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Report of the Working Party on Customs Questions affecting Transport on its 133rd session

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I. Attendance

1. The Working Party (WP.30) held its 133rd session from 5 to 8 February 2013 in Geneva. The session was attended by representatives of the following countries: Afghanistan, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Eurasian Economic Commission, world Customs Organization. The following non-governmental organizations were represented: the Fédération Internationale de l'Automobile (FIA), the International Association of the Body and Trailer Building Industry (CLCCR) and the International Road Transport Union (IRU).

II. Commemorative words

2. The Working Party was informed about the untimely passing away of Mr. Louis Kuhnen, the distinguished delegate of the European Commission. For many years, Mr. Kuhnen participated in the sessions of WP.30 and the TIR Administrative Committee (AC.2), contributing considerably to their success. The Working Party observed a minute of silence in his memory.

III. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/265

3. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/265).

IV. Election of officers (agenda item 2)

4. In accordance with the Commission's rules of procedure and established practice, the Working Party (WP.30) re-elected Mr. Oleksandr Fedorov (Ukraine) as Chair and elected Ms. Elisaveta Takova (Bulgaria) as Vice-Chair for its sessions in 2013.

V. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 3)

5. Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, informed the Working Party about the forthcoming seventy-fifth jubilee session of the Inland Transport Committee (ITC) in February 2013, its Ministerial policy segment that will be devoted to Euro-Asian transport links and unified railway law as well as about various accompanying events.

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

A. European Union

Documentation: Informal document No. 4 (2013)

6. The Working Party took note of recent EU activities (Informal document No. 4 (2013)), in particular that on 1 December 2012, Turkey acceded to the Common Transit Conventions.

B. Economic Cooperation Organization

7. WP.30 was informed about a workshop on the Islamabad - Tehran - Istanbul road corridor (Tehran, 4–5 February 2013), bringing together the relevant key stakeholders from the transport industry, Customs and insurance sector, as well as IRU. The meeting was expected to develop an action plan for facilitating border crossing which would be brought to the attention of the Working Party.

8. The delegation of Afghanistan informed WP.30 of considerable efforts undertaken by various national agencies, ECO¹, IRU and other stakeholders with a view to reactivating the TIR system in Afghanistan. The Working Party welcomed these activities as well as substantial assistance in the area of training and capacity-building of Afghan officials rendered by ECO member States such as Iran (Islamic Republic of), Kyrgyzstan and Turkey.

C. EurAsEC Customs Union

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

9. The Working Party was informed of practical problems in implementing the requirement to lodge advance electronic information with Customs at least two hours prior to crossing the Customs border of the Customs Union (ECE/TRANS/WP.30/2012/8), such as late transmission of the relevant information or submission of incomplete and/or inaccurate data, which does not allow further speeding up of the border crossing procedures.

D. World Customs Organization

Documentation: Informal document No. 3 (2103)

10. The Working Party was informed about activities of the World Customs Organization (WCO) (Informal document No.3 (2013)) to review and amend the Framework of Standards to Secure and Facilitate Global Trade (SAFE), as well as in the areas of air cargo security, Globally Networked Customs, Coordinated Border Management (CBM), WCO Data Model, Single Window Compendium and the Economic Competitiveness Package (ECP) developed in response to the ongoing global financial crisis.

¹ Economic Cooperation Organization

VII. Terms of Reference and Rules of Procedure of the Working Party (agenda item 5)

Documentation: ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2, ECE/TRANS/WP.30/2013/1, ECE/TRANS/WP.30/2012/5/Rev.2

11. The Working Party was informed about documents ECE/TRANS/WP.30/2012/5/Rev.2 and ECE/TRANS/WP.30/2013/1 by Iran (Islamic Republic of), containing proposals for modifying the draft Terms of Reference (ToR) of and the draft Rules of Procedure, respectively. WP.30 noted with regret that, due to the late availability of translations in some working languages, the UNECE secretariat had not been in a position to timely publish these translations on its website, thus making it impossible for several delegations to carefully study the underlying proposals. The Working Party thus, decided to revert to this agenda item at its June session.

