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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS AFFECTING
TRANSPORT ON ITS 122nd SESSION
(16-19 June 2009)**

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I. ATTENDANCE

1. The Working Party held its 122nd session from 16 to 19 June 2009 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Poland, Russian Federation, Serbia, Slovenia, Spain, Sweden, Turkey, Ukraine. Representatives of the European Community (EC) were also present. The following intergovernmental organizations were represented: Intergovernmental Organization for International Carriage by Rail (OTIF), the Organization for Cooperation between Railways (OSJD) and the World Customs Organization (WCO). The following non-governmental organization was represented: the International Road Transport Union (IRU).

II. OPENING STATEMENT

2. In her opening statement, Ms. Eva Molnar, Director, UNECE Transport Division, informed the Working Party of a number of recent events and activities in the area of transport facilitation, in particular:

- (a) A joint Conference of the Inland Transport and Trade Committees "Impact of Globalization on Transport, Logistics and Trade: The UNECE Work" which took place on the occasion of the seventy-first session of the Inland Transport Committee (24-26 February 2009).
- (b) A joint International Transport Forum (ITF)-UNECE-World Bank (WB) Conference on Border Crossing Problems (Paris, 5-6 March) and transport facilitation events organized in conjunction with the ITF Ministerial Meeting (Leipzig, 26-29 May 2009).
- (c) The publication in May 2009 of the second issue of the "UNECE Transport Review", entitled "Transport without borders" (<http://www.unece.org/trans/transportreview.html>).
- (d) As part of the analytical study to evaluate the strengths, weaknesses, challenges and opportunities for the TIR system, UNECE had launched a questionnaire with a view to examining a wide range of stakeholders' perspectives, including logistics and transport operators, Customs administrations, transport authorities and relevant non-governmental organizations. All delegates and interested parties were encouraged to reply to this questionnaire.
- (e) The OSCE-UNECE Handbook on best practices for border crossings was expected to be ready in the coming months, including a chapter on border crossing performance measurement.

III. ADOPTION OF THE AGENDA (Agenda item 1)

Documentation: ECE/TRANS/WP.30/243

3. The Working Party adopted the provisional agenda, as prepared by the secretariat (ECE/TRANS/WP.30/243).

IV. ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY (Agenda item 2)

4. The Working Party noted the results of the seventy-first session of the Inland Transport Committee (ITC) (24-26 February 2009), as far as they relate to matters of interest to the Working Party, including:

- (a) The Committee requested its subsidiary bodies to review and further improve the mechanisms for monitoring the implementation of their respective legal instruments in 2009.
- (b) The Committee requested the secretariat to circulate ITC documents ECE/TRANS/2009/6, ECE/TRANS/2009/7 and ECE/TRANS/2009/8 on gender issues in transport to its subsidiary bodies for consideration.
- (c) The Committee prolonged the mandate of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR procedure and urged all Contracting Parties to the TIR Convention to participate in the activities of the Group.
- (d) The Committee requested its subsidiary bodies to address the subject of transport and trade facilitation from the perspectives of global supply chains and submit proposals to the Bureau for consideration and reporting to the Committee at its next session.

5. The Working Party was also informed of the outcome of the Regional TIR Seminar for the member countries of the Economic Cooperation Organization (Tehran, 29 April 2009) and Regional TIR Seminar for North Africa (Tunis, 3-4 June 2009).

V. ACTIVITIES OF OTHER ORGANIZATIONS AND COUNTRIES OF INTEREST TO THE WORKING PARTY (Agenda item 3)

6. On behalf of the European Community, the European Commission recalled the entry into force of a new obligation: the submission of the entry and/or exit summary declaration. For road transport, the declaration deadline will be one hour prior to arrival at the point of entry or exit as of 1 July 2009. As a matter of facilitation, operators have the choice to lodge the entry summary declaration as part of the transit declaration (provided that the latter contains all required security data, is lodged electronically and within the deadline set by the legislation). When goods leave the Community, the customs declaration (usually an export declaration) must contain the data of the exit summary declaration. In the period 1 July 2009 - 31 December 2010, exit summary declarations that are not combined with other customs declarations will not be mandatory but the requirement to perform risk analysis on the goods will remain statutory (Reg. (EC) No. 273/2009).

