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Economic Commission for Europe**Inland Transport Committee****Working Party on Rail Transport****Sixty-sixth session**

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Item 13 (a) of the provisional agenda

**Facilitation of international rail transport
in the pan-European region****Facilitation of Rail border crossings****Note by the secretariat****I. Mandate**

1. Depository Notification C.N.534.2011.TREATIES-1 of 1 September 2011, communicated the entry into force on 30 November 2011 of a new Annex 9 on rail border crossings the International Convention on the Harmonization of Frontier Controls of Goods (Harmonization Convention, 1982) administered by the Working Party on Customs Questions affecting Transport (WP.30).

2. At its last session, the Working Party on Rail Transport (SC.2) considered the importance of rapid application of the provisions in the new Annex 9 to the Harmonization Convention for the facilitation of rail border crossings in the pan-European region and requested the secretariat to prepare a background note on possible implementation mechanisms (ECE/TRANS/SC.2/216, para. 43). In turn, WP.30, at its June 2012 session, urged all Contracting Parties to ensure the smooth introduction of the provisions of new Annex 9 on rail border crossing into their national legislation and noted that this issue would be on the agenda of the forthcoming Seventh Interdepartmental Meeting of the Organization for Cooperation between Railways (OSJD) member States (26–27 June 2012) (ECE/TRANS/WP.30/262, para. 18). The note is presented below for consideration by the Working Parties.

II. Considerations of Organization for Cooperation between Railways

3. During the VII OSJD Interdepartmental Meeting which addressed facilitation of border crossing procedures for international rail freight and passenger traffic which was held on 26–27 June 2012 (Saint Petersburg), a Declaration was prepared which contains suggested practical steps and requests the preparation of recommendations for the implementation of Annex 9 of the Harmonization Convention to the Governments of OSJD and the United Nations Economic Commission for Europe (UNECE).¹

4. The programme of actions on facilitation of border crossing procedures for international rail transport includes the following items for evaluation and consideration:

- (a) Passenger traffic:
 - (i) Inspection of personnel premises;
 - (ii) Joint inspections particularly during gauge change process;
 - (iii) Performing border and customs control while the train is in motion;
 - (iv) Marking/sealing of different wagon spaces;
 - (v) Strict execution of duty regulations by train staff.
- (b) Freight traffic:
 - (i) Simultaneous inspection procedures by States bodies so as to minimize time at borders;
 - (ii) Collecting data spanning a 2-year time period on the amount of time needed to cross borders;
 - (iii) Perform joint Customs and border control;
 - (iv) Transfer part of control operations to internal stations;
 - (v) Implementation of innovative customs technologies;
 - (vi) Implementation of electronic document workflow;
 - (vii) Data exchange for prior notification;
 - (viii) Possible creation of an integrated information system among the concerned railways.
- (c) Multilateral cooperation:
 - (i) Promote the implementation of the provisions of Annex 9 of the Harmonization Convention;
 - (ii) Implement modern gauge change systems;
 - (iii) Improve the system of record and analyses of all freight and passenger wagon delays;
 - (iv) Minimize the number of documents needed for checking operations.

¹ Submitted as received from OSJD.

- (d) Legal issues:
 - (i) Extension of the geographical scope of common Contract of International Carriage of Goods by Rail/Agreement on International Railway Freight Transportation (CIM/SMGS) consignment note;
 - (ii) Harmonizing the CIM and SMGS legal systems.
- (e) Technical and technological issues:
 - (i) Use scientific and technical potential for the elaboration of measures on optimizing border control;
 - (ii) Elaborate recommendations on equipping rail border crossing points.

III. Implementation of Annex 9 of the Harmonization Convention

5. With its entry into force on 30 November 2011, Annex 9 of the Harmonization Convention became legally binding for all Contracting Parties to the Harmonization Convention. Upon understanding that its proper implementation is a responsibility of Contracting Parties, the secretariats and relevant working bodies of the international organizations concerned (OSJD, Intergovernmental Organization for International Carriage by Rail (OTIF), UNECE, etc.) could play a very important role to assist countries in complying with the legal provisions of the new Annex through the following actions:

- Reviewing the current national procedures on rail border crossing and identifying the gaps between these procedures and the provisions of Annex 9;
- Identifying, collecting and disseminating best national practices throughout Contracting Parties;
- Supporting, within the available human and financial resources, capacity-building and training activities;
- Regular monitoring of progress achieved in border crossing by rail, similar to the provisions of Article 7 of Annex 8 of the Harmonization Convention.

6. Concerning WP.30 and AC.2, the secretariat suggests the following tasks to be performed and monitored by both Working Parties:

(a) Development and distribution in all UNECE member States of a list – questionnaire which would identify and determine the current situation at rail border crossing in ECE countries based on the needs and provisions of Annex 9. For instance:

- (i) *Article 3 of Annex 9: crossing of borders by officials and other persons engaged in international rail transport:* 1. Describe current situation, 2. Provide any best practices, 3. Provide information about the procedure (number of papers, time, cost, etc.);
- (ii) *Article 5 of Annex 9: cooperation between adjacent countries at border stations:* 1. Provide information on existing bilateral agreements, terms and conditions, 2. Suggest some best practices, etc.

(b) Report to WP.30 and SC.2 on the replies to this questionnaire and describe the current situation before implementing Annex 9;

(c) Discussions and preparation of an action plan during the SC.2 sessions on the facilitation of border crossing procedures for international rail transport based on the initial input received by the OSJD;

(d) Countries would periodically transmit country reports outlining major achievements and setbacks in implementing the decided action plan;

(e) Development by the secretariat with the support and contribution of the respective organizations – OSJD, OTIF, International Union of Railways (UIC), European Commission (EC), International Rail Transport Committee (CIT) – every two or three years of a comparison study monitoring the implementation of Annex 9 and identifying the results of its implementation.

7. The Working Party is invited to consider these options and provide guidance to the secretariat on possible implementing mechanisms of Annex 9 of the Harmonization Convention.
