

ECONOMIC COMMISSION FOR EUROPE

Informal document WP.30 No. 14 (2007)

INLAND TRANSPORT COMMITTEE

11 June 2007

Working Party on Customs Questions affecting
Transport

ENGLISH ONLY

One-hundred-and-sixteenth session
Geneva, 13-15 June 2007
Item 4 (c) of the provisional agenda

INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER
CONTROLS OF GOODS, 1982
("HARMONIZATION CONVENTION")

Preparation of a new Annex on rail border crossing

Transmitted by the Intergovernmental Organization for International Carriage by Rail (OTIF)

Facilitation of Railway Border Crossing Operations

Draft new Annex 9 to the 1982 International Convention on the Harmonization of Frontier Controls of Goods – Proposals from OTIF

Draft Annex 9 – Result of the preparatory meetings	Proposals	Comments
<p style="text-align: center;">Article 1</p> <p style="text-align: center;">Principles</p> <p>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.</p> <p>2. The Contracting Parties pledge 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.</p> <p>3. The Contracting Parties shall endeavour to base all forms of joint controls at adjoining border (transfer) railway stations (hereinafter “border (transfer) stations”) on bilateral agreements.</p>		

<p style="text-align: center;">Article 2</p> <p style="text-align: center;">Crossing of borders</p> <p>1. The Contracting Parties shall facilitate all border crossing procedures, including the issuance of visas to locomotive crews, refrigerated unit crews, persons accompanying freight shipments and staff at border (transfer) stations.</p> <p>2. The border crossing procedure for the persons listed in article 2, paragraph 1, including official documents confirming their status, shall be determined on the basis of bilateral agreements.</p>	<p style="text-align: center;">Article 2</p> <p style="text-align: center;">Facilitation of border crossing procedures for engine crews and other personnel</p> <p>1. The Contracting Parties shall facilitate the issuance of visas to engine crews, refrigerated units crews, persons accompanying freight shipments, as well as staff at border (transfer) stations in accordance with national best practice accorded [to diplomats] [for any other visa applicants enjoying preferential treatment] under national immigration rules or international commitments.”</p> <p><i>Alternative: at least align with the text as set out for the road transport sector in the Annex to document TRANS/WP.30/AC.3/2005/1, i.e. Annex 8 to the 1982 Harmonisation Convention, which has already been adopted.</i></p>	
--	---	--

<p>3. When a joint control is carried out, the officials of the border, customs and other agencies that conduct controls at border (transfer) stations shall, in the performance of their official duties, cross the State frontier using documents stipulated by the Contracting Parties.</p>	<p>“Facilitation of visa procedures for engine crews [and other personnel]</p> <ol style="list-style-type: none"> 1. The Contracting Parties should endeavour to facilitate the procedures for the granting of visas for engine crews... engaged in international rail transport in accordance with national best practice for all visa applicants. 2. The Contracting Parties agree regularly to exchange information on best practices with regard to the facilitation of visa procedures for engine crews.... 3. The Customs and other officials in carrying out their official duties are exempt from passport formalities. The service documents produced by them shall be deemed sufficient for border crossing. <p>Alternative: When carrying out joint control the officials of the border, customs and other agencies, assigned to execute control functions at the border (transfer) stations, in performing their official duties, cross the state line by the documents, specified by the Contracting Parties for their nationals.</p>	<p><i>This well established relaxation, which was maintained until the 4th preparatory meeting, should not be dispensed with. See the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage / Goods Carried by Rail, 1952 (Art. 5, para. 3 for carriage of goods and Art. 5, para. 5 for carriage of passengers).</i></p>
--	---	--

<p style="text-align: center;">Article 3</p> <p style="text-align: center;">Requirements for border (transfer) stations</p> <p>To rationalize and expedite the required formalities at border (transfer) stations, the Contracting Parties shall observe the following minimum requirements for border (transfer) stations open to international rail freight traffic:</p> <p>(1) Border (transfer) 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>(2) Border (transfer) stations where phytosanitary, veterinary and other controls are carried out shall be provided with technical equipment;</p> <p>(3) The carrying and traffic capacity of border (transfer) stations and adjacent tracks must be adequate for the volume of traffic;</p> <p>(4) Inspection areas must be available, as well as warehousing for the temporary</p>	<p style="text-align: center;">Article 3</p> <p style="text-align: center;">Requirements for border (transfer) stations</p>	
--	---	--

