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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Combined Transport

**DECISIONS TAKEN BY THE WORKING PARTY ON
COMBINED TRANSPORT ON ITS THIRTY-FIRST SESSION
(13 April 1999)**

ATTENDANCE

1. The Working Party held its thirty-first session on 13 April 1999.
2. The session was attended by representatives from the following countries: Austria; Belarus; Belgium; Bulgaria; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Romania; Slovakia; Switzerland; Turkey; Ukraine; United Kingdom. A representative of the European Community (EC) was also present.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented.
4. The following intergovernmental organizations were represented: Committee of the Organization for Cooperation between Railways (OSZhD); European Conference of Ministers of Transport (ECMT); Intergovernmental Organization for International Carriage by Rail (OTIF).
5. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Container Bureau (ICB); European Intermodal Association (EIA); International Organization for Standardization (ISO); International Union of Combined Road/Rail Transport Companies (UIRR).

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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 ECE secretariat (TRANS/WP.24/82).

ELECTION OF OFFICERS

8. Mr. H. Maillard (Belgium) was re-elected Chairman of the Working Party for its 1999 sessions.

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

- (a) ECE Inland Transport Committee

Documentation: ECE/TRANS/128 and Add.1.

9. The Working Party was informed about the results of the sixty-first session of the ECE Inland Transport Committee (8-11 February 1999) which had approved the activities of the Working Party carried out in 1998 and had endorsed its programme of work for the years 1999-2003. On being informed of the activities of the Working Party on Rail Transport and, in particular, of the adoption of a resolution on the facilitation of border crossings by the Committee (ECE/TRANS/128, annex 1), the Working Party recognized that, while difficulties and delays in international rail transport had increased in recent years, bottlenecks in international road transport have been and are increasingly being removed in Europe, thus increasing further the competitive edge of international road transport vis-à-vis rail and, in particular, combined transport.

- (b) European Commission (EC)

10. The Working Party took note of information relating to general European Community activities and policies that have implications for combined transport. It also noted that calls for the establishment of a European Reference Centre for Intermodal Freight Transport have been issued by the European Commission.

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

11. The Working Party was informed about the current activities of the ECMT Combined Transport Group relating to short sea shipping as an alternative to European inland transport. It was planned to prepare political conclusions on this subject for consideration at the Prague Council meeting in 2000. Work on transport terminology in the framework of an informal inter-secretariat working group continued according to plan.

(d) Other organizations

Documentation: Informal document No. 2 (1999)(UIC).

12. The representatives of EIA, OTIF, UIRR, ICB, UIC and GETC informed the Working Party of recent activities of their organizations in the field of combined transport.

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

Documentation: ECE/RCTE/CONF./2/FINAL; ECE/RCTE/CONF./3/FINAL;
ECE/RCTE/CONF./7/FINAL; ECE/RCTE/CONF./8/FINAL; TRANS/WP.24/R.85/Rev.1.

13. The Working Party was informed about the follow-up to the Regional Conference on Transport and the Environment, held in Vienna from 12 to 14 November 1997, in particular the implementation of the Programme of Joint Action (ECE/RCTE/CONF.3/FINAL) adopted by the Conference. It noted that the second session of the ECE Joint Meeting on Transport and the Environment was scheduled to be held on 6 July 1999 in Geneva. ECE member countries and concerned international organizations were expected to report on their activities in this respect.

14. The Working Party expressed concern about the present stagnation and in some cases even decrease in the use of combined services in Europe. While generally considered as an environmentally friendly "mode" of transport, combined transport was at present on many important transport corridors apparently no longer competitive in terms of price and quality compared to pure road transport.

15. The Working Party felt that it might be envisaged that, in addition to ECE Governments and international organizations, relevant subsidiary bodies of the ECE might also report at regular intervals on progress made in the implementation of the various elements of the Programme of Joint Action.

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

(a) Status of the AGTC Agreement

Documentation: ECE/TRANS/88 and Corr.1.

16. As of 1 April 1999 the following 22 countries were Contracting Parties to the AGTC Agreement: Austria; Belarus; Bulgaria; Croatia; Czech Republic; Denmark; France; Georgia; Germany; Greece; Hungary; Italy; Luxembourg; Netherlands; Norway; Portugal; Romania; Russian Federation; Slovakia; Slovenia, Switzerland and Turkey.

