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Working Party on Customs Questions
affecting Transport

**REPORT OF THE WORKING PARTY
ON CUSTOMS QUESTIONS AFFECTING TRANSPORT
ON ITS NINETY-FOURTH SESSION
(21-25 February 2000)**

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REPORT

ATTENDANCE

1. The Working Party held its ninety-fourth session from 21 to 25 February 2000 under the chairmanship of Mr. F. Paroissin (France).
2. The session was attended by representatives of the following countries: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Italy; Kazakhstan; Latvia; Lithuania; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom. Representatives of the European Community (EC) were also present. Representatives of Iran (Islamic Republic of), Jordan and Zimbabwe took part in the session under paragraph 11 of the Commission's Terms of Reference.
3. The following intergovernmental organization was represented: Committee of the Organization for Cooperation between Railways (OSZhD).
4. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance (AIT) / International Automobile Federation (FIA); Liaison Committee of Coachwork and Trailer Builders (CLCCR).
5. At the invitation of the secretariat, representatives of the company "KRONE GmbH" (manufacturer of load compartments) made a presentation of a curtain-sided vehicle and attended parts of the session. Since the Working Party has not been informed in advance about the reasons for the attendance of representatives of the company "Société Générale de Surveillance (SGS)", it decided not to allow their participation at the present session. In this context, the Working Party requested the secretariat to provide information on the participation of private companies in line with the Terms of Reference and Rules of Procedures of the UN/ECE.

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/187.

6. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/187) with the addition of the following items to be considered under agenda item 7 (c)(xiv):
 - New Customs procedure at the external borders of Germany.
 - Transport of clandestine passengers in the load compartment of TIR vehicles.

ELECTION OF OFFICERS

7. In accordance with the Commission's rules of procedure and established practice, the Working Party elected Mr. F. Paroissin (France) as Chairman for its sessions in 2000.

ACTIVITIES OF UN/ECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Documentation: ECE/TRANS/133.

8. The Working Party was informed about the results of the sixty-second session of the Inland Transport Committee (15-17 February 2000) which decided to prolong the mandate of the group of experts on the TIR revision process for the year 2000 in order to commence work on phase III focussing on the computerization of the TIR Customs transit procedure once substantive work on phase II has been terminated. The Inland Transport Committee had requested the Working Party to cooperate with the Working Parties on Road and Rail Transport in order to achieve improvement in border crossing procedures. The secretariat made a presentation on the Web site of the ECE Transport Division containing detailed information on the activities of UN/ECE bodies (www.unece.org).

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

9. The Working Party was informed of recent activities of the European Commission's Directorate General Taxation and Customs Union (TAXUD), in particular with regard to the reform of the Community and Common Transit Systems. Test applications of the New Computerized Transit System (NCTS) had started in December 1999 in Germany and Italy and seemed to work well. An analysis of the functioning of the international TIR guarantee chain in the European Community is being undertaken. A procedure for adopting a proposal on the voting rights of the European Community in the framework of the TIR Convention, 1975 will be presented to the TIR Administrative Committee in due course.

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

(a) Amendment to Article 13 of the Convention on Private Road Vehicles (1954)

Documentation: ECE/TRANS/107/Rev.1.

10. The Working Party noted that on 5 November 1999 an amendment proposal for a new paragraph 4 to Article 13 of the Convention, as had been agreed upon at the eighty-fourth session of the Working Party in June 1996, had come into force.

11. The UN/ECE secretariat will issue the complete text of the 1954 Convention, including the above amendment, in document ECE/TRANS/107/Rev.1. The complete and permanently updated text of the Convention may also be accessed through the UN/ECE web site (www.unece.org/trans/welcome.html).

(b) Application of the Conventions

Documentation: TRANS/WP.30/2000/8.

12. The Working Party considered a document transmitted by the AIT/FIA highlighting a number of specific problems in the application of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles (TRANS/WP.30/2000/8). The Working Party considered in particular issues relating to the payment of fines and penalties, the seizure of vehicles, the payment of service charges by Customs authorities, the imposition of Customs claims following re-exportation of vehicles and the request for guarantees and cash deposits upon temporary importation.

13. The Working Party requested the secretariat to summarize the considerations and interpretations given by the Working Party and to transmit them to the AIT/FIA.

DRAFT UN/ECE CONVENTION ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL

Extension of the scope of the draft Convention to cover the SMGS Agreement

Documentation: TRANS/WP.30/1999/13; TRANS/WP.30/R.141.

14. The Working Party recalled that, at its eighty-second session, it had completed, in principle, the preparation of a Convention on International Customs Transit Procedures for the Carriage of Goods by Rail providing for the use of the CIM consignment note as a Customs document (TRANS/WP.30/164, paras. 59-61; TRANS/WP.30/R.141).

15. Following considerations on possibilities of extending the scope of the draft Convention also to countries applying the SMGS Agreement, the Working Party, at its ninety-second session, decided to prepare, as a first step, two similar, but independent United Nations conventions, one providing for the use of the CIM consignment note as a Customs document in those countries applying the COTIF railway regime and another convention, providing for the use of the SMGS consignment note as a Customs document in the countries applying the SMGS regime. The offer of the Organization for Co-operation between Railways (OSZhD) to prepare a revised draft convention covering the SMGS countries was welcomed (TRANS/WP.30/184, paras. 68 and 69).

