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Report of the Working Party on Customs Questions affecting Transport on its 132nd session

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I. Attendance

1. The Working Party (WP.30) held its 132nd session from 9 to 12 October 2012 in Geneva. The session was attended by representatives of the following countries: Armenia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Tajikistan, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Eurasian Economic Commission (EEC), Intergovernmental Organization for International Carriage by Rail (OTIF). The following non-governmental organizations were represented: the International Road Transport Union (IRU) and International Association of the Body and Trailer Building Industry (CLCCR).

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/263

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/263).

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

3. Mrs. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, briefed WP.30 on the status of the ongoing Review of the UNECE 2005 reform and on its possible implications for the Transport subprogramme. She also informed the Working Party about the next session of the Inland Transport Committee (February 2013) and its high-level policy segment that will be devoted to Euro-Asian transport links and unified railway law. Mrs. Molnar pointed out the increasing role that Customs and economic unions play in the implementation of the key UNECE legal instruments for border crossing facilitation and welcomed the delegation of the Eurasian Economic Commission (EEC) headed by Mr. Goshin, Minister for Customs Cooperation. Last, she recalled that the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) was nearing the end of its mandate and was in the process of addressing the financial aspects of the eTIR project as well as finalizing technical issues. She called upon WP.30 to take the decisions necessary for implementing the eTIR.

IV. Terms of Reference and Rules of Procedure of the Working Party (agenda item 3)

Documentation: ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2, ECE/TRANS/WP.30/2012/5/Rev.1

4. The Working Party considered document ECE/TRANS/WP.30/2012/5/Rev.1 by Iran (Islamic Republic of), containing revised proposals for modifying the draft Terms of

Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10). The delegation of Iran (Islamic Republic of) pointed out that the aim of its revised proposals was to address the concerns raised by several delegations at the previous session (ECE/TRANS/WP.30/262, para. 40) as well as to differentiate between the status of the Working Party and that of the TIR Administrative Committee. WP.30 noted that, due to the late submission, document ECE/TRANS/WP.30/2012/5/Rev.1 was available in English only and requested the secretariat to ensure its translation into Russian and French for consideration at the next session. Meanwhile, the Working Party delivered preliminary remarks, also of a linguistic nature, and suggested that these remarks be incorporated into the document. Delegations were invited, once translations would become available, to study the proposals and submit their comments to the secretariat for consolidation.

5. WP.30 had a brief exchange of views on the draft Rules of Procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2, as well as modifications proposed by Iran (Islamic Republic of) in Informal document No. 14 (2012). The delegation of Iran (Islamic Republic of) highlighted its most important proposals: giving the full membership to non-ECE member States which are Contracting Parties to international conventions dealt with by WP.30, highlighting the role of member States, taking decisions by consensus, preparing balanced and factual reports and introducing a rotation mechanism for the position of Chair. The Working Party decided to continue its discussions at the next session and requested the secretariat to re-issue Informal document No. 14 (2012) as an official document in all languages.

6. The Working Party also took note of the proposal by Iran (Islamic Republic of) to streamline the work of WP.30 (ECE/TRANS/WP.30/258, para. 38). According to the delegation of Iran (Islamic Republic of), many developing countries do not have the necessary financial resources to send their representatives to WP.30 sessions, nor do their missions in Geneva have sufficient staff to attend all WP.30 meetings. For these reason, the delegation proposed to abolish the June session of WP.30 and to leave only WP.30 meetings held in conjunction with the TIR Administrative Committee in February and October. Iran (Islamic Republic of) also pointed out that such a decision would reduce the UNECE budget. Following a provisional exchange of views, the Working Party decided to revert to this issue at the next session.

V. Activities of other organizations and countries of interest to the Working Party (agenda item 4)

A. European Union

7. The Working Party took note that, as of 1 July 2012, the Common Transit Conventions had been extended to Croatia while the accession of Turkey was expected on 1 December 2012.

B. Economic Cooperation Organization

8. No information was reported under this agenda item.

C. EurAsEC Customs Union

Documentation: ECE/TRANS/WP.30/2012/8

9. The Working Party welcomed a presentation by the Eurasian Economic Commission (EEC) which outlined the mandate, structure and activities of this executive body of the EurAsEC Customs Union. The presentation would be made available on the WP.30 website (www.unece.org/trans/bcf/wp30/wp30-presentations.html).