7. Further, the Working Party was informed that operators will be assigned an E O R I (Economic Operators Registration and Identification) number not later than by 1 July 2009 (Reg. (EC) No. 312/2009). The EORI number is valid throughout the Community and will be assigned by a Member State Customs or other designated authority. Economic operators who are not established in the Community shall be registered by the Member State where they first lodge a Customs declaration or entry (exit) summary declaration.

8. For contact details, guidelines and other information, interested parties should visit the website of the European Commission (security amendment: http://ec.europa.eu/taxation_customs/customs/security_amendment/general_overview/index_en.htm and http://ec.europa.eu/taxation_customs/resources/documents/customs/security_amendment/leaflet.pdf; http://ec.europa.eu/taxation_customs/resources/documents/customs/security_amendment/EORI_guidelines_en.pdf) (EORI guidelines); http://ec.europa.eu/taxation_customs/common/elearning/eori/index_en.htm (eLearning course on EORI).

9. Some delegations and IRU were of the view that transport operators from non-EU countries should better be informed by the European Community of the above regulations, in so far as they relate to TIR operations, and also expressed concerns that some EU Member States might not be ready to start the proper implementation of EORI as of 1 July 2009, as foreseen. At the same time, the Working Party noted the excellent preparatory measures and information campaign undertaken by the Customs Administration of Poland, aimed at ensuring a smooth introduction of the new measures.

10. Several delegations recalled practical difficulties experienced by transport operators at external EU borders following the entry into force of the EU regulations providing for the submission of the TIR Carnet data electronically as of 1 January 2009. In this context, IRU, supported by two delegations, stressed that its TIR-Electronic Pre-Declaration (TIR-EPD) mechanism provided a perfect solution to such problems and informed that TIR-EPD would soon be extended to Belarus, Baltic States, Bulgaria, Slovenia and Turkey.

11. The Working Party was informed of recent activities by WCO concerning the Framework of Standards to Secure and Facilitate Global Trade (SAFE), in particular capacity building and monitoring activities with a view to ensuring the proper implementation of this important instrument by all the 156 WCO Members who had signed the Letter of Intent. There has been discussion at the WCO on the introduction of a new SAFE pillar 3 to be based on the concepts of Single Window and Coordinated Border Management. The Working Party also noted that the WCO would continue its constructive engagement with the U.S. Congress on the 100% scanning issue and the Security Filing (10 + 2) ruling. Finally, the Working Party was informed of various WCO conferences scheduled for 2009.

12. WP.30 reiterated its invitation to delegations to contribute to a study on the implications of SAFE for the UNECE legal instruments in the area of border crossing facilitation (ECE/TRANS/WP.30/242, para. 13). In this regard, IRU restated its view that the TIR Convention, as a multilateral treaty, should play a significant role in the implementation of SAFE.

13. The Working Party noted short information by IRU on the outcome of the New Eurasian Land Transport Initiative (NELTI) and invited IRU to provide more details at its next session.

**VI. INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“HARMONIZATION CONVENTION”)
(Agenda item 4)**

(a) Status of the Convention

14. The Working Party recalled that the Harmonization Convention had entered into force for Jordan and the Republic of Moldova on 13 February 2009 and 3 March 2009, respectively (Depositary Notifications C.N.856.2008.TREATIES-3 and C.N.978.2008.TREATIES-4). In addition, on 11 March 2009, Tunisia acceded to the Convention. It entered into force for Tunisia on 11 June 2009, in accordance with Article 17 (2) (Depositary Notification C.N.156.2009.TREATIES-1).

