



Economic Commission for Europe**Inland Transport Committee****Working Party on Inland Water Transport****Sixty-third session**

Geneva, 6–8 November 2019

Item 6 (a) of the provisional agenda

**European inland waterway network: European Agreement
on Main Inland Waterways of International Importance****European Agreement on Main Inland Waterways of
International Importance: road map for ratification,
acceptance, approval and accession****Note by the secretariat****I. Mandate**

1. This document is submitted in line with cluster 5: Inland Waterway Transport, paragraph 5.1 of the programme of work 2018–2019 (ECE/TRANS/2018/21/Add.1) adopted by the Inland Transport Committee (ITC) at its eightieth session (20–23 February 2018) (ECE/TRANS/274, para. 123).
2. At its fifty-fifth session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) considered how to facilitate the implementation of the European Agreement on Main Inland Waterways of International Importance and how to increase the number of contracting parties, and asked the secretariat to prepare a draft road map for accession to AGN (ECE/TRANS/SC.3/WP.3/110, para. 41).
3. The Working Party on Inland Water Transport may wish to discuss the draft prepared by the secretariat and decide as appropriate, also given the renewed emphasis of the new ITC strategy in relation to increasing accession to United Nations Transport Conventions.

**II. Draft road map for ratification, acceptance, approval and
accession to the European Agreement on Main Inland
Waterways of International Importance****A. Introduction**

4. The provision of functional and sustainable transport infrastructure is one of the necessary conditions for the movement of international trade and the efficiency of international transport operations. The European Agreement on Main Inland Waterways of International Importance (AGN) is one of the four main transport network agreements under

the purview of the United Nations Economic Commission for Europe (UNECE) Inland Transport Committee. These four core infrastructure agreements provide the international legal and technical framework for the development of coherent international transport networks.

5. AGN establishes the internationally agreed European network of inland waterways and ports (the so-called E Waterway Network), as well as the infrastructure and operational parameters of conformity. The E Waterway Network consists of navigable rivers, canals and coastal routes extending from the Atlantic to the Ural, connecting 37 countries and reaching beyond the European region. The number of the Contracting Parties to AGN is now 19 (see the figure below).

Contracting parties to AGN



6. The detailed information about AGN is available on the UNECE website:

(a) Text of AGN:

- Certified true copy

https://treaties.un.org/doc/Treaties/1996/01/19960119%2009-07%20AM/Ch_XI_D_5.pdf

- Consolidated version

www.unece.org/fileadmin/DAM/trans/doc/2019/sc3/ECE-TRANS-120r4efr.pdf

(b) Status of AGN:

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-D-5&chapter=11&clang=_en

(c) AGN map:

www.unece.org/fileadmin/DAM/trans/main/sc3/AGN_map_2018.pdf

(d) Supporting documents are available at the web page of the Working Party on Inland Water Transport at:

www.unece.org/trans/main/sc3/sc3res.html.

B. Ratification, acceptance, approval and accession

General provisions¹

7. In order to become a Contracting Party to AGN, a State must demonstrate, through a concrete act, its willingness to undertake the legal rights and obligations contained in the Agreement. In accordance with Articles 6 and 7 of AGN, this can be: (a) Ratification; (b) Acceptance or approval; and (c) Accession. If a State has signed the Agreement according to Article 5 (from 1 October 1996 to 30 September 1997), in order to become a Contracting Party, it must ratify, accept or approve the signature.

8. Acceptance and approval of AGN have the same legal effect as ratification, and the same rules apply. Accession has the same legal effect as ratification, acceptance or approval, however, it requires only one step, namely, the deposit of an instrument of accession.

Note: Ratification at the international level, which indicates to the international community a State's commitment to undertake the obligations under a treaty, should not be confused with ratification at the national level, which a State may be required to undertake in accordance with its own constitutional provisions before it expresses consent to be bound internationally.

Formal and structured coordination at national level

9. The inland waterway regulations are usually under the responsibility of ministries or administrations in charge of transport in accordance with the national legislation. The ministries, administrations and bodies concerned need to be identified and their representatives should be invited to participate in the process of accession.

10. A non-exhaustive list of the ministries, administrations and bodies usually concerned would include: authorities and bodies in charge of transport, navigation safety, environment, etc. In addition, representatives of the private sector and of associations should be consulted and be involved, if possible, in the process as representatives of the users of the regulations. A formal coordination of all the participants involved in the process of accession must be organized.

