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INLAND TRANSPORT COMMITTEE
Working Party on Combined Transport

**REPORT OF THE WORKING PARTY ON
COMBINED TRANSPORT ON ITS THIRTIETH SESSION
(7-8 September 1998)**

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REPORT

ATTENDANCE

1. The Working Party held its thirtieth session on 7 and 8 September 1998 under the chairmanship of Mr. H. Maillard (Belgium).
2. The session was attended by representatives from the following countries: Austria; Belgium; Bulgaria; Czech Republic; France; Germany; Hungary; Italy; Netherlands; Poland; Romania; Russian Federation; Slovakia; Slovenia; Switzerland; Ukraine; United Kingdom; European Commission (EC).
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: European Intermodal Association (EIA); International Organization for Standardization (ISO); International Union of Railways (UIC); International Container Bureau (ICB); International Union of Combined Road/Rail Transport Companies (UIRR).

ADOPTION OF THE AGENDA

6. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.24/80).

ADOPTION OF THE DECISIONS TAKEN AT THE TWENTY-NINTH SESSION

Documentation: TRANS/WP.24/79; Informal document No.8 (1998).

7. In accordance with its decision, the Working Party adopted formally the decisions taken at its twenty-ninth session on the basis of the draft prepared by the secretariat (TRANS/WP.24/79), subject to a few modifications as contained in informal document No. 8 (1998) that will be reflected in document TRANS/WP.24/79/Corr.1.

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

(a) Economic Commission for Europe

Documentation: E/1998/38-E/ECE/1365; Internet: www.unec.org.

8. The Working Party was informed that the Economic Commission for Europe, at its fifty-third session (21-23 April 1998), had endorsed the follow-up mechanism approved by the Regional Conference on Transport and the Environment (see also paragraphs 15-17 below) that the ECE and its subsidiary bodies undertake the overall monitoring of the implementation of the Conference's Programme of Joint Action. The Commission had also adopted common guidelines for prioritization of its programme of work (see also paragraph 46 below).

9. The Working Party was also informed of pertinent activities relating to combined transport undertaken in the ECE Working Parties on Road Transport (SC.1), Rail Transport (SC.2), Inland Water Transport (SC.3), Transport Statistics (WP.6) and Customs Questions affecting Transport (WP.30).

(b) European Commission (EC)

10. The Working Party noted that amendments to EC Directives 92/106 and 96/53 are being considered to promote combined transport and that conditions under which State aid for combined transport is permitted are formulated. He also informed the Working Party about the restructuring of railways in the European Community in the framework of EC directives 91/440 and 95/18 and 19. The Working Party also noted that a study on civil liability regimes covering combined transport has been undertaken and that a "hearing" of industry and Governmental representatives is being organized on 21 and 22 September 1998.

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

11. The Working Party was informed that the Council of Ministers of Transport at Copenhagen (27-29 May 1998) had adopted a comprehensive report on the current state of combined transport in Europe. It noted that future work of the ECMT Combined Transport Group will focus on short sea shipping.

12. In this context, the Working Party agreed to a proposal, made by an informal group of experts convened by the ECMT secretariat, to establish an inter-secretariat working group on combined transport terminology consisting of at least the representatives of the secretariats of the European Commission, ECMT and ECE. This working group should prepare, on the basis of terminology already established in 1993 in the framework of the ECMT, an international glossary of terms used in combined transport in line with the mandates of the organizations involved.

(d) Other organizations

Documentation: Informal document prepared by the European Intermodal Association (No.7 (1998)).

13. The Working Party was informed by the representative of OTIF about progress made in the revision of the COTIF Convention, including modifications proposed to the civil liability regime contained therein. The representative of OSZhD reported that the OSZhD Agreement on Combined Transport had come into force on 5 August 1997 and had, at present, 13 Contracting Parties.

14. The Working Party was also informed that the ICB envisaged the establishment of a new international register on swap-body identity codes and that the UIC had taken several concrete initiatives to put rail freight freeways in operation. It took note of the views of the EIA on service quality and profitability in intermodal transport that would need to be achieved to arrive at sustainable mobility (Informal document No.7 (1998)). The Working Party was also informed that the UIRR operators from 18 European countries had increased their traffic volume in 1997 to 1.9 mio. consignments (i.e. 4.3 mio TEU), an increase of 9% compared to 1996.

