



SEMINAR ON INTERNATIONAL CONVENTIONS ON TRANSIT TRANSPORT

Jointly organized by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the Office of Legal Affairs and the Economic Commission for Europe

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SELECTED INTERNATIONAL CONVENTIONS AND AGREEMENTS ON TRANSIT TRANSPORT

Issues Note

Prepared by the Economic Commission for Europe

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Introduction

The Almaty Programme of Action, adopted at the International Ministerial Conference of Landlocked and Transit Developing Countries on Transit Transport Cooperation, held in August 2003 in Almaty, Kazakhstan, calls upon landlocked and transit developing countries to accede to and implement the relevant international Agreements and Conventions on transport.

The present document, which has been prepared by the Economic Commission for Europe on the request of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, contains outlines of relevant International Conventions and Agreements on Transit Transport and intends to familiarize UN Member States, particularly landlocked and transit developing countries, with these international instruments.

The broad objective of these International Conventions and Agreements, the Depository of which is the Secretary-General of the United Nations, is to facilitate international transport while providing for a high level of safety, security and environmental protection in transport.

By facilitating international transport, they provide the basic conditions for the development of international trade, exports and imports, which are a key factor, and an increasingly important one, for the economic and social development of countries, particularly of landlocked developing countries.

These Conventions and Agreements have been concluded under the auspices of the Economic Commission for Europe and negotiated in the framework of intergovernmental bodies, specialized in the various transport issues. They are the result of numerous consultations and negotiations among Member States, aimed at achieving consensus. Consensus is indeed the most frequently used decision-making procedure in those bodies. Each provision in these legal instruments has been carefully drafted so as to accommodate specific constraints of Member States.

Every Convention or Agreement usually contains a main text and one or more Annexes. The main text indicates the purpose of the Convention and includes: the agreed ways and means to achieve that purpose, the procedures for amending the main text and the Annexes, and conditions for entry into force. The Annexes usually contain the specific technical requirements necessary to achieve the objectives of the Convention.

After their adoption, these Conventions and Agreements as well as their amendments have followed, and continue to follow, the official legal procedures of the United Nations, as applied by the Office of Legal Affairs, including signature, ratification and entry into force.

While concluded under auspices of the Economic Commission for Europe, most of these Legal Instruments are open to all Member States of the United Nations. As a matter of fact, a large number of UN Member States that are not members of the Economic Commission for Europe have already become Contracting Parties to these Legal Instruments.

To become Contracting Party to any of these Conventions or Agreements, a Member State must deposit with the Secretary-General an instrument of accession, acceptance or approval, indicating its intention to implement the provisions of the Convention or Agreement. Becoming a Contracting Party does not involve any financial obligation or fee.

Conventions and Agreements are amended as the needs arise. Among the 17 selected Conventions and Agreements, a few of them have never been amended. Many, however, have been amended several times in order to introduce new measures or technological developments that improve safety or security or environmental protection.

The present Note contains a summary description of the Objectives, Key Provisions and Benefits of each of the seventeen selected Conventions and Agreements on Transit Transport. It also specifies the date of entry into force and the States that are currently Contracting Parties to each Legal Instrument.

1. Convention on Road Traffic, done in Vienna on 8 November 1968.

Objectives

The objectives of this Convention, known as the Vienna Convention on Road Traffic, are to facilitate international road traffic and to increase road safety through the adoption of uniform road traffic rules.

Key provisions

The Convention sets up commonly agreed rules and regulations on all factors influencing international road traffic and its safety, including the driver and the vehicle, with which Contracting Parties must comply and ensure compliance. The Convention establishes that, in general, and without affecting the right of a Contracting Party to make the admission of vehicles in their territory subject to any applicable national law, Contracting Parties shall be bound to admit to their territories in international traffic motor vehicles and drivers that fulfill the conditions laid down in the Convention and to recognize vehicle registration certificates issued by other Contracting Parties. With regard to drivers, the Convention sets up general rules, including that every driver shall at all times be able to control his vehicle (Art. 8) and that every driver of a motor vehicle must hold a driving permit, issued only after verification that he/she possesses the knowledge and skills necessary to drive a vehicle. It also includes all the specific behaviour rules for drivers necessary for safe driving, such as speed and distance between vehicles, priorities at intersections, overtaking, use of lamps, behaviour towards pedestrians and behaviour in case of accident (Arts. 10 to 34). The Convention also provides for rules to be observed by pedestrians, cyclists, moped drivers and motor cyclists (Art. 27). In addition, the Convention details the basic conditions for the admission of vehicles and drivers in international traffic. These include the obligation for vehicles to be registered by a Contracting Party and to carry a valid certificate of such registration as well as to show the distinguishing sign of the State of registration (Arts. 35 to 40). As a matter of fact, when a country becomes a Party to the Convention, it must notify the Secretary-General of the distinguishing sign its registered vehicles will use when in international traffic (Article 45).

