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## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Customs Questions affecting Transport**

**138th session**

Geneva, 7–10 October 2014

Item 5 of the provisional agenda

**International Convention to Facilitate the Crossing of**

**Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952**

### **Proposal for a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail**

**Note by the secretariat**

#### **I. Introduction**

1. This informal paper contains an information received by the secretariat from the Organisation for Co-operation between Railways (OSJD) which provides a summary of the first meeting of an informal group of experts to work on a new convention and suggestions on the structure and contents of a convention.
2. The meeting took place in Warsaw in September 2014 and OSJD requested secretariat to disseminate the attached information to Working Party 30 and to extend an invitation to interested parties to participate in the future work on a new convention.



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Warsaw, 10 September 2014

To: Eva MOLNAR,  
Director,  
Transport Division, UNECE

Cc. Mr. Konstantin Glukhenkiy  
Working Party on Customs Questions affecting Transport (WP.30)

*Preparation of a new draft Convention on facilitation  
of international carriage of passengers and baggage by rail*

Based on the UNECE's invitation (letter ECE/TRAN/2014/185 dated 5 August 2014), on 8-9 September 2014 OSJD Committee in Warsaw hosted the first meeting of the Informal group under the aegis of UNECE on preparation of a new draft Convention on facilitation of international carriage of passengers and baggage by rail.

The meeting was attended by representatives from 12 countries as well as OSJD Committee's representatives.

The meeting participants considered the submitted by the Russian Federation information material on preparation of a new draft Convention on facilitation of international carriage of passengers and baggage by rail, which covered progress of work on the issues relating to facilitation of border crossing procedures, on the existing regulatory framework, chronology of work to draft a new Convention as well as proposed structure and content of draft Convention.

The participants discussed the possibilities to draft a new Convention and it was decided, at the first stage, to create a concept of draft Convention.

Discussing the concept of a new draft Convention the meeting participants came to a conclusion that new Convention must stipulate cooperation in the whole Eurasian area and should not affect the obligations of the parties, resulting from the already existing international agreements.

The experts' opinions were different as to the issue of the status of new Convention i.e. who will be Contracting Party.

The meeting participants kindly request all the countries concerned to submit, before 10 November 2014, their remarks and proposals on the proposed concept of a new draft Convention to UNECE: ([serguei.kouzmine@unece.org](mailto:serguei.kouzmine@unece.org)), Russian Federation: ([polus@css-rzd.ru](mailto:polus@css-rzd.ru)) and OSJD Committee: ([osjd@osjd.org.pl](mailto:osjd@osjd.org.pl)) (Annex 3).

In respect that formation of policy on the issues relating to border crossing procedures is the UE's competence, such countries as Bulgaria, Latvia, Lithuania, Poland, Finland and Croatia will inform the Informal group of experts on their position on the issue of a new draft Convention following the consultations with the EU respective bodies.

Dear Ms Molnar, please, take into account the opinion of the meeting participants who:

- request UNECE to organize two next meetings of the Informal group of experts in February and September 2015 at OSJD Committee, in Warsaw, Poland or at any other place if agreed;
- believe that it is necessary for UNECE, UNESCAP, EU, OTIF as well as representatives from border control bodies and customs authorities of the countries concerned to attend next meetings of the Informal group of experts under the aegis of UNECE to draft a new Convention on facilitation of border crossing procedures for international carriage of passengers and baggage by rail.

You are kindly requested to inform all the countries concerned and OSJD Committee on your decision.

Please find attached aide-memoire of the meeting of the Informal group of experts under the aegis of UNECE (8-9 September 2014, OSJD Committee, Warsaw) – the text only and Annex 9 in English, digital format.

