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Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics¹
(7 and 8 March 2005)

Working Party on Intermodal Transport and Logistics
(Forty-third session, 8 March 2005, agenda item 7)

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

**“Model” Action Plans and Partnership Agreements
for the Development of Intermodal Transport at the Pan-European level**

Draft Recommendation

Note by the secretariat

A. MANDATE

1. The Working Party, at its forty-first session, noted that the objective of its work on “model” action plans and partnership agreements was to identify “good practices” and establish

¹ 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 (WP.24).

“benchmarks” to assist Contracting Parties to the AGTC Agreement and all actors involved in international intermodal transport services to cooperate with each other at the policy as well as at technical and commercial levels with a view to improving the competitiveness of international intermodal transport services in the region. It was also noted that it was of the utmost importance to clearly define the responsibilities of the individual actors within the intermodal transport chain, including the imposition of penalties in case of non-performance.

2. Taking note of a legal opinion of the secretariat, contained in Informal Document No.1 (2004), the Working Party expressed caution with regard to the possible inclusion of such “models” into the AGTC Agreement as legal negotiations often tended to reduce specific and demanding requirements to the smallest common denominator. Other alternatives, such as the elaboration of opinions, recommendations or resolutions should be explored as means to publicize and implement such “models”.

3. As requested, the ad hoc expert group of the Working Party has prepared document TRANS/WP.24/2004/5 containing detailed “model” action plans, partnership agreements and performance indicators as well as an analysis of possible ways and means of ensuring visibility and effective application of these good practices and benchmarks for intermodal transport. Finally, the expert group has prepared possible amendment proposals to the AGTC Agreement as well as a draft resolution for adoption by the ITC and endorsement by the Council of Ministers of ECMT.

4. At its forty-second session, the Working Party felt that it was not yet in a position to take a final decision on the large number of proposals made by the expert group. It decided, however, to opt, at that stage, for the preparation of a recommendation or resolution to be adopted by the Working Party that could subsequently be endorsed and/or approved by the ECMT and ITC. The secretariat was requested to prepare such a draft recommendation/resolution for consideration by the Working Party at its next session in March 2005. In addition, a document describing in detail possible amendment proposals to the AGTC Agreement, with a view to facilitating considerations in the Working Party and in the ITC, might also be established (TRANS/WP.24/105, paras. 17-19).

5. In accordance with this request, the secretariat has prepared the present document containing a draft recommendation for adoption by the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics at its session on 7 and 8 March 2005. This recommendation could then be submitted to the Council of Ministers of ECMT in 2005 and subsequently to the UNECE Inland Transport Committee for consideration and endorsement.

6. For background information and explanations on the substantive provisions contained in the text of the recommendation below, please refer to document TRANS/WP.24/2004/5 considered by the Working Party at its forty-first session in Kiev.

B. RECOMMENDATION ON A “MODEL” ACTION PLAN AND PARTNERSHIP AGREEMENT FOR THE DEVELOPMENT OF INTERMODAL TRANSPORT AT THE PAN-EUROPEAN LEVEL

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

Recommendation

adopted by the Joint ECMT/UNECE Working Party/Group
on Intermodal Transport and Logistics
(Paris, 8 March 2005)

for endorsement by
the European Conference of Ministers of Transport (ECMT) and
the Inland Transport Committee of UNECE

The Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics,

Having regard to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC Agreement) of 1991²,

Having regard to the Consolidated Resolution No. 2002/2 on Combined Transport adopted by the Council of Ministers of the European Conference of Ministers of Transport (ECMT), meeting in Bucharest on 29 and 30 May 2002,

Emphasizing that intermodal transport must play a significant role as an alternative to pure road haulage in future transport systems in order to meet the environmental, safety, security and economic requirements of sustainable transport systems,

Wishing to contribute to the development of intermodal transport at the pan-European level,

² Contracting Parties to the AGTC (as of 1 January 2005): Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; France; Georgia; Germany; Greece; Hungary; Italy; Luxembourg; Kazakhstan; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia, Switzerland and Turkey.