Amendments introducing the prohibition of the use of hand-held mobile phones while driving, important changes to the driving permit and other measures were adopted in 2003. They can be found in document TRANS/WP.1/2003/1/Rev.4 at <http://www.unece.org/trans/roadsafe/wp12004.html>

Benefits

Economic growth and competitiveness increasingly rely on international trade. This is increasingly carried by road. The uniform rules and documents for international road traffic and the recognition by a Contracting Party of the rules applied and official documents issued by another Contracting Party, as provided for by the Vienna Convention on Road Traffic, are crucial for facilitating international road traffic, therefore international transport and trade, exports and imports, as well as international tourism, among Contracting Parties to the Convention. In addition, the Convention rules provide for a high level of road traffic safety.

Entry into force: 21 May 1977

Contracting Parties at 30 June 2004: 61 States (Albania, Austria, Azerbaijan, Bahamas, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Central African Republic, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guyana, Hungary, Iran (Islamic Republic of), Israel, Italy, Kazakhstan, Kuwait, Latvia, Lithuania, Luxembourg, Monaco, Mongolia, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Serbia and Montenegro, Seychelles, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Turkmenistan, Ukraine, Uruguay, Uzbekistan and Zimbabwe)

2. Convention on Road Signs and Signals, done in Vienna on 8 November 1968

Objectives

The objectives of this Convention, known as the Vienna Convention on Road Signs and Signals, are to facilitate international road traffic and to increase road safety, through the adoption of a harmonized signing system for road traffic.

Key provisions

This Convention sets up a set of commonly agreed road signs and signals and requires Contracting Parties within certain periods of time to replace those that previously had a different meaning from that assigned to them in the Convention and those that do not conform to the system provided for in the Convention. The Convention classifies road signs in three main categories: danger warning, regulatory and informative, and provides for each of them and their subdivisions definitions and physical appearance, including their dimensions, shapes and colours, graphic symbols and norms for ensuring their visibility and legibility. In addition to road signs, the Convention also prescribes common norms for traffic light signals, including non-flashing and flashing lights as well as signals for pedestrians. Moreover, the Convention prescribes uniform conditions for road marking, signs for road works as well as special signals and gates for level crossings.

Amendments, including new provisions regarding the legibility of signs, priority at roundabouts and new signs to improve safety in tunnels were adopted in 2003. They can be found in document TRANS/WP.1/2003/3/Rev.4 at: <http://www.unece.org/trans/roadsafe/wp12004.html>

Benefits

By establishing uniform or harmonized signs and signals, every road user in international traffic can understand the situations announced by them without misunderstanding and adapt driving behaviour accordingly. This facilitates international road traffic and trade, exports and imports, and makes it more efficient, thereby contributing to development, and at the same time provides great benefits for road safety as it reduces the risk of road accidents.

Entry into force: 6 June 1978

Contracting Parties at 30 June 2004: 52 States (Albania, Austria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Kazakhstan, Kuwait, Latvia, Lithuania, Luxembourg, Mongolia, Morocco, Norway, Pakistan, Philippines, Poland, Romania, Russian Federation, San Marino, Senegal, Serbia and Montenegro, Seychelles, Slovakia, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Turkmenistan, Ukraine, Uzbekistan)

3. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 1975.

Objective

The objective of the TIR Convention of 1975 is to facilitate the international carriage of goods by road vehicles or containers across one or more borders through the establishment of a simplified border crossing procedure and an international guarantee chain.

