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Working Party on Customs Questions affecting Transport

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Item 3 (c) (v) of the provisional agenda

Customs Convention on the International Transport of Goods under cover of TIR Carnets, 1975 “TIR Convention”):

Application of the Convention –

Other matters

Comparison table between the World Trade Organization Transit Facilitation Agreement and the UNECE International Convention on the Harmonization of Frontier Control of Goods

Note by the secretariat

I. Introduction

1. In Annex, the secretariat introduces, for information of the Working Party, a comparison table between the World Trade Organization (WTO) Transit Facilitation Agreement (TFA) and the UNECE International Convention on the Harmonization of Frontier Control of Goods (Harmonization Convention).
2. The purpose of this document is to understand which articles of the WTO Agreement on Trade Facilitation (TFA) are supported by the provisions of the Harmonization Convention and its implementation. It is important to keep in mind that while the TFA focuses on trade facilitation, the Harmonization Convention aims to harmonize frontier controls. While the two conventions differ in scope, harmonized frontier controls helps reducing the requirements for completing formalities as well as the number and duration of controls, facilitating trade, which implies that the implementation of the Harmonization Convention may come in support to the implementation of the TFA.
3. Overall, it is possible to say that the TFA is in line with the Harmonization Convention in the sense that the TFA does not contain any provision contradicting or going against the provisions of the Harmonization Convention, or vice-versa. As for mutually supportive provisions, the article of the TFA that relates the most to the Harmonization

Convention is Article 7 on the release and clearance of goods. With very few exceptions, it is possible to affirm that the implementation of Article 7 of the TFA is facilitated by the implementation and operationalization of the Harmonization Convention. In addition, other articles of the TFA such as Article 5 on measures to enhance impartiality, non-discrimination and transparency, Article 10 on formalities connected with importation, exportation and transit, and Article 11 on the freedom of transit may be facilitated, at least in part, with the implementation of the provisions of the Harmonization Convention.

II. Further considerations

4. The Working Party is invited to take note of this comparison. The Working Party may wish to mandate the secretariat to submit the comparison as an official document for consideration at its next session.

Art. 1: PUBLICATION AND AVAILABILITY OF INFORMATION

1. Publication

1.1 Each member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

(...)

(f) Import, export or transit restrictions or prohibitions;

Art 8: Exchange of information: The Contracting Parties shall, on request, send each other information necessary for the application of this Convention under the conditions specified in the annexes.

Annex 2 Medico-sanitary inspection

Art 2 Information

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

The goods subject to medico-sanitary inspection;

The places where the goods in question may be presented for inspection;

The requirements as set out in laws and regulations concerning medico-sanitary inspection as well as their procedures of general application.

Annex 3 Veterinary inspection

Art 3 Information

Each Contracting Party shall ensure that information on the following is readily available

WTO TFA	Harmonization Convention	Comments
	<p>to any person interested:</p> <p>The goods subject to veterinary inspection;</p> <p>The places where the goods may be presented for inspection;</p> <p>The compulsory notifiable diseases;</p> <p>The requirements as set out in laws and regulations concerning veterinary inspection as well as their procedures of general application.</p>	
	<u>Annex 4 Phytosanitary inspection</u>	
	Art 3 Information	
	Each Contracting Party shall ensure that information on the following is readily available to any person interested:	
	The goods subject to special phytosanitary conditions,	
	The places where particular plants and plant products may be presented for inspection,	
	The list of pests of plants and plant products for which prohibitions and restrictions are in force,	
	The list of requirements as set out in laws and regulations concerning phytosanitary inspection as well as their procedures of general application.	
	<u>Annex 5 Control of compliance with technical standards</u>	
	Art 2 Information	
	Each Contracting party shall ensure that information on the following is readily available to any person interested:	
	The standards applied by it,	
	The places where the goods may be presented for	