10. WP.30 also recalled the obligation to lodge advance electronic information with Customs at least two hours prior to crossing the border which became effective on 17 June 2012 (ECE/TRANS/WP.30/2012/8). EEC reported that, so far, no major problems had been identified in implementing this measure. Transport operators could submit electronic information in a number of ways, including Customs administration's portals, TIR-EPD, dedicated channels and Customs brokers. According to first estimations, border crossing times had been reduced by 10-15 per cent on average.

D. World Customs Organization

11. WP.30 recalled the outcome of the thirteenth session of the Administrative Committee for the Customs Convention on Containers, 1972 (14 and 15 May 2012, Informal document No. 7 (2012)) and noted that WCO had established virtual groups on electronic seals and on marking of containers. The UNECE secretariat had volunteered to participate in the first group and would report on its activities in the future.

VII. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 5)

A. Status of the Convention

Documentation: Informal document No. 10 (2012)

12. The Working Party welcomed information that the Secretary-General of the United Nations, acting in his capacity as depositary, communicated that Morocco had acceded to the International Convention on the Harmonization of Frontier Controls of Goods, 1982 ("Harmonization Convention") on 25 September 2012 (Depositary Notification C.N.520.2012.TREATIES-XI.A.17). The Convention will enter into force for Morocco on 25 December 2012 in accordance with its Article 17 (2).

13. WP.30 took note that, in September 2012, the Executive Secretary of UNECE transmitted to the Ministers of Foreign Affairs of the Contracting Parties a communication which recalled the entry into force of a new Annex 9 on rail border crossing and also distributed a questionnaire to monitor the progress in implementing Annex 8 on road transport at the national level. The deadline for replies was set on 1 December 2012, but the secretariat would process replies received even after this date, provided that countries warned the secretariat in advance that they could not meet the deadline.

B. Annex 8 on road transport

Documentation: Informal document No. 6 (2012), Informal document No. 11 (2012)

14. Following a request of WP.30 at its previous session (ECE/TRANS/WP.30/262, para. 16), the delegation of Belarus provided detailed information on the use of the International Vehicle Weight Certificate (IVWC) in their country. IVWC was first introduced in Belarus in October 2006 on the basis of a regional agreement between CIS countries. Since that time, around 137,000 certificates had been issued. The procedure takes about 10-15 minutes only. The CIS certificate form is slightly different from the one of Annex 8, but these differences can easily be reconciled. The Working Party thanked the delegation of Belarus for this contribution.

15. The delegation of Ukraine pointed out the complexity of IVWC, as laid down in Annex 8, and felt that it was designed more for road transport purposes, than for Customs. Ukraine would prepare and submit to WP.30, proposals for modifications of the certificate, in order to also address Customs needs.

C. Annex 9 on rail border crossing

Documentation: Informal document No. 12 (2012)

16. The Working Party took note of the outcome of the Seventh Interdepartmental Meeting of the Organization for Cooperation between Railways (OSJD) member States (25–28 June 2012), including a list of measures to implement new Annex 9 on rail border crossing (Informal document No.12 (2012)). WP.30 also noted that another ITC body, the Working Party on Rail Transport (SC.2), at its forthcoming session on 8 and 9 November 2012 would consider an implementation mechanism for Annex 9 (ECE/TRANS/SC.2/2012/6), and requested the secretariat to ensure close cooperation between WP.30 and SC.2 activities in this area.

17. The Working Party noted that inefficient and lengthy border crossing procedures undermine the competitiveness of rail transport in the Eurasian land mass and called on all Contracting Parties, as well as on intergovernmental and non-governmental organizations concerned, to join forces in order to ensure the speedy introduction and proper implementation of the measures foreseen in Annex 9.

18. In this context, the representative of EU reported on considerable efforts undertaken in EU with the aim to facilitate rail border crossing, including the use of the combined CIM/SMGS note and electronic procedures in the New Computerized Transit System (NCTS). With the entry into force of the modernized Customs code, all rail freight in EU will be processed electronically.

D. Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention

Documentation: ECE/TRANS/WP.30/2012/9

19. The Working Party took note of the outcome of the Round table on the role of best practices at border crossings in implementing the Harmonization Convention, which took place on 14 June 2012 in the framework of the 131st session of WP.30 (ECE/TRANS/WP.30/2012/9).