Key provisions

The TIR Convention of 1975, which updates the TIR Convention of 1959, sets up the procedure that permits the international carriage of goods by road vehicles or containers from one Customs office of departure to a Customs office of arrival, through as many countries as necessary, without intermediate check of the goods carried and without the deposit of a financial guarantee at each border. The procedure includes the use of secure vehicles or containers that have to be approved by authorities according to standards prescribed in the Convention in order for them to be used for TIR operations. The procedure also includes an international guarantee chain, established under the Convention, to cover duties and taxes at risk throughout the journey and whereby in each Contracting Party using the Convention a duly authorized association provides a guarantee towards national competent authorities. In addition, the procedure also includes the use for each vehicle of an international Customs document, the TIR Carnet, which certifies the contents of the cargo as checked at the Customs Office of departure and which is also a guarantee document. The Customs authorities at intermediate borders recognize the TIR Carnets, trust the information contained therein and do not undertake checks unless deemed appropriate for any particular reason. Finally, the procedure entails a controlled access to the TIR system and foresees exclusion from the procedure of those operators that misuse it for illegal purposes. An Administrative Committee, composed of all Parties to the TIR Convention, administers the Convention, which is open to all members of the United Nations.

Benefits

Through efficient control procedures and an international guarantee system, the TIR Convention of 1975 permits to avoid physical inspections of goods in transit as well as the payment of taxes and duties for the goods en route when necessary. It also permits to avoid a national guarantee system and national Customs documentation and control systems. All this results in minimum procedures and delays at borders and, therefore, in lower transport costs, which in turn results in lower export and import costs.

Entry into force: 20 March 1978

Contracting Parties at 30 June 2004: 64 States (Afghanistan, Albania, Algeria, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mongolia, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, The FYR of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uruguay and Uzbekistan) and the European Community.

4. Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 1956.

Objectives

The objective of this Convention is to facilitate international road traffic through facilitating the temporary admission into a country Contracting Party to the Convention of commercial road vehicles registered in another country also Contracting Party to the Convention without payment of import duties and taxes for the vehicle.

Key provisions

The Convention defines the concept of commercial road vehicle and sets up the principle of temporary importation of such vehicles under cover of the international document "Carnet de passage en douane" (CPD). These Carnets guarantee payment of import duties and taxes of the vehicles to national competent authorities if the vehicle that has been temporarily admitted is not re-exported. The CPDs are issued by authorized organizations or associations, which guarantee the payment. The Convention describes in detail the functioning of the temporary importation procedures and the documents to be used as well as claims procedures to be applied when the exportation of vehicles has not been done within the time limits prescribed.

Benefits

The Convention introduces a standardized procedure and provides for an internationally recognized document, which replace national procedures and documents, often different from one country to another. The procedure also avoids the operation of national guarantee systems, as all taxes and duties are covered. In addition, it ensures accurate filling-in by competent authorities and transport operators because of well-established procedures. As a result, the Convention helps minimize procedures and delays at border crossings.

Entry into force: 8 April 1959. Amended in 1992.

Contracting Parties at 30 June 2004: 38 States (Afghanistan, Algeria, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Cambodia, Croatia, Cuba, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kyrgyzstan, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovenia, Spain, Sweden, Switzerland, The FYR of Macedonia, United Kingdom and Uzbekistan) and the European Community.

5. International Convention on the Harmonization of Frontier Controls of Goods, of 1982.

Objective

The Convention aims at facilitating border crossing in the international transport of goods through the harmonization and reduction of the requirements for completing formalities as well as the number and duration of controls at borders.

Key provisions

The Convention establishes the procedures for carrying out efficiently all types of controls that may be necessary at borders, including Customs controls, medico-sanitary inspections, veterinary inspections, phytosanitary inspections, controls of compliance with technical standards and quality controls. Procedures largely call for national cooperation and coordination of the various services among them, as well as for international cooperation between the respective border services of the adjacent countries. In this respect, the Convention foresees measures that include joint controls of goods and documents through the provision of shared facilities, same opening hours and same types of services at the same border. These procedures apply to all goods being imported, exported or in transit and to all modes of transport. An Administrative Committee manages the Convention, which is foreseen for global application.

Benefits

By rationalizing and harmonizing the various types of border controls and by laying down guidelines for both national procedures and for cooperation with neighbouring countries, the Convention provides for a reduction in the number and duration of all types of controls. As a matter of fact, it provides best practices for efficient controls of goods at border crossings. It aims at promoting the one-stop-shop principle for border controls. As a result, the Convention reduces border delays, which results in lower transport costs and, therefore, in lower export and import costs.

Entry into force: 15 October 1985.

Contracting Parties at 30 June 2004: 43 States (Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The FYR of Macedonia, Ukraine, United Kingdom, Uzbekistan) and the European Community.

