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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics<sup>1</sup>  
(28 and 29 September 2004)

Working Party on Intermodal Transport and Logistics  
(Forty-second session, 29 September 2004, agenda item 6)

**DEVELOPMENT OF INTERMODAL TRANSPORT  
AT THE PAN-EUROPEAN LEVEL**

**“Model” Action Plans and Partnership Agreements**  
**Amendment proposals to the AGTC Agreement and Draft Resolution**

**Prepared by the Ad hoc Expert Group**

**A. MANDATE**

1. The Working Party, at its forty-first session, noted that the objective of its work on “model” action plans and partnership agreements was to identify “good practices” and establish “benchmarks” to assist Contracting Parties to the AGTC Agreement and all actors involved in international intermodal transport services to cooperate with each other at the policy as well as at technical and commercial levels with a view to improving the competitiveness of international intermodal transport services in the region. It was also noted that it was of the utmost importance

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<sup>1</sup> 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).

to clearly define the responsibilities of the individual actors within the intermodal transport chain, including the imposition of penalties in case of non-performance.

2. Taking note of a legal opinion of the secretariat, contained in Informal Document No.1 (2004), the Working Party expressed caution with regard to the possible inclusion of such “models” into the AGTC Agreement as legal negotiations often tended to reduce specific and demanding requirements to the smallest common denominator. Other alternatives, such as the elaboration of opinions, recommendations or resolutions should be explored as means to publicize and implement such “models”.

3. The Working Party requested its ad hoc expert group to finalize the substantive provisions of the “models” and to prepare, if possible, alternative publication and implementation procedures for consideration at its forthcoming session (TRANS/WP.24/103, paras. 16-20).

4. In line with this mandate, the expert group has prepared the present report for consideration by the Working Party.

## **B. GENERAL CONSIDERATIONS**

5. The Working Party had already earlier endorsed the views expressed by its ad hoc expert groups that only concerted and, if possible, simultaneous action by UNECE, ECMT and other inter-governmental and non-governmental as well as professional organizations could give the required strong signal to the profession and the public at large that Governments and the industry act jointly and in a cooperative spirit to promote intermodal transport indispensable for efficient door-to-door transport chains (TRANS/WP.24/2003/6, paras. 8, 9, 17-19).

6. Such visible action could be the preparation and inclusion of “model” action plans and partnership agreements into the AGTC Agreement. In parallel, such “models” could also be approved by means of a resolution adopted by the UNECE Inland Transport Committee and subsequently endorsed by the European Conference of Ministers of Transport (ECMT).

7. While a resolution would underline the political support of UNECE and ECMT member countries to promote and further develop intermodal transport by sharing and endorsing good practices, the inclusion of “model” action plans and partnership agreements into the AGTC Agreement could provide a solid framework not only for continued inter-governmental activities in this respect, but also for regular monitoring of progress achieved by all Contracting States.

8. To this end, the expert group has developed not only proposals for amendments to the AGTC Agreement that cover “model” action plans and partnership agreements (see paragraphs 9-12), but also monitoring provisions on the basis of the experiences made by the UNECE within its “Yellow Book” series (see paragraphs 13-15). In addition, it is proposed to include in these amendment proposals also, if appropriate, the results of the current review of minimum standards and parameters of the AGTC Agreement (see paragraphs 20 and 21).

## **C. AMENDMENT PROPOSALS TO THE AGTC AGREEMENT**

### **I. Legal basis for the introduction of new Annexes and “model” provisions**

9. Article 5 of the AGTC Agreement<sup>2</sup> stipulates that “...further Annexes covering other aspects of combined transport may be added to the Agreement in accordance with the amendment procedure described in article 14.” In line with this provision, a new Annex V containing “Model” Action Plans and Partnership Agreements could thus be added to the Agreement based on a new article 4 bis referring explicitly to its provisions (see also TRANS/WP.24/2003/6, para. 8).

10. With regard to the legal correctness of including voluntary “model” action plans and partnership agreements into a treaty concluded between States governed by international law, the Office of Legal Affairs of the United Nations, upon the request of the Working Party, has pointed out that, in principle, there is no reason why mechanisms or procedures such as model or framework agreements cannot be incorporated into a treaty if so decided by the parties thereto. Normally such mechanisms or procedures, once incorporated into a treaty, would be binding for the parties to that treaty. However, it is also possible to incorporate such models using general recommendatory provisions to create a framework that facilitates the standardization of procedures in keeping with the objectives of the treaty (Informal Document No.1 (2004)).

11. For these reasons, the proposed amendments on “Model” action plans and partnership agreements will not put forward literally binding provisions to Contracting Parties and concerned industry groups. While these “models” contain a number of specific provisions and measures, such as key performance indicators, these provisions may not be required, appropriate and acceptable in all circumstances. The objective of such “models” is rather to provide elements and tools within a common Pan-European framework that could be used as a basis for negotiations among interested countries and parties involved in intermodal transport. These elements and

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<sup>2</sup> Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; France; Georgia; Germany; Greece; Hungary; Italy; Luxembourg; Kazakhstan; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia, Switzerland and Turkey.

tools should facilitate an agreement on required actions and mechanisms for specific intermodal transport lines, at agreed times and in line with the specific needs of involved Governments and business interests. Thus, no strict obligation to engage into negotiations, on the basis of the proposed “models” in the AGTC Agreement, could be construed for the Contracting Parties to the AGTC Agreement.

