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**ТРЕТЬЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА**
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**TECHNICAL ANNEX
ON THE INTERNATIONAL CUSTOMS TRANSIT PROCEDURES IN THE CORRIDOR
EUROPE - THE CAUCASUS - ASIA FOR THE CARRIAGE OF GOODS BY RAIL USING
THE "SMGS" RAILWAY BILL**

TO THE BASIC AGREEMENT

**Article 1
General provisions**

The provisions of this Technical Annex shall regulate the international customs transit procedures for the carriage of goods by rail in the frame of "Basic Multilateral Agreement on international transport for development of the Europe – the Caucasus – Asia corridor" using the SMGS railway bill:

- a) bilateral, between the Parties;
- b) in transit, through the territories of the Parties.

**Article 2
Definitions**

For the purpose of this Technical Annex terms have the following meaning:

- a) "international customs transit" - means a customs procedure under which goods are carried across one or more frontiers under customs controls from a customs office of departure to a customs office of destination;
- b) "SMGS Agreement" - means the Agreement on International Goods Transport by Rail, which entered into force on 01.11.1951 with changes and editions on 01.01.1998;
- c) "railway bill" - means the SMGS Railway bill subject to the Agreement on International Goods Transport by Rail; the railway bill may consist of a system of electronic exchanges of data;
- d) "competent authorities" - means the customs authority or any other authority responsible for applying of this Technical Annex;
- e) "customs office of departure" - means any customs office in a country, where an international customs transit operation begins in respect of all or part of a consignment;
- f) "customs office of destination" - means any customs office in a country, where an international customs transit operation ends in respect of all or part of a consignment;
- g) "customs office of transit" - means any customs office, through which a consignment enters or leaves the territory of a Party during an international customs transit operation;
- h) "customs payments" - means the customs duties and all other duties, taxes, fees and other charges which are collected on, or in connection with the importation or exportation of goods, but not including fees and charges limited in amount to the approximate cost of services rendered;
- i) "principal" - means a private individual or legal entity which itself or, if need be, by means of an authorized representative, manifests through a declaration designed for this purpose a willingness to carry out an international customs transit operation;

**Article 3
Objective**

The objective of this Technical Annex is to establish the TRACECA international customs transit procedure for the carriage of goods undertaken by railway transport, with usage of SMGS Railway bill.

Article 4 Scope

Each Party recognizes the SMGS Railway bill, used in accordance with the provisions of this Technical Annex, as a customs transit document.

Article 5 Modification of the railway bill

For the purposes of this Technical Annex, the railway bill may not be modified in form or content without the prior agreement of an Intergovernmental Commission "TRACECA".

Article 6 Legal value

1. A railway bill used in accordance with this Technical Annex and indemnifications measures taken by the competent authorities of a Party shall have the same legal effect in the other Parties as a railway bill used in accordance with the rules and identification measures taken by each Party's own competent authorities.
2. Finding reached by the competent authorities of the Party when inspections are carried out under this Technical Annex shall have the same probative force in the Parties as findings of each Party's own competent authorities.

Article 7 Mutual assistance

The competent authorities of the Party shall communicate to one another, insofar as their laws permit, all information available to them, which might contribute to the satisfactory application of this Technical Annex.

As a result, the competent authorities shall communicate to one another all findings, documents, reports, and records of proceedings and information relating to transit operations carried out under the cover of a railway bill, and to infringements and irregularities, which have occurred in the course of or in connection with such operations.

Article 8 Control of records

1. National railway companies of each Party, if it is necessary, in accordance with the national legislation supply the competent authorities of the Parties in which they established with copies of the transport documents, which they have at their disposal.
2. National railway companies must arrange to keep the transport documents, which they have at their disposal for at least one year.