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

Documentation: JMTE/1998/4; JMTE/1998/2; ECE/RCTE/CONF./2/FINAL; ECE/RCTE/CONF./3/FINAL; TRANS/WP.24/1998/1; TRANS/WP.24/R.85/Rev.1; TRANS/WP.24/R.80/Rev.1.

15. The Working Party recalled that the Regional Conference on Transport and the Environment, held in Vienna from 12 to 14 November 1997, had adopted a Declaration and a Programme of Joint Action (ECE/RCTE/CONF./2/FINAL; ECE/RCTE/CONF./3/FINAL). The Working Party also recalled that it had prepared two background documents for the Conference on the promotion of combined transport to foster a sustainable transport policy in Europe (TRANS/WP.24/R.85/Rev.1; TRANS/WP.24/R.80/Rev.1). At its twenty-ninth session, the Working Party had considered in particular chapters III and IV of the Programme of Joint Action and had identified the following programme elements to be undertaken by it at the international level: chapter III (b), (d),(j),(k),(l); and chapter IV (d).

16. These decisions of the Working Party, together with input from a large number of intergovernmental bodies both within and outside the United Nations on possible follow-up action in the framework of the Programme of Joint Action, has been compiled by the secretariat in document JMTE/1998/2 (English only) for consideration by a Joint Meeting on Transport and the Environment held on 7 July 1998 in Geneva. The report of this Joint Meeting will be contained in document JMTE/1998/4.

17. The Working Party decided to review secretariat document JMTE/1998/2 and to identify concrete elements of work to be undertaken within its programme of work for 1999 to 2003 (see paragraph 4 below). These proposals would then be transmitted to a meeting of the secretariats of all international organizations involved in the follow-up to the Conference to be held before the end of 1998.

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 (www.unece.org).

18. The Working Party noted that, as of 1 September 1998, the following 21 countries are Contracting Parties to the AGTC Agreement: Austria; Belarus; Bulgaria; Croatia; Czech Republic; Denmark; France; Germany; Greece; Hungary; Italy; Luxembourg; Netherlands; Norway; Portugal; Romania; Russian Federation; Slovakia; Slovenia; Switzerland and Turkey.

19. In view of the importance of the Agreement for efficient international combined transport in Europe, the Working Party urged once more all ECE member countries concerned to consider becoming Contracting Parties to the AGTC Agreement as soon as possible, in particular those that had signed the Agreement.

(b) Amendments proposed to the AGTC Agreement

Documentation: Depository notification C.N.91-1998.TREATIES-1.

20. The Working Party was informed that the Legal Office of the United Nations has issued Depository Notification C.N.91-1998.TREATIES-1 stipulating that the package of amendment proposals, adopted at the twenty-fifth session of the Working Party in 1996 (TRANS/WP.24/71, annex 1) has been accepted by all Contracting Parties and had come into force on 25 June 1998.

21. The Working Party noted with regret that no information had been forthcoming with regard to the inclusion into the AGTC Agreement of railway lines and related installations in the Republic of Moldova and the Ukraine complementing the amendment proposals already adopted by the Working Party for Hungary and Romania in September 1997 (TRANS/WP.24/77, annex 1). The secretariat was requested to contact once more the two Governments concerned with a view to resolving this issue.

PROTOCOL ON COMBINED TRANSPORT ON INLAND WATERWAYS TO THE EUROPEAN AGREEMENT ON IMPORTANT INTERNATIONAL COMBINED TRANSPORT LINES AND RELATED INSTALLATIONS (AGTC) OF 1991

Documentation: ECE/TRANS/122 and Corrs.1 and 2.

22. The Working Party recalled that on the occasion of the Regional Conference on Transport and the Environment (Vienna, 12-14 November 1997), the Protocol 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.

23. As of 1 September 1998, the Czech Republic, Denmark and Switzerland have become Contracting Parties to the Protocol. The representative of Bulgaria announced signature of the Protocol by his Government before 31 October 1998. The representative of Romania stated that the necessary national ratification procedures for acceptance of the Protocol would be finalized within a very short time.

24. The Protocol will be open at the office of the United Nations in Geneva for signature of States which are Contracting Parties to the AGTC Agreement until 31 October 1998.

