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Working Party on Combined Transport

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ROLE OF RAILWAYS IN THE PROMOTION OF COMBINED TRANSPORT

**Transmitted by the Ad hoc Expert Group on Partnership Models and Best Practices and
the Ad hoc Expert Group on Efficiency in Combined Transport Terminals**^{1/}

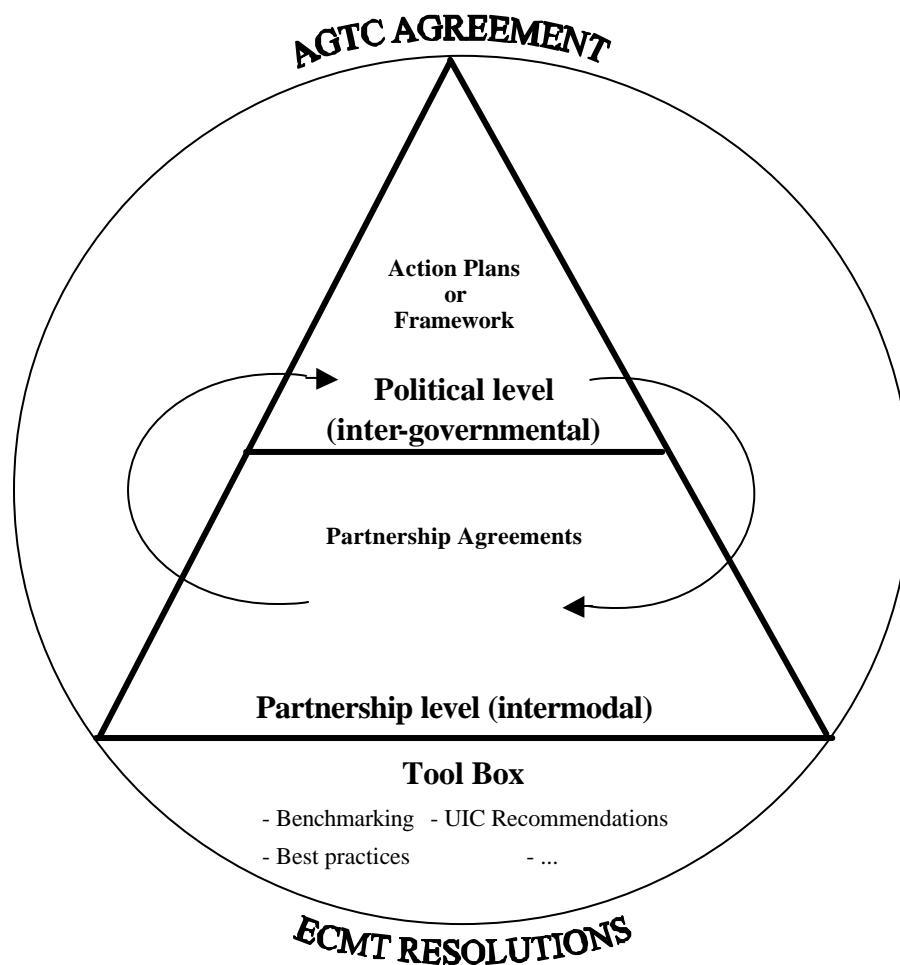
A. BACKGROUND AND MANDATE

1. The European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) has been established at the Pan-European level in 1991 to make international combined transport in Europe more efficient and attractive to customers, to alleviate the burden on the European road network, particularly in trans-alpine traffic and to mitigate environmental damages. The AGTC Agreement established an institutional legal framework that lays down a coordinated plan for the development of international combined transport services and infrastructure based on internationally agreed performance parameters and standards.

^{1/} Note prepared by the two ad hoc expert groups at their joint session held on 19 and 20 June 2003 at Paris.

2. In 1997 a Protocol to the AGTC on combined transport on inland waterways (IWT Protocol) was adopted in order to make combined transport also more efficient and attractive to customers on inland waterways and on certain coastal routes in Europe.

3. Within the general legal and political framework of the AGTC Agreement and its IWT Protocol, prepared and administered under the auspices of the UNECE, as well as of the relevant ECMT Resolutions, particularly Consolidated Resolution No 2002/2 and Resolution No 97/6, the promotion of international combined and intermodal transport services at the pan-European level could to be considered at two levels involving different actors and actions (see sketch below): At the political, level inter-governmental arrangements, such as Action Plans or Framework Agreements, could provide the coverage for Partnership Agreements among the actors operating international combined and intermodal transport services. Concrete measures are then undertaken and monitored by using existing best practices and benchmarks as well as guidelines and recommendations prepared by professional associations, such as the International Union of Railways (UIC) and other organisations and scientific institutions active in this field.