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
	<p>inspection,</p> <p>The requirements as set out in laws and regulations concerning the control of compliance with technical standards as well as their procedures of general application.</p>	
	<p><u>Annex 6 Quality control</u></p>	
	<p>Art 2 Information</p>	
	<p>Each Contracting Party shall ensure that information on the following is readily available to any person interested:</p> <p>The places where the goods may be presented for inspection,</p> <p>The requirements as set out in laws and regulations concerning quality control as well as their procedures of general application.</p>	
	<p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p>	
	<p>Art 3 International road transport operations</p>	
	<p>In order to facilitate the international movement of goods, the Contracting Parties shall regularly inform all parties involved in international transport operations in a harmonized and co-ordinated manner on border control requirements for international road transport operations in force or planned as well as on the actual situation at borders.</p>	
<p>(i) Agreements or parts thereof with any country or countries relating to importation, exportation, or transit; (...)</p>		<p>In accordance with Art 26, certified true copies of the Harmonization Convention were transmitted by the Secretary-General of the United Nations to each of the Contracting Parties and to all States which are not Contracting</p>

WTO TFA	Harmonization Convention	Comments
<p>Art. 5: OTHER MEASURES TO ENHANCE IMPARTIALITY, NON-DISCRIMINATION AND TRANSPARENCY</p>	<p>Art 12 Emergency measures</p>	<p>Parties.</p>
<p>1. Notifications for enhanced controls or inspections</p> <p>Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:</p> <p>(a) the Member may, as appropriate, issue the notification or guidance based on risk;</p> <p>(b) the Member may issue the notification or guidance so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply;</p> <p>(c) the Member shall promptly terminate or suspend the notification or guidance when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade-restrictive manner; and</p> <p>(d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.</p>	<p>The emergency measures which the Contracting Parties may be led to introduce because of particular circumstances, must be proportionate to the reasons which give rise to their introduction and must be suspended or abrogated when these reasons no longer exist.</p> <p>Whenever possible without prejudice to the effectiveness of the measures, the Contracting Parties shall publish the relevant provisions for such measures.</p>	

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
2. Detention	<u>Annex 2 Medico-sanitary inspection</u>	
A Member shall promptly inform the carrier or importer in case of detention of goods declared for importation, for inspection by customs or any other competent authority.	Art 5 Co-operation (...) When a consignment of perishable goods is intercepted during medico-sanitary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.	
	<u>Annex 3 Veterinary inspection</u>	
	Art 6 Co-operation (...) When a consignment of perishable goods or live animals is intercepted during veterinary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.	
	<u>Annex 4 Phytosanitary inspection</u>	
	Art 6 Co-operation (...) When a consignment of perishable goods or live animals is intercepted during veterinary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.	

Annex 5 Control of compliance with technical standards

Art 6 Co-operation

(...)

When a consignment of perishable goods is intercepted during control of compliance with technical standards, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.

Annex 6 Quality control

Art 5 Co-operation

(...)

When a consignment of perishable goods is intercepted during quality control, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.

Art. 7: RELEASE AND CLEARANCE OF GOODS

1. Pre-arrival Processing

1.1 Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing

Annex 8 Facilitation of border crossing procedures for international road transport

Art 3 International road transport operations

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
<p>prior to the arrival of goods with a view to expediting the release of goods upon arrival</p>	<p>Referring in particular to Article 7 of this Convention, priority shall be given to urgent consignments, e.g. live animals and perishable goods. In particular, the competent services at border crossing points:</p> <p>(...)</p> <p>(iv) shall co-operate, in particular through advance information exchange, with their counterparts in other Contracting Parties in order to accelerate border crossing procedures for perishable foodstuffs and live animals, in case these loads are subject to sanitary inspections.</p> <p><u>Annex 9 Facilitation of border crossing procedures for international rail freight</u></p> <p>Art 8 Documentation</p> <p>(...)</p> <p>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.</p>	
<p>4. Risk Management</p> <p>4.1 Each Member shall, to the extent possible, adopt or maintain a risk management system for customs control.</p> <p>4.2 Each Member shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.</p>	<p>Art 10 Goods in transit</p> <p>The Contracting Parties shall, wherever possible, provide simple and speedy treatment for goods in transit, especially for those travelling under cover of an international Customs transit procedure, by limiting their inspections to cases where these are warranted by the actual</p>	