25. Amendment proposals already submitted to the Working Party at its twenty-ninth session (March 1998) by France, Hungary and Romania (Informal document No. 1 (1998)) and by Romania at its present session (letter from the Minister of Transport), will be reconsidered by the Working Party as soon as the Protocol has come into force.

26. The Working Party, in accordance with operative paragraph 2 of the Resolution adopted by the Regional Conference on Transport and the Environment (ECE/RCTE/CONF.7/FINAL), decided to consider, at its next session, how to monitor the implementation of the Protocol and to conduct an inventory of its parameters and standards on the basis of the "Blue Book" to be finalized by the ECE Working Party on Inland Water Transport within the next few weeks.

27. The representative of the Russian Federation stated that his country was for the moment not in a position to sign the Protocol as all inland waterways in this country were closed to international traffic. Efforts were being made however to open the extensive inland waterway network of the Russian Federation to international traffic as soon as possible and to modernize them.

28. The final text of the Protocol to the AGTC Agreement (in English, French and Russian) is contained in document ECE/TRANS/122 and Corr.1 (F) and Corr.2 (R).

INVENTORY OF EXISTING AGTC STANDARDS AND PARAMETERS

Documentation: Informal document prepared by the secretariat; TRANS/WP.24/1998/2.

29. The Working Party recalled that, at its twenty-ninth session, it had approved in principle a standard questionnaire (TRANS/WP.24/1998/2) and had requested the secretariat to include therein also the new lines and related installations that are part of the amendments that came into force on 25 June 1998.

30. The Working Party reviewed progress in the preparation of the pre-filled questionnaires also containing, as requested, relevant AGC parameters and AGC lines, not part of the AGTC network to arrive at a single consolidated questionnaire covering both the AGTC and the AGC Agreements.

31. The Working Party invited the Working Party on Rail Transport (SC.2) to also review this draft questionnaire and to streamline, to the extent possible, the section on infrastructure parameters with a view to including in it only important information relevant for the performance of international rail transport.

32. Given the complexity and the size of this consolidated questionnaire, the secretariat was requested to provide detailed information on the verification and filling-in of the questionnaire and to add detailed explanatory notes on the type of data to be entered. Maps showing existing and planned combined terminal locations should be attached by the responding countries. In this context some delegations pointed out that it would be increasingly difficult to obtain information on operational aspects of terminals due to the privatization of railways.

33. The Working Party felt that the revised questionnaire should be transmitted to ECE member countries concerned by the end of 1998 at the latest. The results on the AGTC network should be published in a form allowing for easy comparison with the data collected in 1993.

INTERREGIONAL LINKS IN COMBINED TRANSPORT

Documentation: TRANS/WP.24/1997/2; TRANS/WP.24/1998/3 and Corr 1.

34. The Working Party recalled that, at its twenty-ninth session, it had identified three interregional combined transport corridors linking Europe and Asia and had felt that, on that basis, the consolidation of the three existing networks based on the AGTC Agreement, the OSZhD Agreement (TRANS/WP.24/1997/2) and the Trans-Asian Railway network should be envisaged (TRANS/WP.24/1998/3 and Corr.1). As a first step, the AGTC Agreement should be extended to all ECE member countries taking account of the newly established OSZhD Agreement (TRANS/WP.24/79, paras. 24-26 and annex).

35. The Working Party was informed by the secretariat on progress made in the extension of the AGTC network on the basis of the OSZhD Agreement and noted that in due course relevant amendment proposals relating to new AGTC transport lines and related installations will be transmitted by the secretariat to countries concerned in the Baltic region, in Central Asia and in the Transcaucasus for comments.

36. The representative of the OSZhD expressed the willingness of his organization to cooperate closely with the Working Party in this area and repeated the earlier offer of the OSZhD to transmit in 1999 detailed information on the parameters and standards of the OSZhD network.

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

Documentation: Informal document prepared by the UNCTAD secretariat; Informal document No. 6 (1998).

37. 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. This might include the organization of a "hearing" of all private sector and governmental parties concerned.

38. At its twenty-ninth session, the Working Party had stressed that, before any concrete work in this field could be initiated, all ECE member countries should conduct consultations at the national level on the problems encountered and on the feasibility and the approach to be taken to resolve difficulties arising from the differences and/or gaps in liability regimes governing the various transport modes (TRANS/WP.24/79, para. 31).

