



**Economic and Social
Council**

Distr.
GENERAL

TRANS/SC.1/2004/5
2 August 2004

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
(Ninety-eighth session, 27-29 October 2004,
agenda item 6 (b))

**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD
TRANSPORT AND FACILITATION OF ITS OPERATION**

Consideration of possibilities for agreements and other measures on border crossings and border
facilities for road transport between Eastern and Western Europe

Issuance of visas to professional drivers

Transmitted by Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan,
Moldova, Russian Federation, Ukraine

Introduction

At its ninety-seventh session, SC.1 considered the results of a survey regarding visa issuance to professional drivers and was informed about developments in the work of WP.30 on this subject. In view of the divergences of opinion within SC.1 on the follow-up to be given to this matter, the Working Party considered that it was for the time being premature to undertake parallel work in the form of the establishment of an ad hoc group on the problem of visas. It would, however, accept the decision taken by the Inland Transport Committee in this regard.

At the sixty-sixth session of the Inland Transport Committee (Geneva, 17-19 February 2004, ECE/TRANS/156, paras. 58-61), the Committee had an in-depth discussion on the possible follow-up to be given to the survey conducted by the secretariat in 2002/03 on the subject of the issuance of visas to professional drivers and in particular on the proposal by the Russian Federation, supported by Belarus and Ukraine, to establish a working group in this regard. These countries reiterated their concerns as to the difficulties encountered by their professional drivers and highlighted the fact that no improvements had been observed.

The arguments for and against establishing a working group were exchanged but the Committee agreed as a first stage that the countries concerned should transmit to the secretariat a technical note with full details of the specific problems encountered by their carriers. The Committee would subsequently indicate the follow-up to be given on the basis of this note and developments observed in other bodies.

In light of the discussions by the ITC, the three Governments mentioned above were invited to submit a technical note on the problems of their carriers regarding issuance of visas to professional drivers in time for the meeting of the Bureau of the ITC on 7 June 2004.

At its meeting on 7 June 2004, the Bureau took note of letters and a technical note received from nine countries detailing the problems which their professional drivers routinely encountered in applying for visas to engage in international transport (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Ukraine).

The Bureau agreed that because of the late arrival of the letters and the technical note it had not been possible to arrange for their translation by United Nations translation services in time for the Bureau meeting and that therefore consideration of them should be postponed until the December meeting of the Bureau and the 67th session of the ITC in February 2005.

It requested the secretariat to prepare a consolidated document of the letters and the technical note to be submitted to the forthcoming session of the ITC as well as to the next Bureau meeting.

The consolidated document, which appears below, is for consideration by the December session of the ITC Bureau and by the ITC at its 67th session in February 2005. It is submitted to SC.1 for information only.

Armenia

During the 66th session of Inland Transport Committee of the United Nations Economic Commission for Europe, which was held in Geneva on 17-19 February 2004, the Russian Federation made proposals concerning the problems for obtaining visas by drivers engaged in international road transport. These proposals were supported by the delegations of Ukraine and Belarus.

In this respect, the Ministry of Transport and Communication of the Republic of Armenia informed that it also supports the initiatives of the Russian Federation, Ukraine and Belarus, and assures that it will promote the development of international transport.

Armenian carriers are facing this problem related to visas. Armenia is a landlocked country and is blockaded from its Eastern and Western neighbours; therefore the facilitation of the process for obtaining visas for Armenian international carriers will greatly promote international transport for Armenia. In addition, the majority of embassies of other countries are situated outside Armenia (i.e. in Moscow), which in its turn creates complications.

It is hoped that this initiative will be successfully implemented, thereby significantly helping international road transport carriers.

Azerbaijan

The Ministry of Transport of the Republic of Azerbaijan informed that it supports the proposal of the Russian delegation made during the 66th session of the UNECE Inland Transport Committee held on 17-19 February 2004 in Geneva.

The problem of issuing visas for professional drivers that have to cross borders is considered as one of the most important issues, and one which is frequently discussed during the meetings and forums devoted to international road transportation. In this regard, Azerbaijan approves the idea of creating the special Working Group to study this issue

Belarus

The Ministry of Transport and Communications of the Republic of Belarus informed on the situation regarding the issuance of visas to professional drivers (Belarusian citizens) at the consular departments of the embassies of certain European countries in Minsk. One of the main factors restraining the development of transport is the considerable complexity of the procedure for issuing visas. This year these procedures have become even more complex, which has resulted in non-production losses attributable to vehicles standing idle.

