



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.24/2004/3
12 January 2004

ENGLISH
Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

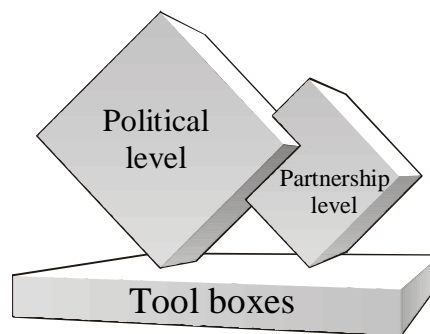
Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics*
(24 and 25 March 2004)

Working Party on Intermodal Transport and Logistics
(Forty-first session, 25 March 2004, agenda item 5)

**DEVELOPMENT OF COMBINED AND INTERMODAL TRANSPORT
AT THE PAN-EUROPEAN LEVEL**

Assistance in establishing public-private agreements

Note by the Chairperson



Note: This note was prepared by the Chairperson in order to facilitate consideration by the Working Party of document TRANS/WP.24/2003/6. It contains examples of elements and main outcomes that could be included in the AGTC Agreement.

* ECMT and UNECE have adopted cooperative arrangements in establishing the "Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics" consisting of separate ECMT and UNECE segments, the UNECE segment consisting of its Working Party on Intermodal Transport and Logistics.

A. PREAMBLE

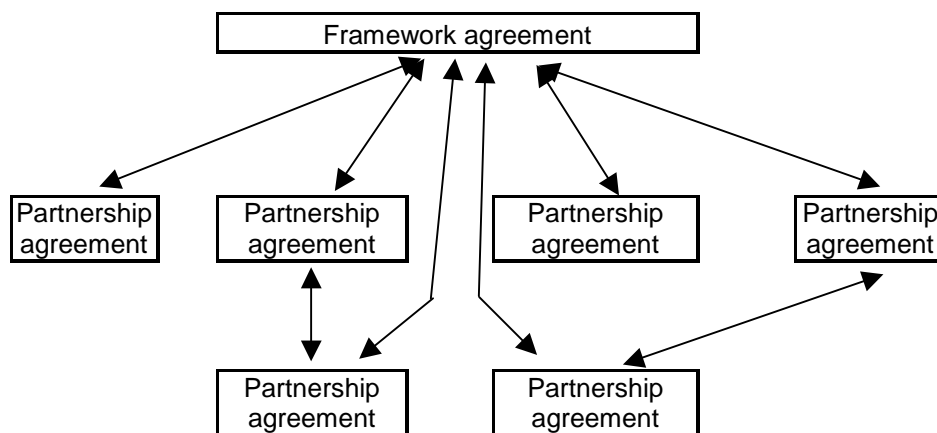
1. The European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) and its Protocol on inland waterways, prepared and administered under the auspices of UNECE, bring into play various protagonists and a number of different measures.

2. In the context of ECMT, the European ministers have made a commitment to the development of combined transport, with the adoption of Consolidated Resolution No. 2002/2 and Resolution No. 97/6.

3. Within the general legal and political framework of the AGTC Agreement and its Protocol on inland waterways, the promotion of international combined and intermodal transport services at the pan-European level can be considered at two levels (cf. the diagram below):

- at the political level, intergovernmental arrangements such as action plans or framework agreements;
- at the partnership level, agreements for participation among enterprises with an involvement in the objectives established to improve international combined or intermodal transport.

4. In order to facilitate the implementation of these agreements, specific measures may be taken in an effort to follow existing best practices. Such measures, which are not exhaustive, may provide assistance in the negotiations.



5. When a partnership agreement does not result in a consensus on particular points, the actors concerned may refer to the political actors in order to:

- resolve the dispute;
- come in as mediator;
- set up a framework agreement.

6. Generally speaking, the various institutional or economic actors should be informed of the agreements either of them have established.

B. FRAMEWORK AGREEMENT

7. The goal of the framework agreement is to help Contracting Parties to the AGTC Agreement to conclude intergovernmental action plans or similar agreements.

8. The action plan or framework agreement shows that Governments are committed to supporting the development of combined and intermodal transport and to creating the conditions to enable the various public and private actors involved to collaborate towards efficient and competitive combined and intermodal transport, by road, rail, inland waterway or short-haul shipping, along some transport corridors and/or in specific regions.

