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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS AFFECTING TRANSPORT ON ITS EIGHTY-SEVENTH SESSION (24 to 28 February 1997)

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REPORT

ATTENDANCE

1. The Working Party held its eighty-seventh session from 24 to 28 February 1997.
2. The session was attended by representatives of the following countries: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Netherlands; Poland; Romania; Russian Federation; Slovakia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; United States of America. Representatives of the European Community (EC) were also present. The Islamic Republic of Iran and Japan participated under paragraph 11 of the Commission's terms of reference.
3. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP).
4. The following intergovernmental organizations were represented: European Conference of Ministers of Transport (ECMT), International Rail Transport Committee (CIT), Committee of the Organization for Cooperation between Railways (OSZhD), World Customs Organization (WCO).
5. The following non-governmental organizations were represented: International Road Transport Union (IRU), International Touring Alliance (AIT)/International Automobile Federation (FIA), International Union of Railways (UIC).

ADOPTION OF THE AGENDA

6. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/173) with the addition of the following items:

Agenda item 3 (d): European Commission (EC)
Agenda item 3 (e): European Conference of Ministers of Transport (ECMT)

The following issues are to be considered under agenda item 4 (c)(viii) "Other business":

- Application of the TIR procedure in the Russian Federation and in the Customs Union between Belarus, the Russian Federation and Kazakhstan.
- Improved security in the use of TIR Carnets by transport operators.
- ECE questionnaire on TIR focal points.
- Insertion of bar-codes on TIR Carnets.
- IRU presentation on procedures to detect falsified TIR Carnets.

Agenda item 4 (c)(v) was postponed to a later session.

ELECTION OF OFFICERS

7. Mrs. Y. Kasikçi (Turkey) was elected Chairperson of the Working Party and Mr. Y. Terral (France) was elected Vice-Chairperson 1997.

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

(a) ECE Inland Transport Committee

Documentation: ECE/TRANS/119; TRANS/R.429.

8. The Working Party was informed about the results of the fifty-ninth session of the Inland Transport Committee (13-17 January 1997). The Committee had confirmed the key elements constituting a revised TIR system as identified by the Working Party and had approved in principle the new and revised provisions of the TIR Convention considered so far. The Committee had felt that the urgent creation of the TIR Executive Board was of the utmost importance and had advised, as the budget for its operation could not be provided in the short and medium term by the United Nations, to set up a trust fund to be fed by a levy on TIR Carnets issued in the order of US\$ 0.22 per Carnet. In this context, the Committee had stressed that, besides a revision of the guarantee system, measures would need to be introduced to improve Customs control procedures at the national level to pursue fraudsters.

9. The Committee had also been of the view that the draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail should be finalized under the auspices of the ECE covering both existing legal railway systems (COTIF and SMGS).

10. The Working Party took note of the status of transport facilitation conventions prepared under the auspices of the ECE (TRANS/R.429) and was informed that Poland and Uzbekistan would become Contracting Parties to the "Harmonization Convention" as of 27 February 1997 and 6 March 1997 respectively. Uzbekistan had also acceded to the Customs Convention on Containers (1972).

(b) United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)

Documentation: Informal document prepared by the ESCAP secretariat.

11. The representative of ESCAP reported on the activities of this Regional Commission of the United Nations in the field of transport in Asia and the Pacific, including ESCAP Resolution 52/9 on Intra-Asia and Asia-Europe land bridges. One of the major activities in this field was the integrated project on Asian land transport infrastructure development (ALTID) comprising the Asian Highway and Trans-Asian railway projects as well as related land transport facilitation measures. The Working Party commended the existing close cooperation between the ECE and the ESCAP secretariats in the promotion of international transport. In particular, it welcomed the joint efforts in

the implementation of ESCAP resolution 48/11 recommending the acceptance by Asian countries of several important United Nations transport and Customs facilitation conventions which had been prepared by the Working Party, such as the TIR Convention and the "Harmonization" Convention. The Working Party also felt that joint ECE/ESCAP meetings, seminars, etc. could effectively contribute to the development of land transport between Europe and Asia.

(c) World Customs Organization (WCO)

12. The Working Party was informed about progress made in the revision of the Kyoto Convention. Eight expert group meetings had been convened so far and it was planned to finalize the text of the new horizontal annexes by spring 1998. It was intended to make all standards in the Convention mandatory.

