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INLAND TRANSPORT COMMITTEE

Working Party on Intermodal Transport and Logistics

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Item 15 (b) of the provisional agenda

**PROTOCOL ON COMBINED TRANSPORT ON INLAND WATERWAYS
TO THE AGTC AGREEMENT**

New amendment proposals

Note by the secretariat

I. INTRODUCTION AND MANDATE

1. At its seventieth session (19-21 February 2008), the Inland Transport Committee (ITC) encouraged Contracting Parties to the AGTC Agreement to accede to its Protocol on Combined Transport on Inland Waterways as soon as possible. The ITC also encouraged the Working Party to consider and decide on amendment proposals to the Protocol that had already been submitted (ECE/TRANS/200, para. 93; ECE/TRANS/WP.24/119, paras. 46-50).

2. In accordance with this decision, the secretariat has prepared the present document that, in addition to information on the present legal status of the Protocol, contains, in a consolidated manner, all amendment proposals submitted earlier by Austria, Bulgaria, France, Hungary and Romania (ECE/TRANS/WP.24/117, para. 58; TRANS/WP.24/97, para. 23). These proposals

also take account of the results of a survey undertaken by the secretariat on the existing infrastructure standards contained in the Protocol (ECE/TRANS/WP.24/111, paras. 31-33).

II. STATUS OF THE PROTOCOL

3. On the occasion of the Regional Conference on Transport and the Environment (Vienna, 12-14 November 1997), the Protocol had been signed by the following countries: Austria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Netherlands, Portugal, Romania and Switzerland. Subsequently, the Protocol has also been signed by Slovakia and Bulgaria.

4. As of 1 July 2008, the Protocol has the following eight Contracting Parties that have ratified or acceded to it: Bulgaria; Czech Republic; Denmark; Hungary; Luxembourg; Netherlands; Romania and Switzerland.

5. In accordance with article 9(1) of the Protocol, it will come into force following ratification or accession by at least five States, of which three States are linked in a continuous manner, by the inland waterways identified in the Protocol. As this condition is not yet fulfilled, the Protocol is not in force. However, it is expected that, following ratification or accession of one or two more concerned UNECE member States, being Contracting Parties to the AGTC Agreement, the Protocol will come into force in due course.

6. In accordance with articles 13 to 15, the Protocol may be amended, at the request of a Contracting Party, upon consideration of the amendment proposal by the Working Party and upon adoption of this proposal by a majority (article 14) or a two-thirds majority (articles 13 and 15) of the Contracting Parties present and voting. As the Protocol will not come into force before its present session (article 9 applies), the Working Party may wish to consider and possibly approve the amendment proposals given below, but would need to await their formal adoption once the Protocol is in force.

7. The text of the Protocol is contained in document ECE/TRANS/122 and Corrs. 1-2 available for download at http://www.unece.org/trans/wp24/Protocol_text.html. Detailed information on the status of the Protocol, including its Contracting Parties and relevant depositary notifications are available at <http://www.unece.org/trans/wp24/welcome.html>.

III. GENERAL OBSERVATIONS

8. In a communication transmitted to the secretariat on 8 September 1998, the Russian Federation stated that, according to the national legislation, all Russian inland waterways are closed for foreign vessels. Acceptance of the Protocol by the Russian Federation would thus need to await modifications in the legal regime relating to inland waterways as well as the reconstruction of hydraulic equipment so as to ensure safe inland navigation.

9. As reflected in document ECE/TRANS/WP.24/2006/4, Germany has stated that the technical minimum requirements of the network of inland waterways as enshrined in annex II to the Protocol have to comply with the provisions stipulated in annex III to the Protocol. While appropriate measures have to be undertaken by Contracting Parties to achieve these technical minimum requirements, that form an integral part of the Protocol, Germany is of the view that

the implementation of such measures would require considerable time and could not be implemented before 2015 on a number of canals on the Rhine to Berlin corridor. This held true, in particular, for the requirements contained in section (a) (iii) of annex III to the Protocol that stipulates that inland navigation vessels should be able to operate with three or more layers of containers or alternatively with two layers of containers in case of pushed convoys of a permissible length of 185 meters.

IV. AMENDMENTS TO THE AGN AGREEMENT

10. The provisions of the Protocol have been aligned, to a large extent, with the geographical (inland waterway network and inland navigation ports) as well as with the technical and operational characteristics of the European Agreement on Main Inland Waterways of International Importance (AGN) of 19 January 1996.

