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Economic Commission for Europe**Inland Transport Committee****Working Party on Intermodal Transport and Logistics****Fifty-third session**

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Item 6 (b) of the provisional agenda

Protocol on Combined Transport on Inland Waterways to the AGTC Agreement**Amendment proposals****Note by the secretariat****I. Mandate**

1. The UNECE Inland Transport Committee had requested the Working Party to consider and decide on amendment proposals to the Protocol already submitted (ECE/TRANS/200, para. 93 and ECE/TRANS/WP.24/119, paras. 46–50).

II. Amendment proposals submitted by UNECE member States

2. The secretariat reproduces herewith specific amendment proposals made by UNECE member States as contained in document ECE/TRANS/WP.24/2008/9, paras. 13–20 (English, French and Russian).

A. Amendment proposal made by Austria

3. In a communication dated 13 August 2007, Austria confirms that the Protocol could make a good contribution to the promotion of combined transport, but would like to point out that some of the operational minimum requirements for inland waterways contained in annex III to the Protocol would not guarantee at present the necessary progress for infrastructural measures on the Austrian part of the Danube.

4. Austria also underlines the link between the Protocol and the European Agreement on Main Inland Waterways of International Importance (AGN). In the recent past, some progress has been made at working group level to improve some of the provisions of the AGN, e.g. by insertion of a footnote to one of the provisions concerning operational minimum requirements for C-E waterways. The objective of this footnote is to extend the

time period during which a minimum draught has to be ensured from 240 to 300 days per year for upper sections of inland waterways with significantly fluctuating water levels caused by weather. Consequently, it seems logical to adapt the Protocol accordingly.

5. Therefore and in order to align the Protocol with the AGN, Austria proposes the following amendment

Annex III, (a), (vi), line 4

After the first sentence, insert the following footnote

2) However, for upstream sections of natural rivers characterized by frequently fluctuating water levels due to strong direct dependence of weather conditions, it is recommended to refer to a period of at least 300 days on average per year.

B. Amendment proposal made by Bulgaria

6. In a standpoint dated October 1998, the Ministry of Transport of Bulgaria proposed the following amendment

Annex II, (13) Bulgaria

After

C-P 80–56	Rousse (Danube, 495.0 km) <u>insert</u>
C-P 80–53	Lom (Danube, 743.0 km)
C-P 80–56	Svishtov [Rousse] (Danube, 495.0 km)
C-P 80–56	Silistra [Rousse] (Danube, 495.0 km)

C. Amendment proposal made by Croatia

7. In 1998 the following amendment proposal was brought to the attention of the secretariat relating to Croatia

Annex II, (11) Croatia, lines 3 and 4

For

C-P 80–12–01	Slavonski Brod (Sava, 355.0 km)
C-P 80–12–02	Sisak (Sava, 577.0 km)

Read

C-P 80–12–01	Sisak (Sava, 577.0 km)
C-P 80–12–02	Slavonski Brod (Sava, 355.0 km)

D. Amendment proposal made by France

8. In a communication dated 7 November 1997, the Ministry of Transport of France proposed the following amendment

Annex I, (1) France, heading Rhone

Delete

[St. Jean de Losne – Mulhouse] (planned) C-E 10

E. Amendment proposal made by Hungary

9. The Ministry of Transport of Hungary proposed the following amendment

Annex II, (10) Hungary

Replace

C-P 80–42	Budapest (Danube, 1640.0 km) <u>by</u>
C-P 80–42	Győr-Gönyü (Danube, 1794.0 km)
C-P 80–43	Budapest (Danube, 1652.1 km)
C 80–44	Budapest (Danube, 1639.8 km) [containers and cars]
C-P 80–45	Budapest-Nagyötöny (Danube, 1629.5–1630.0 km)
C-P 80–46	Baja (Danube, 1479.1–1480.0 km)

