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## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Customs Questions affecting Transport**

**145th session**

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Item 5 (b) of the provisional agenda

**International Convention on the Harmonization of Frontier**

**Controls of Goods (Harmonization Convention, 1982):**

**Proposal for a new Annex 10 on sea ports**

### **Proposal for a new Annex 10 on sea ports**

**Transmitted by the Government of Turkey**

In Annex, the secretariat reproduces a letter by the Ministry of Customs and Trade of the Republic of Turkey.

## ANNEX



**REPUBLIC OF TURKEY**  
**MINISTRY OF CUSTOMS AND TRADE**  
**Directorate General for EU and External Relations**

### **COMMENTS ON A NEW ANNEX 10 ON SEA PORTS TO AMEND THE INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS**

Turkish Customs Administration appreciates the efforts that has been attributed to the International Convention on the Harmonization of Frontier Controls of Goods (“1982 Harmonization Convention” henceforth). Turkish Customs Administration believes that the drafting studies to include a new Annex to the Harmonization Convention may provide an opportunity to facilitate the maritime transport and include sea ports and maritime transport into the scope of the Convention.

However, as it is well known, there are several international conventions regulating maritime transport, so it is important to analyze all the existing conventions in detail and determine the needs in this area carefully. In this respect, Turkish Customs Administration considers that duplications must be avoided while drafting the new Annex.

In addition to this, observing the studies with appreciation, it should be noted that drafting a new Annex is a highly complex and challenging target, so at the same time the proposals also should be discussed in a broader sense. Turkish Customs Administration evaluates that the new Annex may refer to general provisions.

Turkish Customs Administration would like to note down some remarkable points in accordance with the draft Annex:

The current proposed text for the Article 2 reads:

“1. The Contracting Parties shall endeavour to facilitate the procedures for granting visas for maritime crews engaged in international long-haul and cabotage freight in accordance with national and, where applicable, international legislation.

2. The Contracting Parties agree to regularly exchange information on best practices with regard to the facilitation of visa procedures for maritime crews.”

As it is well known, maritime crews hold visa exemption right while leaving the ports with the seamen’s identity card according to the International Maritime Organization (IMO) Convention on Facilitation of International Maritime Traffic (FAL). On the other hand, Article 3 of the 1982 Harmonization Convention determines the scope of the Convention in terms of all goods being imported or exported or in transit. Thus, it is being evaluated that the visa granting procedures for the maritime crew may fall out of the scope of the Convention. Moreover, the proposed amendment may be in contradiction with the other international conventions.

In this respect, after a careful consideration, Turkish Customs Administration considers that there might be no need for any amendment in the article, or in case a change is necessary, the submitted proposal by the Azerbaijani delegation could be accepted. It is being suggested that the Article should read as “The Contracting Parties shall grant permission to vessel crew members engaged in international long-haul and cabotage freight to come ashore, in accordance with national and, where applicable, international agreements, which provide for recognition of documents of vessel crew members, including seafarers’ identity documents”. This proposal is considered dully appropriate by the Turkish Customs Administration, which takes into account the real content and spirit of the provisions of the Convention.

According to Article 7 Paragraph 3 of the Annex, it is being suggested that the Contracting Parties should provide customs authorities with advance information on goods arriving in ports. As per Article 67 of the Turkish Customs Code, time limitations based on summary declaration are already present in maritime transport in Turkey.

On the other hand, current Article 10/A of the Turkish Customs Code regulates customs controls. These necessary customs controls are being conducted regularly in every Contracting Party, therefore it is considered that a provision ensuring necessary controls in the draft Annex could be left to national legislation.

Finally, Article 6 of the draft Annex regulates time limits. We consider that there might be no need for any amendment in the article. In this concept, instead of the alternative proposal, the original drafted proposal is considered as appropriate by the Turkish Customs Administration.

In this regard having examined the draft Annex 10 on sea ports with attention, and provided that the discussions will further proceed at the upcoming sessions, Turkish Customs Administration will be ready to consider the proposals again.

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