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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-SIXTEENTH SESSION
(13-15 June 2007)**

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I. ATTENDANCE

1. The Working Party held its one-hundred-and-sixteenth session from 13 to 15 June 2007 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Estonia; Finland; France; Germany; Greece; Hungary; Kyrgyzstan; Latvia; Lithuania; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom. Representatives of Algeria participated under Article 11 of the Terms of Reference of the Economic Commission for Europe. Representatives of the European Community (EC) were also present.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented. The following intergovernmental organizations were represented: the Organization for Cooperation between Railways (OSJD) and the Intergovernmental Organization for International Carriage by Rail (OTIF).
4. The following non-governmental organizations were represented: the International Organization for Standardization (ISO); the International Road Transport Union (IRU) and the International Touring Alliance (AIT & FIA).

II. ADOPTION OF THE AGENDA

5. The Working Party adopted the provisional agenda and its addendum (ECE/TRANS/WP.30/231 and ECE/TRANS/WP.30/231/Add.1).
6. The Working Party elected Ms. M. Ekstrand of Sweden as Vice-Chairperson.

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

7. The Working Party was informed about the last session of the Inland Transport Committee Bureau meeting of 4 June 2007. In particular, the secretariat informed the Working Party about the requirement to submit "Expected accomplishments and indicators of achievement" to the ITC in February 2008. In this respect, the secretariat proposed to use "New accessions to and more effective implementation of international legal instruments in the area of border crossing facilitation" as the "Expected Accomplishment". For the "Indicators of Achievement", the secretariat proposed "Number of countries and participants in WP.30, AC.2 and expert group meetings", "Level of satisfaction as reflected in surveys" and "Number of new amendments, adopted and/or discussed, and number of new contracting parties".
8. The Working Party took note of information provided by UNCTAD concerning an Expert Meeting on regional cooperation in transit transport to be held on 27-28 September 2007, which coincides with the forthcoming sessions of WP.30 and the TIR Administrative Committee in September. The UNCTAD Expert Meeting will explore transit solutions for landlocked

developing countries as a lead up to the review in 2008 of the UN Almaty Programme of Action on Transit Transport Cooperation. Further information about the Expert Meeting can be obtained at <http://r0.unctad.org/ttl/>.

9. The Working Party also took note of information provided by UNCTAD about the ongoing World Bank/UNCTAD trade facilitation projects in Pakistan and Afghanistan. In cooperation with the UNECE and IRU, possibilities are being explored to integrate both countries in the TIR system.

10. The Working Party took note of the establishment by the Inland Transport Committee of the Multidisciplinary Group of Experts on Inland Transport Security. The Group of Experts met for the first time on 24-25 May 2007 and is expected to issue a final report to the ITC Bureau in January 2008.

11. The Working Party was informed about the outcome of the high-level segment on "Secure transport development: a key to regional cooperation", held as part of the 60th anniversary session of the UNECE on 27 April 2007. The successful segment featured a number of high-level delegates from many countries.

IV. ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

12. The Working Party was informed about recent activities by the European Community. First, in addition to the paper procedure, the NCTS-TIR pilot project is currently being used for TIR operations in selected Customs offices in nine countries of departure and 17 countries of destination in the European Community. Second, the implementing provisions of the Community Customs Code are in the process of being amended to provide the legal basis for the mandatory use of electronic TIR declaration across the European Community. It is envisaged that the adoption of the proposals will take place in September 2007, with an expected date of entry into force on 1 July 2008. Third, in the context of safety and security measures, the supply of advance cargo information in the electronic format will become obligatory as from 1 July 2009 for all import and export operations. For incoming transports, including TIR, to the European Community a pre-entry declaration will have to be lodged. This declaration can be a transit declaration such as a TIR declaration provided it contains additional security data in the electronic format and is submitted within the specified deadlines. Finally, the EC is currently reviewing the Community Customs Code (CCC) and its Implementing Provisions (IP) in order to establish an all-encompassing Customs environment based on the electronic communication between operators and Customs and among Customs themselves. A Council common position on the proposed modernized CCC is expected in the forthcoming months, whereas a proposal for modernized IP is being prepared.

