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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions Affecting Transport

One-hundred-and-fifteenth session
Geneva, 30 January – 2 February 2007
Item 6 of the provisional agenda

**INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS
FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, OF 10 JANUARY 1952**

Draft Convention to Facilitate the Crossing of Frontiers
in the International Railway Passenger Traffic

Submitted by the Committee of the Organization for Co-operation between Railways
(OSJD)

The secretariat reproduces below the proposal of the Organization for Co-operation between Railways (OSJD) for a new Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic.

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1. The Working Party may wish to recall that, at its past sessions, it had considered a proposal, transmitted by the Organization for the Collaboration of Railways (OSJD) for a new Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic.
2. The Working Party, at its one-hundred-and-thirteenth session, had decided to take into consideration comments provided by Contracting Parties and delegations participating in the

UNECE Working Party on Rail Transport (SC.2), who have considered the draft at its session in November 2006.

3. Once the Working Party has provided its comments to the draft, it is the intention of the OSJD to organize a final Working Group meeting with a view to finalize the draft annex before submission to the Working Parties on Customs Questions (WP.30) and Rail Transport (SC.2) for approval and for final adoption at the planned Conference on Facilitation on Rail Transport, which could take place in autumn 2007 or in 2008.

Draft Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic

Preamble

The contracting parties,

desiring to facilitate the railway movement of passengers and their luggage across the borders,

acknowledging that the conditions under which such controls are carried out may be extensively simplified without impairing their purpose, their proper implementation and effectiveness,

convinced that the harmonization of frontier controls constitutes an important means for attaining these objectives,

with regard to the progressive methods of control, to include those while the train is on move, as well as joint control with adjacent countries

have agreed as follows:

General

When crossing the borders in the international passenger traffic the following types of control are carried out (hereinafter referred to as control):

- a) border;
- b) customs;
- c) other types of control.

The control may be carried out unilaterally or jointly:

- at the border station;
- on move;
- partially on move and partially at the station, specified for these purposes;
- while placing the coaches from one gauge to another.

The officials shall take necessary measures to prevent a delay of the train departure.

Chapter I

Control at the station

Article 1

1. With the purpose of creating necessary conditions in order to carry out effective control of the international passenger traffic the competent bodies of the adjacent countries shall designate stations to carry out the control (unilaterally or jointly) of passengers, their hand luggage, luggage and commodity-luggage (cargo-luggage) in luggage wagons or luggage compartments.

Article 2

1. At the stations, mentioned in Article 1 of this Convention, a zone shall be set up in accordance with the legislation of the Contracting Parties, within which the control of passengers, their hand luggage, luggage and commodity-luggage (cargo-luggage) crossing the frontier is carried out.

2. This zone shall comprise the following elements situated within it:
- (a) premises to carry out control and to accommodate the personnel of the inspecting bodies;
 - (b) depots to house and inspect the luggage;
 - (c) passenger trains;
 - (d) passenger platforms and railway tracks;
 - (e) workshop facility to place coaches from one track gauge to another.

Article 3

1. The country, on the territory of which the station is situated, shall commit itself to provide the adjacent country with furnished premises to be used on the basis of bilateral agreements.

2. Any equipment required for the functioning of the services of the adjoining country shall be imported on a temporary basis and re-exported free of all customs duties, taxes and charges, provided that the customs declaration is produced.

Article 4

1. The service premises shall be provided with special plaques from outside indicating the title of the service and distinctive national signs.

2. Officials shall wear national uniform prescribed by the regulations of that country.

3. When carrying out joint control the officials of the border, customs and other bodies who perform their control duties at the check points cross the state line by the documents specified by the Contracting Parties.

4. Officials mentioned in paragraph 3 of this article shall enjoy all personal security regulations and, if deemed necessary in the exercise of their duties, assistance.

5. The bilateral agreements of the adjoining countries determine the composition and quantity of officials of the competent administrations and bodies, which are authorized to carry out joint control.

