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Transport

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INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER
CONTROLS OF GOODS, 1982

Consideration of amendments to the Convention

Transmitted by the Government of Serbia

I. BACKGROUND

1. The Working Party may wish to take note of the annexed document, which was transmitted by the Ministry of Capital Investments of Serbia.
2. The annex contains an agreement between Republic of Serbia and Republic of Bulgaria, which aims at facilitating border-crossing procedures in international rail transport between the two countries.
3. The agreement is the result of coordinated activities of border authorities. It regulates stopping of freight trains subject to border control at the joint border station Dimitrovgrad (Serbia). Border control of passenger trains is carried out during their movement between border stations Dimitrovgrad (Serbia) and Dragoman (Bulgaria). In addition to the opening of the joint border station, the agreement facilitates joint work of border authorities of both countries at the same place.
4. The Ministry of Capital Investments of the Government of the Republic of Serbia, together with the border authorities, intends to continue applying a similar approach in order to address border control challenges and reduce stopping time of international trains at other border crossings, especially those located on the Pan European Corridor X and its branches.

Annex

AGREEMENT
BETWEEN
THE COUNCIL OF MINISTERS OF SERBIA AND MONTENEGRO AND
THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON
BORDER CONTROL AND PROCEDURES FOR RAILWAY TRAFFIC

The Council of Ministers of Serbia and Montenegro and the Government of the Republic of Bulgaria, (hereinafter referred to as the Contracting Parties), willing to regulate the border control and procedures for railway traffic, by establishing a common border station between Serbia and Montenegro and the Republic of Bulgaria (hereinafter referred to as Both States) and convinced that there is a need to conclude an Agreement between the Council of Ministers of Serbia and Montenegro and the Government of the Republic of Bulgaria on Border Control and Procedures for railway traffic (hereinafter referred to as the Agreement), have agreed as follows:

Article 1
Definitions

The terms used in the Agreement shall have the following meaning:

1. **„Border Control and Procedures”** means the application of the national legislations of the Contracting Parties concerning the crossing of the border by persons, the importation, exportation and transit of goods.
2. **„Host State”** means the State on whose territory the border control and procedures shall be performed by the official personnel of the Neighbouring State.
3. **„Neighbouring State”** means the State of the other Contracting Party.
4. **„Railway”** means railway undertakings registered for railway infrastructure and/or undertakings registered for railway transport, according to the national legislations of the Contracting Parties.
5. **„Domestic Railways”** means railways of the Host State.
6. **„Neighbouring Railways”** means railways of the Neighbouring State.
7. **„Border Station”** means the railway station which is identified by the Agreement.
8. **„Common Border Station”** means the border station where common border control and procedures and traffic exchange are carried out.
9. **„Border Railway Line”** means the railway line between the border stations of the Both States.
10. **„Border Section”** means a part of the railway line between the border station and the state border between the Contracting Parties.

11. „**Official Personnel**” means all personnel of the respective competent state border authorities of the Contracting Parties who perform the border control and procedures on the territory of the host and neighbouring state and also during the train movements.

12. „**Railway Personnel**” means personnel who are employed in railways and who perform the border railway traffic between both States.

13. „**Zone**” means the part of the territory of the host State, on which the official and railway personnel of the neighbouring state are authorized to perform border control and procedures.

14. „**Goods**” means all kinds of articles, luggage, other consignments and means of transport carried over the state border.

Article 2 General Provisions

1. The Contracting Parties shall be obliged following the scope of authorization, and according to the Agreement hereof, to undertake all requested measures for facilitation and speeding up of border control and procedures in the railway traffic. In this respect the official and railway personnel of both States shall be authorized to:

1.1. perform the border control and procedures onboard the passenger trains during the movement between the approved destinations in both directions and during the stay at the border stations.

1.2. jointly perform the border control and procedures of the freight trains in the common border station.

2. The common border station as per the provisions of the Agreement shall be Dimitrovgrad.

3. Pursuant to the Agreement, the border stations shall be at:

3.1. Dimitrovgrad,

3.2. Dragoman.

4. Railways of the both States shall prepare Rules of Procedures on the application of the Agreement (hereinafter: the Rules of Procedures referred to in Article 2, item 4) which shall regulate the railway traffic and the operations of the railway personnel in the common border station.

Article 3 Zone

1. The Zone at the border station shall comprise:

1.1 The premises provided for the border control authorities of the neighbouring state.

1.2 The border station tracks where the train is during the performance of the border control and procedures.

2. The train on the territory of the host state, onboard of which border control and procedures are performed by the neighbouring state personnel shall be considered as Zone.

