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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

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Item 6 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 Organization for Cooperation between Railways and the
Intergovernmental Organisation for International Carriage by Rail

The Working Party may wish to consider the draft of a new international convention to facilitate the crossing of frontiers for passengers and baggage carried by rail, jointly transmitted by the Committee of the Organization for Cooperation between Railways (OSJD) and the Intergovernmental Organisation for International Carriage by Rail (OTIF). This draft was finalized at the sixth meeting of the OSJD/UNECE working group (Warsaw, 6 and 7 March 2007). It was further amended at the meeting of the OSJD Commission Transport policy and Development Strategy (Warsaw, 4-6 September 2007). Changes to the text in document ECE/TRANS/WP.30/2007/12 as agreed by the two organisations are shown in *italics*. Agreed deletions are indicated as well.

Two additional OTIF proposals in the sense of former Informal document WP.30 No. 15 (2007) are shown in *italics* and square brackets.

Annex

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

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

Done at Geneva, 2008

UNITED NATIONS

CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS IN INTERNATIONAL RAILWAY PASSENGER TRANSPORT

Preamble

The Contracting Parties,

Desiring to facilitate the crossing of frontiers for passengers and baggage carried by rail,

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

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

Taking into account innovative methods of carrying out controls, including controls while trains are in motion, and also controls carried out jointly by adjoining States,

Have agreed as follows:

General provisions

1. When international passenger trains cross a frontier, the following types of controls (*hereinafter* "control") may be carried out:
 - (a) Border controls;
 - (b) Customs controls;
 - (c) Other controls.
2. The control may be carried out unilaterally or jointly:
 - (a) *At a station designated for this purpose;*
 - (b) While the train is in motion;
 - (c) Partially while the train is in motion and partially at a station designated for this purpose;
 - (d) While *placing the coaches on other bogies.*¹

¹ The text in English has been rectified.

Section I

Controls while the train is in motion

Article 1

To reduce the waiting time of passenger trains at stations, upon agreement of the two parties, border and customs controls may be carried out while the train is in motion, by means of joint or separate controls, on condition that no stops are made during the control.

Section II

Controls at stations

Article 2

To establish the necessary conditions for efficient controls of international passenger transport, the adjoining countries shall designate border stations for controls.

Article 3

1. The stations referred to in article 2 of this Convention shall have a zone for controls, designated in accordance with the legislation of the Contracting Parties.

2. This zone shall encompass any:

(a) Buildings for carrying out passenger and baggage controls and for housing the staff of the controlling bodies;

(b) Areas for the storage of baggage and hand baggage selected for inspection;

(c) Passenger trains;

(d) Passenger platforms and sections of track;

(e) Gauge-changing areas.

Article 4

1. The country in whose territory the zone is located shall, on the basis of bilateral agreements, allow the adjoining country to use the facilities therein.

2. The service vehicles, equipment and effects used for control purposes on the territory of the adjoining country and the personal effects of the personnel of the inspection bodies shall be temporarily imported and exported free of customs duties, taxes and charges, upon presentation of the appropriate customs declaration.

Article 5

1. There shall be displayed outside the official premises special plates bearing the names of the services and distinguishing national marks.
2. Officials must wear the uniforms prescribed by the internal regulations of their country.
3. When a joint control is carried out, the border, customs and other officials conducting the controls at crossing points shall cross the border using documents stipulated by the Contracting Parties *[for their nationals]*.²
4. All the rules regarding the personal safety of the persons mentioned in paragraph 3 of this article shall be observed, and where necessary such persons shall be afforded assistance in carrying out their official duties.
5. The work, category and number of officials of the relevant bodies authorized to carry out joint controls shall be defined by bilateral agreements between the adjoining countries.

Article 6

1. Controls of passengers and their hand baggage shall be carried out directly in the coaches of international trains.

Passengers crossing a border in a passenger train must not leave their seats before the control is completed.

In certain cases stipulated by national law, a control may be carried out in special facilities set aside for this purpose.

