NOTE FOR THE PARTICPANTS
of the 2nd Expert Group Meeting on Documentation, Procedures and Information Technology for Rail-Based Intermodal Transport Services in Northeast and Central Asia
(Incheon, Republic of Korea, 5-6 April 2017)

The revision of the draft study report on Documentation and Procedures for Rail-Based Intermodal Transport Services in Northeast and Central Asia

The UNESCAP secretariat presented the above-captioned draft study report, including the proposed unified multimodal transport document, to the Expert Group Meeting on Documentation and Procedures for Rail-Based Intermodal Transport Services in Northeast and Central Asia (Bangkok, 30-31 August 2016).
Following the recommendations of the meeting, the secretariat circulated the draft study report on 9 September 2016 to the countries involved for further detailed comments by 10 November 2016, as agreed by the meeting.

The secretariat has received a number of important comments on the draft report. Some of the comments propose specific changes to the draft report, other comments and observations are of more general nature. The secretariat has divided the comments into two groups.

The comments proposing specific changes in the text of the study report and the name of the county proposing such changes are inserted into the report in square brackets and highlighted with red colour. General comments and observations not suggesting particular changes to the text are listed separately.

The proposed changes to the study report, as well as general comments and observations, will be further discussed at the 2nd Expert Group Meeting on Documentation, Procedures and Information Technology for Rail-Based Intermodal Transport Services in Northeast and Central Asia **(Incheon, Republic of Korea, 5-6 April 2017).**

Please note that no final formatting has been done to this version of the study report, because its purpose is to display the received comments and facilitate the discussion. To avoid the confusion page numbering has been temporarily removed in the text of the report.

Report on Documentation and Procedures for the Development of Seamless Rail-Based Intermodal Transport Services in Northeast and Central Asia



UNITED NATIONS
ESCAP
Economic and Social Commission for Asia and the Pacific

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1. Introduction

The increasing use of railways for international cargo transport within Northeast and Central Asia has revealed major shortcomings with respect to border crossing performance. Excessive delays due to the application of border controls can inflate logistics costs and impair the competitiveness of rail as compared with other transport modes. Cases in point are: long distance rail transport linking trade origins in the land-locked countries of Central Asia with seaports in Asia, Europe or the Middle East, and Asia-Europe rail land-bridge services. In both cases, multiple border crossings magnify problems associated with border delays.

“Borders” in this case are either land or maritime borders. Excessive border delays occur because of the complexity and/or inefficiency of border control procedures, as well as the multiplicity of documents required for clearance of trade consignments across borders. Transport documents, or documents which provide evidence of contracts to transport trade consignments across national borders, represent just one of the many documents required for cargo clearance. However, in cases where more than one mode is used to transport a consignment between an origin and destination, two or more transport documents might be needed to cover the entire journey, in which case there will be a risk of significantly increased border crossing delay.

Application, throughout the entire journey, of a harmonized multimodal transport document, coupled with the simplification of border control procedures, is likely to have substantial benefits in terms of reducing border crossing delays.

The purpose of this project is to:

(i) review transport documentation, conventions and procedures applying to intermodal cargo transport across maritime and land borders in the sub-region;

(ii) identify problems related to border crossing efficiency which may be resolved by the streamlining and harmonization of existing documentation and procedures;

(iii) recommend improvements to documentation and procedures with a view to eliminating delays to transport at seaports and land borders and contributing to smooth transport flows across borders

Fact-finding missions to five participating countries of Northeast and Central Asia - Korea, China, Russian Federation, Mongolia and Kazakhstan - are to be conducted in April and May 2016 for the purpose of identifying current practices and problems with respect border crossing documentation and control.

The study was prepared on the basis of desk research and of data collected from freight forwarders and government officials and private sector on the applicable documentation and procedures.

This report documents the analysis of the current situation and presents recommendations for the harmonization and improvement of documentation and procedures in this sub-region. In particular, it recommends the adoption of a new transport document which has been

designed to accommodate all transport modes, including railways, which have been so far excluded from the coverage of multi-modal transport documents.

2. Role of transport documentation in efficient clearance of cross border trade

2.1 "Efficient" border control procedures

It is probable that conventional procedures are applied for clearance of trade transactions across borders in all five participating countries (this will be confirmed after completion of fact-finding missions).

These procedures involve submission of customs declarations, with supporting documentation, by shippers and consignees at either end of the journey. Efficient application of these procedures will mean that a trade consignment will be cleared, and have customs seals affixed, in the country of export and will move with minimum interruption, under bond, to its destination in the country of import, where, upon submission of an import declaration, it will be cleared for delivery to the consignee. Such efficient procedures will be applied irrespective of the number of transport modes used and with en-route inspection in ports or at land borders being restricted to a quick inspection of customs seals and documentation. Pre-arrival electronic transmission of documentation will help to ensure that border inspection of trade documentation is unnecessary.