13. With regard to the Istanbul Convention of 1990, no changes have 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.

(d) European Commission (EC)

14. The Working Party was informed that on 6 and 7 February 1997 the European Commission (EC) had organized a conference for transit operators and Customs authorities from more than 30 countries (Eurotransit 97). The purpose of the Conference was to have an exchange of ideas between all those with an interest in the transit systems (Community and Common transit) and to agree on measures to reform and streamline the existing procedures. It was intended to have the Community and the Common Transit systems fully computerized by mid-2000.

15. Concerning the TIR Convention, 1975, new procedures have been introduced as of 20 January 1997, providing for alternative proof for the discharge of TIR Carnets as well as for the prescription of itineraries in line with article 20 of the Convention (EC Regulation 12/97).

(e) European Conference of Ministers of Transport (ECMT)

16. The Working Party was informed that the Council of the European Ministers of Transport planned to adopt at its forthcoming session (Berlin, 21 and 22 April 1997) a Resolution on "Crime in Transport" covering also fraud in Customs transit systems. The Working Party was of the view that this Resolution should duly reflect the position of ECE member Governments as considered inter alia in its preparatory work on the revision of the TIR Convention. It urged all representatives of Customs authorities to cooperate closely with their colleagues in the respective Ministries of Transport in the finalization of the text of the Resolution.

17. In this context, the Working Party was also informed that the forthcoming third Pan-European Transport Conference (Helsinki, 23-25 June 1997) would consider border crossing procedures.

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

(a) Status of the Convention

18. The Working Party was informed that, with the accession of Tajikistan and Turkmenistan on 11 March 1997 and on 18 March 1997 respectively, the Convention would have 61 Contracting Parties.

(b) Revision of the Convention

Proposals for amendments of the Convention

Documentation: Informal document transmitted by Bulgaria; TRANS/WP.30/R.188; TRANS/WP.30/R.187; TRANS/WP.30/R.185; TRANS/WP.30/R.184; TRANS/WP.30/R.183; TRANS/WP.30/R.180; TRANS/WP.30/R.179; TRANS/WP.30/R.178; TRANS/WP.30/R.175; 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.

19. The Working Party continued its examination of the amendment proposals as circulated in document TRANS/WP.30/R.187 prepared by the secretariat. The Working Party recalled that at its eighty-fourth, eighty-fifth (special) and eighty-sixth sessions, it had considered most of these amendment proposals in detail taking into consideration the various comments and suggestions made by Contracting Parties, national associations and the IRU (TRANS/WP.30/172, paras. 10-12; TRANS/WP.30/170, paras. 6-12; TRANS/WP.30/168, paras. 57-63). The TIR Administrative Committee, at its twenty-first session (2-3 December 1996), had considered the remaining amendment proposals (TRANS/WP.30/AC.2/43, paras. 10-13).

20. The Working Party also took note of the views expressed by the Governments of Kazakstan (TRANS/WP.30/R.184) and Uzbekistan (TRANS/WP.30/R.185) as well as of a secretariat document, already submitted earlier, on the role and functions of the proposed TIR Executive Board (TRANS/WP.30/R.179).

21. Taking account of the above, the Working Party considered once more all amendment proposals to the TIR Convention as contained in document TRANS/WP.30/R.187 and decided on the following modifications to be made to the legal text contained in this document:

Article 1, new paragraph (m)

To be deleted as the Working Party could not arrive at a common opinion on the respective roles of Customs authorities and other national authorities in the application of the Convention.

Article 38, paragraph 2

(French text only)

Replace "autorités douanières" by: "autorités compétentes".

Annex 6, explanatory note 0.38.1

To be maintained.

The secretariat was requested to prepare, for phase II of the TIR revision, a revised text of this provision, as an alternative also possibly in the form of a comment for inclusion into the TIR Handbook. Such a comment might then replace the temporarily maintained explanatory note 0.38.1.

Annex 6, explanatory note 0.38.2

To be deleted.

Article 59, paragraph 1

Modify paragraph 1 to read as follows:

"1. This Convention may be amended upon the proposal of a Contracting Party by the procedure specified in this Article."

[This modification is proposed by the secretariat as a result of the modification to article 60 below which provides for the use of the special amendment procedure, in line with article 60, for all Annexes to the Convention - (not yet considered by the Working Party)]

Article 60

The amendment proposals should provide for the special amendment procedure in line with article 60 to be applied also to the revised Annex 8. Therefore, the existing amendment proposals are to be replaced by the following:

Modify the end of the heading "... 6 and 7" to read as follows:

"... 6,7,8 and 9".

