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INLAND TRANSPORT COMMITTEE

Working Party on Combined Transport

**DECISIONS TAKEN BY THE WORKING PARTY ON COMBINED TRANSPORT
AT ITS THIRTY-FIFTH SESSION
(20 April 2001)**

ATTENDANCE

1. The Working Party held its thirty-fifth session on 20 April 2001.
2. The session was attended by representatives from the following countries: Austria; Belarus; Belgium; Bulgaria; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland as well as a representative of the European Commission.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented.
4. The following inter-governmental organizations were represented: European Conference of Ministers of Transport (ECMT); Inter-governmental Organization for the International Carriage by Rail (OTIF).

5. The following non-governmental organizations were represented: International Container Bureau (ICB); European Intermodal Association (EIA), International Road Transport Union (IRU); International Organization for Standardization (ISO); International Union of Combined Road/Rail Transport Companies (UIRR).

6. On the invitation of the secretariat, a representative of the “Groupement Européen du Transport Combiné” (GETC) participated at the session of the Working Party.

ADOPTION OF THE AGENDA

7. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.24/90)

ELECTION OF OFFICERS

8. Ms. M. Masclee (Netherlands) was elected Chairwoman and Mr. M. Viardot (France) was elected Vice-Chairman of the Working Party for its sessions in the year 2001.

ACTIVITIES OF UNECE BODIES AND OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

(a) UNECE Inland Transport Committee

Documentation: ECE/ TRANS/136, TRANS/SC.1/367, TRANS/ SC2/194, TRANS/SC.3/153, TRANS/WP.30/194.

9. The Working Party was informed about the results of the sixty-third session of the UNECE Inland Transport Committee (13-15 February 2001), which had approved the activities of the Working Party carried out in 2000. The Committee had in particular invited all concerned UNECE member countries, Contracting Parties to the AGTC Convention, to consider becoming Contracting Parties to the Protocol to the AGTC on inland waterways. Furthermore, the Committee had decided to prolong the mandate of the ad-hoc expert group on civil liability regimes in multimodal transport operations and requested the expert group to pursue the complex tasks towards a harmonized civil liability regime covering, at this stage, multimodal transport operations of all modes of transport.

10. The Working Party was also informed about the activities undertaken by the Working Party on Inland Water Transport (SC.3). In particular, the Working Party took note of the scheduled up-date of the so-called “Blue Book” on parameters of Inland Waterways. The Working Party was invited to inform the secretariat of possible new elements to be added to the “Blue Book”, such as for instance terminals for combined transport.

11. The Working Party was also informed about the activities undertaken by the Working Party on Customs Questions affecting Transport (WP.30). It noted that phase II of the TIR revision process had been concluded and that, under phase III, computerization of the TIR Customs transit system was being considered. The Working Party was also informed about the activities undertaken concerning the harmonization of pan-European Customs transit procedures for rail transport.

12. Activities of the Working Party on Road Transport (SC.1) and the Working Party on Rail Transport (SC.2) are contained in detail in document TRANS/SC.1/367 and TRANS/SC.2/194.

13. Detailed information on the activities of the UN/ECE Working Parties can be obtained from the web site of the UN/ECE Transport Division (www.unece.org/trans/welcome.html).

(a) European Commission (EC)

14. The Working Party was informed by the representative of the European Commission, Directorate General Energy and Transport (TREN), about recent developments in the field of combined transport in the European Community. It took note of the imminent publication of the European Commission White Book on Intermodal Transport. In its future policy the European Union will focus on the best utilization of all modes of transport. The Working Party was also informed about the adoption of a new rail package by the European Union and the present PACT programme as well as the successor to the present programme which will focus on all intermodal transport and which also will cover projects outside the European Union.

(b) European Conference of Ministers of Transport (ECMT)

15. The Working Party was informed about the current activities of the ECMT relating to an anticipated report on scenarios for infrastructure investments. Part of the report will focus on alpine transit and the combined transport elements thereof.