Notwithstanding the declared principles of harmonization and liberalization of procedures for issuing visas, we can clearly see that the consular services of many States are imposing ever more onerous requirements on applicants, including Belarusian drivers. These include:

1. Considerable lengthening of the list of documents required for a visa (Italy);
2. The requirement that drivers submit their visa documents in person (Italy);
3. Lengthy processing time (in the case of Italy, three or more months from the date of application);
4. Short validity of multiple-entry visas (six months in the case of Italy, Greece and Estonia; three months in the case of The former Yugoslav Republic of Macedonia, Croatia, Switzerland and Romania);
4. The requirement that drivers demonstrate financial solvency by presenting travellers' cheques in the amount of 1,500 euros (Italy);
6. Refusal to issue a visa after a driver has used a transport permit issued by the Italian authorities to undertake haulage to third countries (the Russian Federation, Ukraine). In the view of the Italian embassy, this constitutes a violation of the terms of the visa (Italy).

The increasing complexity of visa formalities for professional drivers and the stricter consular requirements imposed on international transport operators are noticeably retarding the further development of road transport - the most flexible and promising way of moving goods and passengers from one country to another - and having an adverse effect on the development of international trade and the single European economic area.

The visa problems faced by professional drivers contributing to international trade are detrimental to European integration processes and run counter to the principles of free transborder

movement of goods, services and labour, equality of trading and economic conditions and other basic principles of the European Economic Community.

Belarus considers that steps should be taken to define a special status for professional drivers engaged in the international transport of goods and passengers by road, within the terms of the Schengen Agreement, and that the obligatory visa requirement should be waived for this occupational group. A special document confirming the driver's identity, provided for by a special international convention, could provide a basis for crossing State frontiers without a visa.

Should it prove impossible at this time to waive the obligatory visa requirement, it is proposed to establish a system of arrangements for a simplified procedure for processing the visa documents of international professional drivers, that would provide for:

- The issuance of multiple-entry visas valid for one year or more and an unlimited number of entries and departures;
- Recognition of the status of national associations of road hauliers as intermediaries when processing visa documents, and also as guarantors confirming the professional status of drivers;
- A simplified procedure for obtaining visas, including the possibility of issuing visas to a group of drivers through the national association of road hauliers, thus dispensing with the requirement that drivers must be present in person;
- A shortened, uniform list of documents required to obtain a visa;
- A fast-track system for issuing visas to professional drivers;
- Uniform and reasonable fees for consular services.

Georgia

The Ministry of Infrastructure and Development of Georgia expressed its interest in addressing the problems encountered by Georgian drivers of goods vehicles when entering and working in the territory of the European Union, and also in the processing of the necessary documents for that purpose.

Despite the general liberalization of trade in goods and services proclaimed by the countries of the European Union and the Schengen Agreement established by them especially for the accomplishment of that goal, the procedures being applied to professional drivers and hauliers of other countries do not help to promote the transport of goods by road within Europe and thus constrain the development of foreign trade relations on the continent.

To remedy the situation as quickly as possible, Georgia should like to request, in conjunction with the relevant bodies of the United Nations and the European Union, the World Trade Organization, the World Tourism Organization, the European Conference of Ministers of Transport and the national Governments of European countries (especially the States parties to the Schengen Agreement), that decisive measures be taken to resolve the problems of the granting of visas to professional drivers. In the light of the above, Georgia looks forward to mutual cooperation with UNECE and all interested parties.

Kazakhstan

The Ministry of Transport and Communications of the Republic of Kazakhstan is concerned about the situation with regard to the issuance of visas to professional drivers (Kazakh citizens) at the consular departments of certain European embassies in Kazakhstan, and considers it necessary to state the following.

Integration processes in Europe are affecting practically all areas of human activity: politics, economics, the social sphere, culture, the law and so on. Recently, however, undesirable trends have become apparent in the European labour market with regard to professional drivers, namely measures taken by certain European States that are in practice hampering the development of free market relations in the sphere of international road transport.