Modify the beginning of the article to read as follows:

"1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8 and 9 ...".

New Annex 9, Part I, paragraph 1

Delete the square brackets and retain the wording "and act as guarantor".

New Annex 9, Part I, paragraph 1 (d)

Delete the square brackets and its content "or commercial law".

New Annex 9, Part I, paragraph 1 (e)

In the first sentence, delete the square brackets and replace its content "contract" by the following wording: "agreement or any other legal instrument".

Replace the second sentence by the following text: "A certified copy of the written agreement or any other legal instrument together, if necessary, with a certified translation into English, French or Russian, shall be deposited with the TIR Executive Board. Any changes to the written agreement or any other legal instrument shall be immediately brought to the attention of the TIR Executive Board."

New Annex 9, Part I, paragraph 1 (f)

In the opening sentence, delete the square brackets and replace its content "contract" by the following wording: "written agreement or any other legal instrument".

New Annex 9, Part I, paragraph 1 (f)(ii) (Russian text only)

Replace "maximum sum" by: "maximum guarantee sum" in line with article 8, paragraph 3 of the Convention.

New Annex 9, Part I, paragraph 1 (f)(iii)

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

New Annex 9, Part I, paragraph 1 (f)(iv)

Delete the square brackets and retain its wording. Modify the beginning of the sentence to read as follows: "shall provide its guarantee..."

The Working Party adopted paragraph 1 (f)(iv) on the understanding that provisions covering a revised TIR guarantee system would be considered in phase II of the revision of the TIR Convention.

New Annex 9, Part I, paragraph 1 (f)(v)

Replace the existing text options by the following new text:

"(v) shall cover its liabilities to the satisfaction of the competent authorities of the Contracting Parties in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated.

The time to give notice for the termination of the insurance or financial guarantee contract(s) shall be not less than the time to give notice for the termination of the written agreement or any other legal instrument under (e). A certified copy of the insurance or financial guarantee contract(s) as well as all subsequent modifications thereto shall be deposited with the TIR Executive Board, including a certified translation, if necessary, into English, French or Russian."

The Working Party accepted paragraph 1 (f)(v) on the understanding that its provisions would not alter in substance the present structure of the international insurance chain administered by the IRU as a centralized system. In accordance with a proposal made by Turkey, the Working Party decided to maintain in substance the present international insurance system until, in phase II of the revision procedure, all aspects of a new international guarantee system had been considered and approved by the Working Party, in close cooperation with insurance experts, experts from national guaranteeing associations and from the IRU.

The Governments of the Russian Federation and Turkey reserved their right to revert to the provisions of paragraph 1 (f)(v) during the consideration of a revised TIR guarantee system.

New Annex 9, Part I, paragraph 5

To be deleted. The provisions of this paragraph should be reflected in Annex 8, new article 1 bis.

New Annex 9, Part II, paragraph 1 (a)

To be deleted as the Working Party could not arrive at a consensus

(a) on the persons and business circles to be excluded from access to the TIR procedure;

(b) on the prescribed time period of existence for companies wishing to have access to the TIR procedure.

Renumber the following sub-paragraphs.

New Annex 9, Part II, paragraph 1 (e)

Delete the square brackets and its content "or commercial law".

New Annex 9, Part II, paragraph 1 (f)(iii)

Modify the subparagraph to read as follows:

"(iii) as far as national legislation permits, will allow associations and the competent authorities to verify information on the above conditions and requirements."

New Annex 9, Part II, paragraph 2

Modify the paragraph to read as follows:

"2. Additional and more restrictive conditions and requirements for access to the TIR procedure may be introduced by the competent authorities and by the associations themselves unless the competent authorities decide otherwise."

New Annex 9, Part II, paragraph 3

Replace the wording "conditions and requirements" by: "minimum conditions and requirements".

New Annex 9, Part II, paragraph 4

To be deleted and to be replaced by a new explanatory note 9.II.3 of Annex 6 to the Convention which reads as follows:

"9.II.3 It is recommended to establish national authorization committees comprising representatives of the competent authorities, national associations and other organizations concerned."

