



**Economic and Social
Council**

Distr.
GENERAL

TRANS/SC.1/1999/6
TRANS/WP.30/1999/12

5 August 1999

ENGLISH
Original: ENGLISH and FRENCH

ECONOMIC COMMISSION FOR EUROPE

Working Party on Road Transport
(Ninety-third session, 19-21 October 1999,
agenda item 4 (c))

Working Party on Customs Questions affecting Transport
(Ninety-third session, 18-22 October 1999,
agenda item 5)

**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD
TRANSPORT AND FACILITATION OF ITS OPERATION**

**Consideration of possibilities for agreements and other measures on border crossings and border
facilities for road transport between Eastern and Western Europe**

Transmitted by the International Road Transport Union (IRU)

Note: At its sixty-first session, the Inland Transport Committee took note of the results of the Joint Session on Border Crossing Problems organized by SC.1 and the Working Party on Customs Questions affecting Transport (WP.30) (ECE/TRANS/128, para. 52) and invited the Administrative Committee of the International Convention on the Harmonization of Frontier Controls of Goods to consider, at its forthcoming session (21 and 24 June 1999), the preparation of a new Annex to the Convention on the facilitation of border-crossing, taking into account, inter alia, the work carried out in the context of the European Conference of Ministers of Transport (ECMT).

The Administrative Committee had, on the basis of proposals prepared by the IRU in accordance with the above mandate, considered a new draft annex to the Convention.

The draft prepared by the IRU is reproduced below. The Working Party may wish to consider how it might contribute to the preparation of the new Annex to the Harmonization Convention, for example, by participating in a drafting group made up of experts from both WP.30 and SC.1.

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**PROPOSED NEW DRAFT ANNEX TO THE INTERNATIONAL CONVENTION ON THE
HARMONIZATION OF FRONTIER CONTROLS OF GOODS, OF 21 OCTOBER 1982
(IN FORCE SINCE 15 OCTOBER 1985)**

FACILITATION OF TRANSPORT OPERATIONS ACROSS FRONTIERS

BACKGROUND

1. The simplification and harmonization of frontier controls of goods have for many years engaged the attention of international organizations concerned with the development of international trade. The United Nations has introduced a series of international conventions establishing the legislative framework for road transport, a process in which the IRU has actively participated.
2. As one of the international legal instruments, the International Convention on the Harmonization of Frontier Controls of Goods was conceived in the early 1980s and entered into force in 1985.
3. Since this time, many important events - social, economic and political - have taken place:

The creation of the Single Market.
The fall of the Iron Curtain and the opening of Central and Eastern European (CEE) countries.
The collapse of the former USSR.
The Yugoslav Civil War.
The explosion in the volume of trade.
The increase of the number of traders and carriers in the CEE.
4. As a result, the European political and economic scene has vastly changed, and new countries and new borders have emerged. The swiftness of this transformation has caught many of the parties unprepared.
5. When the former command economy existed in Eastern Europe, international trade was carried out by State monopolies and international travel to and from the CEE, in particular the former Soviet Union, was extremely limited and highly regulated.
6. In the rapidly emerging market economy in CEE, however, the number of traders has increased considerably, while shipment sizes have shrunk. Time and cost considerations have also begun to play a decisive role in the selection of the transport route and mode. The number of transport operators as well as the intensity and volume of international transport has grown very dynamically. This has been accompanied by a sharp increase in international tourism.
7. Since neither physical infrastructure nor manpower at national borders had been prepared for the changes, this development resulted in long waiting times and often in chaos at major border crossing points along East-West transport routes, forcing trucks to remain idle for hours and necessitating days to cross borders, becoming easy targets of fraud and corruption. The result was a very significant loss to trade as well as to the transport industry. Any investment, whether in physical facilities or procedures, to improve this deplorable situation will yield rapid returns and major benefits for international economic relations.
8. Positive changes can also be accelerated by improving existing international agreements.

