

No. 15075

MULTILATERAL

Agreement on the joint use of containers in international communication (with annexed Statute of the Council on the joint use of containers in international communication). Concluded at Karl-Marx-Stadt on 29 June 1974

Authentic text: Russian.

Registered by the Secretariat of the Council for Mutual Economic Assistance, acting on behalf of the Parties, on 2 November 1976.

MULTILATÉRAL

Accord relatif à l'utilisation commune de conteneurs dans les transports internationaux (avec, en annexe, les Statuts du Conseil en matière d'utilisation commune de conteneurs dans les transports internationaux). Conclu à Karl-Marx-Stadt le 29 juin 1974

Texte authentique : russe.

Enregistré par le Secrétariat du Conseil d'assistance économique mutuelle, agissant au nom des Parties, le 2 novembre 1976.

RESERVATION MADE
UPON APPROVAL*MONGOLIA*RÉSERVE FAITE
LORS DE L'APPROBATION*MONGOLIE*

[RUSSIAN TEXT — TEXTE RUSSE]

«статья V Соглашения о совместном пользовании контейнерами в международном сообщении распространяется аналогичным образом на § 23 Устава Совета совместного пользования контейнерами в международном сообщении».

[MONGOLIAN TEXT — TEXTE MONGOL]

“Олон улсын харилцаанд чингэлэг хамтран ашиглах тухай хэлэлцээр”-ийн 5 дугаар зүйл нь “Олон улсын харилцаанд чингэлэг хамтран ашиглах зөвлөлийн дүрэм”-ийн 23 дугаар зүйлд мөн нэг адил хамаарна.

[TRANSLATION]

Article V of the Agreement on the joint use of containers in international communication shall be extended in an analogous manner to paragraph 23 of the Statute of the Council on the joint utilization of containers in international communication.

[TRADUCTION]

Les dispositions de l'article V de l'Accord relatif à l'utilisation commune de conteneurs dans les transports internationaux s'appliqueront par extension au paragraphe 23 des Statuts du Conseil en matière d'utilisation commune de conteneurs dans les transports internationaux.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON THE JOINT USE OF CONTAINERS IN INTERNATIONAL COMMUNICATION

The Governments of the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Republic of Cuba, the Mongolian People's Republic, the Polish People's Republic, the Socialist Republic of Romania, the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic,

Guided by the provisions of the Comprehensive Programme for Further Strengthening and Improving Co-operation and Developing Socialist Economic Integration among the Member Countries of the Council for Mutual Economic Assistance,

Proceeding on the basis of the Agreement on the Introduction of a Unified Container Transport System of 3 December 1971,

Taking into account the advantages of using large containers in international freight transport and with a view to making better use of large containers,

Have agreed as follows:

Article I. 1. Within the framework of the unified container transport system the Contracting Parties shall jointly use for freight transport in international communication universal large containers of series 1, type C (gross mass 20 tons), of the International Organization for Standardization (ISO).

2. ISO series 1 universal containers, types A, B and D (gross mass 30, 25 and 10 tons), and special containers shall be used in international communication on the basis of bilateral and multilateral agreements concluded between the competent organs and organizations of the Contracting Parties.

3. In addition to large containers, ISO series 3 universal containers (gross mass 2.5–5 tons) may also be used separately in accordance with article VI of this Agreement.

¹ The Agreement came into force provisionally on 29 June 1974, with regard to article IV only, in accordance with article VII(2). Subsequently, it came into force definitively, in its entirety, on 5 September 1976, i.e., 30 days after the date on which the last of the signatory countries had notified the Secretariat of the Council for Mutual Economic Assistance that the Agreement had been approved in conformity with its legislation, in accordance with article VII (2). The notifications were deposited as follows:

<i>State</i>	<i>Date of the deposit of the notification of approval</i>
Romania	19 November 1974
Czechoslovakia	21 November 1974
Bulgaria	27 December 1974
Hungary	6 March 1975
Union of Soviet Socialist Republics	10 April 1975
Cuba	26 May 1975
Poland	20 February 1976
German Democratic Republic	3 March 1976
Mongolia*	6 August 1976
(With a reservation in respect of article V.)	

* See p. 156 of this volume for the text of the reservation made upon approval.

4. Questions arising from the implementation of this Agreement shall be regulated by the Rules for the Joint Use of Containers, hereinafter referred to as the "JUC Rules", approved under the procedure laid down in article IV of this Agreement.

Article II. 1. ISO series 1 large containers shall be transferred among the countries of the Contracting Parties on individual container railway trains, road trains and ships operating in accordance with fixed schedules.

