



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.30/2010/2
12 January 2010

ENGLISH ONLY

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

One-hundred-and-twenty-fourth session
Geneva, 2-5 February 2010
Item 9 of the provisional agenda

OTHER UNECE LEGAL INSTRUMENTS ON BORDER CROSSING FACILITATION

Note by the secretariat

I. MANDATE

1. At its 121st session, the Working Party decided, as part of its Programme of Work for 2009-2013, to review conventions and agreements on border crossing facilitation under the auspices of the Working Party in order to ensure their relevance and implementation as well as coherence with other international or subregional treaties and to keep them in line with modern transport and border control requirements (ECE/TRANS/WP.30/242, para. 40 and ECE/TRANS/WP.30/2009/7). To facilitate considerations of the Working Party, the secretariat has prepared an overview of international legal instruments on border crossing facilitation which are not dealt with on a regular basis:

- (a) Convention concerning Customs Facilities for Touring, 1954;
- (b) Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, 1954;
- (c) Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, 1956;
- (d) International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, 1952;

GE.10-20305

- (e) Customs Convention concerning Spare Parts Used for Repairing EUROPEAN Wagons, 1958;
 - (f) Customs Convention on Containers, 1972;
 - (g) European Convention on Customs Treatment of Pallets Used in International Transport, 1960;
 - (h) Convention on Customs Treatment of Pool Containers Used in International Transport, 1994.
2. For each of the above conventions, the following information has been provided:
- (a) Objective;
 - (b) Key provisions;
 - (c) Benefits;
 - (d) Entry into force;
 - (e) Contracting Parties.

II. OVERVIEW OF LEGAL INSTRUMENTS

A. Convention concerning Customs Facilities for Touring, 1954

1. Objective

3. The objective of the Convention is to facilitate the development of international touring.

2. Key provisions

4. The above objective is pursued by providing for the temporary admission, free of import duties and import taxes, of the personal effects imported by a tourist, provided they are for the personal use of the tourist, that they are carried on the person of or in the luggage accompanying the tourist, that there is no reason to fear abuse, and that these personal effects will be re-exported by the tourist on leaving the country. To this end, the Convention defines the concept of “personal effects” and indicates the limits for other articles, including cigarettes and alcohol or travel souvenirs, which can be admitted free of duties and taxes.

3. Benefits

5. The Convention provides both tourists and Customs authorities with precise harmonized conditions for the temporary importation by tourists of personal effects and other goods, together with harmonized maximum admissible quantities of such goods, that can be imported free of duties and taxes.

4. Entry into force

6. The Convention entered into force on 11 September 1957 in accordance with Article 16.

5. Contracting Parties

7. 78 States (Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bosnia and Herzegovina, Bulgaria, Cambodia, Canada, Central African Republic, Chile, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Greece, Haiti, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Montenegro, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Senegal, Serbia, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay).

B. Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, of 1954

1. Objective

8. The objective of the Protocol is to facilitate the circulation of tourist publicity documents and material.

2. Key provisions

9. In order to achieve the above objective, the Contracting States undertake to:

- (i) admit tourist publicity documents and articles for free distribution specified in Protocol free of import duties and import taxes provided they are imported from another Contracting State and that there is no reason to fear abuse;
- (ii) admit temporarily tourist material specified in Protocol free of import duties and import taxes, without entering into a bond in respect of those duties and taxes or depositing those duties and taxes, when imported from one of the Contracting States chiefly for the purpose of encouraging the public to visit that State, inter alia to attend cultural, touristic, sporting, religious or professional meetings or demonstrations held in that country.

10. The Protocol specifies tourist publicity documents and material, which are subject to facilities mentioned above, defines the conditions for their admission and introduces the model of declaration which is to be presented to the Customs authorities for temporary importing tourist material.

3. Benefits

11. The Protocol gives a harmonized customs treatment to the circulation of tourist publicity documents and material, possibility of using them free of import duties and import taxes in accordance with the mutually adopted conditions, simplification of customs formalities and facilitation to international touring.

4. Entry into force

12. The Protocol entered into force on 28 June 1956, in accordance with article 10.

5. Contracting Parties

13. 79 States (Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bulgaria, Cambodia, Central African Republic, Chile, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Greece, Haiti, Holy See, Honduras, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Liberia, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Monaco, Montenegro, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Solomon Islands, Spain, Sweden, Switzerland, Syrian Arab Republic, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay).

C. Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, 1956

1. Objective

14. The objective of the Convention is to facilitate the development of international touring by means of aircraft and pleasure boats.

2. Key provisions

15. Having regard to the above objective, the Contracting Parties grant temporary admission to aircraft and boats owned and imported by non-residents for their private use on the occasion of a temporary visit. Temporary admission is granted without payment of import duties and import taxes and free of import prohibitions and restrictions. The duty-free and tax-free customs treatment is envisaged also for fuel in the supply tanks of these aircraft and boats as well as for components imported for the repair of a particular aircraft or boat already temporarily imported.

16. For purpose of temporary importation, aircraft and boats are to be covered by temporary importation papers guaranteeing payment of import duties and import taxes: Carnet de passage en douane for an aircraft, Carnet de passage en douane for a pleasure boat and Triptych for a pleasure boat. The models of these documents are attached to the Convention which includes provisions on issuing, usage and regularization of temporary importation papers.

3. Benefits

17. The temporary admission procedure envisaged in the Convention in respect of aircraft and boats for private use simplifies customs formalities for tourists, facilitates international touring and gives the Customs advantages of the guaranty based on Carnet de passage en douane.

4. Entry into force

18. The Convention entered into force on 1 January 1959 by exchange of letters, in accordance with article 34.

5. Contracting Parties

19. 26 States (Algeria, Austria, Belgium, Croatia, Denmark, Finland, France, Germany, Hungary, Italy, Jamaica, Luxembourg, Malta, Mauritius, Montenegro, Netherlands, Portugal, Serbia, Sierra Leone, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland).

D. International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, 1952

1. Objective

20. The objective of the Convention is to facilitate the crossing of frontiers for goods carried by rail.

2. Key provisions

21. The Convention provides the Contracting Parties with harmonized instructions, conditions and requirements helping them to establish and operate frontier rail stations where examinations are carried out by the two adjoining countries. Application, within such stations, of the laws and regulations of the adjoining country as well as the powers, rights and duties pertaining within the station to officials and agents of the competent administrations of that country, shall be the subject of bilateral agreements between the competent authorities of the countries concerned. The Customs administrations and other administrations concerned undertake to do everything in their power to reduce to a minimum the time required for examinations to which goods crossing the frontiers of their country are subject, particularly in the case of transport in international transit. The Contracting Parties also 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, and shall adopt the standard international Customs declaration form annexed to the Convention.

3. Benefits

22. The Convention offers a legal platform for cooperation in establishment and operation of frontier rail stations where border examinations are carried out by the two adjoining countries and provide border authorities and rail administrations with facilitation measures in respect to international rail transportation of the goods.

4. Entry into force

23. The Convention entered into force on 1 April 1953, in accordance with article 14.

5. Contracting Parties

24. 13 States (Albania, Armenia, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland).

E. Customs Convention concerning Spare Parts used for Repairing EUROP Wagons, 1959

1. Objective

25. The objective of the Convention is to facilitate the use of European Railway Wagon Pool (EUROP) wagons in traffic between the railway administrations pooling these wagons.

2. Key provisions

26. In accordance with the Conventions the railway administrations of the Contracting Party (using administrations) may fit spare parts from its own stocks or spare parts drawn from the stocks of railway administrations of another Contracting Party (owning administrations) on EUROP wagons on condition that:

- (a) the internal duties and taxes, and the import duties and taxes if any, have been paid on the spare parts in the country of the using administration or in the country of the owning administration;
- (b) no duties or taxes are refunded, nor any other export privileges are granted wholly or in part on account of the fitting of the said parts.

3. Benefits

27. Free circulation of the spare parts, for which all fiscal payments are paid, expedites the use of EUROP wagons by Contracting Parties.

4. Entry into force

28. The Convention entered into force on 1 January 1961 by exchange of letters, in accordance with article 6.

5. Contracting Parties

29. 9 States (Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, Netherlands, Switzerland).