New Annex 9, Part II, paragraphs 5 and 6

Paragraphs 5 and 6 are to be deleted and replaced by the following paragraphs 4 and 5:

"New Annex 9, Part II, paragraph 4

4. The competent authorities shall transmit within one week from the date of authorization or revocation of authorization, particulars of each person authorized or revoked to the TIR Executive Board in conformity with the specimen authorization attached (MAF)."

New Annex 9, Part II, paragraph 5

5. The association shall transmit within one week an updated list as of 31 December each year of all authorized persons as well as of persons who are excluded temporarily or permanently from the TIR procedure to the competent authorities. The competent authorities shall forward a copy thereof to the TIR Executive Board."

New Annex 9, Part II, paragraph 7

Former paragraph 7 will become paragraph 6 and reads as follows:

"6. The authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations."

(c) Application of the Convention

(i) Status of resolution No. 49

22. 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 so far by the following Contracting Parties to the Convention: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark (to be confirmed); Estonia; Finland; France (to be confirmed); Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Italy; Jordan; Lithuania; Luxembourg; Netherlands; Poland; Romania; Russian Federation; Slovakia; Slovenia; Sweden; Switzerland; Turkey; United Kingdom; European Community.

23. Other Contracting Parties to the Convention that have not yet informed the Executive Secretary of the ECE of their acceptance of resolution No. 49 are requested to do so as soon as possible.

24. In this context, the representative of the European Community reported that there existed among EU member countries agreement in principle to conduct an audit of unresolved notifications under article 11, paragraph 1 of the Convention. Such an audit would be undertaken by Customs authorities in close cooperation with the respective national associations and the IRU. The details of the methods to be adopted would still need to be worked out. The objective was to establish clearly the extent of the insurers' liability for risk assessment purposes in order to allow the early re-introduction by guarantee associations of guarantees for all goods. The representative of the European Community urged other Contracting Parties, where necessary, to adopt a similar approach.

25. The representative of the IRU was of the view that the time period for notification by Customs authorities of the non-discharge of TIR Carnets was still very long. He stated that the time period for notification was, for example, 324 days in Germany and 363 days in the Russian Federation (on average).

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

26. As of 1 April 1996, the transport of 11 categories of "sensitive" goods, as contained in the annex of document TRANS/WP.30/166, was no longer possible under the TIR regime on the territory of the European Community. This was due to the unilateral denunciation by some guaranteeing associations established in the European Community of their guarantee contracts relating to these goods with their respective Customs authorities.

27. The Working Party noted that for the moment it was not envisaged to lift the requirement for individual or flat rate guarantees for these types of cargo under the Community and Common Transit Systems. Similarly and as a consequence of this situation, the international insurers for the TIR guarantee system did not intend to provide insurance coverage for the transport of such cargoes under the TIR procedure on the territory of the European Community.

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

Documentation: Informal document prepared by the IRU.

28. The Working Party was informed about the implementation of the recommendation adopted by the TIR Administrative Committee on 20 October 1995 on the introduction of an EDI control system for TIR Carnets (TRANS/WP.30/AC.2/37, annex 4). At present Customs authorities of 27 countries provided data on terminated TIR Carnets to their national associations which transmitted them to the IRU in Geneva. IRU, following necessary checking and reconciliation procedures, transmitted the data on these Carnets to the associations that had issued them.

29. The Working Party noted that the third session of the group of experts on the implementation of the EDI control system for TIR Carnets was convened on 27 February 1997. A report on the results of this session will be prepared for the next session of the Working Party.

(iv) Settlement of claims for payments

Documentation: Informal document transmitted by the Russian Federation.

30. Following a detailed discussion at the eighty-fourth session of the Working Party (TRANS/WP.30/168, paras. 46-49) on the national administrative procedures required to ensure a valid discharge of TIR Carnets by Customs authorities, the Russian Federation transmitted a document on the procedures required on its territory.

31. Due to lack of time, the Working Party decided to consider this matter in depth at its forthcoming session.

32. The Working Party was informed by the representatives of the IRU of the current arbitration procedures, initiated by the IRU, to obtain payments for Customs claims presented to the previous insurers of the international guarantee chain who had denounced their contract with the IRU at the end of 1994. These arbitration proceedings continued according to plan (the next meeting was scheduled for March) and dealt with all payment claims that had been transmitted to the previous insurers.

(v) Interpretation of article 3 of the Convention

Documentation: TRANS/WP.30/R.174.