16. The Working Party took note that the 22 countries applying the Common Transit Convention no longer seemed to be interested in the preparation of a separate United Nations convention, as the CIM consignment note was already used in these countries as a Customs document for rail transit operations. Since it was expected that other countries would join the Common Transit Convention in the near future, the value-added of a new Convention would be limited for these countries.

17. On the other hand, UN/ECE member countries, members of the SMGS Agreement, seemed to be still very interested in the preparation of a Customs transit regime for railway transport by the Working Party and, thus, the work undertaken so far by the OSZhD and the Working Party was appreciated and should be pursued. As a first step, the Working Party invited all countries interested to prepare comments to a draft convention on international Customs transit procedure for the carriage of goods by rail using the SMGS consignment note. It requested the OSZhD to consider these comments at the meeting of an expert group with a view to preparing, before October 2000, on the basis of the draft submitted by the OSZhD (TRANS/WP.30/1999/13), a new draft which takes into account all requirements to ensure efficient functioning of a Customs transit regime.

18. In the longer term and with a view to establishing a common pan-European Customs transit system providing transit facilities for all land transport modes on an equal basis, the Working Party noted with interest a proposal made by the secretariat to consider the extension of already existing and well-functioning pan-European Customs transit regimes, such as the TIR system, to cover also rail transport operations.

19. The Working Party decided to revert to these issues at its October 2000 session and invited all delegations to consult with the competent national authorities on this matter.

20. Relevant background information is contained in the following documents: TRANS/WP.30/186; TRANS/WP.30/184; ECE/TRANS/119; TRANS/WP.30/174; TRANS/WP.30/168; TRANS/WP.30/166; TRANS/WP.30/164; TRANS/WP.30/162; TRANS/WP.30/R.161; TRANS/WP.30/R.160; TRANS/WP.30/R.159; TRANS/WP.30/R.140/Rev.1 and Corr.1 (Russian only).

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

(a) Status of the Convention

Documentation: TRANS/WP.30/AC.2/54, annex 1; ECE/TRANS/17/Amend.19/Rev. 1.

21. The Working Party took note that the Convention had 64 Contracting Parties. A complete list of Contracting Parties to the Convention as well as a list of countries in which TIR operations can be

undertaken is annexed to the provisional agenda for the twenty-eighth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/56).

22. The Working Party was informed by the secretariat on problems in establishing the list of countries in which TIR operations can be undertaken due to the fact that not all Contracting Parties had sent to the TIR Executive Board and the TIR Secretary the legally required documentation in accordance with the amendments to the Convention entering into force on 17 February 1999 (Phase I of the TIR revision process). The Working Party felt that this issue should be considered by the TIR Administrative Committee.

(b) Revision of the Convention

(i) Adoption of amendment proposals under Phase II of the TIR revision process

Documentation: TRANS/WP.30/2000/2-TRANS/W.30/AC.2/2000/3; TRANS/WP.30/2000/9-TRANS/W.30/AC.2/2000/7; TRANS/WP.30/186; TRANS/WP.30/1999/10.

23. With a view to concluding work on Phase II of the TIR revision process and to transmitting a comprehensive and consistent package of amendment proposals to the forthcoming session of the TIR Administrative Committee for consideration and possible adoption, the Working Party decided to continue consideration of the above issue on the basis of secretariat document TRANS/WP.30/2000/2 - TRANS/WP.30/AC.2/2000/3. This document contained, in a consolidated manner, all amendment proposals considered so far by the Working Party under Phase II of the TIR revision process as well as some further proposals made by the secretariat, the European Community and the IRU following the request of the Working Party at its previous session (TRANS/WP.30/186, paras. 32, 33, 35, 37 - 41).

24. In particular, the Working Party considered the newly proposed terms "TIR transport" and "TIR operation" to be introduced under Article 1 in order to distinguish between the whole journey, starting at the Customs office of departure and ending at the Customs office of destination (TIR transport) and the national part of the above journey in a Contracting Party (TIR operation). In this regard some experts felt that this proposal, being acceptable in principle, might need to be refined further to be clearly understood in all working languages of the Convention.

25. Some experts were of the view that the term "TIR procedure" should also be defined in Article 1. Some wordings were proposed for that purpose, but no acceptable solution was found.

26. The representatives of the IRU pointed out that the term "unloading" used in explanatory note 0.18-2 to Article 18 of the present Convention should not necessarily imply physical removal of the goods from the load compartment or container because there are a number of practical situations where a transport operation may continue after a TIR operation has been terminated. The secretariat was requested to prepare a new comment to the above article to reflect this idea.

27. Postponing a final decision on the amendment proposals until its next session, the Working Party approved in principle the following amendment proposals to the Convention:

Article 1, paragraph (a)

Replace the words “TIR operation” by the words “TIR transport”.

Delete inverted commas around the words “TIR procedure”.

Article 1, paragraphs (b) to (e)

Existing paragraphs (b) to (e) are to be re-numbered and become (f) to (j).

