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Working Party on Customs Questions
affecting Transport

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS
AFFECTING TRANSPORT ON ITS ONE-HUNDRED-AND-FIRST SESSION
(19 to 21 June 2002)**

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REPORT

ATTENDANCE

1. The Working Party held its one-hundred-and-first session from 19 to 21 June 2002 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Belarus; Belgium; Bosnia-Herzegovina; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Netherlands; Norway; Poland; Republic of Moldova; Republic of Yemen; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; Yugoslavia. Representatives of the European Community (EC) were also present.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented.
4. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance/International Automobile Federation (AIT/FIA); Liaison Committee of the Body and Trailer Building Industry (CLCCR); Transfrigoroute International; International Union of Railways/Community of European Railways (UIC/CER).

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/201.

5. The Working Party adopted the official agenda prepared by the secretariat (TRANS/WP.30/201).

ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Documentation: UNECE document on international agreements and conventions in the field of transport; Informal documents No. 8 (2002); No. 9 (2002) and No. 10 (2002).

6. The Working Party took note that the Inland Transport Committee (ITC), at its sixty-fourth session (Geneva, 19 to 21 February 2002), had approved the activities of the Working Party. The Committee had invited the IRU and national guaranteeing associations, as well as the international insurers, to continue their active cooperation with the Working Party with a view to safeguarding the TIR system and had decided to prolong the mandate of the Group of Experts on the TIR revision process for the year 2002 in order to make progress on Phase III of the TIR revision process. The Committee had requested the Working Party to finalize, as soon as possible, the new Annex 8 to the International Convention on the Harmonization of Frontier Controls of Goods on efficient border crossing procedures for international road transport. The Committee had also requested the secretariat to transmit a questionnaire to UNECE Governments to explore how to facilitate the issuance of visas to professional drivers, copy of which will be sent to the participants of the Working Party. The Committee had also requested the Working Party to finalize, as soon as possible, its work on the draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail.

7. The Working Party took note of Informal document No. 8 (2002) containing the request of the Inland Transport Committee (ITC), that its subsidiary bodies should consider issues related to transport and security and report to the Committee at its next session (TRANS/2002/15).

8. The Working Party also took note of Informal document No. 10 (2002) containing a survey on barriers for the use of electronic commerce in international multilateral agreements carried out by the United Nations Commission on International Trade Law (UNCITRAL).

9. The Working Party also took note of Informal document No. 9 (2002), prepared by the secretariat, on the mandate, activities and participation procedures of the Working Party and other inter-governmental bodies functioning either as subsidiary bodies or cooperating with the Working Party.

10. The Working Party welcomed the first issue of a newsletter on TIR and Border Crossing Facilitation published by the UNECE and TIR secretariats. This newsletter is available at the secretariat and can be downloaded from the UNECE web site (www.unece.org/trans/new_tir/welctir.html).

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Documentation: Informal document No. 18 (2002).

11. The Working Party was informed by the representative of the European Commission of the status of the New Computerized Transit System (NCTS). The NCTS is expected to be fully implemented in all countries of the Common transit system by mid-2003 and the use of paper based loading lists should end by 2005. The next phase of the NCTS will include a system for the management of guarantees. The Working Party was also informed about the revision of the provisions relating to rail Customs transit that is planned to be finalized within the next 3 to 4 years. The Working Party took note that the European Communities' implementing provisions are in the process of being amended to incorporate Phase II of the TIR revision. The European Commission informed that a consolidated version of the TIR Convention would be formally adopted by the Community by the end of the year.

12. The Working Party took note of a policy statement by the IRU about the possible threat over the sustainability of the TIR procedure. The combination of organized fraud, misunderstanding about the function of the guarantee chain and the non-incorporation of the provisions of the Recommendation of 20 October 1995 into the TIR Convention threatened to cause a collapse of the TIR procedure if these issues are not addressed with greatest priority. The IRU delivered the policy statement, signed by all its members at its last General Assembly in May 2002, to the Chairman of the Working Party. The IRU confirmed its availability to work to find a solution to this potential crisis in a constructive atmosphere based on trust. It asked for a response from the Working Party to the policy statement during the next session of the Working Party.

