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Report of the Working Party on Customs Questions affecting Transport on its 131st session

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I. Attendance

1. The Working Party (WP.30) held its 131st session from 12–15 June 2012 in Geneva. The session was attended by representatives of the following countries: Afghanistan, Armenia, Australia, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Pakistan, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Economic Cooperation Organization (ECO), Organization for Security and Co-operation in Europe (OSCE), United Nations Conference on Trade and Development (UNCTAD), World Customs Organization (WCO). The following non-governmental organizations were represented: the International Association of the Body and Trailer Building Industry (CLCCR), the International Road Transport Union (IRU).

II. Adoption of the agenda (agenda item 1)

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/261), subject to the inclusion of the following matters under item 10 (c) (v):

- amendment proposals to the TIR Convention regarding vehicles with sliding sheets (ECE/TRANS/WP.30/2012/6);
- issues between the Customs administration of Greece and the national TIR association (OFAE).

III. Opening statement

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, recalled a number of achievements and challenges in the domain of international legal instruments serviced by the Division. She also informed WP.30 that Mr. Sven Alkalaj of Bosnia and Herzegovina had been appointed in March 2012 by the United Nations Secretary-General as the Executive Secretary of UNECE.

IV. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 2)

4. The Working Party took note of the outcome of the seventy-fourth annual session of the Inland Transport Committee (ITC) (28 February to 1 March 2012). In particular, ITC supported the continuation of the eTIR project and the prolongation of the mandate of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (WP.30/GE.1) to the year 2012 and endorsed the programme of work of WP.30. The next ITC meeting (February 2013) will include, inter alia, a ministerial session on Euro-Asian Transport Linkages (EATL).

5. The Working Party was also informed about the ongoing review of the UNECE 2005 reform. All eight UNECE subprogrammes, including transport, were subject to

evaluation. As part of the review process, ITC and its Bureau, with support from the Chairs of ITC subsidiary bodies, had prepared a briefing note on transport activities as well as a list of the latest achievements and expected future activities of ITC subsidiary bodies. These documents, accompanied by an oral report from the ITC Chair, had been submitted to the UNECE Executive Committee (EXCOM) for consideration. The outcome of EXCOM considerations is expected by the end of 2012 and will be transmitted to the biennial session of UNECE at the beginning of 2013.

V. Activities of other organizations and countries of interest to the Working Party (agenda item 3)

A. Economic Cooperation Organization

6. The representative of ECO reported on the activities of his organization concerning road and rail corridors in the ECO region which are undertaken at the national, regional and global levels. In particular, at the national level, he referred to the efforts to revitalize the TIR system in Afghanistan and the accession of Pakistan to the TIR Convention. At the regional level, the activities of the ECO Road, Rail, Transit and Insurance Committees were introduced. At the global level, ECO seeks further cooperation with the Working Party, UNECE, Islamic Development Bank (IDB), UNCTAD, IRU, World Bank (WB), Asian Development Bank (ADB) and World Customs Organization (WCO). The full text of his presentation will be available on the WP.30 website (www.unece.org/trans/bcf/wp30/wp30-presentations.html). The Working Party noted that, at its next session, ECO would report on progress in the above areas.

7. The representative of Pakistan pointed out the great importance that his country attaches to developing cross-border transport corridors with a special focus on trade and transport facilitation. In this context, he informed WP.30 about rapid progress on the internal approval procedures in Pakistan's accession to the TIR Convention.

B. European Union

8. The Working Party was informed of several developments in the European Union (Informal document No. 3 (2012)) and took note that, as of 1 July 2012, the Common Transit Conventions, currently applicable between the EU and the European Free Trade Association (EFTA) countries, will be extended to Croatia while the accession of Turkey is expected later this year. As in the past, the delegation of EU will keep WP.30 informed of progress in this area as well as about any new activities which may be of interest to the Working Party.