Article 1, new paragraphs (b) to (e)

Add the following new paragraphs:

“(b) the term “TIR operation” shall mean a national part of a TIR transport from a Customs office of departure or entry (en route) to a Customs office of destination or exit (en route) in a given country;

[(c) the term “start of a TIR operation” shall mean that the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of departure or of entry (en route) together with the load and the TIR Carnet relating thereto and that the TIR Carnet has been accepted by the Customs office;]

(d) the term “termination of a TIR operation” shall mean that the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of destination or of exit (en route) together with the load and the TIR Carnet relating thereto;

(e) the term “discharge of a TIR operation” shall mean the recognition by Customs authorities that the TIR operation has been terminated correctly in a Contracting Party. This is established by the Customs authorities on the basis of a comparison of the data or information available at the Customs office of destination or exit (en route) and that available at the Customs office of departure or entry (en route);”

Article 1, paragraphs (f) to (j)

Existing paragraphs (f) to (j) are to be re-numbered and become (k) to (n).

Article 1, paragraphs (f) to (h)

Modify new paragraphs (k) to (m) to read as follows:

“(k) the term "Customs office of departure" shall mean any Customs office of a Contracting Party where the TIR transport of a load or part-load of goods begins;

(l) the term "Customs office of destination" shall mean any Customs office of a Contracting Party where the TIR transport of a load or part-load of goods ends;

(m) the term "Customs office en route" shall mean any Customs office of a Contracting Party through which a road vehicle, combination of vehicles or container is entering or leaving a Contracting Party in the course of a TIR transport;

Article 1, paragraphs (k) and (l)

Existing paragraphs (k) and (l) are to be re-numbered and become (p) and (q).

Article 1, new paragraph (o)

Add the following new paragraph:

“(o) the term “holder” of a TIR Carnet shall mean the person to whom a TIR Carnet has been issued in accordance with the relevant provisions of the Convention and on whose behalf a Customs declaration has been made in the form of a TIR Carnet indicating a wish to place goods under the TIR procedure at the Customs office of departure. He shall be responsible for presentation of the road vehicle, the combination of vehicles or the container together with the load and the TIR Carnet relating thereto at the Customs office en route and the Customs office of destination with due observance of the relevant provisions of the Convention;”

Article 2

Replace the words “TIR operation” by the words “TIR transport”

Explanatory note 0.2-2 (to Article 2), annex 6 to the Convention

In the second sentence replace the words “TIR operation” by the words “TIR transport”.

Article 6, new paragraph 2 bis

Add the following new paragraph:

“2 bis. An international organization, as referred to in paragraph 2, shall be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system provided that it accepts this responsibility.”

Explanatory note 0.6.2 bis (to Article 6.2 bis), annex 6 to the Convention

Add a new explanatory note 0.6.2 bis (to Article 6.2 bis), annex 6 to the Convention to read as follows :

“0.6.2 bis. The relationship between an international organization and its member associations shall be defined in written agreements on the functioning of the international guarantee system.”

Explanatory note 0.8.7 (to Article 8.7), annex 6 to the Convention

Add a new explanatory note 0.8.7 (to Article 8.7), annex 6 to the Convention to read as follows:

“0.8.7 Measures to be taken by the competent authorities in order to require payment from the person or persons directly liable shall include at least notification of the non-discharge of a TIR operation and/or transmission of the claim for payment to the TIR Carnet holder.”

Article 10, paragraph 1

To be deleted.

Article 10, new paragraph 1

Add the following new paragraph:

“1. Discharge of a TIR operation has to take place without delay (French: ... sans retard, Russian: ... áâç çàããðæê).”

Article 10, paragraph 2

Modify paragraph 2 to read as follows:

[“2. When the Customs authorities of a country have certified termination of a TIR operation without reservation [have discharged a TIR operation] they can no longer claim from the guaranteeing association payment of the sums mentioned in Article 8, paragraphs 1 and 2, unless the certificate of termination was obtained in an improper or fraudulent manner [or no termination has taken place].”]

Explanatory note 0.10 (to Article 10), annex 6 to the Convention

Replace the wording: “certificate of discharge of the TIR Carnet” by: “certificate of termination”.
The existing comments to Article 10 (1999 TIR Handbook, page 40) will be placed following the revised Article 28 (see below).

Article 11, paragraph 1 of the Convention

Modify the beginning of the first sentence to read as follows:

“1. Where a TIR operation has not been discharged, the competent authorities ...”.

Delete at the end of the first sentence the wording: “or conditional discharge”.

Replace in the second sentence the word: “certificate of discharge” by: “certificate of termination”.

Article 11, paragraph 2 of the Convention

Modify the first sentence to read as follows:

“2. The claim for payment of the sums referred to in Article 8, paragraphs 1 and 2 shall be made to the guaranteeing association at the earliest three months after the date on which the association was informed that the TIR operation had not been discharged or that the certificate of termination had been obtained in an improper or fraudulent manner and at the latest not more than two years after that date.”

Comment to Article 11 (Information to guaranteeing associations)

(1999 TIR Handbook, page 37)

Modify the existing comment to Article 8 which becomes a comment to Article 11, paragraph 1 to read as follows:

“Notification to guaranteeing associations Customs administrations should notify their respective national guaranteeing association(s) as soon as possible of cases when a TIR operation has not been discharged.”