11. Since its entry into force on 26 July 1999, the AGN Agreement has been rectified and amended 5 times. These modifications pertain to the body of the AGN and concern the preamble (amended in June 2007), article 1 (amended in June 2007 and January 2008), article 2 (amended in June 2007) as well as to its annexes, specifically annex I on the inland waterway network (amended in June 2007), annex II on inland navigation ports (amended in June 2007) and annex III on technical and operational characteristics of inland waterways (rectified in August 2000 and amended in June 2007).

12. While the rectification of the AGN in 2000 does not seem to relate to the provisions of the Protocol and the amendment of annex III to the AGN is covered by the proposal of Austria to amend the Protocol (see paras. 13-15 below), the other modifications may have an impact on the provisions of the Protocol and should therefore be reviewed by the Working Party.

V. AMENDMENT PROPOSALS TO THE PROTOCOL (ECE/TRANS/122 and Corrs. 1-2)

A. Amendment proposal made by Austria

13. In a communication dated 13 August 2007, Austria confirms that the Protocol could make a good contribution to the promotion of combined transport, but would like to point out that some of the operational minimum requirements for inland waterways contained in annex III to the Protocol would not guarantee at present the necessary progress for infrastructural measures on the Austrian part of the Danube.

14. Austria also underlines the link between the Protocol and the European Agreement on Main Inland Waterways of International Importance (AGN). In the recent past, some progress has been made at working group level to improve some of the provisions of the AGN, e.g. by insertion of a footnote to one of the provisions concerning operational minimum requirements for C-E waterways. The objective of this footnote is to extend the time period during which a minimum draught has to be ensured from 240 to 300 days per year for upper sections of inland waterways with significantly fluctuating water levels caused by weather. Consequently, it seems logical to adapt the Protocol accordingly.

15. Therefore and in order to align the Protocol with the AGN, Austria proposes the following amendment:

Annex III, (a), (vi), line 4, page 21

After the first sentence, insert the following footnote

2) However, for upstream sections of natural rivers characterized by frequently fluctuating water levels due to strong direct dependence of weather conditions, it is recommended to refer to a period of at least 300 days on average per year.

B. Amendment proposal made by Bulgaria

16. In a standpoint dated October 1998, the Ministry of Transport of Bulgaria proposed to the following amendment:

Annex II, (13) Bulgaria, page 18

<u>After</u> C-P 80-56	Rousse (Danube, 495.0 km) <u>insert</u>
C-P 80-53	Lom (Danube, 743.0 km)
C-P 80-56	Svishtov [Rousse] (Danube, 495.0 km)
C-P 80-56	Silistra [Rousse] (Danube, 495.0 km)

C. Amendment proposal made by Croatia

17. In 1998 the following amendment proposal has been brought to the attention of the secretariat relating to Croatia:

Annex II, (11) Croatia, lines 3 and 4, page 18

For

C-P 80-12-01	Slavonski Brod (Sava, 355.0 km)
C-P 80-12-02	Sisak (Sava, 577.0 km)

Read

C-P 80-12-01	Sisak (Sava, 577.0 km)
C-P 80-12-02	Slavonski Brod (Sava, 355.0 km)

D. Amendment proposal made by France

18. In a communication dated 7 November 1997, the Ministry of Transport of France proposed to the following amendment:

Annex I, (1) France, heading Rhone, page 10

Delete [St.Jean de Losne – Mulhouse] (planned) C-E 10

E. Amendment proposal made by Hungary

19. The Ministry of Transport of Hungary proposed the following amendment:

Annex II, (10) Hungary, page 18

<u>Replace</u> C-P 80-42	Budapest (Danube, 1640.0 km) <u>by</u>
C-P 80-42	Győr-Gönyü (Danube, 1794.0 km)
C-P 80-43	Budapest (Danube, 1652.1 km)
C 80-44	Budapest (Danube, 1639.8 km) [containers and cars]
C-P 80-45	Budapest-Nagyttöny (Danube, 1629.5-1630.0 km)
C-P 80-46	Baja (Danube, 1479.1-1480.0 km)

F. Amendment proposal made by Romania

20. In a communication dated 19 March 1998, the Ministry of Transport of Romania proposed the following amendment:

Annex I, (14) Romania, page 13

After Danube C-E 80 add

Danube-Chilia Branch	C-E 80-09
Danube-Bucharest Canal	C-E 80-05

VI. ACTION TO BE TAKEN BY THE WORKING PARTY

21. The Working Party may wish to consider and possibly approve the amendment proposals and decide on any follow-up action.