(b) New Annex 8 on road transport

Documentation: ECE/TRANS/WP.30/2009/8

15. The Working Party considered and approved, subject to minor modifications, a draft questionnaire concerning the application of Annex 8 at the national level (ECE/TRANS/WP.30/2009/8). The secretariat was requested to distribute this questionnaire to the Ministries for Foreign Affairs of the Contracting Parties to the Harmonization Convention and set up a deadline for reply at 31 December 2009.

16. The Working Party welcomed the following information on the implementation of Annex 8: publication of the Annex in the EU Official Journal L 55 of 27 February 2009 and the transmission by Lithuania of a list of authorized vehicle weighing stations. The Working Party also welcomed the organization of a training seminar on the application of Annex 8 (Geneva, 18 June 2009). IRU recalled that its IT-tool, the Border Waiting Time Observatory (BWTO), could contribute to the monitoring of border waiting times and the proper implementation of Annex 8.

17. The Working Party recalled its earlier view that the need for a separate agreement on the transport of live stock should be explored (ECE/TRANS/WP.30/242, para. 17). In this respect, the Working Party noted that the underlying issue was duly covered by the European Convention for the Protection of Animals during International Transport, concluded under the auspices of the Council of Europe. This Convention was revised in 2003, also in consultation with the UNECE Transport Division. The revised Convention came into force in 2006. Further details can be found on the website of the Council of Europe.^{1/}

(c) Preparation of a new Annex on rail border crossing

Documentation: ECE/TRANS/WP.30/2009/2 and Corr. 1-3

18. The Working Party took note of the consolidated text of a new Annex 9, as laid down in document ECE/TRANS/WP.30/2009/2 and Corr. 1-3. The European Community informed that, in the course of its internal approval procedures, it had noted a possible inconsistency between

^{1/} http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Biological_safety,_use_of_animals/Transport/

the new Annex 9 and the body and/or other Annexes to the Convention. The Working Party mandated the secretariat to study this issue and submit proposals to the next session.

VII. INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, OF 10 JANUARY 1952 (Agenda item 5)

19. The Working Party was informed that the Inland Transport Committee, at its February 2009 meeting, had invited the governments of countries that are Contracting Parties to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952, to confirm that they would positively consider proposals to amend this Convention, as proposed by OSZhD and OTIF, once more countries have acceded to it (ECE/TRANS/206, para. 60). The secretariat was requested, in due course, to forward this invitation to the Contracting Parties of the 1952 Convention and solicit their views.

VIII. RAIL TRANSIT. THE CONVENTION ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL UNDER COVER OF SMGS CONSIGNMENT NOTES (Agenda item 6)

20. The Working Party noted with regret that no new countries had expressed interest to accede to the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Note.

IX CUSTOMS CONVENTIONS ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES (1954) AND COMMERCIAL ROAD VEHICLES (1956) (Agenda item 7)

Documentation: ECE/TRANS/WP.30/2009/3

(a) Status of the Conventions

21. The Working Party took note that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles had, respectively, 80 and 41 Contracting Parties. Complete lists of Contracting Parties to the two Conventions are available on the UNECE Transport Division website.

(b) Application of the Conventions

22. The Working Party approved document ECE/TRANS/WP.30/2009/3 by International Touring Alliance and the International Automobile Federation (AIT/FIA), containing proposals for comments and best practices to assist in the proper application of the 1954 Convention. Delegations were invited to submit their remarks, if any, prior to the next session of the Working Party.

X. SOME OTHER UNECE LEGAL INSTRUMENTS FOR BORDER CROSSING FACILITATION (Agenda item 8)

23. The Working Party was informed that, on 11 March 2009, Tunisia had acceded to the Customs Convention on Containers, 1972. The Convention will enter into force for Tunisia on

11 September 2009 in accordance with its Article 19 (2) (Depositary Notification C.N.157.2009.TREATIES-1).

24. The Working Party noted that none of the Contracting Parties to the Convention on Customs Treatment of Pool Containers Used in International Transport, of 21 January 1994, had expressed the need for convening a session of the Administrative Committee for this Convention (AC.4) in 2009-2010.