PROPOSAL

9. The IRU considers that the Convention on the Harmonization of Frontier Controls of Goods should be reviewed in order to adapt it to the new situation. Consequently, the new requirements in terms of facilitating transport operations should be taken into consideration in order to give a more “user-friendly” character to the Convention.
10. The present Convention consists of the main body of the text determining general requirements for harmonizing frontier controls for goods, and seven Annexes on practical implementation.
11. Since the general requirements have also proved to be valid in the new circumstances, they should remain intact. This would also simplify the revision of the Convention.
12. It is, however, proposed to adopt a new Annex to this legal instrument. The main objective of this Annex is to develop standardized controls to facilitate transport, making international trade and the transport of goods more efficient and harmonized. Implementation of the Convention should also be reinforced by introducing a simple but efficient reporting mechanism.
13. The proposed Annex would be especially important for the Eurasian landmass with its huge distances and multiple borders. As a matter of fact, the Contracting Parties to the Convention, with the exception of Cuba, Lesotho and South Africa, belong to the EU, the CIS or CEE.
14. The proposed provisions should be sufficiently flexible to meet the requirements of the changing structure of international trade and developments in Customs techniques.

PROCEDURE

15. According to Article 13, “new Annexes may be added to this Convention”. The procedure for amending the Convention, including its Annexes, is specified in articles 22, 24 and Annex 7.
16. Article 22 specifies that the Convention may be amended upon the proposal of a Contracting Party and any proposed amendment should be considered by an Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 7.
17. The Administrative Committee may decide to invite the representatives of international organizations which are not Contracting Parties (such as the IRU) to attend meetings of this body for questions of specific interest.

CONCLUSION

18. The IRU believes that adopting the proposed Annex would give a new perspective to the Convention. Contracting Parties, in close cooperation with the private sector, could better respect and enhance the practical interests of international trade and transport. Extending the Convention would significantly widen it beyond its current scope which is limited to control technology.
19. The proposed new provisions focus on facilitating border crossings by setting requirements for:
 - professional drivers
 - transport operations
 - vehicles
 - border crossing points
 - a reporting mechanism.

Draft Annex No. 1

FACILITATION OF TRANSPORT OPERATIONS ACROSS FRONTIERS

ARTICLE 1

PRINCIPLES

The transport facilitation aspects of control shall comply with the principles laid down in this Convention and particularly in Annex 1 thereto.

ARTICLE 2

THE PROFESSIONAL DRIVER

1. The Contracting Parties shall take appropriate measures, wherever possible, to abolish visa obligations for professional drivers employed in international transport and acknowledged to carry out such a transport as well as in possession of a special driver identification document or, if not possible, seek alternative ways of facilitating visa delivery, e.g. by the introduction and use of annual multi-entry visas, if possible on a multilateral basis.

Explanatory note

The difficulties faced by professional drivers employed in international transport in obtaining visas are a serious problem. The main difficulties are the over-complicated application formalities and the procedures, long delays, frequent obligation for drivers to appear in person at consulates, non-delivery of annual multi-entry visas, increased costs, and refusal to accept the national road transport associations as intermediaries, etc.

The consequences of these typically non-trade barriers are well-known: cancelled commercial and other contracts, growing lack of confidence and mutual distrust among all parties involved, waste of time and loss of income for transport and trading companies, and slow control procedures at frontiers.

It should not be forgotten that visas are a reciprocal inter-state affair. Therefore, any facilitation of visa delivery would be mutually beneficial to operators of the Contracting Parties concerned by the problem.

If this proposal is adopted, rules for the establishment of a special driver identification document should be drawn up.

By the entry into force of the Amsterdam Treaty, the Schengen visa arrangement becomes part of the "acquis". Therefore, a multilateral solution at least for the Schengen States would be possible.

2. In order to abolish the visa obligation or facilitate the issue of visas for professional drivers, the Contracting Parties issue a driver identification document with their guarantee.