VIII. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 6)

A. Status of the Convention

12. The Working Party recalled that Morocco had acceded to the Harmonization Convention on 25 September 2012 (Depositary Notification C.N.520.2012.TREATIES-XI.A.17) and that the Convention had entered into force for Morocco on 25 December 2012 in accordance with its Article 17 (2).

B. Annex 8 on road transport

Documentation: ECE/TRANS/WP.30/2013/2, ECE/TRANS/WP.30/2013/3, ECE/TRANS/WP.30/2013/6

13. The Working Party noted that detailed information on the use of the International Vehicle Weight Certificate (IVWC) in Belarus, as reported at the previous session, had been made available as document ECE/TRANS/WP.30/2013/2 in all working languages. The delegation of Kazakhstan briefed WP.30 about the implementation of IVWC in their country.

14. WP.30 was informed about the current status of replies to the UNECE questionnaire on monitoring the progress in implementing Annex 8 on road transport at the national level. The Working Party urged all Contracting Parties that had not yet responded to the survey to do so as soon as possible.

15. WP.30 also considered document ECE/TRANS/WP.30/2013/6 by IRU, containing proposals to introduce the so-called “International Vehicle/Container X-ray Scanning Certificate” into the Harmonization Convention, in order to facilitate the border crossing process and minimize the exposure drivers to ionising radiation, by means of avoiding repetitive X-ray inspections at border crossings. Representatives of the road transport industry pointed out numerous and often unjustified, in their opinion, scans that trucks have to undergo at some borders, sometimes even twice at both sides of the same border, and were of the view that the above certificate could be instrumental in improving this situation. Delegates from Customs argued that non-intrusive examinations, such as X-ray scans, were recommended by the WCO SAFE Framework of Standards and had become an

indispensable tool for ensuring security of the global supply chain and combating terrorism. They also highlighted the need of strict observance of X-ray equipment operating instructions for health protection. The delegation of EU recalled that the Harmonization Convention already has provisions regarding the shared use of control equipment and results of controls between the adjacent countries, in order to avoid double scans, and stressed that it would be prepared to consider any information on the contrary.

16. WP.30 stressed the importance of this matter to both Customs authorities and the transport industry and agreed that a careful balance should be struck between public security requirements, on the one hand, and facilitation of transport and trade, on the other. The Working Party felt that the added value of the proposed X-ray certificate, introducing another paper document to the ones already required, should be assessed — also in comparison with possible alternatives, for example, marking of existing documents with a special stamp. Finally, WP.30 invited delegations to consider the proposals by IRU, taking into consideration the relevant technical aspects as well as statistics of X-ray scans, and decided to revert to this issue at the next session.

17. The Working Party considered a proposal by Ukraine to complement the IVWC form, as laid down in Annex 8, with a box indicating the weight of an empty vehicle (ECE/TRANS/WP.30/2013/3). According to the delegation of Ukraine, such a box would make it possible to determine the weight of cargo which is essential for Customs purposes, in particular for risk assessment. The weight of an empty vehicle could be taken from its certificate of registration (technical passport). A number of delegations supported this proposal and reported that their Customs authorities had a database on weights of empty vehicles of different makes and manufactures, to avoid any possible falsification of this figure. In this context, WP.30 also noted that in many countries road transport controls had been delegated to the Customs administration. Finally, the Working Party decided to continue its discussion at the next session.

C. Annex 9 on rail border crossing

Documentation: Informal document No. 12 (2012), ECE/TRANS/SC.2/2012/6

18. WP.30 noted that the Working Party on Rail Transport (SC.2), at its session in November 2012, had approved an implementation mechanism for Annex 9 (ECE/TRANS/SC.2/2012/6) and requested the secretariat:

- (a) to prepare and distribute to Contracting Parties a questionnaire to identify the current situation at rail border crossings in the UNECE region;
- (b) to prepare a background document – action plan based on the replies from the questionnaire and on information received from different international organizations (OSJD, OTIF, etc.), for consideration by SC.2.

