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## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Customs Questions affecting Transport**

**132nd session**

Geneva, 9–12 October 2012

Item 5 (c) of the provisional agenda

**International Convention on the Harmonization of**

**Frontier Controls of Goods, 1982 (“Harmonization Convention”):**

**Annex 9 on rail border crossing**

### **Measures on the implementation of Annex 9**

**Submitted by the Committee of the Organization for Co-operation  
between Railways**



铁路合作组织委员会  
波兰共和国  
00-681 华沙  
雷扎街63/67号

КОМИТЕТ ОРГАНИЗАЦИИ  
СОТРУДНИЧЕСТВА  
ЖЕЛЕЗНЫХ ДОРОГ  
ул. Хожа 63/67  
00-681 Варшава  
Республика Польша

KOMITEE DER ORGANISATION  
FÜR DIE ZUSAMMENARBEIT  
DER EISENBAHNEN  
ul. Hoża 63/67  
00-681 Warszawa  
Republik Polen

COMMITTEE OF THE ORGANISATION  
FOR CO-OPERATION  
BETWEEN RAILWAYS  
ul. Hoża 63/67  
00-681 Warsaw  
Republic of Poland

电话/Тел./Tel.: (+48 22) 657 36 00  
传真/Факс/Fax: (+48 22) 621 94 17, 657 36 54

e-mail: [osjd@osjd.org.pl](mailto:osjd@osjd.org.pl)  
[www.osjd.org](http://www.osjd.org)

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**Mrs Eva MOLNAR**  
**Director**  
**Transport Division**  
**UNECE**

**Dear Mrs MOLNAR!**

Let me express my sincere gratitude for your attention to the VII Interdepartmental Meeting on Facilitation of Border Crossing Procedures for International Rail Freight and Passenger Traffic, which was held on 26-27 June 2012 in Saint Petersburg as well as for welcoming the meeting participants and wishing them a successful work.

In the above-mentioned intergovernmental meeting took part representatives of Belarus, Kazakhstan, China, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Russia, Romania, Uzbekistan, Estonia, Finland as well as representatives of OTIF, UIC, CIT, DB Schenker Rail (Germany), the Eurasian Economic Commission, CCTT, "PLASKE" JSC, "Transcontainer" JSC, the Association of Train Operating Companies (ATOC) and the OSJD Committee.

According to the agenda of the meeting the meeting participants considered progress made in regard to border crossing facilitation in Eurasian rail freight and passenger traffic, measures on implementation of Annex 9 by interested countries. Furthermore the meeting participants discussed and analyzed Conventions and Agreements which regulate facilitation of border crossing procedures in all modes of transport.

As a result of the meeting a final document in the form of a Declaration was prepared, which contains apart from suggested practical steps also a request to prepare recommendations for the Governments of the OSJD and ITC UNECE member-states on implementation of norms and provisions of Annex 9 to the International Convention on the Harmonization of Frontier Controls of Goods (1982) in national legislations. In addition the Program of actions on facilitation of border crossing procedures for international rail transport will be enclosed to these recommendations. In this Program are defined aspects concerning conditions and reduction of time of border crossing in international rail freight and passenger traffic as well as the main directions of cooperation between customs, border, railway and transport authorities of the OSJD member-states.

Taking into account the conclusions of the meeting the OSJD Committee drew up the Aide-Memoire and the Declaration of the Participants in the VII Interdepartmental Meeting as well as an agreed set of measures on implementation of Annex 9 to the

International Convention on the Harmonization of Frontier Controls of Goods, of 1982 (enclosed to this letter).

In this regard you are kindly requested, dear Mrs MOLNAR, to support the elaboration of concerned recommendations of UNECE in accordance with the Declaration of the participants in the VII Intergovernmental Meeting. The OSJD Committee in its turn is also ready to contribute and participate in this work. Please inform us, which UNECE officers we could carry out this work with.