13. The Working Party, the Chairman of the TIR Executive Board (TIRExB) and the UNECE secretariat all confirmed their willingness to continue constructive cooperation with the IRU in the framework of the TIR Convention on the basis of its legal provisions. They also reiterated their commitment to implement the provisions of the control system for TIR Carnets (SAFETIR) as one measure, amongst others, to secure the TIR procedure. The IRU was requested to provide information to the competent organs of the TIR Convention about the mentioned increases in fraud in order to be able to react to such a development.

INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“HARMONIZATION CONVENTION”)

Documentation: Informal documents No. 16 (2002) and 17 (2002); ECE/TRANS/55; (www.unece.org/trans/new_tir/conventions/list.htm).

Preparation of a new Annex on efficient border crossing procedures

Documentation: Informal documents No. 16 (2002) and No. 17 (2002); TRANS/WP.30/2002/19; TRANS/WP.30/2001/16; TRANS/WP.30/196; TRANS/WP.30/194; TRANS/WP.30/AC.3/8; TRANS/WP.30/192; TRANS/WP.30/2000/16; TRANS/WP.30/2000/11.

14. The Working Party recalled that the Administrative Committee for the "Harmonization Convention" at its last session (18 and 20 October 2000) had agreed with the general conclusions of the Working Party on the preparation of a new Annex 8 with the objective of addressing all elements important for efficient border crossing procedures in international road transport of goods.

15. The Working Party, at its ninety-ninth session, considered a consolidated text of a new Annex 8, including provisions on an International Vehicle Weight Certificate as well as an International Technical Inspection Certificate prepared by the secretariat (TRANS/WP.30/2001/16).

16. At its one-hundredth session, the Working Party noted that, at that stage, reservations were made by some delegations concerning Articles 2, 4 and 5 of the new Annex 8.

17. The Working Party took note of a document transmitted by Transfrigoroute International on the obligations and responsibilities of transport operators undertaking transport of perishable foodstuffs (ATP) (TRANS/WP.30/2002/19).

18. The Working Party also took note of Informal document No. 16 (2002) transmitted by the European Conference of Ministers of Transport (EMCT) and Informal document No. 17 transmitted by the IRU, both on the question of visas for professional drivers.

19. The Working Party requested the secretariat to conduct consultations with the Contracting Parties of the Convention with the aim of exploring how the remaining problems in adopting the new Annex 8 to the Convention could be resolved. The Working Party requested the secretariat to organize, if necessary, informal expert group meetings to resolve the contentious provisions of the new Annex 8, in particular, concerning visa issue, technical transport provisions and Customs procedures. The Working Party requested the secretariat to finalize these consultations before the end of the year and to prepare a final draft text for a new Annex 8 to the Convention for the forthcoming session of the Administrative Committee of the “Harmonization” Convention. In view of the above, the Contracting Parties to the “Harmonization” Convention, present at the session, agreed to postpone the next session of the Administrative Committee to February 2003.

DRAFT UNECE CONVENTIONS ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL

Documentation: Informal documents No. 4 (2002) and No. 5 (2002); TRANS/WP.30/2002/16; TRANS/WP.30/2002/12; TRANS/WP.30/2002/10; TRANS/WP.30/2002/9; TRANS/2001/10; TRANS/WP.30/194; TRANS/WP.30/2000/17; TRANS/WP.30/164; TRANS/WP.30/R.141.

20. The Working Party recalled that, at its ninety-sixth session, it had terminated its activities on the preparation of two draft conventions on international Customs transit procedures for the carriage of goods by rail: one covering the area of the COTIF Convention and one covering the area of the SMGS Agreement. According to its decision (TRANS/WP.30/192, paras. 14-21), the two draft conventions had been transmitted, via diplomatic channels, to the Contracting Parties to the COTIF Convention and to the SMGS Agreement respectively with a view to soliciting their views on the approach taken and on the Customs transit procedures proposed therein (TRANS/WP.30/198, para. 26).

21. An Informal Ad-hoc Expert Group meeting on Customs Rail Transit based on the SMGS Consignment Note had been organized by the secretariat on 11 February 2002 to consider the responses transmitted by Contracting Parties. The conclusions of the meeting, contained in document TRANS/WP.30/2002/12, indicate that there is a demand by Governments and industry for a harmonization of Customs transit procedures governing rail transport in the SMGS area. However, the amendment proposals to the draft SMGS Customs rail transit Convention transmitted by Contracting Parties to the SMGS Agreement, as contained in document TRANS/WP.30/2002/10, indicate that there exist a great divergence of views on how and to what extent to facilitate Customs rail transit. The amendments proposed by some Contracting Parties to the SMGS Agreement would result in considerably reduced facilitation measures

compared to the provisions of the original draft prepared by the Working Party and the provisions in place for the COTIF Convention in the Common and Community transit system.

