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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Combined Transport

(Thirty-eighth session, 7-9 October 2002,
agenda item 5)

ROLE OF RAILWAYS IN THE PROMOTION OF COMBINED TRANSPORT

**Proposals of the two informal ad hoc expert groups established by the Working Party for
amendments of the AGTC Agreement**

Note by the secretariat

A. BACKGROUND

1. The Working Party, in conjunction with its thirty-fifth session, had organized a Joint Meeting with the Working Party on Rail Transport (SC.2) to explore the possibilities of the role of railways in the promotion of combined transport (TRANS/WP.24/2001/8).

2. At its thirty-sixth session, the Working Party agreed to establish two informal ad hoc expert groups on:

- Partnership models and best practices in Combined Transport
- Combined Transport Terminal efficiency

The Working Party agreed that the expert groups should focus on how to develop practical measures, linked to the AGTC Agreement. The Terms of Reference of the two ad hoc expert groups are contained in document TRANS/WP.24/2002/2.

3. The two expert groups held a total of three meetings during 2001 and 2002. The reports of the meetings are contained in Informal documents No. 15 (2001), 16 (2001) and 9 (2002).

B. PROPOSALS FOR AMENDMENTS OF THE AGTC AGREEMENT

4. The secretariat is below summarizing, according to its understanding, the main proposals based on the findings of the two expert groups.

I. Informal ad hoc expert group on Combined Transport Terminal efficiency

5. At the thirty-seventh session of the Working Party, the expert group presented the main findings of its work (TRANS/WP.24/2002/4). Contracting Parties were invited to inform the secretariat of comments or specific proposals that they might have in this respect. The secretariat has not received any comments to the proposals made by expert group. In order to verify that the issues identified by the expert group are in line with the requirements of the Contracting Parties the Working Party is invited to discuss in detail each of the specific measures proposed in document TRANS/WP.24/2002/4 and provide guidance to the expert group about the details of the measures. It is essential that the expert group is provided with the relevant guidance on each of the proposed measures in order that the final proposals to be developed by the expert group is acceptable to all Contracting Parties of the AGTC Agreement.

II. Informal ad hoc expert group on Partnership models and best practices in Combined Transport

6. On 25 June 2002 the informal ad hoc expert group meet in Paris at the invitation of the French Ministry of Transport. Representatives of the following Governments and organizations participated in the meeting: France, Switzerland, Groupement Européen du Transport Combiné (GETC), Union of Combined Road/Rail Transport Companies (UIRR).

7. Based on the discussions of the meeting the expert group decided to invite the Working Party to consider the measures listed below in further detail with the aim to develop amendments of the AGTC Agreement in the relevant areas. The secretariat has drawn up details in relation to the specific measures.

(a) Analysis of the implementation of the existing provisions of the Agreement

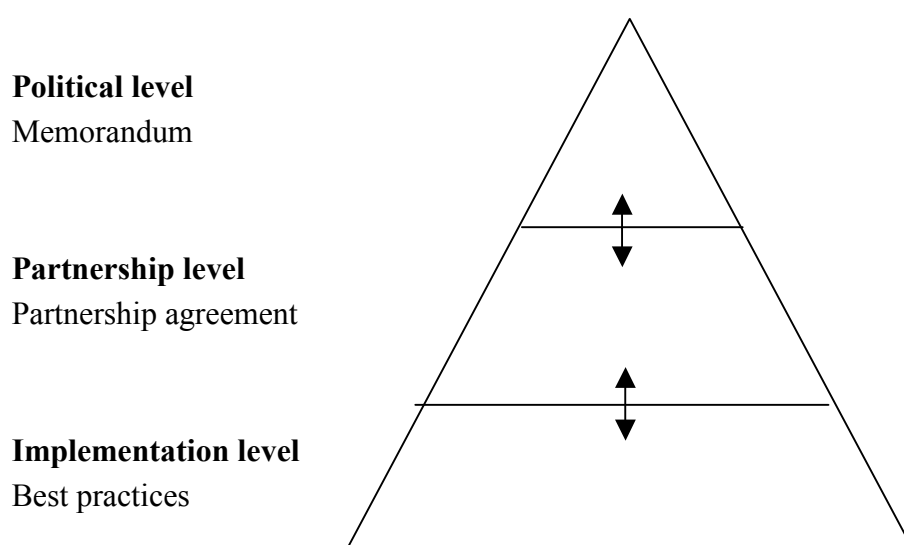
8. The expert group is of the view that it would be necessary to analyse of the implementation of the existing provisions of the Agreement in order to be able to evaluate the impact of the Agreement. Therefore, the expert group was of the view that in order to obtain relevant information in this respect, it would be necessary to send a questionnaire to all Contracting Parties of the Agreement inquiring about the degree of implementation, why certain provisions possibly have not been implemented and possible suggestions for improvements of the Agreement.