6. Convention on the Contract for the International Carriage of Goods By Road (CMR), done in Geneva on 19 May 1956.

Objectives

The objective of the CMR is to facilitate international road transport by providing a common transport contract, including a common consignment note and harmonized liability limits.

Key provisions

The CMR fixes the conditions governing the contract for the international carriage of goods by road. It sets up the conditions for the document used, i.e. the consignment note, including the information particulars it shall contain. The CMR also specifies the conditions of the liability of the carrier, including the circumstances under which he cannot be considered liable. In addition, it specifies the compensation limit in case the carrier is liable for the total or partial loss of goods. This limit is established in “gold francs” (Article 23). The carriage has to involve at least two countries, of which one has to be a Contracting Party to the Convention. Contracting Parties to the CMR must ensure that transport operators registered in their countries, when carrying out an international transport, use the consignment note as proof of the transport contract and respect the conditions attached to its use. The provisions of the CMR belong to private law and have no direct implications for the Government. However, in order for transport operators to implement those provisions, they must be included in their national legislation. A new Protocol to the CMR is being considered in order to introduce the use of an electronic consignment note.

Benefits

By providing common transport contract conditions and internationally acceptable liability limits, the CMR helps to maintain fair competition between carriers and limits the costs of international road transport, including insurance costs.

Entry into force: 2 July 1961

Contracting Parties at 30 June 2004: 46 States (Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Mongolia, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan)

7. Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR), done in Geneva on 5 July 1978

Objectives

The objective of the Protocol is to amend Article 23 of the CMR in order to facilitate financial compensations by introducing the Special Drawing Rights (SDR) of the International Monetary Fund (IMF) as units of account for such compensations and the conditions for their use.

Key provisions

The Protocol defines the limit of compensation in SDR units and defines the conditions for conversion into the national currency, which, for States members of the IMF, shall be calculated in accordance with the method applied by the IMF for its operations and transactions at the date in question. For a State not member of the IMF, the conversion into national currency shall be calculated in a manner determined by that State. This State may, if its national law does not permit the SDR solution, use another limit of liability to be applied in their territory, also specified in the Protocol. Such States shall communicate to the Secretary-General of the United Nations the manner of calculation or the results of the conversion when depositing an instrument of accession to the Protocol or when there is a change in either. Accession to the Protocol requires accession also the Convention.

Benefits

By introducing the SDR unit of account and setting up common rules for the States that can use that unit and for those that cannot, the Protocol enlarges the choice of countries for compensations, facilitates the settlement of disputes and ultimately facilitates international road transport.

Entry into force: 28 December 1980

Contracting Parties at 30 June 2004: 30 States (Austria, Belgium, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom and Uzbekistan).

8. Convention concerning Customs Facilities for Touring, of 1954.

Objective

The objective of the Convention is to facilitate the development of international touring.

Key provisions

The above objective is pursued by providing for the temporary admission, free of import duties and import taxes, of the personal effects imported by a tourist, provided they are for the personal use of the tourist, that they are carried on the person of or in the luggage accompanying the tourist, that there is no reason to fear abuse, and that these personal effects will be re-exported by the tourist on leaving the country. To this end the Convention defines the concept of “personal effects” and indicates the limits for other articles, including cigarettes and alcohol or travel souvenirs, which can be admitted free of duties and taxes.

Benefits

The Convention provides both tourists and Customs authorities with precise harmonized conditions for the temporary importation by tourists of personal effects and other goods, together with harmonized maximum admissible quantities of such goods, that can be imported free of duties and taxes.

Entry into force: 11 September 1957.

Contracting Parties at 30 June 2004: 76 States (Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bosnia and Herzegovina, Bulgaria, Cambodia, Canada, Central African Republic, Chile, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Greece, Haiti, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom, United Rep. of Tanzania, United States, Uruguay).

9. Customs Convention on the Temporary Importation of Private Road Vehicles, of 1954.

Objectives

The objective of this Convention is to facilitate international road traffic through facilitating the temporary admission into a country Contracting Party to the Convention of private road vehicles registered in another country, also Contracting Party to the Convention, without payment of import duties and taxes for the vehicles.

Key provisions

The Convention defines the concept of private road vehicle and establishes the principle of temporary importation of such vehicles under the cover of the international "Carnet de passage en douane" (CPD). These Carnets guarantee payment of import duties and taxes of the vehicles to national competent authorities if the vehicle that has been temporarily admitted is not re-exported. The "Carnets de passage en douane" are issued by authorized organizations or associations, which guarantee the payment. The Convention describes in detail the functioning of the temporary importation procedures and the documents to be used as well as claims procedures to be applied when exportation of vehicles has not been done within the time limits prescribed. The Convention is open to all members of the United Nations.