The driver identification document shall contain the necessary personal identity information and shall be considered valid for a maximum of one year from its date of issue. It shall always be presented together with a valid passport to consulates issuing visas, if required, and to border control authorities.

The minimum requirements concerning the content and format of the driver identification document are contained in Appendix No. 1 to this Annex.

Explanatory note

This document should be officially issued by the Contracting Parties. (The document could also be combined with basic health and accident insurance, often a pre-requisite of visa issue).

3. The Contracting Parties shall conclude special bilateral or multilateral agreements among themselves on the practical implementation of paragraphs 1 and 2 of this Article.

ARTICLE 3

TRANSPORT OPERATION

1. In order to facilitate the international movement of goods, the Contracting Parties shall operate an advance information system in a harmonized and coordinated manner among themselves. They will also provide transport operators or their associations with all necessary information concerning border control requirements for international operations in force or planned as well as the actual situation at borders.

Explanatory note

The creation of an electronic advance information system between border control authorities and associations representing the transport industry would enable operators to plan journeys more efficiently. Thus, up-to-date - even real time - information could be given to transport operators (drivers) on control requirements and the situation at individual border sections and posts (queues, waiting times).

2. The Contracting Parties shall take all necessary measures to ensure that the various inspections and formalities are carried out with minimum delay, whereby inspections shall be effected jointly by States at their common borders, in a harmonized manner as between the various border control services, during correlated business hours and by means of random checks, except in duly justified circumstances. To this end, they shall continuously simplify and modernize procedures and control technology. Priority will be given to urgent consignments, e.g. live animals and perishable goods.

Explanatory note

These basic principles are recalled here as they often seem to be neglected.

ARTICLE 4

VEHICLE

1. The Contracting Parties shall facilitate the technical inspection of vehicles at borders by the use of the International Technical Inspection Certificate as determined in the Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997).

Explanatory Note

With regard to this article, reference is made to the new Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections opened for signature on 13 November 1997. This agreement prescribes the use of the International Technical Inspection Certificate. A physical check of the vehicle may be undertaken by the competent authorities if there is a doubt regarding the conformity of the technical condition of the vehicle with the data listed in the certificate mentioned.

2. In order to accelerate border crossings, the Contracting Parties also agree on the use and mutual recognition of an International Weight Certificate. The format of the certificate is attached in Appendix No. 2.

2.1. Vehicle weight measurements shall take place only in the country of origin of the international transport operation. Results of such a measurement shall be duly reflected and certified in the International Weight Certificate. Apart from random checks and controls in the case of supposed irregularities, no further weight measurements en route will be carried out.

2.2. The Contracting Parties shall communicate to the UN Secretary-General a list of weighing stations in their country approved according to international principles, at the time of notifying him of the adoption of this Annex and in case of any subsequent changes in the list. This list will be updated and communicated by the UN Secretary-General to each Contracting Party whenever necessary.

2.3. The minimum requirements for approved weighing stations, the principles of their approval and the basic features of weighing technology/procedure to be applied are contained in Appendix No. 3.

Explanatory Note

Nowadays, trucks are frequently reweighed at borders on scales that are often inaccurate and, even with modern facilities and adequate parking, this weighing procedure causes delays. The new certificate, if mutually recognised, would avoid problems of this kind. Random weighing en route should take place only if there are very suspicious circumstances.

ARTICLE 5

BORDER CROSSING POINT

In order to ensure that the Customs controls and formalities at borders are streamlined and accelerated, the Contracting Parties shall meet the following minimum requirements for border crossing points open for international goods traffic:

- Facilities enabling joint controls between neighbouring States, 24 hours a day, wherever possible (one-stop technology).
- Separation of traffic lanes for different types of traffic on both sides of the border in order to give preference to vehicles under the cover of a valid customs transit document (TIR, T) or carrying live animals or perishables.
- Off-lane control areas for random cargo and vehicle checks.
- Appropriate parking and terminal facilities.
- Proper hygiene, social and telecommunications facilities for drivers.
- Availability of border forwarding agents, with adequate facilities, offering services to transport operators on a competitive basis.