With best regards,

Tadeusz Szozda,  
Chairman of OSJD Committee

## AIDE-MEMOIRE

Meeting of the Informal group of experts under the aegis of UNECE to draft a new Convention on facilitation of border crossing procedures for carriage of passengers and baggage by rail

*(8 -9 September 2014, OSJD Committee, Warsaw)*

The meeting was attended by representatives from:

Republic of Azerbaijan,  
Republic of Belarus,  
Republic of Bulgaria,  
Georgia,  
Latvian Republic,  
Lithuanian Republic,  
Republic of Moldova,  
Republic of Poland,  
Russian Federation,  
Ukraine,  
Republic of Finland,  
Republic of Croatia  
and representatives from OSJD Committee.

The list of the meeting participants is attached to the aid-memoire (*Annex A*).

The meeting was opened by Mr. Zhukov, Deputy Chairman of OSJD Committee, who informed the meeting participants on the support, from the UNECE side, of activities carried out on facilitation of border crossing procedures for international rail passenger traffic (*Annex 1*).

The meeting participants unanimously adopted the decision to conduct the meeting in absentia of representatives from UNECE and elected Mr. Zhukov, Deputy Chairman of OSJD Committee, to chair the meeting.

### **The meeting adopted the following agenda:**

1. Consideration of the information material to draft a new Convention on facilitation of border crossing procedures for carriage of passengers and baggage by rail, which was represented by the Russian Federation.
2. AOB.

### **Outcome of discussion of the agenda:**

#### **Under item 1 of the agenda**

The meeting participants from the Russian Federation represented the information material on a new draft Convention on facilitation of border crossing procedures for carriage of passengers and baggage by rail and informed on progress of work on the issues relating to facilitation of border crossing procedures, on the existing regulatory framework, chronology of work to draft a new Convention as well as proposed structure and content of draft Convention (*Annex 2*).

The meeting participants thanked the representatives from the Russian Federation for the job well done.

The participants discussed the possibilities to draft a new Convention and it was decided, at the first stage, to create a concept to draft a new Convention.

Discussing the concept of a new draft Convention the meeting participants came to a conclusion that new Convention must stipulate cooperation in the whole Eurasian area.

The experts' opinions were different as to the issue of the status of new Convention i.e. who will be Contracting Party.

In the course of discussion, the meeting participants came to the conclusion that this Convention should not affect the obligations of the parties, resulting from the already existing international agreements.

The meeting participants kindly request all the countries concerned to submit, **before 10 November 2014**, their remarks and proposals on the proposed concept of a new draft Convention to UNECE (*serguei.kouzmine@unece.org*), Russian Federation (*polus@css-rzd.ru*) and OSJD Committee (*osjd@osjd.org.pl*) (*Annex 3*).

In respect that formation of policy on the issues relating to border crossing procedures is the UE's competence, Bulgaria, Latvia, Lithuania, Poland, Finland and Croatia will inform the Informal group of experts on their position on the issue of a new draft Convention following the consultations with the EU respective bodies.

#### **Under item 2 of the agenda**

2.1. The meeting participants believe that it is reasonable to request UNECE to organize next meetings of the Informal group of experts in February and September 2015 (OSJD Committee) and inform all the countries concerned on a decision taken.

2.2. The meeting participants believe that it is necessary for UNECE, UNESCAP, EU, OTIF as well as representatives from border control bodies and customs authorities to attend next meetings of the Informal group of experts under the aegis of UNECE to draft a new Convention on facilitation of border crossing procedures for carriage of passengers and baggage by rail.

**Chairman of the meeting:**

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Viktor ZHUKOV

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## I. APPROXIMATE STRUCTURE AND CONTENT OF THE CONVENTION

The convention must constitute a combination of agreed views and approaches to the cooperation on the facilitation of border crossing procedures for carriage of passengers and baggage by rail.

The provisions of the convention will be the basis for the development of international agreements and other regulations of the Convention participating states as well as interstate targeted programmes on the issues of facilitation of border crossing procedures for carriage of passengers and baggage by rail.

The convention will be based on the legislation existing in the convention participating states and on documents on the organisation and implementation of international cross-border passenger traffic by rail, state control of passenger trains, passengers and baggage.