Notwithstanding the principles of harmonization and liberalization of procedures for the issuance of visas proclaimed by the States parties to the Schengen Agreement, it can be observed that the consular services of Germany, Italy, Belgium, Austria and certain other countries are imposing ever more onerous requirements on applicants, including Kazakh drivers.

The increasing complexity of visa formalities for professional drivers and the stricter consular requirements imposed on international transport operators are noticeably retarding the further development of road transport - the most flexible and promising way of moving goods and passengers from one country to another - and having an adverse effect on the development of international trade and the single European economic area.

The afore-mentioned visa problems faced by professional drivers contributing to international trade are detrimental to European integration processes and run counter to the principles of free transborder movement of goods, services and labour, equality of trading and economic conditions and other basic principles of the European Economic Community.

The problems arising in connection with the various systems for processing visas in European countries have also been touched on in the decisions of the European Conference of Ministers of Transport (ECMT), which has stated its desire for a single European market for transport services on the basis of liberalization of access to national markets and establishment of equal conditions for competition. Thus, the ECMT Council of Ministers of Transport, at its meeting held on 30 May 2002, adopted a Resolution on simplification of procedures of issuing visas for professional drivers.

In the light of the above, the Kazakh Ministry of Transport and Communications proposes the following action:

1. The drafting of a special agreement that would henceforth define the status of professional drivers engaged in the international transport of goods and passengers by road, within the terms of the Schengen Agreement;
2. Otherwise, should it not prove possible to draft and adopt such an agreement at this time, it is proposed to establish a system of inter-State agreements laying down a simplified procedure for processing the visa documents of international professional drivers that would provide for:

- (a) The issuance of multiple-entry working visas valid for one year or more and authorizing an unlimited number of entries and departures;
- (b) Recognition of the status of national associations of road hauliers as intermediaries when processing visa documents, and also as guarantors confirming the professional status of drivers;
- (c) A simplified procedure for obtaining visas, including the possibility of issuing visas to a group of drivers through the national association of road hauliers, thus dispensing with the requirement that drivers must be present in person to receive their visas;
- (d) A shortened, uniform list of documents required to obtain a visa;
- (e) A fast-track system for issuing visas to professional drivers;
- (f) Uniform and reasonable fees for consular services.

3. Kazakhstan urges the intergovernmental bodies of the United Nations and the European Union, the World Trade Organization (WTO), the World Tourism Organization, ECMT and European national governments (especially the Governments of the States parties to the Schengen Agreement) to take decisive measures to address the visa problems faced by professional drivers facilitating international commercial and tourist flows across Europe and to launch a constructive negotiating process on this issue.

Kyrgyzstan

The Ministry of Transport and Communications of the Kyrgyz Republic wishes to draw attention to problems encountered by drivers of Kyrgyz goods vehicles when entering German territory and working there, and in the processing of the documents required to do this.

Kyrgyz drivers typically apply for visas at the German embassy, so all the problems they experience are connected with the visa formalities at the embassy itself.

Despite the general liberalization of trade in goods and services proclaimed by the countries of the European Union and the Schengen Agreement on single visa arrangements specially designed for this purpose, the procedures applied by the German Ministry of Foreign Affairs to professional lorry drivers do not facilitate the delivery of goods by road and thus curb the development of international commerce in Europe.

Kyrgyzstan appreciates that Germany's geographical position means that it experiences a high volume of diverse road traffic travelling in different directions across its territory, including transit traffic. This involves the frequent entry and departure of drivers of various nationalities, which places particular strain on the work of the German consular service. While respecting German laws and the instructions of the German national agencies, it should be pointed out that recently established practice in Germany regarding the processing of visas for drivers of goods vehicles, particularly those from the Commonwealth of Independent States (CIS), significantly prolongs and complicates the procedure for issuing visas. This situation ultimately affects

delivery dates for goods and hence the execution of import and export contracts, hampers the free movement of goods to European markets and curbs the process of European integration.

