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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(One-hundred-and-tenth session, 14 – 17 June 2005,
agenda item 4 (b))

**INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER
CONTROLS OF GOODS, 1982
("HARMONIZATION CONVENTION")**

Preparation on a new annex on rail border crossing

Transmitted by the Committee of the Organization for Co-operation between Railways
(OSZhD) *

The secretariat reproduces below the minutes of the meeting of the Working Party on the Preparation for the International Conference on Facilitation of Railway Border Crossing (Brest, Republic of Belarus, 16 – 18 March 2005).

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* The secretariat reproduces the document as received without formal editing by UNECE.

The UN Economic Commission for Europe (UNECE) and the OSZhD Committee, following the work schedule for the preparation of the International Conference on Facilitation of Railway Border Crossing (adopted at the preparatory Meeting in June 2004), held the 3rd Preparatory Meeting of the Working Party of the representatives of border and customs agencies, transport ministries and railway administrations of the Republic of Belarus, People's Republic of China, Republic of Latvia, Republic of Lithuania, Mongolia, Republic of Poland, Russian Federation and Ukraine, as well as members of the OSZhD Committee and the Intergovernmental Organization for International Carriage by Rail (OTIF).

The Meeting was chaired by Mr. Viktor Zhukov, Deputy Chairman of the OSZhD Committee.

The participants to the meeting were welcomed by Mr. Vladimir Ring, Head of the Brest Division of the Byelorussian Railway.

The participants to the meeting agreed on the following agenda:

1. Consideration of a new Annex 9 on Railway Border Crossing Operations to the International Convention on Coordination of the Customs Transit Procedures (1982).
2. Consideration of a possibility to elaborate a new draft Convention on Passenger Traffic, based on the International Convention on the Facilitation of International Cross-Border Carriage of Passengers and Luggage by Railway (1952).
3. Date and venue of the International Conference on Facilitation of Railway Border Crossing, list of participants and challenges of the Conference.
4. Miscellaneous.

ON PARAGRAPH 1 OF THE AGENDA

The participants to the Meeting have considered and agreed on the draft of Annex 9 "Facilitation of Border Crossing Procedures for the International Freight Railway Traffic" to the International Convention on Harmonization of Railway Border Crossing (1982) (Annex 1).

The Meeting calls on the border, customs and railway agencies to consider the proposed draft of **Annex 9**, including the necessity to incorporate paragraph 2 of Article 6 into it and to forward their notes and proposals to the UNECE and the OSZhD Committee before 20 May 2005.

ON PARAGRAPH 2 OF THE AGENDA

The participants to the Meeting consider it necessary to elaborate a new convention on passenger traffic, based on the International Convention on the Facilitation of International Cross-Border Carriage of Passengers and Luggage by Railway (1952).

The participants to the Meeting familiarized themselves with the draft of the new “International Convention on the Facilitation of International Cross-Border Carriage of Passengers and Luggage by Railway”, prepared by the State Administration of the Ukrainian Railway Transport in the name of the Closed Working Group (Annex 2).

The Meeting calls on the border, customs and railway agencies to forward their notes and proposals on the above-mentioned project to the UNECE and the OSZhD Committee before 20 May 2005 to be considered at the next Work Group Meeting with the participation of the experts on passenger traffic.

ON PARAGRAPH 3 OF THE AGENDA

The Chairman of the Meeting informed the delegates that, according to the opinion of the UNECE and OSZhD Committee in order to achieve the best results of the work being performed, the participation of the representatives of Governments, heads of transport ministries, railway administrations, border and customs agencies of the concerned states, as well as spokespersons of the European Commission, OTIF, International Railway Union (UIC), etc. will be expedient.

The UNECE will forward the materials of the International Conference and invitations for participation to the concerned States and international organizations till 15 November 2005.

The participants to the meeting discussed the challenges and tasks of the International Conference and consider it necessary to perform the following activities in the course of its work:

- to highlight the problems arising during border crossing by railway vehicles and affecting its competitiveness;
- to draw attention to the fact that the adoption of the draft conventions and work programmes aimed at facilitating border crossing provisions will contribute to the creation of favourable conditions for the international trade exchange and tourism with the use of the international railway mode.

ON PARAGRAPH 4 OF THE AGENDA

The participants to the Meeting have proposed to hold the next Closed Work Group Meeting in the premises of the OSZhD Committee on 1-3 June 2005.