F. Customs Convention on Containers, 1972

1. Objective

30. The objective of the Convention is to facilitate the temporary use of containers in international transport.

2. Key provisions

31. The 1972 Convention, which replaces the Convention of 1956, pursues this objective by deferring payment of taxes and duties for the temporary use in a Contracting Party of containers registered in another Contracting Party. The Convention provides for competent authorities to be supplied with surety in case export does not happen. It also provides detailed description of the temporary admission procedure for containers. This does not include the tractor unit. Unlike the Conventions on the temporary importation of vehicles, in the Container Convention there are no

document requirements. The guarantee is based on an undertaking of the container owner. The Convention also provides for technical prescriptions for Customs secure sealing of containers, in line with provisions of TIR Convention. The Convention, managed by an Administrative Committee, is open to all Member States of the United Nations. The World Customs Organization provides the secretariat to the Convention.

3. Benefits

32. By minimizing the administrative border procedures related to the temporary importation of containers and by deferring the payment of taxes and duties for such temporary importation, the Convention facilitates the international transport of goods carried in containers, while ensuring the recovery of Customs duties in case that the container is not re-exported.

4. Entry into force

33. The Convention entered into force on 6 December 1975 in accordance with Article 19.

5. Contracting Parties

34. 36 States (Algeria, Armenia, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Burundi, Canada, China, Cuba, Czech Republic, Finland, Georgia, Hungary, Indonesia, Kazakhstan, Kyrgyzstan, Liberia, Lithuania, Montenegro, Morocco, New Zealand, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Slovakia, Spain, Switzerland, Trinidad and Tobago, Turkey, Ukraine, United States of America, Uzbekistan).

G. European Convention on Customs Treatment of Pallets used in International Transport, 1960

1. Objective

35. The objective of the Convention is to facilitate international transport and reduce its cost by the means of simplified customs procedure, applicable to the pooling of pallets.

2. Key provisions

36. The Convention is applied to pallets imported into the territory of a Contracting Party from the territory of another Contracting Party. Each Contracting Party shall grant admission, without payment of import duties and import taxes, and free of import prohibitions or restrictions, to pallets on condition that they have been previously exported or that they will be subsequently re-exported, or that an equal number of pallets of the same type and substantially the same value have been previously exported or will be subsequently exported.

37. The Convention defines the conditions under which this simplification shall be applied without requiring either the production of a Customs document or security in respect of import duties and import taxes.

3. Benefits

38. The customs procedure defined in the Convention simplifies customs formalities, does not require a security in respect of import duties and taxes on pooling pallets and expedite international transport operations.

4. Entry into force

39. The Convention entered into force on 12 June 1962 by the exchange of letters, in accordance with article 7.

5. Contracting Parties

40. 30 States (Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Luxembourg, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland).

H. Convention on Customs Treatment of Pool Containers Used in International Transport (Container Pool Convention), 1994

1. Objective

41. The objective of the Convention is to facilitate further the international transport of goods carried by containers belonging to a Container Pool.

2. Key provisions

42. The Convention pursues this objective through the duty-and tax-free admission of containers belonging to a Pool and by simplifying the regime set up by the Customs Convention on Containers, of 1972. According to this regime, each container entering a country temporarily needs to be identified and registered, must be re-exported within a certain time period (usually 3 months) and can only be used once for domestic transport. However, under the Pool Convention, each Contracting Party assigns a certain number of its own containers to a Pool and allows an equal number of such Pool containers to travel within its territory without any restriction. The only administrative procedure then required for a country is to check at specific intervals whether a balance between the number of its own Pool containers and the number of Pool containers at any moment in its country is kept, i.e. instead of controlling each and every container, only the balance of a certain number of Pool containers needs to be checked. The Convention provides definitions of the use of containers in a pool and a detailed description of the temporary admission procedure for Containers used in a pool. Administered by its own Administrative Committee, the Convention is open to all Member States of the United Nations.

3. Benefits

43. By facilitating the temporary importation of containers without keeping record of every single container movement, the Convention allows for container operators in a pool (agreement) to continuously exchange containers for temporary importation and exportation from that pool, provided only that records of the movements and the status of containers in the host country are kept and available for competent authorities.

4. Entry into force

44. The Convention entered into force on 17 January 1998 in accordance with Article 16.

5. Contracting Parties

45. 13 States (Austria, Cuba, Czech Republic, Italy, Liberia, Lithuania, Malta, Poland, Slovakia, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, Uzbekistan) and the European Community.