Article 5

1. Examinations of passengers and their hand-luggage shall be carried out directly inside the coaches of international trains.

Passengers crossing the border within the passenger train shall not leave their compartments until the examination is completed.

Whenever it is prescribed by the national legislation, such examinations may be carried out in the examination sheds allocated specifically for these purposes.

2. The railway personnel shall, within their duty regulations, render assistance to the members of the control bodies in carrying out control.

3. As a rule, the examinations of passengers and their luggage shall be carried out in the following order:

- a) customs and other bodies examination by the country of exit;
- b) border control by the country of exit;
- c) border control by the country of entry; and
- d) customs and other bodies examination by the country of entry.

4. The duration of stay for the international trains subject to examination shall be specified in accordance with the train timetable:

- a) at the stations where coaches are not placed from one gauge to another should not exceed, as a rule, 40 minutes per train;
- b) at the stations where coaches are placed from one track gauge to another should not exceed the technological time, set out for train replacement.

5. The railway administrations shall provide in-time information to the competent bodies about any changes in the train timetables, international passenger train set-up schemes, train recalling and calling.

CHAPTER II

On-Move Control

Article 6

1. In order to reduce the stoppage time of the passenger trains at the stations the border and customs examinations, by mutual consent of the two parties, may be carried out as follows:
 - a) when the train is on move in case of its non-stop run throughout the examination;
 - b) when the train is on move by means of joint control in case of its non-stop run.
2. The parties may also agree on a non-stop pass of the international train through the border station.

CHAPTER III

Control of Luggage Transported in Luggage Wagon

Article 7

1. As a rule, the luggage shall be examined before it is loaded into the wagon at the station of departure.

To avoid the repeated control while the luggage is carried in luggage wagons being part of the international trains, the parties may conclude agreements, which will prescribe the simplified rules and the provisions for such transportations (e.g. sealing and stamping of luggage compartment, luggage wagons and luggage units).
2. If at the station set up in Article 1 of this Convention it is not possible to carry out necessary control of the luggage within the stoppage time prescribed for the train in accordance with para. 4 of Article 5, the luggage may be unloaded to avoid the delay of train departure.

CHAPTER IV

Border Crossing

Article 8

1. The contracting Parties facilitate the border-crossing procedures to include the granting of visas for locomotive and train crews, railway personnel accompanying the luggage.
2. The border-crossing procedures for locomotive and train crews, railway personnel accompanying the luggage are set up in accordance with the agreements of the participating countries.

CHAPTER V

Final Clauses

Article 9

1. After signature this day, this Convention shall be open for accession by the countries participating in the work of the UN Economic Commission for Europe (UNECE) by submitting a correspondent letter of request to the UN Secretariat and drawing up an act on accession.

2. The Secretary General of the United Nations shall notify all the UNECE member countries of a new member.

Article 10

This Convention may be denounced by means of six months' notice given to the Secretary General of the United Nations who shall notify the other Contracting Parties thereof. After the expiry of the announced period, the Convention shall cease to be in force as regards the Contracting Party which has denounced it from the date this notice was received by the UN Secretariat.

Article 11

1. This Convention shall enter into force when at least three of the accessed countries have ratified it, which shall be registered in the UN Secretariat.

2. It shall terminate if at any time the number of Contracting Parties thereto is less than three.

Article 12

Any dispute between any two or more Contracting Parties concerning the interpretation or application of this Convention, which the Parties are unable to settle by negotiation or by another mode of settlement, may be referred for decision, at the request of any one of the Contracting Parties concerned, to an arbitral commission, to which each party to the dispute shall nominate one member; the chairman, who shall have the casting vote, shall be appointed by the Secretary-General of the United Nations.

Article 14

1. The original of this Convention, acts on accession, and acts on ratification (in some cases) shall be deposited with the registry of the United Nations for keeping.

2. A certified copy shall be transmitted thereof to each of the parties.
