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Working Party on Customs Questions affecting
Transport

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

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

Facilitation of Railway Border Crossing Operations
Draft new Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic
Comments and proposals from OTIF

Draft Convention – result of the preparatory meetings – extract	Proposals	Comments
<p style="text-align: center;">General provisions</p> <p>1. When international passenger trains cross a frontier, controls shall be carried out of the passengers, hand baggage, rolling stock, and also of the baggage and cargo (hereinafter called “the baggage”) carried in the baggage vans and baggage compartments of passenger coaches.</p> <p>2. The following types of controls may be carried out: (a) Border controls; (b) Customs controls; (c) Other controls.</p> <p>3. The control may be carried out unilaterally or jointly: – While the train is in motion; – Partially while the train is in motion and partially at a station designated for this purpose; – While the train is stopped; or At a station designated for this purpose.</p>	<p>...</p> <p>The control may be carried out unilaterally or jointly:</p> <ul style="list-style-type: none"> - en route; - while placing the coaches on other bogies; - at a station designated for this purpose. <p><i>Addition:</i> “Wherever coaches are being placed on other bogies, border and customs controls on international trains shall be carried out during that operation.”</p>	<p><i>The options available must be considered from the perspective of their effect on the duration of the wait at borders: the preferred options are those that do not entail additional waiting time. In accordance with this principle the controls carried out during the time when coaches are being placed on other bogies is the preferred option in case these controls have not already been carried out and finished en route. Regarding the third second indent of the draft, in our view, checks partly during the journey and partly at the station established for this purpose are covered by the existing text</i></p> <p><i>Cf. also Article 9 of the 1952 Convention.</i></p>

Draft Convention – result of the preparatory meetings – extract	Proposals	Comments
<p style="text-align: center;">Article 5</p> <p>1. There shall be displayed outside the official premises special plates bearing the names of the services and distinguishing national marks.</p> <p>2. Officials must wear the uniforms prescribed by the internal regulations of their country.</p> <p>3. When a joint control is carried out, the border, customs and other officials conducting the controls at crossing points shall cross the border using documents stipulated by the Contracting Parties.</p> <p>4. All the rules regarding the personal safety of the persons mentioned in paragraph 3 of this article shall be observed, and where necessary such persons shall be afforded assistance in carrying out their official duties.</p> <p>5. The work, category and number of officials of the relevant bodies authorized to carry out joint controls shall be defined by bilateral agreements between the adjoining countries.</p>	<p>3. Customs officials shall be exempt from passport formalities when they carry out their duties. Production of their official papers shall be deemed sufficient proof to cross the frontier.</p> <p><i>Addition:</i> Exemption from taxes and charges may be granted under the bilateral agreements to officials and agents of the adjoining country residing in the country in whose territory the station is situated.</p>	<p><i>See Art. 5 para. 3 of the 1952 Convention</i></p> <p><i>Why should the opportunity of this exemption, which is foreseen in Article 5 para. 5 of the 1952 Convention, not be provided in the new Convention?</i></p>

Draft Convention – result of the preparatory meetings – extract	Proposals	Comments
<p style="text-align: center;">Border Crossing Article 8</p> <p>1. The Contracting Parties shall facilitate border crossing procedures, including by issuing visas to locomotive crews and railway staff accompanying the baggage.</p> <p>2. The officials of the controlling bodies shall take measures to prevent the train from being delayed.</p> <p>3. The border crossing procedure for locomotive and train crews, railway staff accompanying baggage and other officials shall be set out in agreements between the parties.</p>	<p style="text-align: center;">Facilitation of Border Crossing Procedures for Engine Crews and Other Personnel Article 8</p> <p>1. The Contracting Parties facilitate visa procedures for locomotive and train crews, railway personnel accompanying the luggage 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 style="text-align: center;"><i>Alternative:</i></p> <p>1. The Contracting Parties should facilitate the procedures for the granting of visas for locomotive and train crews, railway personnel accompanying the luggage engaged in international rail transport in accordance with national best practice for all visa applicants.</p> <p>2. The Contracting Parties agree regularly to exchange information on best practices with regard to the facilitation of visa procedures for engine crews....</p>	
<p style="text-align: center;">Final Provisions</p>		<p>There is no provision concerning the relationship between the 1952 Convention and the new Convention.</p>