33. The Working Party recalled that it had considered at its eighty-fourth session whether, in accordance with article 3 of the Convention, it was acceptable to apply the TIR procedure for the transport of buses and normal trucks with or without cargo being driven on their own wheels, implying that these vehicles themselves were regarded as the "goods" transported under the TIR procedure (TRANS/WP.30/168, paras. 54-56).

34. The Working Party was of the opinion that, while the Convention applied in principle to the transport of goods by road vehicles (article 2), no difficulties would arise, from a Customs security point of view, for the coverage of such vehicles under the TIR procedure as long as they were clearly described in the goods manifest of the TIR Carnet.

35. Therefore, the Working Party requested the secretariat to prepare a new comment to article 3 and possibly to Annex 6, explanatory note 0.29 of the Convention recommending that commercial road vehicles, if empty, could exceptionally also be regarded as goods in transit under the TIR procedure. In this case a certificate of approval was not required for these road vehicles.

(vi) International register on Customs sealing devices

Documentation: ECE publication (restricted).

36. The Working Party noted that the international register on Customs sealing devices used for the TIR procedure, maintained and stored in an electronic database by the secretariat in English, French and Russian, covered at present 33 countries. The Working Party also noted that the register contained not only Customs sealing devices, but also an increasing number of Customs stamps used for the control and the discharge of TIR Carnets as provided by Customs authorities.

37. The Working Party felt that the register should be continuously updated by the secretariat and should be made available to the Customs authorities of those countries utilizing the TIR procedure.

38. At a later stage, the Working Party would determine to which extent the register could be enlarged to cover all real and falsified Customs stamps used for the TIR procedure and to which extent it could be made available to international organizations concerned, such as the IRU, on a confidential basis.

(vii) Other matters

Application of the TIR procedure in the Russian Federation and in the Customs Union between Belarus, Russian Federation and Kazakstan

39. A number of delegations, including those of the Czech Republic, Denmark, Finland, Germany, Slovakia, United Kingdom and the IRU had held bilateral discussions with the delegation of the Russian Federation on difficulties that arose in the application of the Convention on the territory of the Russian Federation.

40. The Working Party felt that it would be extremely useful if information about newly introduced measures to safeguard the functioning of the TIR procedure could be transmitted well in advance, to the extent possible, to Customs authorities and to the transport industry. The sessions of the Working Party could be used as a forum for the distribution of such information.

ECE questionnaire on TIR focal points

Documentation: Informal document prepared by the secretariat.

41. The Working Party took note of a questionnaire on national focal points for the management of the TIR procedure which had been transmitted by the secretariat to national Customs authorities, national associations, the IRU and the European Commission. In accordance with resolution No. 49, the objective of the questionnaire was to establish a directory of persons who could be contacted by Customs authorities, national associations and the IRU for information on the application of the TIR procedure in their respective countries or territories.

42. The Working Party requested all delegations that had not yet returned to the secretariat the duly filled in questionnaire to do so at their earliest convenience.

IRU presentation on procedures to detect falsified TIR Carnets

43. The representative of the IRU presented a portable device emitting special light which allowed for the detection of the protective markings embedded in each TIR Carnet and provided thus for an easy identification of falsified TIR Carnets. Further information on such devices which did not cost more than US\$ 30 could be obtained from the IRU.

Insertion of bar codes on TIR Carnets

Documentation: Informal document by the secretariat.

44. In a letter addressed to the IRU the secretariat had welcomed the proposal of the IRU to insert bar codes on TIR Carnets as part of the central printing process. It was understood that the insertion of such codes would neither lead to an increase in the price of TIR Carnets nor to an obligation for Customs authorities to use such codes. The IRU would inform the Working Party well before the distribution of TIR Carnets with such bar codes.

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

(a) Revised draft Convention

Documentation: TRANS/WP.30/R.164; TRANS/WP.30/R.141.

45. At its eighty-second session, the Working Party had completed, in principle, its work on the preparation of a Convention on International Customs Transit Procedures for the Carriage of Goods by Rail with the exception of article 26, paragraphs 8 and 10. The text of the draft Convention is contained in document TRANS/WP.30/R.141. A few minor amendments to it are contained in the report of the eighty-second session of the Working Party (TRANS/WP.30/164, para. 60).