22. In view of these considerations, the Working Party considered, as a preliminary facilitation measure, a draft resolution, prepared by the secretariat, recommending the use of the SMGS Consignment as a Customs rail transit declaration by the Contracting Parties to the SMGS Agreement (TRANS/WP.30/2002/16). The Working Party welcomed the draft as an important step in the facilitation of Customs rail transit and requested the secretariat to carry out consultations with the Contracting Parties of the SMGS Agreement with a view to finalizing and adopting the draft text at the next session of the Working Party in October 2002.

23. The Working Party also requested the secretariat, in parallel, to continue work on the draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail.

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

Documentation: ECE/TRANS/17 and Amend. 1-22; 2002 TIR Handbook; (www.unece.org/trans/new_tir/welctir.htm).

(a) Status of the Convention

Documentation: TRANS/WP.30/AC.2/65, annex 1.

24. The Working Party was informed that the TIR Convention, 1975 has at present 64 Contracting Parties. According to information provided by the IRU, TIR operations can be established in 52 Contracting Parties.

25. An up-to-date list of Contracting Parties to the Convention as well as a list of countries in which TIR operations can be undertaken is available from the UNECE TIR web site: www.unece.org/trans/new_tir/welctir.htm.

(b) Revision of the Convention

Documentation: Informal documents No. 13 (2002) and No. 14 (2002); TRANS/WP.30/2002/18; ECE/TRANS/17/Amend.21; ECE/TRANS/17/Amend.22; Depositary Notification C.N.123.2002.TREATIES-3; Depositary Notification C.N.142.2002.TREATIES-1; Depositary Notification C.N.328.2002.TREATIES-3; Depositary Notification C.N.329.2002.TREATIES-3.

(i) **Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process**

26. On 9 April, the Secretary-General of the United Nations had issued Depositary Notifications C.N.328.2002.TREATIES-3 and C.N.329.2002.TREATIES-3 containing the acceptance of proposed corrections relating to the French text of the amendments relating to Articles 11, 26 and 40 as well as Annex 2 of the TIR Convention.

27. The Working Party took note that all amendments adopted under Phase II of the TIR revision process as contained in Depositary Notification C.N.36.2001.TREATIES-1, which entered into force on 12 May 2002, as well as all corrections thereto, have been published by the secretariat in document number ECE/TRANS/17/Amend.21.

28. The amendments to Article 3 of the Convention as contained in Depositary Notification C.N.37.2001.TREATIES-2, which also entered into force on 12 May 2002, as well as all corrections thereto have been published in document number ECE/TRANS/17/Amend. 22.

29. All amendments and Depositary Notifications are available from the UNECE TIR web site: www.unece.org/trans/new_tir/welctir.htm.

30. The Working Party was informed about the results of the seventh session of the TIR Contact Group held in Athens (Greece) on 22 and 23 April 2002, which had discussed the amendments of the TIR Convention entering into force on 12 May 2002 as part of Phase II of the TIR revision process. The report of the meeting is contained in document TRANS/WP.30/2002/18.

31. The Working Party took note of Informal documents No. 13 (2002) and 14 (2002), prepared by the secretariat, containing explanations on the implementation of Phase II of the TIR revision process. This concerned, in particular, the new Explanatory Notes 0.8.7 and 0.11-1 of the Convention that stipulate that Customs authorities have to notify and/or request payment from the holder of a TIR Carnet before claiming payment from the national guaranteeing association. The Working Party also noted the views expressed by the Legal Office of the United Nations in New York, that Contracting Parties to the Convention are bound by the amendments of the Convention notwithstanding that a Contracting Party has not completed the necessary national legal requirements (such as, for instance, publication in the national legal journal). The Working Party requested the secretariat to monitor, as far as possible, the implementation of the amendments to the Convention at national level and to report back to the Working Party at its forthcoming sessions.

