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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics¹
(29 and 30 March 2006))

Working Party on Intermodal Transport and Logistics
(Forty-fifth session, 30 March 2006,
agenda item 9)

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

Accession to the Protocol

Note by the secretariat

1. The Inland Transport Committee had requested the secretariat to undertake an analysis of the reasons that have led to the non-acceptance of a number of international legal instruments, including the Protocol to the AGTC Agreement ([ECE/TRANS/156, para. 29](#)).

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).

2. 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 twelve 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.

3. As of 1 January 2006, the Protocol has the following seven Contracting Parties: Bulgaria; Czech Republic; Denmark; Luxembourg; Netherlands; Romania; Switzerland. 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 fulfilled, the Protocol is not yet in force.

4. Amendment proposals transmitted to the Working Party at its twenty-ninth session by France, Hungary and Romania (Informal document No. 1 (1998); TRANS/WP.24/79, para. 20) as well as amendment proposals transmitted to the secretariat by the Government of Bulgaria could only be incorporated into the Protocol, following consideration by the Working Party, once the Protocol had entered into force.

5. The text of the Protocol to the AGTC Agreement is contained in document [ECE/TRANS/122 and Corr.1 \(F\) and Corr.2 \(R\)](#).

6. In accordance with the above decision of the Inland Transport Committee, the secretariat has transmitted in autumn 2005 a communication to those UNECE member States that had signed the Protocol, but have not yet ratified or acceded to it, i.e. Austria, France, Germany, Greece, Hungary, Italy, Portugal and Slovakia. Countries were not only asked whether they still planned to ratify, accept or approve the Protocol, but also about the reasons why they had not yet become a Contracting Party to it.

7. So far, official information has been provided by Austria and Germany only.

Austria

8. Austria confirmed that the Protocol could make a good contribution to the promotion of combined transport, but pointed out that some of the operational minimum requirements for the inland waterways contained in annex II to the Protocol would not guarantee at present the necessary progress for infrastructural measures on the Austrian part of the Danube.

9. It was also pointed out that there existed a link between these provisions in the Protocol and those in 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 these provisions in the AGN, e.g. by proposing the insertion of a footnote to one of the provisions concerning operational minimum requirements for C-E waterways.

This footnote would aim, in principle, at extending 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 seemed to be logical to adapt the Protocol accordingly.

10. The entry into force of these amendments to the AGN and to the Protocol would be helpful with regard to the necessary improvement of the fairway conditions of the Austrian part of the Danube and would allow Austria to give positive consideration to the ratification of the two legal instruments that are very important for the further development of combined transport as well as inland waterway transport.

Germany

11. Germany stated that the technical minimum requirements of the network of inland waterways as enshrined in annex II to the Protocol had to comply with all technical minimum requirements stipulated in annex III to the Protocol. While appropriate measures had to be undertaken by Contracting Parties to achieve these technical minimum requirements, that form an integral part of the Protocol, it was felt 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 stipulated 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.

12. As other official replies are still outstanding, the Working Party may wish to be informed by concerned delegations about their countries' position in order to be able to analyse the reasons given and to decide on any follow-up action in this regard.