The most common problem experienced by Kyrgyz drivers when their visas are being processed is the refusal of up to 50 per cent of all applications, including applications from drivers who have already travelled to Germany many times before. This refusal essentially costs the driver his job, and may thus be qualified as a violation of a basic human right - the right to work. In addition, disruption is caused to transport operations.

Kyrgyzstan supports the initiatives of the Russian Federation, Belarus and Ukraine put forward during the sixty-sixth session of the UNECE Inland Transport Committee regarding the issuance of visas to professional drivers engaged in international road transport, and request that thought be given to the possibility of establishing a system of inter-State agreements laying down a simplified procedure for processing the visa documents of international professional drivers. These agreements would provide for:

- The issuance of multiple-entry working visas valid for one year or more, authorizing an unlimited number of entries and departures;
- A shortened, uniform list of documents required to obtain a visa;
- A simplified and expedited system for issuing visas to professional drivers.

To remedy the situation as quickly as possible, Kyrgyzstan urges, in conjunction with the relevant bodies of the United Nations and the European Union, the World Trade Organization, the World Tourism Organization, the European Conference of Ministers of Transport and European national Governments (especially the States parties to the Schengen Agreement), that decisive measures be taken to address the visa problems faced by professional drivers facilitating international commercial and tourist flows across Europe and to launch a constructive negotiating process on this issue.

Moldova

The Ministry of Transport and Communications of the Republic of Moldova wishes to draw attention to the problems that Moldavian road transport operators are facing while effecting international transport operations to European countries.

In spite of the general liberalization of the goods and services exchange process as declared by EU member States and the Schengen Agreement that was created especially for these purposes, the procedures that are currently applied to international drivers by the Foreign Ministries of European countries do not contribute to the goods and services exchange between East and West and thus hamper the development of foreign trade.

The new members of the EU have denounced the previously concluded Agreements relating to visa-free entrance according to the requirements of the EU. The next step was to complicate the application process by requiring an absurd number of documents and their copies (previously possessed passports, certificate confirming that the applicant has never changed his/her name etc.), longer period of application analysis (from 1 week to 40 days), decrease of the

visa validity period (up to one month) and increase of the visa costs both directly and indirectly (to prepare and collect the documents).

The fact that the embassies refuse to accept the visa applications via national associations leads to the necessity for every driver to be present in person at the embassy and wait in long lines in order to present his documents and after that – to receive them. Very often the drivers are refused with no explanations. This automatically leads to the refusal to grant a visa by any other embassy of an EU member country. As a result the driver in fact loses his job.

In order to facilitate this situation, and in line with the recent recommendations by the European Conference of Ministers of Transport (ECMT) related thereto, Moldova should like to request that consideration be given to the possibility of creating a system of international agreements that would define a simplified visa application procedure for drivers engaged in international transport and specifically to foresee:

- Granting of annual multi visas with an unlimited number of entries and exits.
- Shortened and unified list of documents required for visa application.
- Simplified and fast procedure of visa granting for drivers engaged in international transport under the guarantee of national associations.

It is hoped that the above problems have a temporary nature and may be successfully and quickly resolved.

Russian Federation

The Ministry of Transport of the Russian Federation informed on current difficulties encountered by Russian international hauliers in applying for visas in a technical note reproduced below. It also asks that the following be added to the mandate of the ECE Inland Transport Committee ad hoc group of experts on border crossing facilitation, as regards the issuance of visas to professional hauliers:

- Consideration of proposals on this subject received from ECE member countries;
- Study of experience in dealing with this problem in other international organizations – the Organization of the Black Sea Economic Cooperation (BSEC) and the European Conference of Ministers of Transport (ECMT) in particular;
- Study of experience in handling this problem with other modes of transport (there are precedents for facilitating border crossings in air transport (the Chicago Convention), rail transport and maritime transport);
- Formulation of a separate multilateral agreement on the facilitation of visa acquisition by international road hauliers.

It is assumed there will need to be some coordination of efforts between the Working Party and its BSEC and ECMT counterparts. Ideally, representatives of the BSEC and ECMT bodies should join the Working Party.

*Technical note on current difficulties encountered by Russian international hauliers
in applying for visas*

The difficulties encountered by professional hauliers in applying for visas have to do with excessively complicated application formalities and procedures; the length of time required to process papers; the absence of any system for the issuance of annual or multiple-entry visas; rules requiring applicants to apply in person; high costs; and a refusal to accept national road haulage associations as guarantors for their commercial members.