Explanatory note to Article 11

Add a new explanatory note to Article 11, paragraph 1 to read as follows:

“Notification to the TIR Carnet holder

In addition to the notification to the guaranteeing association, Customs authorities should also notify the TIR Carnet holder as soon as possible when a TIR operation has not been discharged. This could be done at the same time as the notification to the guaranteeing association.”

Article 16

In the first sentence replace the words “TIR operation” by the words “TIR transport”.

Article 17, paragraph 2

Modify paragraph 2 to read as follows:

“2. The TIR Carnet shall be valid for one journey only. It shall contain at least the number of detachable vouchers which are necessary for the TIR transport in question.”

Article 18

In the first sentence replace the words “TIR operation” by the words “TIR transport”.

Comment to Article 18 (Several Customs offices of departure)

(1999 TIR Handbook, page 48)

Modify the existing comment to read as follows:

“Several Customs offices of departure or destination

A TIR transport may involve more than one Customs office of departure or destination in one or in several countries, provided the total number of Customs offices of departure and destination does not exceed four. In accordance with Rule 6 of the Rules regarding the use of the TIR Carnet (Annex 1 to the Convention, Model of the TIR Carnet: Version 1 and Version 2, page 3 of the cover), for each additional Customs office of departure or destination two extra vouchers are required. The filling in of the vouchers of the TIR Carnet whenever several Customs offices of departure/destination are involved should be done in such a way that goods loaded/unloaded subsequently at different offices should be added in/crossed out from the goods manifest (boxes 9, 10, 11 and 16) and the offices of departure/destination should endorse the goods loaded/unloaded subsequently under item 16.”

Comment to Article 21

Add new comments to Article 21 to read as follows:

“Termination of a TIR operation at the Customs office of exit en route and at the Customs office of destination.

Termination en route

The road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of exit (en route) together with the load and the TIR Carnet relating thereto.

Partial termination

The road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of destination together with the load and the TIR Carnet relating thereto followed by unloading of one part of the load.

Final termination

The road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of destination together with the load or the remaining load in case of previous partial termination and the TIR Carnet relating thereto, followed by the end of the TIR transport.”

Article 28

Modify article 28 to read as follows:

“1. Termination of a TIR operation shall be certified by Customs authorities without delay.

Termination of a TIR operation may be certified without or with reservation: where termination is certified with reservation this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly indicated in the TIR Carnet.

2. In cases where the goods are placed under another Customs regime, all eventual irregularities that may be established under the latter regime cannot be attributed to the TIR Carnet holder as such [or any person acting on his behalf.]” .

Explanatory note 0.28 (to Article 28), annex 6 to the Convention

Delete paragraph 1 of explanatory note 0.28.

Delete the third sentence in paragraph 2 of explanatory note 0.28.

Delete the third (unnumbered) paragraph of explanatory note 0.28.

Comment to Article 28

Add a new comment to Article 28 to read as follows:

“Applicable procedures after termination of a TIR operation

Article 28 provides that termination of a TIR operation shall be certified by Customs authorities without delay. Termination will be subject to the goods having been placed under another Customs procedure or another system of Customs control. This may include clearance for home use, transfer across the border to a third country or a free zone and storage in a place approved by the Customs authorities while awaiting the declaration for another Customs procedure.”

Comment to Article 28 (Return of TIR Carnets) (1999 TIR Handbook, page 53)

Modify the existing comment to read as follows:

“Return of TIR Carnets

It must be stressed that the immediate return of the TIR Carnet, whether certified as terminated with or without reservation, is an essential duty of the Customs office of destination. This not only facilitates checking by the issuing association and the IRU, but also enables these organizations, on return of the Carnet, to issue a new Carnet to the carrier; since the number of Carnets in use (at holder’s possession) at any one time may be limited.”

Comment to Article 28 (Possibility of using two TIR Carnets for a single transport operation)
(1999 TIR Handbook, page 53)

Modify the existing comment to read as follows:

“Possibility of using two TIR Carnets for a single transport operation

Occasionally, the number of vouchers in the TIR Carnet are not sufficient to carry out a total TIR transport. In these cases the first TIR operation has to be terminated in accordance with Articles 27 and 28 of the Convention and a new Carnet has to be accepted by the same Customs office and used for the

remainder of the TIR transport. Proper inscription should be made in both TIR Carnets to reflect this fact.”

Comment to Article 28 (Discharge of TIR Carnets) (1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Termination of a TIR operation

1. In cases where a TIR operation has been certified as terminated without reservation, the Customs administration which declares that the certificate of termination has been obtained in improper or fraudulent manner should specify in its notification of non-discharge and/or request for payment its reasons for declaring this termination improper or fraudulent.
2. The Customs authorities should not certify the termination of TIR operations subject to systematic unspecified reservations, without giving reasons, solely for the purposes of avoiding the requirements of Article 10, paragraph 1 and Article 11, paragraph 1.”

Comment to Article 28 (Indication of reservations) (1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Indication of reservations

Customs administrations should make any reservation about the termination of a TIR operation very clear and should indicate the existence of a reservation by filling-in box 27 on voucher No.2 and by placing an “R” under item 5 on the counterfoil No.2 of the TIR Carnet and also fill in the certified report, if appropriate.”

