



**Economic and Social
Council**

Distr.
RESTRICTED

Informal document No. 1 (2006)
30 January 2006

ENGLISH
Original: ENGLISH AND
RUSSIAN

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(One-hundred-and-twelfth session, 31 January – 3 February 2006,
agenda item 5 (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)

IV MEETING

of the Working Party on the Preparation for the International Conference on Facilitation of Railway Border Crossing

Organized by:
UNECE with the OSJD Assistance

Vilnius,
18 – 20 October 2005

Aide-Memoire
of the 4th Meeting of the Working Party on the Preparation
for the International Conference on Facilitation of Railway Border Crossing

The UN Economic Commission for Europe (UNECE) and the OSJD Committee following the work schedule for the preparation of the International Conference on Facilitation of Railway Border Crossing held the 4th Preparatory Meeting of the Working Party of the representatives of border and customs agencies, transport ministries and railway administrations of the Republic of Belarus, Republic of Latvia, Republic of Lithuania, Republic of Poland, Russian Federation, Serbia and Montenegro and Ukraine, as well as members of the UNECE, OSJD Committee and the Intergovernmental Organization for International Carriage by Rail (OTIF).

The Meeting was co-chaired by Miodrag Pesut, UNECE representative, and Mr. Viktor Zhukov, Deputy Chairman of the OSJD Committee.

The participants to the meeting agreed on the following **agenda**:

1. Consideration and coordination of new Annex 9 on Railway Border Crossing Operations to the International Convention on Coordination of the Customs Transit Procedures (1982).
2. Consideration and coordination of a new draft Convention on the Facilitation of International Cross-Border Carriage of Passengers by Railway.
3. Consideration and coordination of a draft final document of the International Conference.
4. Coordination of the programme of action (see Protocol of the II WG meeting, para. 3 of the agenda, November 2004, Lvov, Ukraine)
5. Coordination of the draft agenda of the International Conference.
6. Miscellaneous.

ON PARAGRAPH 1 OF THE AGENDA

The participants to the Meeting have considered and agreed on the comments and proposals to 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 of the OSJD member countries, as well as other concerned institutions to consider the proposed draft of **Annex 9**, and to forward their notes and proposals to the UNECE ITC, OSJD Committee and WG members before 31 December 2005.

The WG participants shall consider the received proposals and forward their proposals to the UNECE ITC and OSJD Committee before 30 January 2006.

ON PARAGRAPH 2 OF THE AGENDA

The participants have considered and coordinated a draft Convention on the Facilitation of International Cross-Border Carriage of Passengers by Railway (Annex 2).

The Meeting kindly requests the border, customs and railway agencies of the OSJD member countries to consider the proposed draft Convention on the Facilitation of International Cross-Border Carriage of Passengers by Railway and to forward their notes and proposals to the UNECE ITC, OSJD Committee and WG members before 31 December 2005.

The WG participants shall consider the received proposals and forward their proposals to the UNECE ITC and OSJD Committee before 30 January 2006.

ON PARAGRAPH 3 OF THE AGENDA

The participants have considered and coordinated a draft Convention on the Facilitation of International Cross-Border Carriage of Passengers by Railway

The Meeting kindly requests the border, customs and railway agencies of the OSJD member countries to consider the proposed draft document of the International

Conference and to forward their notes and proposals to the UNECE ITC, OSJD Committee and WG members before 31 December 2005.

The WG participants shall consider the received proposals and forward their proposals to the UNECE ITC and OSJD Committee before 30 January 2006.

ON PARAGRAPH 4 OF THE AGENDA

The meeting participants have coordinated the Programme of Action to facilitate the railway border crossing

ON PARAGRAPH 5 OF THE AGENDA

The meeting participants have considered and coordinated the draft preliminary agenda of the International Conference on Facilitation of Railway Border Crossing

ON PARAGRAPH 6 OF THE AGENDA

The meeting participants proposed to hold the expert WG meeting in Warsaw in February 2006.

This aid memoire was unanimously approved by the participants of the IVth WG meeting.

E. Hammersmidova, representative of OTIF, kindly requested to include into the Minutes the OTIF proposal regarding Article 2, para 1 of Annex 9 to Convention 1982 with the purpose of its consideration with the following wording: "... in accordance with national best practice accorded [to diplomats] [for any other visa applicants enjoying preferential treatment] under national immigration rules or international commitments."