<p>storage of goods subject to customs or other forms of control;</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 (transfer) stations, corresponding to the information contained in the railway consignment note and customs declaration;</p> <p>(6) Sufficient qualified staff of the railway, customs, border and other agencies must be on hand at border (transfer) stations to cope with the freight volumes involved.</p>	<p>[addition to the existing text]</p> <p>(7) ability to accept and use technical approval and inspection data.</p>	<p><i>See also comments on Article 5.</i></p> <p><i>This should be an additional requirement. As many checks as possible should be carried out at the earliest appropriate point, preferably the departure station and the results (reports) should be transferred and accepted by other parties further along the journey. The data/reports from checks made should preferably be transferred electronically and available at the border and other official acceptance points before the train arrives at the border.</i></p>
<p style="text-align: center;">Article 4</p> <p style="text-align: center;">Inspection of rolling stock, containers and goods by the railways</p> <p>The railway administrations of the Contracting Parties shall coordinate action with respect to the inspection of rolling stock, containers, piggyback semi-trailers and goods and the processing of shipping and accompanying documentation.</p>	<p style="text-align: center;">Article 4</p> <p style="text-align: center;">Inspection</p> <p>1. Where inspection at the border cannot be dispensed with in accordance with paragraph 2, railway administrations of the Contracting Parties shall coordinate action with respect to the inspection of rolling stock, containers, piggyback semi-trailers and goods and the processing of shipping and accompanying documentation.</p>	<p><i>Wherever possible, agreements on the criteria to be controlled should be concluded [see Annex].</i></p> <p><i>Mutual recognition of technical inspections should be aimed at. A technical forum should draft appropriate specific rules for this in the form of an Appendix. OTIF will contribute to this work.</i></p>

	<p>Fast inspections to be performed according to agreed items and criteria at border crossings shall be restricted to essential points and to features that have changed.</p> <p>2. The Contracting Parties shall to the extent possible ensure mutual recognition of all types of inspections for rolling stock and containers, carried out on the basis of agreed uniform standards (specifications), procedures, rules for form and content of reports and requirements concerning the qualifications of the staff carrying out these tasks if the object and the purpose of the inspection correspond. The Contracting Parties shall carry out coordinated actions to ensure that proof of inspections carried out is available as early as possible at the border crossing.</p>	<p><i>Multilateral recognition of all kinds of inspections of railway vehicles (traction, other rolling stock, containers does not appear to be realistic without uniform standards (specifications), procedures, rules for form and content of reports and requirements concerning the qualifications of the staff carrying out these tasks, all of which should be agreed between the parties and should include possible sanctions in case of violations.</i></p> <p><i>Regarding technical inspection, proof of inspections carried out would have to be available as early as possible at the border crossing.</i></p>
--	--	---

