experts and supporting specialists building on the Association's regional experience. In particular the ITF will comprise experts with both wide international experience and direct experience of legal and regulatory reforms in the TRACECA region and Bulgaria. In addition our ITF Regional Sub Unit will draw on our present organisations and local contacts in Kazakhstan and Russia to provide the vital communications link necessary in a project of this nature.

The Team Leader and Key Legal Experts will provide the core team with the majority of their time being spent in the TRACECA region. As explained under Section B.2.1c, we consider that the Key Legal Experts will provide greater strength-in-depth and increased flexibility to respond to project needs as opposed to the appointment of a single Deputy Team Leader.

The core team will be supported by a group of visiting specialists and a pool of head office specialists across a range of legal, technical, institutional, and financial disciplines as required.

The Regional Sub Unit will be headed by a part-time local Transport Specialist who is the Chairman of the Kazakhstan Scientific and Research Institute for Road Transport. The Deputy Director of the Institute will also be available on a part-time basis to assist and, on occasion, deputise for the head of the Sub Unit depending on workload and project needs. The Sub Unit will include a full-time Regional Coordinator who is currently assigned to our Samara Transportation project in Russia.

The key members of our team are summarised below:

A. P. Tite will be the overall Project Director. He has 22 years experience of managing and directing large scale multi disciplinary projects involving technical services, institutional and human resource development, management consultancy, and legal and regulatory reforms associated with trade facilitation and commercialisation of transport operations. He has recent experience in Kazakhstan and Russia including directing the ongoing technical assistance for transport legal and regulatory reform in Kazakhstan. He has a Masters Degree and is a Fellow of the UK Institution of Civil Engineers, a member of the International Cargo Handling Association, and a Member of the Institute of Management Services.

M. Booker will be the Team Leader and Legal Expert in Transport Law. He has extensive experience in both domestic and international transport law and Trade agreements and is currently Team Leader on the EC TACIS project for transport legal reforms in Kazakhstan. He acted as legal advisor to the British Freight Transport Association and Shipping Council for a number of years and has participated in numerous domestic and international committees and working parties dealing with a range of transport legal and regulatory issues. In addition he has over 14 years experience as a management trainer including "in country" training courses, public seminars, and workshops. He is degree qualified and a member of the British Law Society.

A. J. Gleijm will act as the Key Legal Expert in Road Transport Law. He has recently acted as legal expert to the EC PHARE project for road transport law in Bulgaria including harmonisation with European Legislation, the development of a new Road Transport Law (goods & passengers), and establishment of a legal structure for the Bulgarian road infrastructure covering such issues as ownership, finance, and concessions. He has also been involved in transport legal reforms in Albania and transport training projects in Lithuania and Romania. He is degree qualified, a member of the Dutch Public Transport Law Association, and for a number of years was legal advisor to the Dutch National and International Road Haulage Organisation.

J. L. Fioux will act as the Key Legal Expert for Rail Transport and Customs Law. He is a lawyer and court appointed expert on Transport Law at the Court of Civil Appeals in Paris and Lecturer in European Transport Law at the University of Pau. For the last 20 years he has specialised in domestic and international transport law, French railways system (SNCF), CIM road taxation principles, and customs law. He is currently legal advisor for SWK on the EC TACIS project for Transport legal reform in Kazakhstan where his wide knowledge of road, rail and air transport legislation and training expertise have been of particular value. He has a Doctorate in Law and for many years was Head of Legal, Fiscal, and Insurance Services for the French Passenger & Freight Haulage Association as well as a member of the IRU legal commission in Brussels and a member of the French Transport Management Training Association.

G. J. Auchter will act as the Key Legal Expert for Maritime and Transport Law. He is an independent consultant and lecturer in Maritime and International Transport Law at the University of Mulhouse (France). Overseas experience has included numerous assignments as Maritime Law Expert on World Bank, UNCTAD, ILO, and Government projects with wide experience in the ratification and implementation of International Conventions for the carriage of goods & passengers. In addition to maritime and freight/passenger transport legislation he has advised an updating and modernising inland navigation law. He has a Doctorate in Law and for a number of years acted as a Maritime Law Expert to UNCTAD in Geneva.