(ii) Preparation of Phase III of the TIR revision process

Documentation: Informal documents No. 7 (2002); No. 2 (2002); No.15 (2001); No.14 (2001); No.13 (2001); No.12 (2001); No.8 (2000); No.7 (2000); No.1 (2000) and No.5 (1997); TRANS/WP.30/2002/17; TRANS/WP.30/2002/15; TRANS/WP.30/2002/11; TRANS/WP.30/2002/7; TRANS/WP.30/2001/19; TRANS/WP.30/2001/18; TRANS/WP.30/2001/15; TRANS/WP.30/2001/13; TRANS/WP.30/2001/12; TRANS/WP.30/2001/11; TRANS/WP.30/2001/9; TRANS/WP.30/2001/8; TRANS/WP.30/2001/6; TRANS/WP.30/2001/5.

32. The Working Party recalled that, at its ninety-sixth session, it had decided to start work on Phase III of the TIR revision process, which would include a study of the following elements (TRANS/WP.30/192, para. 33):

- Revision of the TIR Carnet, including the insertion of additional data elements (ID number, HS code, value of goods, etc.) (TRANS/WP.30/188, para. 31);
- Increase in the number of places for loading and unloading under Customs seal (TRANS/WP.30/186, paras. 42 and 43);
- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets (TRANS/WP.30/188, para. 38);
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge (TRANS/WP.30/188, para. 31).

- Revision of the TIR Carnet

33. The Working Party recalled that, at its ninety-eighth session, it had discussed extensively the usefulness of including additional data elements into the TIR Carnet. The Working Party was of the opinion that additional data elements could be useful in relation to the procedures for recovery of debt and facilitating subsequent Customs procedures (TRANS/WP.30/196, paras. 35-40).

34. At its one-hundredth session, the Working Party had taken note of the final report of the European Commission sub-group on data (Informal document No. 2 (2002)). The conclusions of this report seemed, at this time, in general not to favour requirements for additional data in the Community and Common transit systems.

35. The Working Party considered a survey conducted by the secretariat on documentary requirements for TIR operations (TRANS/WP.30/2002/15). The survey had shown that a majority of the Customs authorities which had replied required information in addition to that contained in the TIR Carnet in order to monitor and control TIR operations.

36. The Working Party reiterated that, in accordance with the Convention, apart from the TIR Carnet, other additional information and documentation concerning the Customs transit operation are not required. Nevertheless, the Working Party, recognizing the need of some Customs authorities to have more information to secure TIR Customs transit operations at the national level, requested the secretariat to prepare for its next session proposals for best practices concerning documentary requirements in connection with the TIR procedure.

37. The Working Party also considered the proposal to prepare a recommendation to use the HS code, whenever available, in addition to the descriptive text, for the description of goods in the goods manifest of the TIR Carnet (TRANS/WP.30/200, para. 39). The Working Party was of the view that such information was not always available to the transport operator and that the proposal should therefore not be pursued, for the time being.

- Increase in the number of loading and unloading places

38. At its one-hundredth session, the Working Party had continued its consideration on a possible increase in the number of loading and unloading places (Customs offices of departure and destination). The Working Party had considered document TRANS/WP.30/2001/19 prepared by the secretariat containing proposals for three alternative solutions to increase the number of loading and unloading places.

39. The Working Party considered document TRANS/WP.30/2002/17 prepared by the secretariat describing a scenario of up to six places of loading and unloading, including a description of the documentation flow in accordance with national Customs procedures for the administration of partial loading/unloading. After a very in-depth discussion, the Working Party agreed that there exists a demand from the transport industry to increase the number of loading and unloading places permitted in the TIR Convention. The Working Party also agreed that the task of finding a practical solution for an increase in the number of loading and unloading places, in the short term, should remain with the TIR Executive Board (TIRExB) as entrusted by the TIR Administrative Committee. The Working Party should focus on finding a solution on a longer term basis. The Working Party requested the secretariat, to prepare, for its next session, a document describing a scenario of six Customs offices of loading and unloading and to describe in detail the implications at both national and international level. The document should also contain an analysis of the legal consequences of increasing the number of loading and unloading

places, including, if necessary, proposals to amend the Convention. The Working Party requested the IRU to analyze, on the basis of available information, whether there existed a correlation between the number of loading and unloading places and the number of irregularities. The Working Party decided to consider, at one of its future sessions, the implications of the newly adopted definition of a TIR operation on the practical application of the TIR procedure at the national level.

- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets

40. The Working Party recalled its previous position, that Customs authorities could not accept any reduction in the legally prescribed time-limits for notification of non-discharge as provided in the Convention (TRANS/WP.30/200, para. 43).

41. The IRU requested that the issue could be taken up at a later stage for renewed discussion.

- Use of new technologies

42. The Working Party took note of the report of the first meeting of the informal Ad Hoc Expert Group on Conceptual and Technical Aspects of the Computerization of the TIR procedure (TRANS/WP.30/2002/11) and was informed about the second meeting of the group, due to take place in Prague on 14 and 15 November 2002, at the invitation of the Czech Customs administration (Informal document No. 7 (2002)). The UNECE and TIR secretariats were presently in the process of updating, amending and further detailing the analysis of the 55 data elements, identified by the expert group at its first session, as playing a role in the TIR procedure. The second meeting of the expert group would mainly be aimed at finalizing this analysis. The next step would then be to design a set of electronic messages allowing for the interchange of electronic data, nationally, between Contracting Parties and with international organizations.

43. The Working Party took note that IRU was of the view, that it seemed to be premature to work towards full computerization of the TIR procedure whilst the coverage of the so-called SafeTIR system could not achieve more than 80%. However, even if IRU supported the work of the expert group, it felt that some key questions should be answered by the Contracting Parties with a view to agreeing on the scope and the eventual steps of the foreseen computerization.

(c) Application of the Convention

Documentation: (www.unece.org/trans/new_tir/welctir.htm).

44. The Working Party took note that permanently updated information on the application of the Convention is available on the UNECE TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(i) Settlement of claims for payments

Documentation: TRANS/WP.30/200.

45. The Working Party was informed by the Chairman of the TIRExB, that the TIRExB had decided to include this issue in its list of priority items with the aim that information on this issue could serve as an early warning system on irregularities under the TIR procedure. In order to be able to carry out this task and to evaluate the present situation, the TIRExB had submitted a questionnaire to all Customs authorities requesting information about the payment claims in the years 1999 to 2001. It had not been possible to obtain such information from the IRU.

46. The delegation of the Russian Federation informed the Working Party that the ratio of irregularities under the TIR Convention was decreasing and was now less than 1 per cent of all TIR Carnets utilized in the Russian Federation. The share of irregularities committed by Russian transport operators had decreased dramatically due to the implementation of strict procedures of admission of carriers to the TIR procedure. However, the situation with regard to payment of Customs claims is still not satisfactory.

47. The IRU reiterated the statement made during the last session of the Working Party (TRANS/WP.30/200, para. 51).

48. The Working Party was informed by IRU on further progress made in the current arbitration procedure, initiated by IRU, to obtain payment for Customs claims presented to the previous insurers of the international guaranteeing chain which had denounced their contract with the IRU at the end of 1994. The next batch of cases to be decided before the Court of Arbitration would take place at the end of 2002. The decision of the Court of Arbitration related not to the eventual payment of the Customs claims under review, but only to their validity under the insurance contract concluded between the IRU and the previous insurer.

(ii) Re-introduction of the guarantee for sensitive and other excluded goods

Documentation: Informal document No. 12 (2002); TRANS/WP.30/200; TRANS/WP.30/AC.2/2000/1.

49. The Working Party recalled that some guaranteeing associations in countries in the European Community and the IRU had denounced their guarantees for a number of so-called sensitive goods.

50. The Working Party, recalling that the denouncement was not in line with the Convention and that it could have severe repercussions for the correct application of the Convention in the future, noted from the IRU that there did not seem to be a demand from industry, for the time being, for the reintroduction of the guarantee.

51. The Working Party was informed of the progress made by the SafeTIR-Taskforce, a joint effort by the TIR secretariat and IRU to improve the functioning of the SafeTIR system. Since its establishment in autumn 2001, the Taskforce has met four times. In May 2002, the Taskforce has produced a report of its activities including an evaluation of the outcome of the questionnaire on the use of and experiences with the SafeTIR system, which had been sent to all Customs focal points in summer of 2001 (Informal document 12 (2002)). To streamline its work, the Taskforce had identified three groups of countries, each requiring a different approach. So far, the main activities had been aimed at countries where concrete and practical problems in the implementation of the SafeTIR system had been identified. The Taskforce would now widen its activities and would also address countries, which had asked for specific information, mainly with regard to the use of the Cutewise system and those countries, where, although the transmission of data was working well, improvement was still required in order to further increase the effectiveness of the SafeTIR system.