Article 4 Representative office

1. The official and railway personnel of the neighboring State may open its Representative office in the common border station and/or border station. Official and railway premises for the Representative offices, and the way of payment and the amount of rental fee shall be regulated in the Rules of Procedures referred to in Article 2, item 4 of the Agreement.
2. The official personnel of the neighbouring State shall have the right to designate the office premises with the inscription, coat-of-arms and a flag of their own States. The inscription on office premises shall be written in both languages, with the inscription in the official language of the neighbouring State inscribed first.
3. Compensations for material damages caused by the official or railway personnel shall be settled in the Rules of Procedures referred to in Article 2, item 4 of the Agreement.

Article 5 Telecommunication Devices

The host State shall grant the free of charge permit of installing telecommunication devices for the operation of representative offices on its territory and connecting them to the respective installations to the neighbouring State. The installation, maintenance and operation of telecommunication devices shall be subject of the Rules of Procedures referred to in Article 2, item 4 and Article 6, item 16 of the Agreement.

Article 6 Border Control and Procedures

1. The border control and procedures, carried out in the zone by the official and the railway personnel of the neighbouring State shall be applied to the same extent, in the same way and sequence as in their own State territory and for these actions they shall be answerable solely to the authorities to which they belong.
2. In cases other than those mentioned in item 1 of this Article the Law of the host State shall be applicable.
3. The official personnel of the neighbouring State shall have the right to detain persons at the territory of the host State. Undertaking of the above-stated measures shall require immediate notification to the official personnel of the host State. After clarification of the actual deeds and the approval of the official personnel of the neighbouring State, the official personnel of the host State at the shortest terms shall decide on further proceedings.
4. The right of sovereignty and jurisdiction of the host State, including the right of asylum according to the national legislation must not be restricted by the provisions of the Agreement.
5. Within the zone the border control and procedures of the state of exit shall be carried out prior to the border control and procedures of the state of entry.

6. The official personnel of the state of entry shall carry out border control and procedures after the official personnel of the state of exit has completed their duties. The decision not to carry out border control and procedures shall also be deemed a completion.
7. Upon starting the border control and procedures of the state of entry, the official personnel of the state of exit shall have no right to execute border control and procedures. If it is suspected that a criminal action is in question or a person who has been traced and is to be arrested is subsequently identified in the zone, the official personnel of the state of exit shall have the right to carry out the border control and procedures, after due notification to the state of entry.
8. In order to facilitate the quicker border control and procedures, the official personnel of both states may, on negotiating basis to cede its turn of carrying out their duties, following the provisions of Art.6 item 5 of the Agreement hereof. In such case the official personnel of the state of entry shall have the right to arrest a person or retain goods, only after the border control and procedures of the state of exit are completed. In case the official personnel of the state of entry intend to undertake the mentioned measures then they must transfer these persons or goods to the official personnel of the state of exit, if the border control and procedures of the state of exit are not completed. The official personnel of the state of exit shall have the priority in arresting persons or retaining goods to the personnel of the state of entry.
9. Persons who have received refusal for access by the official personnel of the state of entry must be permitted an access by the state of exit. The same refers to the goods turned back by the official personnel of the state of entry.
10. The official personnel of both States shall cooperate as far as possible, in performing their duties in the zone, for the purpose of carrying out qualitative and expeditious border control and procedures, for the prevention of criminal commitments, making the persons leave the trains and taking the goods out of the trains or leaving the places determined for the border control and procedures.
11. The official and railway personnel of both States shall be entitled to dispose and use the required information and telecommunication devices.
12. Border inspectors shall perform their duties in compliance with the national legislations and the international conventions to which they are Contracting Parties.
13. Customs officials of the neighbouring State shall have the right when executing border control and procedures to retain goods and currency, if considered subject of customs violation.
14. The official personnel of the neighbouring State may freely carry over the state border to the territory of its own state currency collected and goods retained during the performance of their duties in the zone.
15. Goods retained during the border control and procedures performed at the state of exit and returned to the neighbouring state by its official personnel, shall not be subject of border control and procedures of the official personnel of the state of entry.
16. Detailed provisions for the border control and procedures shall be regulated by Rules of Procedures concluded between the respective state authorities of the Contracting Parties.