39. The Working Party was informed of the situation encountered by combined transport operators in several ECE member countries. It noted that in a number of ECE member countries legislation has been adopted or is under preparation towards a harmonization of modal requirements on civil liability at the national level. At the international level, preparation of an international legal regime covering civil liability for inland waterways is under preparation within the ECE, the Central Commission for the Navigation of the Rhine (CCNR) and the Danube Commission (DN) complementing the existing modal regimes covering road (CMR) and rail (COTIF-CIM) transport. Applicable international liability regimes governing transshipment operations and storage of loading units in combined transport operations apparently did not exist.

40. While a number of international private law liability regimes existed, such as the UIRR General Transport Conditions or the UNCTAD/ICC Rules for Multimodal Transport Documents issued in 1972, these rules were not binding and applied only insofar as the parties to a transport contract had accepted them. These rules were overridden by applicable national law and/or international modal liability regimes.

41. For combined transport particular uncertainties could arise in difficulties determining the applicable modal liability regime and during transshipment or storage operations.

42. The Working Party noted that the United Nations Convention of International Multimodal Transport of Goods (MT Convention), adopted in 1980, was not likely to enter into force in the foreseeable future. Some delegations felt however that this Convention, reviewed and its substance adapted to modern transport requirements, could form the basis for an adequate international liability regime covering combined transport in Europe.

43. With a view to deciding on possible concrete work in this field at the international level, the Working Party invited interested delegations to meet in December 1998 to identify possible problems encountered in this field by combined transport operators and to consider 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. The results of this informal meeting should be transmitted to the forthcoming sessions of the Inland Transport Committee and the Working Party. The secretariat should inform delegations in due course of the date and venue of this meeting.

44. In order to prepare the informal meeting, a small group of experts met informally on 9 September 1998 and considered some specific liability problems relating to combined transport as well as possible issues for consideration.

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

Documentation: Informal document No. 9 (1998) Poland.

45. The Working Party was informed by the representatives of Germany, Italy, Poland, Romania, Russian Federation, Slovakia, Switzerland of latest developments in the field of combined transport.

PROGRAMME OF WORK FOR 1999 TO 2003

Documentation: TRANS/WP.24/1998/80, annex; E/1998/38-E/ECE/1365; ECE/TRANS/125.

46. Taking account of the deliberations of the Working Party on its future programme of work at its twenty-eighth session (TRANS/WP.24/77, paras. 36 to 44) and pertinent decisions on the presentation of the programme of work of the various subsidiary bodies of the ECE taken by the Inland Transport Committee (ECE/TRANS/125, paras. 138-144) and the Commission E/1998/38-E/ECE/1365, para. 29), the Working Party adopted a revised programme of work for the period 1999 to 2003 as contained in the annex to this report for approval by the Inland Transport.

OTHER BUSINESS

Date of next session

47. The Working Party decided to convene its thirty-first session on 12 and 13 April 1999 subject to the approval of the Inland Transport Committee. The deadline for documents to be translated and distributed in time for this thirty-first session would be 22 January 1999.

ADOPTION OF THE REPORT

48. Due to the impossibility of the secretariat to ensure the availability of the complete draft report in all ECE working languages during the morning session on the last day of its meeting and in order not to waste one day of meeting time, the Working Party decided to adopt its report on the basis of a text to be prepared by the secretariat in consultation with the Chairman. Once translated, this text should be circulated among all participants for comments. Possible comments received within a given deadline should be distributed, following approval by the Chairman, as a corrigendum to the report of the session.

Annex

**PROGRAMME OF WORK
FOR 1999-2003**

PROGRAMME ACTIVITY 02.8: COMBINED TRANSPORT

Promotion of combined and multimodal transport

Priority: 1

Description: Consideration of legal, administrative, documentary, technical, economic and environmental aspects of combined and multimodal transport with a view to the development of measures to promote combined and multimodal transport as well as the maximum utilization of equipment, infrastructure and terminals used for such transport.

Work to be undertaken: The Working Party on Combined Transport will pursue the following activities:

CONTINUING ACTIVITIES:

- (a) Review and updating of the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) with a view to:
- Extending the AGTC network to all ECE member countries concerned taking account of the work already undertaken by ESCAP and the OSZhd;
 - Taking into account new developments in transport markets (demands and requirements), including new east-west traffic flows;
 - Implementing and, whenever feasible, improving existing standards and operational parameters;
 - Raising environmental, energy and safety standards.