4. In accordance with its mandates and with a view to promoting international combined and intermodal transport at the pan-European level, the two ad hoc expert groups have prepared an inter-governmental “Model” Action Plan or Framework Agreement as well as an intermodal “Model” Partnership Agreement for possible inclusion into the AGTC Agreement and its IWT Protocol. The expert groups propose further to extend the geographical scope of the AGTC Agreement and to consider a general review of the present AGTC lines and related installations as well as the related infrastructure and performance parameters.

B. “MODEL” ACTION PLAN OR FRAMEWORK AGREEMENT

5. The Working Party is invited to consider a “Model” Action Plan or Framework Agreement to assist Contracting Parties to the AGTC Agreement to conclude inter-governmental action plans or similar agreements. The purpose of such an Action Plan or Framework Agreement is to set a political signal of Governmental commitment and support for the development of combined and intermodal transport and to provide a framework allowing the various public and private actors involved to collaborate towards efficient and competitive combined and intermodal road/rail/inland water transport services along specific transport corridors and/or in specific regions.

I. Main elements of a “Model” Action Plan or Framework Agreement

6. The main elements of such a “Model” Action Plan or Framework Agreement could be as follows:

(a) Political mandate and background (preamble)

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

(b) Status quo and expected developments (traffic forecasts, etc.)

Description of the transport situation and the role of combined and intermodal transport between the countries in question, at present and in the foreseeable future.

(c) Partners (Governments / authorities involved)

Identification of Governments and (possibly) regulatory authorities involved in approving/signing the Action Plan or Framework Agreement at bi-, tri-, or multi-lateral levels.

(d) Scope of work

Description of concerned transport corridor and lines, areas of work (infrastructure, operations, regulations) and actors to be addressed.

(e) Objective(s) to be achieved

Description of the agreed and expected outcome of the Action Plan or Framework Agreement addressing specific and/or general issues. This could include the recommendation to conclude partnership agreements among the actors in combined and intermodal transport operations.

(d) Activities / Output

Description of specific tasks and outputs to meet the identified objectives and establishment of criteria to measure impact. In particular, the infrastructure and services standards and parameters stipulated in the AGTC Agreement and its IWT Protocol could be explicitly referred to as minimum infrastructure and service benchmarks. Also incentive and facilitation measures, such as bonus road permits, exemption from traffic restrictions (week-end, holiday, night traffic and weight restrictions, etc.) and simplified border crossing procedures could be included.

(e) Working mechanism(s)

Description of how to undertake the agreed activities and to achieve the identified output. Activities could be organized by ad hoc Task Forces or working groups depending on the objective to be achieved. In addition to Governmental representatives, private sector interests could participate in these bodies.

(f) Timeline(s)

Description of when work should start and end. A continuing process without specific timelines could be established, but individual projects and tasks should be undertaken in accordance with specific deadlines.

(g) Monitoring and follow-up

Description of monitoring and reporting systems to analyse unequivocally and efficiently results achieved allowing, in case of need, the introduction of corrective measures, if necessary, at high political level.

(h) Other elements

Inclusion, if appropriate, of provisions relating to the treatment of infringements committed by combined and intermodal transport operators, to data protection, emergency arrangements, etc.

II. Implementation procedure for a “Model” Action Plan or Framework Agreement

7. The “Model” Action Plan or Framework Agreement to be finalized by the Working Party is addressed to the Contracting Parties to the AGTC and its IWT Protocol and should assist in its implementation and/or in establishing more detailed and more enhanced and thus more competitive infrastructure and service standards on specific transport corridors.

8. Therefore, it could be considered to include the elements of such a “Model” Action Plan or Framework Agreement or possibly a fully formulated “model” text into the AGTC Agreement and its IWT Protocol, possibly as a new Annex V (Annex IV of the IWT Protocol). This would require the introduction of a new Article, say Article 4 bis (Article 3 bis in the IWT Protocol) referring explicitly to the provisions of such a new Annex V or IV. The amendment procedures of the AGTC Agreement and its IWT Protocol require unanimity by all Contracting Parties to this proposal and a time frame of not less than 15 months before its coming into force.

9. In parallel the “Model” Action Plan or Framework Agreement could be approved and/or signed by means of a UNECE Resolution adopted by the Inland Transport Committee or through a Resolution by the European Conference of Ministers of Transport (ECMT) that could contain a “Model” of a Framework Action or Agreement as well as that of a Partnership Agreement (see paragraph 19). The two ad hoc expert groups were of the view that only concerted and, if possible, simultaneous action in this respect by all inter-governmental and non-governmental as well as professional organizations could give the required strong signal to the profession and to the public at large: A signal that Governments and the industry act jointly and in a cooperative spirit to promote combined and intermodal transport indispensable for efficient door-to door transport chains (see also paragraph 19).