WTO TFA	Harmonization Convention	Comments
	<p>circumstances and risks.(...)</p> <p><u>Annex 9 Facilitation of border crossing procedures for international rail freight</u></p> <p>Art 6 Controls</p> <p>(...)</p> <p>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 it 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.</p>	
<p>4.3 Each Member shall concentrate customs control and, to the extent possible other relevant border controls, on high-risk consignments and expedite the release of low-risk consignments. A Member also may select, on a random basis, consignments for such controls as part of its risk management.</p>	<p>Art 2: Aim: In order to facilitate the international movement of goods, this Convention aims at reducing the requirements for completing formalities as well as the number and duration of controls, in particular by national and international co-ordination of control procedures and of their methods of application.</p>	
<p>5. Post-clearance Audit</p> <p>5.1 With a view to expediting the release of goods, each Member shall adopt or maintain post-clearance audit to ensure compliance with customs and other related laws and regulations.</p> <p>5.2 Each Member shall select a person or a consignment for post-clearance audit in a risk-based manner, which may include appropriate selectivity criteria. Each Member shall conduct post-clearance audits in a transparent manner. Where the person is involved in the audit process and conclusive results have been achieved the Member shall, without delay, notify the person</p>	<p><u>Annex 1 Harmonization of Customs Controls and Other Controls</u></p> <p>Art 4 Result of Controls</p> <p>In all matters dealt with by this Convention, control services and customs shall exchange all relevant information as soon as possible so as to ensure that controls are efficient.</p> <p>On the basis of the results of the controls carried out, the competent service shall decide on the subsequent treatment of the goods, and if necessary, shall inform the services responsible</p>	

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<p>whose record is audited of the results, the person's rights and obligations, and the reasons for the results.</p>	<p>for other controls. On the basis of this decision Customs shall subject the goods to the appropriate Customs procedure.</p>	
<p>5.3 The information obtained in post-clearance audit may be used in further administrative or judicial proceedings.</p>		
<p>5.4 Members shall, wherever practicable, use the result of post-clearance audit in applying risk management.</p>		
<p>(...)</p>		
<p>9 Perishable Goods</p>		
<p>9.1 With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each Member shall provide for the release of perishable goods:</p>		
<p>(a) under normal circumstances within the shortest possible time; and</p>	<p><u>Annex 2 Medico-sanitary inspection</u></p>	
	<p>Art 3 Organization of controls</p>	
	<p>(...)</p>	
	<p>Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls of perishable goods en route.</p>	
	<p>(...)</p>	
	<p>Art 5 Co-operation</p>	
	<p>The medico-sanitary inspection services shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to medico-sanitary inspection, <i>inter alia</i>, through the exchange of useful information.</p>	

WTO TFA	Harmonization Convention	Comments
	<u>Annex 4 Phytosanitary inspection</u>	
	Art. 4 Organization of controls	
	(...)	
	Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls of perishable plants and plant products en route.	
	<u>Annex 5 Control of compliance with technical standards</u>	
	Art 4 Organization of controls	
	(...)	
	Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls en route of perishable goods subjected to control of compliance with technical standards.	
	(...)	
	Art 6 Co-operation	
	The services responsible for the control of compliance with technical standards shall co-operate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to control of compliance with technical standards, <i>inter alia</i> , through the exchange of useful information.	
	(...)	
	<u>Annex 6 Quality control</u>	
	Art 3 Organization of controls	
	(...)	
	Within the framework of Conventions in force	