(iii) Measures to reduce the number of lost, stolen and falsified TIR Carnets

Documentation: Informal document No. 11 (2002); TRANS/WP.30/200; TRANS/WP.30/198; TRANS/WP.30/196;(www.unece.org/trans/new_tir/welctir.htm).

52. The Working Party recalled that, in 2001, the TIRExB had decided to accept changes in the lay-out of the TIR Carnet as proposed by the IRU, since these changes did not modify the relevant provisions of the Convention (TRANS/WP.30/196, paras. 68-69).

53. The Working Party took note of Informal document No. 11 (2002), prepared by the secretariat, containing information about the introduction of a new version of the TIR Carnet, which, following entry into force of Phase II of the TIR revision process, incorporates the new terminology introduced into the Convention. With the introduction of the new version of the TIR Carnet, four different versions of the TIR Carnet are theoretically in circulation:

- TIR Carnets with numeric codes below 25,000,000 (so-called “Red” TIR Carnet. The IRU has instructed all its associations not to issue this type of TIR Carnet any longer).
- TIR Carnets with alpha-numeric codes between 25,000,000 and 35,000,000 (so-called “Red” TIR Carnet).
- TIR Carnets with alpha-numeric codes between 35,000,000 and 36,000,000 (so-called “Blue” TIR Carnets with new lay-out, first generation).
- TIR Carnets with alpha-numeric codes from 36,000,000 onwards (so-called “Blue” TIR Carnets with new lay-out, second generation).

54. The Working Party noted with satisfaction that, so far, no problems had been reported in connection with the introduction of the new versions of the TIR Carnet.

55. Detailed information concerning the various TIR Carnet versions is available on the UNECE TIR web site: (www.unece.org/trans/new_tir/welctir.htm).

(iv) Guidance on Customs control and trade facilitation

Documentation: TRANS/WP.30/2002/13; TRANS/WP.30/2002/1.

56. The Working Party considered document TRANS/WP.30/2002/13, prepared by the secretariat, containing a proposal to amend the comment to Article 47 of the Convention. The proposal consolidates two earlier proposals submitted by the European Commission and the TIRExB, both aimed at providing a clear definition of the terms “facilitation and Customs controls” in the framework of the Convention (TRANS/WP.30/2002/1). The Working Party welcomed the general approach of the newly proposed comment, but felt that a precision of the wording would be necessary. The European Commission submitted a proposal to slightly amend the text of the proposal in order that it would also take account of the fact that the application of restrictions and delays within the context of Article 47 of the Convention would usually lead to delays and extra costs for the transport industry. The secretariat was requested to prepare a new document for the next session of the Working Party, taking account of the observations and proposals made by the Working Party.

(v) **Amendment proposals relating to technical provisions**

Documentation: TRANS/WP.30/2002/14; TRANS/WP.30/2002/3; TRANS/WP.30/2002/4; TRANS/WP.30/2002/5.

57. The Working Party recalled the proposal to amend the Convention transmitted by the Liaison Committee of the Body and Trailer Building Industry (CLCCR) as contained in document TRANS/WP.30/2002/3 which would provide for a clearer description of the design of the TIR plate (amendment to Annex 5 of the Convention).

58. At the request of the Working Party, the secretariat had prepared document TRANS/WP.30/200/14 containing three alternative proposals for the layout of the TIR plate. The document not only contained proposals for font and background colour of the TIR plate, but also provided some ideas on how to bring the TIR plate better in line with modern design concepts, while, at the same, time using it as a tool to promote the fact that TIR stands for a joint effort by UNECE, IRU and its national associations. Although the Working Party was of the view that a description of font and background colour of the TIR plate would be very useful, as it would simplify its production, some delegations felt that the introduction of different logos on the TIR plate, even though optional, might complicate production procedures. The Working Party requested the TIR secretariat to prepare for the next session of the Working Party a document, which would include a description of the font and the background colour of the TIR plate.