III. Examples of inter-governmental Action Plans or Framework Agreements

10. “Brenner 2005 Action Plan”: Approved on 28 November 2002 by the Ministers of Transport of Austria, Germany and Italy. Progress review planned for autumn 2003.

11. Memorandum of Understanding (MoU) on the Establishment of an International Task Force on the Analysis and Resolution of Problems on the North-South Goods Transport Corridor: Signed on 9 January 2003 by the Ministers of Transport of Germany, Italy, Netherlands and Switzerland.

C. “MODEL” PARTNERSHIP AGREEMENT

12. The Working Party is also invited to consider a “Model” Partnership Agreement to assist intermodal transport operators, railway companies, freight forwarders, rail infrastructure authorities and terminal operators in countries, Contracting Parties to the AGTC to engage in partnership agreements, charters or similar cooperative arrangements.

13. The purpose of such an agreement is to define clearly the responsibilities and performance standards expected from the various actors engaged in international intermodal transport services. Such arrangements could, particularly at the international level, enhance transparency about the

indispensable roles played by each and every one of the actors and could contribute to making international combined and intermodal road/rail/inland water transport competitive along specific transport corridors.

14. It is obvious that issues of a strictly commercial nature cannot be addressed in detail in such a model as such issues differ due to specific circumstances, due to the type and number of partners involved and are often subject to confidentiality. Also it needs to be further explored to what extent public authorities, such as control agencies at border crossing stations, could be involved actively in such agreements.

I. Main elements of a “Model” Partnership Agreement

15. The main elements of such a “Model” Partnership Agreement could be as follows:

(a) Partners involved

Description of both active and passive private and public partners involved in specific combined and intermodal transport chains, such as railway companies, rail infrastructure authorities, intermodal transport operators, terminal operators, road transport companies, inland water transport operators, freight forwarders, shippers, Customs authorities, sanitary, veterinary, phyto-sanitary and other control authorities at borders, etc.

(b) Scope of work

Description and identification of the field of cooperation (type of business and cargo, traction only, etc.) and scope (transport corridors/lines, regions, etc.).

(c) Basis for the partnership

Description of the type of partnership and the level of commitment, i.e. charter (bona fide), (framework) agreement, letter of intention, contract, etc.

(d) Objective(s) to be achieved

Description of what the partnership wishes to achieve (examples could be provided, such as the incentive scheme 95/20 applicable in France as described in document TRANS/WP.24/2002/1, Annex 1).

(e) Activities / output and performance indicators

Description of the specific tasks and outputs to meet the identified objectives and establishment of criteria to measure impact.

To achieve these objectives and in order to be able to measure impact and compliance, the following “Key Performance Indicators (KPI)” could be included (Reference: TRANS/WP.24/2002/3):

Key Performance Indicators (KPI) at the national level

(i) Administrative and technical compliance of intermodal transport units (ITUs) (containers, swap bodies and semi-trailers) delivered by clients to the terminal of loading (by number of ITUs and in percentage of total number for each train – total per month per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(ii) Compliance with road hand-over deadlines (by number of ITUs handed over with 15 minutes maximum delay and in percentage of total number of ITUs per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(iii) Compliance with railway hand-over deadlines (by delay in minutes compared to scheduled time by train and in percentage of trains per month).

Responsibility for follow-up: Intermodal transport operators together with clients.

(iv) Administrative and technical compliance of railway wagons and their loads delivered to the terminal of loading (by number of compliant wagons and in percentage of total wagons delivered per train – accumulated total per month per train).

Responsibility for follow-up: Railway company and intermodal transport operator.

(v) Compliance with departure times of trains (by delay (in minutes) in relation to scheduled time by train and in percentage of compliant trains per month).

Responsibility for follow-up: Railway companies.

(vi) Compliance with arrival times of trains (by delay (in minutes) in relation to scheduled time by train and in percentage of compliant trains per month).

Responsibility for follow-up: Railway companies.

(vii) Compliance with rail delivery (by delay (in minutes) in relation to scheduled time by train and in percentage of compliant trains per month).

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(viii) Compliance with road delivery (by number of ITUs delivered within 30 minutes following arrival of client and in percentage of total number for a given train – accumulated total per month and per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(ix) Compliance with undamaged state of ITUs delivered to clients (by number of damaged ITUs and in percentage of total number of ITUs delivered per train – total number per month and per train).