13. In response, the IRU regretted the lack of consultation by the Commission and informed the Working Party that, as long as the guarantee chain and the system of financial guarantee is based on the TIR Carnet in accordance with the TIR Convention, the IRU would only assume responsibility for TIR operations where the TIR Carnet is used as the declaration. In response, the European Community noted the lack of internal communication within the IRU regarding the consultation process and stated that the provisions of the TIR Convention did not prevent the EC

from requesting in its own territory that a Customs declaration be submitted in the electronic format.

14. The Chairman reminded the EC about Article 42**bis** of the TIR Convention that requires “any national control measures taken by the competent authorities in the context of the proper use of TIR Carnets (to) be communicated immediately to the TIR Executive Board which (would) examine their conformity with the provisions of the Convention”.

15. The Working party took note of Informal document No. 16 (2007) submitted by the International Organization for Standardization (ISO), which provides an update on ISO standards and activities related to border crossing facilitation.

16. The Working Party also took note of document ECE/TRANS/WP.30/2007/10, transmitted by the International Air Cargo Association (TIACA) requesting the UNECE to initiate the development of standard electronic messages with a view to replacing paper-based accompanying documents for international transport operations.

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

A. Status of the Convention

17. The Working Party was informed that the Convention had 49 Contracting Parties. There has been no change since the last meeting of the WP.30. A complete list of the Contracting Parties to the Convention is available at the following website:
<http://www.unece.org/trans/conventn/agreem_cp.html - 50>. Information about the status of the Convention can be obtained from the following:
<<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>>.¹

B. Annex 8 on road transport

18. The Working Party was informed about the status of the new Annex 8 to the Convention. The Depositary Notification announcing the adoption of the new Annex 8 was issued on 20 February 2007 (Depositary Notification C.N.222.2007.TREATIES-1). The deadline for objection to the new annex is 20 February 2008. If no objections are launched before the deadline, the new annex will enter into force on 20 May 2008.

¹ Subscription website. For further information concerning the subscription and access, please contact the UNECE secretariat.

C. Preparation of a new Annex on rail border crossing

19. The Working Party recalled its decision at its one-hundred-and-fifteenth session (ECE/TRANS/WP.30/230, paras. 17 and 18) to consider document ECE/TRANS/WP.30/2007/11, transmitted by the Organization for the Cooperation of Railways (OSJD), containing the latest draft proposal for a new Annex 9 to the Convention which had been finalized at the sixth meeting of the OSJD/UNECE working group (Warsaw, 6 and 7 March 2007). Due to delay in translation into English and French of this document, the Working Party decided to postpone substantive discussion on the draft proposal for a new annex 9 until the next session in September 2007. The Working party took note of comments by OTIF contained in the Informal document No. 14 (2007).

D. Consideration of amendments to the Convention

20. The Working Party recalled its discussion, at its one-hundred-and-fifteenth session, concerning the potential elements (ECE/TRANS/WP.30/229/Add.1, para. 9) for further development in the framework of the Convention (ECE/TRANS/WP.30/230, paras. 20–22). In this respect, the Working Party took note of Informal document No. 11 (2007) submitted by the government of Serbia. The document describes an agreement between Serbia and Bulgaria, which aims at facilitating border crossing procedures in international rail transport between the two countries. The Working Party was informed about similar approaches being undertaken by Serbia with Croatia and the Former Yugoslav Republic of Macedonia.

VI. INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, OF 10 JANUARY 1952

21. The Working Party recalled its decision at its one-hundred-and-fifteenth session (ECE/TRANS/WP.30/230, para. 23) to consider document ECE/TRANS/WP.30/2007/12, containing the latest draft proposal for a new International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, which has been finalized at the sixth meeting of the OSJD/UNECE working group (Warsaw, 6 and 7 March 2007).

22. The Working Party decided to postpone its considerations of document ECE/TRANS/WP.30/2007/12 due to delays in translation as well as the absence of a delegate of the government of Switzerland – a key proponent of a similar - in force - convention i.e., the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952. The Working Party took note of comments provided by OTIF contained in Informal document No. 15 (2007). The Working Party encouraged the OSJD and eleven countries that initiated the work on the new Convention to continue consulting with OTIF and Contracting Parties to the 1952 Convention in order to facilitate discussions at the next WP.30 meeting in September. A number of delegations noted that there was no need to modernize the 1952 Convention, whereas others believed that there was such a need, taking into account the current situation.