Comment to Article 28 (Alternative forms of evidence as proof for the discharge of TIR Carnets)
(1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Alternative forms of evidence for the termination of a TIR operation

With a view to establishing alternative evidence for the proper termination of a TIR operation, Customs authorities are recommended to use exceptionally, for example, the following information provided it has been furnished to their satisfaction:

- any official certificate or confirmation of the termination for the same TIR transport made out by another Contracting Party following or terminating the respective TIR operation or confirmation of the transfer of the goods in question to another Customs procedure or to clearance for home use;
- the duly stamped counterfoils No. 1 or No. 2 in the TIR Carnet by such a Contracting Party or a copy thereof to be provided by the international organization referred to in Article 6 of the Convention.”

Article 40

Replace the words “TIR operation” by the words “TIR transport”.

Annex 1 to the Convention

Model of TIR Carnet, Version I and Version II

Replace in box 24 on voucher No.2 the words:

“Certificate of discharge” by: “Certificate of termination of a TIR operation”.

Modify in box 26 on voucher No.2 the words:

“Number of packages discharged” by: “Number of packages for which the TIR operation is terminated”.

Modify under item 3 on the counterfoil No. 2 the words:

“Discharged packages or articles (as specified in the manifest)” by: “Number of packages for which the TIR operation is terminated (as specified in the manifest)”.

Replace in Rule 3 of the Rules Regarding the Use of the TIR Carnet the wording “TIR operation” by “TIR transport”.

Comment to annex 1 (Goods description in the Goods Manifest)

(1999 TIR Handbook, page 72)

Modify the name to read as follows:

“Goods description in the Goods Manifest (boxes 9-11 of the vouchers)”

Comment to annex 1 (Discharge of TIR Carnets)

(1999 TIR Handbook, page 73)

Modify the existing comment to read as follows:

“Termination of a TIR operation

In box 24 to 28 of voucher No. 2, in addition to the required inscriptions, only one Customs stamp and one signature are necessary and sufficient to certify termination of a TIR operation. Other authorities than Customs are not entitled to stamp and sign the vouchers and the front cover. The filling-in by competent authorities of the counterfoil to voucher No. 2, including one Customs stamp, date and one signature, indicates for the TIR Carnet holder and the guaranteeing association that termination of the TIR operation has been certified, with or without reservation.”

Comment to annex 1 (Customs stamps on the counterfoil)

(1999 TIR Handbook, page 73)

Modify the second sentence to read as follows:

“Such occurrences, though not permissible, do not jeopardize the validity of the TIR transport operation as long as [the TIR Carnet is accepted by the next Customs office of entry (en route)] [the offices of destination discharge the TIR Carnet unconditionally].”

Comment to annex 1 (Alternative forms of evidence as proof for the discharge of TIR Carnets)

(1999 TIR Handbook, page 74)

Modify the existing comment to read as follows:

“Alternative forms of evidence for the termination of a TIR operation

With a view to establishing alternative evidence for the proper termination of a TIR operation, Customs authorities are recommended to use exceptionally, for example, the following information provided it has been furnished to their satisfaction:

- any official certificate or confirmation of the termination for the same TIR transport made out by another Contracting Party following or terminating the respective TIR operation or confirmation of the transfer of the goods in question to another Customs procedure or to clearance for home use;
- the duly stamped counterfoils No. 1 or No. 2 in the TIR Carnet by such a Contracting Party or a copy thereof to be provided by the international organization referred to in Article 6 of the Convention.”

Comment to annex 1 (Indication of reservations)
(1999 TIR Handbook, page 74)

Modify the existing comment to read as follows:

“Indication of reservations

Customs administrations should make any reservation about the termination of a TIR operation very clear and should indicate the existence of a reservation by filling-in box 27 on voucher No.2 and by placing an “R” under item 5 on the counterfoil No.2 of the TIR Carnet and also fill in the certified report, if appropriate.”

28. Due to time constraints the Working Party did not discuss in detail the amendment proposals to Annex 1 of the Convention. The secretariat was requested and actually has incorporated them into the final version of the report at the present session. At the same time, the Working Party felt that a few new modifications would need to be made to the Model of the TIR Carnet and invited the secretariat to prepare further proposals in co-operation with the IRU.

29. The Working Party decided to consider recommended procedures on the termination and discharge of TIR operations as well as on inquiry procedures as prepared by the secretariat (TRANS/WP.30/1999/10) at its June session, including provisions on the EDI control system for TIR Carnets (i.e. the IRU SAFETIR system).

30. The secretariat was also requested to review all amendment proposals approved so far by the Working Party and issue a new consolidated document for consideration and finalization at the next session of the Working Party. The secretariat should also consider whether the term “Contracting Party”, whenever it relates to the geographical scope of the Convention, should be replaced by the term “Customs territory of a Contracting Party”, particularly in Article 1, new paragraph (m). It was also stressed that, at this stage, it is essential that amendment proposals be equally authentic in all three working languages of the Convention.

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

Documentation: Informal document No.3 (2000); Informal document No. 1 (2000); TRANS/WP.30/AC.2/55; TRANS/WP.30/186; TRANS/WP.30/184; TRANS/WP.30/180; Informal document No.5 (1997); TRANS/WP.30/R.176.