46. The Working Party noted that no progress has been made towards a consensus decision on the representation and the number of votes of regional economic integration organizations (article 26, paragraphs 8 and 10 of the draft Convention).

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

Documentation: TRANS/WP.30/R.161.

47. The Working Party noted that the Inland Transport Committee had stressed that work on the Convention should be continued under the auspices of the ECE. The Committee had requested the Working Party to consider the following two options from a legal, administrative and Customs perspective: (a) the preparation of two similar United Nations Conventions providing the foreseen Customs transit facilitation measures separately for the COTIF and the SMGS member countries; (b) the preparation of a single United Nations Rail Customs Transit Convention with two separate annexes, one covering the COTIF member countries, the other covering SMGS member countries, which would provide for a possible link between the two Customs transit systems once the necessary legal and administrative preconditions had been established (ECE/TRANS/119, paras. 136-137).

48. The Working Party recognized that it would be useful if the facilitation measures provided by the Convention would not only apply to countries Contracting Parties to the COTIF Convention, but also to those applying the SMGS Agreement. This view had also been expressed by the ECE Workshop on facilitation of border crossing procedures for countries in Central Asia and the Transcaucasus (Tashkent, 15-17 October 1996).

49. Aware of the potential legal and administrative difficulties in establishing a single Convention with two separate annexes, requiring possibly three different Administrative Committees, the Working Party requested the secretariat to prepare a first draft of such a Convention, possibly assisted by an informal group of Customs experts for consideration at one of its next sessions.

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

Status of the Convention

Documentation: ECE/TRANS/106.

50. The Working Party was informed that the Convention has been accepted so far by the following countries: Cuba, Malta, Sweden and Uzbekistan. It noted that in accordance with article 16, the Convention will come into force six months after the date on which five States or economic integration organizations have accepted it.

51. The representative of Austria indicated that his Government would accede very soon to the Convention. The representative of the European Commission pointed out that his organization had prepared the necessary legal and administrative steps to apply the Convention on the territory of the European Union.

52. The text of the Convention is contained in document ECE/TRANS/106 (English, French, Russian, Spanish).

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

(a) Status of resolution No. 48

53. The Working Party noted that as of today the following Contracting Parties have informed the secretariat of their acceptance of resolution No. 48: Belgium; Bosnia-Herzegovina; Cyprus; Denmark; France; Germany; Iran (Islamic Republic of); Italy; Norway; Spain; Switzerland; European Community.

54. The Working Party requested the secretariat to consult with the WCO on possible ways and means to improve the response rate to resolution No. 48.

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

Documentation: Informal document transmitted by the Government of Egypt, the AIT and the Gulf Automobile Association.

55. At its eighty-fourth session, the Working Party had noted with concern a report of the International Touring Alliance (AIT) on very serious difficulties in the application of the 1954 Convention in Egypt. This situation endangered the facilities provided by the Convention in all Contracting Parties world-wide and jeopardized the functioning of its international guarantee system. The representative of the AIT pointed out that, in spite of numerous efforts, the situation has not yet improved.

56. The representative of Egypt stressed that his Government attached great importance to the efficient functioning of the Convention in Egypt and offered to cooperate closely with the AIT towards a settlement of the problems. The Working Party would be informed at its forthcoming session on the results of these considerations.

CUSTOMS CONVENTION CONCERNING SPARE PARTS USED FOR REPAIRING EUROP WAGONS

(a) Revision of the Convention

Documentation: TRANS/WP.30/R.169; TRANS/WP.30/129.

57. The Working Party recalled that, at its seventy-ninth session, it had reviewed the Convention, the text of which is contained in document TRANS/WP.30/R.129 (English and French only) and had noted that, for the European Community, the Convention was no longer required. The International Union of Railways (UIC) had felt, however, that the provisions of the Convention, possibly slightly revised, would be necessary in order to allow the temporary importation of spare parts into those countries whose railways were using the "Regulation on the reciprocal use of railway wagons in international traffic" (RIV). In view of this situation, the Working Party had decided to keep the Convention for the moment (TRANS/WP.30/159, paras. 91-92).

58. The Working Party considered a document transmitted by the UIC containing a first draft of a new Convention which is aimed at extending the facilitation measures of the present Convention to the 32 countries using the "RIV" railway regime (TRANS/WP.30/R.169).