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

20. The Working Party took note that OSJD member States were considering both the possible accession to the Convention as well as drafting a new Convention in this field.

IX. Rail transit (agenda item 7)

21. No new developments were reported under this agenda item.

X. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 8)

A. Status of the Convention

22. WP.30 noted 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 these corrections should have been communicated to the Secretary-General not later than 28 August 2012.

23. 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, the Secretary-General of the United Nations issued depositary notification C.N.324.2012.TREATIES-XI.A.16 of 18 June 2012, informing that by 13 June 2012 none of the Contracting Parties to the TIR Convention, 1975 had communicated any objection to the proposals of amendments to Articles 1, 8, 10 and 11 and to Annex 6 of the Convention. Therefore, in accordance with Article 59, paragraph 3 of the Convention, the said amendments had entered into force on 13 September 2012 for all Contracting Parties. In this context, the delegation of EU informed the Committee that the underlying amendments were already published in the Official Journal of the EU No. OJ L244 of 08.09.2012.¹

24. Finally, the Working Party was informed that, on 10 July 2012, the Secretary-General of the United Nations issued depositary notification C.N.358.2012.TREATIES-XI.A.16, informing of the submission of proposals to amend Article 6.2 bis and Annex 9 of the Convention. With regard to the said amendments, Articles 59 and 60 apply. In accordance with the Article 59, paragraph 3 of the Convention, the amendments will enter into force on 10 October 2013, unless the Secretary-General has received any objection to the proposed amendments not later than by 10 July 2013.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:244:FULL:EN:PDF>

B. Revision of the Convention

1. Preparation of Phase III of the TIR revision process

Documentation: ECE/TRANS/WP.30/2012/7

Use of new technologies

25. The Working Party endorsed the report of the twentieth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (further referred to as “Expert Group”) held in Prague on 19 and 20 April 2012, as contained in document ECE/TRANS/WP.30/2012/7.

26. WP.30 took note of the results of the twenty-first session of the Expert Group which took place on 25 and 26 September 2012 in Bratislava, at the kind invitation of the Slovak Customs. The meeting considered a proposal to complement the existing national declaration mechanism, as contained in the eTIR Reference Model, with an international component, in order to provide the transport industry with a variety of options to submit electronic information to Customs. The Expert Group agreed to include in the eTIR Reference Model, various alternative international declaration mechanisms. A first option would be provided by the eTIR international system (web services only), another one by the private sector, with systems such as IRU’s TIR-EPD, and a last option could be provided by the Customs authorities of the country of residence of the transport operator, thus taking advantage of national authentication mechanisms. The Expert Group also delivered comments (Informal document GE.1 No. 12 (2012)) on the final draft of the Cost Benefit Analysis (CBA) of the eTIR Project. In particular, the Expert Group agreed with the methodology applied by the consultants, but, at the same time, felt that some costs, e.g. for training, and indirect benefits, like the improved facilitation for trade and increased security, were missing in the calculations. The Expert Group requested the secretariat to prepare a new document, containing a summary of the consultants’ findings, in combination with an assessment by the secretariat of the limitations of CBA as well as recommendations by the Expert Group. With regard to the dematerialization of attached documents, WP.30 noted that the secretariat had submitted a request to the Data Model Project Team of WCO to amend the “attached documents” class of the WCO Data Model, so that it no longer only allows the attachment of image files but can also handle various options which were considered by the Expert Group. As a consequence, a new class had been added which would be used in eTIR messages to handle electronically attached documents. The eTIR Reference Model will be amended accordingly.

27. WP.30 also welcomed the nomination of eTIR focal points by 10 additional Contracting Parties and recommended to the countries that had not yet nominated a focal point, to do so as soon as possible in order to ensure the largest possible participation in the computerization of the TIR procedure. Finally, the Working Party noted the progress of the eTIR pilot project between Italy and Turkey and its ongoing activities, like the mapping of eTIR messages to the data available in the Italian and Turkish Customs systems.

