Training Course of Railway Personnel
BIMSTEC and Mekong-Ganga Cooperation Countries
20-31 March, 2006
Railway Staff College, Vadodara, India

Rail Transport Facilitation

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Border-Crossing and Transit Problems

International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, 1952

International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, 1952

Draft Convention to Facilitate Border-Crossing in International Railway Passenger Transport

“Harmonization Convention” Annex 9

Convention concerning International Carriage by Rail (COTIF) - CIM

Draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

Common CIM/SMGS Consignment Note

Bilateral Joint Traffic Working Agreements
Border-Crossing and Transit Problems

Infrastructure at Borders

- Inadequate administrative inspection facilities [at borders]
- Inadequate technical and safety inspection facilities [at borders]
- Limited track and access capacity [at borders]
- Track equipment outdated (e.g. hand-operated points) [at borders]
- Track equipment no longer compliant with current standards [at borders]
- Inadequate container handling equipment [at borders]
- Lack of covered facilities for train/convoy inspections [at borders]
- Police and customs posts ill-equipped for passenger controls [at borders]
- Rail network not designed for inspections [at borders]
- Newly created borders

Delays/ high costs
Problems – Rolling Stock and Interoperability

Rolling Stock and Interoperability

- Lack of bilateral agreements for traction units and drivers to cross borders (even when electrical systems are similar)
- Different traction systems
- Lack of harmonization of command control systems
- Different signalling and command control systems
- Different electrical systems
- Limited use of existing harmonized signalling and command control systems (e.g. ERTMS and its train control component ETCS)
- Lack of harmonization of braking systems
- Different braking systems
- Lack of harmonization of command control systems
- Lack of harmonization of infrastructure
- Lack of harmonization of equipment
- Reliability issues related to insurance of equipment and staff
- Lack of Political will to address border-crossing issues
- Lack of investment in facilities and equipment to handle containers
- Limited use of existing harmonized signalling and command control systems (e.g. ERTMS and its train control component ETCS)
- Different signalling and command control systems
- Different electrical systems
- Different traction systems
- Lack of harmony of infrastructure
- Lack of harmony of equipment
- Lack of Political will to address border-crossing issues
- Lack of investment in rolling stock
- Obsolete rolling stock used for goods transport
- Shortage of COFC and TOFC wagons
- Refusal to accept freight wagons (at borders)
- Poor condition of equipment
- Poor maintenance of equipment
- Low utilization of container technology
- High cost of rolling stock suitable for changing gauge
- Rolling stock unsuitable for changing gauge
- Different gauges
- "Accident of history"
Problems - Communications

Communications between railways.
Inspector services and customers within and between countries.

Communications between railways of different countries.

- Difficulties in exchanging data
- Data entered into computerized management systems more than once
- Non-existence of cross-border pre-warning systems
- Non-existence of exchange of information systems about delays
- Incompatible information and data transmission systems

- Lack of standards for transmission of NTCS data for rail traffic in transit
- Absence of cross-border systems for exchanging information
- Lack of interface between communications systems of railways and those of inspection services and rail customers
- Little use of optical cables between border posts
- Cumbersome document processing procedures (handwritten, photocopies etc)
- Prior information on freight (and passengers) not available to relevant authorities (customs, police etc)

- Delays/ high costs

NTCS – New Computerized Transit System

HERMES
Problems – Technical Procedures

Technical Procedures

- Lack of mutual trust at handover system for both passenger and freight trains (even in the EU)
- Poor maintenance of equipment
- Lack of harmonization of technical and safety documents/equipment certificates (traction units, wagons, coaches and stowage)
- Lack of harmonization of technical and safety standards/regulations (traction units, wagons, coaches and stowage)
- Lack of harmonization of operating rules
- Lack of effective institutions to deal with harmonization
- “Difficulties” in defining common standards
- Potentially high financial and administrative cost of compliance with “new” standards
- Lack of investment in equipment

Delays/ high costs

Inspections often carried out on both sides of the border (instead of jointly in a single place)