Convinced that effective inter-governmental and private sector cooperation is one of the key factors for the development of competitive intermodal transport services,

Noting with satisfaction the programmatic and institutional cooperative arrangements that have been made between ECMT and UNECE in the field of intermodal transport and logistics that are fully in line with the Declaration on the Future Direction of ECMT adopted during the Brussels session of the Council of Ministers in 2003 and the exchange of letters between ECMT and UNECE on this subject and had led, in 2004, to the establishment of the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics,

Recalling that the terms “multimodal”, “intermodal” and “combined” transport have been defined in the framework of a Terminology on Combined Transport agreed upon in 2001 by the ECMT, UNECE and the European Commission

(<http://www.unece.org/trans/wp24/wp24-terminology/24term.html>),

[Welcomes the activities undertaken by the Joint ECMT/UNECE Working Party/Group with a view to incorporating into the AGTC Agreement new provisions, including “Model” Action Plans and Partnership Agreements, with the objective of facilitating the implementation and monitoring of the technical and operational standards of the AGTC Agreement at the Pan-European level,]

Recommends that all ECMT and UNECE member Governments make use of the “Model” Action Plan, set forth in the annex to this recommendation:

The Action Plan provides an agreed basis for Governments to cooperate with each other on a bilateral or multilateral basis with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such Action Plan is to set a political signal of Governmental commitment and support for the development of intermodal transport and to provide a framework for the conclusion of Partnership Agreements among the various public and private parties involved to collaborate towards efficient and competitive intermodal transport services along specific intermodal transport lines. The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Action Plans are to be decided by the parties involved;

Recommends further that intermodal transport operators and concerned Governmental authorities make use of the “Model” Partnership Agreement set forth in the annex to this recommendation:

Within the general framework of the Action Plans to be agreed upon by Governments, the Partnership Agreement should provide an agreed basis for intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators, border crossing authorities and other parties involved in intermodal transport to engage in cooperative arrangements with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such Partnership Agreement is to define clearly the responsibilities and performance standards expected from the various parties involved in intermodal transport. It should also enhance transparency about the indispensable roles played by each of the parties involved. The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such a Partnership Agreement are to be decided by the parties involved;

Invites all competent inter-governmental and non-governmental organizations, in particular those cooperating already closely with the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics, such as the European Commission (EC), Committee of the Organization for Cooperation of Railways (OSJD), Intergovernmental Organization for International Carriage by Rail (OTIF); International Union of Railways (UIC); International Union of Combined Road/Rail Transport Companies (UIRR); European Intermodal Association (EIA); “Groupement Européenne du Transport Combiné” (GETC); European Association for Forwarding, Transport, Logistics and Customs Services (CLECAT) and the International Road Transport Union (IRU) to assist ECMT and UNECE member Governments and the private sector involved in intermodal transport to implement this recommendation;

Recommends also that all ECMT and UNECE member Governments [and in particular the Contracting Parties to the AGTC Agreement] monitor regularly the implementation of this recommendation on the railway network on their territory with a view to determining progress in the implementation of this recommendation;

Requests, as far as this recommendation is concerned, that the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics continues to monitor the development of this transport sector and reports, at regular intervals, on the implementation of this recommendation.

Annex

**“MODEL” ACTION PLAN AND “MODEL PARTNERSHIP AGREEMENT
FOR THE DEVELOPMENT OF INTERMODAL TRANSPORT
AT THE PAN-EUROPEAN LEVEL**

OBJECTIVES AND IMPLEMENTATION PROCEDURES

“Model” Action Plan

The “Model” of an inter-governmental Action Plan given below represents good practice endorsed by the member Governments of the European Conference of Ministers of Transport (ECMT) and the United Nations Economic Commission for Europe (UNECE). This “Model” provides an agreed basis to cooperate with each other on a bilateral or multilateral basis along specific intermodal transport lines with a view to improving the competitiveness of international intermodal transport services along these lines.

The purpose of such an Action Plan is to set a political signal of Governmental commitment and support for the development of intermodal transport and to provide a framework for the conclusion of Partnership Agreements among the various public and private parties involved to collaborate towards efficient and competitive intermodal transport services on specific intermodal transport lines.

The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Action Plans are to be decided by the parties involved.