12. Based on experiences made with such new provisions in the AGTC Agreement, similar amendments could possibly be inserted at a later stage into the Protocol on Combined Transport on Inland Waterways to the AGTC Agreement.

## **II. Supplementary provisions on monitoring of minimum standards and parameters**

13. In addition to new provisions on “model” action plans and partnership agreements to facilitate implementation of the technical standards and minimum performance parameters of the AGTC Agreement, it might be useful to introduce also provisions on monitoring procedures to review regularly the actual situation of rail and intermodal infrastructure as well as service standards in intermodal transport and to compare them with the minimum standards and parameters prescribed in the AGTC Agreement. Such provisions could be inserted into a new article 4 ter and a new Annex VI to the Agreement.

14. With the inclusion of these two new articles and Annexes, the AGTC Agreement would offer a comprehensive and consistent package of policy objectives and accompanying technical implementation measures and procedures that is consistent with and complementary to the “acquis communautaire” of the European Union and the relevant resolutions of the ECMT.

15. The (new) AGTC Agreement, together with the other UNECE Infrastructure Agreements on road (AGC), rail (AGC) and inland water transport (AGN), would then provide a comprehensive and effective framework for the development of intermodal transport at the pan-European level. It would consist of the following four (4) pillars (see also sketch below):

### **(1) Intermodal Transport Policy Objectives**

Designation of a network and corridors of important international intermodal transport lines and related installations at the pan-European level (terminals, border crossing points, gauge interchange stations, ferry links/ports) (AGTC Annexes I and II) and determination of minimum technical standards and performance parameters (AGTC, Annexes III and IV);

(2) **“Model“ Implementation Procedures (good practices and benchmarks)**

Recommendations on “model” action plans and partnership agreements, including key performance indicators to facilitate implementation of the minimum technical standards and performance parameters (AGTC, new Annex V);

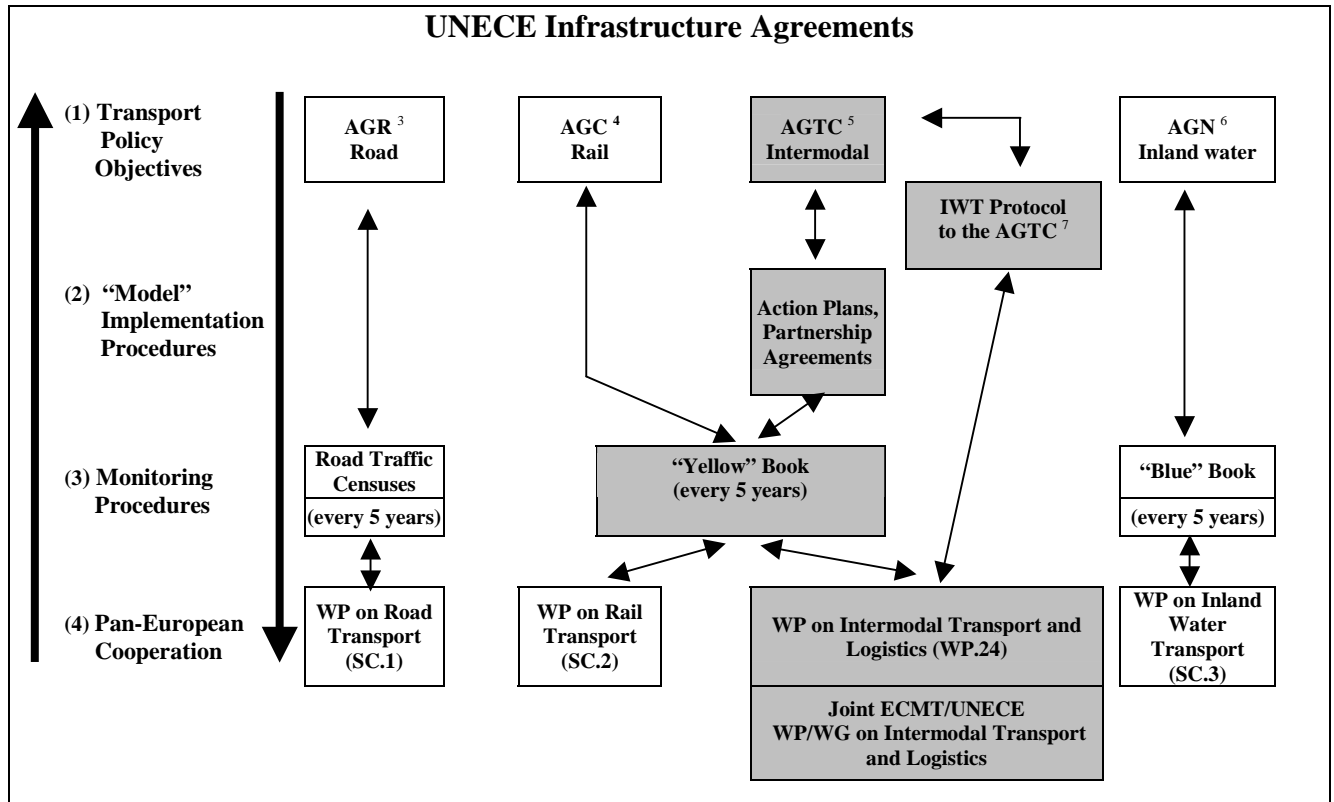
(3) **Monitoring Procedures**

Institutionalized and regular review of the infrastructure and service realities of intermodal transport in the framework of the “Yellow Book” series (AGTC, new Annex VI);