Need for technical and safety checks

Lack of mutual trust at handover system for both passenger and freight trains (even in the EU)

Very poor management of refusals at locations where facilities for these activities are limited (i.e., borders instead of make-up yards where the trains/convoys are formed)

Poor stowage

Poor condition of equipment

Obsolete equipment

Lack of investment in equipment

Lack of harmonization of technical and safety standards/regulations (traction units, wagons, coaches and stowage)

Lack of harmonization of technical and safety documents/equipment certificates (traction units, wagons, coaches and stowage)

Lack of harmonization of operating rules
Problems – Administrative Procedures

**General Administration**
- Technical inspections carried out at borders (rather than make-up or marshaling yards or yards with repair facilities)
- Administrative inspections carried out at borders (rather than loading or unloading points)
- Lack of cooperation between inspection services within countries
- Lack of cooperation between inspection services in different countries

**Police**
- Tighter police controls
- Illegal immigration
- Terrorism
- Border controls at external borders, following EU enlargement

**Customs**
- Systematic controls for goods in transit
- More detailed customs controls on sealed wagons
- Specific controls for certain types of goods (eg alcohol and tobacco)
- Excessive fuzzy veterinary and phytosanitary inspections
- Cumbersome and complex customs procedures

**Commercial**
- Incomplete or erroneous documentation
- Lack of automatic document processing (especially consignment notes and other documents)
- Commercial documents not used for customs controls, especially for transit traffic (*)
- Inadequate provision of information by inspection services to shippers, and shipping agents about documents required
- Non-application of conventions to which countries are signatories

**Other Considerations**
- GPBRT – Single GPBRT document for block container trains between Berlin and Moscow
- UNECE draft convention on customs procedures for international transit for the transport of goods by rail under SMGS consignment note

(*) Other Considerations
- Need to concentrate long-distance goods traffic in a small number of high-yield arteries (eg pan-European corridors)
- No regulations for railway operators to carry-out end-to-end international transport under their sole commercial responsibility
- Lack of cooperation/coordination between inspection services and shippers
- Absence of interface between inspection services and shippers
- Lack of cooperation between inspection services within countries
- Lack of cooperation between inspection services in different countries
- Inadequate provision of information by inspection services to shippers, and shipping agents about documents required
- Absence of cross-border information systems
- Incomplete or erroneous documentation
- Lack of automatic document processing (especially consignment notes and other documents)
- Commercial documents not used for customs controls, especially for transit traffic (*)
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- Lack of cooperation between inspection services within countries
- Lack of cooperation between inspection services in different countries

**Delays/ high costs**
Problems - Personnel

Personnel

- Labour union hostility
- Lack of interoperability of rail crews
- Insufficient numbers of staff
- Misaligned working hours of control personnel (technical and administrative)
- Absence of round-the-clock inspection services
- Lack of qualified control personnel
- Insufficient driver training

Delays/ high costs
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Chapter I - Establishment and operation of frontier stations where examinations are carried out by the two adjoining countries

Chapter II - International transit system

Chapter III - Miscellaneous provisions

Chapter IV - Final clauses
INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, 1952

- Chapter I - Establishment and operation of frontier stations where examinations are carried out by the two adjoining countries
- Chapter II - Police and customs examination While the train is in motion
- Chapter III - International transport under customs control of baggage and parcels carried by international passenger trains
- Chapter IV - Control facilities
- Chapter V - Final clauses
Preamble

Section I - Controls at stations

Section II - Controls while a train is in motion

Section III - Control of baggage

Section IV - Simplification of controls at border crossings

Section V - Conclusion
“Harmonization Convention” Annex 9
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Procedures for International Rail Freight

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- Article 2 Crossing of borders
- Article 3 Requirements for border (transfer) stations
- Article 4 Expedited inspection of rolling stock, containers and goods
- Article 5 Inspection
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- Article 7 Documentation
Convention concerning International Carriage by Rail (COTIF)