Germany

- The package of documents that must be submitted to the Consulate is larger than that required by any other country (original invitation, official transcript from the German Chamber of Commerce and Industry register, copy of the passport of the individual signing the invitation, original and copies of the [applicant's] official employment record, copy of driver's licence, copy of medical insurance policy, copy of foreign-travel passport, list of drivers who may over the course of the year be expected to apply for a German visa, list of border points crossed with, appended, proof of previous Schengen visas actually used and a warning note to the effect that visas must be used for the purpose intended);
- Visas are normally valid for three months. Multiple-entry visas are not normally issued as a matter of course. As a result, there are holdups and international hauliers waste working time;
- If a haulier submits papers indicating that he is expected to spend more than ten days within the Schengen area during a single round trip, permission to apply for a visa may be denied;
- The requirement that the original official employment record must be submitted with a visa application carries the risk that this vital document – needed by Russian citizens to confirm their cumulative work experience when they apply for a pension – may be lost.
- The absence of a defined time-limit on the restriction on reapplication after being denied a visa leaves professional hauliers in a difficult position when they are deprived of the opportunity to work in their normal job.
- The use of a Schengen visa obtained at a German consulate on journeys to other Schengen countries (as shown by the stamps in the foreign-travel passport or CMR note [TIR carnet]) currently leads systematically to a subsequent denial of a visa.

Italy

- A large package of documents to be submitted on applying for a visa at the consular department (original invitation; extract from the Italian Chamber of Commerce and Industry registry; copy of driver's licence; copy of certificate that employing firm is an authorized transport operator; a statement of earnings; applicant's foreign-currency account statement, and copies of every page of the applicant's Russian passport to confirm that the applicant does not, as Russian law allows, hold a second passport; and the original affidavit from the applicant authorizing the individual who submits the documents to the consular department to collect the visa.
- The deadline for issuance of visas is the date of expiry of the certificate that the firm employing a driver is an authorized transport operator.

- A driver in possession of two foreign-travel passports (which is allowed under Russian law) will be denied a visa.
- Visas are normally issued for three months, which is extremely little if one wishes to arrange for uninterrupted employment on international runs.
- The absence of a stamp upon crossing the Italian border on a visa obtained at an Italian consulate will result in denial of the next visa. Yet border crossings between Italy and other Schengen countries have now been abolished, and there is nowhere to obtain a stamp.

Latvia

- The requirement that a copy of a contract with a Latvian partner (cargo owner, shipping firm) must be submitted with the visa application cannot always be fulfilled, since most haulage companies work on assignments from foreign shipping firms;
- Transit visas are not valid for more than six months.

Estonia

- Visas are issued to all citizens, drivers included, only if the original invitation – which can take a long time to obtain – can be produced.
- Making drivers wait seven days for a visa is too long for the purpose of international haulage.
- No yearly visas (visas are valid for no more than six months).
- The absence of an emergency visa application procedure notably complicates matters for drivers making urgent journeys.

Slovakia

- Visas are issued for no more than six months.
- The requirement that a copy of a contract with a Slovak partner must be submitted creates difficulties for drivers since they work on assignments from foreign shipping firms and often do not have contracts with partners in Slovakia.
- Visas are expensive (US\$ 96).
- There are no emergency visa applications.

Hungary

- Most expensive visas (US\$ 180) of all.
- Because there are no clear rules on applications for entry and transit visas, drivers cannot be given concise explanations of what is required.

Bulgaria

- The cost of a visa application (4,000 roubles, or about US\$ 143) is significantly higher than the consular fees for other European countries.
- The package of documents required to obtain a visa has grown substantially recently, despite the trend towards simpler visa procedures.

- [The requirement of] an invitation from or contract with a Bulgarian partner makes the visa application process more complicated.

Turkey

- Multiple-entry visas take 2-3 months to process since documents are sent to the Turkish Ministry of Foreign Affairs for approval.

Romania

- There is no clear visa application procedure.
- Visas vary (arbitrarily) in validity from 3 to 12 months.
- A visa application takes 7 days.