28. Concerning an international declaration mechanism, the delegation of Belarus pointed out that introducing such a mechanism should take into account the fact that Customs authorities were already using in practice computer systems which allow the filling-in and the submission of information in an electronic form. In the framework of eTIR, the applicable mechanisms of electronic data submission should provide transport operators with the opportunity to submit data on the goods transported under the TIR procedure to the Customs office of departure. A decision on the choice of declaration mechanisms to be used on the territory of a specific country should rest within the competence of this Contracting Party. Declaration mechanisms and data formats should avoid repeated electronic submission of data upon entry into a neighbouring country.

2. Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2010/4/Rev.3 and Corr. 1, ECE/TRANS/WP.30/2011/6, ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17

29. The Working Party noted that, following the recent amendments to the International Convention on the Harmonized Commodity Description and Coding System, including, inter alia, amendments to HS code 24.03.10, it was deemed necessary to amend the lists of HS codes as appear in Explanatory Note 0.8.3 and Annex 1 of the TIR Convention. WP.30 delivered a number of remarks and suggestions concerning the secretariat's proposals in document ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17 and requested the secretariat to issue a revised document for the next session.

30. The Working Party noted that, so far, the countries concerned had not changed their positions with regard to outstanding amendment proposals for items (o), (p) and (q) on audit requirements for an authorized international organization, as contained in document ECE/TRANS/WP.30/2010/4/Rev.3.

C. Application of the Convention

1. TIR-related electronic data interchange systems

31. The Working Party was informed by IRU about the functioning of the IRU SafeTIR system. From 1 January to 31 August 2012, IRU had received 2,052,867 SafeTIR messages with an average transmission delay of 1.5 days. Ninety per cent of the messages had been transmitted in real-time (within 24 hours). The Customs administrations of Azerbaijan, Bulgaria, Bosnia and Herzegovina, Belarus, Czech Republic, Estonia, France, Kazakhstan, Montenegro, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Turkey and Ukraine transmitted data in real-time. In the same period, IRU had issued 4,546 reconciliation requests and had received replies to 2,622 (58 per cent) of them with an average delay of 44 days. In addition, a total number of 3,349,672 requests were made by Customs authorities to check the status of TIR Carnets in the IRU Real-Time SafeTIR database. During the same period, 134,392 pre-declarations were lodged, free of charge, to the Customs authorities of 26 countries through the TIR-EPD (electronic pre-declaration) system.

32. The representative of Uzbekistan informed WP.30 that, thanks to an MoU signed in 2001 between the Customs administration and IRU, the Real-Time SafeTIR and TIR-EPD applications had been operational in his country as of May 2012.

2. Settlement of claims for payments

33. 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 31 August 2012, IRU received 1,163 pre-notifications and 1,447 notifications (from all Contracting Parties) as well as 103 payment requests. The number of pending payment requests as of 31 August 2012 amounted to 6,239. IRU also highlighted that 50 per cent of all notifications had been received from Greece. In the same period, 48 payment requests had been paid and 95 cases had been closed without payment.

3. Application of the TIR Convention in the Customs Union of Belarus, Kazakhstan and the Russian Federation

34. EEC reported that the member States of the Customs Union of Belarus, Kazakhstan and the Russian Federation had nearly finalized a draft intergovernmental agreement on the

functioning of the TIR procedure in the Customs Union, which inter alia provides for the use of only one pair of vouchers No. 1/No. 2 of a TIR Carnet within the Customs Union, a single TIR guarantee level of Euro 60,000 and that any exclusion in line with Article 38 in one member State is automatically extended to the other member States. The main issue was to decide whether or not the TIR procedure can apply to domestic transports of foreign goods under Customs control between two Customs offices located in different member States of the Customs Union without crossing the territory of third countries and under the condition that the Customs union is a single Customs territory without Customs controls effected at the internal borders.

35. The Eurasian Economic Commission asked WP.30 to reply to several questions, raised in Informal document No. 17 (2012). The Working Party invited delegations to study Informal document No. 17 (2012) and to provide their views for consideration at the next session. WP.30 also noted that a reply to the above remaining question depends on interpretation of the term "frontier" from Article 2 of the Convention. The Working Party noted that the current wording of Article 2 does not seem to allow for a clear-cut interpretation in case of Customs unions. To remove this ambiguity, an amendment, for example, a new Explanatory Note might be required. However, given the existing different interpretations and the economic conditions, a consensus is unlikely to be reached. Therefore, a flexible solution should be found which, on one hand, would not question the long-standing practices in EU, but, on the other hand, would give newly emerging Customs unions the necessary freedom to apply the TIR procedure according to their specific needs without being accused of non-compliance with the text and spirit of the TIR Convention.