**XI. CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)
(Agenda item 9)**

Documentation: ECE/TRANS/17 and Amends.1-28; 2007 TIR Handbook

(a) Status of the Convention

25. The Working Party was informed that, on 2 February 2009, the amendment proposal introducing a new Explanatory Note to Article 3 (a) had been communicated to the Contracting Parties by means of Depositary Notification C.N.48.2009.TREATIES-1. It will enter into force on 1 October 2009, unless at least five objections are received before 1 July 2009. In addition, the TIR Administrative Committee, at its February 2009 session, approved an amendment proposal to Annex 6, Explanatory Note 0.8.3 concerning the maximum guarantee amount per TIR Carnet (ECE/TRANS/WP.30/AC.2/97, para. 22). This proposal was communicated to the Contracting Parties by means of Depositary Notification C.N.198-2009.TREATIES-2 of 8 April 2009. It will enter into force on 1 January 2010, unless at least five objections are received before 1 October 2009.

(b) Revision of the Convention

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

Documentation: ECE/TRANS/WP.30/GE.1/2009/5

26. The Working Party endorsed the report of the sixteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), which took place on 28 and 29 April 2009 in Geneva, contained in document ECE/TRANS/WP.30/GE.1/2009/5.

27. At that session, the Expert Group reviewed Chapter 3 of the eTIR Reference Model, which is dedicated to the analysis of the future eTIR system. In particular, the Expert Group looked at the sequence and class diagrams, the functional fall-back scenarios and the code lists. It also dedicated considerable time to the review of the electronic messages for the eTIR system. The messages have been drafted with extensive expert input from the Dutch Customs administration.

28. Furthermore, the Working Party was informed that the Expert Group was of the firm opinion that the so-called “push” approach was the only viable solution to ensure that the information exchange with and within the eTIR international system takes place in real time. Only the “push” approach would allow that information is sent in real time from one system to another with a direct and traceable acknowledgement of receipt. The Working Party endorsed

this opinion, thus ensuring that the information sent by the Customs office of departure, after it has accepted the Customs declaration, will be duly acknowledged, upon receipt of the advance cargo information, by all Customs authorities involved in the TIR transport.

29. With regard to the next Chapter of the eTIR Reference Model, Chapter 4, which is dedicated to the design of the future system, the Working Party noted that the Expert Group did not consider itself qualified enough to do this work on its own and that the preparation would, most likely, require external expert input. The Working Party mandated the secretariat to explore how this could be organized. The Working Party also took note that the Expert Group had decided, due to the highly technical nature of its work, that, for the time being, it would continue its deliberations at long-distance. A next session would be scheduled when the technical discussions of Chapter 3 have received a level of finalization where plenary discussions once more become useful.

30. IRU reiterated its opinion that the eTIR Project did not take the concerns of the private side into due account. For that reason, the IRU still could not subscribe to Chapter 2 and draft Chapter 3 of the eTIR Reference Model, while remaining committed to the computerization of the TIR procedure, in particular by using the already existing IT systems.

(ii) Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2009/4; ECE/TRANS/WP.30/2009/5; Informal document No. 5 (2009)

31. The Working Party noted that the TIR Administrative Committee, at its February 2009 session, had approved in principle the amendment proposals contained in document ECE/TRANS/WP.30/2009/4. As the European Community was not in a position to formally accept them, the Committee decided to revert to this issue at its next session, thus allowing the Community to conclude its internal approval procedures. In the interim, the Committee requested the secretariat, in cooperation with French and Russian speaking delegations, to check the consistency between the three language versions (ECE/TRANS/WP.30/AC.2/97, paras. 23 and 24). Following this request, the secretariat has issued corrigenda to document ECE/TRANS/WP.30/2009/4: Corr. 1 in French, Corr. 2 in English and Corr. 3 in Russian.

32. The Working Party endorsed in principle Informal document No. 5, containing suggestions by the secretariat for improvement of the text of the amendment proposals to Annex 9, part I, which had been considered at the previous session (ECE/TRANS/WP.30/242, para. 32).