(4) **Pan-European Cooperation**

The UNECE Working Party on Intermodal Transport and Logistics (WP.24) is mandated to review the operation of the AGTC Agreement and to consider amendment proposals thereto (AGTC, articles 14, 15 and 16).

Since 2004, the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics provides a pan-European forum for the regular exchange of policy and technical experiences among Governments and private sector interests and for the preparation of recommendations.



### III. Terminology

16. Following agreement on combined transport terminology by UNECE, ECMT and the EC in 2001 and modification of the names of the relevant organs of UNECE and ECMT in 2004, the group of experts feels that the term "intermodal transport" would better reflect the issues addressed in the AGTC Agreement than the term "combined transport" currently used therein even though the AGTC network and its related installations only refer to rail transport.<sup>8</sup>

17. In substance, it seems that the term "combined transport" as defined in Article 1 (a) of the AGTC Agreement seems to be basically in line with the term "intermodal" transport as defined by UNECE, ECMT and EC. Thus, in principle, the term "combined transport" as defined in the AGTC Agreement could also be used in the newly proposed amendments to the AGTC

<sup>3</sup> European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975.

<sup>4</sup> European Agreement on Main International Railway Lines (AGC), of 31 May 1985.

<sup>5</sup> European Agreement on Important International Combined Transport Lines and Related Installations (AGTC), of 1 February 1991.

<sup>6</sup> Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 1991, of 1997 (not yet in force).

<sup>7</sup> European Agreement on Main Inland Waterways of International Importance (AGN), of 19 January 1996.

<sup>8</sup> Terminology on Combined Transport (available in hard copy from the secretariat or for downloading from <http://www.unece.org/trans/wp24/wp24-terminology/24term.htm>).

Agreement.<sup>9</sup> This approach would, however, not be in tune with the latest developments in the field and the policy objectives to promote intermodal transport in general and combined transport as a specific alternative only. In order to reflect these developments and today's policy objectives all references to "combined transport" throughout the AGTC Agreement would need to be replaced by the term "intermodal transport". Accordingly the Agreement would become the "European Agreement on Important International Intermodal Transport Lines and Related Installations (AGTI)<sup>10</sup>.

18. The expert group felt that it would not seem to be appropriate to use both terms simultaneously in the AGTC Agreement, by introducing, for example, a definition for "intermodal transport" in article 1 or in the newly proposed articles 4 bis and 4 ter and/or Annexes V and VI. This would lead to inconsistencies in the various articles and Annexes to the AGTC Agreement and could give rise to misunderstanding and misinterpretations of its provisions.

#### **IV. Modification of the name of the Working Party (WP.24)**

19. In 2004, the Inland Transport Committee decided to replace the name of the "Working Party on Combined Transport" charged with the administration of the AGTC Agreement by "Working Party on Intermodal Transport and Logistics". Therefore, the relevant provisions in the AGTC Agreement referring to the Working Party should be modified accordingly.

#### **V. Review of standards and parameters in the AGTC Agreement**

20. At its thirty-ninth session, the Working Party decided to evaluate the relevance and usefulness of the standards, parameters and target values contained in the AGTC Agreements in the light of its objectives and with a view to keeping them in line with the future development of international railway and combined transport in Europe (TRANS/WP.24/99, para. 5; TRANS/WP.24/2003/6, paras. 23-26).

21. In accordance with this mandate, the secretariat has prepared a questionnaire that has been transmitted in early 2004 to all Contracting Parties to the AGTC Agreement. A first

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<sup>9</sup> AGTC Agreement (Article 1 (a): "The term "combined transport" shall mean the transport of goods in one and the same transport unit using more than one mode of transport." UNECE/ECMT/EC Terminology: (1) "Intermodal transport: The movement of goods in one and the same loading unit or road vehicle, which uses successively two or more modes of transport without handling the goods themselves in changing modes." (2) "Intermodal transport unit (ITU): Containers, swap bodies and semi-trailers suitable for intermodal transport."

<sup>10</sup> The title of and relevant provisions in the Protocol on Combined Transport on Inland Waterways to the AGTC Agreement would also need to be revised.

evaluation of the results of the questionnaire may be available at the present session of the Working Party. This may lead to additional amendment proposals to the AGTC Agreements to be decided upon by the Working Party in 2005. Such proposals could then be added to the present package of amendment proposals.