(c) **Other organizations**

16. The Working Party was informed about the current activities of the International Container Bureau (ICB). The ICB focused its activity on intra continental issues and is undertaking two studies with the financial support of the European Union on the harmonization of non-ISO standard containers.

17. The Working Party was also informed by the representative of the European Intermodal Association (EIA) about the activities of the French organization L'ADEME in the area of efficient energy consumption.

FOLLOW-UP TO THE 1997 REGIONAL CONFERENCE ON TRANSPORT AND THE ENVIRONMENT

Documentation: TRANS/2001/9; ECE/AC.21/2001/1; ECE/RCTE/CONF.3/FINAL; JMTE/AC.1/2001/2.

18. The Working Party was informed about the follow-up to the Regional Conference on Transport and the Environment (Vienna, 12-14 November 1997), in particular the implementation of the Programme of Joint Action (POJA) (ECE/RCTE/CONF.3/FINAL) adopted by the Conference. The Working Party took note of the report of the first Meeting of the Joint Ad Hoc Experts on Transport and Environment that took place in Geneva on 26 and 27 February 2001.

19. The Working Party also noted the activities of the subsidiary bodies of the UNECE Inland Transport Committee (ITC) in implementing the POJA as contained in document TRANS/2001/9. The Working Party recalled that it had already prepared two background documents on the promotion of combined transport to foster a sustainable transport policy in Europe for the Regional Conference and that it had developed proposals for the AGTC Agreement and for civil liability regimes in multimodal transport, that had been included in the POJA.

20. The Working Party took note that also SC.2, SC.3, WP.5, WP.6, WP.15 and WP.29, all subsidiary bodies to the ITC, have included elements of the POJA into their programmes of work.

21. The Working Party was informed of the progress made by the secretariat in the review of international transport agreements, including the AGTC Agreement, as a follow-up to the so-called London Charter on Transport, Environment and Health. The Working Party took note of a report prepared by the UNECE and the WHO secretariats containing an overview of the relevant instruments (ECE/AC.21/2001/1).

EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED TRANSPORT LINES AND RELATED INSTALLATIONS (AGTC)

(a) Status of the AGTC Agreement

Documentation: ECE/TRANS/88, Rev.1.

22. As of 1 April 2001 the following 23 countries are Contracting Parties to the AGTC Agreement: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; France; Georgia; Germany; Greece; Hungary; Italy; Luxembourg; Netherlands; Norway; Portugal; Romania; Russian Federation; Slovakia; Slovenia, Switzerland and Turkey. Up-to-date information on the status of the AGTC Agreement as well as of other United Nations treaties developed and/or administered by the UN/ECE may be obtained from the web site of the UNECE Transport Division (www.unece.org/trans - Legal instruments).

23. The Working Party was informed that the Federal Republic of Yugoslavia had succeeded to a number of international Conventions and Agreements in the field of transport, although not yet to the AGTC Agreement.

24. The Working Party was also informed that first draft revised maps covering the AGTC Network will be sent shortly to the Contracting Parties for verification.

(b) Amendments proposed to the AGTC Agreement

Documentation: C.N.983.2000.Treaties-2; C.N.18.2001.Treaties-1.

25. The Working Party noted that the amendment proposals to Annexes I and II to the AGTC Agreement adopted by the Working Party at its thirty-second session (6-8 September 1999) have come into force on 1 February 2001 (Depository Notification C.N.983.2000.TREATIES-2).

26. The Working Party also noted that on 17 January 2001 the amendment proposals adopted by the Working Party at its thirty-fourth session (6-8 September 2000) also relating to Annexes I and II to the AGTC Agreement have been transmitted by the Legal Office of the United Nations for review to all Contracting Parties (Depository Notification C.N.18.2001.TREATIES-1). According to Article 15, paragraph 4-5 of the AGTC Agreement, the amendments contained in Depository Notification C.N.18.2001.TREATIES-1 will consequently enter into force on 17 October 2001, unless objections are launched.

