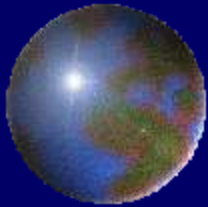


**Training Course of Railway Personnel
BIMSTEC and Mekong-Ganga Cooperation Countries
20-31 March, 2006
Railway Staff College, Vadodara, India**



Rail Transport Facilitation

**John Moon
Chief, Transport Policy and Tourism Section
Transport and Tourism Division
UNESCAP**



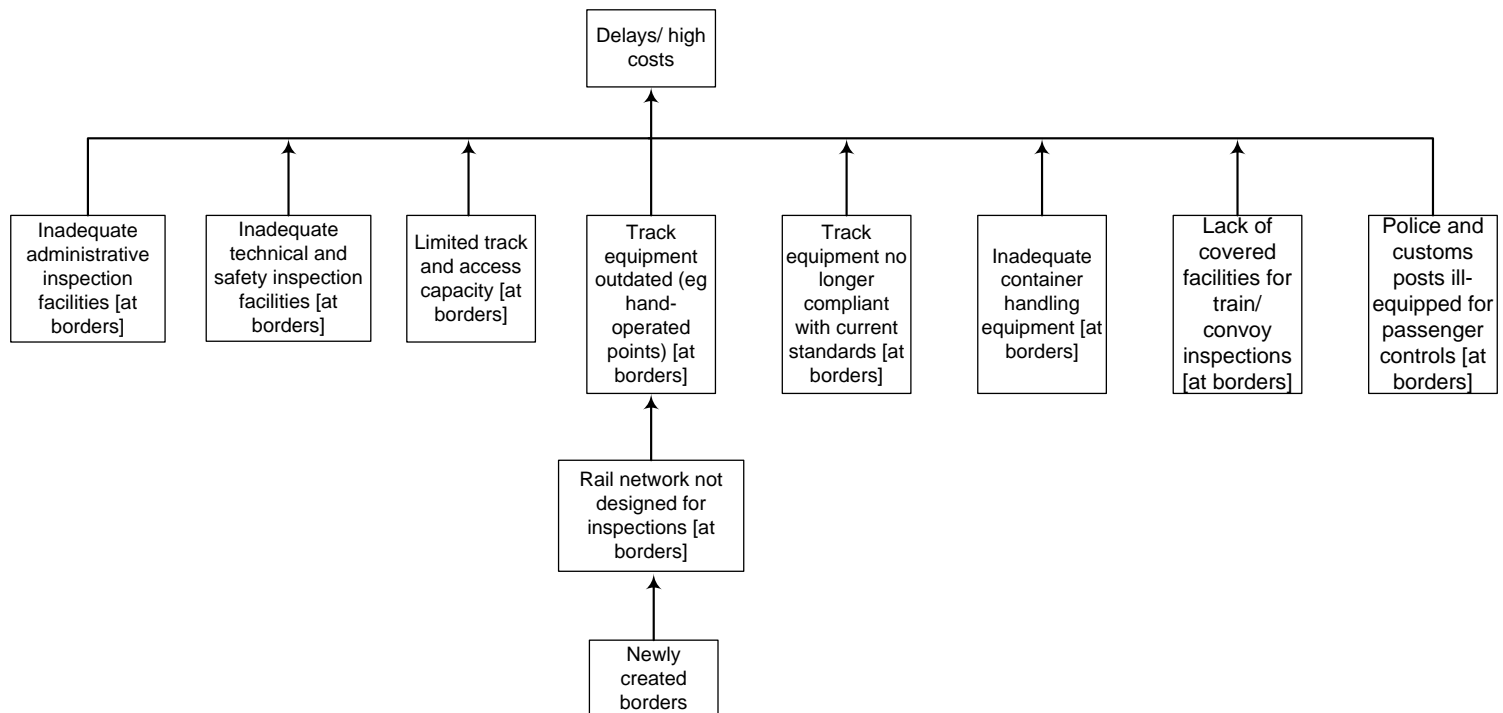
Content

- ✦ 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

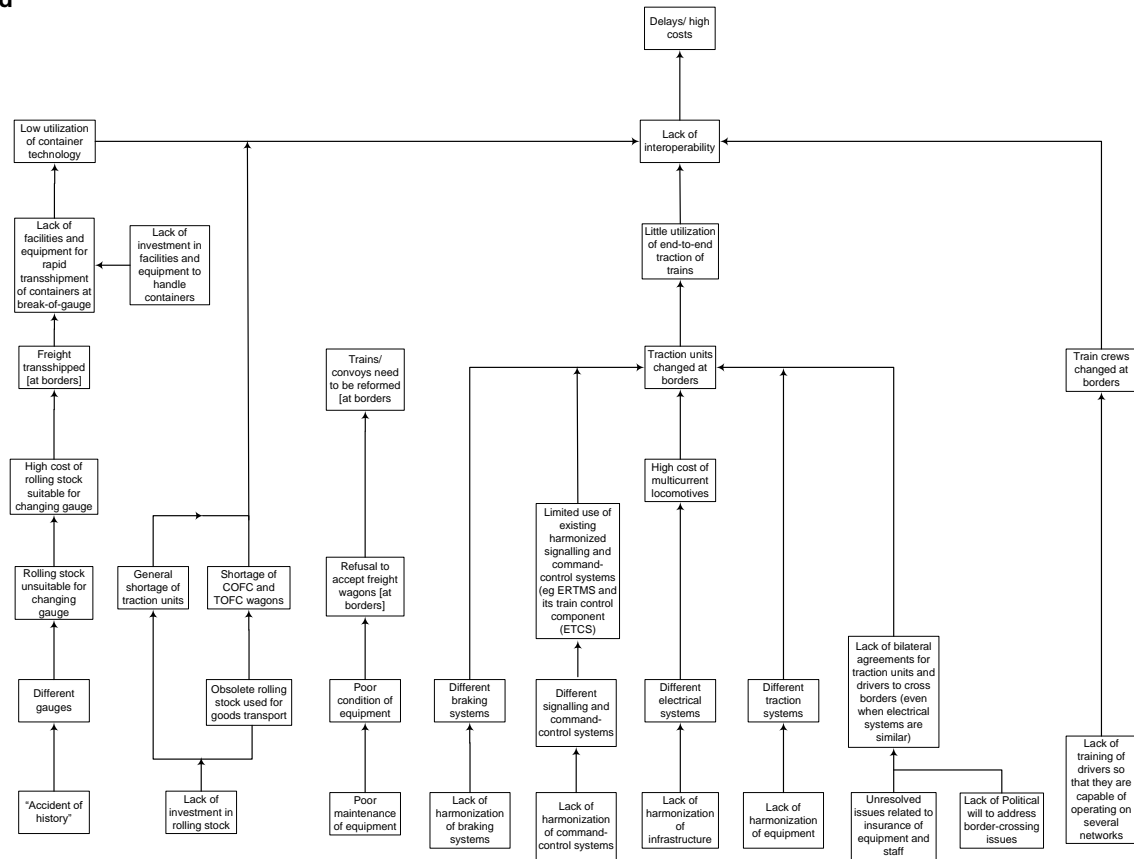
Infrastructure at Borders