The delegation of the Latvian Republic kindly requests the Working Group to consider the possibility of including the following paragraphs into the text of the draft Convention on Facilitation of Railway Border Crossing:

“ 6. The railway administrations seek to provide the border control agencies with the passenger data to carry out computer checks if deemed necessary.

7. The contracting Parties seek to discard the exit control, carrying out control

based on the principle of confidence.”

ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE

**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

Done at Geneva on 2006



UNITED NATIONS ORGANIZATION

**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.
3. The contracting Parties seek to organize at the border (transfer) stations all types of joint control on the basis of bilateral agreements.

Article 2

Border Crossing

1. The Contracting Parties facilitate all border crossing procedures including visa formalities 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 persons listed in paragraph 1 of Article 2, including their service identification papers, are set up by bilateral agreements.
The customs officials in carrying out their official duties are exempt from passport formalities. The service documents produced by them shall be deemed sufficient for border crossing.

Article 3

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 set up for border (transfer) stations, which are open for the 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 border (transfer) stations, at which phytosanitary, veterinary and other types of control are carried out, are equipped with all kind of facilities (premises) and technical means required to carry out the goods control;

(iii) the carrying and transfer capacity of border (transfer) stations and adjacent areas shall be capable of dealing with the volume of traffic;

(iv) availability of control areas and warehouse infrastructure for temporary storage of cargoes subject to customs and other types of control;

(v) availability of information systems and communication means enabling to exchange the advanced data to include that 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) availability at the border (transfer) stations of the necessary railway personnel in accordance with the volumes of the goods carried.

Article 4

Speeded Inspection of Rolling Stock, Containers and Goods

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

Article 5

Inspection

The Contracting Parties:

i) seek to ensure mutual recognition of all types of inspections for rolling stock, containers, piggybacks, goods carried, if the objectives of such inspections match each other;

ii) carry out customs control (inspection) on the basis of risk evaluation (relying on the principle of selection);

iii) carry out simplified control at the border (transfer) stations, with the transfer of certain types of control to the station of destination in accordance with the national regulations;

iv) do not perform inspection of transit goods, if reliable information on them has been presented and if the goods available in(on) the vehicle, container, piggyback or wagon are closed and correspondently sealed excluding the customs control based on the principle of paragraph ii) of this article.

Article 6

Time Standards

1. The Contracting Parties 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.

Article 7

Documents

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

2. The Contracting Parties seek to use in the relations between each other the electronic data exchange systems regarding the consignment notes and customs declarations accompanying the cargo prepared in accordance with the national legislation.

Article 8

Use of Unified CIM/SMGS Railway Consignment Note

The Contracting Parties may use, in addition to other effective transport documents, the unified CIM/SMGS railway consignment note, which at the same time is a customs document.

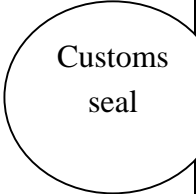
Not included into the Vilnius protocol

ENCLOSURE

International Railway Transportation

<p>1. International customs declaration 2.* Railway title Represented by * 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 (date)</p>	<p>Customs office 3. No.....</p>
<p>4. Sealed or acknowledged Wagon No. (date)</p>	<p>Customs seal</p>
<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. (date))</p>	
<p>6. Goods disposal Exported out of the country..... Loaded on a ship (name of the ship) Placed in a customs depot..... 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 departure				24. Number and peculiarities of the initial customs seals:			

**ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE**

**CONVENTION
TO FACILITATE THE CROSSING OF FRONTIERS IN THE
INTERNATIONAL RAILWAY PASSENGER TRAFFIC**

Signed at Geneva



UNITED NATIONS ORGANIZATION

CONVENTION
to Facilitate the Crossing of Frontiers in the International Railway
Passenger Traffic

Preamble

The contracting Parties,

***desiring* to facilitate the railway movement of passengers and their luggage across the borders,**

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

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

***with regard to* the progressive methods of control, to include those while the train is on move, as well as joint control with adjacent countries**

have agreed as follows:

General

When crossing the borders in the international passenger traffic the following types of control are carried out (hereinafter referred to as control):

- a) border;
- b) customs;
- c) other types of control.

The control may be carried out unilaterally or jointly:

- at the border station;

- on move;
- while replacing the coaches.

The officials shall take necessary measures to prevent a delay of the train departure.

Chapter I

Control at the station

Article 1

1. With the purpose of creating necessary conditions in order to carry out effective control of the international passenger traffic the competent bodies of the adjacent countries shall designate border stations to carry out the control (unilaterally or jointly) of passengers, their luggage and commodity-luggage (cargo-luggage) in luggage wagons and luggage compartments.