Article 7
Border Control and Procedures on Passenger Trains

1. Border control and procedures shall be carried out either during the trains' movement or during the stay in the zone by the official personnel of the both States, according to the provisions of Art.6.
2. External security in the border station shall be carried out according to the host State regulations.
3. Railway undertakings shall be obliged to provide the official personnel of the both States, in charge of carrying out border control and procedures, with seats for official use in the passenger trains.

Article 8
Border Control and Procedures on Freight Trains

1. Border control and procedures carried out by the official personnel of both States shall be performed in the common border station, according to the provisions of Art. 6.
2. External security in the common border station shall be carried out according to the host State regulations.
3. All persons found by the official personnel of both States, in illegal crossing of the border in the common border station, onboard the freight trains, shall be considered under the legal competency of the host State.

Article 9
Information Exchange

1. The official personnel of both States may exchange only information that is not considered as confidential according to their national legislation.
2. The information exchange shall be realized on the basis of the Rules of Procedures referred to in Art. 6, item 16, and other documents concluded between the relevant authorities of both States.

Article 10
Official Language

1. The communication between the official and railway personnel of both States while performing the services in the common border station, the border station and on the border railway line shall be in the official language of the host state.
2. Phone calls, oral and/or written communication concerning the railway traffic shall be in the official language of the host state.
3. The official and railway personnel of the host State must speak the official language of the neighbouring state to the extent allowing the proper performance of the official duties.

Article 11

Legal Status of Official Personnel and Railway Personnel

1. The official personnel of the host State shall provide the official and railway personnel of the neighbouring state with the protection and assistance equivalent to the own entitlement.
2. The criminal acts or violations committed in the zone against the official or railway personnel of the neighbouring state while performing their official duties shall be treated in accordance with the legislation of the host State, under the same conditions as if the criminal acts or violations committed against the official or railway personnel of the host State.
3. Based upon an inquiry for bearing the responsibility for actions committed by the official and railway personnel of the neighbouring state in the zone, the Agreement for legal assistance, concluded between the Contracting Parties shall be applicable. Upon such inquiries the citizens of the host State and the neighbouring state shall be treated equally.
4. The official and the railway personnel of the neighbouring state who carry out their duties in the common border station, border station, the border railway line and in the trains must wear official uniform or visible official insignia while carrying out their duties.
5. The official personnel of the neighbouring state shall have the right to wear the necessary official equipment while carrying out their duties, as well as towards and backwards to the zone. The border police and customs officers of the neighbouring state shall have the right to carry the official arms towards and inside the zone while carrying out their duties, following the legal regulations of their own state. The use of official arms in the zone is allowed only for self-protection.
6. The domestic railways shall be obliged to inform in written the neighbouring railways for the criminal acts committed by the railway personnel of the neighbouring railways causing damages to the host State.
7. The criminal acts committed by the official personnel of the neighbouring state on the part of the territory of the host state, shall be announced via the respective border authorities of the host state to the border authorities of the neighbouring state deploying the persons.
8. The articles intended for official purpose to be imported in or exported from the host state by the official and railway personnel of the neighbouring state, during the carrying out of their duties shall be exempted from customs duties, taxes and other charges.
9. The personnel referred to in item 8 of this Article, shall be exempted from payment of customs duties, taxes and other charges for all articles for personal effect, including food that the personnel of the neighbouring state carry on the way to and back from their duties, only in the amounts needed during the official stay on the territory of the host state, and for which there is no restriction for import in this state.
10. Articles intended for use by the own official and railway personnel, and the materials and spare parts for the repair and maintenance of the own rolling stock, as well as the equipment and devices that they send to the common border station and/or border station shall be exempted from customs duties, taxes and other charges under the condition that the replaced articles and spare parts shall be returned to the territory of the neighbouring state.

