



Distr.: General  
8 October 2013

English: Only

---

## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Road Transport**

**108<sup>th</sup> session**

Geneva, 28–30 October 2013

Item 8 (d) of the provisional agenda

**Facilitation of International Road Transport**

The relationship between the origin of goods and transport operations

### **Facilitation of International Road Transport**

**The relationship between the origin of goods and transport operations**

**Submitted by Poland**

This informal document, submitted by the Government of Poland, relates to the interpretation by some control authorities of regulations concerning international transport and bilateral permits as third country transport operations.

## **Interpretation of some control authorities of regulations concerning international transport and bilateral permits**

1. The issue relates to the control of bilateral transport operations of goods executed by control authorities of some countries which classify them as third country transport operations.
2. For some time some countries have been restricting transportation of goods to its territory or within its territory on the basis of bilateral road transport permits if the place of registration of the haulier does not correspond to the place of the origin of the goods or in other cases they classify the transport operation on the basis of some commercial document (like invoice) which accompany the transport, and not on the basis of the place of loading of the goods which is duly indicated in the CMR Consignment Note.
3. Nowadays we are all part of the global economy in which logistics is not a short written word but it is a complex economic chain. The objective of the international transport company is to transport goods from point A to point B and not to analyze if the goods received for transport were originally produced in Poland, Germany, France, Kazakhstan or any other country.
4. Furthermore we need to note that countries whose control authorities interpret bilateral transport operations as third country transport operations are Contracting Parties to a number of international agreements and conventions that aim to facilitate trade and transport.
5. Such interpretation of some countries is not in line with WTO's General Agreement on Tariffs and Trade (GATT) which relates to trade facilitation and which makes no distinction based on the place of origin or on any circumstances related to the ownership of goods.
6. In the TIR Convention no reference is made to the origin of the goods in the definition of the term "TIR transport" or "TIR operation".
7. If we take into account the CMR considerations please note that the text of the CMR Convention does not mention the origin of the goods. Art 6.1 lists the data which should be included in the CMR Consignment Note and in it the origin of the goods is not required. Moreover the agreed CMR consignment note does not have a field for the origin of the goods.
8. If we take into account the ECMT considerations, Art 4.2 of the ECMT Guide states that "The country of loading of the vehicle may be different of the country of origin of the goods". Art 3 of the Guide, on the scope of validity of ECMT licenses, also does not relate to the country of destination of the goods.
9. If we take into account the customs considerations we may conclude that the main purpose of a certificate of origin is to obtain tariff preferences based on where the goods were produced or manufactured. Therefore in our opinion the country of origin of the goods cannot be used for the transport control purposes, but on the other hand can be used for the application of tariff measures.
10. The requirement that the place of registration of the haulier to be the same as the place of the origin of the goods are in our opinion not in line with the provisions of most bilateral agreements on road transport, as these agreement require transport to be undertaken on the basis of permits not on the basis of the origin of the goods. Practically most often we deal with the following examples:

- Goods are manufactured in country A, but are exported from this country by the foreign based company. In this case, in the CMR Consignment Note the place of taking over the goods is country A, place of unloading the goods is country B, but the sender of the goods is a company based outside of country A. In such cases commercial invoices are very often issued by a foreign exporter of the goods who is based outside of country A.
- Goods manufactured in country A are delivered to country B to the logistic center. Then from the logistic center those goods were loaded on a truck registered in country B and transported to country C. In the CMR Consignment Note the place of loading the goods is country B, place of unloading the goods is country C but the sender of those goods is the company based in country A.
- Goods (pampers) loaded, as stated in the CMR Consignment Note, in the distribution center of Procter and Gamble in country A, place of unloading the goods, country B, sender of the goods: Procter and Gamble Poland on behalf of Procter and Gamble Switzerland. Commercial invoice issued by Procter and Gamble Switzerland.
- Containers with goods are transported by ship from country A and arrive in port of country B. Then they are loaded on trucks registered in country B for final destination in country C. Should the control authorities of country C take the country of origin of the goods transported in containers, or the country of loading the goods as a decisive factor when having established whether a bilateral or third country permit could be used.
- Goods manufactured in country A are transported by sea to port of country B and then shipped by short sea shipping to country C. From country C goods are transported by haulier of country C to country D.

11. In our opinion described above practices of the control authorities are not in line with recommendations made by UNECE and namely the Working Party on Road Transport, which promotes the development and facilitation of international transport by road by harmonizing and simplifying the rules and requirements of transport.