Responsibility for follow-up: Intermodal transport operators together with clients.

(x) Compliance with agreed traffic volumes provided for trains, by route (by number of ITUs carried by trains and by route – total number per month and per train compared to previous year).

Responsibility for follow-up: Intermodal transport operators.

(xi) Compliance with agreed train loading (by loading rates per train – monthly averages per train in comparison with previous year).

Responsibility for follow-up: Railway companies.

Key Performance Indicators (KPI) at the international level

(xii) Compliance with reservations system on international trains (if applicable).

Responsibility for follow-up: Intermodal transport operators

(xiii) Compliance with mandatory meeting times at borders, arrival and departure time at the changeover point.

Responsibility for follow-up: Railway companies.

(xiv) Compliance with data transmission (quality - timing - content) according to the European Rail Traffic Management System (ERTMS) - concomitant measurement of non-retention of data.

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(xv) Compliance with adequate control of Customs/health/dangerous goods inspections.

Responsibility for follow-up: All partners.

(xvi) Compliance with correct transmission of documentation: International Consignment Note (UIC) and other technical documents (electronic consignment note currently being generalized).

Responsibility for follow-up: Railway companies together with intermodal transport operators.

(xvii) Acceptance of the intermodal transport units (ITU) at the arrival terminal by the terminal operator within less than 3 hours after arrival of train (waiting time of client to be less than 30 minutes) (see viii). Not applicable if collection of Intermodal Transport Units (ITU) by client after more than 3 hours following arrival of train (logistical buffer stock).

Responsibility for follow-up: Intermodal transport operators together with terminal operators.

Note: Key performance indicators for intermodal transport by inland waterways still need to be developed.

(f) Working mechanism(s)

Description of how to undertake the agreed activities and to achieve the identified objective(s) (work plan and methods). Work could be organized by ad hoc task forces or working groups depending on the objective to be achieved. In addition to the parties directly concerned, other representatives or experts, including public authorities, could participate in and/or contribute as observers to this work.

(g) Engagement of the partners

Descriptions of the responsibilities of the partners in meeting the agreed objective(s).

(h) Timeline(s)

Description of when work will start and end. The partnership agreement could also establish a continuing process without specific timelines, but individual projects and tasks should be undertaken in accordance with specific deadlines.

(i) Monitoring and follow-up

Description of monitoring and reporting systems to analyse unequivocally and efficiently results achieved allowing, if necessary, the introduction of corrective measures.

(j) Sanctions

Description of possible sanctions in case the agreed upon objectives are not met by any one of the partners.

(k) Financial arrangements

Description of financial support to be provided by the various partners involved, if any.

II. Implementation procedure for the “Model” Partnership Agreement

16. The “Model” Partnership Agreement to be finalized by the Working Party is addressed to public and private parties and actors resident in countries, Contracting Parties to the AGTC and its IWT Protocol. It should assist implementation of these legal instruments and in establishing possibly more detailed and more enhanced minimum infrastructure and service standards, thus leading to more competitive combined and intermodal transport operations on specific transport corridors.

17. Therefore, it could be considered to include the elements of such a “Model” Partnership Agreement or possibly a fully formulated “model text” into the AGTC Agreement and its IWT Protocol, possibly as a new Annex V (Annex IV of the IWT Protocol) – well aware that international public law cannot necessarily engage private actors to comply with its provisions (this is however already the case with various other provisions, particularly in Annex IV of the AGTC Agreement on performance parameters, which, nevertheless serve as examples and benchmarks).

18. The inclusions of a “Model” Partnership Agreement would require the introduction of a new Article, say Article 4 bis (Article 3 bis in the IWT Protocol) referring explicitly to the provisions in such a new Annex V or IV. The amendment procedure of the AGTC Agreement and its IWT Protocol requires unanimity by all Contracting Parties to this proposal and a time frame of not less than 15 months before its coming into force.

19. In parallel, the “Model” Partnership Agreement could be approved and/or signed by means of a UNECE Resolution adopted by the Inland Transport Committee and through a Resolution by the ECMT containing both a “Model” of a Framework Action or Agreement and that of a Partnership Agreement. The two ad hoc expert groups were of the view that only concerted and, if possible, simultaneous action in this respect by all inter-governmental and non-governmental as well as professional organizations could give the required strong signal to the profession and to the public at large: A signal that Governments and the industry act jointly and in a cooperative spirit to promote combined and intermodal transport indispensable for efficient door-to door transport chains (see paragraph 9).