C. EurAsEC Customs Union

9. The delegations of Belarus and the Russian Federation provided detailed information on various Information Technologies (IT) options how transport operators could comply with Decision No. 899 of 09 December 2011 of the Commission of the Customs Union which had introduced, as of 17 June 2012, the obligation to lodge advance electronic information with Customs at least two hours prior to crossing the border (Informal document No. 9 (2012)). The Working Party welcomed the commitment of these countries to continue an open dialogue and close cooperation with the transport industry with the aim of assisting transport companies in meeting the new requirements and ensuring a smooth transition period. In reply to a question by EU whether there would be a grace

period for introducing the new requirements, it was clarified that this issue was in the competence of the EurAsEC Economic Commission and that, according to the above Decision, transport operators, who have not submitted electronic information prior to their arrival at the border, are given two hours to do so directly at the border crossing.

10. The Working Party requested the secretariat to reissue Informal document No. 9 (2012) as an official document in all languages for the next session. WP.30 also invited representatives of the newly created EurAsEC Economic Commission, successor of the Commission of the Customs Union, to take part in the sessions of the Working Party and to inform WP.30 of any future changes in the Customs legislation of the EurAsEC Customs Union.

D. World Customs Organization

11. The representative of WCO reported on issues discussed at the thirteenth session of the Administrative Committee for the Customs Convention on Containers, 1972 (14 and 15 May 2012) (Informal document No. 7 (2012)), including the adoption of the revised Handbook on the Convention, International Organization for Standardization (ISO) Standard 1496 on container strength and testing, a draft recommendation concerning the Customs treatment of container security devices and electronic seals and an amendment regarding the marking of containers using ISO Standard 6346. Concerning ISO Standard 1496, the Administrative Committee decided not to amend the Container Convention to include a reference to this Standard.

12. The Working Party took note of the above information and welcomed the excellent cooperation between the UNECE and WCO secretariats with respect to the Container Convention. WP.30 also recalled the repeated request by the Bureau International des Conteneurs et du Transport Intermodal (BIC) that containers certified in accordance with ISO Standard 1496 be automatically considered as approved under the Container Convention or TIR Convention (ECE/TRANS/WP.30/260, para. 11). The Working Party was of the view that, in spite of ample opportunities given, BIC had failed to convince Contracting Parties that the compliance with ISO Standard 1496 would ensure the Customs security of containers according to the provisions of Annex 4 to the Container Convention and of Annex 7 to the TIR Convention. For this reason, WP.30 decided to take no action regarding the proposal by BIC and not to pursue this issue any further.

E. Russian Federation

13. The Working Party noted the entry into force of a new national law in the Russian Federation according to which the Customs authorities had been delegated the functions previously performed by other control bodies at border crossings (ECE/TRANS/WP.30/2012/3), with the aim to speed up border crossing procedures.

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 Convention had entered into force for Tajikistan on 28 March 2012 (Depositary Notification C.N.814.2011.TREATIES-2 of 29 December 2011).

15. WP.30 was informed about the activities of the secretariat on preparing and transmitting to the Ministers of Foreign Affairs of the Contracting Parties a communication which would, first, recall the entry into force of a new Annex 9 on rail border crossing and the need to ensure the introduction of the provisions of this Annex into the national legislation of Contracting Parties, and, second, distribute a questionnaire to monitor the progress in implementing Annex 8 on road transport at the national level (Informal document No. 10 (2012)).

B. Annex 8 on road transport

16. Having recalled the generally slow progress in implementing the International Vehicle Weight Certificate (IVWC), the Working Party noted with satisfaction a wide use of IVWC in some countries, in particular, in Belarus. WP.30 also welcomed the initiative of the Organization of the Black Sea Economic Cooperation (BSEC) aimed at promoting the implementation of IVWC in its region. The Working Party reiterated its invitation to countries already benefiting from the use of IVWC to report on their experiences (ECE/TRANS/WP.30/260, para. 16).