R. Levett will act as International Coordinator and Training Specialist. He is responsible for managing overseas training within Scott Wilson Kirkpatrick and is also an experienced Project Manager. He has developed and managed training courses in the transportation field particularly for participants from overseas. He is currently Project Coordinator and Training Specialist for the Kazakhstan Transport Legal Reform Project. He is a chartered civil engineer and member of the Institute of Personnel and Development.

M Bekmagambetov will act as the Head of the Regional Sub Unit and local Transport Expert. He is currently chairman for the joint stock company "Scientific and Research Institute for Road Transport". He is also a full member of the Russian Federation Academy of Transport. He has had prime responsibility for drafting a national development programme for road transport in a transitional economy, and has recently acted as a specialist advisor to SWK on the EC TACIS project for transport legal reform. He also has detailed experience of privatisation issues in the transport sector.

E. Kaplan will act as the Deputy Head of the Regional Sub Unit and local Transport Expert as dictated by workload and project needs. He is currently Deputy Director of the Scientific and Research Institute for Road Transport where he has been responsible for research, technical and institutional development, and legal structures for Kazakhstan Transport systems. He has also acted as an independent consultant to SWK on transport legal reforms in Kazakhstan and to a number of road haulage enterprises on privatisation and commercial issues. He has a PhD from Moscow University and has undertaken a number of specialist training courses in the UK, Holland, Belgium, and the USA.

J. Tomczyk will act as full-time Regional Coordinator within the Regional Sub Unit. He has over 30 years experience of transport planning and operations in both the public and private sectors. He is currently Team Leader for SWK on the EC TACIS project to improve food commodities transport in the Samara region of Russia including advice to the Department of Transport on inter modal transport: road, rail, waterways, and civil aviation. Prior to this his general transport experience included warehousing, logistics, and freight forwarding. He is degree qualified and a Russian speaker.

G. Tulegaliyev will act as the local Legal Expert within the Regional Sub Unit. He is currently Head of the Civil Law Department in the Kazakhstan State National University and has acted on numerous working parties to draft railway and road transport laws. He is also a consultant to the Kazakhstan Supreme Soviet and a member of the working group presently drafting an Air Code for Kazakhstan. He has acted as a local legal expert for SWK on the EC TACIS project for transport legal reform in Kazakhstan and is author of 'Kazakhstan Transport Law'.

Name of Expert	Present Position	Years of Experience	Age	Nationality	Educational Background	Specialist Areas of Knowledge	Experience in the Beneficiary State	Languages and Degree of Fluency
Adrian Tite	European Director	22	50	British	BSc MSc FICE Eur. Eng	Project Management of Multidisciplinary Projects	Kazakhstan Russia	English Fluent
Mark Booker	Legal Consultant	36	60	Belgium	MA Law Society	Specialist in Transport Law and international trade. Experience as team leader for transport legal reform in Kazakhstan	Kazakhstan	English VG French VG Italian G German W
Arthur Gleijm	Legal Expert	7	31	Dutch	Masters in Business Law	Road Transport Policy Public and Private Road Transport Law Project Management	Lithuania Bulgaria Albania Russia Ukraine Latvia	English VG Dutch VG French F German G Russian P
Jean - Luc Fioux	Transport Expert Lecturer in European Transport Law	22	48	French	Doctorate in Law Higher diploma in private / public law Vice president of the Transport	Transport Law Rail Transport International Trade and Transport	Kazakhstan	French VG English VG German F Italian F