VII. CUSTOMS CONVENTIONS ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES (1954) AND COMMERCIAL ROAD VEHICLES (1956)

A. Status of the Conventions

23. The Working Party was informed that there had been no change in the number of Contracting Parties to the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles since the last WP.30 meeting. A complete list of Contracting Parties to the Conventions is available at the following websites:

<http://www.unece.org/trans/conventn/agreem_cp.html#39>;

<http://www.unece.org/trans/conventn/agreem_cp.html - 43>. Information about the status of the Conventions can be obtained at

<<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>>,

<<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>>.²

B. Application of the Conventions

24. No new developments were reported concerning these Conventions.

VIII. RAIL TRANSIT

25. The Working Party was informed that the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes was open for signature in Geneva during the UNECE 60th anniversary celebrations. The Convention is now open for signature in New York until 31 December 2007. The Chairman encouraged all potential Contracting Parties to sign on.

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

A. Status of the Convention

26. The Working Party took note that the Convention had 68 Contracting parties and that it was operational in 55. The Working Party was pleased to note that the United Arab Emirates (UAE) had acceded to the TIR Convention. The Convention will enter into force for the UAE on 20 October 2007 (Depositary Notification C.N.497.2007.TREATIES-1). The IRU informed the Working Party that it had already begun to work with a national association in the UAE to make the Convention operational in that country hopefully by the end of 2007 and that similar activity was taking place in Bosnia and Herzegovina and Montenegro.

² Subscription website. For further information concerning the subscription and access please contact the UNECE secretariat.

27. A complete list of Contracting Parties to the Convention, as well as a list of countries in which TIR operations can be undertaken can be found at http://www.unece.org/trans/conventn/agreem_cp.html - 41>. Regularly updated information on the scope of the TIR Convention is available on the UNECE TIR website: <http://tir.unece.org/>.

B. Revision of the Convention

1. Implementation of Phases I and II of the TIR revision process and examples of best practices

28. The Working Party took note that, as a result of the split of the State Union of Serbia and Montenegro into the independent States of Montenegro and Serbia, both countries had obtained new ISO codes: SRB for Serbia and MNE for Montenegro. Over the recent months, the ID numbers of Serbian TIR Carnet Holders have been updated accordingly.

2. Preparation of Phase III of the TIR revision process

29. The Working Party endorsed the report of the eleventh session of the Informal ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (ExG) of 29 January 2007, contained in document ECE/TRANS/WP.30/GE.1/2007/5 and took note of document ECE/TRANS/WP.30/2007/9, containing the report of the special working session of a drafting group, which had met in Belgrade on 6-7 March 2007, at the kind invitation of the Serbian Customs authorities.

30. The Working Party took note of an oral report by the Chairperson of the ExG of its twelfth session (12 June 2007). In particular, the WP.30 took note of the considerations by the ExG on Chapter 2 of the eTIR Project, as contained in document ECE/TRANS/WP.30/GE.1/2007/2/Rev.1, which had been prepared by the secretariat on the basis of the outcome of the Belgrade session and took note of documents ECE/TRANS/WP.30/2007/14 and ECE/TRANS/WP.30/2007/15, which had been submitted by the IRU. The Working Party confirmed that no objections to the proposals contained in Chapter 2 had been raised by the Customs authorities and that the only remaining issues under discussion, as raised by the IRU were of a strategic or legal nature and required a decision by the Working Party. The delegation of the Russian Federation considered that issues concerning the administration of the centralized database and the authentication of information were important for the realization of the eTIR Project. The Russian Federation requested the Working Party to properly address these issues.

31. In relation to document ECE/TRANS/WP.30/2007/14, the Working Party considered that all issues but one had been appropriately addressed by the ExG and that document ECE/TRANS/WP.30/GE.1/2007/2/Rev.1 would be updated in accordance with the conclusions by the ExG. With regards to the outstanding issue on the transition from the paper system to the computerized system, the Working Party did not express support for the IRU's point of view that such transition would have to be overnight and involve simultaneously all Contracting Parties. The Working Party referred to a constraint formulated in the Reference Model, stipulating that a complete "overnight" migration towards a computerized environment was not realistic.