## **VI. Proposed amendments to the AGTC Agreement**

22. In view of the above considerations, the expert group has prepared detailed amendment proposals to the AGTC Agreement, utilizing the term “intermodal transport” throughout. These proposals are contained in annex 1 to this document. These proposals do not yet address all required modifications of the existing terminology throughout the AGTC Agreement pending a decision of the Working Party in this respect (see paragraphs 16-18) (i.e. whether to align the terminology of the newly proposed provisions and Annexes to the terminology used in the AGTC Agreement, i.e. to “combined transport” or to modify the terminology in the existing AGTC to the newly introduced term “intermodal transport”).

23. In preparing these amendment proposals, the expert group has taken account of the following background documentation (available also on the UNECE web site: <http://www.unece.org/trans/wp24/welcome.html>):

TRANS/WP.24/2004/3; TRANS/WP.24/2003/6; TRANS/SC.2/2002/9; TRANS/WP.24/2002/1 to 4; TRANS/WP.24/2001/1 to 8; Informal documents No. 1, 3 and 4 (2004); Informal documents No. 3, 5 and 12 (2003); Informal document No. 10 (2002); Informal documents No. 1 and 3 to 6 (2001).

## **D. DRAFT RESOLUTION FOR ADOPTION BY THE UNECE INLAND TRANSPORT COMMITTEE (ITC)**

### **I. Scope and content of UNECE and ECMT resolutions**

24. As pointed out earlier (paragraph 6), the expert group was of the view that, in addition to amendments to the AGTC Agreement, the “model” action plans and partnership agreements could also be enshrined into a resolution to be adopted by the Inland Transport Committee of the UNECE and subsequently be endorsed by the ECMT.

25. Contrary to a treaty, such as the AGTC Agreement, resolutions or similar instruments, adopted by the Inland Transport Committee and/or ECMT indicate that the parties do not intend to create binding obligations, but merely want to declare certain aspirations and recommend specific action to attain certain objectives, such as the promotion of intermodal transport at the pan-European level.



26. For many years, the UNECE and ECMT have adopted resolutions in their respective fields of competence, including intermodal or combined transport. While resolutions adopted by the Inland Transport Committee (ITC) of the UNECE are usually very short and refer to underlying documents adopted by its subsidiary bodies (such as WP.24) that contain detailed recommendations and procedures, the resolutions adopted by the ECMT tend to be self-contained and incorporate all relevant provisions therein.

27. Apart from these formal differences, ECMT usually focuses on the policy aspects of the international transport issues under consideration, whereas UNECE deals with the technical and legal dimensions of international transport. This division of labour has recently been underlined when creating the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics.

## **II. Proposed text of an UNECE Inland Transport Committee (ITC) Resolution**

28. Taking account of the above, the Group of Experts has prepared a draft resolution for adoption by the ITC. The draft resolution is contained in annex 2 of this document. The terminology used in this draft is based on the jointly agreed combined transport terminology and refers to “intermodal transport”.

29. As referred to in the draft resolution, an underlying document still needs to be prepared following consideration by the Working Party. In terms of substance, this document should be in line with the amendment proposals prepared for the new Annexes V and VI to the AGTC Agreement. In addition, this document could also contain a so-called “tool box” with concrete examples of action plans and partnership agreements as referred to in document TRANS/WP.24/2004/3.

30. For relevant background documentation used by the expert group in preparation of the draft resolution, reference is made to paragraph 23 of this document.

## **E. CONCLUSIONS**

31. The Working Party may wish to review the approach taken and the specific proposals made regarding amendments to the AGTC Agreement and the draft resolution as contained in annexes 1 and 2 to this document.

32. In particular, the Working Party may wish to decide on the following issues:

- (a) Simultaneous preparation of amendment proposals to the AGTC Agreement and of an ITC resolution for endorsement by the ECMT.
- (b) Amendment proposals to the AGTC Agreement  
Substantive content
- “Model” Action Plans and Partnership Agreements (paragraphs 9-12)
  - Monitoring provisions (paragraphs 13-15)
  - Terminology (paragraphs 16-19)
  - Revised standards and parameters (paragraphs 20 and 21)
- Legal provisions (annex 1 to this document)
- Article 4 bis
  - Article 4 ter
  - Articles 14, 15, 16
  - New Annex V to the AGTC: “Model” Implementation Procedures
    - Implementation procedures
    - “Model” Action Plans
    - “Model” Partnership Agreements
  - New Annex VI to the AGTC: International Monitoring Procedures
- (c) Proposed UNECE ITC resolution for endorsement by ECMT  
Text of the resolution (annex 2 to this document)  
Content of underlying document (yet to be prepared by the expert group) (paragraph 29)
- (d) Further activities
- Preparation of example provisions (fully formulated text) of “Model” Action Plans and Partnership Agreements (to be undertaken by the secretariat)
- (e) Timing of work
- Amendments to the AGTC Agreement
- Formal adoption of amendment proposals by the Working Party in March 2005
  - Coming into force (if no objection) in the second half of 2006
- Resolution
- Adoption of resolution by UNECE ITC in February 2005
  - Endorsement by Council of Ministers of ECMT at Moscow session in May 2005
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## Annex 1

### AMENDMENT PROPOSALS TO THE AGTC AGREEMENT

[Modify the title of the Agreement to read as follows:

“European Agreement on Important International Intermodal Transport Lines and Related Installations (AGTI)”

Modify the existing paragraph a) of article 1 to read as follows:

“a) The term “intermodal transport” shall mean the movement of goods in one and the same loading unit or road vehicle, which uses successively two or more modes of transport without handling the goods themselves in changing modes. Loading units are containers or swap bodies.”