F. Amendment proposal made by Romania

10. In a communication dated 19 March 1998, the Ministry of Transport of Romania proposed the following amendment

Annex I, (14) Romania

After

Danube	C-E 80 <u>add</u>
Danube-Chilia Branch	C-E 80–09
Danube-Bucharest Canal	C-E 80–05

III. Amendment proposal due to geo-political changes

11. The following amendment proposal should be considered

Annex I, Inland waterway section

Replace (12) Yugoslavia by (12) Serbia

Annex II, Terminals in ports

Replace (12) Yugoslavia by (12) Serbia

IV. Amendment proposal due to change of name of the Working Party

12. The following amendment proposal should be considered

Articles 13

Modify the existing paragraph 2 of article 13 to read as follows

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

Articles 14

Modify the existing paragraph 2 of article 14 to read as follows

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

Articles 15

Modify the existing paragraph 2 of article 15 to read as follows

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

V. Amendment proposals due to modifications in the AGN Agreement

13. The provisions of the Protocol are aligned, to a large extent, with the geographical (inland waterway network and inland navigation ports) as well as with the technical and operational characteristics of the European Agreement on Main Inland Waterways of International Importance (AGN) of 19 January 1996.

14. Since its entry into force on 26 July 1999, the AGN Agreement has been rectified and amended 6 times. These modifications pertain to the body of the AGN and concern the preamble (amended in June 2007), article 1 (amended in June 2007 and January 2008), article 2 (amended in June 2007) as well as to its annexes, specifically annex I on the inland waterway network (amended in June 2007 and October 2009), annex II on inland navigation ports (amended in June 2007 and October 2009) and annex III on the technical and operational characteristics of inland waterways (rectified in August 2000 and amended in June 2007).

15. While the rectification of the AGN in 2000 does not seem to relate to the provisions of the Protocol and the amendment of annex III to the AGN is covered by the proposal of Austria to amend the Protocol (see paras. 13–15 below), the other modifications may have an impact on the provisions of the Protocol and should therefore be reviewed by the Working Party.

VI. General comments made by UNECE member States

16. As indicated in document ECE/TRANS/WP.24/126, paras. 8–9, general observations to the provisions of the Protocol have been made.

17. In a communication transmitted to the secretariat on 8 September 1998, the Russian Federation stated that, according to the national legislation, all Russian inland waterways are closed for foreign vessels. Acceptance of the Protocol by the Russian Federation would thus need to await modifications in the legal regime relating to inland waterways as well as the reconstruction of hydraulic equipment so as to ensure safe inland navigation.

18. As reflected in document ECE/TRANS/WP.24/2006/4, Germany has stated that the technical minimum requirements of the network of inland waterways as enshrined in annex II to the Protocol have to comply with the provisions stipulated in annex III to the Protocol. While appropriate measures have to be undertaken by Contracting Parties to achieve these technical minimum requirements, that form an integral part of the Protocol, Germany is of the view that the implementation of such measures would require considerable time and

could not be implemented before 2015 on a number of canals on the Rhine to Berlin corridor. This held true, in particular, for the requirements contained in section (a) (iii) of annex III to the Protocol that stipulates that inland navigation vessels should be able to operate with three or more layers of containers or alternatively with two layers of containers in case of pushed convoys of a permissible length of 185 meters.

VII. The way forward

19. The secretariat proposes that the Working Party considers the specific amendment proposals contained in sections II, III and IV with a view to its adoption in accordance with articles 13 and 14 of the Protocol, as these proposals had already been considered earlier and were contained in document ECE/TRANS/WP.24/2008/9, available in English, French and Russian.

20. At a later stage, possible amendment proposals resulting from modifications in the AGN Agreement (section V) and the general comments made (section VI) should be considered by the Working Party on the basis of proposals to be prepared by an informal group of experts moderated by the secretariat.

21. The Working Party may wish to consider this approach with a view to updating the Protocol and aligning it with the AGN Agreement.
