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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

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

Preparation of a new annex on efficient border crossing procedures

Note by the secretariat

A. MANDATE AND BACKGROUND

1. The Administration Committee for the "Harmonization Convention" at its third session (Geneva, 21 and 24 June 1999) had considered proposals for the insertion of a new annex to the Convention on efficient border crossing procedures prepared by the IRU (TRANS/WP.30/AC.3/6, paras. 12-19).
2. The Working Party, at its ninety-third session, considered these proposals as well as a revised consolidated proposal prepared jointly by the IRU and Transfrigoroute (International) (TRANS/WP.30/1999/12; Informal Document No. 6 (1999)) and was of the view that the proposals for a new annex to the convention seemed to be acceptable, but required to be aligned with the existing legal provision therein. The secretariat was requested to convene an informal ad hoc group of experts which met on 4 and 5 April 2000 in Geneva (TRANS/WP.30/186, paras. 14-17).

3. The group of experts considered the amendment proposals referred to above relating to the facilitation of road transport and felt that, while the scope of the Convention was limited to the harmonization of frontier controls of goods, the facilitation of border crossing procedures had to be seen as a system requiring, in the case of international road transport, efficient procedures for the goods, the vehicle and the driver of the vehicle. Therefore, it might be justifiable to include into the Convention also provisions complementing the existing facilitation measures with procedures relating to the road vehicle and the professional driver.
4. The group of experts recognized that the provisions of the Convention applied to all modes of transport (refer to Article 3 of the Convention) and that, at a later stage, other provisions relating to rail, inland water, maritime and air transport might also be included into the Convention.
5. The group of experts was also of the view that the proposed amendments did not address all aspects related to the harmonization of border controls for international goods transport and that further provisions might need to be added by the Working Party or the Administrative Committee, such as those relating to the transport of dangerous goods, vehicle dimensions, compulsory third party liability insurance systems (Green card), etc..
6. Some experts pointed out that the newly proposed international vehicle weight certificate (refer to the newly proposed Annex 8, Article 5), which reflected a totally new approach in the facilitation of border crossing procedures in road transport, might need to be tested thoroughly in the framework of the Southeast European Cooperative Initiative (SECI) before it could be inserted into the Convention.
7. The group of experts also considered, at the request of the Inland Transport Committee at its sixty-second session the possibility of speeding up border crossing procedures in road transport by, for instance, setting a maximum time limit for the crossing of borders. The group of experts felt that such a general target could not be included into the Convention due to the differences in traffic volumes, procedures, legal requirements and geographical locations of border crossing points. Such a time limit, for example 30 minutes, had a more political character and would thus fit better into a Resolution or similar instrument of a declaratory character. Furthermore, the group of experts noted that the effectiveness of border crossing procedures should no longer be measured by an average or a maximum time allowed for the completing of border crossing procedures, but rather by the use of selective and targeted control measures based on risk assessment. Such an approach would allow for an efficient use of scarce resources available for control purposes and meant in practice that the large majority of vehicles, drivers and cargoes could cross borders within minutes. Targeted consignments, however, would have to be controlled very extensively which might lead to very long waiting times at borders for the accompanying vehicles and its drivers.

8. The group of experts also reflected on possibilities to monitor the implementation of the Convention. Some experts were of the view that, rather than inserting into the text of the Convention specific requirements for the Contracting Parties to the Convention to do so (refer to the newly proposed Annex 8, Article 7), it might be better to request the Inland Transport Committee to identify, on a regular basis, one or several of the more than 50 conventions and agreements which had been prepared under its auspices, whose implementation seemed to merit thorough investigation.

B. AMENDMENT PROPOSALS

9. The deliberations of the group of experts on the newly proposed Annex 8 to the Convention led to the amendment proposals given below. The text in square brackets refers to provisions on which no consensus was reached during the expert group meeting. The Appendix as referred to in Article 5, containing the international vehicle weight certificate, will be issued as an Addendum to this document.

INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“Harmonization Convention”)

(New) Annex 8

FACILITATION OF ROAD TRANSPORT OPERATIONS [ACROSS FRONTIERS]

Article 1

Principles

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

(Alternative text)

[Complementing the provisions of the Convention and in particular those provided in Annex 1, the present Annex intends to define the measures that need to be implemented in order to facilitate control procedures for road transport at border crossings.]

Article 2

Facilitation of visa procedures for professional drivers

The Contracting Parties shall encourage their respective authorities to facilitate the granting of visas for professional drivers engaged in international road transport aiming at simplifying the formalities, limiting the number of substantiating documents, reducing the time required to obtain visas and issuing multiple visas valid for one year without prejudice to other existing agreements.

The Contracting Parties shall endeavour to regularly exchange information on best practices with regard to the facilitation of visa procedures for professional drivers with a view to arriving at efficient and harmonized procedures in this respect.

Article 3

[International road] transport operations

1. In order to facilitate the international movement of goods, 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.
2. Contracting Parties shall endeavour to transfer, to the extent possible and not only for transit traffic, all necessary control procedures to the places of origin and destination of the goods transported by road so as to alleviate congestion at the border crossing points.
3. 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:
 - (i) shall take the necessary measures to minimise 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;
 - [(ii) shall ensure that the required regulatory controls are carried out in such a way as to reduce their time requirements;]
 - (iii) shall allow, as far as possible, the operation of the necessary cooling systems of vehicles carrying perishable foodstuffs during the time of crossing the border, unless this is impossible as a result of the required control procedure;

- (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 goods and live animals, in case these loads are subject to sanitary inspections.

Article 4

Vehicle inspection

1. The Contracting Parties shall facilitate the crossing of road vehicles across borders by making use of the International Technical Inspection Certificate as provided for in the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997).

[2. With a view to identifying ATP-approved vehicles carrying perishable foodstuffs, the Contracting Parties may utilize the distinguishing marks affixed to the relevant equipment and the ATP certificate of approval provided for in the Agreement on the International Carriage of Perishable Foodstuffs and the Special Equipment to be used for such Carriage (1970).]

Article 5

International vehicle weight certificate

1. In order to accelerate border crossings, the Contracting Parties shall accept [and mutually recognize] the International Vehicle Weight Certificate as contained in the Appendix to this Annex. 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. The Contracting Parties shall communicate to the Secretary-General of the United Nations [the secretariat of the Economic Commission for Europe of the United Nations] a list of weighing stations in their country authorized in accordance with 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 to each Contracting Party whenever necessary by the Secretary-General of the United Nations [the secretariat of the Economic Commission for Europe of the United Nations].

3. The minimum requirements for authorized weighing stations, the principles of authorization and the basic features of weighing technology/procedure to be applied are contained in the Appendix to this Annex.]

Article 6

Border crossing points

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:

- (i) facilities enabling joint controls between neighbouring States, 24 hours a day, wherever possible (one-stop technology);
- (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 Customs transit documents (TIR, T) or carrying live animals or perishable foodstuffs;
- (iii) off-lane control areas for random cargo and vehicle checks;
- (iv) appropriate parking and terminal facilities;
- (v) proper hygiene, social and telecommunications facilities for drivers;
- (vi) licencing of border forwarding agents with adequate facilities, offering services to transport operators on a competitive basis.]

[Article 7

Reporting mechanism

With regard to Articles 1 to 6 of this Annex, the Contracting Parties shall send to the secretariat of the Economic Commission for Europe of the United Nations, every second year, a detailed report on progress made to improve border crossing conditions on the borders of their countries.]