4. Increase in the number of loading and unloading places

36. The Working Party noted that the countries concerned had retained their diverging positions on this issue. The delegation of Turkey reiterated the advantages for the road transport industry from increasing the number of places of loading and unloading from four to eight and called upon other countries to check if their domestic transport operators would be in favour of such an increase. To make progress, the Chair suggested that delegations conduct bilateral consultations to discuss this matter in conjunction with other issues where their positions do not coincide.

5. Vehicles with sliding sheets

Documentation: ECE/TRANS/WP.30/2012/6/Rev.1

37. On the basis of document ECE/TRANS/WP.30/2012/6/Rev.1 by CLCCR, the Working Party continued its considerations of amendment proposals regarding a new design of vehicles with sliding sheets. WP.30 took note of a presentation in which CLCCR addressed the concerns raised by a technical expert in Informal document No. 15 (2012) and requested the secretariat to publish this presentation on the UNECE website. CLCCR also informed WP.30 that it could arrange a live demonstration of two vehicles with the new construction under discussion, either in Geneva or elsewhere. The secretariat was requested to explore if such a demonstration could be organized at the United Nations premises in Geneva. Finally, WP.30 decided to revert to this issue at the next session and invited delegations to further study the underlying amendment proposals.

6. Other matters

38. Turkey reported on difficulties encountered by its transport operators in the Russian Federation when Customs authorities prescribe a mandatory route to be followed. According to Turkey, such prescriptions are done in the Russian Federation without providing any maps, thus making the requirements very difficult to implement. The

Working Party invited the two countries concerned to first try to solve this issue on a bilateral basis.

39. The delegation of the Russian Federation informed WP.30 of additional guarantees required by the Customs authorities of Ukraine for TIR transports of beer and wine on the basis of Article 316 of the new Customs Code of Ukraine and invited the TIR Executive Board (TIRExB) to study if this Article complies with the provisions of the TIR Convention and if beer and wine can be transported under the TIR procedure without additional guarantees. The delegation of the Russian Federation was invited to send a formal request and supporting documentation to the secretariat which would then be transmitted to the competent authorities of Ukraine for reply. Both communications would be submitted to TIRExB for consideration.

40. The Working Party was informed about Informal document No. 16 (2012) transmitted by Tajikistan, indicating difficulties that its TIR operators were facing in Uzbekistan. WP.30 noted that a similar issue was raised at its February 2012 session (ECE/TRANS/WP.30/260, para. 39) and that, apparently, no solution had been found on a bilateral basis, as was suggested at that time. The delegation of Uzbekistan pointed out that the Customs authorities of Uzbekistan had received neither communications from the competent authorities of Tajikistan nor relevant materials and information from the UNECE TIR secretariat. The Working Party recalled that monitoring the application of the TIR procedure at the national level, as well as facilitating settlement of disputes, are within the competence of TIRExB. The delegation of Tajikistan was requested to provide the secretariat with all relevant material concerning the reported difficulties, which would then be transmitted to the competent authorities of Uzbekistan for comments. Finally, information from both sides would be submitted to TIRExB for consideration.

41. WP.30 took note of a list of Customs offices authorized to deal with TIR operations in Georgia, as contained in Informal document No. 18 (2012), and requested the secretariat to publish this information on the UNECE website. As a comment to the list, the delegation of Georgia pointed out that the occupied region of Abkhazia should never be indicated as a country of destination on TIR Carnets.

42. Having recalled various amendments to the TIR Convention and new examples of best practices that had been adopted since the latest edition of the TIR Handbook in 2010, the Working Party mandated the secretariat to prepare and publish a revised edition of the TIR Handbook without delay.

XI. Prevention of the abuse of Customs transit systems by smugglers (agenda item 9)

43. No information has been reported under this agenda item.

XII. Other business (agenda item 10)

A. Dates of the next sessions

44. WP.30 decided to hold its 133rd session in the week of 4–8 February 2013.

B. Restriction on the distribution of documents

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

XIII. Adoption of the report (agenda item 11)

46. The Working Party adopted the report on its 132nd session on the basis of a draft prepared by the secretariat.
