

# STATE AND LEGAL SUPPORT OF INTERMODAL TRANSPORT DEVELOPMENT

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All the EU countries are harmonized with the EU legislation and regulations, and there are some international non-EU and EU acts and treaties, which support multimodal transport, especially the reduction of limitations on intermodal transport that is a common feature between all the countries. However, without the provided infrastructure these reductions can turn out to be meaningless.

In order to facilitate international transport operations, the bilateral agreements with neighbouring States are of the utmost importance, especially if the state authorities want to influence the manner in which freight is transported to the hinterland in favour of combined transport.

According to Directives 2001/13/ EB, 2001/14/ EB 2001/12 EC, railway undertakings within the EU shall be granted access on equitable conditions to the infrastructure in other Member States for the purpose of operating international combined transport services.

Lack of sufficient support for the development of intermodal/combined transport, both in terms of administrative and financial instruments. It is a gap between political supports for the principle of sustainable transport development with focus on shifting goods from road to rail-and real actions to provide it. International agreements and arrangements, laws must regulate intermodal transport and other legal acts of each state.

**Keywords:** *intermodal transport, state support, legal regulation*

## 1. INTRODUCTION

All the EU countries are harmonized with the EU legislation and regulations, and there are some international non-EU and EU acts and treaties, which support multimodal transport, especially the reduction of limitations on intermodal transport that is a common feature between all the countries. However, without the provided infrastructure these reductions can turn out to be meaningless.

Recent experiences in transport activities deregulation, privatisation, tax exemptions, etc., can be of great use for defining the strategy of intermodal transport development.

The policy of the EU regarding intermodal transport consists of the following main elements, which can be briefly described as:

- the creation of Trans-European networks, where the intermodal transport network makes up an important part;
- the creation of an open market and liberalisation of the transport market;
- specific support for intermodal transport.

The influence of these policies on the development of intermodal transport differs because the liberalisation leads to the increase of the transport demand and the improvement of the competitive position of the road transport industry.

## 2. MAIN DIRECTIONS OF LEGAL SUPPORT

The supporting measures in the field of intermodal transport pursue an increase in the market share of intermodal transport. A number of EU Directives have been adopted and implemented in the field of intermodal transport.

In order to facilitate international transport operations, the bilateral agreements with neighbouring States are of the utmost importance, especially if the state authorities want to influence the manner in which freight is transported to the hinterland in favour of combined transport.

The main items covered in the agreements are the facilitation of border crossing operations, the intention of mutual assistance during operations and the liabilities of the railway operators.

Key issues of the road transport agreements are the provisions on the exchange of transport authorisations.

Although it is not common practice in Europe transport agreements are ideally suited to coordinate transport policies on the promotion of combined transport.

According to Directive 91/440/EEC, railway undertakings within the EU shall be granted access on equitable conditions to the infrastructure in other Member States for the purpose of operating international combined transport services.

The application of the "UNCTAD/ICC Rules for Multimodal Transport Documents" is virtually non-existent.

For the forwarding market no special legal regime is currently applicable. Forwarders operating in the maritime and railway sector need some form of license. Such provisions have been included within the mode-oriented legislation as well as in the Company Law. In the near future these provisions will be abolished.

The road transport operator will not be liable if the shipper's seals are undamaged or the shipper's tare is in order with the prevention signs.

The legislative regulation has an influence mainly on the development of the working conditions. The regulation of the working periods, the regulation of the rest-period of the drivers, etc., belong to this. The recording and receiving periods at the terminals are also connected with this, as well as the 24 hours (round the clock) opening period at the greater terminals and the "night jump" in the organisation of the train movements.

According to the capacity, the legal regulation aspect determines the legal framework of the developments preferring the establishments far away from the residential areas, which will have an appropriate infrastructure at the same time. The great transshipment centres of the world, the main freight handling establishments and terminals have been established around the big industrial (eventually agricultural) and commercial freight emitting and receiving centres, where the great traffic concentration can be assured with relatively low feeder service expenditures. Therefore, the territory having favourable price level will be ensured with the assistance of the state, settlements and municipalities and allowances will be given to the companies, which will be established in this area. Several enterprises offering commercial and producing or storage activities have been settled in the area of ports in Europe and throughout the world, which can be an example to be followed concerning the development policy of the terminals in new EU countries as well.

According to the transit time, the legal regulation aspect envisages the sanctioning of keeping the guaranteed handling time (transit time). Accordingly, the payment of an equitable penalty can be prescribed in case of exceeding the guaranteed transit time (this, however, will not include the unrealised profits). In order that this goal could be achieved the terminals will switch over to the practice of the undertaking of the guaranteed transit time, which can be regulated later in a legal manner as well.

According to the reliability, the legal regulation pursues the undertaking of the guarantee for the competence of the handling and conveying of goods in addition to the guarantee of the transit time, which can be sanctioned in a legal manner as well. The reliability is, however, rather an economic and operational category, and therefore no rigid rules can be utilised in this field.

