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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

**Working Party on Customs Questions  
affecting Transport**

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS  
AFFECTING TRANSPORT ON ITS EIGHTY-SIXTH SESSION  
(21 to 25 October 1996)**

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## REPORT

### ATTENDANCE

1. The Working Party held its eighty-sixth session from 21 to 25 October 1996.
2. The session was attended by representatives of the following countries: Armenia; Austria; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Kazakstan; Lithuania; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; United States of America; Uzbekistan. Morocco participated under paragraph 11 of the Commission's terms of reference. Representatives of the European Community (EC) were also present.
3. The following intergovernmental organizations were represented: Committee of the Organization for Cooperation between Railways (OSZhd); World Customs Organization (WCO).
4. The following non-governmental organizations were represented: International Touring Alliance (AIT); International Automobile Federation (FIA); International Road Transport Union (IRU).

### ADOPTION OF THE AGENDA

5. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/171) with the addition of the following agenda item: Agenda item 3 "Other business": (a) Reduction of Customs offices for the TIR procedure in the Russian Federation; (b) TIR transport operations between the European Community and Eastern Europe; (c) Insertion of bar codes on the volets of the TIR carnet.
6. Following a proposal made by the secretariat, the Working Party decided, in view of the present crisis of the TIR regime, to give priority to the discussion on agenda item 3.

### ACTIVITIES OF ECE BODIES AND OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

#### (a) Working Party on Facilitation of International Trade Procedures

Documentation: TRADE/WP.4/197; TRADE/WP.4/GE.1/105; TRADE/WP.4/GE.2/105.

7. The Working Party was informed of the results of the forty-fourth session (16-20 September 1996) of the Working Party on International Trade Procedures and its Meetings of Experts, as they relate to UN/EDIFACT work in the field of Customs.

(b) World Customs Organization (WCO)

8. The Working Party was informed about recent activities of the Permanent Technical Committee of the WCO, in particular about the conclusions of the sixth meeting of the Working Group on the Kyoto Convention. It noted that the revision of the Kyoto Convention should be completed by spring 1998. With regard to the Istanbul Convention of 1990, no changes had occurred since the last session of the Working Party, i.e. there are twelve Contracting Parties to the Convention and five annexes have come into effect.

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

(a) Status of the Convention

9. The Working Party was informed that the following countries would become Contracting Parties to the Convention: Azerbaijan on 12 December 1996, Tajikistan on 11 March 1997 and Turkmenistan on 18 March 1997. The Convention would then have 61 Contracting Parties.

(b) Revision of the Convention

(i) Amendment proposals prepared by the ECE groups of experts

Documentation: TRANS/WP.30/R.183; TRANS/WP.30/R.182; TRANS/WP.30/R.181; TRANS/WP.30/R.180; TRANS/WP.30/R.179; TRANS/WP.30/R.178; TRANS/WP.30/R.175; Informal document prepared by the IRU (18 June 1996); TRANS/WP.30/R.172; TRANS/WP.30/R.171; TRANS/WP.30/R.170; TRANS/WP.30/R.165; TRANS/WP.30/R.163 and Corr.1; TRANS/WP.30/R.162.

10. The Working Party continued its examination of the amendment proposals prepared by the ECE groups of experts as circulated in document TRANS/WP.30/R.170. It was recalled that, at its eighty-fourth and eighty-fifth (special) sessions, the Working Party had already considered the following amendment proposals contained in document TRANS/WP.30/R.170: Article 6, paragraph 1 and new paragraph 3; new Annex 9, Part I and new Annex 9, Part II, until paragraph 1 (a) (TRANS/WP.30/168, paras. 57-63; TRANS/WP.30/170, paras. 6 to 12).

11. The Working Party continued its consideration of the amendment proposals prepared by the ECE Group of Experts as contained in TRANS/WP.30/R.170, and decided on the following modifications:

Annex 9, Part II

Paragraph 1 (d)

Replace the word "expertise" by: "knowledge".

Paragraph 1 (e)

Replace the text of paragraph (e) by the following:

"Absence of serious or repeated offences against Customs or tax legislation **[or commercial law]**."

Paragraph 1 (f)(iii)

Modify subparagraph (iii) to read as follows:

"(iii) will allow associations and the competent authorities to verify information on the above conditions and requirements."

