

# Virtual Expert Group Meeting on Legal Frameworks for Multimodal Transport Operations in Asia and the Pacific Bangkok, 26-27 August 2020

## Harmonization of legal frameworks for multimodal transport in Asia and the Pacific



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## Note: use of terminology

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- *For the purposes of this meeting and related documentation prepared by the UNESCAP secretariat, including this presentation, the term “multimodal transport is being used to indicate any transport operation by two or more modes of transport”*

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# **UNESCAP's project on legal frameworks for multimodal transport operations**

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# Mandate by the Working Group on Dry Ports

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- The Working Group on Dry Ports at its 3<sup>rd</sup> meeting held in November 2019 discussed an informal paper on multimodal transport prepared by the secretariat and took a number of decisions related to intermodal transport
- The Working Group, in particular, stressed the need to develop up-to-date legal networks for multimodal transport operations that would be instrumental in the efficient operation of dry ports and intermodal transport corridors in the region and beyond
- In this context, the Working Group on Dry Ports requested the UNESCAP secretariat to further consider the matter of harmonization of international legal frameworks for intermodal and multimodal transport operations under its auspices

# ESCAP project on legal framework for multimodal transport operations

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- Based on the above mandate/request of the Working Group on Dry Ports the secretariat is implementing the project entitled “Enhancing integration and sustainability of transport networks in Asia and the Pacific through development of legal frameworks for multimodal transport operations”
- Under the project, the UNESCAP secretariat prepared a conceptual background paper which contains overview of the state of the matter and suggests options for approaches to harmonization of legal frameworks for multimodal transport operations
- The background paper was prepared with a view to be discussed and refined at an ad hoc expert group meeting on multimodal legal frameworks
- The meeting was originally scheduled in Baku in mid-March 2020 but was postponed due the pandemic crisis and was re-shaped into a virtual format in August 2020

# Purpose of this ad hoc Expert Group Meeting

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- Consider the information in the background paper and to provide its expert views, inputs and comments that will support the further identification of key and region-specific issues hindering the full deployment of multimodal transport
- Consider the options as provided in the paper (*at this stage of implementation of the project, it may be reasonable not to exclude any option at the outset, until such time as a thorough study report can be developed for further consideration*)
- Provide further guidance to the secretariat with regard to the overall direction of the project

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**Lack of uniformity in terminology for  
“combined”/“intermodal”/“multimodal”  
etc. transport operations**

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# State of the matter

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- There are a number of key terms that are used to describe carriage in which several modes of transport are involved, in particular, “multimodal transport”, “intermodal transport”, “combined transport”, etc.
- The terms “intermodal” and “multimodal” are also often used with reference to transport corridors.
- Official documents, acts of legislation and research papers on this topic contain different, incompatible, sometimes contradictory definitions of the above concepts.
- It should be noted that the terms “intermodal transport”, “multimodal transport” and “combined transport” are often used interchangeably and even arbitrarily.