9. This agreement may be effected at the request of the signatories to the partnership agreement.

I. General and political background

10. Description of the political and economic motivations of Governments to coordinate transport policies, to pool technical know-how and to coordinate all relevant activities with a view to promoting efficient combined and intermodal transport in line with sustainable transport policies.

II. Actors involved

11. Identification of Governments and, where appropriate, regulatory authorities responsible for approving/signing the action plan or framework agreement at the bilateral, trilateral or multilateral levels.

III. Scope of work

12. Definition of the area of action, for example, by drawing up the list of transport corridors and lines, areas of activity (infrastructures, operations, regulations, etc.) and actors to be addressed.

IV. Approach for achieving objectives

(1) Objectives

Description of the objectives that it has been agreed to expect in the action plan or framework agreement, whether the issues are specific or general. The recommendation to conclude partnership agreements among the actors both in combined and in intermodal transport could be included here.

(2) Analysis of the situation

Identification of problems and causes on the basis of the results of feasibility studies, the results registered in the use of the relevant lines or the results of interviews. Consideration of the consistency of regulatory texts with the results of the analysis of the situation.

(3) Comparing the existing situation with the objectives

Detailed description of specific tasks and outputs to meet the objectives established and identification of criteria to measure impact.

The infrastructure and services standards and parameters stipulated in the AGTC Agreement and its Protocol on inland waterways could be explicitly referred to as minimum benchmarks.

Incentives (e.g. a bonus-penalty formula) and facilitation measures, such as bonus road permits, exemption from traffic restrictions (weekend, holiday, night traffic and weight restrictions) and simplified border-crossing procedures could be included.

(4) Consequences

(4.1) Activities to be established

Identification of means of establishing activities linked to fixed results. Activities could be organized by ad hoc task forces or working groups depending on the objective to be achieved.

(4.2) Government incentives

Identification in regulatory terms of the structures that will facilitate the establishment of activities.

(5) Evaluation

Provision to be made for an evaluation of the results of the activities and their correlation with expected objectives and outcomes. If necessary, this evaluation will enable the commitments made to be modified in order to improve the objectives established.

C. PARTNERSHIP AGREEMENT

13. The partnership agreement is intended to help the various actors composing the logistics chain of intermodal transport operators, such as: railway companies, freight forwarders, rail infrastructure authorities and terminal operators in countries that are Contracting Parties to the AGTC to engage in partnership agreements, charters or similar cooperative arrangements.

14. This agreement may possibly result from a request by the signatories of the framework agreement.

15. It is not possible to address issues of a strictly commercial nature for reasons of confidentiality, variety of circumstances, and the type and number of partners involved.

I. Object of the agreement

16. Two cases may arise:

- A framework agreement has been concluded initially: description of the objectives established in the framework agreement.
- Conclusion of a partnership agreement without a prior framework agreement: description of the objectives involving all the actors concerned by the correction of the malfunction identified.

17. The elaboration of a framework agreement may be envisaged in the event of certain activities being difficult to implement.

18. In both cases, description of the type of partnership and level of commitment, e.g. charter, framework agreement, letter of intention, contract, etc.

II. Scope of work

19. Description of the field of cooperation (type of business and cargo, traction only, etc.) and its scope (transport corridors/lines, regions, etc.).

III. Actors involved

20. Identification of the active and/or passive, public and/or private actors and their involvement in the activities to be established.

21. They may be: railway companies, rail infrastructure authorities, intermodal transport operators, terminal operators, road transport companies, inland water transport companies, freight forwarders, shippers, Customs authorities, sanitary, veterinary, phyto-sanitary and other control authorities at borders, etc.

IV. Approach for achieving objectives

(1) Objectives

Clear definition of the responsibilities and performance standards of each of the actors involved in international intermodal transport services.

At the international level, this type of agreement could in particular enhance transparency about the roles played by each actor and ensure that international combined and intermodal transport (road/rail/inland waterway) is competitive along specific transport corridors.

(2) Analysis of the situation

Identification of problems and causes on the basis of the results of feasibility studies, the results registered in the use of the relevant lines or the results of interviews. Consideration of the consistency of regulatory texts with the results of the analysis of the situation.

(3) Comparing the existing situation with the objectives

Detailed description of specific tasks and outputs to meet the objectives established and identification of criteria to measure impact.

The infrastructure and services standards and parameters stipulated in the AGTC Agreement and its Protocol on inland waterways could be explicitly referred to as minimum benchmarks. Incentives (e.g. a bonus-penalty formula) and facilitation measures, such as bonus road permits, exemption from traffic restrictions (weekend, holiday, night traffic and weight restrictions) and simplified border-crossing procedures could be included.

