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Inland Transport Committee

Working Party on Inland Water Transport**Sixty-sixth session**

Geneva, 12–14 October 2022

Item 3 of the provisional agenda

Promotion of the development of container transport on inland waterways**Economic Commission for Europe**

Inland Transport Committee

Working Party on Intermodal Transport and Logistics**Sixty-fifth session**

Geneva, 19–21 October 2022

Item 4 (c) of the provisional agenda

Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations: Implementation of the Protocol**Road Map for Ratification, Acceptance, Approval and Accession to the Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations****Note by the secretariat****I. Mandate**

1. This document is submitted in line with the Proposed Programme Budget for 2022, part V, Regional cooperation for development, section 20, Economic Development in Europe, Programme 17, Economic Development in Europe (A/76/6 (Sect. 20), paragraph 20.76).
2. At its sixty-first session, the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) proposed to prepare a road map for ratification, acceptance, approval and accession to the Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (Protocol) for the joint workshop of the Working Party on Inland Water Transport (SC.3) and the Working Party on Intermodal Transport and Logistics (WP.24) on developing container transport on inland waterways and the round table on aligning the Protocol with the European Agreement on Main Inland Waterways of International Importance (AGN) at the sixty-sixth session of SC.3.
3. This document contains a draft road map, prepared by the secretariat based on the road map for ratification, acceptance, approval and accession to AGN, adopted by SC.3 at its sixty-third session (ECE/TRANS/SC.3/2019/7). Both Working Parties are invited to consider the draft and provide further guidance to the secretariat.

II. Draft Road Map

A. Introduction

4. The provision of a functional and sustainable transport infrastructure is one of the necessary conditions for the movement of international trade and the efficiency of international transport operations. The United Nations infrastructure transport agreements¹ set up an international legal framework for the development of coherent international transport networks for road, rail, inland waterways and intermodal transport.

5. Among these infrastructure transport agreements, the Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (Protocol) lays down a coordinated international plan for the development and operation of a network of inland waterways of importance for international combined transport services on inland waterways and on certain coastal routes and of the infrastructure necessary for their operation based on internationally agreed performance parameters and standards.

6. The Protocol establishes the internationally agreed European network of inland waterways and ports (the so-called C-E Waterway Network), as well as the infrastructure and operational parameters of conformity. This C-E waterway network is based on the E Waterway Network as defined in the European Agreement on Main Inland Waterways of International Importance (AGN). The latter consists of navigable rivers, canals and coastal routes extending from the Atlantic to the Ural, connecting the relevant countries members of the Economic Commission for Europe (ECE).

7. The Protocol has at the time of preparation of this document nine Contracting Parties (see the figure below).

Contracting parties to the Protocol



8. The detailed information about the Protocol is available on the ECE website:

(a) Text:

- Certified true copy:

https://treaties.un.org/doc/Treaties/1997/01/19970117%2004-46%20AM/Ch_XI_E_2_a.pdf

- Consolidated version of January 1997:

<https://unece.org/DAM/trans/conventn/pro-agtc-e.pdf>

- Clarification on the interpretation of the amendments resulted from the adoption of ECE/TRANS/SC.3/2015/3-ECE/TRANS/WP.24/2015/12 and its official acceptance as issued through Depository notification C.N.713.2016.TREATIES-XI.E.2.a contained in annex II of ECE/TRANS/WP.24/145:

<https://unece.org/DAM/trans/doc/2019/wp24/ECE-TRANS-WP.24-2019-145e.pdf>;

¹ More information is available at <https://unece.org/list-agreements>.

(b) Status, declarations and reservations:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-E-2-a&chapter=11&clang=_en.

B. Ratification, acceptance, approval and accession

General provisions²

9. In accordance with Articles 7 and 8, the Protocol is open for ratification, acceptance, approval or accession by any Contracting Party to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) from 1 November 1997.

10. In order to become a Contracting Party to the Protocol, a State must demonstrate, through a concrete act, its willingness to undertake the legal rights and obligations contained in the Protocol. In accordance with Articles 7 and 8, this can be: (a) ratification; (b) acceptance or approval; and (c) accession. If a State has signed the Protocol according to Article 6 (from 1 November 1997 to 31 October 1998), in order to become a Contracting Party, it must ratify, accept or approve the signature.

11. Acceptance and approval have the same legal effect as ratification, and the same rules apply. Accession has the same legal effect as ratification, acceptance or approval, however, it requires only one step, namely, the deposit of an instrument of accession with the Secretary-General of the United Nations.

Note: Ratification at the international level, which indicates to the international community a State's commitment to undertake the obligations under a treaty, should not be confused with ratification at the national level, which a State may be required to undertake in accordance with its own constitutional provisions before it expresses consent to be bound internationally.

Formal and structured coordination at national level

12. The national regulatory basis for combined and intermodal transport and inland waterway regulations are usually under the responsibility of ministries or administrations in charge of transport in accordance with the national legislation. The ministries, administrations and bodies concerned need to be identified and their representatives should be invited to participate in the process of accession.