Benefits

The Convention introduces a standardized procedure and provides for an internationally recognized document, which replace national procedures and documents, often different from one country to another. The procedure also avoids the operation of national guarantee systems, as all taxes and duties are covered. In addition, it ensures accurate filling-in by competent authorities and associations or private road vehicle drivers because of well-established procedures. As a result, the Convention helps minimize procedures and delays at border crossings.

Entry into force: 15 December 1957. Amended in 1992.

Contracting Parties at 30 June 2004: 76 States (Albania, Algeria, Australia, Austria, Barbados, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Central African Republic, Chile, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Haiti, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sudan, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, The FYR of Macedonia, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom, United Rep. of Tanzania, United States) and the European Community.

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

Objective

The objective of the Convention is to facilitate the crossing of borders for passengers carried by rail.

Key provisions

The Convention lays down procedures for control of the entry and exit of passengers and their baggage by competent authorities of two adjoining countries linked by a railway line carrying a considerable volume of passengers crossing the frontier. The Convention favors the carrying out of the police and customs controls while trains are in motion and sets up the appropriate procedures to do so. However, the Convention also establishes the procedures, wherever the controls cannot be satisfactorily performed while the trains are in motion, for the organization of joint controls being performed in a joint station close to the frontier and designated by agreement between the adjacent countries. The Convention also provides for transit procedures.

Benefits

By providing for more efficient border controls of passengers and their luggage carried by rail, the Convention facilitates international rail transport of passengers, reducing travel time of and inconveniences to travellers as well as the investment of competent authorities on control stations.

Entry into force: 1 April 1953

Contracting Parties at 30 June 2004: 10 States (Albania, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Switzerland).

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

Objective

The objective of the Convention is to facilitate the crossing of frontiers by goods carried by rail.

Key provisions

The Convention establishes procedures and conditions for harmonizing and ensuring a high level of efficiency in the controls of goods carried by rail at borders between two adjoining countries on a railway line carrying a considerable volume of goods. The Convention foresees that the controls that are required under the legislation of the two countries in respect of the entry and exit of all or part of the goods traffic can be performed at one or several joint stations close to the border and designated by agreement between the adjacent countries. The Convention also provides prescriptions concerning the organization of joint control at joint stations and control facilities. It also provides for transit procedures.

Benefits

By providing for efficient border controls of goods carried by rail, the Convention facilitates international rail transport of goods, reducing transport time and the needs for investment of competent authorities on control stations.

Entry into force: 1 April 1953.

Contracting Parties at 30 June 2004: 11 States (Albania, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Switzerland).

12. Customs Convention on Containers, of 1972.

Objective

The objective of the Convention is to facilitate the temporary use of containers in international transport.

Key provisions

The 1972 Convention, which replaces the Convention of 1956, pursues this objective by deferring payment of taxes and duties for the temporary use in a Contracting Party of containers registered in another Contracting Party. The Convention provides for competent authorities to be supplied with surety in case export does not happen. It also provides detailed description of the temporary admission procedure for containers. This does not include the tractor unit. Unlike the Conventions on the temporary importation of vehicles, in the Container Convention there are no document requirements. The guarantee is based on an undertaking of the container owner. The Convention also provides for technical prescriptions for Customs secure sealing of containers, in line with provisions of TIR Convention. The Convention, managed by an Administrative Committee, is open to all member states of the United Nations. The World Customs Organization provides the secretariat to the Convention.

Benefits

By minimizing the administrative border procedures related to the temporary importation of containers and by deferring the payment of taxes and duties for such temporary importation, the Convention facilitates the international transport of goods carried in containers, while ensuring the recovery of Customs duties in case that the container is not re-exported.

Entry into force: 6 December 1975

Contracting Parties at 30 June 2004: 30 States (Algeria, Australia, Austria, Belarus, Bulgaria, Burundi, Canada, China, Cuba, Czech Republic, Finland, Georgia, Hungary, Indonesia, Lithuania, Morocco, New Zealand, Poland, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Spain, Switzerland, Trinidad and Tobago, Turkey, Ukraine, United States, Uzbekistan).

13. Convention on Customs Treatment of Pool Containers Used in International Transport (Container Pool Convention), of 1994.