31. The Working Party recalled that, at its ninety-third session, it had agreed on the following elements for inclusion into phase III of the TIR revision process:

- Revision of the TIR Carnet, including the insertion of additional data elements (ID. number, HS code, value of goods, etc.);

- Use of new technologies in TIR operations also with a view to reducing the delay in notifications of non-discharge;
- Increase in the number of places for loading and unloading under Customs seal (TRANS/WP.30/186, paras. 42 and 43).

This view had been endorsed by the TIR Administrative Committee at its twenty-seventh session (TRANS/WP.30/AC.2/55, paras. 38 and 39).

32. The Working Party considered a document prepared by the secretariat which provided some reflections on the necessary steps to be taken in order to arrive in due course at tangible solutions (Informal document No. 1 (2000)). In particular, the secretariat document contained preliminary views on the Customs requirements with regard to EDI procedures in the framework of the TIR Convention as well as some basic remarks on the possible approaches that might be taken in the computerization of the TIR procedure in order to facilitate administration and control and to prevent fraudulent activities, such as falsification of Customs stamps.

33. The Working Party recalled that one of the approaches to computerization of the TIR procedure was the introduction and use of the so-called "smart cards" replacing or - in a first phase - complementing the use of TIR Carnets. The secretariat was of the view that such an approach would be in line with the basic feature of the TIR Convention as a decentralised transit system where the TIR transport consists of a chain of national transit operations only linked by the TIR Carnet as an international Customs document.

34. Several delegates felt that the approach described in the secretariat document was interesting and a good basis for further work in the field where the views of all parties involved would need to be heard and taken into account.

35. The European Community offered to prepare a document about the New Computerized Transit System (NCTS) and its planned functioning in the 22 countries using the system eventually explaining also how it was foreseen to apply the TIR procedure in this environment.

36. The IRU was of that opinion that EDI certainly would be needed in the TIR system, but that it only would be useful if all Contracting Parties as well as all other parties involved could make use of it. The implementation of such a system would need to be made step-by-step. The IRU also offered to present a document showing the possibilities of linking the existing EDI based systems together.

37. With a view to making progress in this complex field, the Working Party felt that it would devote one day of its forthcoming June session to a detailed discussion on the preparation of Phase III of the TIR revision process on the basis of information to be prepared by the secretariat, UN/ECE member countries and other interested experts and international organizations.

38. The Working Party decided also to consider, in the framework of Phase III of the TIR revision process, possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets.

(c) Application of the Convention

(i) Status of resolution No. 49: Replies to a questionnaire

Documentation: TRANS/WP.30/2000/4; TRANS/WP.30/186; TRANS/WP.30/162, annex 2; TRANS/WP.30/R.164.

39. The Working Party noted that resolution No. 49: "Short-term measures to ensure the security and the efficient functioning of the TIR transit system" adopted by the Working Party at its eighty-first session (TRANS/WP.30/162, annex 2) has been officially accepted by 34 Contracting Parties to the Convention.

40. In order to determine the level of implementation of the resolution as well as to obtain guidance on the usefulness of its provisions, the Working Party considered the results of a questionnaire transmitted to Contracting Parties to the Convention (TRANS/WP.30/2000/4). While the large majority of Contracting Parties still considered the provisions of resolution No. 49 as useful, only slightly more than half of the 30 responding countries had introduced new security measures to avoid falsification of Customs stamps. Opinions were divided on the early re-introduction of the "Tobacco/Alcohol" TIR Carnet together with guarantees in a fixed sum which reflects the potential charges at risk, as requested in the resolution.

41. The Working Party took note of this information.

(ii) Draft Recommendation on the validity of multi-user TIR operations

Documentation: TRANS/WP.30/2000/1-TRANS/WP.30/AC.2/2000/2; TRANS/WP.30/186; TRANS/WP.30/AC.2/55.

42. The Working Party decided to postpone consideration of this item to one of its next sessions.

(iii) EDI control system for TIR Carnets: Modification of the Recommendation adopted by the TIR Administrative Committee on 20 October 1995

Documentation: TRANS/WP.30/2000/3-TRANS/WP.30/AC.2/2000/4; TRANS/WP.30/186; TRANS/WP.30/1999/11; TRANS/WP.30/184; TRANS/WP.30/AC.2/51; TRANS/WP.30/178; TRANS/WP.30/AC.2/37, annex 4.

43. In accordance with the mandate given by the Working Party, the secretariat has prepared a proposal for a modified text of the Recommendation incorporating therein provisions on a harmonized reconciliation procedure that had been accepted already in principle by the Working Party at its ninety-third session (TRANS/WP.30/186, paras. 46-49). The Working Party approved the proposed modified text of the Recommendation, including a Model Reconciliation Form, as contained in secretariat document TRANS/WP.30/2000/3 with the insertion of the word “optional” with regard to information to be provided from Regional or Central Customs Offices as well as with regard to information on the number of packages. The Working Party also requested the secretariat to align the French and Russian terms with the English terminology used.

44. The Working Party stressed that channels of communication to be used between the national association(s) or the IRU and the Customs authorities would need to be determined in consultation with the competent Customs authorities. If electronic means of communications are being established between the concerned parties, Customs stamp and signature as contained in the Model Reconciliation Form would not be required.

45. The Working Party decided to transmit these proposals to the TIR Administrative Committee for approval.

(iv) Settlement of claims for payments

Documentation: TRANS/WP.30/184; TRANS/WP.30/182.