2. The transfer of containers on flat wagons combined into separate groups and on individual flat wagons may be permitted by agreement among the competent organs and organizations of the Contracting Parties concerned.

3. The special flat wagons used to deliver large containers must, as a rule, be used on railway lines of the same gauge, as in the case of international passenger traffic.

4. Freight transported in containers in international communication shall be conveyed to stations, ports and other points which are open for carrying out container operations and, as a rule, to the warehouse of the consignee situated in the area served by such points.

5. The list of points open for carrying out container operations in international communication shall be drawn up by the competent organs or organizations of each Contracting Party for its territory and shall be communicated to the competent organs or organizations of the other Contracting Parties. Such lists, which shall be drawn up individually for each series of containers, must indicate the maximum gross mass of the containers which can be accommodated by the technical equipment of stations, ports and other points. The competent organs or organizations of the Contracting Parties shall inform each other of any changes in such lists.

6. Containers used in international communication shall be transferred:

- (a) loaded—in good condition only;
- (b) unloaded—in good condition:
 - to offset outstanding balances of containers when there are unequal flows of containers;
 - by agreement between the competent organs or organizations of interested Contracting Parties concerned;
- (c) unloaded—in poor condition—by agreement between the competent organs or organizations of interested Contracting Parties;
- (d) unloaded—in good or poor condition—for the purpose of carrying out a scheduled inspection in accordance with the conditions fixed by the competent organ or organization of the Contracting Party to which the containers belong.

Article III. 1. The joint use of large containers shall be based on the following provisions:

(a) The Contracting Parties shall retain the right of ownership of their stock of containers.

(b) ISO series 1, type C containers (gross mass 20 tons), shall be exchanged in accordance with the principle of equality in the number of containers exchanged. The containers exchanged must be certified and must be equivalent in construction, capacity and freight-carrying capability and must satisfy the conditions of the International Convention for Safe Containers (CSC)¹ and of the Customs Convention on

¹ Registered with the Secretariat of the United Nations on 1 January 1978 under No. 1-16198.

Containers¹ which were adopted by the United Nations/IMCO Conference on International Container Traffic at Geneva in December 1972, and the recommendations of ISO. Each Contracting Party may use containers which are the property of any other Contracting Party, both in domestic communication and in communication with points situated in the territory of other Contracting Parties.

2. In the case of transoceanic maritime transport, containers may be dispatched without regard for the principle of equal exchange by agreement between the competent organs or organizations of the Contracting Parties concerned.

3. Any of the Contracting Parties may use containers which are the property of other Contracting Parties for transport to third countries with the consent of the competent organs or organizations of the Party which is the owner of the containers.

4. Containers dispatched to third countries shall not be included in the accounts showing the numbers of containers exchanged.

5. Each of the Contracting Parties shall determine the transport organizations whose containers may be used in communication between the countries of the Contracting Parties under the conditions of this Agreement.

6. When there are outstanding balances in the exchanges of containers, payment shall be made on the basis of the number of delayed container days. Outstanding balances shall be calculated in accordance with the JUC Rules.

7. The necessary operational maintenance and routine upkeep of containers shall be carried out by the relevant organizations of the Contracting Parties using the containers, irrespective of the ownership of the containers.

8. The planned inspection of containers and any repairs which are found necessary shall be carried out by the competent organs or organizations of the Contracting Parties which own the containers in question.

9. In the event of loss, severe damage requiring repair or damage which results in a container having to be withdrawn from the inventory, the competent organs or organizations of the Contracting Parties in whose territory a container has been lost or damaged shall be liable in accordance with the JUC Rules.

10. Containers which are returned to the country of ownership for the purposes of planned inspection shall be included in the accounts of the numbers of containers exchanged.

Article IV. 1. The Contracting Parties shall establish a Council on the Joint Use of Containers in International Communication, hereinafter called the "JUC Council", to carry out the work entailed by the implementation of this Agreement, in particular stock-taking, analysis, accounting, information and other questions relating to the transport of large containers in international rail, motor-vehicle, maritime, river and mixed communication. The Council shall have an executive working body, the Bureau on the Joint Use of Containers in International Communication, hereinafter called the "JUC Bureau".

2. The JUC Council shall be empowered to consider questions related to this Agreement and to take decisions on them. Unanimity shall be required for the adoption of decisions on the following questions:

— approval of the JUC Rules and of additions and amendments thereto;

¹ United Nations, *Treaty Series*, vol. 988, p. 43.