(4) Consequences

(4.1) Activities to be established

Description of how to undertake the agreed activities and achieve the identified output (work plan and methods). The work could be entrusted to ad hoc task forces or working groups depending on the objective to be achieved. In addition to the parties directly concerned, other representatives or experts, including public authorities, could take part in this work, possibly as observers.

(4.2) Identification of responsibilities

Description of each task and identification of the person or persons responsible for each of the activities involved in the areas of work adopted (carriers, infrastructure managers, operators, hauliers, etc.).

(4.3) Financing

Identification of all the actors required to participate in financing the operations to be undertaken. Negotiation of the rate of participation of each and establishment of a financial plan.

(4.4) Outcome expected

Description of the outcome required to meet the objectives established and definition of criteria to measure impact. In order to achieve these objectives and measure impact and compliance with the commitments made, key performance indicators, listed in the “tool box”, may be included.

The infrastructure and services standards and parameters defined in the AGTC Agreement and its Protocol on inland waterways will be identified as the acceptable minimum.

(4.5) Timeline

Identification of a calendar for the implementation of these tasks, possibly including stages. The stages would make it possible to correlate the state of progress of the activities with the objectives established.

The partnership agreement would also establish a continuing process without specific timelines, but individual projects and tasks should be implemented in accordance with specific deadlines within this.

The outcome of these different stages will be submitted to the signatories of the framework agreement if it has been signed.

(4.6) Monitoring and follow-up

Establishment of a steering committee to ensure follow-up of the implementation of the activities adopted, compliance with the financial plan, assessment of the importance and interest of any extra costs or modification of the programme.

The steering committee may request the support of an expert opinion or an expert on a specific point of the activities implemented or in the process of implementation.

The sponsors may impose a right of supervision over the correct use of the finance.

(4.7) Sanctions

Where necessary, provision for conditions relating:

- to breaches by combined or intermodal transport actors, to data protection, to the measures to be taken in an emergency, to failure to comply with the specifications, etc.;
- to any one of the partners who does not achieve the objectives established.

(5) Dispute among the actors

Provision for referral to the political or institutional actors if no consensus is reached among the economic actors, either in drawing up the partnership agreement or in the course of the activities.

(6) Evaluation

Provision for carrying out an evaluation of the results of the activities and their correlation with the objectives and outcome expected.

This evaluation will, if necessary, enable the commitments taken to improve the established objectives to be modified.

D. TOOL BOX

I. Examples of framework agreements (the text of the agreements could be included at a later date)

(1) Brenner 2005 Action Plan: approved on 28 November 2002 by the Ministers of Transport of Austria, Germany and Italy; progress review planned for autumn 2003.

(2) Memorandum of Understanding on the Establishment of an International Task Force on the Analysis and Resolution of Problems on the North-South Goods Transport Corridor, signed on 9 January 2003 by the Ministers of Transport of Germany, Italy, Netherlands and Switzerland.

II. Examples of partnership agreements (the text of the agreements could be included at a later date)

(1) 95/20 Quality Development Charter between FNTR, SNCF, NOVATRANS and GNTC.

(2) Quality Charter between SNCB B-Cargo, TRW and FEBETRA (Belgium).

(3) The Alpine Partnership ("Ralpin") between BLS Lötschbergbahn, HUPAC and SBB/CFE (Switzerland).

III. Guide (the text of the guides could be included at a later date)

(1) Quality Manual for Combined Transport, June 2001 edition, prepared by UIC.

IV. Key Performance Indicators (KPI) at the national level

(1) Administrative and technical compliance of intermodal transport units (ITUs) (containers, swap bodies and semi-trailers) delivered by clients to the terminal of loading (by number of ITUs and as percentage of total number for each train - total per month per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(2) Compliance with road hand-over deadlines (by number of ITUs handed over with 15 minutes maximum delay and as percentage of total number of ITUs per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(3) Compliance with railway hand-over deadlines (by delay in minutes compared to scheduled time by train and as percentage of trains per month).

Responsibility for follow-up: Intermodal transport operators together with clients.

(4) Administrative and technical compliance of railway wagons and their loads delivered to the terminal of loading (by number of compliant wagons and as percentage of total wagons delivered per train - accumulated total per month per train).

Responsibility for follow-up: Railway company and intermodal transport operator.