32. The IRU, with a PowerPoint presentation, introduced document ECE/TRANS/WP.30/2007/15, setting out its position on the role of the TIR Carnet and the validation of the guarantee. The subsequent discussion did not result in new or amended guidelines by the Working Party in relation to draft Chapter 2 of the Reference Model. Bearing this in mind, the Working Party invited the ExG to submit document ECE/TRANS/WP.30/GE.1/2007/2/Rev.1 with minor technical improvements identified at the twelfth session of the Expert Group and taking into account issues of a strategic and/or legal nature to the Working Party for consideration and, possibly, adoption at its forthcoming session. The Working Party further requested the ExG to start working on Chapter 3 of the Reference Model, dedicated to the analysis of the e-Business-Requirements as contained in Chapter 2.

33. The Working Party adopted document TRANS/WP.30/2005/32/Rev.1, containing an updated version 1.6a of the eTIR Reference Model.

34. The Working Party considered document ECE/TRANS/WP.30/2007/8, prepared by the secretariat, containing a proposal to review the mandate for the establishment of an informal Ad hoc Expert Group on Legal Aspects of Computerization of the TIR Procedure. The Working Party agreed that, in view of the nature and importance of the issues at stake, it was appropriate, until further notice, that they be considered by the Working Party itself. The Working Party requested the secretariat to submit a document for discussion at its next session, highlighting the issues of a legal or strategic nature which had been identified so far in the course of the eTIR Project, providing, where possible first considerations.

3. Amendment proposals for the Convention

35. The Working Party recalled its discussions at its one-hundred-and-fifteenth session (ECE/TRANS/WP.30/230, paras. 37–39) and had an in-depth discussion on parts of document ECE/TRANS/WP.30/2007/13, submitted by the European Community. The document contains amendment proposals for the TIR Convention.

36. With regards to the proposal to introduce a new Explanatory Note to Article 1 (o) of the Convention, some delegations expressed reservations, in particular with respect to unclear wording. The secretariat pointed out a potential problem related to the intended place of the proposed explanatory note. After an extensive discussion, the Working Party decided not to pursue the proposal at this time. However, the Working Party, in principle, supported the general idea of using data processing techniques in the framework of the Convention. The IRU appealed for a harmonized and standard approach in the framework of the Convention for the introduction of those data processing techniques.

37. Within the context of discussions on the proposed amendments to Article 10 of the TIR Convention, the Working Party discussed the distinction between the phrases “termination” and “discharge of the TIR operation”. The secretariat pointed out the importance of consistency of these two terms in the TIR Convention. In this respect, some of the proposed amendments had “consistency implications” for more provisions than those identified in document ECE/TRANS/WP.30/2007/13. The delegation of the Russian Federation also made some proposals on the drafting of Articles 10 and 11 as well as Annex 9, Part III. The Working Party invited the European Community to revise its document in order to facilitate future discussions.

38. The Working Party agreed to continue to discuss document ECE/TRANS/WP.30/2007/13 together with ECE/TRANS/WP.30/2006/5/Rev.2 at its next session.

39. The Working Party welcomed a proposal from the European Commission to give, at its forthcoming session, a presentation on the future use of the electronic TIR declaration across the European Community and the requirement to supply advance cargo information for all import and export procedures.

40. The Working Party discussed Informal document No. 12 (2007) submitted by the government of Belarus concerning increasing the level of maximum guarantee to €60,000. The delegations of the Russian Federation and Ukraine supported this proposal. The IRU reminded the Working Party that this matter was currently under consideration by the TIRExB. IRU also recalled the historical background to the issue and highlighted the consequences should the proposal be adopted. The Working Party requested the secretariat to issue this document as an official document for consideration at the next meeting of the Working Party in September.

C. Application of the Convention

1. Control system for TIR Carnets - IRU SafeTIR

41. The IRU provided information on the functioning of the IRU SafeTIR system. Between 1 January and 31 May 2007, the IRU received 91 percent of all required SafeTIR messages with an average delay of 5 days. Forty-nine percent of messages were transmitted within 24 hours. With respect to reconciliation requests to verify the termination of TIR Carnets, the IRU issued 3,403 reconciliation requests. Fifty-seven percent of these requests were replied to by customs authorities with an average delay of 31 days. A list detailing the functioning of the IRU SafeTIR system in each Contracting Party was distributed to the Working Party.