WTO TFA	Harmonization Convention	Comments
	<p>the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls en route of perishable goods subjected to quality control.</p> <p>(...)</p> <p>Art 5 Co-operation</p> <p>The quality control services shall co-operate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to quality control, <i>inter alia</i>, through the exchange of useful information.</p> <p>(...)</p> <p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p> <p>Art 3 International road transport operations</p> <p>(...)</p> <p>(iv) shall co-operate, in particular through advance information exchange, with their counterparts in other Contracting Parties in order to accelerate border crossing procedures for perishable foodstuffs and live animals, in case these loads are subject to sanitary inspections.</p>	
<p>(b) in exceptional circumstances where it would be appropriate to do so, outside the business hours of customs and other relevant authorities.</p>	<p><u>Annex 4 Phytosanitary inspection</u></p> <p>Art. 4 Organization of controls</p> <p>1. The Contracting Parties shall endeavour:</p> <p>(...)</p> <p>to facilitate the movement of goods, in particular through the co-ordination of working hours of</p>	

WTO TFA	Harmonization Convention	Comments
	<p>the phytosanitary and Customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.</p>	
	<p><u>Annex 5 Control of compliance with technical standards</u></p>	
	<p>Art 4 Organization of controls</p>	
	<p>(...)</p>	
	<p>To facilitate the movement of goods, in particular through the co-ordination of working hours of the service responsible for the control of compliance with technical standards and the Customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.</p>	
	<p><u>Annex 6 Quality control</u></p>	
	<p>Art 3 Organization of controls</p>	
	<p>(...)</p>	
	<p>To facilitate the movement of goods, in particular through the co-ordination of working hours of the quality control and Customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.</p>	
<p>9.2 Each Member shall give appropriate priority to perishable goods when scheduling any examinations that may be required.</p>	<p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p> <p>Art 3 International road transport operations</p> <p>(...)</p> <p>Referring in particular to Article 7 of this</p>	

WTO TFA	Harmonization Convention	Comments
<p>9.3 Each Member shall either arrange or allow an importer to arrange for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for</p>	<p>Convention, priority shall be given to urgent consignments, e.g, live animals and perishable goods. In particular, the competent services at border crossing points:</p> <p>(i) shall take the necessary measures to minimize waiting times for ATP-approved vehicles transporting perishable foodstuffs or for vehicles transporting live animals, as from their time of arrival at the frontier until their regulatory, administrative, Customs and sanitary controls.</p> <p>(...)</p> <p>Art 6 Border crossing points</p> <p>In order to ensure that the required formalities at border crossing points are streamlined and accelerated, the Contracting Parties shall meet, as far as possible, the following minimum requirements for border crossing points open for international goods traffic:</p> <p>(...)</p> <p>(ii) separation of traffic for different types of traffic on both sides of the border allowing to give preference to vehicles under the cover of valid international Customs transit documents or carrying live animals or perishable foodstuffs;</p> <p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p> <p>Art 3 International road transport operations</p> <p>(...)</p> <p>(iii) shall allow, as far as possible, the operation of the necessary refrigerating units of vehicles carrying perishable foodstuffs during the time of crossing the border, unless this is impossible as a result of the required control procedure.</p>	

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the release to take place at those storage facilities.		
9.4 In case of significant delay in the release of perishable goods, and upon written request, the importing Member shall, to the extent practicable, provide a communication on the reasons for the delay.	<p data-bbox="873 239 1411 287"><u>Annex 2 Medico-sanitary inspection</u></p> <p data-bbox="873 287 1411 335">Art 5 Co-operation</p> <p data-bbox="873 335 1411 383">(...)</p> <p data-bbox="873 383 1411 606">When a consignment of perishable goods is intercepted during medico-sanitary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.</p>	
	<p data-bbox="873 606 1411 654"><u>Annex 3 Veterinary inspection</u></p> <p data-bbox="873 654 1411 702">Art 6 Co-operation</p> <p data-bbox="873 702 1411 750">(...)</p> <p data-bbox="873 750 1411 1037">When a consignment of perishable goods or live animals is intercepted during veterinary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.</p>	
	<p data-bbox="873 1037 1411 1085"><u>Annex 4 Phytosanitary inspection</u></p> <p data-bbox="873 1085 1411 1133">Art 6 Co-operation</p> <p data-bbox="873 1133 1411 1181">(...)</p> <p data-bbox="873 1181 1411 1436">When a consignment of perishable goods or live animals is intercepted during veterinary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning</p>	