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Annex 1

INTERNATIONAL CONVENTION
ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS
(1982)

DRAFT

Annex 9

FACILITATION OF FRONTIER CROSSING PROCEDURES IN INTERNATIONAL
RAILWAY TRANSPORT OF GOODS

Preamble

The Contracting Parties,

desiring to improve the international railway movement of goods,

bearing in mind to facilitate the passage of goods at frontiers,

noting that control measures are applied at frontiers by different control services,

acknowledging that the conditions under which such controls are carried out may be extensively harmonized without impairing their purpose, their proper implementation and effectiveness,

convinced that the harmonization of frontier controls constitutes an important means for attaining these objectives,

have agreed as follows:

Article 1

Principles

1. The purpose of this annex, supplementing the regulations of the Convention, is to determine the measures, which shall be carried out in order to facilitate border crossing procedures by the railway stock.

2. The Contracting Parties have committed themselves to cooperate in order to ensure maximum synchronization of formalities, requirements concerning documentation and procedures in all the fields connected with the carriage of goods by rail.

Article 2

Border Crossing

1. The Contracting Parties seek to facilitate visa procedures for the engine crews, members of refrigerator section teams, for the persons accompanying cargo, as well as for the personnel of the adjacent border railway (transfer) stations [hereinafter border (transfer) stations].

2. The frontier crossing procedures for the personnel of border (transfer) stations are set up by bilateral agreements.

Article 3

Speeded Inspection of Locomotives, Rolling Stock, Containers and Goods Control

1. The Contracting Parties shall carry out coordinated actions to ensure the organization of fast inspection of locomotives, rolling stock, containers, transit goods, as well as the processing of carriage and accompanying documents.

Article 4

Requirements for Border (Transfer) Stations

In order to organize properly and speed up prescribed formalities at border (transfer) stations the Contracting Parties shall respect the following minimum requirements (in accordance with the international certification) set up for border (transfer) stations, which are open for international railway cargo traffic:

- (i) availability of facilities (premises), equipment and materiel, allowing corresponding everyday 24-hour year-round control at border stations if it is justified and corresponds to the cargo traffic volume;
- (ii) the carrying and transfer capacity of border (transfer) stations and adjacent areas shall be capable of dealing with the volume of traffic;
- (iii) availability of control areas and warehouse infrastructure for temporary storage of cargoes subject to customs and other types of control;
- (iv) the border (transfer) stations, at which phytosanitary, veterinary and other types of inspections are carried out, are equipped with all kinds of facilities (premises) and materiel necessary to control goods;
- (v) the Contracting Parties to be provided with information systems and means of communications, enabling them to exchange preliminary data about the approach of cargoes to the border (transfer) stations with regard to the extent of the information in the railway consignment note and customs declaration;
- (vi) the Contracting Parties, in accordance with the volumes of the goods carried, shall provide border (transfer) stations with necessary railway personnel, as well as customs, border and other control services staff.

Article 5

Inspection

1. The Contracting Parties seek to ensure mutual recognition of all types of inspections for locomotives, rolling stock, containers, goods carried, if the objectives of such inspections match each other.
2. The Contracting Parties shall carry out customs control (inspection) on the basis of risk evaluation (relying on the principle of selection), if national regulations do not prescribe more stringent criteria.
3. The Contracting Parties shall seek to facilitate the control, carried out at the border (transfer) stations with the transfer of certain types of control to the station of destination in accordance with the national regulations.

4. The Contracting Parties, if it does not go counter to national law, shall not carry out inspections (veterinary, phytosanitary, etc.), when the cargo passes in the international customs transit.

Article 6

Time Standards

1. The Contracting Parties shall ensure the accomplishment of time standards, set by bilateral agreements, for technological operations on the reception and transfer of trains at the border (transfer) stations, to include all types of control, and seek to minimize the time standards by means of perfecting technologies and using new equipment.

2. The Contracting Parties shall ensure that delays to transport operations at the border (transfer stations) are recorded, in order to analyze the reasons for non-compliance with the standards of technological operations performance, as well as violation of regulatory documents, on the basis of which all types of control are carried out.

Article 7

Documents

1. The Contracting Parties shall seek to use widely the documents accompanying goods and drawn up in accordance with the national legislation in their relations with each other and with authorized bodies.

2. The Contracting Parties shall seek to use the electronic version of the railway consignment note and electronic digital signature.

3. The Contracting Parties shall seek to process properly carriage and accompanying documents in accordance with the legal and legislative acts of the importing countries and transit states.

