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Working Party on Customs Questions affecting Transport

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Item 5 (c) of the provisional agenda

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

Preparation of a new Annex on rail border crossing

Note by the Committee of the Organization for Cooperation between Railways (OSJD)
and the Intergovernmental Organisation for International Carriage by Rail (OTIF)

The Working Party may wish to consider the draft of a new annex 9 to the “Harmonization Convention”, jointly transmitted by the Committee of the Organization for Cooperation between Railways (OSJD) and the Intergovernmental Organization for International Carriage by Rail (OTIF). This draft also incorporates amendments which OSJD and OTIF agreed upon following communication with representatives of the European Commission (DG TREN and TAXUD).

Annex

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

DRAFT

Annex 9

**FACILITATION OF BORDER CROSSING PROCEDURES
FOR INTERNATIONAL RAIL FREIGHT**

Article 1

Principles

1. This Annex, supplementing the provisions of the Convention, is intended to define the steps that need to be taken to facilitate and expedite the crossing of borders for international rail freight.
2. The Contracting Parties pledge to cooperate in order to standardize as fully as possible formalities and requirements in respect of documents and procedures in all areas connected with the carriage of goods by rail.
3. The Contracting Parties shall endeavour to base all forms of joint controls at border (interchange) railway stations (hereinafter "border (interchange) stations") on bilateral agreements drawn up in accordance with the legislation of the Contracting Parties.

Article 1a

Definitions

1. "Control" shall mean checking the compliance with the requirements of applicable rules and legislation regarding the documentation, the procedure(s) and the information.
2. "Inspection" shall mean careful examination during one or more surveys of the conditions and functioning of rolling stock, containers, piggyback semi-trailers and goods with a view to ensuring compliance with applicable rules and legislation.
3. "Border (interchange) station" shall mean a railway station where operational or administrative procedures are performed in view of enabling a border crossing of rail freight. This railway station may be at the border or near the border.

Article 2

Crossing of borders

1. The Contracting Parties shall endeavour to facilitate the procedures for granting of visas for locomotive crews, refrigerated unit crews, persons accompanying freight shipments and staff at border (interchange) stations engaged in international rail transport in accordance with national best practice for all visa applicants.
2. The border crossing procedure for the persons listed in paragraph 1, including official documents confirming their status, shall be determined on the basis of bilateral agreements.
3. When a joint control is carried out, the officials of the border, customs and other agencies that conduct controls at border (interchange) stations shall, in the performance of their official duties, cross the State frontier using documents stipulated by the Contracting Parties for their nationals.

Article 3

Requirements for border (interchange) stations

To rationalize and expedite the required formalities at border (interchange) stations, the Contracting Parties shall observe the following minimum requirements for border (interchange) stations open to international rail freight traffic:

- (1) Border (interchange) stations shall have buildings (premises), plant, facilities and technical equipment enabling them to carry out daily and round-the-clock controls, if this is justified and is appropriate to the volume of freight traffic;
- (2) Border (interchange) stations where phytosanitary, veterinary and other controls are carried out shall be provided with technical equipment;
- (3) The carrying and traffic capacity of border (interchange) stations and adjacent tracks must be adequate for the volume of traffic;
- (4) Inspection areas must be available, as well as warehousing for the temporary storage of goods subject to customs or other forms of control;
- (5) Equipment, facilities, information technology and communications systems must be available to enable the exchange in advance of information, including on goods approaching border (interchange) stations, corresponding to the information contained in the railway consignment note and customs declaration;
- (6) Sufficient qualified staff of the railway, customs, border and other agencies must be on hand at border (interchange) stations to cope with the freight volumes involved;
- (7) Border (interchange) stations shall have the technical equipment, facilities, information technology and communications systems to be able to receive and use data concerning a vehicle

regarding its technical approval and the technical controls and inspections made by authorities and railways prior to the arrival of the vehicle at the border within the framework of their competence.

Article 4

Inspection of rolling stock, containers and goods

The competent authorities of the Contracting Parties in the area of rail transport shall coordinate action with respect to the inspection of rolling stock, containers, piggyback semi-trailers and goods and the processing of shipping and accompanying documentation.

Article 5

Controls

The Contracting Parties:

(1) Shall ensure reciprocal recognition of all forms of control of rolling stock, containers, piggyback semi-trailers and goods, provided the objectives thereof coincide, and shall establish the mechanism for reciprocal recognition.

(2) Shall carry out customs controls relying on the principle of selection on the basis of risk evaluation and management;

(3) Shall carry out simplified controls at border (interchange) stations, moving certain forms of controls to the station of departure and destination in accordance with the legislation of the Contracting Parties;

(4) Shall not perform inspections of transit goods if reliable information on the goods has been provided and if they are contained in a properly closed and sealed rolling stock unit, container, piggyback semi-trailer or wagon, with the exception of customs controls based on the principle set forth in paragraph 2.

Article 6

Time limits

1. The Contracting Parties shall ensure compliance with the time limits specified in bilateral agreements for technical operations involving the reception and transfer of trains at border (interchange) stations, including all types of controls, and shall endeavour to reduce these time limits by improving the technology and equipment used. The Contracting Parties agree to reach a maximum reduction in the time limit in the coming years.

2. The Contracting Parties shall record delays of the trains or wagons at border (interchange) stations and transmit the information to the parties involved in conducting subsequent analysis and proposing measures to reduce the delays.

Article 7

Documentation

1. The Contracting Parties shall ensure that shipping and accompanying documents are properly formulated in accordance with the legislation of the importing and transit countries.
2. In their mutual relations, the Contracting Parties shall endeavour to reduce paper documents and to simplify documentation procedures by using electronic systems for the exchange of information corresponding to the information contained in railway consignment notes and customs declarations accompanying the goods, drawn up in accordance with the legislation of the Contracting Parties.
3. The Contracting Parties shall endeavour to provide the customs agencies in advance with information on goods arriving at border (interchange) stations corresponding to the information contained in the railway consignment note and customs declaration. The format, and the procedure and deadlines for providing the information, shall be determined by the Contracting Parties.

Article 8

Use of the CIM/SMGS railway consignment note

The Contracting Parties may use, instead of the other shipping documents currently stipulated by international treaties, the CIM/SMGS railway consignment note, which at the same time could be a customs document.