Objective

The objective of the Convention is to facilitate further the international transport of goods carried by containers belonging to a Container Pool.

Key provisions

The Convention pursues this objective through the duty- and tax-free admission of containers belonging to a Pool and by simplifying the regime set up by the Customs Convention on Containers, of 1972. According to this regime, each container entering a country temporarily needs to be identified and registered, must be re-exported within a certain time period (usually 3 months) and can only be used once for domestic transport. However, under the Pool Convention, each Contracting Party assigns a certain number of its own containers to a Pool and allows an equal number of such Pool containers to travel within its territory without any restriction. The only administrative procedure then required for a country is to check at specific intervals whether a balance between the number of its own Pool containers and the number of Pool containers at any moment in its country is kept, i.e. instead of controlling each and every container, only the balance of a certain number of Pool containers needs to be checked. The Convention provides definitions of the use of containers in a pool and a detailed description of the temporary admission procedure for Containers used in a pool. Administered by its own Administrative Committee, the Convention is open to all member states of the United Nations.

Benefits

By facilitating the temporary importation of containers without keeping record of every single container movement, the Convention allows for container operators in a pool (agreement) to continuously exchange containers for temporary importation and exportation from that pool, provided only that records of the movements and the status of containers in the host country are kept and available for competent authorities.

Entry into force: 17 January 1998.

Contracting Parties at 30 June 2004: 12 States (Austria, Cuba, Czech Republic, Italy, Lithuania, Malta, Poland, Slovakia, Slovenia, Sweden, United Kingdom, Uzbekistan) and the European Community.

14. Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), of 1970.

Objectives

The objectives of the ATP are to facilitate international transport of perishable foodstuffs and to ensure a high level of preservation of the quality of perishable foodstuffs during their carriage.

Key provisions

To this end, the ATP establishes harmonized and improved technical conditions for the preservation of the quality of the perishable foodstuffs during their carriage. These conditions concern mainly the temperature to be observed during the carriage and the equipment used for the carriage. The ATP establishes the appropriate temperatures under which several types of perishable foodstuffs should be carried. These temperatures vary for each type of perishable foodstuff but it is important that it remains constant during the whole carriage period. The ATP also lays down the requirements for the equipment, including its refrigerating capacity, insulating capacity and efficiency of thermal appliances as well as the methods and procedures for measuring and checking them. The equipment to be used for an ATP traffic must be certified by a Contracting Party to the ATP according to the results of tests, the methodology of which is also contained in the ATP. Upon the results of such tests, the Contracting Party issues a certificate of compliance with the ATP standards, which is recognized by all the other Contracting Parties to the ATP. The ATP applies to the carriage of perishable foodstuffs, not only by road, but also by rail and by sea. In this latter case, sea crossings must be less than 150 km long and certain conditions must be fulfilled.

Benefits

By ensuring the carriage of perishable foodstuffs under harmonized and high-level conditions that preserve their quality, including also the reciprocal recognition of vehicles apt to carry ATP goods, the ATP contributes to facilitate the trade of this kind of foods, which is increasingly international, and to prevent the possible diseases that might arise from products arriving to consumption under poor conditions of preservation. Countries that are not Parties to the ATP and do not implement ATP standards may not benefit from this system for their exports of perishable foodstuffs.

Entry into force: 21 November 1976

Contracting Parties at 30 June 2004: 39 States (Austria; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Ireland; Italy; Kazakhstan; Latvia; Lithuania; Luxembourg; Monaco, Morocco; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia, Spain; Sweden; The former Yugoslav Republic of Macedonia; United Kingdom; United States of America; Uzbekistan).

15. European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), done at Geneva on 30 September 1957.

Objective

The objective of the ADR is to increase the safety of international transport by road by ensuring the highest possible level of safety in the transport of dangerous goods at an economically acceptable cost.

Key provisions

The ADR identifies the substances and articles that are considered as dangerous goods and that can be admitted in international transport as well as those that cannot be admitted in international transport. For those that can be admitted, the ADR establishes the special conditions under which they can be carried. These include the classification of dangerous according to their specific type of danger (explosives, flammable liquids, flammable gases, corrosive substances, etc.), the packing conditions, labelling, marking, placarding, documentation required, special requirements for tanks including loading, stowage, segregation and unloading. All these requirements are described in detail in Annex A to the ADR. However, there are also other special requirements, which contained in Annex B to the Agreement, and which concern transport operations, driver training as well as vehicle construction and approval, with which the international transport of dangerous goods must also comply. Security provisions have recently been included and will be applicable as from 1 January 2005. Annexes A and B to the ADR are usually amended every two years.

