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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions Affecting Transport

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Item 5 of the provisional agenda

**INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS
FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, OF 10 JANUARY 1952**

Note by the secretariat

I. MANDATE

1. At its one-hundred-and-eighteenth session, the Working Party decided that, as part of its programme of work for the year 2008, it would, inter alia, analyze the application of the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 10 January 1952 (hereafter referred to as “the 1952 Rail Convention”) (ECE/TRANS/WP.30/236, Annex). In line with this decision and with the aim to facilitate discussions by the Working Party, the secretariat has prepared this document, which provides background information on the 1952 Rail Convention.¹

¹ For the text of the Convention, please consult the UNECE website (Legal instruments in the field of transport, No. 44) at <<http://www.unece.org/trans/conventn/legalinst.html>>.

II. OBJECTIVE OF THE 1952 RAIL CONVENTION

2. The objective of the Convention is to facilitate the crossing of borders for passengers carried by rail.

III. KEY PROVISIONS

3. The Convention lays down procedures for control of the entry and exit of passengers and their baggage by competent authorities of two adjoining countries linked by a railway line carrying a considerable volume of passengers crossing the frontier. The Convention favours the carrying out of the police and Customs controls while trains are in motion and sets up the appropriate procedures to do so. However, the Convention also establishes the procedures, wherever the controls cannot be satisfactorily performed while the trains are in motion, for the organization of joint controls being performed in a joint station close to the frontier and designated by agreement between the adjacent countries. The Convention also provides for transit procedures.

IV. BENEFITS

4. By providing for more efficient border controls of passengers and their luggage carried by rail, the Convention facilitates international rail transport of passengers, reducing travel time of and inconveniences to travellers as well as the investment of competent authorities on control stations.

V. ENTRY INTO FORCE

5. The Convention entered into force on 1 April 1953 in accordance with Article 14.

VI. CONTRACTING PARTIES

6. At 1 March 2008 the Convention had the following 12 States as Contracting Parties: Albania, Armenia, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain and Switzerland.

VII. HOW TO BECOME A CONTRACTING PARTY

7. In accordance with Article 12, the Convention is open for accession to any country participating in the work of the Economic Commission for Europe.

VIII. OPTIONAL AND MANDATORY DECLARATIONS

8. Although the Convention does not contain any specific provision to that extent, any Contracting Party may, at the time of depositing its instrument of accession and, if required,

ratification, or at any other time, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall extend to all or any of the territories for the international relations of which it is responsible.

IX. AMENDMENT PROCEDURE

9. In accordance with Article 16, Contracting Parties can submit proposals for modifications to the standard international Customs declaration form in the Annex to the Convention. Proposals should be submitted to the Secretary-General of the United Nations, who shall communicate the text thereof to all signatory or acceding countries. The Convention does not contain provisions with regard to other amendments. However, according to the United Nations Office of Legal Affairs, it is in line with the principles of customary international law, as codified in the Vienna Convention on the Law of Treaties of 1969 (VCLT; which entered into force on 27 January 1980), to amend the Convention by means of application of Article 40 of the VCLT. This means that any amendment proposal to the Convention must be notified to all its Contracting Parties and that each one of them has the right to take part in any decision related to the amendment proposal, including the negotiation and conclusion of any agreement for the amendment of the Convention. The amended Convention will not bind any State which is already a party to the Convention, but which does not become a party to the amended Convention.

X. RESERVATIONS

10. The Convention does not contain any provision relating to the deposition of reservations.

XI. DENUNCIATION AND TERMINATION

11. The Convention may be denounced by means of six month's notice given to the Secretary-General of the United Nations (Article 13). The Convention shall terminate if, at any time, the number of Contracting Parties thereto is less than three.

XII. CONSIDERATIONS BY THE WORKING PARTY

12. In view of the above, the Working Party may wish to consider the relevance of the 1952 Rail Convention for its future work.