19. The delegation of Ukraine briefed the Working Party on their achievements in the area of rail freight border crossing facilitation, including wide use of an electronic SMGS-CIM consignment note.

D. Border performance measurement and the Harmonization Convention

Documentation: ECE/TRANS/WP.30/2012/9, ECE/TRANS/WP.30/2013/4

20. The Working Party considered document ECE/TRANS/WP.30/2013/4 prepared by the secretariat with the objective of presenting a set of options for introducing systematic benchmarking and performance indicators into the Harmonization Convention, as a tool for

monitoring its implementation of the Harmonization Convention. Given the complexity of the subject, WP.30 decided to revert to it at the next session and invited delegations to study the proposals and to transmit to the secretariat their comments by the end of April 2013.

IX. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 (agenda item 7)

21. The Working Party noted that OSJD member States were still choosing between the possible accession to the Convention and drafting a new Convention in this field.

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

22. WP.30 welcomed a new representative of AIT/FIA who briefed the Working Party on the status of these Conventions and the use of Carnet des Passages en Douanes (CPD).

XI. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 9)

A. Status of the Convention

23. WP.30 recalled that the proposals to amend Article 6.2 bis and Annex 9 of the Convention would 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 (C.N.358.2012.TREATIES-XI.A.16).

B. Revision of the Convention

1. Preparation of Phase III of the TIR revision process

Use of new technologies

Documentation: ECE/TRANS/WP.30/2013/5

24. The Working Party endorsed the report of the twenty-first session of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) (ECE/TRANS/WP.30/2013/5). WP.30 was also informed about the finalization of the Cost Benefit Analysis (CBA) of eTIR (Informal document GE.1 No.12/Rev.1 (2012)) and its non-technical summary (Informal document GE.1 No.1 (2013)), prepared by the secretariat at request by GE.1 and containing an assessment of the CBA limitations and recommendations. Both documents have been distributed to GE.1 participants and eTIR focal points for consideration, published on the UNECE website and on the agenda of the twenty-second session of GE.1. The Working Party noted that, having addressed financial and most of technical aspects of eTIR, GE.1 was nearing the end of its

mandate and considered that this work should be followed by consideration of legal and policy aspects of eTIR by WP.30.

25. The Working Party took note of the progress of the eTIR pilot project between Italy and Turkey. Following the accession of Turkey to the Common Transit Convention on 1 December 2012, both parties agreed to put on hold the project for a few months in order to monitor the consequences of the availability of this alternative to the TIR Procedure on the scenarios under consideration in the pilot project, as well as on the plans and resources to be allocated by both administrations. It is expected that the pilot project will resume by March. At this stage, draft terms of Reference for the project have been prepared in consultation with the UNECE and the European Commission, and Italy and Turkey have started technical studies aimed at comparing the data elements and the code lists used in the Italian and Turkish systems with those in the eTIR Reference Model. Issues regarding the data protection and data privacy have also been discussed in the inception phase of the project. As a next step, parties will finalize the studies and, possibly, start the development phase of the project.

26. Finally, WP.30 was informed that, following the approval by UN Department of Economic and Social Affairs of the final project document, UNECE received the totality of the funds for the UN development account (UNDA) project: "Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration". The funds for the year 2012 will soon be divided among the Regional Commissions and the implementation of the project will start. At this stage, terms of reference are in preparation for the "gap" analyses that will serve as background material at the first Expert group meeting.

2. Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2012/10/Rev.1 –
ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

27. WP.30 endorsed amendments to HS code 24.03.10, as appear in Explanatory Note 0.8.3 and Annex 1 of the TIR Convention, and decided to submit them to the TIR Administrative Committee for adoption (ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1).