Problems – Rolling Stock and Interoperability

Rolling Stock and Interoperability

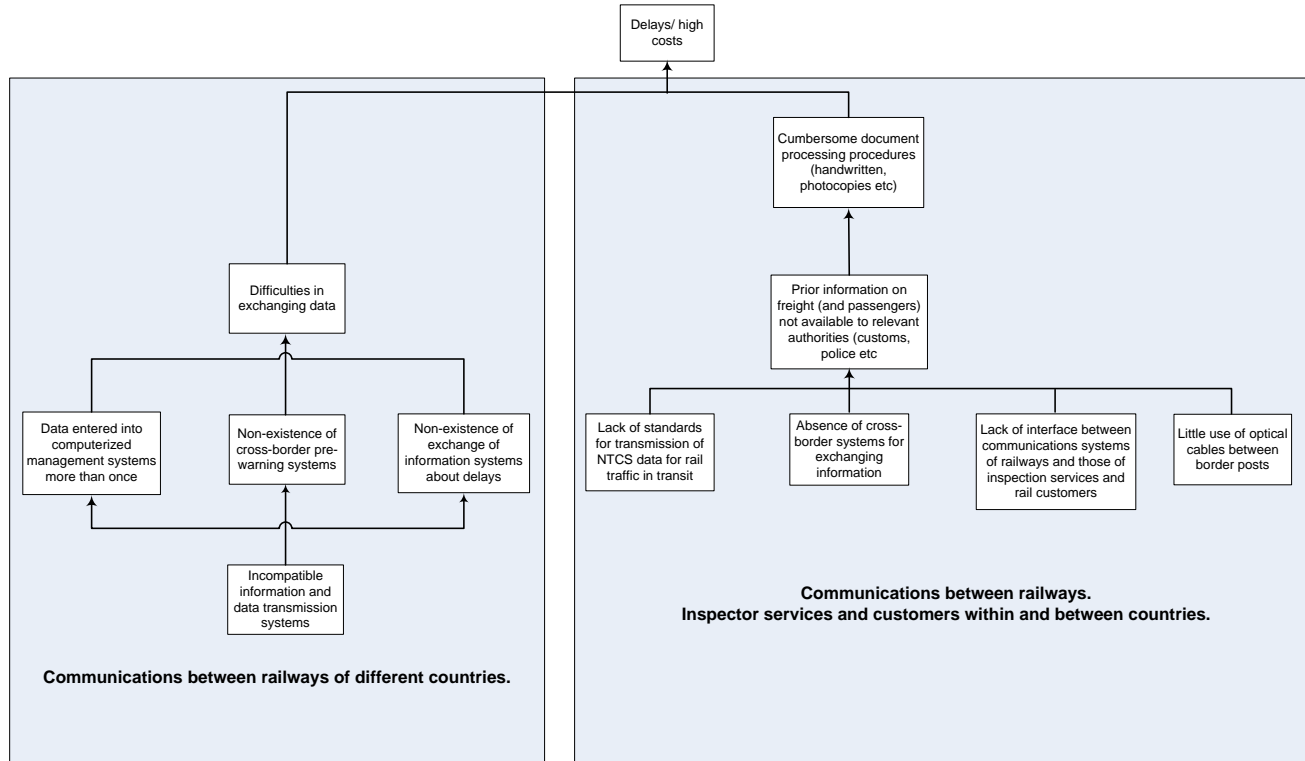


ERTMS – European Rail Traffic Management System
 ETCS – European Train Control System
 COFC – Container on flat car
 TOFC – Trailer on flat car