Paragraph 2

Modify paragraph 2 to read as follows:

"Additional and more restrictive **conditions and requirements** for access to the TIR procedure may be introduced by the competent authorities of the Contracting Parties **[and the associations]** **[and subject to approval by the competent authorities - by the associations]** **[together with the associations]**."

Paragraphs 3-5

Replace paragraphs 3, 4 and 5 with the following text:

"3. Contracting Parties will decide, in line with national legislation, the procedures to be followed for access to the TIR regime on the basis of the conditions and requirements set forth in paragraphs 1 and 2.

Paragraph 6

Paragraph 6 will become paragraph 5 and will read as follows:

"4. The association shall transmit, once a year, an updated list of all authorized persons as well as of persons who have been excluded temporarily or permanently from the TIR procedure to the competent authorities **[and to the TIR Executive Board]**."

Paragraph 7

Paragraph 7 will become paragraph 6 and the words "TIR Executive Board" are to be placed in square brackets.

Paragraph 9

Paragraph 9 will become paragraph 4 and the words in square brackets at the beginning of the paragraph are to be deleted.

Add at the end of the paragraph the following wording:

"For the transmission of information it is also recommended to comply with the information requirements and the lay-out of the Model Authorization Form (MAF) provided below."

Paragraph 8

Paragraph 8 will become paragraph 7.

New paragraph 8

Add a new paragraph 8 as follows:

"8. Authorization of a person to utilize TIR Carnets under the terms set out above, shall be without prejudice to that person's responsibilities and liabilities under the Convention."

The Model Authorization Form (MAF) as well as its explanatory text remain unchanged.

Article 6, new paragraphs 3 to 5

New paragraph 3

Replace paragraph 3 by the following:

"3. An association shall issue TIR Carnets only to persons whose access to the TIR procedure has not been refused by the competent authorities of Contracting Parties in which the person is resident or established."

New paragraph 4

Replace the words "minimum reliability criteria" by: "minimum conditions and requirements".

Article 38, paragraph 2

Delete the square brackets around this paragraph.

Annex 6, Explanatory Notes 0.38.1 and 0.38.2

Pending a decision on a possible deletion of these explanatory notes, they are to be placed in square brackets.

Article 42 bis

Modify the new article 42 bis as follows:

"The competent authorities, in close cooperation with the associations, shall take all necessary measures to ensure the proper use of TIR Carnets. To this effect, they may take appropriate national and international control measures. National control measures taken in this context by the competent authorities shall be communicated immediately to the TIR Executive Board which will examine their conformity with the provisions of the Convention. International control measures shall be adopted by the Administrative Committee."

Article 58 bis

Modify the heading and the text of the new article 58 bis to read as follows:

"Article 58 bis

Administrative Committee

An Administrative Committee composed of all the Contracting Parties shall be established. Its composition, functions and rules of procedure are set out in Annex 8."

Article 58 ter

Add the following new article 58 ter:

"Article 58 ter

TIR Executive Board

The Administrative Committee shall establish a TIR Executive Board as a subsidiary body which will, on its behalf, fulfil the tasks entrusted to it by the Convention and by the Committee."

Modify the heading of Annex 8 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE AND THE TIR EXECUTIVE BOARD"

Add a new sub-heading before annex 8, article 1 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE"

Add a new sub-heading before annex 8, new article 9 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES OF PROCEDURE OF THE TIR EXECUTIVE BOARD"



Annex 8, new article 9 (a)

Modify the new article 9 (a) to read as follows:

"(a) The TIR Executive Board established by the Administrative Committee in accordance with article 58 ter, shall be composed of **[nine]** members, each from different Contracting Parties to the Convention. The TIR Secretary will attend the sessions of the Board."

Annex 8, new article 9 (b)

Modify the new article 9 (b) to read as follows:

"(b) The members of the TIR Executive Board shall be elected by the Administrative Committee by a majority of those present and voting. The term of office of each member of the TIR Executive Board shall be two years. The members of the TIR Executive Board may be re-elected. The Terms of Reference for the TIR Executive Board shall be established by the TIR Administrative Committee."

Whenever in the Convention the term "Committee" appears, it should be replaced by the term "Administrative Committee".