III. Examples of intermodal Partnership Agreements

20. “95/20 Quality Development Charter” between FNTR, SNCF, NOVATRANS and GNTC (TRANS/WP.24/2002/1, Annex 1).

21. “Quality Charter” between SNCB B-Cargo, TRW and FEBETRA (Belgium).

22. “The Alpine Partnership (Ralpin)” between BLS Lötschbergbahn, HUPAC and SBB/CFE (Switzerland).

D. AMENDMENTS TO ANNEX IV OF THE AGTC AGREEMENT

23. In addition to the preparation of a “Model” Action Plans or Framework Agreement and a “Model” Partnership Agreement as proposed above, the Working Party, nearly 10 years following its entry into force, may also wish to review the AGTC Agreement in a systematic manner to ensure that all railway lines and related installations important for international combined and intermodal transport are up to date and that the AGTC infrastructure and performance standards and parameters are in line with today’s technical and operational realities and/or aspirations. The purpose of this exercise should not necessarily be the establishment of an exhaustive list of parameters and standards, but should allow to identify those that allow benchmarking of service standards and thus comparisons at the international level, particularly in those countries and by those governmental authorities and industries that are only in the process of planning and developing efficient combined transport services.

24. Also, the Working Party is invited to consider a more user-friendly presentation of the AGTC data as published in the “Yellow Book” series allowing, for example, verification of the status of infrastructure and service standards and parameters along specific combined transport lines and corridors.

25. In accordance with earlier considerations, the Working Party may wish to study in particular whether Section D of Annex IV of the AGTC Agreement on “Minimum Standards for Terminals” should be amended to:

- distinguish terminals for accompanied and unaccompanied combined transport;
- introduce planning and zoning principles/provisions;
- insert provisions recommending, whenever feasible or to the extent possible, to equip terminals with Customs, sanitary, veterinary, phyto-sanitary and other control facilities with a view to avoiding/minimizing such interventions en route.

26. In accordance with earlier decisions of the Working Party, the secretariat will prepare a questionnaire for the collection of data on the 2002 standards and parameters contained in the AGTC Agreement. This questionnaire will also contain questions on the appropriateness of the present AGTC standards and parameters as well as on the inclusion of further standards and parameters, such as mentioned above. On the basis of the replies received, the Working Party may wish to review all standards and parameters in the AGTC Agreement in 2004.

E. GEOGRAPHICAL SCOPE OF AGTC AGREEMENT AND ITS IWT PROTOCOL

27. The Working Party is also invited to increase its efforts to extend the geographical scope of the AGTC Agreement and its IWT Protocol. The AGTC Agreement has 26 Contracting Parties^{2/}. Finland, Serbia and Montenegro, the Ukraine as well as UNECE member States in the Caucasus and in Central Asia should be invited to consider acceding to the Agreement. In particular efforts should be undertaken to bring the IWT Protocol into force and to introduce the already proposed modifications^{3/}.

F. ISSUES FOR CONSIDERATION BY THE WORKING PARTY

28. Taking account of the above proposals of the two ad hoc expert groups, the Working Party may wish to consider, decide and confirm whether:

- (a) the main elements of the inter-governmental “Model” Action Plan or Framework Agreement are acceptable or may need to be amended;

^{2/} Contracting Parties to the AGTC: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; France; Georgia; Germany; Greece; Hungary; Italy; Kazakhstan; Luxembourg; Netherlands; Norway; Poland; Portugal; Romania; Republic of Moldova; Russian Federation; Slovakia; Slovenia; Switzerland; Turkey.

^{3/} Contracting Parties to the Protocol on Inland Waterways: Bulgaria; Czech Republic; Denmark; Luxembourg; Netherlands; Romania; Switzerland.

- (b) the main elements of the intermodal “Model” Partnership Agreement are acceptable or may need to be amended;
 - (c) the preparation of “text models” of the Action Plan or Framework Agreement and the Partnership Agreement should be pursued;
 - (d) the implementation procedures of the above “Models”, to be undertaken in cooperation with ECMT, are considered to be adequate;
 - (e) a possible update of the existing combined transport lines and related installations contained in the AGTC Agreement and in its IWT Protocol should be undertaken and by what means;
 - (f) a review of the minimum infrastructure and performance standards and parameters contained in the AGTC Agreement and its IWT Protocol should be carried out and by what means.
29. Finally, the Working Party may wish once more to consider ways and means to
- (a) extend the geographical scope of the AGTC Agreement;
 - (b) bring the IWT Protocol to the AGTC Agreements into force; i.e. induce countries, Contracting Parties to the AGTC Agreement, to accede to the Protocol.
-