2. During the control, the railway staff shall, in accordance with official instructions, assist the personnel of the controlling bodies.
3. Controls of passengers and their hand baggage shall be carried out in the following order:
 - (a) Customs and other controls of the country of exit;
 - (b) Border control of the country of exit;
 - (c) Border control of the country of entry;

² OTIF proposes to add this text in order to align it to the proposed text for Article 2, paragraph 3 in document ECE/TRANS/WP.30/2007/11/Rev.1 and thus treat officials conducting the controls in passenger transport in the same way as officials conducting the controls in freight transport.

(d) Customs and other controls of the country of entry.

4. The waiting time for controls of international trains shall be determined in accordance with the train schedule:

(a) At stations without gauge changes the waiting time shall not normally exceed 40 minutes;

(b) At stations with gauge changes the waiting time shall not exceed the time technically required for the gauge change.

5. The railway administrations shall notify the controlling bodies in due time of changes in the timing and composition of international trains, and of the cancellation and dispatch of trains.

Section III

Controls of baggage carried in baggage vans

Article 7

1. Controls of baggage must normally be carried out prior to loading at the station of dispatch.

In order to avoid re-examining baggage carried in the baggage vans of international passenger trains, the parties may conclude agreements laying down simplified rules and conditions for the control (for example, the sealing of baggage compartments of coaches, baggage vans and designated baggage spaces).

2. When it is not possible at a station designated in accordance with article 2 of this Convention to carry out the required control of the baggage during the waiting time allotted under article 6.4, the baggage may be unloaded to avoid delaying the departure of the train.

Section IV

Border crossing

Article 8

1. The Contracting Parties shall facilitate border crossing procedures, including by issuing visas to locomotive *and train* crews and railway staff accompanying the baggage[, *engaged in international rail transport in accordance with national best practice for all visa applications*].³

³ OTIF proposes to add this text in order to align it to the proposed text for Article 2, paragraph 1 of document ECE/TRANS/WP.30/2007/11/Rev.1 and thus treat locomotive crews etc. in passenger transport in the same way as locomotive crews etc. in freight transport.

2. The officials of the controlling bodies shall take measures to prevent the train from being delayed.
3. The border crossing procedure for locomotive and train crews, railway staff accompanying baggage and other officials shall be set out in agreements between the parties.

Section V

Final provisions

Article 9

1. This Convention, deposited with the Secretary-General of the United Nations, shall be open to participation by all States and regional economic integration organizations consisting of sovereign States competent to negotiate, conclude and apply international agreements on the subjects that it covers.
2. Accession documents and, where necessary, instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall inform all the Contracting Parties referred to in paragraph 1 of their reception.

Article 10

1. This Convention may be denounced by means of six months' written notice, given to the Secretary-General of the United Nations, who shall inform the other Contracting Parties thereof. The Convention shall cease to be in force for the Contracting Party that has denounced it upon the expiry of the notice period, counted from the date on which the United Nations Secretary-General receives notification.

Article 11

1. This Convention shall enter into force when five of the countries referred to in article 9, paragraph 1, shall have become Contracting Parties.
2. This Convention shall cease to apply if at any time the number of Contracting Parties thereto is less than five.

Article 12

Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention that cannot be settled by negotiation or by other means acceptable to the parties in dispute shall be examined by an arbitral commission, to which each party to the dispute shall nominate one member. The chair shall be appointed by the Secretary-General of the United Nations. In the event of the votes on each side being equal, the chair shall have the casting vote.

Article 13

1. Should one of the Contracting Parties consider it desirable to amend the Convention, it shall submit its proposed amendment to the Secretary-General of the United Nations, who shall communicate the text thereof to all Contracting Parties that have signed or acceded to the Convention.
2. The amendment shall be deemed to come into force 90 days from the date of the communication provided for in the preceding paragraph, unless, before the expiry of that period, at least one third of the Contracting Parties that have signed or acceded to the Convention have notified the Secretary-General of the United Nations of their objection to the amendment.
3. The Secretary-General of the United Nations shall record the entry into force of amendments to the Convention and shall duly inform all the countries and organizations referred to in article 9, paragraph 1, that have signed or acceded to the Convention.

Article 14

1. 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 Contracting Parties referred to in article 9, paragraph 1.
2. The Secretary-General is authorized to register this Convention upon its entry into force.