Problems - Communications

Communications



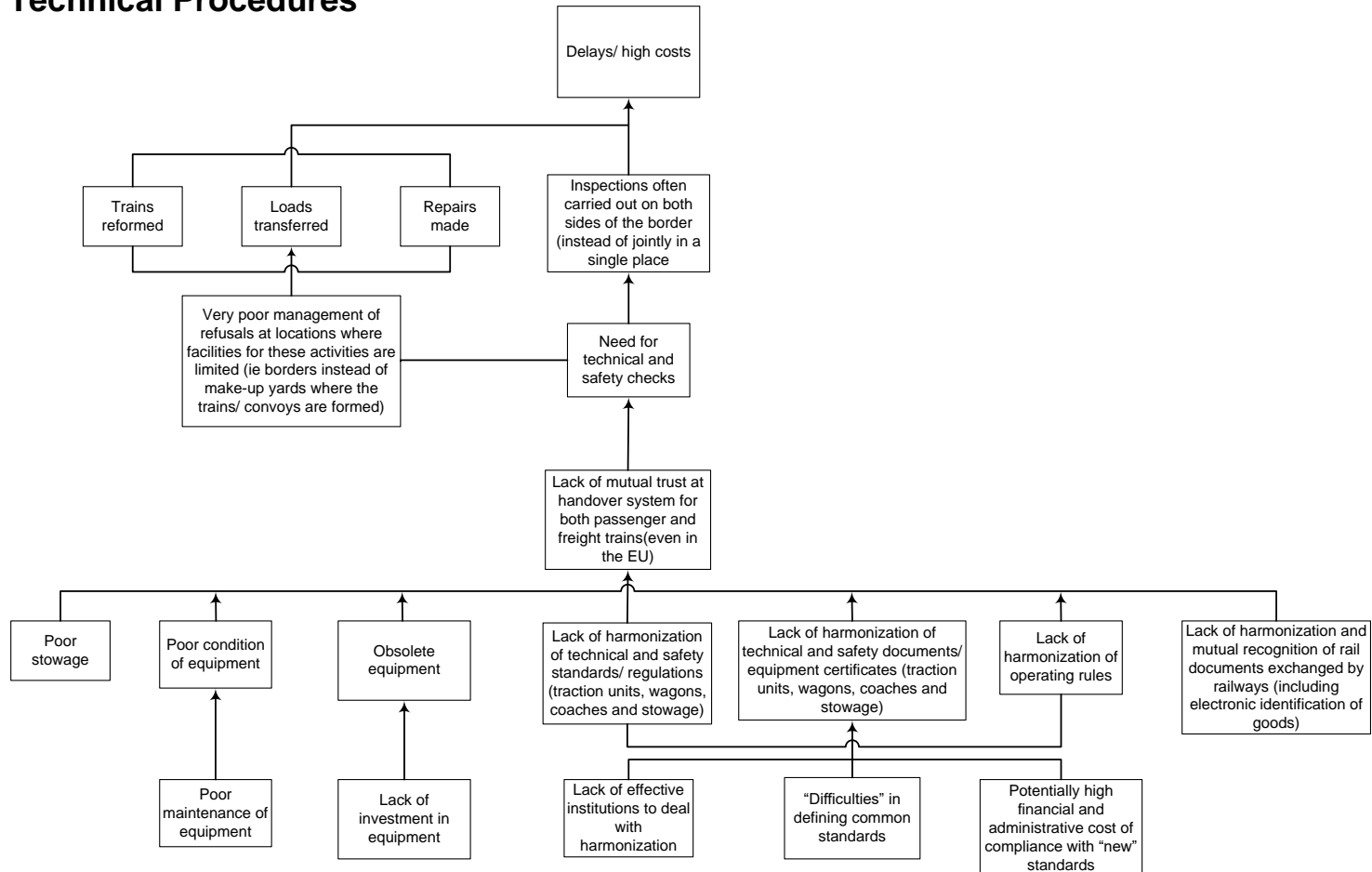
NTCS – New Computerized Transit System

HERMES



Problems – Technical Procedures

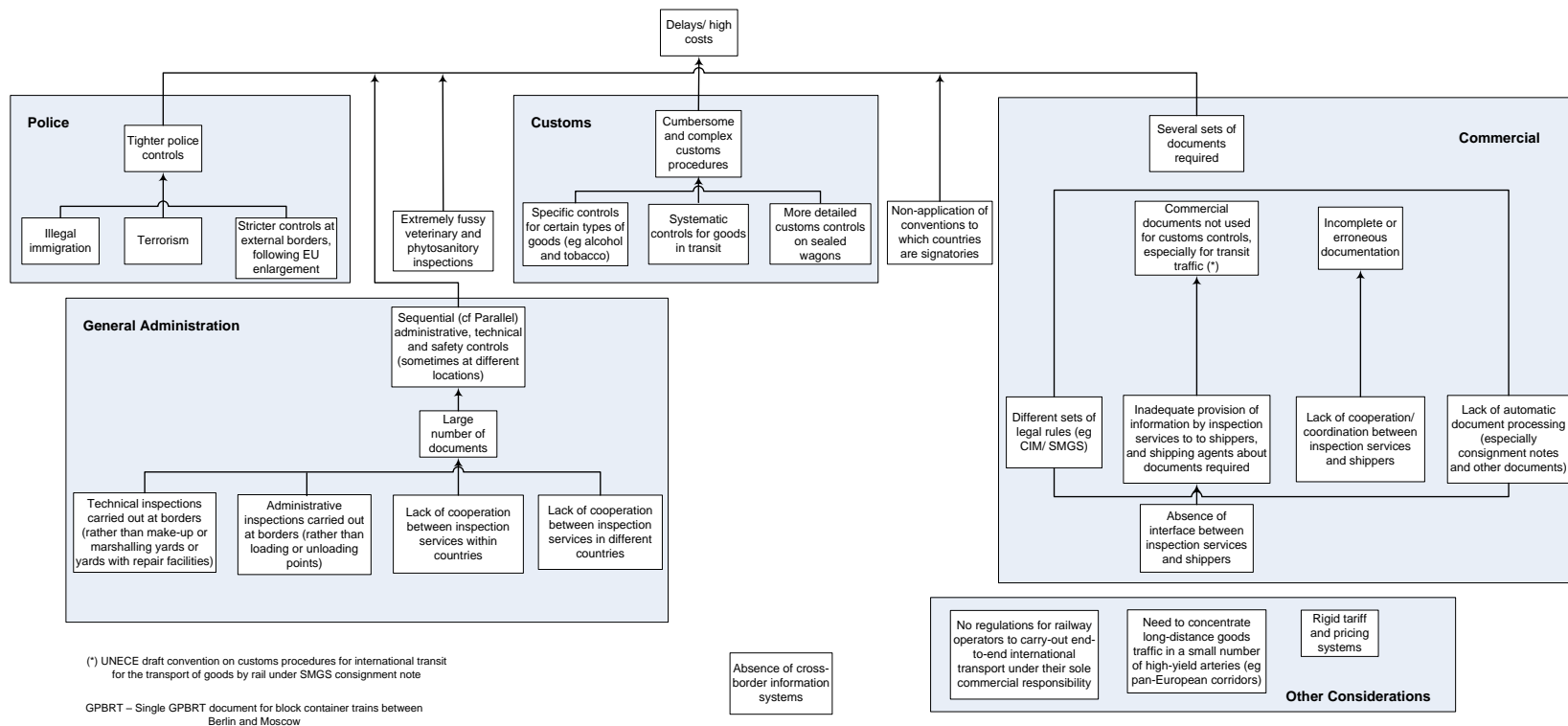
Technical Procedures

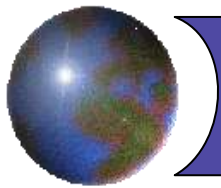




Problems – Administrative Procedures

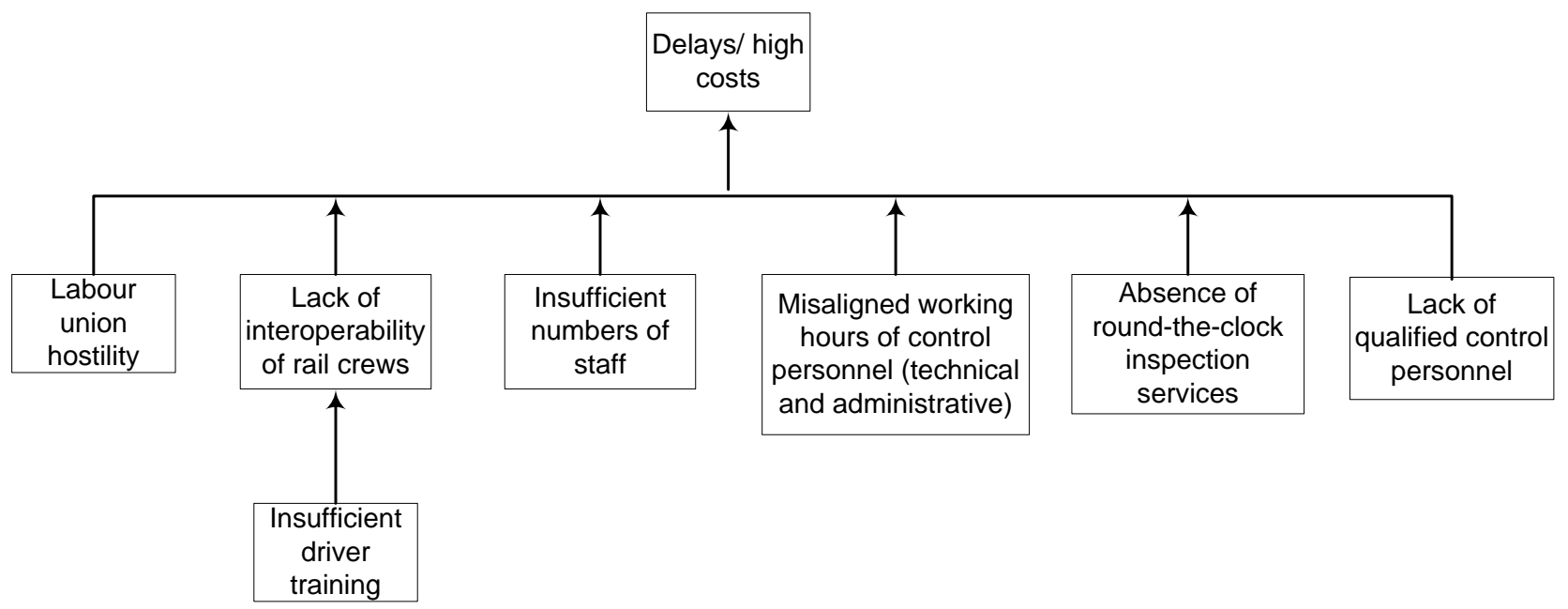
Administrative Procedures

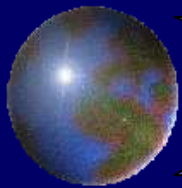




Problems - Personnel

Personnel





Membership of Organizations dealing with Rail Transport - UNECE

UNECE	ECMT	EU	OTIF	COMECON	OSJD	UIC
Austria	***	***	***			***
Belgium	***	***	***			***
Denmark	***	***	***			***
Finland	***	***	***			***
France	***	***	***			***
Germany	***	***	***			***
Greece	***	***				***
Ireland	***	***	***			***
Italy	***	***	***			***
Luxembourg	***	***	***			***
Malta	***	***				
Netherlands	***	***	***			***
Portugal	***	***	***			***
Spain	***	***	***			***
Sweden	***	***	***			***
United Kingdom	***	***	***			***
Czech Republic	***	***	***	***	***	***
Estonia	***	***		***	***	***
Hungary	***	***	***	***	***	***



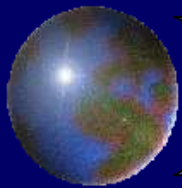
INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR GOODS CARRIED BY RAIL, 1952

- ❖ 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



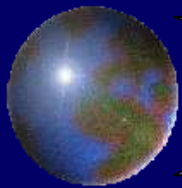
INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, 1952