Article 2

1. At the stations mentioned in Article 1 of this Convention, a zone shall be set up, within which the control of passengers and their luggage crossing the frontier is carried out.
2. This zone shall comprise the following elements situated within it:
 - (a) premises to carry out control and to accommodate the personnel of the inspecting bodies;
 - (b) depots to house and inspect the luggage;
 - (c) passenger trains;
 - (d) passenger platforms and railway tracks;
 - (e) workshop facility to place coaches from one track gauge to another.

Article 3

1. The country, on the territory of which the station is situated, shall commit itself to provide the adjacent country with furnished premises to be used on the basis of bilateral agreements.

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.

Article 4

1. The service premises shall be provided with special plaques from outside indicating the title of the service and distinctive national signs.

2. Officials shall wear national uniform prescribed by the regulations of that country.

3. Officials who are called on to go to the zone of the adjoining country station in order to carry out their duties provided for in this Convention shall be exempt from passport formalities. Production of their official papers shall be deemed sufficient proof to cross the frontier.

4. Officials mentioned in paragraph 3 of this article shall enjoy all personal security regulations and, if deemed necessary in the exercise of their duties, assistance.

5. The bilateral agreements of the adjoining countries determine the composition and quantity of officials of the competent administrations and bodies, which are authorized to carry out inspections.

Article 5

1. Examinations of passengers and their hand-luggage shall be carried out directly inside the coaches of international trains.

Passengers crossing the border within the passenger train shall not leave their compartments until the examination is completed.

Whenever it is deemed necessary, such examinations may be carried out in the examination sheds allocated specifically for these purposes.

2. The railway personnel shall, within their duties, render assistance to the members of the competent bodies in carrying out control.

3. As a rule, the examinations of passengers and their luggage shall be carried out in the following order:

- a) customs and other bodies examination by the country of exit;
- b) border control 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.

4. The duration of stay for the international trains subject to examination shall not exceed 40 minutes for a train except the border crossings, where the coaches are placed from one track gauge to another.

5. The railway administrations shall provide in-time information to the competent bodies about any changes in the train timetables, international passenger train set-up schemes, train recalling and calling.

CHAPTER II

On-Move Control

Article 6

1. In order to reduce the stoppage time of the passenger trains at the stations the border and customs examinations, by mutual consent of the two countries, may be carried out as follows:

a) when the train is on move in case of its non-stop run throughout the examination;

b) when the train is on move by means of joint control in case of its non-stop run.

2. The parties may also agree on a non-stop pass of the international train through the border station.

CHAPTER III

Control of Luggage Transported in Luggage Wagon

Article 7

1. As a rule, the luggage shall be examined before it is loaded on the train at the station of departure.

To avoid the repeated control while the passenger is carried in luggage wagons being part of the international trains, the parties may conclude an agreement, which will prescribe the simplified rules and the provisions for such transportations (e.g. sealing and stamping of luggage compartment, luggage wagons and luggage rooms).

2. If at the station set up in Article 1 of this Convention it is not possible to carry out necessary control of luggage within the time prescribed in para. 4 of Article 5 the luggage being imported may be unloaded to avoid the delay of train departure.

CHAPTER IV

Border Crossing

Article 8

3. The contracting Parties facilitate the border-crossing procedures to include the granting of visas for locomotive and train crews, railway personnel accompanying the luggage.
4. The border-crossing procedures for locomotive and train crews, railway personnel accompanying the luggage are set up in accordance with the agreements of the participating countries.

CHAPTER V

Final Clauses

Article 9

5. After signature this day, this Convention shall be open for accession by the countries participating in the work of the UN Economic Commission for Europe (UNECE) by submitting a correspondent letter of request to the UN Secretariat and drawing up an act on accession.
6. The Secretary General of the United Nations shall notify all the UNECE member countries of a new member.

Article 10

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 announced period, the Convention shall cease to be in force as regards the Contracting Party which has denounced it from the date this notice was received by the UN Secretariat.

Article 11

7. This Convention shall enter into force when at least three of the accessed countries have ratified it, which shall be registered in the UN Secretariat.
8. It shall terminate if at any time the number of Contracting Parties thereto is less than three.

Article 12

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 13

9. The original of this Convention, acts on accession, and acts on ratification (in some cases) shall be deposited with the registry of the United Nations for keeping.
10. A certified copy shall be transmitted thereof to each of the parties.