27. The UNECE secretariat informed the Working Party that a consolidated version of the Agreement will be drawn up by the secretariat once the amendments have been accepted.

INVENTORY OF EXISTING AGTC STANDARDS AND PARAMETERS

Documentation: UNECE Publication “Yellow-book”.

28. The Working Party was informed that the secretariat had received some modifications to the so-called “Yellow Book” containing an inventory of existing AGTC and AGC standards and parameters covering the year 1997. The Working Party invited all countries concerned to verify the inventory and inform the secretariat of any further modifications. The secretariat will subsequently collate all modifications in a Corrigendum to the “Yellow-book”.

29. The Working Party took note that the secretariat, as requested, has translated the short analysis on the implementation of the AGTC and AGC standards and parameters contained in the “Yellow Book” into French and Russian.

PROTOCOL ON COMBINED TRANSPORT ON INLAND WATERWAYS TO THE EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED TRANSPORT LINES AND RELATED INSTALLATIONS (AGTC)

Documentation: ECE/TRANS/122 and Corr.1 (F) and Corr.2 (R).

30. The Working Party recalled that, on the occasion of the Regional Conference on Transport and the Environment (Vienna, 12-14 November 1997), the Protocol to the AGTC Agreement had been signed by the following 12 UNECE member countries: Austria; Czech Republic; Denmark; France; Germany; Greece; Hungary; Italy; Netherlands; Portugal; Romania and Switzerland. Subsequently, the Protocol has been signed by Slovakia on 29 June 1998 and by Bulgaria on 28 October 1998.

31. As of 1 April 2001, the Protocol has the following seven Contracting Parties: Bulgaria; Czech Republic; Denmark; Luxembourg; Netherlands; Romania and Switzerland. It will come into force following ratification by at least five States, of which three States are linked, in a continuous manner, by the waterways identified in the Protocol.

32. Amendment proposals submitted to the Working Party at its twenty-ninth session by France, Hungary and Romania (Informal document No. 1 (1998); TRANS/WP.24/79, para. 20) as well as amendment proposals transmitted by the Government of Bulgaria to the secretariat may be considered by the Working Party as soon as the Protocol enters into force.

33. The final text of the Protocol to the AGTC Agreement (in English, French and Russian) is contained in document ECE/TRANS/122 and Corr.1 (F) and Corr.2 (R). Up-to-date information on the status and the text of the Protocol may be obtained via the Internet from the web site of UNECE Transport Division (www.unece.org/trans/-legal_instruments).

THE ROLE OF RAILWAYS IN THE PROMOTION OF COMBINED TRANSPORT

Documentation: TRANS/WP.24/2001/1; TRANS/WP.24/2001/2; TRANS/WP.24/2001/3; TRANS/WP.24/2001/4; TRANS/WP.24/2001/5; TRANS/WP.24/2001/6; TRANS/WP.24/2001/7; Informal document Nos. 1; 3; 4; 5; 6 (2001).

34. The Working Party had a preliminary exchange of views on the results of the Joint Meeting of the Working Party and the Working Party on Rail Transport (SC.2), that took place on 19 April 2001.

35. The Working Party emphasized the importance of a continuous dialogue between all partners in the combined transport chain in order to resolve the issue of service quality in combined transport, which was considered by the Working Party to be the main obstacle for developing further the combined transport market segment. In this context the Working Party considered, in particular, which kind of supportive Governmental measures could assist in this process.

36. The Working Party was of the view that follow-up action as a result of the Joint Meeting should focus on the following issues: Partnership models including model agreements and best practices and key performance indicators taking into consideration the question of free competition and anti-trust regulations; costing, pricing and subsidies focusing on the specific elements which make up each of these economic parameters, what factors influence each of the elements and how an optimization of the elements can assist in promoting combined transport; facilitation of border crossing procedures, harmonization of frontier controls and interoperability in international transport; harmonization of liability regimes in multimodal transport.

37. The Working Party requested the secretariat to develop a first informal discussion paper on these issues for the next session of the Working Party. The paper should describe a procedure on how to progress the work for each of the defined issues.