Priority 1

Output expected by 2000:

Adoption of an extended AGTC network covering all ECE member countries in Central Asia and the Caucasus.

Inclusion into the AGTC Agreement of new East-West combined transport lines.

Analysis of existing standards and operational parameters to be published by the ECE secretariat in an updated Yellow Book.

- (b) Analysis of data requirements of transshipment and handling requirements, of marking, coding and identification systems for means of transport and loading units in combined transport, including the promotion of electronic data processing, with a view to improving the flow of information among the various operators and to allow for a better integration of production and distribution systems (logistics) using combined transport techniques.

Priority 2

Output expected by 2000:

Review and analysis of standardized data systems for combined transport operations with a view to possibly preparing international recommendations on this subject.

- (c) Monitoring of weights and dimensions of loading units used in combined transport in accordance with resolution No. 241 adopted by the Inland Transport Committee on 5 February 1993. This includes consideration of possibilities for standardization of loading units and the compliance with safety regulations.

Priority 1

Output expected by 2000:

Review of the issues based on two annual reports to be prepared by the ECE secretariat on latest developments in this field.

- (d) Monitoring of technical and organizational measures to optimize terminal and transshipment procedures allowing for more cost-effective handling procedures of loading units.

Priority 2

Output expected by 2000:

Report to be prepared on the basis of information provided by ECE member Governments and international organizations.

- (e) Analysis of economic and environmental aspects of combined transport, including administrative measures and activities of the transport industry, with a view to promoting sustainable transport development.

Priority 1

Output expected by 2000:

Follow-up to the 1997 Regional Conference on Transport and the Environment (Vienna, 12 to 14 November 1998) on the basis of the Joint Programme of Action adopted at the Conference, to be determined in accordance with the decisions taken by the Joint Meeting on Transport and the Environment (JMTE/1998/4) and inter-secretariat consultations to be held before the end of 1998.

- (f) Monitoring by the secretariat on behalf of the Working Party of the following subjects for consideration by the Working Party upon specific request only:
- Harmonization of combined transport terminology in order to contribute to a single international glossary of terms used in this field.
 - Combined transport techniques and operations (including inland waterways and coastal shipping techniques) as a basis for a possible international compendium of measures for the safe handling and temporary storage of dangerous goods.
 - National approval procedures for containers and swap-bodies in the framework of relevant conventions, such as the CSC Convention, with a view to better harmonizing such procedures.
 - New services and technologies in combined and intermodal transport, including sea/inland waterways and sea/land interfaces, and the use of bimodal road/rail vehicles with a view to be able to analyse the potential of combined transport.

Priority 2

Output expected by 2000:

Preparation and organization of an inter-secretariat working group on combined transport terminology.

Two annual reports to be prepared by the ECE secretariat on safe handling and temporary storage of dangerous goods in combined transport, national approval procedures under the CSC Convention and on new services and technologies in combined transport.

ACTIVITIES OF A LIMITED DURATION:

- (a) Analysis of possibilities for reconciliation and harmonization of civil liability regimes governing combined transport operations. This might include the organization of a "hearing" of all private sector and governmental parties involved. (2000)

Priority 1

Output expected by 1999:

Preparation of an analysis on the reconciliation and harmonization of the existing civil liability regimes, possibly followed by the preparation of a "hearing" on this subject in the year 2000.

- (b) Analysis of the consequences on the organization of combined transport in Europe resulting from the development of combined transport services on interregional rail links between Europe and Asia. This includes the organization of an inter-regional meeting harmonizing the legal and administrative work carried out by relevant international organizations in Europe and Asia (e.g. ESCAP, UNCTAD, EC, OSZhD). (2000)

Priority 2

Output expected by 1999:

Based on work carried out by ESCAP, study on the feasibility of an intergovernmental meeting, jointly organized with ESCAP, in Central Asia or the Caucasus to agree on common measures to facilitate combined transport services along the interregional links.

The Committee will cooperate, in particular, with the United Nations Conference on Trade and Development (UNCTAD) with regard to international multimodal transport and its work on containerization, as well as with the European Community (EC) and the European Conference of Ministers of Transport (ECMT) in all fields of combined transport which are of mutual concern.