WTO TFA	Harmonization Convention	Comments
	the goods.	
	<p><u>Annex 5 Control of compliance with technical standards</u></p>	
	Art 6 Co-operation	
	(...)	
	<p>When a consignment of perishable goods is intercepted during control of compliance with technical standards, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.</p>	
	<p><u>Annex 6 Quality control</u></p>	
	Art 5 Co-operation	
	(...)	
	<p>When a consignment of perishable goods is intercepted during quality control, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.</p>	
Art. 8: BORDER AGENCY COOPERATION		
<p>1. Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their</p>	<p>Art 2 Aim</p> <p>In order to facilitate the international movement of goods, this Convention aims at reducing the requirements for completing formalities as well as the number and duration of controls, in</p>	

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
activities in order to facilitate trade.	particular by national and international co-ordination of control procedures and of their methods of application.	
<p>2. Each Member shall, the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom it shares a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:</p>	<p>Art 4 Co-ordination of controls</p> <p>The Contracting Parties shall undertake, to the extent possible, to organize in a harmonized manner the intervention of the Customs services and the other control services.</p>	
(a) alignment of working days and hours	<p>Art 7 Co-operation between adjacent countries</p> <p>(...)</p> <p>(b) endeavour to ensure that the following correspond:</p> <p>(...)</p> <p>Opening hours of frontier posts</p> <p>(...)</p>	
(b) alignment of procedures and formalities	(Annexes 1, 2, 3, 4, 5, 6, 8 and 9 of the Convention)	
(c) development and sharing of common facilities	Art 7 Co-operation between adjacent countries	
(d) joint controls;	<p>(...)</p> <p>(a) endeavour to arrange for the joint control of goods and documents, through the provision of shared facilities;</p> <p>(...)</p>	

Annex 1 Harmonization of Customs Controls and Other Controls

(...)

Art 3 Organization of Controls

When several controls have to be carried out at the same place, the competent services shall make all appropriate arrangements to carry them out simultaneously, if possible, or with the minimum delay. They shall endeavour to coordinate their requirements as to documents and information.

In particular, the competent services shall make all appropriate arrangements for the necessary personnel and facilities to be available at the place where the controls are carried out.

Annex 9 Facilitation of border crossing procedures for international rail freight

(...)

Art 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.

(e) establishment of one stop border post control.

Annex 8 Facilitation of border crossing procedures for international road transport

WTO TFA	Harmonization Convention	Comments
	(…)	
	Art 6 Border crossing points	
	(…)	
	(i) facilities enabling joint controls between neighbouring States (one-stop technology), 24 hours a day, whenever justified by trade needs and in line with road traffic regulations;	
<p>Art. 9: MOVEMENT OF GOODS INTENDED FOR IMPORT UNDER CUSTOMS CONTROL</p>		
<p>Each Member shall, to the extent practicable, and provided all regulatory requirements are met, allow goods intended for import to be moved within its territory under customs control from a customs office of entry to another customs office in its territory from where the goods would be released or cleared.</p>	<p><u>Annex 1 Harmonization of Customs Controls and Other Controls</u></p>	
	Art 1 Principles	
	(…)	
	In application of this principle, it is possible if appropriate to carry out all or part of these controls elsewhere than at the frontier, provided that the procedures used contribute to facilitate the international movement of goods.	
	<p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p>	
	Art 3 International road transport operations	
	(…)	
	Contracting Parties shall endeavour to 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 transported by road so as to alleviate congestion at the border crossing points.	
	(…)	

Annex 9 Facilitation of border crossing
procedures for international rail freight

Art 6 Controls

(...)