Article 12

Crossing the State Border and Stay in Territory of the other Contracting Party

1. The official and railway personnel, including the controlling official and railway personnel crossing the state border for performing their duties within the scope of the Agreement shall have an official identification for crossing the state border. The official identification shall be valid for crossing the state border and for staying on the territory of the border stations.
2. The official identification and the way of its issuance shall be defined in the Rules of Procedures referred to in Art. 6 item 16 of the Agreement.
3. The official identifications shall be issued by the competent authorities of both States with one-year validity and shall obligatory be legalized by the competent authorities of the other State.
4. The authority that issued the identification shall immediately terminate its validity in case the justification for its issuance has expired and shall immediately notify in written form the relevant authority of the neighbouring state.
5. The railway personnel crossing the state border in order to provide assistance, and who lack identifications, as per the provisions of item 1 to this Article, must be included in the Staff List, sample of which is presented in Attachment 1 to the Agreement. The persons mentioned in the Staff List shall have the right to cross the state border and to stay on the territory of the state of the other Contracting Party during the performance of their duties. All the persons whose names are on the Staff List shall have identification document with personal photo on it. The railway personnel whose names are on the Staff List shall have the right to cross the border altogether, in crossing and returning as well. Before crossing the state border, competent authority of the other Contracting Party must be duly notified for it.
6. The official and railway personnel of the neighbouring state who have official identifications as per the provisions of item 1 of this Article, issued for the purpose of facilitating the access to their working place shall have the right to cross the state border through the nearest border crossing point located to the border station. The personnel hereof shall not have the right to leave the territory of the common border station, and/or border station nor the area of the border section unless cases of medical emergency occur.

Article 13

Official Money

1. The railway personnel of both railways may carry the official money collected during the performance of their duties in trains through the state border and carry them back to the territory of their own state.
2. The official personnel of both states may carry the official money collected during the performance of their duties through the state border and carry them back to the territory of their own state.

Article 14
Passes for Transportation of the Official and the Railway Personnel

1. Official and railway personnel that are travelling by trains and other railway means of transport along the border railway line for the purpose of performance of their duties shall use passes issued by their own railways.
2. More detailed provisions on implementation of item 1 of this Article shall be regulated by the Rules of Procedures referred to in Article 2 item 4 of the Agreement.

Article 15
Official Parcels

1. Official parcels, such as official letters and other railway documents, intended for railway duties of the neighbouring railway personnel in the host state or if sent to the neighbouring state, may be carried by the railway personnel without post personnel and without post charges.
2. Official parcels intended for the duties of the neighbouring railway must have an official stamp of the sender.
3. Official parcels referred to in item 1 of this Article shall be subject to customs control performed by the authorities of the host state.

Article 16
Joint Committee

1. In order to follow the implementation and the interpretation of the Agreement, and to facilitate the analysis and the resolution of problems that might appear during the implementation of the Agreements, the Contracting Parties shall establish a joint committee for implementation and interpretation of the Agreement, hereinafter referred to as „Joint Committee”.
2. The Joint Committee shall comprise representatives of all state authorities of the mandatory border control bodies, the ministries in charge for transport and the railways of both States.
3. The Joint Committee shall meet at least once a year, rotationally on the territory of one of the Contracting Parties, and if necessary upon request by one of the Contracting Parties.
4. The method of work of the Joint Committee shall be determined by the Rules of Procedure, which shall be adopted at the first meeting of the Joint Committee.

Article 17
Duration

1. The Agreement is concluded for unlimited duration, however each of the Contracting Parties has the right to denounce it.
2. This Agreement shall be terminated 6 (six) months after the receipt of the second diplomatic note with which the other Contracting Party notifies its will to denounce this Agreement.

Article 18
Final Provisions

1. This Agreement shall be subject of ratification and shall enter into force 30 (thirty) days after the Contracting Parties inform each other with the second diplomatic note that they have finalized all necessary legal procedures of their national legislations.
2. The Rules of Procedures referred to in Art. 2 item 4 and Art. 16 item 16, must be signed not later than 90 (ninety days) after the present Agreement has been signed.
3. With the entering into force of the Agreement the Convention between the Socialistic Federal Republic of Yugoslavia and the People's Republic of Bulgaria regulating the railway border transport, signed in Sofia on 19 December 1963 and all its addendums, as well as the Convention for the Amendments to the Convention between the Socialistic Federal Republic of Yugoslavia and the People's Republic of Bulgaria regulating the railway border transport, signed in Sofia on 10 July 1980 shall be terminated.

IN WITNESS WHEREOF, the undersigned, duly authorized by their Governments, have signed this Agreement.

Signed in on 2005 in two (2) original copies in Serbian, Bulgarian and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**FOR THE COUNCIL OF MINISTERS OF
SERBIA AND MONTENEGRO**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF BULGARIA**

Velimir Ilić
*Minister for capital investments
of the Government of the Republic of Serbia*

Nikolay Vassilev
*Deputy Prime Minister and Minister of
Transport and Communications*

Travel time from the moment of entering Dimitrovgrad (RS) until the moment of exit Dragoman (RB)

Type of train	Travel Time (minutes)		Effects
	Before the Agreement	After the Agreement	
Freight	953	174	548%
Passanger	147	51	288%

