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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 ONE-HUNDRED-AND-THIRTEEN SESSION
(30 May – 2 June 2006)**

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I. ATTENDANCE

1. The Working Party held its one-hundred-and-thirteenth session from 30 May to 2 June 2006 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Netherlands; Norway; Poland; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Turkey; Ukraine; United Kingdom. Representatives of Iran (Islamic Republic of) and Jordan participated under Article 11 of the Terms of Reference of the Economic Commission for Europe. A representative of the European Community (EC) was also present.
3. The following non-governmental organizations were represented: International Bureau of Containers (ICB), the International Road Transport Union (IRU) and the International Touring Alliance (AIT & FIA).

II. COMMEMORATIVE WORDS

4. The Working Party was informed by its Chairman about the sad passing away of Mr. J. Byrgesen, the distinguished delegate of Denmark, on 12 April 2006 as well as Mr. D. Polovinchik, in past years the distinguished delegate of the Russian Federation. It observed a minute of silence in their memory.

III. ADOPTION OF THE AGENDA

5. The Working Party adopted the provisional agenda prepared by the secretariat (ECE/TRANS/WP.30/225).

IV. QUESTION BY THE CHAIRMAN

6. The Chairman opened the session by reading out an article published in the magazine of the German TIR issuing and guaranteeing association, the AIST expressing inter alia criticism and concern about the Working Party's approach in relation to eTIR, the collection for the levy for the operation of the TIRExB and the TIR secretariat and, importantly, the Chairman's execution of his duties.
7. A large number of the official delegations expressed their strong disapproval of the article and expressed their support to the Chairman. In particular, the German delegation informed that it had protested officially to the AIST about the article.
8. The Working Party took note of the statements by the IRU and some national associations expressing concern that their views and opinions were not respected and this created a perception of a lack of trust and confidence. They appealed for a real public-private partnership in all Convention bodies in order to ensure the sustainability of the TIR system.

V. REPORT OF THE ONE-HUNDRED-AND-ELEVENTH SESSION

9. The Working Party requested the secretariat to issue a corrigendum to the report of its one-hundred-and-eleventh session contained in document ECE/TRANS/WP.30/224, para. 38, sixth line deleting the words: "...based on the IRU SAFETIR and Cute-wise systems...".

VI. ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

10. The Working Party took note that, as a result of the UNECE reform, one additional professional post had been assigned to the Border Crossing Facilitation section as of 1 April 2006. Furthermore, as a result of the reform, a new Executive Committee (ExCom) of the UNECE had been established. The ExCom will, at its session in June 2006, consider the issue of the audits of the UNECE-IRU agreement and the discussion by the TIR Administrative Committee of the levy on TIR Carnets at its session on 1 June 2006.

11. The Working Party also took note of the outcome of the sixty-eighth session of the Inland Transport Committee (ITC) which took place on 7-9 February 2006, in particular the decision of the ITC to review the efficiency of its working processes and those of its subsidiary bodies. To this end the Chairpersons of the ITC subsidiary bodies had been requested to transmit their proposals and views for the consideration of the ITC Bureau. Both the Chairman of WP.30 and the Chairperson of the TIR Administrative Committee had provided their views.

VII. ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

12. The Working Party was informed by the representative of the European Commission of issues relevant to the activities of the Working Party. The Working Party took note of the following issues:

- Rail: The Customs administrations of the EU and EFTA have accepted the newly developed joint CIM/SMGS consignment note prepared by the International Rail Transport Committee (CIT) and the Organization for the Cooperation of Railways (OSZhD) with the support of the European Community. For the Customs administrations mentioned above, the combined consignment note CIM/SMGS is regarded as a CIM consignment note according to the Community Customs Code Implementing Provisions and the Convention for the simplified transit procedure by rail. The CIT/OSZhD recommends the application of the combined CIM/SMGS consignment note from 1 September 2006.

- e-Customs: The Commission and the Member States will aim to provide the structure and means by which the Commission, Customs administrations and other border agencies in the EU can exchange electronic information in order to control and facilitate the movement of goods, improve safety and security, contribute to the fight against international crime and terrorism and allow for a seamless flow of data between export and import countries. To this end, the Commission and the Member States will aim to ensure that electronic data exchange between Customs offices is possible throughout the Community; economic operators can lodge their declaration in electronic format, irrespective of the Member State in which the goods are entering into or leaving the Community; traders will have to register only in one Member State

for Customs purposes; all existing and future computerized Customs systems will be based on integrated architecture; all physical controls would be carried out at the same time and at the same place (one-stop shop). Full information on the e-Customs initiative is available on the DG TAXUD website:

http://ec.europa.eu/taxation_customs/customs/policy_issues/electronic_customs_initiative/index_en.htm.

13. The Working Party took note of information provided by the International Standardization Organization (ISO) that a new standard had been prepared by ISO and the International Container Bureau (ICB) improving further the door closing mechanism and sealing for containers. The representative of ISO was invited to provide the relevant information on this issue to the Working Party for further consideration in relation to Annexes 2 and 7 of the TIR Convention at one of its future sessions.

14. The Working Party took note of information provided by the secretariat concerning the ongoing discussions in WTO on Article 5 of the GATT Agreement concerning transit. Furthermore, the Working Party took note of work carried out by the International Labour Office (ILO) on labour and social issues arising from problems of cross-border mobility of international drivers in the road transport sector, which will be followed-up by a conference on 23-26 October 2006 in Geneva. Finally, the Working Party noted that the World Bank is about to initiate a research study on trade and transit facilitation for landlocked countries. The Working Party noted with satisfaction that the secretariat will follow and provide input for these initiatives, as may be deemed relevant.