17. The Working Party took note of Informal document No. 6 (2012) and a presentation by IRU, outlining the outcome of a scientific study on the impact of X-ray inspections of commercial road vehicles on the health of drivers. According to the study, there are no occupational health and safety hazards for drivers if the proper safety precautions are taken during the scanning procedure. To avoid unnecessary exposure of drivers, the study proposed a number of recommendations to all stakeholders (border authorities, X-ray machine manufactures, road operators) on how to enhance the radiation protection culture. In this regard, WP.30 recalled a similar request made by ITC at its seventy-third session (ECE/TRANS/221, para. 67).

C. Annex 9 on rail border crossing

18. The Working Party urged all Contracting Parties to ensure the smooth introduction of the provisions of new Annex 9 on rail border crossing into their national legislation and noted that this issue would be on the agenda of the forthcoming Seventh Interdepartmental Meeting of the Organization for Cooperation between Railways (OSJD) member States (25–28 June 2012).

D. Harmonization Convention and hinterland connections of seaports

19. The Working Party invited participants to assist the secretariat in identifying experts who could contribute to drafting a new annex to the Harmonization Convention on border crossing procedures at seaports.

VII. Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention (agenda item 5)

20. The Working Party welcomed the publication of the joint UNECE and OSCE 'Handbook on Best Practices at Border Crossings: A Trade and Transport Facilitation Perspective' and the holding of a one-day round table on the role of best practices at border crossings in the implementation of the Harmonization Convention (Informal document No.5 (2012)/Rev.1). The outcome of the round table will be published as a document for the next session of WP.30.

VIII. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 (agenda item 6)

21. The Working Party recalled that, at its previous session, the representative of OSJD stated that his organization was soliciting views of OSJD member States on this issue (ECE/TRANS/WP.30/260, para. 20) and decided to await the results of the Seventh Interdepartmental Meeting of OSJD member States (25–28 June 2012).

IX. Rail transit (agenda item 7)

22. No progress concerning the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of Agreement on International Goods Transport by Rail (SMGS) Consignment Note was reported to the Working Party.

X. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 8)

23. The Working Party recalled that that the comments and best practices for the application of the 1956 Convention (ECE/TRANS/WP.30/2011/8), adopted at the 129th session, had been included in the Carnet de Passage (CPD) Handbook by the International Touring Alliance and the International Automobile Federation (AIT/FIA). The CPD Handbook is available from AIT/FIA upon request.

XI. Other United Nations Economic Commission for Europe legal instruments on border crossing facilitation (agenda item 9)

24. The Working Party reminded delegations about its standing invitation to raise, under this agenda item, any questions pertaining to the application of other UNECE Conventions on border crossing facilitation.

XII. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 10)

A. Status of the Convention

25. The secretariat informed the Working Party that the Secretary-General of the United Nations in his capacity as depositary had issued depositary notification C.N.264.2012.TREATIES-XI.A.16, dated 30 May 2012, informing Contracting Parties of errors in the French text of proposals to amend Articles 1, 8, 11 and Annex 6 of the Convention. Any objections to the corrections of the errors in the French text should be communicated to the Secretary-General not later than 28 August 2012. With regard to the noted amendment proposals to Articles 1, 8, 10, 11 and Annex 6 of the Convention, as contained in depositary notification C.N.326.2011.TREATIES-2 (re-issued) of 2 August 2011, they will enter into force on 13 September 2012, unless an objection is raised not later than 13 June 2012.¹

B. Revision of the Convention

1. Preparation of Phase III of the TIR revision process

Use of new technologies

26. The Vice-Chair of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), Mrs. Özyazici Sunay of Turkey, informed the Working Party of the results of GE.1 at its twentieth session, which was held in Prague on 19 and 20 April 2012, at the kind invitation of the Czech Customs administration. The main issues discussed at the session were the inclusion of international declaration mechanisms in the eTIR Reference Model, the draft Cost-Benefit Analysis (CBA) of the eTIR Project as presently conducted by a consultancy firm at the request of TIRExB and the dematerialization of documents attached to the TIR Carnet. The full report of the session will be submitted to the Working Party as document ECE/TRANS/WP.30/2012/7 for endorsement at its next session. The Working Party took note that the twenty-first session of GE.1 will be held in Bratislava, at the kind invitation of the Slovak Customs authorities. Full information on the eTIR Project, including the organization of the next GE.1 session, is available on the eTIR website at: etir.unece.org. The Working Party also took note of progress made in the eTIR Pilot Project between Turkey and Italy.