46. The Working Party was informed by the IRU on progress made in the current arbitration procedure, initiated by the IRU, to obtain payment for Customs claims presented to the previous insurers of the international guaranteeing chain which had denounced their contract with the IRU at the end of 1994 (TRANS/WP.30/184, paras. 51 and 52; TRANS/WP.30/182, paras. 37 and 38).

47. The Working Party voiced again its concern about the slow progress made and urged all Parties involved to resolve the still numerous pending cases in order to avoid a possible major crisis of the international guarantee system.

(v) Re-introduction of the guarantee for sensitive and other excluded goods

Documentation: TRANS/WP.30/184; TRANS/WP.30/178; TRANS/WP.30/162.

48. The Working Party recalled that, at its ninety-second session, it had once more urged the international insurers to re-establish full guarantee coverage for these sensitive goods as soon as possible and had invited the TIR Executive Board (TIRExB) to consider all necessary steps that could be taken in order to arrive at guarantee coverage for all goods to be transported under the TIR regime (TRANS/WP.30/184, paras. 48-50; TRANS/WP.30/178, paras. 80 and 81).

49. Therefore, the Working Party welcomed the decision of the international insurers to re-introduce, as of 1 April 2000, the following three categories of goods into the TIR insurance coverage on the Customs territory of the European Community:

Cheese and curd	(HS code: 04.06)
Wheat and meslin	(HS code: 10.01)
Rye	(HS code: 10.02)

50. The representative of IRU pointed out that this re-introduction has been possible as a result of some indications received by the European Community and some technical improvements in the implementation of the Recommendation on EDI control system for TIR Carnets adopted by the TIR Administrative Committee on 20 October 1995.

51. The Working Party felt that this decision was a step in the right direction, but insisted on further steps to be taken by the international insurers in order to re-establish full guarantee coverage for all goods to be transported under the TIR regime.

(vi) Interpretation of article 3 of the Convention

Documentation: TRANS/WP.30/184; TRANS/WP.30/R.191; TRANS/WP.30/178.

52. Recalling its earlier consideration on the validity of Article 3 of the Convention, the Working Party was of the view that, in order to arrive at a harmonized application of the Convention, the provisions of Article 3 had to be amended. Such amendment could be based on the draft comment prepared earlier by the secretariat stating that it is acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven on their own wheels as these vehicles themselves could be regarded as "goods" transported under the TIR procedure (TRANS/WP.30/R.191).

53. The Working Party requested the secretariat to prepare a proposal for an amended text of Article 3 for the next session of the Working Party.

(vii) Improved procedures in the use of TIR Carnets by transport operators

Documentation: TRANS/WP.30/2000/5; TRANS/WP.30/184; Informal Document No.3 (1998); TRANS/WP.30/178; TRANS/WP.30/R.196.

54. With a view to reducing the possibilities for fraudulent discharge of TIR Carnets at Customs offices of destination, the Working Party, recalling its consideration of this issue at earlier sessions, adopted the following comment for inclusion into the TIR Handbook:

“Comment

Improved procedures in the use of TIR Carnets by transport operators

In some Contracting Parties the transport operator does not have direct contacts with the competent Customs officials at the Customs office of destination before the consignee or his agents undertake the necessary Customs formalities for clearance of goods for home use or by any other Customs procedure following the TIR transit operation. With a view to allowing the transport operator or his driver to verify that the TIR procedure is properly terminated by the competent Customs officials, the transport operator or his driver are allowed, if they so wish, to keep the TIR Carnet and to provide the consignee or his agents only with a copy of the yellow voucher No 1/No 2 (not for Customs use) in the TIR Carnet, together with any other required documentation. Following the clearance of goods for home use or by any other Customs procedure, the transport operators or his driver should then proceed in person to the competent Customs officials to have his TIR Carnet certified.”

(viii) Validity of curtain-sided vehicles

Documentation: TRANS/WP.30/2000/10; TRANS/WP.30/2000/6; TRANS/WP.30/186;
TRANS/WP.30/1999/15; TRANS/WP.30/184; TRANS/WP.30/1998/14; TRANS/WP.30/R.166.

55. The Working Party recalled that, at earlier sessions, it had considered and not approved the validity of curtain-sided vehicles under the Convention. Various types of constructions had been presented, for example by Belgium (TRANS/WP.30/R.32), the United Kingdom (TRANS/WP.30/R.166) and the Czech Republic (TRANS/WP.30/1998/14). The Working Party could however never agree to their approval under Customs seal. Several delegations had been of the view that the constructions presented might be Customs secure, but that its inspection at Customs offices would be very complicated and time consuming.

56. The Working Party noted that this unresolved question caused increasing concern among transport operators which, due to the inherent advantages of curtain-sided vehicles, wished to use them in international transport under Customs seal. The Working Party agreed that some new constructions of curtain-sided vehicles are now available that seem to be Customs secure. The Working Party accepted, however, that amendments or comments to the Convention were needed to clarify this position. The Working Party considered two basic approaches in addressing this matter as contained in a document prepared by Sweden, stipulating detailed requirements in Annex 2 of the Convention for the approval of curtain-sided vehicles (TRANS/WP.30/2000/10) and a document prepared by the secretariat, proposing the insertion of only a comment on the validity of curtain-sided vehicles into the TIR Handbook without modifying the provisions of the Convention (TRANS/WP.30/2000/6).