“Model” Partnership Agreement

The “Model” of a Partnership Agreement given below represents good practice endorsed by the member Governments of ECMT and UNECE. Within the general framework of the above Action Plan to be agreed upon by Governments, this “Model” provides an agreed basis for intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators, border crossing authorities and other parties involved in intermodal transport to engage in cooperative arrangements with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such a Partnership Agreement is to define clearly the responsibilities and performance standards expected from the various parties involved in intermodal transport. It should also enhance transparency about the indispensable roles played by each of the parties involved.

The “Model” of a Partnership Agreement does not address issues of a strictly commercial nature for reasons of confidentiality, variety of circumstances, and the type and number of parties involved.

The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such a Partnership Agreement are to be decided by the parties involved.

Legal Form

The member Governments of the ECMT and UNECE are convinced that the “Models” given in this Annex could also provide important elements to facilitate the coherent implementation of the technical characteristics of the network of important international intermodal transport lines as referred to in Annex III to the AGTC Agreement³ and of the performance parameters of trains and minimum infrastructure standards as referred to in Annex IV to the AGTC Agreement.

While the “Models” contain a number of specific provisions and measures, such as key performance indicators, some of these provisions may not always be required, appropriate and acceptable. For these reasons the “Models” do not put forward literally binding provisions to Governments and concerned industry groups. The objective of these “Models” is rather to describe elements and tools that could be used within a common Pan-European framework as a basis for negotiations among interested countries and parties involved in intermodal transport.

These elements and tools should facilitate an agreement on required actions and mechanisms targeted to specific intermodal transport lines, at agreed times and in line with the specific needs of the Governments and business interests involved. Thus, no strict obligation to engage into negotiations, on the basis of these “Models”, can be construed for the member Governments of ECMT and UNECE.

³ European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 1 February 1991.

International Monitoring Procedures

In order to determine progress in the implementation of this recommendation and, with regard to Contracting Parties to the AGTC Agreement, to verify the existing technical characteristics of the network set out in Annex III to the AGTC Agreement as well as the performance parameters of trains and minimum infrastructure standards referred to in Annex IV to the AGTC Agreement, ECMT and UNECE member Governments are invited to undertake regular surveys on the railway networks and installations as referred to below.

These surveys should be carried out on the following basis:

The surveys should cover the railway lines and installations of importance for international intermodal transport, particularly those contained in Annexes I and II to the AGTC Agreement (if applicable).

The surveys should be undertaken at regular, preferably five-year intervals.

To the extent possible, the surveys should be undertaken in parallel with similar surveys undertaken on the European Agreement on Main International Railway Lines (AGC), the European Agreement on Main Inland Waterways of International Importance (AGN) and the Protocol on Combined Transport on Inland Waterways to the AGTC Agreement⁴.

The surveys should address the provisions and benchmarks contained in the “Model” Action Plans and Partnership Agreements contained in this annex. They should also cover, particularly for Contracting Parties to the AGTC Agreement, the infrastructure characteristics set out in Annex III to the AGTC Agreement as well as the performance parameters and minimum standards for intermodal transport trains and related installations referred to in Annex IV to the AGTC Agreement.

With a view to ensuring comparability of survey results over time and, in particular, along important international intermodal transport lines, the surveys should be prepared, evaluated and its results disseminated under the auspices of the international organ referred to in paragraph 2 of articles 14, 15 and 16 of the AGTC Agreement; i.e. the Working Party on Combined Transport of the United Nations Economic Commission for Europe.⁵

⁴ Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 17 January 1997 (not yet in force).

⁵ The name of this Working Party has been modified in 2004 to read: Working Party on Intermodal Transport and Logistics.

**“MODEL” ACTION PLAN
FOR THE DEVELOPMENT OF INTERMODAL TRANSPORT
AT THE PAN-EUROPEAN LEVEL**

An inter-governmental Action Plan for the development of intermodal transport should contain the following elements:

A. GENERAL PROVISIONS

General and political background

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

Definitions

The definitions used for technical terms should be in line with the definitions contained in the “Terminology on Combined Transport” prepared in 2001 by the United Nations Economic Commission for Europe (UNECE), the European Conference of Ministers of Transport (ECMT) and the European Commission (EC).

Scope of work

Description of the area of cooperation, for example, by identifying relevant intermodal transport lines, related installations (intermodal terminals, border crossing points, gauge interchange stations and ferry links/ports), areas of activity (infrastructures, operations, regulations, etc.) and concerned parties involved in intermodal transport.