**The convention's status: at level of governments of the UN ECE ITC member countries.** In this case the document's provisions will have a direct effect and priority over national regulations of all the participating states according to the provisions of the 1969 Vienna Convention on the Law of Treaties.

**Preamble** to the Convention must define reasons for its adoption, its objectives and tasks.

**The objective** of the Convention is facilitation and speeding up of border crossing for international carriage of passengers and baggage by rail with observance of effective control and checks, unconditional provision for convenience and comfort and good quality service of passengers, while train travelling time shall be reduced and railway infrastructure shall be used effectively.

**Main tasks** of the Convention include: organisation of cooperation of parties within the framework of the Convention; identification of a set of measures on agreement on the conditions of control to be conducted to increase effectiveness of operation of border control points and reduce time required for control; organisation of coordinated work with the provision for maximum possible uniformity of formalities; support for best practices in use of modern technologies and high extent of technical equipment; strengthening of interaction of representatives from border control bodies, customs authorities and railway administrations of the Convention participating states and carriers; information support for the control process.

The Convention must cover **the main terms and definitions:** international traffic, passenger, hand baggage, baggage, train crew member, border station, types of control and other terms.

**Chapter 1** shall specify general provisions (subject and scope of regulation). It also describes the types of control (border control; customs clearance; other types of control) and methods to conduct control (at the station (single)/stations – near-border ones or inner stations (for example, at an initial station and terminal station)); en-route; partly at the station, partly en-route; during the changeover of bogies or automatic gauge changeover).

This chapter will also describe the basic provisions on control to be conducted unilaterally or jointly with the control bodies of neighbouring countries, on control time to be tied in train timetable, on the means and methods applied for state control.

**Chapter 2** shall stipulate the procedure for border crossing for train crew member and staff members of control bodies.

This chapter shall envisage the necessity for facilitation of procedures to issue visas to train crew members. This chapter shall also specify how the staff members of control bodies of the Convention participating states will arrive for a joint control at the territory of the state of another Party within the province of the border control point, what kind of documents will be required and how the forms of these documents will be established.

This chapter must provide approaches to facilitation of border crossing for staff members of railway passenger companies, including the possibility to introduce an international railway certificate of identification to the bearer ("railway certificate of identification" by analogy with the document applied on maritime transport).

**Chapter 3** regulates property and personnel issues that should be tackled when control is organised. Minimum requirements are established for the qualification and number of staff members to control, **requirements for the availability and equipment** of buildings (premises) and facilities, conveniences, information systems, for the use of technical means that make it possible to conduct control every day and around the clock.

**Chapter 4** is the core of the Convention, since it will specify the technology to conduct control and stages of control. Each stage of control and each typical scheme of control will be described in separate articles.

Thus, even prior to the beginning of control, **information support** will be provided, the article will stipulate liability for early submission, to the state control bodies, of the volume of information agreed by the parties on the passengers travelling in international trains and intending to cross the border.

A procedure will be established for the carrier to inform the control bodies on changes in train timetables, composition schemes of international passenger trains, cancellation and nomination of trains as well as approval procedure for handling of trains out of an adopted schedule.

A separate article must establish a **procedure to define the method of control**.

To provide maximum unified approaches to the procedures for control to be conducted, an individual article of the Convention will establish a typical scheme of control for each method of control. Such articles will provide the direct procedure for operations of control bodies during the respective type of control concerning the passenger, hand baggage and baggage in view of peculiarities of the type of control selected by the contracting parties.

Separately from the typical schemes, the mentioned article may provide a procedure for control concerning baggage with special characteristics, in particular an article on control concerning the transported vehicles (automobiles).

**Chapter 5** will stipulate *conclusive provisions*: a procedure for entry of the Convention into force, necessity of its ratification, possibility of accession to the convention by organisations and unions. Depository will be established in this chapter. This chapter will also specify the cases of lapse, procedures for the resolution of disagreements and for changes and supplements to be made in the text of the Convention.

We believe that it is possible to consider the inclusion of proposals on the control documentation as **Annexes** to the Convention.