13. A non-exhaustive list of the ministries, administrations and bodies usually concerned would include authorities and bodies in charge of transport, combined transport, navigation safety, environment, etc. In addition, representatives of the private sector and of associations should be consulted and be involved, if possible, in the process as representatives of the users of the regulations. A formal coordination of all the participants involved in the process of accession must be organized.

Bridging the gap

14. Each State wishing to implement the Protocol should:

- Develop procedures for implementing it at the national level. These procedures may include the process for translation of the initial text and amendments, administrative practices for enforcement, follow-up of updates, timetable for the entry into force, impact of transitional periods and so on;
- Establish implementation bodies if necessary;
- Designate a coordination focal point for national implementation and cooperation with the other States (through the Working Party on Intermodal Transport and Logistics (WP.24)) taking into account the availability of expertise and resources.

² The more detailed information can be found in the Treaty Handbook prepared by the Treaty Section of the Office of Legal Affairs of the United Nations, New York, available at <https://treaties.un.org/doc/source/publications/THB/English.pdf>.

This focal point may represent the competent authority in international meetings and, in that case, should be accredited to take decisions on its behalf;

- Provide the necessary financial and human resources to ensure participation of experts in the sessions of the appropriate international bodies responsible for the development of the supporting documents, such as WP.24, but also in the segments of the sessions of the Working Party on Inland Water Transport (SC.3) that deal with AGN.

Law making

15. The national body responsible for the implementation of the Protocol must develop or adapt the existing national legislation and/or infrastructure development programmes to ensure that the inland waterways and coastal routes used by river-sea vessels included in the C-E Waterway Network conform to the technical and operational minimum requirements set out in annex III to the Protocol, or will be brought into conformity with the provisions of this annex in future improvement work.

Procedures for ratification, acceptance, approval and accession

16. The procedure for ratification, acceptance, approval or accession must be launched in accordance with the national law in consultation with the administrations competent for international affairs (e.g. the Department of International Relations or the Ministry of Foreign Affairs).

17. The instrument of ratification, acceptance, approval or accession must be signed by one of three specified authorities, namely the Head of State, Head of Government or Minister for Foreign Affairs. A model instrument for ratification, acceptance or approval is given in annex 1, and a model instrument for accession – in annex 2. Information on the procedure to follow and the contact details for technical assistance may be found on the website of the United Nations Office of Legal Affairs at: http://untreaty.un.org/ola/div_treaty_techassist.aspx?section=treaty.

18. An instrument of ratification, acceptance, approval or accession becomes effective only when it is deposited with the Secretary-General of the United Nations at the United Nations Headquarters in New York. The date of deposit is normally recorded as that on which the instrument is received at the Headquarters. The deposit will be confirmed by a respective depositary notification. Depositary notifications can be consulted at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XI-E-2-a&chapter=11&clang=_en.

19. For a State which deposits an instrument of ratification, acceptance, approval or accession, the Protocol will enter into force 90 days after the date of the deposit of the said instrument with the Secretary-General of the United Nations.

Amendments to the Protocol and its annexes

20. The Protocol and its annexes I, II and III may be amended in accordance with the procedure laid down in Articles 13, 14 and 15. Any amendment proposed by a Contracting Party shall be considered by WP.24. Representatives of Contracting Parties to the Protocol may participate as full participants with voting rights in sessions of WP.24. The acceptance of amendments is confirmed by respective depositary notifications which are available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XI-E-2-a&chapter=11&clang=_en.

21. The terms of reference of WP.24 may be consulted on the ECE website at: <https://unece.org/terms-reference-15>. The terms of reference and the rules of procedure of SC.3 may be consulted at <https://unece.org/transport/inland-water-transport>.

22. After the amendments to the Protocol and/or its annexes come into force, an updated consolidated version with the indication of all relevant depositary notifications can be prepared by the secretariat, if WP.24 so decides. The last available consolidated version can be consulted at <https://unece.org/text-protocol-0>.

Monitoring of the implementation, coordination with other Contracting Parties and communication with the secretariat

23. Coordination on the implementation of the Protocol is done via WP.24, who addresses the implementation of the Protocol at its annual sessions. All Contracting Parties are therefore invited to inform WP.24 about recent progress.

24. The secretariat of WP.24 ensures collaboration and coordination with the secretariat of SC.3.

25. More details and technical assistance can be provided by the secretariat (wp.24@un.org).

Annex I

Model Instrument of Ratification, Acceptance or Approval*

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the European Agreement on Main Inland Waterways of International Importance (AGN) was done at Geneva on 19 January 1996,

AND WHEREAS the said agreement has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned agreement, [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

* Treaty Handbook, Annex 4.

Annex II

Model Instrument of Accession**

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the European Agreement on Main Inland Waterways of International Importance (AGN) was done at Geneva on 19 January 1996,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned agreement, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

** Treaty Handbook, Annex 5.