27. WP.30 welcomed document ECE/TRANS/WP.30/2012/4 containing the information requested at its previous session on the financial arrangements of the CBA as well as on the UNECE Transport Division project “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”, whose funding had been approved by the UN General Assembly under the 8th tranche of the UN development accounts. WP.30 noted that, although both projects are related in substance to the computerization of the TIR procedure,

¹ Immediately following the session, the Secretary-General of the United Nations has issued depositary notification C.N.324.2012.TREATIES-XI.A16 of 18 June 2012 to inform that no objections have been raised and that the underlying amendment proposals will enter into force on 13 September 2012.

they are conducted completely independently, both with regard to objectives as well as financing.

2. Amendment proposals for the Convention

28. The Working Party was informed that, in line with its request (ECE/TRANS/WP.30/260, para. 32), the Chair had conducted informal consultations on document ECE/TRANS/WP.30/2010/4/Rev.3, containing various alternatives for items (o), (p) and (q) on audit requirements for an authorized international organization, but progress had not been achieved on this issue, as the countries concerned had retained their original positions.

C. Application of the Convention

1. TIR-related electronic data interchange systems

29. The Working Party was informed by IRU about the functioning of the IRU SafeTIR system. From 1 January to 30 April 2012, IRU had received 963,554 SafeTIR messages with an average transmission delay of 1.4 days. Eighty-nine per cent of the messages had been transmitted in real-time (within 24 hours). The Customs administrations of Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, France, Kazakhstan, Montenegro, Poland, Russian Federation, Serbia, Slovakia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine transmitted data in real-time. In the same period, IRU had issued 1,577 reconciliation requests and had received replies to 485 (31 per cent) of them with an average delay of 27 days. In addition, a total number of 1,565,960 requests were made by Customs authorities to check the status of TIR Carnets in the IRU Real-Time SafeTIR (RTS) database. During the same period, 41,844 pre-declarations were lodged, free of charge, to the Customs authorities of 23 countries through the TIR-EPD (electronic pre-declaration) system. With the start of the Real Time SafeTIR implementation in Morocco and Uzbekistan in 2012, the total number of countries where RTS was deployed reached thirteen.

30. The delegation of Turkey informed WP.30 that a Memorandum of Understanding (MoU) on the use of TIR-EPD had been signed between Customs, IRU and the national TIR association. Now TIR-EPD is available for import and transit operations and will soon be extended to export operations.

2. Settlement of claims for payments

31. The Working Party was informed by IRU of the current situation on the settlement of claims for payments made by Customs authorities against national guaranteeing associations. From 1 January to 30 April 2012, IRU received 707 pre-notifications and 652 notifications (from all Contracting Parties) as well as 41 payment requests. The number of pending payment requests as of 30 April 2012 amounted to 6,239. In the same period, 20 payment requests had been paid and 58 cases had been closed without payment. WP.30 also took note that the secretariat and IRU were considering how to ensure a better correlation between the figures reported by IRU to WP.30 and the statistics collected by the TIR Executive Board (TIRExB) when conducting periodic surveys of Customs administrations regarding Customs claims.

3. Application of the TIR Convention in a Customs union with a single Customs territory

32. The Working Party was informed about further progress in preparing and approving a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union of Belarus, Kazakhstan and the Russian Federation. Turkey reported that its

transport operators sometimes face problems in the Customs Union, if they are not in a position to meet the time-limit set by Customs for transit, due to severe weather conditions or accidents. The Working Party invited the delegation of Turkey to first try to settle this issue on a bilateral basis.