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.

(...)

Art. 10: FORMALITIES CONNECTED WITH IMPORTATION, EXPORTATION AND TRANSIT

1. Formalities and Documentation requirements

1.1 With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:

(a) Adopted and/or applied with a view to a rapid release and clearance of goods, particularly

Art 2: Aim: In order to facilitate the international movement of goods, this Convention aims at See also comments related to Art 7, paragraph 9.

WTO TFA	Harmonization Convention	Comments
perishable goods;	reducing the requirements for completing formalities as well as the number and duration of controls, in particular by national and international co-ordination of control procedures and of their methods of application.	
(b) Adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;	<p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p> <p>Art 6 Border crossing points</p> <p>(...) encourage forwarding agents to establish adequate facilities at border crossings with the intention that they can offer services to transport operators on a competitive basis.</p>	
(c) The least trade restrictive measure chosen where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and		
(d) Not maintained, including parts thereof, if no longer required. (...)		
2. Acceptance of Copies		
2.1 Each Member shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export, or transit formalities.	<p>Art 9 Documents</p> <p>(...)</p> <p>The Contracting Parties shall accept documents produced by any appropriate technical process, provided that they comply with official regulations as to their form, authenticity and certification, and that they are legible and understandable.</p>	
2.2 Where a government agency a Member already holds the original of such a document any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.	<p>(...)</p>	
2.3 A Member shall not require an original or copy of export declarations submitted to the customs authorities of the exporting Member as a	<p><u>Annex 9 Facilitation of border crossing</u></p>	

WTO TFA	Harmonization Convention	Comments
<p>requirement for importation.</p>	<p><u>procedures for international rail freight</u></p> <p>Art 8 Documentation</p> <p>(...) 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.</p>	
<p>3. Use of International Standards</p> <p>3.1 Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.</p>	<p><u>Annex 8 Facilitation of border crossing procedures for international road transport</u></p> <p>Art. 4 Vehicle inspection</p> <p>The Contracting Parties, not yet Parties to the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997), should endeavour, in line with relevant national and international laws and regulations, to facilitate the crossing of road vehicles across borders by accepting the International Technical Inspection Certificate as provided for in this Agreement (...).</p> <p>Art 5 International Vehicle Weight Certificate</p> <p>In order to accelerate border crossings, the Contracting Parties, in line with relevant national and international laws and regulations, should endeavour to avoid repetitive vehicle weighing procedures at border crossings by accepting and mutually recognizing the International Vehicle Weight Certificate as contained in Appendix 2 to</p>	

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<p>3.2 Members are encouraged to take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by appropriate international organizations.</p> <p>(...)</p> <p>7. Common Border Procedures and Uniform Documentation Requirements</p> <p>7.1 Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.</p> <p>7.2 Nothing in this Article shall prevent a Member from:</p> <p>(a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;</p> <p>(b) differentiating its procedures and documentation requirements for goods based on risk management;</p> <p>(c) differentiating its procedures and documentation requirements to provide total or</p>	<p>this Annex. (...)</p> <p><u>Annex 9 Facilitation of border crossing procedures for international rail freight</u></p> <p>Art 9 Use of the CIM/SMGS railway consignment note</p> <p>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.</p> <p>(Annexes 1, 2, 3, 4, 5, 6, 8 and 9 of the Convention)</p>	