59. The Working Party also recalled the proposals made by CLCCR contained in document TRANS/WP.30/2002/4 concerning the structure of load compartments (amendment to Explanatory Note 2.2.1 (a) of the Convention) and in document TRANS/WP.30/2002/5 concerning the structure of load compartments (amendment to Explanatory Note 2.2.1 (b) of the Convention).

60. The Working Party was informed that an evaluation of the two proposals made by a technical expert had not supported the proposals. At the proposal of CLCCR, the Working Party decided, for the time being, not to consider the two proposals in further detail.

(vi) Renewal of the certificate of approval

Documentation: TRANS/WP.30/200; TRANS/WP.30/196.

61. The Working Party recalled that, at its ninety-eighth session, it was informed by the representative of the European Commission about a practical difficulty in the application of Annex 3, paragraph 4 of the Convention concerning the renewal of the certificate of approval for road vehicles. Transport operators increasingly use road vehicles in Contracting Parties other than those where they are registered. As a consequence, vehicles must be sent back to the country of registration for inspection and renewal of the certificate of approval, which often causes operational and economic difficulties (TRANS/WP.30/196, para. 86).

62. The Working Party, at its one-hundredth session, took note of a proposal submitted by IRU on a new text of Annex 3, Article 4 of the Convention allowing for renewal of the certificate of approval by any Customs authority. The Working Party considered that a number of Customs control issues needed to be evaluated in further detail before taking a decision on the issue (TRANS/WP.30/200, para. 87).

63. The Working Party decided to revert to the issue at one of its future sessions based on a document to be submitted by the European Commission.

(vii) National control measures in the Russian Federation

Documentation: TRANS/WP.30/200; TRANS/WP.30/198.

64. The Working Party recalled that, at its ninety-ninth session, it was informed by the representatives of the European Community and Finland of problems caused by the introduction of new transit regulations for certain goods in the Russian Federation. The delegation of the Russian Federation had informed the Working Party about the general purpose of the new regulations. The Working Party had requested the TIRExB to consider whether the new regulations were in line with the provisions of the TIR Convention (TRANS/WP.30/198, paras. 101-103).

65. The Working Party, at its one-hundredth session, noted that the TIRExB had informed the Russian Customs authorities that it was of the view that the special measures taken by the Russian Federation in this regard were not in line with the provisions and spirit of the TIR Convention (TRANS/WP.30/200, para. 92). The TIRExB had received a reply from the State Customs Committee (SCC) of the Russian Federation indicating that the views of the TIRExB would be duly considered, but that the measures would remain in place for the time being.

66. The Chairman of the TIRExB informed the Working Party that, at its fourteenth session (Geneva, 17 and 18 June 2002), the TIRExB had considered Decree No. 1132 of the SCC of the Russian Federation providing importers of specific sensitive goods (mainly electronics) with the possibility for a “preliminary” Customs declaration together with an advance payment of Customs duties and taxes before the arrival of these goods under the TIR procedure at the Russian border. Only if evidence of such guarantees is available to the Customs authorities at the border, will these goods be allowed to enter the territory of the Russian Federation, under facilitated procedures. The TIRExB was of the view that this measure taken by the Russian Federation was not in line with the provisions and spirit of the TIR Convention as it would require additional guarantees in addition to the one provided under the TIR procedure. The TIRExB would inform the SSC about its position.

67. The representative of the IRU expressed his concern about the complexity of the various decrees issued by the SCC of the Russian Federation and the difficulties of understanding the substance of the issues addressed therein.

68. The TIRExB had also considered escort requirements applied for all Lithuanian transport operators in the Russian Federation and in Belarus. The TIRExB, together with the Customs authorities of the Russian Federation and Lithuania, had succeeded in facilitating a solution in line with the TIR Convention, whereby only Lithuanian operators that have committed violations of Customs regulations in the Russian Federation would be required to carry out TIR transports under Customs escort on the territory of the Russian Federation. The TIRExB would also address Belarus with the aim of finding a similar solution.

(viii) TIR Handbook

Documentation: UNECE document; (www.unece.org/trans/new_tir/welctir.htm).

69. The Working Party took note that the TIR Handbook has been updated by the secretariat to take account of all amendments adopted as part of Phase II of the TIR revision process as well as all relevant comments adopted by the UNECE Working Party on Customs Questions affecting Transport (WP.30) and the TIR Administrative Committee. The complete text of the TIR Handbook is available on the UNECE TIR web site www.unece.org/trans/new_tir/welctir.htm. The updated version is, for the time being, available in English, French and Russian and will, later during 2002, also be made available in Arabic, Chinese, German and Spanish.