Serbia and Montenegro

- No 12-month visas are issued.
- The fact that only double-entry visas can be applied for interrupts haulage operations several times a year.

Croatia

- It is not always possible, as with visa applications to other consulates, to have a direct contract with a Croatian partner since hauliers often work on assignments from foreign shippers.
- The submission of an attestation from the workplace that the visa applicant works as a driver duplicates the submission of a copy of [the applicant's] driver's licence.

General problems with the visa application process:

- The need to submit an invitation makes the visa application process cumbersome and complicated.
- The requisite package of documents is large and many documents duplicate each other.
- Short validity of visas (generally 3-6 months).
- The absence of standard requirements, forms and fees makes it harder for professional hauliers to apply for visas.
- The lack of an urgent visa application procedure at several countries' consulates.

Ukraine

Ukraine is taking systematic steps to further develop the market for international road transport. Special attention is being paid to the further integration of the Ukrainian transport system into the international transport network, the establishment of conditions conducive to transport flows across Ukrainian territory, and the expansion of traffic volume.

However, the Ministry of Transport expressed concern over the current situation regarding the issuance of visas to (Ukrainian) professional drivers enabling them to engage in international transport to States parties to the Schengen Agreement. Without doubt, the present state of affairs

is noticeably retarding the further development of commercial relations and road transport - the most flexible and promising way of moving goods and passengers from one country to another - and having an adverse effect on the development of Ukraine's international trade with other European countries.

Problems in obtaining multiple-entry visas for professional drivers engaged in international transport are occurring at the consular services of Germany, Italy, France, Austria and other countries. One problem is the requirement that drivers should engage in international transport to the country whose embassy issued the visa.

The consular department of the German embassy has introduced strict requirements regarding the documents that must be submitted when a driver applies for a visa.

1. Additional copies of consignment notes or other accompanying documents with customs stamps confirming transportation must be submitted;
2. The applicant must be present in person at the first and subsequent submissions of documents, irrespective of his place of residence and length of service;
3. Upon first application, drivers are issued with a one-month visa authorizing a total length of stay of up to 10 days; second-time applicants are granted a three-month visa; at the third or subsequent application, a six-month visa is issued;
4. In the event that a carrier changes its German partner, a driver holding a multiple-entry one-year visa with no annotations by the competent bodies of Germany or other European countries is given a visa valid for one month;
5. A driver holding a visa issued by the consular department of the German embassy who has transported goods to other European countries in response to the carrier's circumstances (no consignments destined for Germany, for example) is refused a visa when applying subsequently;
6. There have been cases of unmotivated refusal to issue visas to international drivers, notwithstanding the number of visas they have previously had.

To issue an Italian visa, the consular department requires the submission of a set of documents translated into Italian and certified by a notary public. The original driver's licence must be submitted, which means that the driver is unable to work for the duration of processing. Every driver must provide confirmation that he has at least US\$ 1,000 in a personal bank account. Six-month visas authorizing a total duration of stay of 15 days have occasionally been issued.

The visa-issuance system at the consular department of France, which grants initial visas valid for 15 days, precludes the use of such visas for international transport to France owing to their short validity.

The system for accepting documents at the Austrian embassy has not been sorted out: gaining access to the consular department means spending approximately a week, sometimes longer, standing in a queue.

In the light of the above, Ukraine requests more active negotiations on simplified visa formalities for professional drivers and proposes the following action:

- Accord professional drivers a special status under the Schengen Agreement;
- Issue multiple-entry visas valid for one year or more with an unlimited number of entries and departures;
- Reduce the number and shorten the list of documents required to obtain a visa;
- Reduce the time it takes professional drivers to obtain a visa;
- Review the pricing policy for visa processing;
- Allow second and subsequent visa applications to be made without the driver being physically present;
- Authorize the use of a Schengen visa in countries covered by the Schengen Agreement, irrespective of which embassy issued the visa.

Ukraine is confident that a coordinated approach to the problems encountered by international drivers applying for visas will lend real impetus to the future development of European integration processes and fully accord with the principles of free transborder movement of goods, services and labour, equality of commercial conditions and other basic principles of the European Economic Community.