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<p>partial exemption from import duties or taxes;</p> <p>(d) applying electronic filing or processing; or</p> <p>(e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.</p>		
<p>Art. 11: FREEDOM OF TRANSIT</p>		
<p>1. Any regulations or formalities in connection with traffic in transit imposed by a Member shall not be:</p> <p>(a) Maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;</p> <p>(b) Applied in a manner that would constitute a disguised restriction on traffic and transit</p>	<p>Art 10 Goods in transit</p> <p>The Contracting Parties shall, wherever possible, provide simple and speedy treatment for goods in transit, especially for those travelling under cover of an international Customs transit procedure, by limiting their inspections to cases where these are warranted by the actual circumstances or risks.</p>	
<p>3. Members shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport, consistent with WTO rules.</p>	<p><u>Annex 2 Medico-sanitary inspection</u></p> <p>Art 4 Goods in transit</p> <p>Within the framework of Conventions in force the Contracting Parties shall, as far as possible, dispense with the medico-sanitary inspection of goods in transit in those circumstances where there is no risk of contamination.</p>	
<p>4. Each Member shall accord to products which will be in transit through the territory of any other Member treatment no less favourable than that which would be accorded to such products if they were being transported from their place of origin to their destination without going through the territory of such other Member.</p>	<p><u>Annex 3 Veterinary inspection</u></p> <p>Art 5 Goods in transit</p> <p>Within the framework of Conventions in force the Contracting Parties shall, as far as possible, dispense with the veterinary inspection of animal products in transit in those circumstances where</p>	

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	there is no risk of contamination.	
	<u>Annex 4 Phytosanitary inspection</u>	
	Art 5 Goods in transit	
	Within the framework of Conventions in force	
	the Contracting Parties shall, as far as possible,	
	dispense with the phytosanitary inspection of	
	goods in transit, unless such measures are	
	necessary for the protection of their own plants.	
	<u>Annex 8 Facilitation of border crossing</u>	
	<u>procedures for international road transport</u>	
5. Members are encouraged to make available,	Art 6 Border crossing points	
where practicable, physically separate	(...)	
infrastructure (such as lanes, berths and similar)	(ii) separation for traffic for different types of	
for traffic in transit.	traffic on both sides of the border allowing to	
	give preference to vehicles under the cover of	
	valid international Customs transit documents or	
	carrying live animals or perishable foodstuffs;	
	Art 10 Goods in transit	
6. Formalities, documentation requirements, and	The Contracting Parties shall, wherever possible,	
customs controls in connection with traffic in	provide simple and speedy treatment for goods in	
transit shall not be more burdensome than	transit, especially for those travelling under	
necessary to:	cover of an international Customs transit	
(a) Identify the goods;	procedure, by limiting their inspections to cases	
(b) Ensure fulfilment of transit requirements.	where these are warranted by the actual	
	circumstances or risks.	
8. Members shall not apply technical regulations	<u>Annex 5 Control of compliance with technical</u>	
and conformity assessment procedures within the	<u>standards</u>	
meaning of the Agreement on Technical Barriers		

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
to Trade to goods in transit.	Art 5 Goods in transit	The controls of compliance with technical standards do not normally apply to goods in through transit.
	<u>Annex 6 Quality control</u>	
	Art 4 Goods in transit	Quality controls do not normally apply to goods in through transit.
9. Members shall allow and provide for advance filling and processing of transit documentation and data prior to the arrival of goods.	<u>Annex 9 Facilitation of border crossing procedures for international rail freight</u>	
(...)	Art 8 Documentation	(...)
		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.
15. Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.	Art 10 Goods in transit	(...)
		They shall endeavour to facilitate to the utmost the transit of goods carried in containers or other load units affording adequate security.
16. Members shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:	Art 10 Goods in transit	The Contracting Parties shall (...) endeavour to provide for extension of the hours and the competence of existing Customs posts available for Customs clearance for goods carried under an

<i>WTO TFA</i>	<i>Harmonization Convention</i>	<i>Comments</i>
(c) The practical operation of transit regimes.	international Customs transit procedure.	
(...)		