



## **Economic and Social Council**

Distr.: General  
15 March 2010  
English  
Original: English and Russian

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### **Economic Commission for Europe**

#### **Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982**

##### **Ninth session**

Geneva, 27 May 2010

Item 4 of the provisional agenda

##### **Proposals for amendments of the Convention**

### **Preparation of a new annex on rail border crossing**

#### **Note by the secretariat**

Following extensive deliberations in 2005-2010, the UNECE Working Party on Customs Questions affecting Transport (WP.30) has finalized a draft new Annex 9 to the Harmonization Convention on facilitation of border crossing in international rail transport and decided to transmit it to the Administrative Committee for consideration and possible adoption. The present document is based on the following WP.30 documents: ECE/TRANS/WP.30/2009/2, ECE/TRANS/WP.30/2009/2/Corr.1 (English only), ECE/TRANS/WP.30/2009/2/Corr.2 (Russian only), ECE/TRANS/WP.30/2009/2/Corr.3 (French only), ECE/TRANS/WP.30/2009/2/Rev.1 and ECE/TRANS/WP.30/2009/2/Rev.2.

## **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 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.

##### **Article 2**

###### **Definition**

“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 3**

###### **Crossing of borders by officials and other persons engaged in international rail transport**

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 4**

### **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, as 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, prior to the arrival 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.

## **Article 5**

### **Cooperation between adjacent countries at border (interchange) stations**

In accordance with the provisions of Article 7 of the Convention, Contracting Parties shall coordinate actions with respect to the controls of rolling stock, containers, piggyback semi-trailers and goods as well as the processing of shipping and accompanying documentation and shall endeavour to arrange all forms of joint controls on the basis of bilateral agreements.

## **Article 6**

### **Controls**

The Contracting Parties:

- (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;
- (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;

(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;

(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.

## **Article 7**

### **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 shall undertake 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 which conduct subsequent analysis and propose measures to reduce the delays.

## **Article 8**

### **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 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.

## **Article 9**

### **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.