Article 9 Responsibilities

1. A national railway company which accepts goods for carriage under TRACECA international Customs transit procedures shall be a principle and shall as such be responsible to the competent authorities of the Party whose territory is entered in the course of such carriage for the proper conduct of the international Customs transit operation.
2. Where a consignment is accepted for carriage from a railway company of a third country, national railway company which takes over the consignment under international Customs transit procedures shall when that consignment enters the territory of the Parties become a principal and be responsible to the competent authorities of the Parties whose territory is entered in the course of such carriage for the proper conduct of the international Customs transit operation.
3. National railway companies of the Parties shall be jointly and strictly responsible with national railway companies referred to in paragraphs 1 and 2 to the competent authorities of the Parties for the proper conduct of International Customs transit operations entering the territories of the Parties.
4. In accordance with the responsibilities stipulated in paragraphs 1 to 3, national railway companies shall be liable for any Customs payments, which may become due as a result of an infringement or irregularity

committed by national railway company in the course of or in connection with the undertaken transit operation.

Article 10
Exemption from duties and taxes

A national railway company responsible for the proper conduct of an international Customs transit operation in accordance with the provisions of this Technical Annex shall be exempted from Custom payments in relation to goods which:

- a) Have been destroyed as a result of force majeure or unforeseeable circumstances, duly established;
- b) Are recognized as missing for reasons deriving from their nature and characteristics, including natural wear or shrinkage under normal conditions of transport.

Article 11
Guarantee waiver

For the purpose of applying this Technical Annex, national railway companies of the Parties shall be exempted from the obligation to furnish a guarantee.

Article 12
Label

National railway companies shall ensure that when consignments are carried by rail under International Customs transit procedures in accordance with the provisions of this Technical Annex, that the Railway bill bears a special mark (stamp), a specimen of which is given in Appendix 1.

Article 13
Amendment of the carriage contract

If it necessary, national railway companies shall be permitted to modify a carriage contract only with prior agreement from Customs in accordance with a written statement of consignee or consignor of goods.

Article 14
Formalities on departure

At the start of a transport operation the railway bill shall be presented to Customs at the office of departure together with the documents required for the custom purpose of completing formalities and controls.

Article 15
Identification measures

As a general rule, and having regard to identification measures applied by a national railway company, Customs at the office of departure may not apply additional measures of identification.

Article 16
Waiver of Formalities at the Customs office of transit

Pursuant to this Technical Annex, simplified procedures are carried out at Customs offices of transit, active on the territories of contracting parties, i. e. representing to the customs offices of transit in these countries SMGS railway bill, which should contain all necessary information for custom purposes.

The competent authorities as documents enabling them to check the proper conduct of transit operations shall treat the transport documents provided for in article 8.

Article 17
Formalities at the Customs office of destination

In accordance with rules, acting on the territory of the Parties, SMGS railway bill should be submitted to the Customs office of destination.

The Customs office of destinations shall forthwith return the railway bill to the railway company after stamping sheet 1 and shall retain the additional copy of the freight bill.

Article 18
Infringements and irregularities

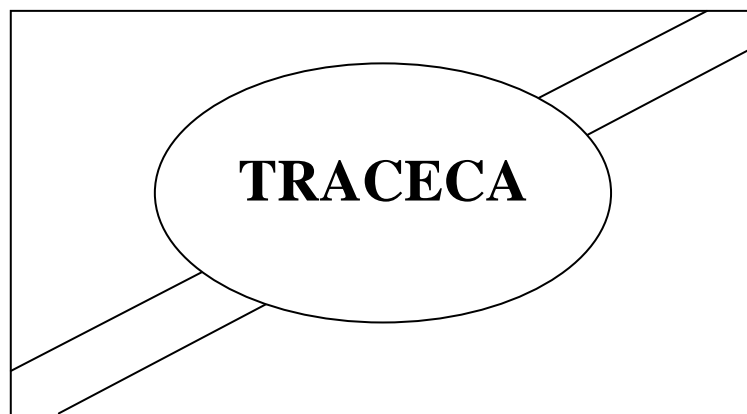
Where an infringement or irregularity is committed in the course of the connection with an International Customs transit procedure, culpable persons will be held responsible to these competent authorities of the Party in the territory of which the infringement or irregularity was committed.

Article 19
Additional facilities

This Technical Annex shall not prevent the application of additional facilities which Parties grant or may wish to grant either by unilateral provisions or by virtue of bilateral or multilateral agreements provided that such facilities do not impede the application of the provisions of this Technical Annex.

Appendix 1

An example of a mark (stamp)
(In accordance with Article 12)



(White mark on blue background)
size 5,0 cm X 3,0 cm