<p style="text-align: center;">Article 5</p> <p style="text-align: center;">Controls</p> <p>The Contracting Parties:</p> <p>(1) Shall ensure reciprocal recognition of all forms of control of rolling stock, containers, piggyback semi-trailers and goods, provided the objectives thereof coincide;</p> <p>(2) Shall carry out customs controls relying on the principle of selection on the basis of risk evaluation and management;</p> <p>(3) Shall carry out simplified controls at border (transfer) stations, moving certain forms of control to the station of destination in accordance with the legislation of the Contracting Parties;</p> <p>(4) Shall not perform inspections of transit goods if reliable information on the goods has been provided and if they are contained</p>	<p>Alternative:</p> <p>While still observing safety requirements, the Contracting Parties should set up legal conditions such that railway undertakings (railway administrations) may [as a transitional solution] agree to transfers on a mutual trust basis for certain rolling stock [in certain corridors].</p> <p style="text-align: center;">Article 5</p> <p style="text-align: center;">Controls</p> <p>The Contracting Parties:</p> <p>(1) Shall ensure reciprocal recognition of all forms of control of rolling stock ... if the object and the purpose of the control correspond.</p> <p>(2) Shall carry out customs controls relying on the principle of selection on the basis of risk evaluation and management;</p> <p>(3) Shall transfer, to the extent possible and not only for transit traffic, all necessary control procedures to the places of departure and destination of the goods in accordance with the legislation of all the [the two adjacent] Contracting Parties;</p>	<p><i>As the technical standards for rolling stock are grouped into two main areas, UIC leaflets and GOST standards, the elements to be checked and how to check them must be widely known. It should therefore be technically possible – at least for defined rolling stock in defined corridors - to agree specifications for acceptable minimum quality levels of a vehicle and its components, the inspection procedures, rules for the form and content of reports, follow-up audits and requirements concerning the qualifications of the staff carrying out these tasks if the object and the purpose of the inspection correspond.</i></p> <p><i>If the railways wish to stop the increasing transfer of transport from rail to road, the number of checks and delays must be reduced in order to speed transport up.</i></p>
--	--	---

<p>in a properly closed and sealed rolling stock unit, container, piggyback semi-trailer or wagon, with the exception of customs controls based on the principle set forth in paragraph 2 of this article.</p>	<p>(4) Shall not perform inspections of transit goods if reliable information on the goods has been provided and if they are contained in a properly closed and sealed rolling stock unit, container, piggyback semi-trailer or wagon, with the exception of customs controls based on the principle set forth in paragraph 2 of this article.</p>	<p><i>As many checks as possible should be carried out at the earliest appropriate point, preferably the departure station and the results (reports) should be transferred and accepted by other parties further along the journey. The data/reports from checks made should preferably be transferred electronically and available at the border and other official acceptance points before the train arrives at the border.</i></p> <p><i>See also Annex 8 regarding road transport in doc. TRANS/WP.30/AC.3/2005/1, Article 3 para. 2.</i></p>
<p style="text-align: center;">Article 6</p> <p style="text-align: center;">Time limits</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 (transfer) stations, including all</p>	<p style="text-align: center;">Article 6</p> <p style="text-align: center;">Time limits</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</p>	<p><i>Ad para. 1: see doc. TRANS/SC.2/2005/2. In addition, it would be desirable to agree a minimum objective, for instance a 10% reduction in the time limit in the first year, with a 5% reduction in the following x years. The time limits should be separate for block trains, trains in corridors and trains/wagons where necessary information has been sent</i></p>

<p>types of controls, and shall endeavour to reduce these time limits by improving the technology and equipment used.</p> <p>2. The Contracting Parties shall record delays at border (transfer) stations and report annually thereon to UNECE with a view to conducting subsequent analysis and adopting measures to reduce the delays.</p>	<p>(transfer) stations, including all types of controls, and shall endeavour to reduce these time limits by improving the technology and equipment used. The contracting Parties agree to reach a minimum reduction of [10%] in the time limit in the first year, with a [5%] reduction in the following [4] years.</p> <p>2. The Contracting Parties shall record delays at border (transfer) stations and report annually thereon to UNECE with a view to conducting subsequent analysis and adopting measures to reduce the delays.</p>	<p><i>(electronically) in advance and for random passages. The fact that the starting basis is bilateral agreements takes account of the fact that there are different conditions for each of the Contracting Parties to the Convention; but after that, all the Contracting Parties would have to make the same effort.</i></p> <p>.</p>
--	---	---