2.2 Transport documentation

Every trade consignment must be accompanied by a transport document which serves as evidence of a contract between the shipper and the carrier for its transport and delivery to the consignee. As is the case with all border control documents, transport documents may (and should) be transmitted electronically. In some cases, transport documents also give title to the consignment and must be presented to carriers in exchange for the goods.

Transport documents include: shipping bill of lading, shipping waybill, the CMR (road transport) consignment note, the CIM, SMGS and combined CIM/SMGS railway consignment notes, and multimodal transport bill of lading and waybill. ~~These documents are an essential element in a suite of documents needed to support both customs import and export declarations.~~ **[delete – Russian Federation]**

The transport document typically represents just one out of 7 or 8 supporting documents which must be filed with an import declaration, and one out of 3 or 4 supporting documents which must be filed with an export declaration. .As an example, Table 2.1 provides details of documents required for import and export clearance in the Republic of Korea:

While they represent a small proportion of supporting documents, transport documents can have a disproportionate effect on border delays, owing to the fact that use of multiple transport modes can involve data transfer among multiple transport documents.

Table 2.1: Documents supporting customs declarations in the Republic of Korea

Import documents		***Export documents***	
(i)	*Commercial invoice*	*(i)*	*Commercial invoice*
(ii)	***Bill of Lading, Airway bill, or consignment note***	***(ii)***	***Bill of Lading, Airway bill, or consignment note***
(iii)	*Value declaration*	*(iii)*	*Business registration number*
(iv)	*Packing list*	*(iv)*	*Export license/permit, if necessary*
(v)	*Certificate of origin*		
(vi)	*Quarantine inspection certificates from relevant government agencies*		
(vii)	*Phytosanitary certificate from country of origin*		

Sources: Country Dossier, Republic of Korea (Europa), 2015;

This is what the harmonization of transport documentation would aim to avoid by promoting the use of a single multimodal document for the entire journey across multiple borders.

3. Review of international cargo transport conventions and documentation

Table 3.1: International conventions and documents applying to cross border cargo transport

Transport mode	Relevant convention or recommendation (name)	Year of introduction	Associated transport document
Sea	International Convention for the Unification of Certain Rules of Law relating to Bills of Lading ("Hague Rules"), and Protocol of Signature	1924	Bill of Lading Sea Waybill
	Protocols to Amend the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1924)/ "Hague Visby Rules", First Protocol (1968)/Second Protocol (1979)	1977 (first protocol) 1984 (second protocol)	Bill of Lading Sea Waybill
	United Nations Convention on the Carriage of Goods by Sea ("Hamburg Rules")	1978	Bill of Lading Sea Waybill
Road	Convention on the Contract for the International Carriage of Goods by Road (CMR)	1956	CMR International Consignment Note
Rail	Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM) - Appendix B to Convention concerning International Carriage by Rail (COTIF),1980 **[Vilnius Protocol amending the Convention concerning International Carriage by Rail (COTIF), 1980 [insert -Russian Federation]**	1980 1999	CIM consignment note
	Agreement on International Goods Transport by Rail (SMGS) **Amendments to SMGS [add –Russian Federation]**	1951 2015	SMGS consignment note
	~~COTIF (CIM) and SMGS conventions~~ **[delete – Russian Federation]**	2006	Common CIM/SMGS consignment note

Multimodal transport	UNCTAD/ICC Rules for Multimodal Transport Documents	1992	FIATA (International Federation of Freight Forwarder Associations) - Multimodal Transport Bill of Lading - Multimodal Transport Waybill
Trade documents	Not applicable	1973	UN Layout Key (UNECE)

International transport conventions set out the conditions under which cargo consignments are transported across borders, including the obligations and rights of shippers/consignors, carriers and consignees. In essence, they provide the basis for contracts of carriage between shippers (or cargo owners) and carriers (or transport operators). Transport documents which are associated with, or are specified by, these conventions indicate that cargo consignments are being transported in compliance with the conditions set out in the conventions. In some cases, conditions of carriage are repeated on the reverse side of the document.

Of the 9 documents reviewed in this study and with the exclusion of the UN Layout Key[1], only 2, the FIATA Multimodal Transport Bill of Lading and Waybill, purport to apply to more than one mode of transport. The others are all uni-modal documents.

The following observations may be made about the documents reviewed in this study:

(i) Sea transport documents

These are of two types: a Bill of Lading (sometimes called a “House Bill of Lading”) and a Sea Waybill (sometimes called an “Ocean Bill of Lading”). Both documents facilitate international trade and contain similar information concerning the nature, markings, packaging and weight of the cargo, as well as the consignee’s contacts and delivery point. However, while a Bill of Lading is a contract between the owner of the goods and the carrier, and conveys title in the goods, a Waybill merely serves as evidence that the consignee has contracted with the shipper to carry the goods to an identified destination. The consignee must hand over the original of the Bill of Lading to the carrier or the carrier’s agent in order to take possession of the goods, after they have been customs cleared and transport charges paid in the country of import.

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