Name of Expert	Present Position	Years of Experience	Age	Nationality	Educational Background	Specialist Areas of Knowledge	Experience in the Beneficiary State	Languages and Degree of Fluency
Gerard Auchter	Professor of the University of Mulhouse, France	32	58	French	MA PhD	Maritime Law International Conventions	None	French VG English VG German VG
Richard Levett	Training Manager	30	56	British	MICE MITD	Overseas Training Project Management	Kazakhstan Uzbekistan Turkmenistan Kyrgyzstan	English VG
Murat Bekmagambetov*	Director of Road Transport Institute	21	49	Kazakh	Pavlodar Institute, Moscow Member of Russian Transport Academy	Road Transport in Kazakhstan Legal Reform	Kazakhstan TRACECA Countries	Russian VG Kazakh F German F
Eduard Kaplan	Deputy Director of Road Transport	11	34	Kazakh	PhD	Transport Policy / Legislation	Kazakhstan TRACECA Countries	Russian VG English G
Jan Tomczyk	Team Leader TACIS Samara, Russia	17	48	British	BSc MICET	Transport Specialist	Russian Federation Poland	English VG Russian G Polish VG
Gaziz Tulegaliyev	Lawyer	35	60	Kazakh	Law Diploma	Civil and Transport Law	Kazakhstan	Russian VG Kazakh VG
Tatiana Bogdanchikova	Research Assistant	15	39	Kazakh	Degree in Physics and English	Interpreter / Translator Documentation	Kazakhstan	Russian VG English VG
Yasenko Constantin	Instructor of English	18	40	Kazakh	Moscow State Institute of Foreign Languages	Language Instructor / Translator	Kazakhstan Russia Ukraine	English VG Russian VG Dutch F Ukrainian F
Robert Cleton	Deputy Judge in Court of Appeal, Hague Member of the Council of the State of Netherlands	35	60	Dutch	Doctor of Law	Drafting of Civil and Commercial Law (particularly transport)	CIS Countries	English VG French G German F
Tony Roome	Deputy General Manager C.A.A.	26	44	British	College of Air Traffic Control	Air Traffic Management and Training	Kazakhstan Ukraine Russia Hungary	English VG
Anthony Bayley	Independent Consultant	27	50	British	Member of the Institute of Logistics	Transport Operations Freight Forwarding Warehousing Customs	Russia Armenia Hungary	English VG French G Swedish P
David Bovill	Head of Transport Economics SWK	35	57	British	BSc MSc MICE	Transport Economics Transit Tariffs Road User Charges	Mongolia	English VG French G

Name of Expert	Present Position	Years of Experience	Age	Nationality	Educational Background	Specialist Areas of Knowledge	Experience in the Beneficiary State	Languages and Degree of Fluency
Bernard Drujon d'Astros	Independent Consultant	38	60	French	Diploma CAAE Member of the Board of French / Italian Chamber of Commerce	Corporate Banking Foreign Trade Financing Bankruptcy	Kazakhstan Rumania	French VG English VG Italian VG Spanish F
Peter Lane	Partner in Private Practice	28	42	British	MA LLM	Expert in Drafting Legislation Parliamentary Draftsmen	Kazakhstan	English VG
Paul Gibbeson	Independent Consultant	18	41	British	BA MBA	Transport and Trade Procedures Shipping and Freight Forwarding Customs	Russia	English VG French G Italian F German P
Arnoud de Zoete	Director of Mangement Consultancy	33	58	Dutch	MSc	Rail Freight and Passenger Transport Privatisation and Regulatory Experience	None	Dutch VG English VG French G Russian F German G
Jacobus Buisning	Lecturer Shipping and Transport College, Rotterdam	32	49	Dutch	Masters Degree in Law	Handling, Transport and Storage of Dangerous Goods Training	None	Dutch VG English VG German G French F Spanish F
Neville Gough	Lecturer	48	66	British	Higher Certificate British Maritime Law Association Chartered Insurance Practitioner	Cargo Insurance	None	English VG French P

C.2 CV's

Curriculum Vitae for the consultants proposed team are included in EC format at the end of this section.

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