- approval of the Regulations of the JUC Bureau and of amendments and additions thereto;
- approval of the Rules governing the conditions of work of the staff of the JUC Bureau and of amendments and additions thereto;
- approval of the structure and manning table of the JUC Bureau and amendments and additions thereto;
- approval of the Rules of Procedure of the JUC Council and of amendments and additions thereto;
- approval of the budget of the JUC Bureau;
- establishment of an auditing commission to audit the accounts of the JUC Bureau, and approval of the Regulations of that commission and of amendments and additions thereto;
- determination of the scope and procedure for the transmission of information supplied to the JUC Bureau by the competent organs and organizations of the Contracting Parties;
- co-operation of the JUC Council and Bureau with international organizations.

In adopting decisions on other questions, the JUC Council shall also try to achieve unanimity. If unanimity is not achieved, however, the Council's decisions shall be considered to have been adopted when not less than two thirds of the members of the Council vote in favour of them. Decisions of the Council adopted in this manner shall not be binding on those members of the Council who have not voted in favour of them and have entered a reservation to that effect in the record of the Council meeting. Subsequently, however, such members of the Council may associate themselves with the decisions in question.

3. The specific functions, powers and organization of work of the JUC Council and other questions relating to its work shall be regulated by the Statute of the JUC Council which is annexed to this Agreement and constitutes an integral part of it.

4. The JUC Council shall hold meetings as necessary, but not less than once a year.

5. The functions, powers, structure, staff and budget of the JUC Bureau and other questions relating to its work shall be regulated by the Statute of the JUC Council and the Regulations of the JUC Bureau.

6. The JUC Bureau shall be located at Bucharest (Socialist Republic of Romania).

Article V. The Mongolian People's Republic shall participate in this Agreement to the extent of its possibilities.

Article VI. 1. The use of ISO series 3 containers (gross mass 2.5–5 tons) shall be subject to the provisions of the Agreement on the International Transport of Goods by Rail and of the Rules, for the Use of Railway Wagons in International Passenger and Goods Transport, unless otherwise regulated on a bilateral or multilateral basis.

2. In the case of transoceanic maritime transport, the use of ISO series 3 containers shall be regulated on the basis of bilateral or multilateral agreements between the Contracting Parties or between their competent organs or organizations.

Article VII. 1. This Agreement is concluded for a period ending in 1980. Upon the expiry of that period, the Agreement shall be automatically extended for subsequent ten-year periods, unless the Contracting Parties decide otherwise.

2. This Agreement is subject to approval in accordance with the legislation of the signatory countries of the Agreement and shall enter into force 30 days after the date on which the last of the said countries notifies its approval to the depositary of the Agreement. However, in respect of article IV, this Agreement shall enter into force provisionally as from the date of its signature.

Article VIII. For the purpose of implementing this Agreement, the Contracting Parties concerned and their competent organs or organizations may conclude additional bilateral or multilateral agreements with one another on special questions arising from this Agreement.

Article IX. 1. This Agreement may be amended and supplemented with the consent of all the Contracting Parties.

2. The Contracting Parties shall communicate proposals for additions and amendments to the depositary, which shall immediately transmit them to the other Contracting Parties for their approval.

3. The Contracting Parties shall inform the depositary of their opinions on proposed additions or amendments within 90 days of the receipt thereof. The depositary shall inform the Contracting Parties of the opinion of each Contracting Party within 15 days of the date of the receipt of the last such opinion.

4. Approved additions and amendments shall enter into force 30 days from the date of receipt by the depositary of the last notification of agreement of the Contracting Parties to such additions and amendments, unless otherwise agreed at the time of their adoption.

Article X. 1. With the consent of all the Contracting Parties, other countries may accede to this Agreement by transmitting to the depositary statements attesting to such accession, which the depositary shall immediately communicate to all the Contracting Parties.

2. The conditions for the accession of other countries shall be determined by the Contracting Parties in agreement with each country which has made a statement of accession.

3. The accession of any other country shall enter into force after the receipt of consent thereto from all the Contracting Parties, which the depositary shall communicate to the Contracting Parties.

Article XI. 1. Any of the Contracting Parties may terminate its participation in this Agreement by so notifying the depositary.

The termination shall take effect 12 months after the date of receipt of such notification by the depositary, during which period all reciprocal obligations connected with such termination must be discharged.

2. Termination of participation in this Agreement shall not affect the obligations of the Contracting Parties and of their competent organs and organizations arising from agreements concluded by them in accordance with article VIII of this Agreement.