Bridging the gap

11. Each State wishing to implement AGN should:

- Develop procedures for implementing AGN at the national level. These procedures may include the process for translation of the initial text and amendments, administrative practices for enforcement, follow-up of updates, timetable for the entry into force, impact of transitional periods and so on;
- Establish implementation bodies if necessary;
- Designate a coordination focal point for national implementation and cooperation with the other States (through the Working Party on Inland Water Transport (SC.3)) taking into account the availability of expertise and resources. This focal point may represent the competent authority in international meetings and, in that case, should be allowed to take decisions on its behalf;
- Provide the necessary financial and human resources to ensure participation of experts in the sessions of the appropriate international bodies responsible for the development of the supporting documents, such as the Inventory of Main Standards and Parameters of the E Waterway Network (Blue Book), the Blue Book database and the Inventory of Most Important Bottlenecks and Missing Links in the E Waterway Network (resolution No. 49).

¹ The more detailed information can be found in the Treaty Handbook prepared by the Treaty Section of the Office of Legal Affairs of the United Nations, New York, available at <https://treaties.un.org/doc/source/publications/THB/English.pdf>.

Law making

12. The national body responsible for the implementation of AGN should develop or adapt existing national legislation and/or infrastructure development programmes to ensure that the inland waterways and coastal routes used by sea-river vessels included in the E Waterway Network conform to the characteristics set out in annex III to AGN, or will be brought into conformity with the provisions of this annex in future improvement work. This includes:

- Development and construction of inland waterways and coastal routes used by sea-river vessels as well as of ports of international importance situated on these waterways and routes, as described in annexes I and II to AGN;
- Effective protection of the envisaged route of the portions of E waterways, with due regard to their future parameters, which do not exist at present but which are included in relevant infrastructure development programmes until the date when the decision on their construction is taken;
- National action plans and/or bilateral or multilateral agreements, joint studies or any other similar arrangements, aimed at elimination of existing bottlenecks and completion of missing links in the network of E waterways crossing the territory of the State.

Procedures for ratification, acceptance, approval and accession

13. The procedure for ratification, acceptance, approval or accession must be launched in accordance with the national law in consultation with the administrations competent for international affairs (e.g. the Department of International Relations or the Ministry of Foreign Affairs).

14. The instrument of ratification, acceptance, approval or accession must be signed by one of three specified authorities, namely the Head of State, Head of Government or Minister for Foreign Affairs. A model instrument for ratification, acceptance or approval is given in appendix 1, and a model instrument for accession – in appendix 2. Information on the procedure to follow and the contact details for technical assistance may be found on the United Nations Office of Legal Affairs website at: http://untreaty.un.org/ola/div_treaty_techassist.aspx?section=treaty.

15. An instrument of ratification, acceptance, approval or accession becomes effective only when it is deposited with the Secretary-General of the United Nations at United Nations Headquarters in New York. The date of deposit is normally recorded as that on which the instrument is received at Headquarters. The deposit will be confirmed by a respective depositary notification. Depositary notifications can be consulted at www.unece.org/trans/main/sc3/sc3depot.html.

16. For a State which deposits an instrument of ratification, acceptance, approval or accession, AGN will enter into force 90 days after the date of the deposit of the said instrument with the Secretary-General of the United Nations.

Amendments to the Agreement and its annexes

17. The agreement and its annexes I, II and III may be amended in accordance with the procedure laid down in articles 12, 13 and 14. Any amendment proposed a Contracting Party shall be considered by SC.3. Representatives of Contracting Parties to AGN may participate as full participants with voting rights in sessions of SC.3. The acceptance of amendments is confirmed by respective depositary notifications which are available at www.unece.org/trans/main/sc3/sc3depot.html.

18. The terms of reference of SC.3 may be consulted on the UNECE website at: www.unece.org/trans/main/sc3/tor_en.html. SC.3 applies the rules of procedure of the Economic Commission for Europe which are available at http://www.unece.org/fileadmin/DAM/oes/mandate/Commission_Rev5_English.pdf (pages 4 to 17).

19. After the amendments to AGN and/or its annexes come into force, an updated consolidated version of the agreement with the indication of all relevant depositary notifications is prepared by the secretariat, which is available on the SC.3 web page.

Communication with the secretariat

20. SC.3 regularly monitors the implementation of AGN:
- (a) by addressing this issue through a permanent agenda item at its sessions;
 - (b) through activities of its subsidiary bodies (the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation);
 - (c) by regular updating and revision of the supporting documents, such as the Blue Book, resolution No. 49 and the map of E Waterway Network.
21. All Contracting Parties are therefore invited to inform SC.3 about recent progress.
22. More details and technical assistance can be provided by the United Nations Office of Legal Affairs or by the secretariat (sc.3@un.org).

Annex I

Model instrument of ratification, acceptance or approval²

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the European Agreement on Main Inland Waterways of International Importance (AGN) was done at Geneva on 19 January 1996,

AND WHEREAS the said agreement has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned agreement, [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

² Treaty Handbook, Annex 4.

Annex II

Model instrument of accession³

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the European Agreement on Main Inland Waterways of International Importance (AGN) was done at Geneva on 19 January 1996,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned agreement, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

³ Treaty Handbook, Annex 5.