Annex 8, new article 10 (a)

Modify the new article 10 (a) to read as follows:

"(a) supervise the application of the Convention and fulfil the functions entrusted to it by the Convention and by the Administrative Committee **[including the central printing and issuance of the TIR Carnets. The Board can delegate the latter function to the International Organizations referred to in Article 6 of the Convention.]**"

Annex 8, new article 10 (d)

Modify the new article 10 (d) to read as follows:

"(d) **facilitate** the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations;"

12. Due to lack of time, the Working Party did not finish its first reading of document TRANS/WP.30/R.170 during the present session.

(ii) Other elements to be revised

Documentation: TRANS/WP.30/R.176.

13. The Working Party took note of a first draft of a revised TIR Carnet which has been prepared by the secretariat and the IRU. Some representatives felt that certain data elements were still missing, such as the name of the issuing association on each voucher, the value of the goods and their HS number. Furthermore, the procedure to be followed in case of partially discharged TIR Carnets was not clear.

14. The Working Party decided to consider this new TIR Carnet in detail at its forthcoming session.

(iii) Revision procedure

15. The Working Party took note that in view of the present difficulties in the application of the TIR procedure, the secretariat had prepared a draft resolution for consideration by the Administrative Committee for the TIR Convention at its twentieth session (24 and 25 October 1996).

(c) Application of the Convention

(i) Status of resolution No. 49

(ii) Temporary exclusion of "sensitive" goods on the territory of the European Community

(iii) EDI control system for TIR Carnets: Implementation of the Recommendation adopted on 20 October 1995

16. Not considered due to lack of time.

(iv) Settlement of claims for payments

17. The Working Party was informed by the IRU that the IRU has deposited all necessary documentation to justify its payment claims against the former international insurers and that the next meeting of the arbitrators was scheduled to be held on 27 November 1996.

(v) Approval of curtain-sided vehicles

(vi) International register on Customs sealing devices

(vii) Validity of the discharge of TIR Carnets

(viii) Interpretation of article 3

18. Not considered due to lack of time.

(ix) Denunciation of the guarantee contract in Germany

19. The Working Party noted that the German guaranteeing associations (AIST and BDF) had denounced their guarantee contracts with the German Government effective 28 October 1996 in view of the fact that reimbursement for Customs claims transmitted by these associations to the IRU and the international insurers no longer seemed to be guaranteed. The representatives of the European Community pointed out that, in case guarantee coverage did not exist in Germany, it was very likely that the TIR procedure would no longer be applicable in all of the 15 countries of the European Community.

20. Some delegations expressed their discontent about the denunciation of the guarantee cover in Germany which would result in major difficulties for international trade, particularly at the external borders of the European Community.

21. The Working Party expressed its concern about this situation, but recognized that a solution to this specific problem was outside its control as it concerned the enforcement of contracts established between national associations, IRU and the international insurers. The Working Party appealed to the parties concerned to re-establish, as soon as possible, the guarantee coverage for TIR Carnets in Germany, as the present uncertainties had already led to considerable difficulties for the road transport industry and the economies of the countries involved.

22. Following the discussion in the Working Party, the representatives of AIST and BDF informed the Working Party that they had finally obtained written assurances from the IRU for the reimbursement of Customs claims which might allow their associations to withdraw the denunciation of the guarantee contract, possibly on Friday, 25 October 1996. The ECE secretariat would be informed accordingly.

23. During the adoption of the report on 25 October 1996, the Working Party was informed that the two German associations (AIST and BDF) had withdrawn their denunciation of the guarantee contract with the German Government.

24. In this context, the Working Party requested the secretariat to contact the legal services of the United Nations in order to receive a legal assessment of a situation where action by a guaranteeing association on the territory of a Contracting Party made the TIR procedure inoperative on the territory of this Contracting Party leading to damages in at least one of the Contracting Parties.

(x) Other matters

25. The Working Party was informed of possible difficulties in the application of the TIR procedure in Romania which might arise due to new rules of quality control at the borders. It noted that such difficulties did not exist at present and that the IRU would be informed in detail about the procedures to be followed before the relevant certificate would be introduced.

26. The Working Party also noted that previously reported difficulties in the application of the TIR procedure in the Russian Federation concerning the reduction in the number of Customs offices for transport operators from some countries and the requirement for escort services have been reduced.

27. In this context, the representative of the IRU invited all Contracting Parties to the TIR Convention, 1975 to inform immediately relevant national association(s) in case new national control measures are introduced.