Explanatory Note

The purpose of all these measures is clear: to improve the working conditions of control personnel and drivers at borders.

The Contracting Parties should therefore improve procedures, technology and infrastructure.

ARTICLE 6

REPORTING MECHANISM

The Contracting Parties shall send to the UN Economic Commission for Europe a bi-annual detailed report on progress made to improve border crossing conditions on the borders of their country.

Explanatory Note

The purpose is to establish a regular reporting practice and to attribute the right to the UN ECE to request bi-annual reports from the Contracting Parties in order to review the situation.

Appendix 1

DRIVER IDENTIFICATION DOCUMENT

[to be drafted]

Appendix 2

INTERNATIONAL WEIGHT CERTIFICATE ^{1/}

1. **Identification and address of approved weighbridge issuing certificate:**

2. **Date:**
3. **COVERING TRANSPORTATION OF GOODS** from:
 to:
4. **According to (CMR) transport document No.:**
5. **Name & address of (transport) company:**

 Tel.: Fax: E-mail:
6. **Vehicle characteristics according to manufacturer's data:**

	Registration plate(s)	Chassis no.		Maximum permitted weight
Tractor/motor vehicle	.....	.....	.....	kg
Semi-trailer/trailer	.....	.....	.....	kg
First axle			.....	kg
Driven axle			.....	kg
Non-driven axle as:				
	tandem		.....	kg
	triple		.....	kg
	other		.....	kg
7. **Results of weight measurements:**

Tractor/motor vehicle				kg
Semi-trailer/trailer			.....	kg
First axle			.....	kg
Driven axle			.....	kg
Non-driven axle as:				
	tandem		.....	kg
	triple		.....	kg
	other		.....	kg

^{1/} This certificate might also contain two separate pages; one on all information established as "constant" characteristics by the manufacturer and another on all variable data according to measurements performed before each transport operation.

8. Type of transport unit ✓

- open
- closed
- sheeted
- container
- tank container
- swap body
- refrigerated tank

9. Special characteristics ✓

fuel in tanks connected to engine filled to: ¼ ½ 1/1
fuel in additional tanks filled to: ¼ ½ 1/1

no. of spare tyres:

other comments:

.....

.....

"I DECLARE THAT WEIGHING WAS PERFORMED BY THE UNDERSIGNED ON A CALIBRATED/CERTIFIED WEIGHBRIDGE ACCORDING TO THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS CERTIFICATE".

STAMP

Name in full:
(Capital letters)

Signature:

REVERSE SIDE OF INTERNATIONAL WEIGHT CERTIFICATE

GENERAL CONDITIONS

General statement on the character of this document, e.g.

“This International Weight Certificate which has been properly completed by a certified/approved weighing station in the country of origin of the transport operation is proof of the actual weight measurements of the vehicle for which it was issued. It is acknowledged by the authorities of the following States: ...

It serves to avoid repetitive vehicle weight measurements in countries along the route of the transport operation.”

List of certified/approved weighing stations in the countries concerned:

.....

Basic requirements for the weighing technology/procedure:

e.g. weighing shall be carried out

Without any person on board the vehicle

Without any movement of the vehicle during weighing

Without any snow or excess rain on the vehicle or on the weighing bridge.

This Certificate was printed and issued by (name of transport association) according to Annex No. of the International Convention on the Harmonisation of Frontier Controls of Goods (21 October 1982).

Appendix 3

**MINIMUM REQUIREMENTS FOR THE APPROVAL OF WEIGHING STATIONS AND
BASIC FEATURES OF WEIGHING TECHNOLOGY**

[to be drafted]