CIM – Appendix B to the COTIF Convention

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- Article 2 Prescriptions of public law
- Article 3 Definitions
- Article 4 Derogations
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Title II Conclusion and Performance of the Contract of Carriage

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- Article 8 Responsibility for particulars entered on the consignment note
- Article 9 Dangerous goods
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- Article 12 Evidential value of the consignment note
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- Article 15 Completion of administrative formalities
- Article 16 Transit periods
- Article 17 Delivery
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- Article 20 Circumstances preventing carriage
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Title III Liability

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- Article 24 Liability in case of carriage of railway vehicles as goods
- Article 25 Burden of proof
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- Article 27 Substitute carrier
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- Article 29 Presumption of loss of the goods
- Article 30 Compensation for loss
- Article 31 Liability for wastage in transit
- Article 32 Compensation for damage
- Article 33 Compensation for exceeding the transit period
- Article 34 Compensation in case of declaration of value
- Article 35 Compensation in case of interest in delivery
- Article 36 Loss of right to invoke the limits of liability
- Article 37 Conversion and interest
- Article 38 Liability in respect of rail-sea traffic
- Article 39 Liability in case of nuclear incidents
- Article 40 Persons for whom the carrier is liable
- Article 41 Other actions
Title IV Assertion of Rights

- Article 42 Ascertainment of partial loss or damage
- Article 43 Claims
- Article 44 Persons who may bring an action against the carrier
- Article 45 Carriers against whom an action may be brought
- Article 46 Forum
- Article 47 Extinction of right of action
- Article 48 Limitation of actions
Title V Relations between Carriers

- Article 49 Settlement of accounts
- Article 50 Right of recourse
- Article 51 Procedure for recourse
- Article 52 Agreements concerning recourse
Draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

**PREAMBLE**

**CHAPTER I - GENERAL PROVISIONS**
- Article 1 - Definitions
- Article 2 - Objective
- Article 3 - Scope
- Article 4 - Modification of the Consignment Note
- Article 5 - Legal value
- Article 6 - Mutual assistance
- Article 7 - Control of records
- Article 8 - Responsibilities
- Article 9 - Exemption from duties and taxes
- Article 10 - Guarantee waiver
- Article 11 - Label
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- Article 13 - Formalities at the Customs office of departure
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Draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

CHAPTER II - EXPLANATORY NOTES

CHAPTER III - FINAL PROVISIONS

- Article 21 - Signature, ratification and accession
- Article 22 - Entry into force
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- Article 24 - Termination
- Article 25 - Administrative Committee
- Article 26 - Settlement of disputes
- Article 27 - Amendment procedure
- Article 28 - Special procedure for the amendment of Annex 2
- Article 29 - Depositary
- Article 30 - Registration and authentic texts
Common CIM/SMGS Consignment Note

Rules for Interchange of India-Pakistan Railway Traffic, 1982

Conditions Governing the Interchange of Freight Rollingstock between the States of Australia, 1988
Elements of a Bilateral Railway Cross-Border Transport Agreement

1. Rules for expedious through working of passenger and freight trains across national borders

2. Rules for through booking of passengers and freight

3. Rules for the operation of border stations, and associated railway facilities, in such a manner as will facilitate the through working in 1. above

4. Rules for the provision of cross-border interchange between railway organizations of locomotives, passenger and freight rollingstock, and other railway equipment

5. Payment for the cross-border hire or interchange of locomotives passenger and freight rollingstock, and other railway equipment
Elements of a Bilateral Railway Cross-Border Transport Agreement

6. Obligations of one railway organization to the other for the maintenance and repair of locomotives passenger and freight rollingstock, and other railway equipment belonging to the latter

7. Rules for the assessment of liability for financial compensation for damage to goods, or for death or injury of passengers in accidents involving cross-border traffic

8. Application of fares and freight tariffs in cross-border traffic

9. Principles for the division, between railway organizations, of passenger and freight revenue, and other receipts from cross-border traffic

10. Rules for the arbitration of disputes in any matter involving cross-border traffic
Thank you for your attention.