2. Settlement of claims for payments

42. The Working party was informed by the IRU about settlement of claims for payments made by customs authorities against national associations. The IRU provided the following statistics:

- Between 1 January and 31 May 2007, the IRU received 7,306 notifications/pre-notifications sent by customs authorities to their national guaranteeing associations.
- The pending payment requests were 7,126 as of 31 May 2007.
- There were 75 claims settled between 1 January and 31 May 2007, of which 33 were settled without payment.

43. The IRU explained that a large number of pre-notifications resulted almost entirely from the non-return of volets n° 2 in the EU area. In this context, the IRU encouraged the EC to revise the relevant regulation and to implement the best practices as explained in the TIR Handbook. In response, the Working Party noted that the EC is taking appropriate measures to rectify the situation.

3. Issues relating to technical provisions

44. The Working Party considered document ECE/TRANS/WP.30/2007/7, prepared by the secretariat, containing amendment proposals to comments to provisions of the Convention related to the use of the fibre optic cable (Annex 2, Article 3, paragraph 9 and Annex 7, Article 4, paragraph 4 of the Convention). The amendment proposals are purely editorial. The Working Party approved the amendment proposals as contained in the annex to this report and agreed to transmit them to the TIR Administrative Committee for endorsement.

45. The Working Party took note of and welcomed a special seminar on approval and control of TIR loading compartments to be held on 24 September 2007, in conjunction with the one-hundred-and-seventeenth session of the Working Party. The secretariat stressed that participants should be not only regular delegates to the Working Party, but also representatives of national TIR vehicle approval authorities, representatives of the IRU and national guaranteeing associations as well as representatives of the vehicle manufacturing industry. More information concerning the seminar will be available to all interested parties in near future.

4. TIR Handbook

46. The 2007 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish languages both in hard copy, CD-ROM. The electronic version is available from the UNECE TIR website: <<http://www.unece.org/trans/bcf/tir/tir-hb.html>>. Due to a printing error, the secretariat has issued a corrigendum to page 190 of the English version of the TIR Handbook. The Working party was invited to provide comments to periodically update “the best practices” section of the Handbook.

5. Other matters

47. The Working Party considered Informal document No. 13 (2007) submitted by the government of Turkey concerning the draft recommendation on the introduction of the HS code of goods in the TIR Carnet. The delegation of the Russian Federation pointed out that the proposal by Turkey was not consistent with technical- legal rules because explanatory notes are only prepared for the legal provisions of the Convention. The IRU shared the concerns expressed by the Turkish delegation. After a preliminary discussion, the Working Party requested the secretariat to issue Informal document No. 13 (2007) as an official document for consideration at the next session of the Working Party in September 2007 and to explore the possibilities of introducing an explanatory note or a comment in relation to the draft recommendation.

X. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

48. There was no information provided concerning any special cases, devices and facilities used to abuse the TIR transit system.

XI. OTHER BUSINESS

A. Dates of the next sessions

49. The Working Party decided to hold the one-hundred-and-seventeenth session of the Working Party during the week of 24 to 28 September 2007 in conjunction with the seminar noted above and the forty-fourth session of the TIR Administrative Committee.

50. The secretariat has made arrangement for following sessions of the Working Party in 2008:

- One-hundred-and-eighteenth session; 28 January to 1 February 2008
- One-hundred-and-nineteenth session; 2 to 6 June 2008
- One-hundred-and-twentieth session; 29 September to 3 October 2008

51. The secretariat informed the Working Party about the possibility of having to postpone the 120th session by one week due to Eid al-Fitr occurring on 2 October 2008.

B. Restriction on the distribution of documents

52. The Working Party decided that there would be no restrictions with respect to the distribution of documents issued in connection with its current session.

XII. ADOPTION OF THE REPORT

53. The Working Party adopted the report of its one-hundred-and-sixteenth session on the basis of a draft prepared by the secretariat.

Annex

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

Comments adopted by the UNECE Working Party
on Customs Questions Affecting Transport

Annex 2, Article 3, paragraph 9, Explanatory Note 2.3.9, Comment “Nylon ropes”

delete , or the description in the above Explanatory Note

Annex 7, Article 4, paragraph 9, Comment “Fastening rope”

delete (see also comment to Explanatory Note 2.3.9)