*Attachment:*

1. *Declaration of the Participants in the VII Interdepartmental Meeting*
2. *Program of actions*
3. *Measures on implementation of Annex 9*

Sincerely yours,

Chairman of the OSJD Committee



Tadeusz Szozda

**Declaration  
of the participants in the VII Interdepartmental Meeting on Facilitation of  
Border Crossing Procedures for International Rail Freight and Passenger  
Traffic**

*(Russian Federation, Saint Petersburg, 26-27 June 2012)*

Participants of the meeting – representatives of ministries and authorities in the field of railway transport, state border and customs services, railways (railway undertakings) of the OSJD member-countries, international intergovernmental and non-governmental organizations;

CONSCIOUS of the important role of rail transport for the sustainable economic and social development of Asia and Europe in the context of the increasing geostrategic importance of the Eurasian continent in the twenty-first century,

TAKING INTO ACCOUNT the growing demand for reliable, efficient and safe railway traffic between Europe and Asia to enhance the international exchange of goods and services,

BEARING IN MIND the fact that globalization and development of international market relations between the countries within the Euro Asia area make it necessary to create favorable conditions for seamless goods transportation over the borders which will contribute to significant extension of international trade and changing its geography.

DESIRING to improve international rail freight and passenger traffic, make it more competitive in the transport service market,

SEEKING to unify procedures connected with facilitation of border crossing in international rail transport,

CONVINCED that the conditions for carrying out all types of control can be simplified in a great measure without prejudicing their goals or impairing effectiveness,

RECOGNIZING that approximation of national legislation and international regulatory documents on border crossing facilitation promotes efficient, safe and reliable rail transport,

RECOGNIZING the importance of concerned agreements, contracts and conventions in the field of facilitation of border crossing procedures being elaborated within the framework of the United Nations Economic Commission for Europe (UNECE), the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), the Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation of Railways (OSJD), the International Rail Transport Committee (CIT), the World Customs Organization (WCO),

UNDERSTANDING that close interaction of competent authorities – Ministries of Transport, railways (railway undertakings), customs and border services shall lead to the creation of unified procedures on facilitation of border crossing in international rail transport;

Consider it necessary to request the Secretariats of the United Nations Economic Commission for Europe and the Organization for Cooperation of Railways to elaborate recommendations for the Governments of the member-countries of the above-stated international

organizations to implement the norms and provisions of Annex 9 to the International Convention on the Harmonization of Frontier Controls of Goods (1982) in national legislations;

The meeting participants agreed:

To study the experience concerning facilitation of border crossing collected by international governmental and non-governmental organizations, plan new directions of cooperation between railways (railway undertakings), ministries, customs and border services;

To start implementing current agreements, contracts, conventions and recommendations of UNECE, UNESCAP, OSJD, OTIF and CIT in the field of facilitation of border crossing procedures in international rail transport, in particular:

- **UNECE Recommendation No.18 “Facilitation Measures Related to International Trade Procedures”**
- **UNECE Recommendations No.33, 34, 35 (“single window” recommendations), which would promote application of new information technologies.**

To consider the issue on creating a new Convention on facilitation of border crossing procedures in international rail freight and passenger transport on the basis of the draft prepared by OSJD, OTIF, CIT, UIC and EC;

To promote the signing of the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes (Annex 7 in electronic form);

To support the implementation of the Program of actions on facilitation of border crossing procedures for international rail transport;

To promote the adoption and implementation of common complex measures of railway, border and customs authorities aimed at reducing time for rail border crossing;

To seek creation of a common information space for transport systems of the OSJD member-countries including the customs and border services.

## **Program of actions on facilitation of border crossing procedures for international rail transport**

### **I. Bilateral cooperation**

#### *a) Passenger traffic*

- Providing to inspection personnel premises at stations and service compartments in trains to perform their functions;
- Performing joint inspection by representatives of inspection bodies of neighboring countries in particular during the gauge change process;
- Performing border and customs control during the train movement with the boarding of representatives of inspection bodies at through stations on the way to the border;
- Marking / sealing of different wagon spaces, which can be used for illegal transportation of passengers and articles;
- Strict execution of duty regulations by passenger train staff, informing the passengers in advance about the forthcoming border and customs control.