# Example 1: "Terminology on Combined Transport"

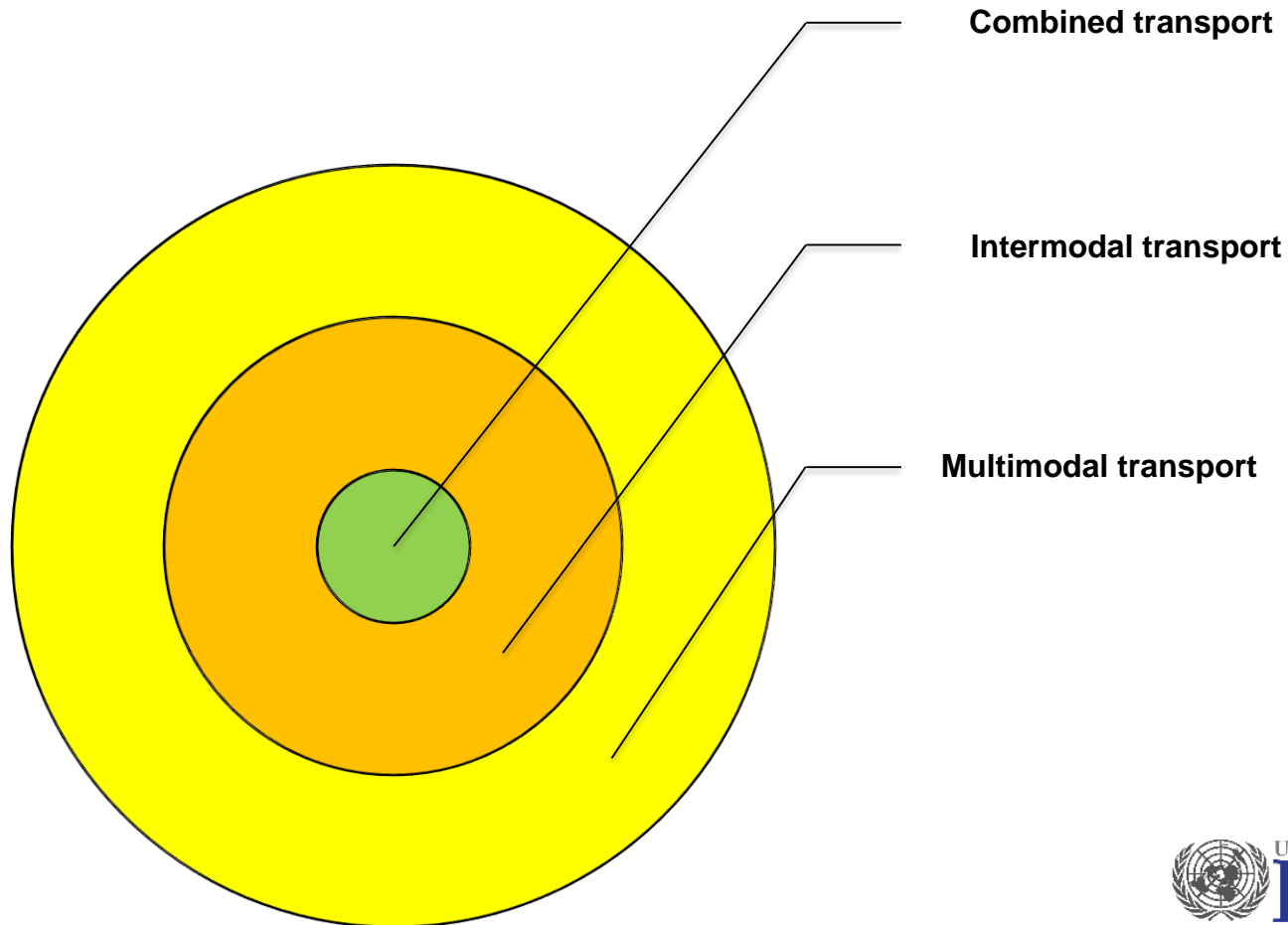
*(Published by UNECE, ECMT and the EC in 2001)*

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- Defines multimodal transport as “carriage of goods by two or more modes of transport”
- Defines intermodal transport as “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”
- Defines combined transport as “intermodal transport where the major part of the European journey is by rail, inland waterways or sea and any initial or final legs carried out by road are as short as possible” (i.e. a specific kind of intermodal transport)

# Relationship between terms according to “Terminology on Combined Transport”

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## Example 2: The United Nations Convention on International Multimodal Transport of Goods, 1980 (not in force)

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- Defines international multimodal transport as follows: "International multimodal transport" means the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country"
- ASEAN Framework Agreement on Multimodal Transport, 2005 uses the same definition for international multimodal transport

# Common understanding of difference between “intermodal” and “multimodal”

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*Single transport document (multimodal contract) covering the whole carriage by several modes of transport*

*“Multimodal transport”*

*Goods remain in the same transport unit (container or road vehicle) during the entire carriage by several mode of transport*

*“Intermodal transport”*

# UNESCAP's suggestions on systematization of terminology

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- Investigate in detail the existing definitions and interpretations of terms related to multimodal transport operations, at four layers:
  - *International legal instruments*
  - *National legislation of a number of ESCAP member States*
  - *Studies and research papers*
  - *Business practices*
- Develop a logically coherent system for the application of terms to the existing types of transport operations by several modes of transport
- Hold a discussion of the developed proposals on a unified terminology with the participation of a wide range of stakeholders
- Prepare recommendations on uniform interpretation of terms
- Develop recommendations on the inclusion of uniform terms in national legislation and transport documentation (including contractual documentation).

# Cooperation with the OSJD Committee and RUT-MIIT on the terminology






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- ESCAP secretariat prepared an informal position paper
- A series of virtual meetings held in 2019 - 20
- OSJD provided virtual hosting of the meetings
- RUT-MIIT provided valuable suggestions on development of logically coherent definitions for different types of multimodal transport operations
- At a recent OSJD meeting on combined transport (14-15 July 2020) it was agreed to circulate the paper among the OSJD members for comments

# THANK YOU

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