Article 8

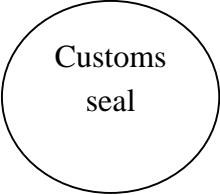
Use of Unified CIM/SMGS Railway Consignment Note

The Contracting Parties shall use the unified CIM/SMGS railway consignment note, which at the same time is a customs document.

ENCLOSURE

International Railway Transportation

<p>1. International customs declaration</p> <p>2.* Railway title</p> <p>Represented by</p> <p>* I, the undersigned,, authorized representatives of....., railway, submit the goods, indicated on the backside of the declaration for transit transportation and commit myself to re-submit them in a day's period of time with the intact customs seals to the customs office in</p> <p>..... (date)</p>	<div style="border: 1px solid black; padding: 10px; width: 80%; margin: auto;"> <p>Customs office</p> <p>3. No.....</p> </div>
<p>4. Sealed or acknowledged</p> <p>.....</p> <p>..... (date)</p> <p style="text-align: right;">Wagon No.</p> <p style="text-align: right;">Customs officer</p>	<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 100px; margin: auto; display: flex; align-items: center; justify-content: center;"> <p>Customs seal</p> </div>
<p>5. We, the undersigned customs officers in, hereby certify, that the goods, indicated on the backside of this declaration, have been re- submitted to us with the intact customs seals.</p> <p>.....(date)</p>	
<p>6. Goods disposal</p> <p>ship</p>	<p>Exported out of the country.....</p> <p>.....Loaded on a</p> <p>(name of the ship)</p> <p>Placed in a customs depot.....</p> <p>Imported for inland use</p>

..... (date)							
7. Document No. issued to indicate the fulfillment of the above signed commitment							
							
8. Observations (overloads, spoiled seals, etc.)							
* Cross off irrelevant.							
9. Consignor's application for customs purposes							
..... 11. Country of departure 12. Country of destination.....							
10. Consignor's name and address							
Markings and numbers of cargo packages or wagons	Number of cargo packages	Nature of packing (boxes, sacks, etc.)	Nature of cargo	Gross weight	Net weight or volume, expressed in other units of measurement (m ² , units of area, etc.)	Price in the currency of the country of departure	Remarks
13	14	15	16	17	18	19	20
21. Other detailed data, submitted by the freight forwarder (station at which customs formalities shall be completed, customs regulations for the imported cargo, attached documents and their numbers, etc.)				22. Surname and address of the consigner (venue)(date)			
23. Number under which the consignment is registered Date stamp made at the station of				24. Number and peculiarities of the initial customs seals: 			

departure
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Annex 2

**International Convention
to Facilitate the Crossing of Frontiers for Passengers and Cargo Luggage Carried by
Rail**

Preamble

The Contracting Parties,

desiring to improve the international railway movement of passengers,

bearing in mind to facilitate the passage of passengers at frontiers,

noting that control measures are applied at frontiers by different control services,

acknowledging that the conditions under which such controls are carried out may be extensively harmonized without impairing their purpose, their proper implementation and effectiveness,

convinced that the harmonization of frontier controls constitutes an important means for attaining these objectives,

have agreed as follows:

CHAPTER I

**Establishment and Operation of Border Stations where Examinations Are Carried out
Successively by the Two Neighbouring States**

Article 1

1. *On every railway line carrying a considerable volume of international passenger traffic, which crosses a frontier between two neighbouring states, the competent authorities of those countries shall – wherever required examinations cannot be performed properly while the trains are en route – consider jointly the possibility of designating by mutual consent a station close to the border at which the examinations required under the legislation of the two countries in respect of the entry and exit of passengers and luggage could be performed.*

2. *Where two adjoining countries designate several stations of this kind along their common border, the number of such stations on either side of the frontier shall, so far as possible, be equal.*

Article 2

3. Whenever a station is designated in accordance with article 1, a zone shall be set up within which officials and *agents* of the competent administrations of the country, adjoining the territory on which the station is established (hereinafter referred to as the “adjoining country”) shall be entitled to examine passengers crossing the frontier in either direction, their cargo luggage and *also parcels* carried by international passenger trains.

4. As a general rule this zone shall comprise:

- (a) a specified portion of ground structures;
- (b) passenger trains and the section of the track on which they stand throughout the whole period of the examination;
- (c) such parts of the platforms and tracks as may be agreed by mutual consent in each case by the competent administrations of the countries concerned; and;
- (d) passenger trains between the station and the frontier of the adjoining country.