Article XII. This Agreement shall be deposited with the Secretariat of the Council for Mutual Economic Assistance, which shall serve as the depositary of the Agreement. The depositary shall distribute certified copies of the Agreement to all the Contracting Parties.

DONE at Karl-Marx-Stadt (German Democratic Republic) on 29 June 1974 in a single copy in the Russian language.

[V. CHANOV]

For the Government of the People's Republic
of Bulgaria

[L. FIOLDVARY]

For the Government of the Hungarian
People's Republic

[O. ARNDT]

For the Government of the German
Democratic Republic

[A. LYCÓN]

For the Government of the Republic
of Cuba

[B. ENEVITCH]

For the Government of the Mongolian
People's Republic

[M. ZAÏFRIED]

For the Government of the Polish
People's Republic

[K. BYRADA]

For the Government of the Socialist
Republic of Romania

[B. BESHEV]

For the Government of the Union of Soviet
Socialist Republics

[CH. SCHUTKA]

For the Government of the Czechoslovak
Socialist Republic

A N N E X

TO THE AGREEMENT OF 29 JUNE 1974 ON THE JOINT USE OF CONTAINERS
IN INTERNATIONAL COMMUNICATIONSTATUTE OF THE COUNCIL ON THE JOINT USE OF CONTAINERS
IN INTERNATIONAL COMMUNICATION (JUC COUNCIL)*General provisions*

1. The Council on the Joint Use of Containers in International Communication (the JUC Council) is established in accordance with the Agreement of 29 June 1974 on the joint use of containers in international communication, hereinafter referred to as "the Agreement".

2. The JUC Council is established for the purpose of carrying out the work connected with the implementation of the Agreement, in particular stock-taking, analysis, accounting, information and other questions relating to the transport of large containers in international rail, motor-vehicle, maritime, river and mixed communication.

3. For the performance of its functions the JUC Council shall have an executive working body, the Bureau on the Joint Use of Containers in International Communication (the JUC Bureau), located at Bucharest (Socialist Republic of Romania).

4. The JUC Council shall operate in accordance with the Agreement and with this Statute, which constitutes an integral part of the Agreement.

5. The JUC Council shall have the legal capacity necessary for the performance of its functions and the achievement of its purposes.

Membership

6. The members of the JUC Council shall be the ministries of transport of the States Parties to the Agreement in the person of their authorized representatives. There shall be one representative from each country.

Functions and powers

7. In order to facilitate the joint use of large containers under the Agreement, the JUC Council shall perform the following functions:

- (a) identify, on the basis of data provided by the members of the JUC Council, the volumes of container traffic in international communication for each type of transportation and facilitate their periodic harmonization;
- (b) formulate proposals for changes and additions to the established routes for international container trains and regular motor-vehicle, maritime and river container lines, including the frequency of service on individual routes;
- (c) determine the scope and time-limits for the supply by the members of the JUC Council of the information and report figures needed for the implementation of the Agreement;
- (d) arrange, if necessary, for a simultaneous inventory of the large containers jointly used in international communication in the territories of the States Parties to the Agreement and co-ordinate the procedure and time-limits for the inventory;
- (e) formulate proposals on:
 - the regulation of container flows and the maintenance of a balance of containers, and also to ensure the rational dispatching of empty containers;
 - questions connected with the provision of mutual assistance in respect of containers by the members of the JUC Council;
 - improvement of the technical conditions for the commissioning of the containers jointly used in international communication;

- improvement of operations at the transfer points through which international traffic in large containers is carried on;
 - (f) promote the use of the results of scientific research relating to the container transport system;
 - (g) perform other functions arising from the Agreement.
8. The JUC Council shall:
- (a) approve the Rules for the joint use of containers in international communication (the JUC Rules), and any additions and amendments thereto;
 - (b) approve:
 - the regulations for the JUC Bureau, the rules governing the working conditions of the staff of the JUC Bureau, the structure and manning table of the JUC Bureau, and any amendments and additions to such documents;
 - the budget of the JUC Bureau;
 - the regulations for the auditing commission to review the financial operations the JUC Bureau, and any amendments and additions thereto;
 - (c) establish its rules of procedure;
 - (d) consider and decide questions relating to co-operation with international organizations;
 - (e) establish, if necessary, working bodies for preparatory work on and co-ordinating individual questions considered by the JUC Council and determine the composition and tasks of such bodies, and also their methods of work;
 - (f) approve its plan of work, as a rule, for one-year periods;
 - (g) review the results of the work of the auditing commission in reviewing the financial operations of the JUC Bureau;
 - (h) consider and resolve other questions which may arise in the implementation of the Agreement.