4. Increase in the number of loading and unloading places

33. Having recalled its considerations at the previous session (ECE/TRANS/WP.30/260, paras. 37 and 38), the Working Party noted that the different positions of various countries had not yet been reconciled.

5. Other matters

34. The Working Party considered document ECE/TRANS/WP.30/2012/6 submitted by CLCCR, containing amendment proposals to the TIR Convention regarding a new design of vehicles with sliding sheets. Given the highly technical nature of this issue, WP.30 invited delegations to discuss these proposals with national experts and report back to the Working Party at its next session. Meanwhile, the secretariat offered its services to CLCCR for improving the wording of the underlying proposals.

35. The Greek national TIR association (OFAE) informed WP.30 about several issues impeding its functioning, such as:

- setting distribution prices of TIR Carnets by the national Customs administration;
- compulsory additional guarantee of euro 600,000 deposited with Customs;
- obligation to transfer twenty per cent of its revenues to a special fund (amounted to euro 1,356,000 at present) whose use requires prior authorization by the Ministry of Finance.

According to OFAE, the above requirements are unique among the TIR Contracting Parties and lead to financial losses.

36. WP.30 was of the view that settlement of disputes between associations and competent authorities is in the competence of the TIR Executive Board (TIRExB) and invited OFAE to submit the above issues, supported by relevant documentation, to this body. Alternatively, the above issues can be referred to the competent national court.

37. The delegation of Ukraine reported on the entry into force, on 1 June 2012, of a new Customs Code which is based on the Revised Kyoto Convention and will speed up border crossing operations.

38. Delegations were invited to take part in a regional TIR seminar in Kyrgyzstan (25 and 26 July 2012), jointly organized by the UNECE secretariat and the Customs administration of the Kyrgyz Republic.

XIII. Prevention of the abuse of Customs transit systems by smugglers (agenda item 11)

39. No new information was reported under this agenda item.

XIV. Programme of work and biennial evaluation (agenda item 12)

40. The Working Party considered document ECE/TRANS/WP.30/2012/5 by Iran (Islamic Republic of), proposing modifications to the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10) adopted at the previous session as a basis for further

consideration. The delegation of Iran (Islamic Republic of) pointed out that the aim of its proposal was to provide a distinction between the competencies of the Working Party and those of the Administrative Committees under item 1 (n) of the ToR, in particular the TIR Administrative Committee, as well as to introduce a certain hierarchy where the above Administrative Committees would take the lead. Several delegations raised concerns on the proposed amendments, in particular paragraphs (f), (g) and (h), and were of the view that, if accepted, such modifications could undermine the important role of WP.30 as an intergovernmental forum for negotiations and could leave aside some of its major activities. The secretariat clarified that WP.30, being a UNECE Working Party under the umbrella of ITC, and the Administrative Committees, being treaty bodies, are functioning on different legal bases and are completely independent from each other. The delegation of the Islamic Republic of Iran underlined that this is the first time that the draft Terms of Reference for WP.30 were prepared and that the purpose of the proposed amendments was not to limit the mandate of Working Party but to make more clear the different roles of the Administrative Committees of the Conventions and WP.30. As a result of the discussion, the Working Party was not in a position to support the changes as currently proposed in document ECE/TRANS/WP.30/2012/5 and took note that the delegation of Iran (Islamic Republic of) would submit a revised proposal for consideration at the next session of WP.30.

41. WP.30 decided to postpone, to the next session, consideration of the proposal by Iran (Islamic Republic of) to streamline the work of WP.30 (ECE/TRANS/WP.30/258, para. 38) as well as of the draft rules of procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2. In the interim, delegations were invited to study this document and submit their comments to the secretariat for consolidation.

XV. Other business (agenda item 13)

A. Date of the next session

42. The Working Party decided to hold its 132nd session in the week of 8–12 October 2012.

B. Restriction on the distribution of documents

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

XVI. Adoption of the report (agenda item 14)

44. The Working Party adopted the report on its 131st session on the basis of a draft prepared by the secretariat.