Article 3

5. Application, within the zone established in accordance with article 2, of the laws and regulations of the adjoining country, as well as the powers, rights and duties pertaining within the zone to officials and *agents* of the competent administrations of that country, shall be the subject of bilateral agreements between the countries concerned.

Article 4

1. The competent authorities of the countries concerned shall determine by special agreements what premises are needed by the services of the adjoining country, on the territory of which the station is situated, within the said zone and the conditions under which the railway administration of the country in whose territory the station is situated shall supply furniture, lighting, heating, cleaning, telephone communications, etc., for the said premises.

2. Any equipment required for the functioning of the services of the adjoining country shall be imported on a temporary basis and re-exported free of all customs duties and charges, provided that the proper declaration is made. Regulations forbidding or restricting import or export shall not apply to such equipment.

Article 5

1. The premises allotted to the services of the adjoining country within the zone set up in accordance with article 2 may be distinguished on the outside by a notice and a plaque painted in the national colours of that country.
6. Officials and *agents* of the competent administrations of the adjoining country shall wear national uniform or the distinguishing badge prescribed by the regulations of that country.
7. Officials and *agents* of the competent administrations of the adjoining country who are called on to go to the station in order to carry out the examinations provided for in this Convention shall be exempt from passport formalities. Production of their official papers shall be deemed sufficient proof of their nationality, identity, rank and of the nature of their duties.
8. The officials and *agents* mentioned in paragraphs 2 and 3 of this article shall enjoy, in the exercise of their duties, the same protection and assistance as the corresponding officials and agents of the country in whose territory the station is situated.
2. Exemption from taxes and charges may be granted under the bilateral agreements provided for in article 3 to officials and agents of the adjoining country residing in the country in whose territory the station is situated.
3. The bilateral agreements referred to in article 3 shall determine:
9. The maximum numbers of officials and *agents* of the competent administrations of the adjoining country authorized to carry out examinations in the zone established in accordance with article 2;
 - (a) The conditions under which the recall of officials and *agents* may be demanded; and
 - (b) The conditions under which they may carry arms and use them in the exercise of their duties within the said zone.

Article 6

1. In principle, examinations shall be carried out in through vestibule-coaches of international trains, whenever such coaches are used. Railway officials and *agents* shall give all necessary assistance, *within their competency*, in order to ensure effective and speedy examinations. They shall, in particular, co-operate in preventing passengers, subject to examination, from leaving or moving up or down the train until the examination is completed. As an exceptional measure, such examinations may be carried out in the customs examination sheds of the station, whenever the administration concerned deems it necessary.

2. In principle, the examinations referred to in paragraph 1 of this article shall be carried out in the following order:

- (a) *border control by the country of exit;*
- (b) *customs and other bodies examination by the country of exit;*
- (c) *border control by the country of entry; and*
- (d) *customs and other bodies examination by the country of entry.*

3. Examinations by officials and *agents* of the country of entry may only be carried out in those parts of the train already examined by the officials and *agents* of the country of exit and the latter may not re-examine any parts of the train which they have already cleared, unless special provision be made to the contrary in the bilateral agreements.

4. For international trains of normal composition, namely *ten to twelve* coaches without *over-load*, the wait required at the station for carrying out the said examinations shall not, in principle, exceed *40 minutes*; for smaller trains, and in particular for railcars, it shall be reduced to the minimum.

5. *With a view to carrying out the provisions of paragraph 4 of this article, the railway administrations shall notify the competent authorities of the countries of entry and exit in due time of any changes in the frequency, timing and composition of international trains.*

Article 7

In so far as currency control is in force in the territories of Contracting Parties, currency control measures shall be carried out within the time limits laid down in article 6, paragraph 4. The authorities concerned shall do their utmost to arrange for these operations to be carried out in such a way as to avoid any additional inconvenience to passengers. (*delete*)

Article 8

On all main routes the Contracting Parties shall establish direct railway service telephone lines between the frontier stations of the adjoining countries and take steps to facilitate and accelerate private telephone communications. The privilege of establishing direct telephone communications may, by bilateral agreement, be extended to other public services.