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

(a) Revised draft Convention

(b) Extension of the scope of the draft Convention to cover the SMGS system

UN/ECE CONVENTION ON CUSTOMS TREATMENT OF POOL CONTAINERS USED IN  
INTERNATIONAL TRANSPORT

Status of the Convention

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

(a) Status of resolution No. 48

28. Not considered due to lack of time.

(b) Difficulties in the application of the 1954 Convention in Egypt

29. The representative of the International Touring Alliance (AIT) and the International Automobile Federation (FIA) reported on recent communications with the Customs authorities in Egypt which showed positive results and confirmed the intention of the Government of Egypt to apply the provisions of the Convention and to facilitate the smooth flow of international traffic.

CUSTOMS CONVENTION CONCERNING SPARE PARTS USED FOR REPAIRING EUROPE WAGONS  
ASSISTANCE TO COUNTRIES IN TRANSITION

ECE Workshop on facilitation of border crossing procedures

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

30. Not considered due to lack of time.

PROGRAMME OF WORK FOR 1997 TO 2001

31. The Working Party considered its programme of work for the period 1997-2001 and approved it as set out in the annex to this report.

OTHER BUSINESS

(a) Date of next session

32. The Working Party decided to hold its eighty-seventh session from 24 to 28 February 1997.

(b) Restriction on the distribution of documents

33. The Working Party decided that no restriction should be placed on the distribution of documents issued in connection with its current session with the exception of the International Register on Customs Stamps and Seals prepared by the secretariat.

ADOPTION OF THE REPORT

34. The Working Party adopted the report on its eighty-sixth session.

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**Annex**

DRAFT PROGRAMME OF WORK FOR 1997-2001 <sup>\*/</sup>

PROGRAMME ACTIVITY 02.8: CUSTOMS QUESTIONS AFFECTING TRANSPORT

Harmonization of requirements concerning several modes of transport and facilitation of their operation Priority: 2

Description:

- (a) Preparation, review of implementation and, where appropriate, modification of international legal instruments.
- (b) Simplification of administrative formalities, documents and procedures.

Work to be undertaken:

[(a)] The Working Party on Customs Questions affecting Transport will pursue the following activities:

- (i) Study of the possible extension of the TIR Convention to other regions, particularly relating to legal and administrative aspects. (Continuing)
- (ii) Study of specific legal and administrative measures to combat fiscal fraud in the framework of the TIR Convention. (Continuing)
- (iii) Periodic review of existing Customs and facilitation conventions in order to keep them in line with modern transport requirements. (Continuing)
- (iv) Study to facilitate formalities for container pools in international transport, and follow-up activities within the framework of the new ECE Convention on Customs Treatment of Pool Containers used in International Transport. (1997)
- (v) Study to facilitate railway transit traffic on the basis of the CIM and the SMGS Consignment Notes, including the preparation of a legal regime. (1997)

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<sup>\*/</sup> **Bold font:** Proposed modification  
In square brackets [...]: Proposed deletion

[(b) The Working Party on Customs Questions affecting Transport will pursue the following activities:]

- (vi) Analysis of difficulties encountered relating to border crossing formalities with a view to devising administrative procedures eliminating such difficulties, and review of related activities of international organizations concerned. (Continuing)
  - (vii) Study of Customs questions with a view to simplification of Customs formalities and documents in the field of transport, including simplification of the TIR transit regime, in particular taking account of the possibility of electronic data interchange solutions. (Continuing)
  - (viii) Study of ways and means of preventing abuse of the advantages resulting from the introduction of simplified Customs procedures, including periodic review of implementation of resolution No. 220 (Prevention of the abuse of Customs transit systems by drug smugglers). (Continuing)
  - (ix) Study of harmonization of conditions for exercising Customs and other controls undertaken at frontiers (health, phytosanitary, veterinary and quality controls; application of standards; public safety controls), including promotion of the implementation and extension of the scope of the International Convention on the Harmonization of Frontier Controls of Goods of 1982. (Continuing)
  - (x) Consideration of follow-up on the development of the implementation of EDIFACT message development work in the transport sector taking into account in particular TIR simplification possibilities. (Continuing)
  - (xi) Preparations towards an ECE workshop on international transport facilitation measures for countries in transition. (1997)
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