C. Application of the Convention

1. TIR-related electronic data interchange systems

28. The Working Party was informed by IRU about the functioning of the IRU SafeTIR system. From 1 January to 31 December 2012, IRU had received 3,132,019 SafeTIR messages with an average transmission delay of 1.4 days. Ninety per cent of the messages had been transmitted in real-time (within 24 hours). The Customs administrations of Azerbaijan, Belarus, Bosnia Herzegovina, Bulgaria, Czech Republic, Estonia, France, Georgia, Kazakhstan, Montenegro, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Turkey and the Ukraine transmitted data in real-time. In the same period, IRU had issued 6,184 reconciliation requests and had received replies to 3,566 replies (58 per cent) of them with an average delay of 49 days. In addition, a total number of 5,137,734 requests were made by Customs during the year 2012 in order to enquire about the status of TIR Carnets in the IRU Real-Time SafeTIR database. During the same period, 254,181 pre-declarations were lodged, free-of-charge, to the Customs authorities of 26 countries through the TIR-EPD (electronic pre-declaration) system.

2. Settlement of claims for payments

29. The Working Party was informed by IRU about the current situation on the settlement of claims for payments made by Customs authorities against national guaranteeing associations. From 1 January to 31 December 2012, IRU received 1,514 pre-notifications and 1,693 notifications (from all Contracting Parties) as well as 165 payment requests out of which 10 were above the established TIR guarantee level. The number of pending payment requests as of 31 December 2011 amounted to 6,244. In the same period, 87 payment requests had been paid and 120 had been closed without payment. WP.30 also took note that, following consultations with the secretariat, IRU would soon provide data on claims in a new format covering several recent years.

30. WP.30 took note that, in 2012, the Customs authorities of Belarus had revealed 20 infringements committed by TIR operators from the same country. It was pointed out that the TIR guarantee chain had duly met its obligations. Practically all Customs debts were paid either by the TIR guarantee chain or by the operators. In particular, the guarantee chain paid 9 claims for the total amount of more than Euro 470,000. All claims were paid within a 3 month deadline foreseen by Article 11 of TIR Convention. One claim exceeded the TIR guarantee level established in Belarus. Having received the maximum guarantee amount (Euro 60,000), the Customs authorities asked the guarantee chain to assist in collecting the outstanding portion of the claim (Euro 10,000).

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

Documentation: Informal document No. 17 (2012), Informal document No. 1 (2013), Informal document No. 5 (2013)

31. The Working Party was informed about the progress in preparing an intergovernmental agreement on the functioning of the TIR procedure in the Customs Union, in particular about the efforts to reach a common position on the issue whether or not the TIR procedure can apply to internal transports of foreign goods under Customs control between two offices located in different member States without crossing the territory of third countries. WP.30 was informed by the delegation of Kazakhstan about the substantial economic benefits that the use of the TIR procedure for such transports in the Customs Union could bring to transport operators (Informal document No. 1 (2013) by Kazakhstan), as well as the readiness of the international guarantee chain to cover such operations, already today and both for TIR transports inside the Customs Union as well as even within a single country.

32. The secretariat introduced Informal document No. 5 (2013) which analyzed several key provisions of the TIR Convention in the context of international law and came to the conclusion that their current wording does not seem to allow for a clear-cut interpretation in case of Customs Unions with no internal Customs borders. To give new Customs Unions the necessary flexibility to adapt the use of the TIR procedure to their economic and political needs, the secretariat proposed several options on how to amend Article 2. One option, if adopted, would allow for the use of the TIR procedure in a single country. WP.30 welcomed the efforts by the secretariat and decided to consider these proposals in detail at the next session. In the interim, the secretariat was requested to issue Informal document No. 5 (2013) as an official document in all working languages and include an option to apply provisionally a selected amendment pending its entry into force. The Eurasian Economic Commission regretted that, so far, the Working Party had not been in a position to reach consensus on the underlying issue and pointed out that the member States of the Customs Union may take their own decision before WP.30 considerations are finalized.

33. The delegation of Kyrgyzstan reported on problems with road transport permits experienced by their transport operators in the Customs Union. The representative of the Eurasian Economic Commission replied that this issue is under consideration in the Commission.