While obliging Contracting Parties to accept vehicles coming from other Parties if they comply with the ADR, the Agreement preserves the right of Contracting Parties to prohibit, for reasons other than safety during carriage, the entry of dangerous goods into their territory. Contracting Parties also retain the right to arrange less stringent conditions of international transport on their territories, by special bilateral or multilateral agreements.

The ADR, which is administered by the UNECE Working Party on the Transport of Dangerous Goods (WP.15), is open for accession to all UN member States. Accession to the ADR has no financial implications for countries. However, for exporting countries, it imposes the development of administrative structures for testing and approval of packagings, tanks and vehicles, for driver and dangerous goods safety adviser training and for issuing the corresponding certificates.

Benefits

The ADR provides for a high level of safety and security during international carriage of dangerous goods. It also facilitates transport and trade of such goods resulting from mutual recognition of packaging, tank, vehicle and driver training certificates. Being harmonized with the UN Model Regulations that serve as a basis for all modes of transport and most national regulations at worldwide level also facilitates compliance, enforcement and control. Annexes A and B may be, and actually are, used for also regulating domestic traffic, which is the case in EU countries.

Entered into force: 24 January 1968

Contracting Parties at 30 June 2004: 39 States (Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine and United Kingdom).

16. Protocol amending article 1 (a), article 14 (1) and article 14 (3) (b) of the ADR, of 28 October 1993.

Objectives

The main objective of the Protocol is to improve the amendment procedures for Annexes A and B to the ADR.

Key provisions

The Protocol establishes that, in addition to any Contracting Party, the Secretary General may also propose amendments to the Annexes to the ADR, notably those adopted by the UNECE Working Party on the Transport of Dangerous Goods on its request. The Protocol also introduces for the purpose of the transport of dangerous goods a new definition of “vehicle”.

Benefits

The Protocol simplifies and accelerates the procedure of amendments to the Annexes A and B to the ADR, which allows the Secretary General to propose directly amendments adopted by the Working Party, which simplifies administrative procedures and provides for an earlier entry into force of those amendments.

Entry into force

Adopted by a Conference of Contracting Parties to the ADR, this Protocol is not yet in force. Its entry into force requires the deposit of an instrument of ratification, approval, acceptance or accession by all Contracting Parties to the ADR. This requirement has not yet been fulfilled. All new countries acceding to ADR should also consider acceding at the same time to this Protocol.

17. European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), done on 1 July 1970

Objectives

The objective of the AETR is to prevent drivers and crews of commercial vehicles of more than 3.5 tonnes, or transporting more than 9 people, engaged in international road transport, from driving excessive hours, as this increases the risk of serious road accidents and may create disparities in the working conditions of this category of workers and in the competition conditions of their companies.

Key provisions

The AETR regulates the driving and rest periods of those professional drivers. It establishes the maximum allowable driving period in one day and in a two-week period as well as the minimum rest period after 6 consecutive days. It also sets up the rest period in each period of 24 hours, in principle 11 hours.

The Agreement also defines the on board control device, the so-called tachograph, that is used to control those periods, and sets up the general provisions as well as all technical requirements for the construction, testing, installation and inspection of the device. Additionally, the AETR also sets up requirements for the checking of driving hours by the competent authorities of Contracting Parties. New minimum requirements for such checking, both at the roadside and at the premises of transport enterprises, have entered into force on 27 February 2004. The AETR is now being amended to introduce a digital tachograph, which cannot be manipulated.

The AETR is currently open only to States that are members of the UNECE.

Benefits

By regulating the driving and rest periods of drivers of heavy commercial vehicles engaged in international transport, the AETR creates a level playing field in the road haulage industry in that it stops unfair competition from road transport operators that do not restrict the driving hours of their professional drivers. Additionally, it helps prevent in each country road accidents that may be caused by fatigue of drivers of vehicles, including those registered in another country. These accidents may be all the more serious as vehicles involved are heavy goods vehicles or carry a large number of passengers. Contrary to the current mechanical tachographs, which can be manipulated, the digital tachograph that is being introduced will be tamper proof and will therefore not allow such manipulation.

Entry into force: 5 January 1976

Contracting Parties: 42 States (Andorra, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, United Kingdom, Uzbekistan).