Modify the term “combined transport” to read throughout the text of the Agreement and its Annexes “intermodal transport”.

Note by the secretariat: Such a “blanket” proposal to modify the term “combined transport” as utilized throughout the AGTC requires that all such modifications make sense and do not entail changes in other provisions of the Agreement. This has yet to be verified.]

Insert the following new articles 4 bis and 4 ter immediately after the existing article 4:

“Article 4 bis

### IMPLEMENTATION PROCEDURES

With a view to facilitating the introduction and implementation of appropriate measures to achieve the performance parameters and minimum standards for combined transport trains and related installations referred to in Annex IV to this Agreement, Contracting Parties shall utilize, as appropriate, the “Model” Action Plans and Partnership Agreements as referred to in Annex V to this Agreement.

Article 4 ter

INTERNATIONAL MONITORING PROCEDURES

In order to determine progress achieved in attaining the technical characteristics of the network set out in Annex III to this Agreement as well as the performance parameters of trains and minimum infrastructure standards referred to in Annex IV to this Agreement, Contracting Parties shall undertake, at regular intervals and on a comparable international basis, surveys on the network as referred to in Annex VI to this Agreement.”

Articles 14, 15 and 16

Modify the existing paragraph 2 of articles 14, 15 and 16 to read as follows:

“2. At the request of a Contracting Party, any amendment proposed by it to this Agreement shall be considered by the Working Party on Intermodal Transport and Logistics of the United Nations Economic Commission for Europe.”

Insert the following new Annex V:

“Annex V

IMPLEMENTATION PROCEDURES

“Model” Action Plans

The “Model” of inter-governmental Action Plans given below represents good practice endorsed by the Contracting Parties to this Agreement. This “Model” provides an agreed basis for Contracting Parties to this Agreement to cooperate with each other on a bilateral or multilateral basis along specific intermodal transport lines with a view to improving the competitiveness of international intermodal transport services along these lines.

The purpose of such Action Plans is to set a political signal of Governmental commitment and support for the development of intermodal transport and to provide a framework for the conclusion of Partnership Agreements among the various public and private parties involved to collaborate towards efficient and competitive intermodal transport services on specific intermodal transport lines.

The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Action Plans are to be decided by the parties involved.

#### “Model” Partnership Agreements

The “Model” of Partnership Agreements given below represents good practice endorsed by the Contracting Parties to this Agreement. Within the general framework of the above Action Plans to be agreed upon by Governments, this “Model” provides an agreed basis for intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators, border crossing authorities and other parties involved in intermodal transport to engage in cooperative arrangements with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such Partnership Agreements is to define clearly the responsibilities and performance standards expected from the various parties involved in intermodal transport. They should also enhance transparency about the indispensable roles played by each of the parties involved.

The “model” of Partnership Agreements does not address issues of a strictly commercial nature for reasons of confidentiality, variety of circumstances, and the type and number of parties involved.

The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Partnership Agreements are to be decided by the parties involved.

#### Legal form

The Contracting Parties to this Agreement are convinced that the “Models” given in this Annex could provide important elements to facilitate the coherent implementation of the technical characteristics of the network of important international intermodal transport lines as referred to in Annex III to this Agreement and of the performance parameters of trains and minimum infrastructure standards as referred to in Annex IV to this Agreement.

While the “Models” contain a number of specific provisions and measures, such as key performance indicators, some of these provisions may not always be required, appropriate and acceptable. For these reasons the “Models” do not put forward literally binding provisions to Contracting Parties and concerned industry groups. The objective of these “models” is rather to describe elements and tools within a common Pan-European framework that could be used as a basis for negotiations among interested countries and parties involved in intermodal transport.

These elements and tools should facilitate an agreement on required actions and mechanisms for specific intermodal transport lines, at agreed times and in line with the specific needs of the Governments and business interests involved. Thus, no strict obligation to engage into negotiations, on the basis of these “Models”, can be construed for the Contracting Parties to this Agreement.

“Model” Action Plans  
for the Development of Intermodal Transport

An inter-governmental Action Plan for the development of intermodal transport should contain the following elements:

A. GENERAL PROVISIONS

General and political background

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

Definitions

The definitions used for technical terms should be in line with the definitions contained in the “Terminology on Combined Transport” prepared in 2001 by the United Nations Economic Commission for Europe (UNECE), the European Conference of Ministers of Transport (ECMT) and the European Commission (EC).

Scope of work

Description of the area of cooperation, for example, by identifying relevant intermodal transport lines, related installations (intermodal terminals, border crossing points, gauge interchange stations and ferry links/ports), areas of activity (infrastructures, operations, regulations, etc.) and concerned parties involved in intermodal transport.

B. COMMON PROVISIONS

Actors involved

Identification of Governments and, where appropriate, regulatory authorities responsible for negotiating and approving the Action Plan at bilateral, trilateral or multilateral levels.