4. Increase in the number of loading and unloading places

Documentation: Informal document No. 2 (2013)

34. A number of delegations spoke in favour of increasing the number of places of loading and unloading from four to eight and highlighted the advantages of this proposal for the road transport industry, in particular, in view of continuously increasing amounts of consolidated cargo (so-called groupage) transported under the TIR procedure and the competition with other transit systems, like NCTS, which do not contain such restrictions. The delegation of EU stated that it would be ready to reconsider its position, provided that the TIR guarantee level was increased and/or the HS codes of goods were indicated on the TIR Carnet. The delegation of Belarus was prepared to support the increase in the number of loading and unloading places on the condition that the full guarantee coverage of the Customs duties and taxes at stake is ensured in cases where the maximum guarantee level per TIR Carnet is exceeded.

5. Vehicles with sliding sheets

Documentation: ECE/TRANS/WP.30/2012/6/Rev.2

35. The Working Party welcomed a live demonstration of a semi-trailer with sliding sheets and a sliding roof arranged by CLCCR at the United Nations premises in Geneva. WP.30 found its construction to be generally Customs secure and agreed that this new design of vehicles with sliding sheets could be incorporated in Annexes 2 and 7 of the Convention, subject to several rectifications. At the same time, the Working Party felt that the underlying amendment proposals by CLCCR (ECE/TRANS/WP.30/2012/6/Rev.2) could be further streamlined, in particular, by taking into account very similar provisions already contained in Article 4 of Annex 2 and in Article 5 of Annex 7, part I. The secretariat, CLCCR and other delegations concerned were requested to cooperate on this issue with the objective to submit rectified amendment proposals to the next session.

6. Other matters

36. The Working Party noted that TIR green lanes had been introduced by Serbia at its common border with Bulgaria. Under the same agenda item, WP.30 was informed about the ongoing merge of the State Customs and Tax Services of Ukraine.

37. The Working Party was informed by the delegations of Romania and the Russian Federation that, in January 2013, their Customs administrations received a letter of Ms. Eva Molnar, Director, UNECE Transport Division, which was sent on behalf of the TIR Executive Board (TIRExB), asking for their assistance to ensure that the national TIR associations comply with a new obligation to provide TIRExB with the price of each type of TIR Carnets they issue, as required by Annex 9, Part I, paragraph 3 (vi). The two delegations failed to understand the purpose of those letters as their associations had complied with the new obligation in 2012. WP.30 took note that this issue had already been brought to the attention of TIRExB and that TIRExB and the secretariat regretted the concerns created by the above generic letter, because its objective was to remind all Customs administrations about the new obligation and to inform that, in general, very few associations had met this requirement in 2012, rather than to criticize individual guaranteeing associations. In order to avoid misunderstanding in the future, TIRExB decided that such reminders will only be sent after the official transmission deadline, first

to guaranteeing associations, possibly via the IRU, and only then, in cases of non-compliance, involve competent authorities.

XII. Prevention of the abuse of Customs transit systems by smugglers (agenda item 10)

38. WP.30 was informed about two Fraud Report Forms (FRF) that had recently been transmitted by the Customs administration of Bosnia and Herzegovina and published on a restricted UNECE website. One case related to the transport of illegal immigrants in a TIR truck and the other concerned the non-presentation of goods under cover of a TIR Carnet at the prescribed Customs office of destination. The Working Party thanked Bosnia and Herzegovina for sharing this information.

XIII. Other business (agenda item 11)

A. Dates of the next sessions

39. The Working Party decided to hold its 134th session in the week of 10–14 June 2013.

B. Restriction on the distribution of documents

40. The Working Party decided that there are no restrictions on the distribution of documents issued in connection with its current session.

XIV. Adoption of the report (agenda item 12)

41. In accordance with established practice, the Working Party adopted the report on its 133rd session on the basis of a draft prepared by the secretariat.