CHAPTER II

Border and Customs Control while the Train is En Route

Article 9

1. Border and customs examinations on international trains shall, so far as possible, be carried out while the train is in motion, provided that such examinations prove more effective and at the same time more convenient for the passengers:
 - (a) whenever the non-stop run, either before or after the frontier station of each of the two adjoining countries, allows sufficient time on its territory for completion of the necessary formalities; and
 - (b) provided examination while the train is in motion enables the waits, either at frontier stations or at stations where examinations are carried out by the two adjoining countries, to be appreciably reduced.
2. Border and customs examinations on international trains shall be carried out while the coaches are being placed on the bogies of the other gauge in accordance with the order set up in paragraph 2 of Article 6.
3. In cases where it is deemed necessary, in order to expedite examination or to eliminate stops at frontiers, to authorize the officials or *agents* of an adjoining country to board international trains and carry out examinations therein on the territory of the other adjoining country, the competent authorities of the two countries shall determine, by a bilateral agreement, the conditions under which such operations shall be conducted.
4. *On international trains, the examination of registered luggage, where not carried under the international transit system described in article 10, shall be conducted so far as possible while the train is en route, provided that such examination is of assistance to passengers travelling with such luggage.*
5. The procedure for applying the provisions of the present article shall be laid down in agreements concluded between the competent authorities of the Contracting Parties.

CHAPTER III

Customs Control of Luggage and Parcels Carried by International Passenger trains

Article 10

1. In order to avoid, in principle, examination of the registered luggage of passengers in transit through the territory of a country, and of parcels carried in transit by international passenger trains, the customs and other administrations concerned of the Contracting Parties shall, in agreement with the railway administrations of the said Parties, take special measures, such as sealing baggage compartments or vans, or the containers, skips or sacks in which such baggage is carried, or affixing seals to the parcels themselves, provided an international customs declaration form is completed.
2. In agreement with the railway administrations of the countries concerned, the Customs and other administrations concerned of the said countries shall establish, so far as possible, offices at those stations in the interior of the said countries where international traffic is particularly heavy, in order to permit the Customs clearance and other examinations of registered baggage and of parcels carried by passenger trains, either before departure from such stations or on arrival there. Between one such station in the interior of a country and a frontier station in either direction or between two such stations in the interior of two countries, such baggage and parcels may be carried under the international transit system referred to in paragraph 1 of this article.
3. *Railway administrations* (agencies) shall, wherever possible, endeavour to arrange for registered luggage and parcels carried by international passenger trains to be cleared through the Customs and to undergo the other examinations before they are loaded at the station of dispatch.
4. If at frontier stations packages cannot be cleared through the customs and examined in the time specified under article 6, paragraph 4, they shall be unloaded to avoid the train being held up.
5. With a view to the application of the provisions of the present chapter the Contracting Parties shall recognize, in principle, the customs seals of the other Contracting Parties, subject to the right of each customs administration to add its own seal should it deem this essential.

CHAPTER IV

Control Privileges

Article 11

1. Passengers using the railway shall enjoy all the customs privileges granted to passengers crossing the frontier by other means of transport.
2. Control officials and *agents* shall take all necessary steps to prevent a train from being delayed in the event of difficulties or disputes which affect only some passengers on the train. (*to be clarified*)

CHAPTER V

Final Clauses

Article 12

3. After signature this day, this Convention shall be open for accession by the countries participating in the work of the Economic Commission for Europe.
4. The instruments of accession and, if required, of ratification shall be deposited with the Secretary-General of the United Nations who shall notify all the countries referred to in paragraph 1 of this article of the receipt thereof.

Article 13

This Convention may be denounced by means of six months' notice given to the Secretary-General of the United Nations who shall notify the other Contracting Parties thereof. After the expiry of the six months' period, the Convention shall cease to be in force as regards the Contracting Party which has denounced it.

Article 14

5. This Convention shall enter into force when three of the countries referred to in article 12, paragraph 1, will have become Contracting Parties thereto.
6. It shall terminate if at any time the number of Contracting Parties thereto is less than three.

Article 15

Any dispute between any two or more Contracting Parties concerning the interpretation or application of this Convention, which the Parties are unable to settle by negotiation or by another mode of settlement, may be referred for decision, at the request of any one of the Contracting Parties concerned, to an arbitral commission, to which each party to the dispute shall nominate one member; the Chairman, who shall have the casting vote, shall be appointed by the Secretary-General of the United Nations.

Article 16

7. The original of this Convention shall be deposited with the Secretary-General of the United Nations who shall transmit a certified true copy thereof to each of the countries referred to in article 12, paragraph 1.

8. The Secretary-General is authorized to register this Convention upon its entry into force.