Sessions of the JUC Council

9. Each member of the JUC Council shall have one vote.
10. The JUC Council shall hold its sessions as necessary, but at least once a year.
11. The sessions of the JUC Council shall be chaired by the representatives of the members of the JUC Council, in turn, in the Russian alphabetical order of the names of their countries.
12. The Chairman may at any time speak at sessions of the JUC Council in his capacity as representative of his country.
13. The JUC Council shall be empowered to discuss questions connected with the Agreement and to take decisions thereon.
14. Decisions of the JUC Council shall be taken in accordance with the procedure laid down in the provisions of article IV, paragraph 2, of the Agreement.
15. Representatives of other international organizations may attend the sessions of the JUC Council at its invitation.

The JUC Bureau

16. The technical-organizational and routine work connected with the activities of the JUC Council shall be done by the JUC Bureau, which shall be accountable to the JUC Council and responsible to it. The Bureau shall consist of a director, his deputies, specialized staff and the necessary technical and service personnel.

17. The Director of the JUC Bureau, his deputies and the other specialized staff of the JUC Bureau shall be appointed on the basis of recommendations from the States Parties to the

Agreement for an agreed period; the Director of the JUC Bureau and his deputies shall be appointed and terminated by the JUC Council, and the other staff members of the JUC Bureau shall be appointed and terminated by the Director of the JUC Bureau or by one of the Deputy Directors subject to his authorization. The personnel of the JUC Bureau shall be recruited, as far as possible, in equal numbers from among nationals of the States Parties to the Agreement. The technical and service personnel shall be recruited from among nationals of the country in which the JUC Bureau is located.

18. The Director of the JUC Bureau, his deputies and the other specialized staff of the JUC Bureau, in performing their official duties, shall act as international officials, independent of the organizations and authorities of the countries of which they are nationals.

19. The Director of the JUC Bureau, his deputies and other members of the JUC Bureau authorized by them, may attend the session of the JUC Council.

20. The Director of the JUC Bureau shall act within the sphere of competence assigned to him under the Statute of the JUC Council, the Regulations of the JUC Bureau and individual decisions of the JUC Council.

The Director of the JUC Bureau shall, subject to the authorization of the JUC Council, represent the JUC Council in dealings with the organizations and authorities of the States Parties to the Agreement and other countries, and also with international organizations.

21. The Director of the JUC Bureau may establish contacts with other international organizations if the JUC Council so decides.

22. The specific functions, powers and procedure for the recruitment of the staff of the JUC Bureau, and other questions connected with the work of the JUC Bureau, shall be laid down in the Regulations of the JUC Bureau.

Financial questions

23. The activities of the JUC Bureau shall be financed under the budget of the JUC Bureau established for each calendar year.

The States Parties to the Agreement shall pay equal contributions to this budget.

24. The maintenance expenses of participants in the sessions of the JUC Council, and also in other meetings held in connexion with the work of the JUC Council and the JUC Bureau, shall be borne by the country sending representatives to such sessions and meetings. The expenses involved in the provision of premises and also of technical facilities for such sessions and meetings shall be borne by the country in which the sessions and meetings are held, except in cases when the sessions and meetings are held at the premises of the JUC Bureau.

25. The financial operations of the JUC Bureau shall be reviewed by the auditing commission established by the JUC Council. The auditing commission shall be accountable to the JUC Council and responsible to it. It shall act in accordance with its regulations. The members of the auditing commission may not hold any position on the JUC Bureau.

Legal status

26. The legal status of the JUC Council and Bureau and their privileges, and also the privileges and immunities of the representatives of members of the JUC Council and officials of the JUC Bureau shall be governed by the Agreement concerning the legal status and privileges of international specialized organizations for economic co-operation concluded at Warsaw on 9 September 1966.

Languages

27. The official languages of the JUC Council and Bureau shall be the languages of the States Parties to this Agreement. The working language of the JUC Council and Bureau shall be Russian.

28. All documents relating to the sessions of the JUC Council and of meetings held in connexion with its work shall be drawn up in Russian. The members of the JUC Council shall arrange for the translation of their statements and documents from the language of their own country into the working language and from the working language into the language of their own country.

29. In its dealings with the organs, organizations and authorities of the country in which the JUC Bureau is located, the Bureau may also use the language of that country.

Amendments and additions to the Statute

30. This Statute may be amended or supplemented in accordance with the procedure laid down in article IX of the Agreement.

Entry into force

31. This Statute shall enter into force in accordance with the procedure laid down in article VII of the Agreement.