Objectives

Description of the expected results of the Action Plan addressing specific and general issues. A recommendation to conclude a Partnership Agreement among concerned parties in intermodal transport could be included.

Analysis of the situation

Identification of the problems and its causes on the basis of interviews, feasibility studies and/or experiences made on specific intermodal transport lines. This could include an analysis of the consistency of regulatory texts.

Activities to be undertaken and results to be achieved

Detailed description of the specific tasks and outputs to meet the agreed objectives and identification of criteria to measure impact. The infrastructure and services standards and parameters stipulated in Annexes III and IV to this Agreement should be explicitly referred to as minimum benchmarks.

Government commitment

Identification of all regulatory and other public measures that could facilitate the accomplishment of the agreed activities.

Working mechanism(s)

Description of how to undertake the agreed activities and to achieve the expected results (work plan and working procedures).

### Time schedule

Determination of the start and end of the agreed activities as well as of intermediate steps. A continuing process without specific timeframes could be established, but individual projects and tasks should be undertaken in accordance with specific deadlines.

### Monitoring and follow-up

Establishment of monitoring and reporting systems to analyse unequivocally and efficiently the achieved results allowing, if necessary, for the introduction of corrective measures, if required, at high political level.

### Evaluation

Evaluation of the achieved results as compared to the agreed objectives. If necessary, this could lead to modification of the commitments made by the parties involved in order better achieve these objectives.

### Other elements

Agreement, if appropriate, on actions to be taken in case of infringements by intermodal transport operators in data protection measures, emergency arrangements, etc.

## C. FINAL PROVISIONS

### Entry into force/Denunciation/Termination/Duration

Provisions on the start of the Action Plan, possibilities for denunciation by the parties involved, termination of the Action Plan and/or its duration and possible extension.

### Safeguard clause

Provisions to avoid possible conflict between the Action Plan and other legal commitments made and engaged in, such as those arising from membership in the European Union.



“Model” Partnership Agreement  
for the Development of Intermodal Transport

A Partnership Agreement for the development of intermodal transport should contain the following elements:

A. GENERAL PROVISIONS

Content

- An inter-governmental Action Plan has been concluded beforehand:  
Description of the objectives of the Action Plan.
- An Action Plan has not been concluded beforehand:  
Description of the general objectives agreed upon by all parties interested in the resolution of the identified intermodal transport problems (the conclusion of an Action Plan may be envisaged in case some activities are difficult to implement).

In both cases, the type of partnership and the level of commitment should be determined. The Agreement could take the form of a charter, letter of intent, contract, etc.

Definitions

The definitions used for technical terms should be in line with the definitions contained in the “Terminology on Combined Transport” prepared in 2001 by the United Nations Economic Commission for Europe (UNECE), the European Conference of Ministers of Transport (ECMT) and the European Commission (EC).

Scope of work

Description of the field of cooperation (type of business, cargo, traction, etc.) and its geographical scope (transport lines, related installations, etc.).

B. COMMON PROVISIONS

Actors involved

Identification of the active and/or passive, public and/or private parties and their involvement in the activities to be established.

These parties may be intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators and border crossing authorities, such as sanitary, veterinary, phyto-sanitary and other control organs at borders.

### Objectives

Description of the expected results of the Partnership Agreement and clear definition of the responsibilities and performance expected from each of the parties involved in intermodal transport. At the international level, this type of agreement would, in particular, enhance transparency about the roles and responsibilities of the parties involved.

### Analysis of the situation

Identification of the problems and its causes on the basis of interviews, feasibility studies and/or experiences made on specific intermodal transport lines. This could include an analysis of the consistency of regulatory texts.

### Activities to be undertaken and results achieved

Detailed description of the specific tasks and outputs to meet the agreed objectives and identification of criteria to measure impact. The infrastructure and services standards and parameters stipulated in Annexes III and IV to this Agreement should be explicitly referred to as minimum benchmarks. In order to measure impact and compliance with the commitments made, the key performance parameters and responsibilities at national and international levels as listed below may be utilized.

### Working mechanism(s)

Description of how to undertake the agreed activities and achieve the expected results (work plan and working procedures). Work could be entrusted to ad hoc task forces or standing working groups depending on the objectives to be achieved. In addition to the parties directly concerned, other representatives or experts, including public authorities, could be involved in this work, possibly as observers.

### Responsibilities

Description of each task and identification of the person or persons responsible for each of the tasks to be carried out.

### Financing

Identification of all parties required for the financing of the agreed activities. Determination of the level of participation of each of these parties and establishment of a financial plan.

### Time schedule

Identification of a calendar for the implementation of the tasks, possibly including stages. Such stages would make it possible to compare permanently progress made with the agreed objectives. Results at the various stages should be transmitted to the signatories of the Action Plan, if available.

A continuing process without specific timeframes could be established, but individual projects and tasks should be undertaken in accordance with specific deadlines.

### Monitoring and follow-up

Establishment of a Steering Committee to ensure follow-up to the implementation of the activities adopted, compliance with the financial plan (assessment of possible extra costs) and modification of the programme of work, if necessary. The Steering Committee may solicit expert advice on specific issues. The financial partners may have the right to supervise the correct use of the financial means provided.