- ❖ 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



DRAFT CONVENTION TO FACILITATE BORDER CROSSING IN INTERNATIONAL RAILWAY PASSENGER TRANSPORT

- ✦ 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

Facilitation of Border Crossing Procedures for International Rail Freight

- ⊕ Preamble
- ⊕ Article 1 Principles
- ⊕ 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
- ⊕ Article 6 Time limits
- ⊕ Article 7 Documentation



Convention concerning International Carriage by Rail (COTIF)

CIM – Appendix B to the COTIF Convention

❁ Title I General Provisions

- ❁ Article 1 Scope
- ❁ Article 2 Prescriptions of public law
- ❁ Article 3 Definitions
- ❁ Article 4 Derogations
- ❁ < Article 5 Mandatory law



CIM – Appendix B to the COTIF Convention

✦ **Title II Conclusion and Performance of the Contract of Carriage**

- ❑ Article 6 Contract of carriage
- ❑ Article 7 Wording of the consignment note
- ❑ Article 8 Responsibility for particulars entered on the consignment note
- ❑ Article 9 Dangerous goods
- ❑ Article 10 Payment of costs
- ❑ Article 11 Examination
- ❑ Article 12 Evidential value of the consignment note
- ❑ Article 13 Loading and unloading of the goods
- ❑ Article 14 Packing
- ❑ Article 15 Completion of administrative formalities
- ❑ Article 16 Transit periods
- ❑ Article 17 Delivery
- ❑ Article 18 Right to dispose of the goods
- ❑ Article 19 Exercise of the right to dispose of the goods
- ❑ Article 20 Circumstances preventing carriage
- ❑ Article 21 Circumstances preventing delivery
- ❑ Article 22 Consequences of circumstances preventing carriage and delivery



CIM – Appendix B to the COTIF Convention

✦ Title III Liability

- ❑ Article 23 Basis of liability
- ❑ Article 24 Liability in case of carriage of railway vehicles as goods
- ❑ Article 25 Burden of proof
- ❑ Article 26 Successive carriers
- ❑ Article 27 Substitute carrier
- ❑ Article 28 Presumption of loss or damage in case of reconsignment
- ❑ 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



CIM – Appendix B to the COTIF Convention

● 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



CIM – Appendix B to the COTIF Convention

📍 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
- ☐ Article 12 - Amendment of the carriage contract
- ☐ Article 13 - Formalities at the Customs office of departure
- ☐ Article 14 - Identification means
- ☐ Article 15 - Formalities at the Customs office of transit
- ☐ Article 16 - Formalities at the Customs office of destination
- ☐ Article 17 - Infringements and irregularities
- ☐ Article 18 - Additional facilities
- ☐ Article 19 - Electronic exchanges of data

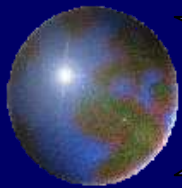


Draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

❖ CHAPTER II - EXPLANATORY NOTES

❖ CHAPTER III - FINAL PROVISIONS

- ❖ Article 21 - Signature, ratification and accession
- ❖ Article 22 - Entry into force
- ❖ Article 23 - Denunciation
- ❖ 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

The form is a complex document divided into several main sections:

- Header:** Includes fields for 'CIM/SMGS Consignment Note' and 'CIM/SMGS Consignment Note'.
- Sender/Receiver Information:** Contains fields for 'Sender's Name', 'Sender's Address', 'Receiver's Name', and 'Receiver's Address'.
- Cargo Details:** Includes 'Description of Goods', 'Quantity', 'Weight', and 'Volume'.
- Tracking and Status:** Features a large table with columns for 'Date', 'Time', 'Status', and 'Location'.
- Additional Information:** Includes fields for 'Remarks', 'Special Handling', and 'Insurance'.

The form is titled 'The new CIM/SMGS Consignment Note' at the bottom.



Bilateral Joint Traffic Working Agreements

- ✚ Agreement for Joint Traffic Working by the Railway Systems of Malaysia and Thailand, 1954 and 1989
- ✚ 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 expeditious 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.