B. COMMON PROVISIONS

Actors involved

Identification of Governments and, where appropriate, regulatory authorities responsible for negotiating and approving the Action Plan at bilateral, trilateral or multilateral levels.

Objectives

Description of the expected results of the Action Plan addressing specific and general issues. A recommendation to conclude a Partnership Agreement among concerned parties in intermodal transport could be included.

Analysis of the situation

Identification of the problems and its causes on the basis of interviews, feasibility studies and/or experiences made on specific intermodal transport lines. This could include an analysis of the consistency of regulatory texts.

Activities to be undertaken and results to be achieved

Detailed description of the specific tasks and outputs to meet the agreed objectives and identification of criteria to measure impact. The infrastructure and services standards and parameters stipulated in Annexes III and IV to the AGTC Agreement should be explicitly referred to as minimum benchmarks.

Government commitment

Identification of all regulatory and other public measures that could facilitate the accomplishment of the agreed activities.

Working mechanism(s)

Description of how to undertake the agreed activities and to achieve the expected results (work plan and working procedures).

Time schedule

Determination of the start and end of the agreed activities as well as of intermediate steps. A continuing process without specific timeframes could be established, but individual projects and tasks should be undertaken in accordance with specific deadlines.

Monitoring and follow-up

Establishment of monitoring and reporting systems to analyze unequivocally and efficiently the achieved results allowing, if necessary, for the introduction of corrective measures, if required, at high political level.

Evaluation

Evaluation of the achieved results as compared to the agreed objectives. If necessary, this could lead to modification of the commitments made by the parties involved in order better achieve these objectives.

Other elements

Agreement, if appropriate, on actions to be taken in case of infringements by intermodal transport operators in data protection measures, emergency arrangements, etc.

C. FINAL PROVISIONS

Entry into force/Denunciation/Termination/Duration

Provisions on the start of the Action Plan, possibilities for denunciation by the parties involved, termination of the Action Plan and/or its duration and possible extension.

Safeguard clause

Provisions to avoid possible conflict between the Action Plan and other legal commitments made and engaged in, such as those arising from membership in the European Union.

**“MODEL” PARTNERSHIP AGREEMENT
FOR THE DEVELOPMENT OF INTERMODAL TRANSPORT
AT THE PAN-EUROPEAN LEVEL**

A Partnership Agreement for the development of intermodal transport should contain the following elements:

A. GENERAL PROVISIONS

Content

- An inter-governmental Action Plan has been concluded beforehand:
Description of the objectives of the Action Plan.
- An Action Plan has not been concluded beforehand:
Description of the general objectives agreed upon by all parties interested in the resolution of the identified intermodal transport problems (the conclusion of an Action Plan may be envisaged in case some activities are difficult to implement).

In both cases, the type of partnership and the level of commitment should be determined. The Agreement could take the form of a charter, letter of intent, contract, etc.

Definitions

The definitions used for technical terms should be in line with the definitions contained in the “Terminology on Combined Transport” prepared in 2001 by the United Nations Economic Commission for Europe (UNECE), the European Conference of Ministers of Transport (ECMT) and the European Commission (EC).

Scope of work

Description of the field of cooperation (type of business, cargo, traction, etc.) and its geographical scope (transport lines, related installations, etc.).

B. COMMON PROVISIONS

Actors involved

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

These parties may be intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators and border crossing authorities, such as sanitary, veterinary, phyto-sanitary and other control organs at borders.

Objectives

Description of the expected results of the Partnership Agreement and clear definition of the responsibilities and performance expected from each of the parties involved in intermodal transport. At the international level, this type of agreement would, in particular, enhance transparency about the roles and responsibilities of the parties involved.

Analysis of the situation

Identification of the problems and its causes on the basis of interviews, feasibility studies and/or experiences made on specific intermodal transport lines. This could include an analysis of the consistency of regulatory texts.

Activities to be undertaken and results achieved

Detailed description of the specific tasks and outputs to meet the agreed objectives and identification of criteria to measure impact. The infrastructure and services standards and parameters stipulated in Annexes III and IV to the AGTC Agreement should be explicitly referred to as minimum benchmarks. In order to measure impact and compliance with the commitments made, the key performance parameters and responsibilities at national and international levels as listed below may be utilized.