According to the security, the legal regulation aspect will regulate the warranty on the security of the goods and shipments taken over for handling. The responsibility for the security of the shipments within the terminal will be started with the arrival at the terminal and with the receipt of them and will be finished with the going out and giving over of the shipment. The terminal can undertake its own organising or transporting activity to and can give continuous information through the following up of the shipments with the aid of the telematics system for the clients up to the arrival at the destination district (which can be organised similarly to the well known zone monitoring and following up systems used in the air traffic). All those activities should be formulated in the framework of a suitable statutory regulation, where the rights and obligations were specified.

According to the checking, the legal regulation aspects will prescribe first of all the appropriate and reliable checking, since the judgement of the profitability of each proposal and execution can be guaranteed only with the suitable checking. The worth of the realisation of a project can be judged through the consequent checking of the realisation of the planning and of the financial objectives.

### 3. MAIN DIRECTIONS OF STATE SUPPORT

Lack of sufficient support for the development of intermodal/combined transport, both in terms of administrative and financial instruments. It is a gap between political supports for the principle of sustainable transport development-with focus on shifting goods from road to rail-and real actions to provide it.

One of the biggest problems of introducing and developing intermodal transport in NA States is its low competitiveness in comparison with the road transport. Intermodal transport volumes as well as frequency of intermodal carriages are still low for implementing new technologies or innovations. Transport flows are often not balanced- large in one direction and almost not existent in return way. All this increases time and cost of performing intermodal transport services.

According to the costs, the state supporting aspect realises the financial system of the support/subvention in the service operation of the combined transport at the sectors or transporting level and makes a partly or complete release of the restrictions in the case of the transport operations to and from the terminal. For this the release of the traffic restrictions will be envisaged at the weekends and at holidays, assuring suitable spatial service-possibility (e.g. within a circle of 50 km), or in some cases the exemption from the weight-restriction will be envisaged.

The permission of the haulage with 40 tons or greater vehicles belongs also to this category, as well as the permit for the engagement of road vehicles consisting of more than two parts. For the reduction of the damaging effect of the greater outfits, and, consequently, the higher axle-loads – the enforcement of the runway-structure will be also considered.

A further possibility is given by the support or banning of the heavy road vehicle traffic on the motorways.

International agreements and arrangements, laws must regulate multimodal transport and other legal acts of each state.

The State giving priority to combined and intermodal transport must:

- establish the allowances that ensure the competitiveness of the combined and intermodal transport;
- allocate the specified loans and subsidies for the construction and reconstruction of the combined and intermodal transport infrastructure facilities;
- specify the specific requirements for equipment.

In maritime transport some port infrastructure tax reductions can be introduced for ships operating with the national flags.

It is identified that major players in combined traffic (local and foreign companies) focused on customs procedures (between EU and non EU countries) as a major bottleneck for sufficient organisation of intermodal and combined transport to, from and through the country.

Problems are caused by the non-stabilised customs legislation leading to frequent changes of customs instructions. Even though customs have active co-operation with the Chamber of Commerce, where they can present information on new customs regulations and they publish this information in the official magazine, which does not reach the trading community. This causes problems at the customs terminals; border crossing points and the entire trading community is regarded ignorant by the customs authority.

The lack of co-operation between various borders crossing and custom authorities (i.e. border police and veterinary and phyto-sanitary authorities) causes unnecessary delay at the border posts. The responsibilities of border police and customs overlap and needless document and goods checking are carried out because these authorities do not exchange information. Furthermore, different requirements for border crossing between the neighbouring countries cause major time delay at the borders.

Also the lack of information technology infrastructure is a major problem. Today all information is provided on paper, only customs brokers provide paper free customs information within inland terminals. Papers are checked at various points several times and by several authorities but especially the control of transit cargo is insufficient. Cargo declared as transit consignment is discharged at inland terminal against the declaration and no customs duties are paid.

Also the bureaucracy has its price tag for the carriers and trading companies that have to stay on waiting in queues both at the border crossing points and at the inland terminal.

In export a lack of co-operation between nations causes major problems in road border crossing procedures (EU and not EU countries), because the regulations between the neighbouring countries are not harmonised.

European Union countries use the Single Administrative Document (SAD) for internal transit. The document is prepared at the country of export in the inland terminal and a corresponding document is prepared at the country of import at the border crossing point when entering the country. The data contents are identical, only the language of the document differs. The customs broker who charges for his services either the consignee or the consignor usually prepares the document.

The main problem in rail procedures lies in import (from-to EU countries). When the goods arrive at the destination station, the consignee has to pay all customs duties before the release of goods. However, it may happen that no customs post is located at this particular transport terminal. Therefore, the consignee has to take all the documents and go to the nearest customs office to finalise import procedures. If the consignment arrives late at night or during the weekend it may only be released on the next Monday because there are no banks operating outside working hours. So in the worst case, the consignee has to wait for the release of the goods from Friday evening until Monday morning.

In the railway environment, goods identification is a big problem area. Most European countries and customs use the Harmonised System code list.

#### 4. CONCLUSION

A number of planning deficiencies need to be addressed:

- Lack of overall integrated policy for intermodal and combined transportation;
- Lack of integration of port plans with the rest of the infrastructure i.e. rail and road (especially concerning access to existing well-developed trunk line network);
- Lack of market orientation in the planning process, especially by the railway;
- Lack of co-ordination between the industry participants, i.e. road haulers, shipping companies and the railways.

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