17. The Working Party, noting that in particular Belgium, Finland, Poland, the Republic of Moldova and the Ukraine had not yet acceded to the AGTC Agreement, requested the secretariat to invite these countries to take all necessary steps in order to become Contracting Parties to the Agreement as soon as possible.

18. Up-to-date information on the status of the AGTC Agreement as well as of other United Nations treaties may be obtained via the Internet from the web site of the Legal Office of the United Nations in New York (www.un.org/depts/treaty). User registration (via password) will be required.

(b) Amendments proposed to the AGTC Agreement

Documentation: TRANS/WP.24/77, annex 1.

19. The Working Party noted with appreciation that an agreement had been reached between the Governments of the Republic of Moldova and the Ukraine on the inclusion of railway line C-E 95 into the AGTC Agreement complementing the amendment proposals already adopted by the Working Party for Hungary and Romania in September 1997 (TRANS/WP.24/77, annex 1; TRANS/WP.24/81, paragraphs 20 and 21).

20. The representative of Hungary proposed the inclusion of a minor amendment relating to railway line C-E 71 on the territory of Hungary and the addition of a parallel line C-E 691.

21. The Working Party decided to consider these amendment proposals at its forthcoming autumn session with a view to their adoption.

22. The Working Party noted that no further proposals for amendment of the AGTC Agreement have been submitted.

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).

23. 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 has been signed by the following 12 ECE 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 Bulgaria on 28 October 1998.

24. As of 1 June 1999, the Protocol will have the following four Contracting Parties: Czech Republic, Denmark, Romania and Switzerland. It will come into force following ratification by at least five States.

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

26. The Working Party also recalled that, in accordance with operative paragraph 2 of the Resolution adopted by the Regional Conference on Transport and the Environment (ECE/RCTE/CONF/7/FINAL), it had decided to monitor the implementation of the Protocol and to conduct an inventory of its parameters and standards in cooperation with the ECE Working Party on Inland Water Transport. This Working Party has already completed a first inventory of the existing and target parameters of the E waterway network identified in the European Agreement on Main Inland Waterways of International Importance (AGN) ("Blue Book"), which, to a large extent, covers the network and the parameters enshrined in the Protocol to the AGTC Agreement and will be repeated every five years (TRANS/SC.3/1997/2).

27. In this context, the Working Party welcomed the proposal of the Working Party on Inland Water Transport to include, possibly in the next issue of the "Blue Book", an inventory of the technical and operational minimum requirements for terminals in ports as contained in annexes II and III of the Protocol to the AGTC Agreement and requested the secretariat to follow-up on this proposal (TRANS/SC.3/146, para. 17).

INVENTORY OF EXISTING AGTC STANDARDS AND PARAMETERS ("YELLOW BOOK")

Documentation: TRANS/WP.24/1998/2; "Yellow Book" and Addendum.

28. The Working Party recalled that, at its twenty-ninth session, it had approved a standard questionnaire (TRANS/WP.24/1998/2) and requested the secretariat to add to each of the pre-filled country questionnaires the new lines and related installations that are part of the amendment proposals adopted at the twenty-fifth session of the Working Party. Relevant AGC parameters and AGC lines, not part of the AGTC network, should also be added in consultation with the secretariat of the ECE Working Party on Rail Transport, to arrive at one consolidated questionnaire covering both the AGTC and the AGC Agreements (TRANS/WP.24/79, para. 23).

29. Due to limited staff resources, the secretariat has not yet been able to finalize the pre-filled questionnaires. The Working Party noted that the questionnaires will be transmitted to concerned ECE member countries within the next few weeks.

30. The Working Party noted with appreciation that the OSZhD has completed its "Yellow Book" covering the OSZhD network on combined transport lines which extends the AGTC network to Central Asia and China.

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

Documentation: ECE/TRANS/128; TRANS/WP.24/1999/1; TRANS/WP.24/81.