(ix) Other matters

70. The Working Party took note that the UNECE and TIR secretariats have made preliminary plans to organize a regional TIR seminar in South-Western China in September 2002 and a regional TIR Seminar for the Baltic States in Riga (Latvia) (3 and 4 October 2002).

71. The Working Party welcomed a presentation by the secretariat on the features and functioning of the International TIR Database (ITDB). All Customs authorities and guaranteeing association present at the session received a CD-ROM with a copy of the new version of the ITDB. Customs authorities and associations not present will receive the CD-ROM via the mail.

72. An updated version of the UNECE register on Customs Sealing Devices and Customs Stamps used under the TIR Convention was distributed to Customs authorities.

73. The Working Party was requested by the IRU to consider, at its next session, if the UNECE register on Customs Sealing Devices and Customs Stamps used under the TIR Convention could also be made available to the IRU and its guaranteeing associations.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: Informal document No. 15 (2002); TRANS/WP.30/127.

74. Having discussed at earlier sessions a number of drug seizures involving TIR vehicles, the Working Party felt that it should be informed of any special devices and facilities used by smugglers abusing the TIR transit system. The Working Party invited all Contracting Parties to the TIR Convention, 1975, and the World Customs Organization (WCO) to transmit all relevant information on such cases so that it could take the necessary steps, falling within its competence and mandate, to prevent such occurrences (TRANS/WP.30/127, paras. 55-57).

75. The Working Party took note of Informal document No. 15 (2002), transmitted by the IRU, containing information about new ways and means of committing Customs fraud misusing the TIR procedure.

OTHER BUSINESS

(a) Declaration of the Russian Federation on the TIR Convention

76. The Working Party took note of a declaration made by the delegation of the Russian Federation.

77. As a result of the statements made by the representatives of the IRU at this session of the Working Party, the delegation of the Russian Federation had come to the following conclusions:

- (i) The guaranteeing system of the TIR Convention is currently in a crisis. During recent years, when the Russian Federation has been raising this question in the competent bodies of the TIR Convention, the IRU has exhausted their arguments trying to justify the non-payment of the overwhelming majority of claims as a result of violations of the TIR Convention which had been committed on the territory of the Russian Federation.
- (ii) At present the IRU, according to the statements made by its representatives, realized that their position is threatened as a result of the adoption of the amendments under Phase II of the TIR revision process (i.e. Article 6.2 bis of the TIR Convention), and resorts to allegations and disinformation with a view to criticizing the State authorities and legislation of the Russian Federation with the sole objective to avoid payment of claims and to mislead other Contracting Parties of the TIR Convention. At the same time, it should be noted that carriers in many of the Contracting Parties to the TIR Convention are interested in carrying out transport operations to the Russian Federation.
- (iii) According to statistics, there exists only one payment claim to the guaranteeing system of the TIR Convention per one thousand TIR Carnets used on the territory of the Russian Federation. The non-payment of these claims is a result of either lack of sufficient guarantee or of poor management of the international guaranteeing system, both being the responsibility of the IRU.

78. Taking into account the above, the Russian Federation requested the Working Party to call upon IRU to strictly comply with the provisions of the TIR Convention. Otherwise, the continued responsibility of IRU for the effective organization and functioning of the international guaranteeing system in accordance with Article 6.2 bis of the TIR Convention will be questioned.

(b) Dates of the next sessions

79. The Working Party decided to convene its one-hundred-and-second session from 22 to 25 October 2002, in conjunction with the thirty-third session of the TIR Administrative Committee (24 and 25 October 2002).

80. The one-hundred-and-third session of the Working Party is tentatively scheduled to be held during the week of 3 to 7 February 2003, in conjunction with the thirty-fourth session of the TIR Administrative Committee and the fifth session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods.

(c) **Restriction on the distribution of documents**

81. The Working Party decided that there should be no restriction on the distribution of the documents issued in connection with its current session, except for the UNECE Register on Customs Sealing Devices and Customs Stamps used under the TIR Convention, the International Directory of TIR Focal Points and Informal document No. 15 (2002).

ADOPTION OF THE REPORT

82. The Working Party adopted the report on its one-hundred-and-first session.