#### *b) Freight traffic*

- Minimizing time for carrying out technical operations at the border stations, simultaneous performance of procedures foreseen by state inspection bodies;
- Carrying out monitoring at intervals of two years in order to track time of crossing the borders;
- Creating conditions to perform joint customs and border control with a view to avoid double-control;
- Transferring a part of controlling operations to internal stations, as far as possible;
- Implementation and distribution of innovative customs technologies including the “remote release” of electronic customs declarations for goods transported by rail within the framework of the Eurasian Economic Space;
- Implementing of electronic document workflow;
- Implementing data exchange for prior notification about goods to be transported over the border.
- With a view to increase competitiveness of rail traffic in Eurasia by improving information technologies as well as with a view to forecast the volumes and structures of international traffic it is reasonable to consider the possibility of creating an intergrated information system on the basis of the IT-systems of the concerned railways.
- With a view to insure a legally valid electronic document workflow by mutual acknowledge of electronic documents created in different legal zones in organization of international traffic it is reasonable to consider the possibility of concluding the Agreement on the exchange of electronic documents between the parties contributing to transportation process (the draft is enclosed).

## **II. Multilateral cooperation**

- Promoting implementation of provisions of Annex 9 to the International Convention on the Harmonization of Frontier Controls of Goods, of 1982;
- Considering the issue on creating a new Convention on facilitation of border crossing procedures in international rail freight and passenger transport on the basis of the draft prepared by OSJD, OTIF, CIT, UIC and EC;
- Studying the possibility and usefulness of accession to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, of 1952 of the OSJD member-countries;
- Promoting the signing of the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes.
- Implementing modern gauge change systems between 1435 mm and 1520 mm railways;
- Transferring a part of controlling operations from border to internal stations taking into account national conditions;
- Promoting development of a common information and telecommunication system in order to implement electronic document workflow, simplify information exchange between transport systems, customs and border authorities;
- Improving the system of record and analyses of all the freight and passenger wagon delays at border crossing points, which enable to identify “bottle necks” and work out concerned measures for their removal;
- Minimizing the number of documents needed for checking operations with goods to be transported over the border.

## **III. Legal issues**

- Contributing to extension of the geographical scope of the common CIM/SMGS consignment note;
- Continuing cooperation between OTIF and OSJD on harmonizing the CIM and SMGS legal systems.

## **IV. Technical and technological issues**

- Using the scientific and technical potential for studying and elaborating measures on optimization of border control;
- Elaborating recommendations on equipping rail border crossing points, improving the state control procedures;

Interaction measures

Annex 9 “Facilitation of Border Crossing Procedures for International Rail Freight” to the International Convention on the Harmonization of Frontier Controls of Goods

		Measures and recommendations	
		OSJD member-countries	Performers
		OSJD, OTIF, UIC	
<b>Article 1 - Principles</b>			
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 shall undertake 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.			
<b>Article 2 - Definition</b>			
"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.			
<b>Article 3 - Crossing of borders by officials and other persons engaged in international rail transport</b>			
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	What is the procedure for visa issuing in the countries? Is there any positive experience?		To carry out analyzes. To include in the work plan of OSJD and OTIF the studying of this issue, to carry out analyzes and elaborate measures.



<p>accordance with national best practice for all visa applicants.</p>		
<p>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.</p>	<p>Are there any bilateral agreements? Do the countries need to conclude such agreements?</p>	
<p>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.</p>	<p>Is there such a system or bilateral agreements?</p>	
<p><b>Article 4 - Requirements for border (interchange) stations</b></p>		
<p>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;</p>	<p>To carry out analyzes on existence of buildings, plant, facilities and technical equipment. To inform OSJD, OTIF and UIC.</p>	<p>To elaborate recommendations on standards which shall determine a required list and correspondence with the volumes of freight traffic</p>
<p>2. Border (interchange) stations where phytosanitary, veterinary and other controls are carried out shall be provided with technical equipment;</p>	<p>To study what technical means are the border crossings points equipped with. To inform OSJD, OTIF and UIC.</p>	<p>To elaborate the list of technical means required for facilitation of border crossing.</p>

<p>3. The carrying and traffic capacity of border (interchange) stations and adjacent tracks must be adequate for the volume of traffic;</p>	<p>To carry out monitoring. Are the bilateral agreements concluded?</p>	<p>To carry out analyzes of reception and delivery of goods annually.</p>
<p>4. Inspection areas must be available, as well as warehousing for the temporary storage of goods subject to customs or other forms of control;</p>	<p>Are there areas at the border stations for control and storage infrastructure for temporary storage?</p>	
<p>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, as contained in the railway consignment note and customs declaration;</p>	<p>Are there technical means for insuring prior information and their listing?</p>	
<p>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;</p>	<p>To carry out inspection and reply on the level of staff qualification.</p>	
<p>7. Border (interchange) stations shall have the technical equipment, facilities, information technology and communications systems to be able, prior to the arrival</p>	<p>To check and carry out monitoring.</p>	