31. 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". Following a thorough discussion of this complex issue at the thirtieth session of the Working Party (TRANS/WP.24/81, paras.37-44), an informal meeting of interested experts was held in Frankfurt (Germany) on 7 and 8 December 1998. This meeting considered the feasibility and the approach to be taken to resolve possible difficulties arising from differences in modal liability regimes and/or gaps in full coverage during combined transport operations.

32. The Working Party considered the results of this informal meeting as contained in document TRANS/WP.24/1999/1 and noted that the Inland Transport Committee had requested that further investigations should be made in order to ascertain the existing difficulties for combined transport operations as a result of the differing and/or lacking international civil liability regimes (ECE/TRANS/128, para. 86).

33. The representatives of concerned non-governmental organizations confirmed the findings of the group of experts and stressed that the absence of international regulations in this field covering the total

transport chain was to the detriment of combined transport operators, as it tended to increase the risk of lengthy and costly legal procedures in case of loss, damage or delay of cargo and intermodal transport units (ITUs) and/or increased insurance premiums covering such risks. This militated against the use of combined transport.

34. The Working Party felt that, in principle, the conclusions of the group of experts could be endorsed. With a view to arriving at concrete solutions in due course, the Working Party was of the view that, if a new international legal instrument with mandatory character is to be prepared, it should cover inland transport and short sea shipping only.

35. In order to make rapid progress on this matter, the Working Party requested the secretariat to convene another informal meeting of experts, possibly in the first half of July 1999 in Geneva, to consider in depth the conclusions of the first expert group meeting. The meeting should be attended by legal experts as well as by practitioners, including shippers and combined transport operators. The meeting should provide guidance to the Working Party and to the Inland Transport Committee on possible legal instruments to be prepared at the international level in this field and on the arrangements and procedures to be used in order to finalize such instruments within a reasonable time frame. As the European Commission had recently organized a hearing on this subject, it was felt that the European Commission (DG VII) should also be invited to contribute to the considerations at the meeting.

36. The representatives of international organizations present stressed their interest to participate in this work.

37. In this context, the Working Party noted with concern that the vacant post of Secretary of the Working Party has not yet been filled. The secretariat was requested to ensure that this important post was filled in due course and that the incumbent had the required legal and technical expertise to assist substantially in the possible preparation of a new legal instrument on civil liability.

ROLE OF RAILWAYS IN THE PROMOTION OF COMBINED TRANSPORT

Documentation: UIC document on rail transport quality.

38. In line with its mandate, the Working Party had a short exchange of views on the contribution of railways, acting increasingly as commercial enterprises, in the promotion of competitive combined transport services. Noting that preliminary figures showed that combined transport in Europe has stagnated in 1998 whereas overall freight transport, particularly international transport, has continued to increase, the Working Party was of the view that this development ran counter to the aspirations of most ECE member countries as has been expressed in numerous declarations and agreements, including the Programme of Joint Action adopted at the Regional Conference on Transport and the Environment (Vienna, November 1997).

39. Most representatives felt that the reasons for this decline of combined transport were a result of unsatisfactory levels of service quality, particularly unreliability on the part of railway operators and only in second place a result of uncompetitive price levels.

40. Stressing its concern about this very unsatisfactory developments, the Working Party invited the Working Party on Rail Transport to comment on this situation. It decided to revert to this issue at its forthcoming session and invited delegates to report on national experiences in the promotion of combined transport.

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

Documentation: Informal document No.1 (1999) (secretariat).

41. This issue was not discussed due to lack of time.

IMPLEMENTATION OF THE PROGRAMME OF WORK FOR 1999 TO 2003

Documentation: ECE/TRANS/128/Add.1; TRANS/WP.24/81, annex.

42. The Working Party decided to postpone to its next session an in-depth consideration of its programme of work for 1999 to 2003, adopted at its thirtieth session (TRANS/WP.24/81, annex), in order to ensure its implementation in line with the time frames provided.

OTHER BUSINESS

(d) Date of next session

43. The Working Party decided to convene its next session from 6 to 8 September 1999. Deadline for documents: 15 June 1999.

ADOPTION OF DECISIONS TAKEN BY THE WORKING PARTY

44. The Working Party decided to formally adopt the present decisions at its forthcoming thirty-second session (6-8 September 1999).