Working mechanism(s)

Description of how to undertake the agreed activities and achieve the expected results (work plan and working procedures). Work could be entrusted to ad hoc task forces or standing working groups depending on the objectives to be achieved. In addition to the parties directly concerned, other representatives or experts, including public authorities, could be involved in this work, possibly as observers.

Responsibilities

Description of each task and identification of the person or persons responsible for each of the tasks to be carried out.

Financing

Identification of all parties required for the financing of the agreed activities. Determination of the level of participation of each of these parties and establishment of a financial plan.

Time schedule

Identification of a calendar for the implementation of the tasks, possibly including stages. Such stages would make it possible to compare permanently progress made with the agreed objectives. Results at the various stages should be transmitted to the signatories of the Action Plan, if available. A continuing process without specific timeframes could be established, but individual projects and tasks should be undertaken in accordance with specific deadlines.

Monitoring and follow-up

Establishment of a Steering Committee to ensure follow-up to the implementation of the activities adopted, compliance with the financial plan (assessment of possible extra costs) and modification of the programme of work, if necessary. The Steering Committee may solicit expert advice on specific issues. The financial partners may have the right to supervise the correct use of the financial means provided.

Sanctions

Sanctions could be agreed upon in areas, such as:

- Non-attainment of agreed services, performance standards and other specifications by any of the parties involved;
- Non-compliance with agreed data protection measures;
- Non-fulfillment of agreed emergency measures.

Arbitration

Provisions for referral to the political or institutional actors if consensus cannot be reached among the parties, either in the preparation of the Partnership Agreement or in its application.

Evaluation

Evaluation of the achieved results as compared to the agreed objectives. If necessary, this could lead to modification of the commitments made by the parties involved in order to better achieve the objectives.

C. FINAL PROVISIONS

Entry into force/Denunciation/Termination/Duration

Provisions on the start of the Partnership Agreement, on possibilities for denunciation by the parties involved, termination of the Partnership Agreement and/or its duration and possible extension.

D. KEY PERFORMANCE INDICATORS AND RESPONSIBILITIES

The following key performance indicators at the national and international level should be regarded as a basic set of benchmarks to evaluate the efficiency of intermodal transport services in general and compliance with the performance parameters of trains and minimum infrastructure standards [as stipulated in Annex IV to the AGTC Agreement in particular]. These indicators, the values attributed to them and the responsibilities for the underlying activities are based on good practice. They constitute an important part of the Partnership Agreement as they would allow for constant monitoring of compliance with the commitments made and for a evaluation of the performance of intermodal transport services and the individual parties involved.

Depending on the specific situation (lines, regions, etc...) identification of other and/or additional performance indicators may be appropriate.

Key Performance Indicators and Responsibilities - National Level

		Freight forwarder	Customs authority	Intermodal transport operator	Railway undertaking	Terminal operator
Intermodal Transport Activity	Key Performance Indicator	Responsibility of the parties				
(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.				✓	
(12) Average time for train formation (AGTC, Annex IV, D (a))	Max. 60 minutes.					✓
(13) Average waiting time for lorries (AGTC, Annex IV, D (b))	Max. 20 minutes.					✓
Others						

Key Performance Indicators and Responsibilities

International Level

		Freight forwarder	Customs authority	Intermodal transport operator	Railway undertaking	Terminal operator
Intermodal Transport Activity	Key Performance Indicator	Responsibility of the parties				
(14) Compliance with reservation system on international trains	If applicable – Yes/No			✓		
(15) Compliance with arrival and departure times at borders and changeover stations	No stops at borders (if unavoidable: max. 30 minutes) (AGTC, Annex IV, E. b))		✓		✓	
(16) Compliance with data transmission (quality-timing-content) according to European Rail Traffic Management System (ERTMS)	Yes/No			✓	✓	
(17) Compliance with Customs, health and dangerous goods inspections	Yes/No	✓	✓	✓	✓	✓
(18) Compliance with transmission of documentation in international rail transport (consignment note, technical documents, etc.)	Yes/No			✓	✓	
(19) Acceptance of arriving ITUs by the terminal operator	Yes/No			✓		✓
Others						