### Sanctions

Sanctions could be agreed upon in areas, such as:

- Non-attainment of agreed services, performance standards and other specifications by any of the parties involved;
- Non-compliance with agreed data protection measures;
- Non-fulfilment of agreed emergency measures.

### Arbitration

Provisions for referral to the political or institutional actors if consensus cannot be reached among the parties, either in the preparation of the Partnership Agreement or in its application.

### Evaluation

Evaluation of the achieved results as compared to the agreed objectives. If necessary, this could lead to modification of the commitments made by the parties involved in order to better achieve the objectives.

## C. FINAL PROVISIONS

### Entry into force/Denunciation/Termination/Duration

Provisions on the start of the Partnership Agreement, on possibilities for denunciation by the parties involved, termination of the Partnership Agreement and/or its duration and possible extension.

## D. KEY PERFORMANCE INDICATORS AND RESPONSIBILITIES

The following key performance indicators at the national and international level should be regarded as a basic set of benchmarks to evaluate the efficiency of intermodal transport services in general and compliance with the performance parameters of trains and minimum infrastructure standards as stipulated in Annex IV to this Agreement in particular. These indicators, the values attributed to them and the responsibilities for the underlying activities are based on good practice. They constitute an important part of the Partnership Agreement as they would allow for constant monitoring of compliance with the commitments made and for a evaluation of the performance of intermodal transport services and the individual parties involved.

Depending on the specific situation (lines, regions, etc...) identification of other and/or additional performance indicators may be appropriate.

Key Performance Indicators and ResponsibilitiesNational Level

		Freight forwarder	Customs authority	Intermodal transport operator	Railway undertaking	Terminal operator
Intermodal Transport Activity	Key Performance Indicator	Responsibility of parties involved				
(1) Administrative and technical compliance of intermodal transport units (ITUs)	- Number of ITUs and % of total number per train; - Total per month per train.			✓		
(2) Compliance with road hand-over deadlines	- Number of ITUs handed over with 15 minutes maximum delay and % of total number of ITUs per train.			✓		
(3) Compliance with railway hand-over deadlines	- Delay in minutes compared to scheduled time and as % of trains per month.	✓		✓		
(4) Administrative and technical compliance of railway wagons and their loads	- Number of compliant wagons and as % of total wagons delivered by train; - Accumulated total per month per train.			✓	✓	
(5) Compliance with departure times of trains	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.				✓	
(6) Compliance with arrival times of trains	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.				✓	
(7) Compliance with rail delivery	- Delay in minutes in relation to scheduled time by train and as % of compliant trains per month.			✓	✓	
(8) Compliance with road delivery	- Number of ITUs delivered within 30 minutes following arrival of client and as % of total number per train; - Accumulated total per month and per train.	✓		✓		
(9) State of ITUs delivered to clients	- Number of damaged ITUs and % of total number of ITUs delivered by train; - Total number per month and per train.	✓		✓		
(10) Compliance with traffic	- Number of multimodal ITUs carried			✓		

volumes provided for trains, by route	by train and by route; - Total number per month and per train compared to previous year.					
(11) Compliance with train loading	- Loading rates per train; - Monthly averages per train in comparison with previous year.				✓	
(12) Average time for formation of trains (AGTC, Annex IV, D (a))	Max. 60 minutes.					✓
(13) Average waiting time for lorries (AGTC, Annex IV, D (b))	Max. 20 minutes.					✓
Others						

Key Performance Indicators and ResponsibilitiesInternational Level

		Freight forwarder	Customs authority	Intermodal transport operator	Railway undertaking	Terminal operator
Intermodal Transport Activity	Key Performance Indicator	Responsibility of parties involved				
(14) Compliance with reservations system on international trains	If applicable – Yes/No			✓		
(15) Compliance with arrival and departure times at borders and changeover point	No stops at borders (if unavoidable: max. 30 minutes) (AGTC, Annex IV, E. b))		✓		✓	
(16) Compliance with data transmission (quality-timing-content) according to European Rail Traffic Management System (ERTMS)	Yes/No			✓	✓	
(17) Compliance with Customs, health and dangerous goods inspections	Yes/No	✓	✓	✓	✓	✓
(18) Compliance with transmission of documentation in international rail transport (consignment note, technical documents, etc.)	Yes/No			✓	✓	
(19) Acceptance of arriving ITUs by the terminal operator	Yes/No			✓		✓
Others						

Insert the following new Annex VI:

”Annex VI

INTERNATIONAL MONITORING PROCEDURES

In order to determine progress in attaining the technical characteristics of the network set out in Annex III to this Agreement as well as the performance parameters of trains and minimum infrastructure standards referred to in Annex IV to this Agreement, Contracting Parties shall undertake regular surveys on the network as referred to in Annexes I and II to this Agreement.

The objective of these surveys is to identify the actual technical characteristics of the railway lines and related installations as well as to determine performance parameters of trains and infrastructure standards in intermodal transport on the network contained in Annexes I and II to this Agreement as compared to the minimum standards and parameters set out in Annexes III and IV to this Agreement.