9. The secretariat suggest that this survey is transmitted to Governments together with the proposals for new measures proposed by the expert group in order that Contracting Parties can evaluate the totality of the existing provisions of the Agreement together with proposals for amendments.

10. The Working Party is invited to provide the expert group with its comments concerning this proposal.

(b) Preparation of partnership models and best practices

11. The development of partnerships and best practices are closely linked and interdependent. In the framework of the AGTC Agreement the question could be considered to be relevant on three different levels involving varying partners and measures:



i. Generic model for a bilateral memoranda between Contracting Parties of the AGTC Agreement to be included in the Agreement (Political level)

12. Contracting Parties to the AGTC Agreement have a public interest in ensuring the development of combined transport. In this context it should be considered to assist Contracting Parties to the Agreement to conclude, on a bilateral or multilateral basis, agreements through which Governments can provide political support for the development of combined transport, i.e. an “engine” to promote combined transport and encourage the partners in the combined transport chain to increase and improve their cooperation. To facilitate such the conclusion of such agreements between Contracting Parties, it could be considered to include a model Memorandum of Understanding (MoU) in the AGTC Agreement. A list of the elements that possibly could be included in a model MoU can be found in Annex 1. The elements are based on a MoU agreed between the Dutch and Swiss Governments on solving the problems of the North-South goods transport corridor.

13. The Working Party is invited to consider if a model MoU should be included as an annex to the AGTC Agreement and to provide specific comments to the list of elements in Annex 1.

ii. Generic partnership model to be included in the AGTC Agreement (Partnership level)

14. In a number of countries the different partners involved in the combined transport chain has entered into partnership charters or arrangements. These partnership charters have various legal forms and include a number of different provisions engaging the partners.

15. In order to describe the advantages and assist in the development of partnerships in the combined transport chain, it could be considered to include in the AGTC Agreement a list of basic elements considered as being essential to be included in partnerships. In this context the expert group considered it was important to develop elements that, in particular, would be applicable for international partnerships.

16. Some of the possible elements to be included in such a list were described in document TRANS/WP.24/2002/3 and can be found in Annex 2 to this document.

17. The Working Party is invited to consider if it would be of added value to include a list of elements to be included in partnerships as an annex to the AGTC Agreement and to comment on the specific elements contained in the list in Annex 2.

iii. Minimum standards and parameters for best practices in combined transport in the framework of the AGTC Agreement (implementation level)

18. The development of best practices in combined transport is in general considered as an important element for improving the quality of the combined transport chain.

19. In this context it could be considered to include a set of best practices in the AGTC Agreement. In defining such best practices, particular consideration should be given to the fact that such set of best practices should be applicable in all Contracting Parties to the AGTC Agreement.

20. Some of the possible best practices to be included in the AGTC Agreement were described in document TRANS/WP.24/2002/3.

21. The Working Party is invited to consider if it would be of added value to include a set of best practices as annex to the AGTC Agreement and to comment on the specific elements contained in TRANS/WP.24/2002/3

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Annex 1

List of elements to be included in a model Memorandum of Understanding to be annexed to the AGTC Agreement

- (a) Description of status quo. A description of the status of the situation for combined transport between the countries in question
- (b) MoU partner countries.
- (c) Geographical scope.
- (d) Goal(s). Description of the commonly agreed expected outcome of the MoU. In this context a MoU could describe both task specific issues and/or a more general and ongoing approach to a joint policy on how to react to specific problems that arises in the field of combined transport.
- (e) Work tasks. Description of specific tasks that need to be carried out to meet the goal(s)
- (f) Timeframe. Description of when work should start and end. The MoU can be an ongoing effort without a specific timeframe, but specific projects and tasks could be monitored according to concrete timeframes.
- (g) Organizational set-up. Description of how to conduct the agreed work tasks. This could for instance happen through a joint working committee, which could be a standing committee or a task specific committee, depending on the goal of the MoU. In this context it could also be described if other participants that Government representatives can participate or assist in the work.

Annex 2

List of elements considered essential to develop a partnership model in combined transport to be included in the AGTC Agreement

- (a) Partners. Description of both active and passive partners.
 - (b) Partnership model. Description of the type of partnership, i.e. contract, framework agreement, letter of intention etc.
 - (c) Basis for partnership.
 - (d) Objectives. Description of what the partnership wishes to achieve.
 - (e) Engagement of the partners. Descriptions of to what extend the partners engage themselves to meet the objectives.
 - (f) Implementation. Description of how to achieve the objectives. Working plan and method.
 - (g) Monitoring and control. Follow-up on how the implementation succeeds.
 - (h) Sanctions. Description of what happens if the objectives for a partner are not met.
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