57. In order to make rapid progress on this matter, the Working Party decided to establish an informal ad hoc group of experts which should meet, possibly before April, to prepare concrete

proposals on the validity of curtain-sided vehicles for consideration at the June session of the Working Party. Representatives of UN/ECE member countries were requested to contact the secretariat in case they were interested to participate in the ad hoc expert group.

(ix) Procedures to be applied in case of suspension of a TIR operation

Documentation: TRANS/WP.30/2000/7; TRANS/WP.30/186.

58. On the basis of a document transmitted by Hungary, the Working Party considered applicable procedures following the suspension of the TIR procedure in accordance with article 26 of the Convention (TRANS/WP.30/2000/7). As there were different views on the interpretation of this article taking account of the objective and the spirit of the Convention, particularly in cases in which Customs seals or identifying marks had been removed or when Contracting Parties were involved in which, due to the lack of an authorized guarantee association, no TIR procedure could be applied, the Working Party invited the representatives of the European Community to prepare a clear interpretation of this provision, possibly in the form of an explanatory note to article 26.

(x) International directory of TIR focal points

Documentation: Restricted document on TIR focal points (www.unece.org/trans/new_tir/welctir.htm).

59. The Working Party noted that, in accordance with resolution No. 49, the secretariat has set up and maintains an international directory of TIR focal points that could be addressed in case of inquiries in relation to the TIR procedure. The directory contains names and addresses of persons as well as other useful information on Customs administrations and national associations dealing with the TIR procedure. The distribution of the directory is restricted to Customs authorities, national associations and the TIR Department of the IRU.

60. A new hard-cover version of the directory (A5 format) has been made available at the session and may be obtained from the secretariat. The directory which is permanently updated may also be consulted on the web site of the UN/ECE Transport Division (www.unece.org/trans/new_tir/welctir.htm). The required password for access to the site may be obtained from the secretariat.

(xi) International register on Customs sealing devices

Documentation: Restricted document.

61. The international register on Customs sealing devices used for the TIR procedure, maintained by the secretariat in English, French and Russian, covers at present more than 40 countries utilizing the TIR procedure. An updated hard copy version of the register will be distributed during the next session of the Working Party for restricted use by Customs authorities. Copies or excerpts of the register may be obtained directly from the secretariat.

(xii) Example of a TIR Carnet duly filled-in

62. The Working Party was informed that the new example of a duly-filled in TIR Carnet was not yet available for technical reasons. The secretariat was requested to make all efforts to establish such a model Carnet as soon as possible to serve as a model for transport operators and Customs authorities for the correct filling-in and stamping of the TIR Carnet and its vouchers.

(xiii) TIR Handbook

Documentation: UN Publication (E,F,S,R); (available at the session);
www.unece.org/trans/new_tir/welctir.htm.

63. The Working Party invited the TIR secretariat to prepare an outline of an extended content of the TIR Handbook, containing, for instance, also references to the IRU SAFETIR and CUTWISE systems as well as other useful information at one of its next sessions.

64. The Working Party noted that a limited number of copies of the 1999 TIR Handbook are still available for delegations during the session in Chinese, English, German, French, Russian and Spanish. An Arabic version would be available soon.

65. The TIR Handbook contains the latest amendments to the Convention as well as all relevant comments adopted by the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) and the Administrative Committee. The complete text of the TIR Handbook is also available on the TIR web site of the UN/ECE in Czech, English, French, German, Russian and Spanish (www.unece.org/trans/new_tir/welctir.htm).

(xiv) Other matters

66. The Working Party was informed by the representatives of the IRU of cases where illegal immigrants had been discovered which, apparently forced entry into the sealed load compartment of

vehicles carrying cargo under the TIR regime during transport on ferry boats. This often caused considerable problems to transport operators.

67. The Working Party noted that Customs authorities, in cases where the seals had been broken and no seizure of the vehicle and the cargo in line with national legislation had occurred, had to and did affix new Customs seals following inscriptions made in the Certified Report of the TIR Carnet.

68. The Working Party was also informed that, as of 1 February 2000, new regulations had come into force in Germany allowing no longer the start of Community and common transit procedures and transit operations under cover of TIR Carnets at its external borders for the exportation of goods. This has led to considerably reduced delays at border crossing procedures during transit operations.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

69. No new information was provided by delegations on this subject.

OTHER BUSINESS

(a) Dates of next sessions

70. The Working Party decided to convene its ninety-fifth session from 19 to 23 June 2000. Upon the invitation of the IRU, the Working Party decided to undertake, on 22 June 2000, a study tour examining the central printing of TIR Carnets at Neuchâtel (Switzerland).

71. The Working Party noted that the ninety-sixth session of the Working Party could be held, in conjunction with the twenty-ninth session of the TIR Administrative Committee and the fourth session of the Administrative Committee for the "Harmonization" Convention, during the week 16 to 20 October 2000.

(b) Restriction on the distribution of documents

72. The Working Party decided that there should be no restriction with respect to the distribution of documents issued in connection with its current session, with the exception of the international directory of TIR focal points

ADOPTION OF THE REPORT

73. The Working Party adopted the report on its ninety-fourth session.