The surveys should be carried out on the following basis:

Geographical coverage

The surveys should cover the railway lines of importance for international intermodal transport contained in Annex I to this Agreement as well as the installations important for international intermodal transport contained in Annex II to this Agreement.

Periodicity

The surveys should be undertaken at regular, preferably 5 year, intervals.

To the extent possible, the surveys should be undertaken in parallel with similar surveys undertaken on the European Agreement on Main International Railway Lines (AGC), the European Agreement on Main Inland Waterways of International Importance (AGN) and the Protocol on Combined [Intermodal] Transport on Inland Waterways to this Agreement.

Parameters

The surveys should cover the infrastructure characteristics set out in Annex III to this Agreement as well as the performance parameters and minimum standards for intermodal transport trains and related installations referred to in Annex IV to this Agreement. They may also address compliance with Action Plans and Partnership Agreements, “Models” of which are contained in Annex V to this Agreement.



Comparability of results

With a view to ensuring comparability of survey results over time and, in particular, along important international intermodal transport lines, the surveys should be prepared, evaluated and its results disseminated under the auspices of the international organ referred to in paragraph 2 of articles 14, 15 and 16 of this Agreement.”

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**Annex 2**

**DEVELOPMENT OF INTERMODAL TRANSPORT  
AT THE PAN-EUROPEAN LEVEL**

**Draft Resolution No. ...**

Adopted by the Inland Transport Committee of the United Nations Economic Commission for Europe (UNECE) on .. February 2005.

The Inland Transport Committee,

Having regard to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC Agreement of 1991),

Having regard to the Consolidated Resolution No. 2002/2 on Combined Transport adopted by the Council of Ministers of the European Conference of Ministers of Transport (ECMT), meeting in Bucharest on 29 and 30 May 2002,

Emphasizing that intermodal transport must play a significant role as an alternative to pure road haulage in future transport systems in order to meet the environmental, safety, security and economic requirements for sustainable transport systems,

Wishing to contribute to the development of intermodal transport at the pan-European level,

Convinced that effective inter-governmental and private sector cooperation is one of the key factors for the development of competitive intermodal transport services,

Noting with satisfaction the programmatic and institutional cooperative arrangements that have been made between ECMT and UNECE in the field of intermodal transport and logistics that are fully in line with the Declaration on the Future Direction of ECMT adopted during the Brussels session of the Council of Ministers in 2003 and the exchange of letters between ECMT and UNECE on this subject and had led, in 2004, to the establishment of the Joint ECMT/UNECE Working Party/Group on Intermodal Transport and Logistics,

Recalling that the terms “multimodal”, “intermodal” and “combined” transport have been defined in the framework of a Terminology on Combined Transport agreed upon in 2001 by the ECMT, UNECE and the European Commission,

Welcomes the proposals prepared in the framework of the Joint ECMT/UNECE Working Party/Group to incorporate into the AGTC Agreement new provisions, including “Model” Action Plans and Partnership Agreements, with the objective of facilitating the implementation and monitoring of the technical and operational standards of the AGTC Agreement at the Pan-European level;

Recommends that all ECMT and UNECE member Governments, particularly those not yet Contracting Parties to the AGTC Agreement, make use of the “Model Action Plans, set forth in UNECE and ECMT documents TRANS/WP.24/2005/... and CEMT/CS/TIL(2005)... respectively:

The Action Plans provide an agreed basis for Governments to cooperate with each other on a bilateral or multilateral basis with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such Action Plans is to set a political signal of Governmental commitment and support for the development of intermodal transport and to provide a framework for the conclusion of Partnership Agreements among the various public and private parties involved to collaborate towards efficient and competitive intermodal transport services along specific intermodal transport lines. The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Action Plans are to be decided by the parties involved;

Recommends further that intermodal transport operators and concerned Governmental authorities make use of the “Model” Partnership Agreements set forth in ECMT and UNECE documents UNECE and ECMT documents TRANS/WP.24/2005/... and CEMT/CS/TIL(2005)... respectively:

Within the general framework of the Action Plans to be agreed upon by Governments, Partnership Agreements should provide an agreed basis for intermodal transport operators, railway undertakings, freight forwarders, rail infrastructure managers, terminal operators, border crossing authorities and other parties involved in intermodal transport to engage in cooperative arrangements with a view to improving the competitiveness of international intermodal transport services on specific intermodal transport lines.

The purpose of such Partnership Agreements is to define clearly the responsibilities and performance standards expected from the various parties involved in intermodal transport. They should also enhance transparency about the indispensable roles played by each of the parties involved. The specific form, the detailed provisions and the authorities involved in the preparation and conclusion of such Partnership Agreements are to be decided by the parties involved;

Requests the Executive Secretary of the United Nations Economic Commission for Europe (UNECE) to transmit this Resolution and the documentation referred to therein to the Council of Ministers of the European Conference of Ministers of Transport (ECMT) for consideration and endorsement;

Requests Governments, not members of the ECMT, to inform the Executive Secretary of the United Nations Economic Commission for Europe by ... 2005 whether they agree to implement the provisions of this resolution.

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