38. The report of the Joint Meeting of the Working Party and the Working Party on Rail Transport (SC.2) is contained in TRANS/WP.24/2001/8.

TERMINOLOGY IN COMBINED TRANSPORT

Documentation: Joint UNECE, ECMT and European Commission publication.

39. The newly published glossary on terms used in combined transport was made available at the session. The glossary contains a detailed, though not exhaustive list of definitions applied in the framework of combined transport in Europe. The definitions are available in four languages; English, French, Russian and German. The glossary is available free of charge from the secretariat and can be viewed and downloaded (PDF-format) from the web site of the UNECE Transport Division (www.unece.org/trans/).

40. The Working Party invited the secretariat to translate the glossary into the other official United Nations languages in order to facilitate that the definitions on combined transport could be used on a global level.

41. The representative of the European Commission informed the Working Party that the glossary was being translated into all official languages of the European Union.

NEW DEVELOPMENTS IN THE FIELD OF COMBINED TRANSPORT IN UNECE MEMBER COUNTRIES

Documentation: Informal document No. 2 (2001).

42. The representatives of Hungary and Poland provided the Working Party with documentation on the latest trends and developments in the field of combined transport. Due to lack of time, the Working Party decided to discuss this information at its next session.

POSSIBILITIES FOR RECONCILIATION AND HARMONIZATION OF CIVIL LIABILITY REGIMES GOVERNING COMBINED TRANSPORT

Documentation: TRANS/WP.24/2000/3.

43. The Working Party recalled that its programme of work contains as a priority item, the “... analysis of possibilities for reconciliation and harmonization of civil liability regimes governing combined transport operations”.

44. The Working Party was informed about the decision of the Inland Transport Committee at Its sixty-third session (13-15 February 2001) to prolong the mandate of the ad hoc expert group on civil liability regimes in multimodal transport operations (see also paragraph 9 above).

45. The Working Party noted that, considering the various views expressed by both government and industry representatives, it was necessary to bring the process to a conclusion as soon as possible.

46. The Working Party was informed by the secretariat about the results of the workshop organized by the Organization for Economic Co-operation and Development (OECD) on Cargo Liability (25 and 26 January 2001). The workshop had focused on unresolved issues in relation to the draft of a cargo liability instrument that has been developed by the International Maritime Committee (CMI). The main issues still to be resolved are whether a new instrument should have a unimodal or multimodal application, allocation of responsibilities between carriers and cargo owners and finally the issue of contractual freedom.

47. The Working Party was also informed by the representative of the United Nations Conference on Trade and Development (UNCTAD) about a meeting of the International Maritime Committee (CMI), which took place in Singapore in February 2001. She also informed the Working Party about a world-wide study that UNCTAD had undertaken about the national application of multimodal transport legislation. The study will be released later this year.

48. Considering the various developments in the field of civil liability, the Working Party recognized that it was important to consolidate and co-ordinate the findings of the different international forums. The Working Party noted that only through co-operation at the international level would it be possible to progress work towards harmonizing civil liability in multimodal transport.

49. The Working Party requested the secretariat to explore the possibility of organizing a worldwide forum to bring together all government representatives and experts on civil liability in multimodal transport with the aim of coming to a final conclusion concerning the question of harmonizing civil liability in multimodal transport. The forum should take place in autumn 2001.

50. The representative of UNCTAD expressed the interest of her organization in co-operating closely with the Working Party in the organization of such a forum.

51. The Working Party also requested the secretariat, as an intermediate step, to explore the possibilities of harmonizing the liability clauses of the legal instruments governing European overland transport, in particular road and rail transport.

OTHER BUSINESS

52. The Working Party decided to convene its next session from 3 to 5 September 2001. Deadline for the transmission of official documents: 8 June 2001.

ADOPTION OF THE DECISIONS TAKEN BY THE WORKING PARTY

53. The Working Party will adopt the present decisions at its forthcoming thirty-sixth session (3-5 September 2001).