33. IRU was of the view that Informal document No. 5 contained provisions that disregarded national laws governing national guaranteeing and issuing associations. In particular, IRU pointed out that the proposed obligation to provide the TIR Executive Board (TIRExB) with the issuing price of TIR Carnets may be in conflict with national legislation which restricts the disclosure of private financial information.

34. On the basis of document ECE/TRANS/WP.30/2009/5, the Working Party continued its consideration of the outstanding amendment proposals and endorsed in principle the proposals by EC regarding Annex 9, a new part III, subject to the deletion of paragraphs 2 (xiv) and (xv) and few other modifications. The Working Party also discussed how the criterion of sound

financial standing of the international guaranteeing system, as set out in para. 1 (a) of the above document, could be verified. It was suggested that audits by an independent external auditor and/or by the United Nations Office of Internal Oversight Services (OIOS) or the United Nations Board of Auditors (BOA) be used for that purpose. The secretariat was requested to consult with the competent United Nations services and prepare proposals for consideration at the next session. The Working Party also invited delegations to submit to the secretariat not later than 15 July 2009 further comments or proposals to document ECE/TRANS/WP.30/2009/5.

(c) Application of the Convention

(i) Control system for TIR Carnets - IRU SafeTIR

35. The Working Party was informed by IRU of the functioning of the IRU SafeTIR system. From 1 January to 31 May 2009, IRU had received 1,033,932 SafeTIR messages with an average transmission delay of 8 days. 56 per cent of messages had been transmitted in real-time (within 24 hours). The Customs administrations of Belarus, Czech Republic, Estonia, Republic of Moldova, Russian Federation, Serbia, Slovakia and Slovenia transmitted data in real-time. In the same period, IRU had issued 2,936 reconciliation requests and had received replies to 1,704 (58 per cent) of them with an average delay of 22 days. IRU called upon Contracting Parties to improve their SafeTIR performance, with the objective to reach real time data transmission and allow for proper risk management procedures.

(ii) Settlement of claims for payments

36. The Working Party was informed by IRU of the present situation with regard to the settlement of claims for payments made by Customs authorities against national guaranteeing associations. From 1 January to 31 May 2009, IRU received 3,372 pre-notifications (from EU countries) and 897 notifications (from all Contracting Parties) as well as 74 payment requests. The number of pending payment requests as of 31 May 2009 amounted to 6,891. In the same period, 97 payment requests had been paid and 27 had been settled without payment.

(iii) Review of Annex 10 of the Convention

37. The Working Party was informed of TIRExB activities aimed at preparing an example of best practice in order to facilitate and improve the implementation of Annex 10 at the national level.

(iv) TIR Handbook

Documentation: ECE/TRANS/17 and Amends.1-28; 2007 TIR Handbook

38. The Working Party noted the activities by the secretariat towards the preparation of the 2009 edition of the TIR Handbook. This publication contains the legal text of the Convention and its annexes, including the amendments to the Convention and Explanatory Notes, as well as all relevant comments adopted by the Working Party and the TIR Administrative Committee. The Working Party stressed that the TIR Handbook was an indispensable tool not only for the proper application of the TIR Convention, but also for the further promotion of the TIR system and requested that the 2009 TIR Handbook be issued in all United Nations languages (Arabic, Chinese, English, French, Russian and Spanish), as had always been the case since the first

edition in 1988.

(v) Other matters

39. No issues were raised under this agenda item.

XII. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS (Agenda item 10)

40. No information was reported to the Working Party under this agenda item.

XIII. OTHER BUSINESS (Agenda item 11)

(a) Dates of the next sessions

41. The Working Party decided to hold its 123rd session in the week of 28 September - 2 October 2009 and its 124th session in the week of 1 - 5 February 2010.

(b) Restriction on the distribution of documents

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

XIV. ADOPTION OF THE REPORT (Agenda item 12)

43. The Working Party adopted the report on its 122nd session on the basis of a draft prepared by the secretariat.