<p style="text-align: center;">Article 7</p> <p style="text-align: center;">Documentation</p> <p>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.</p> <p>2. In their mutual relations, the Contracting Parties may use electronic systems for the exchange of information corresponding to the information contained in railway consignment notes, customs declarations and other documents drawn up in accordance with the legislation of the Contracting Parties.</p> <p>3. The Contracting Parties shall endeavour to provide the customs agencies in advance with information on goods arriving at border (transfer) stations corresponding to the information 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 style="text-align: center;">Article 7</p> <p style="text-align: center;">Documentation</p> <p>1. The administrative authorities shall, to the maximum extent possible, use data already contained in transport documents instead of requiring additional documents to obtain the same data.</p> <p>2. In their mutual relations, the Contracting Parties shall seek to use electronic systems for the exchange of information corresponding to the information contained in railway consignment notes, customs declarations and other documents including documents and information relating to technical approval and checks of rolling stock and drawn up in accordance with the legislation of the Contracting Parties.</p>	<p><i>With regard to paragraph 1, the question arises as to whether this provision, which states the obvious, is necessary. It would be more useful to lay down the principle of using a document produced in accordance with national provisions for as many purposes as possible (not only the consignment note as a customs document, perhaps documents could also be combined for other checks by the administrative authorities). Provided the documents made out for the purpose of other checks by the administrative authorities contain all the information necessary in accordance with national law for further checking by the administrative authorities, no new document should be required.</i></p> <p><i>Ad 2. Apart from documents accompanying the goods, documents and information (whether on paper or as an electronic file) relating to technical approval and checks of rolling stock, containers etc. should be dealt with in accordance with similar principles.</i></p>
---	--	--

<p style="text-align: center;">Article 8</p> <p style="text-align: center;">Use of the common CIM/SMGS railway consignment note</p> <p>The Contracting Parties may use, in addition to the other shipping documents currently stipulated by international treaties, the common CIM/SMGS railway consignment note. which at the same time is a customs document.</p>	<p style="text-align: center;">Article 8</p> <p style="text-align: center;">Use of the common CIM/SMGS railway consignment note</p> <p>The Contracting Parties may use in addition to the other shipping documents currently stipulated by international treaties, the common CIM/SMGS railway consignment note, which at the same time is a customs document, unless more favourable consignment procedures exist.</p>	<p><i>The wording indicates somehow that the CIM/SMGS consignment note does not represent the only possibility of how a transport document for carriage by rail must look. However, we doubt that the expression “in addition” takes sufficient account of the idea that simpler formats may exist. OTIF therefore maintains its proposal.</i></p>
--	---	--

NB: still to be checked, may not be complete

Technical inspections (before departure and at border crossings)

Vehicle (wagons and traction)

Long term

1. Vehicle registered and approved (general railway safety, pollution and labour protection) for all the lines where it is allowed to run [interoperability]
2. Inspections, tests and overhaul ("Revision") carried out according to rules (maintenance plan and file)
 - a. Periodical inspection reports

Before a particular journey

1. Vehicle approved for the actual journey planned
2. Inspection limit has not been exceeded
3. Vehicle condition (is it fit for the actual duty?) (braking gear, wheels, frame, pull/push equipment, no defect/stop labels)
4. Vehicle markings visible and correct (e.g. freight wagon label)
5. Vehicle compatible with the infrastructure to be used

Load (freight wagons)

1. Vehicle suited for the load
2. Loading profile and max. weight respected –
 - a. for the whole journey
 - b. onward to a changing point (bogie-change, etc.)

3. The load is properly secured (lashes, doors closed and secured)
4. The load is properly marked (dangerous goods, etc.) and additional necessary vehicle marking (shunting restrictions, etc.) has been applied
5. Consignment note and necessary accompanying documents available (possibly electronically) in required languages and Latin characters

Train

1. Braking capacity check (handles in correct position, etc.)
2. Brake test
3. Length (of wagon composition, and total length incl. engine)
4. Weight (of wagon composition, and total length incl. engine)
5. All wagons (incl. freight loads) allowed for the max. speed (raster) and infrastructure restrictions (such as shunting humps, ferry line, curves) on the actual journey planned
6. Couplings correctly fastened (and by manual couplings tightened)
7. Rear light
8. Separating rules respected (dangerous goods)
9. Engine power capacity and electric power supply system
10. Correct functioning of engine and steering cars (light, horn, mirrors, safety markings, ATP systems, etc.)
11. (Driver has railway license(s) for the journey and visas)

.....

Special rules should be possible for block trains and trains in specified corridors

 Container-trains

 Fuel-tank-wagon-trains

Accredited/licensed Inspection Centres

"Vertrauensvereinbarung" to be recognized at State level