59. The Working Party understood that the new draft Convention aimed at the temporary admission of spare parts for railway wagons without the provisions of guarantee and special documentation for time periods up to 6 years. In considering to what extent the provisions of the new draft Convention could possibly be covered by Annex C of the Istanbul Convention on Temporary Admission, the Working Party requested the secretariat to consult with the WCO on this matter and to report back to the Working Party at its forthcoming session.

(b) Modification in the wagon fleet used under the EUROP scheme

60. The UIC informed the Working Party that the railway companies, members of the EUROP community, have decided to terminate the joint operation of wagons with open top (T(m)s wagons) and to withdraw such wagons from the joint wagon fleet as of 1 March 1997. As of this date 13 different categories of railway wagons remain part of the EUROP scheme.

61. The Working Party took note of this information.

ASSISTANCE TO COUNTRIES IN TRANSITION

ECE Workshop on facilitation of border crossing procedures

Documentation: Informal document prepared by the secretariat.

62. The Working Party noted that, in accordance with its mandate to assist countries in transition, the ECE had organized a workshop on the facilitation of border crossing procedures for the newly independent countries in Central Asia and the Transcaucasus region. The workshop, hosted by the Government of Uzbekistan was held in Tashkent from 15 to 17 October 1996 and was attended by all Central Asian and Transcaucasus countries. The objective of the workshop was to familiarize the representatives from Ministries of Transport, Customs authorities and the private sector with the various international legal instruments in the field of transport facilitation and Customs and discussed ways and means to implement these international regulations in the region to facilitate transport and trade between these countries and Europe and Asia.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

63. The representative of the IRU reported that national associations had stopped the issuance of TIR Carnets to transport operators whose vehicles had been found to carry drugs hidden below the sealed load compartments. This action had been possible as a result of the information provided to the IRU by the French and Hungarian Customs authorities through the SAFETIR system.

USE OF THE INTERNET FOR DISSEMINATION OF INFORMATION OF RELEVANCE FOR CUSTOMS AUTHORITIES AND THE TRANSPORT INDUSTRY

Documentation: Informal document prepared by the secretariat.

64. The secretariat made a presentation on the possibilities of the INTERNET to disseminate information on the activities of the Working Party to national Customs authorities and the transport industry (ECE INTERNET homepage: www.unicc.org/unece).

65. Due to lack of time the Working Party was not in a position to consider the following agenda items:

- 4 (b)(ii) TIR revision procedure
- 4 (b)(iii) Other elements to be revised (new guarantee system, revised TIR Carnet, harmonized procedures in the application of the Convention, alternative proof for discharged TIR Carnets, etc.), functions and status of international organizations (proposed by IRU), reduction in the delay for notification of TIR Carnets (proposed by IRU).
- 4 (c)(iv) Settlement of claims for payments (Document transmitted by the Russian Federation)
- 4 (c)(viii) Other matters:
 - Improved security in the use of TIR Carnets by transport operators.

OTHER BUSINESS

(a) Tribute to Mr. R. Ehmcke

66. The Working Party was informed that Mr. R. Ehmcke, representative of Germany and Chairman of the Working Party had been assigned important additional functions in the German Ministry of Finance, which made it impossible for him to continue attending regularly the sessions of the Working Party. Since 1993, Mr. Ehmcke had chaired the sessions of the Working Party with great competence, devotion and a good sense for compromise solutions. Under his leadership, the Working Party had considerably increased its activities in assisting in the application of more than 10 international Conventions which are administered by the Working Party. In particular, Mr. Ehmcke was instrumental in safeguarding the TIR Customs transit system and in initiating and guiding to a large extent the first major revision of the TIR procedure since its inception as a United Nations Convention in 1959. The Working Party expressed the hope that it would still be able to benefit in the future from Mr. Ehmcke's experience and expertise in Customs matters in one form or the other.

(b) Dates of next sessions

67. The Working Party decided to hold its eighty-eighth session from 23 to 27 June 1997. If possible (see para. 65 above) an informal session of the ECE group of experts should be convened before mid-April 1997 to prepare, in particular, the consideration in the Working Party of a possible new guarantee system. The Working Party noted that the eighty-ninth session of the Working Party had been tentatively scheduled to be held in the week from 20 to 24 October 1997.

(c) Restriction on the distribution of documents

68. 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 Sealing Devices.

ADOPTION OF THE REPORT

69. In accordance with established practice, the Working Party adopted the report on its eighty-seventh session.