<p>of rolling stock at the border, to receive and use data concerning the technical approval and the technical inspections of the rolling stock made by authorities and railways within the framework of their competence, unless Contracting Parties put in place alternative arrangements to fulfil these functions.</p>		
<p><b>Article 5 - Cooperation between adjacent countries at border (interchange) stations</b></p>	<p>To carry out monitoring on existence of any bilateral agreements, their contents, scope and functioning.</p>	<p>To elaborate model bilateral agreements.</p>
<p><b>Article 6 – Controls</b></p>		
<p>1. Shall establish a mechanism for reciprocal recognition of all forms of control of rolling stock, containers, piggyback semi-trailers and goods, provided the objectives thereof coincide;</p>	<p>To determine requirements and conditions of the mechanism for achieving mutual recognition of all forms of control.</p>	<p>To study and prepare proposals on creating such a mechanism in cooperation with the countries.</p>
<p>2. Shall carry out customs controls relying on the principle of selection on the basis of risk evaluation and management. As a general rule, if required information on the goods has been provided and if the goods are contained in a properly closed and sealed rolling stock unit, container, piggyback semi-trailer or wagon, physical examination shall not be carried out;</p>	<p>To carry out monitoring. To submit proposals on principles of such control. To elaborate the procedure for such control based on the principles of selectivity.</p>	<p>To question how this principle works.</p>
<p>3. Shall carry out simplified controls at border (interchange) stations and shall, as far as possible, move certain forms of controls to the stations of departure and destination;</p>	<p>To carry out monitoring.</p>	<p>To question how this principle works. To prepare proposals.</p>

<p>4. Without prejudice to Article 10 of the Convention, Article 4 of Annex 2, Article 5 of Annex 3 and Article 5 of Annex 4, shall carry out inspections of transit goods only in cases where these are warranted by the actual circumstances or risks.</p>	<p>To carry out monitoring in cooperation with customs authorities.</p>	<p>To prepare a model trust agreement in cooperation with countries.</p>
<p><b>Article 7 - Time limits</b></p>		
<p>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 shall undertake to reach a maximum reduction in the time limit in the coming years.</p>	<p>To carry out monitoring on the existence of any bilateral agreements, to carry out analyzes.</p>	<p>To elaborate recommendations on time limits for technical operations at the border crossings. To introduce reporting on fulfilling time limits.</p>
<p>2. The Contracting Parties shall record delays of the trains or wagons at border (interchange) stations and transmit the information to the parties involved which conduct subsequent analysis and propose measures to reduce the delays.</p>	<p>To analyze the system of recording delays of trains and wagons as well as procedure for considering and taking measures. To inform OSJD, OTIF and UIC.</p>	<p>To elaborate the procedure for statistical reporting on delays at the border crossings. To submit proposals on determining the level of the involved parties which carry out analyzes and propose measures on delays reduction</p>
<p><b>Article 8 - Documentation</b></p>		
<p>1. The Contracting Parties shall ensure that shipping and accompanying documents are properly formulated</p>	<p>To carry out monitoring on compliance of the carriage documents with legal acts.</p>	

<p>in accordance with the legislation of the importing and transit countries.</p>		
<p>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.</p>	<p>To analyze and inform OSJD, OTIF and UIC.</p>	<p>To carry out monitoring and elaborate detailed measures and technology drawing a special attention to the transition to electronic means.</p>
<p>3. The Contracting Parties shall endeavour to provide the customs authorities in advance with information on goods arriving at border (interchange) stations as 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.</p>	<p>To carry out monitoring on the possibility of providing information in advance.</p>	<p>To carry out monitoring and elaborate detailed measures and technology drawing a special attention to the transition to electronic means.</p>
<p><b>Article 9 - Use of the CIM/SMGS railway consignment note</b></p>	<p>To carry out monitoring</p>	<p>Constantly improve the provisions of SMGS and CIM. To cooperate with the countries.</p>