(5) Compliance with departure times of trains (by delay (in minutes) in relation to scheduled time by train and as percentage of compliant trains per month).

Responsibility for follow-up: Railway companies.

(6) Compliance with arrival times of trains (by delay (in minutes) in relation to scheduled time by train and as percentage of compliant trains per month).

Responsibility for follow-up: Railway companies.

(7) Compliance with rail delivery (by delay (in minutes) in relation to scheduled time by train and as percentage of compliant trains per month).

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(8) Compliance with road delivery (by number of ITUs delivered within 30 minutes following arrival of client and as percentage of total number for a given train - accumulated total per month and per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(9) Compliance with undamaged state of ITUs delivered to clients (by number of damaged ITUs and as percentage of total number of ITUs delivered per train - total number per month and per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(10) Compliance with agreed traffic volumes provided for trains, by route (by number of ITUs carried by trains and by route - total number per month and per train compared to previous year).

Responsibility for follow-up: Intermodal transport operators.

(11) Compliance with agreed train loading (by loading rates per train - monthly averages per train in comparison with previous year).

Responsibility for follow-up: Railway companies.

Responsibility of the actors at the national level

		Shippers	Customs	Intermodal transport companies	Railway companies	Terminal operators
Causes and malfunction	Key Performance Indicator	Responsibility for follow-up				
(1) Administrative and technical compliance of intermodal transport units (ITUs)	- Number of ITUs and % of total number per train; - Total per month per train.	✓				
(2) Compliance with road hand-over deadlines	- Number of ITUs handed over with 15 minutes maximum delay and % of total number of ITUs per train.	✓				
(3) Compliance with railway hand-over deadlines	- Delay in minutes compared to scheduled time and as % of trains per month.	✓		✓		
(4) Administrative and technical compliance of railway wagons and their loads	- Number of compliant wagons and as % of total wagons delivered by train; - Accumulated total per month per train.			✓	✓	
(5) Compliance with departure times of trains	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.				✓	
(6) Compliance with arrival times of trains	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.				✓	
(7) Compliance with rail delivery	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.			✓	✓	
(8) Compliance with road delivery	- Number of ITUs delivered within 30 minutes following arrival of client and as % of total number per train; - Accumulated total per month and per train.	✓		✓		
(9) State of ITUs delivered to clients	- Number of damaged ITUs and % of total number of ITUs delivered by train; - Total number per month and per train.	✓		✓		
(10) Compliance with traffic volumes provided for trains, by route	- Number of multimodal ITUs carried by train and by route; - Total number per month and per train compared to previous year.			✓		
(11) Compliance with train loading	- Loading rates per train; - Monthly averages per train in comparison with previous year.				✓	

V. Key Performance Indicators (KPI) at the international level

(12) Compliance with reservations system on international trains (if applicable).

Responsibility for follow-up: Intermodal transport operators.

(13) Compliance with arrival and departure times at borders and arrival and departure times at the changeover point.

Responsibility for follow-up: Railway companies and Customs.

(14) Compliance with data transmission (quality, timing, content) according to the European Rail Traffic Management System (ERTMS) - concomitant measurement of non-retention of data.

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(15) Compliance with adequate control of Customs/health/dangerous goods inspections.

Responsibility for follow-up: All partners.

(16) Compliance with correct transmission of data: International Consignment Note (UIC) and other technical documents (electronic consignment note currently being generalized).

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(17) Acceptance of the intermodal transport units (ITUs) at the arrival terminal by the terminal operator less than 3 hours after arrival of train (waiting time of client to be less than 30 minutes) [see 8]. Not applicable if client collects ITUs more than 3 hours after arrival of train (logistical buffer stock).

Responsibility for follow-up: Intermodal transport operators together with terminal operators.

Responsibility of the actors at the international level

		Shipper	Customs	Intermodal transport companies	Railway companies	Terminal operators
Causes and malfunction	Key Performance Indicator	Responsibility for follow-up				
(12) Compliance with reservations system on international trains	If applicable - to be defined			✓		
(13) Compliance with arrival and departure times at borders and changeover point	To be defined		✓		✓	
(14) Compliance with data transmission	To be defined			✓	✓	
(15) Compliance with Customs, health and dangerous goods inspections	To be defined	✓	✓	✓	✓	✓
(16) Compliance with transmission of data	To be defined			✓	✓	
(17) Acceptance of arriving ITUs by the terminal operator	To be defined			✓		✓