VIII. INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“HARMONIZATION CONVENTION”)

(a) Status of the Convention

15. The Working Party was informed that Turkey had acceded to the Convention which will enter into force for Turkey on 21 June 2006 (Depositary Notification C.N.245.2006.TREATIES-1). With the Turkish accession the Convention now includes 48 Contracting Parties. A complete list of Contracting Parties to the Convention is available on the following website: http://www.unece.org/trans/conventn/agreem_cp.html - 48. Information about the status of the Convention can be obtained from the following website (subscription required): <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>

16. The Working Party took note of information provided by the secretariat that, in the context of the recommendation to strengthen monitoring and implementation of the Conventions in the field of transport emanating from the UNECE reform, the UNECE secretariat had initiated a pilot study regarding the “Harmonization” Convention. A questionnaire has been transmitted to all Contracting Parties of the Convention and all UNECE member states. The outcome of the questionnaire will be presented to the Working Party with a view to consider if additional measures should be developed in the framework of the Convention and, if so requested by countries, capacity building workshops on the Convention should be organized. In relation to the

latter, the OSCE had expressed an interest in cooperating. Delegations not having done so already were encouraged to reply to the questionnaire as soon as possible although the deadline had already passed. Their replies will also be taken into consideration.

17. The Working Party took note that a depositary notification announcing the adoption of the new Annex 8 to the Convention is expected to be issued by the UN Office of Legal Affairs in the near future.

(b) Preparation of a new Annex on rail border crossing

18. The Working Party took note of Informal document No. 1 (2006), transmitted by the Organization for the Collaboration of Railways (OSZhD), containing a draft for a new Annex 9 to the Convention on facilitation of border crossing for railways. The Working Party also took note that a meeting between OSZhD member states had been organized at the end of March 2006 to consider proposals transmitted by member countries for amending the text of the new draft Annex 9.

19. The Working Party decided to consider the amended draft text at its forthcoming session in September 2006 and requested the secretariat to prepare a document for the session containing the latest available text. Delegations were invited to transmit their written contributions to the UNECE secretariat as soon as possible with a view to publish these to facilitate the discussion.

IX. INTERNATIONAL CONVENTION TO FACILITATE THE CROSSING OF FRONTIERS FOR PASSENGERS AND BAGGAGE CARRIED BY RAIL, OF 10 JANUARY 1952

20. The Working Party decided that a similar approach as mentioned under para. 19 above should also be taken with regard to the draft of a new International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail (Informal document No. 1 (2006), annex 2) prepared by the OSZhD. The secretariat was requested to prepare a document for the session containing the latest available text and delegations were invited to transmit their written contributions to the UNECE secretariat as soon as possible with a view to publish these to facilitate the discussion. Furthermore, delegations were, in particular, invited to consider if it was necessary to consider a new Convention or if amendments should be made to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, 1952. The text of the 1952 Convention can be found at: <http://www.unece.org/trans/conventn/passraile.pdf>. The following countries are Contracting Parties to the Convention: Albania, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Switzerland.

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

(a) Status of the Conventions

21. The Working Party took note that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles have, respectively, 78 and

40 Contracting Parties. A complete list of Contracting Parties to the Convention is available at the following website address: http://www.unece.org/trans/conventn/agreem_cp.html - 48. Information about the status of the Convention can be obtained from the following websites (subscription required):
<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>,
<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>

(b) Application of the Conventions

22. The Working Party took note of Informal document No. 11 (2006), prepared by the secretariat, containing first considerations and proposals concerning issues transmitted at previous sessions of the Working Party by the AIT/FIA, concerning (a) the use of the term “so far as possible” contained in Articles 13.3 and 14.3 of the 1954 and 1956 Conventions, respectively and (b) the use of the term “force majeure” contained in Article 22 of the Conventions in the context of the application of an international Convention and (c) application of the “Certificate of Location” referred to in Article 24.2 of the Conventions.

23. The Working Party requested the secretariat, in cooperation with the AIT/FIA, to prepare an official document for its forthcoming session elaborating on the issues and proposals contained in Informal document No. 11 (2006).

24. The Working Party noted Informal document No. 12 (2006), transmitted by the AIT/FIA, containing an overview of the CPD Carnets distributed by the AIT/FIA in the years 1999 to 2005.

XI. RAIL TRANSIT

25. The Working Party took note that the Inland Transport Committee at its sixty-eighth session in February 2006 had adopted the text of the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment notes. The ITC had decided that the Convention should be open for signature as from 1 June 2006 for one year.

26. The Working Party was informed that, due to the fact that (a) until recently the report of the sixty-eighth session of the Inland Transport Committee had not been available in all of the official language versions of the UNECE and (b) not all language versions of the text of the Convention being available, it had not yet been possible for the secretariat to transmit the text of the Convention for verification with the UN Treaty section. Therefore, the date of 1 June 2006 for opening the Convention for signature cannot be complied with. The secretariat will submit the text of the Convention for verification as soon as it is available. Thereafter, the Convention will be open for signature, possibly from 1 August 2006. The secretariat will inform the countries affected as soon as possible.

XII. CONVENTION CONCERNING CUSTOMS FACILITIES FOR TOURING, 1954

27. The Working Party decided to consider at its next session in September 2006, after a period of further reflection, whether a revision of the text of the Convention should be initiated

with a view to bring it into line with modern practices and requirements. In this context, delegations were invited to consider if the provisions of other international legal instruments, such as the Kyoto Convention, address the issues contained in the Convention in a comprehensive manner in accordance with modern practices.

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

(a) Status of the Convention

28. The Working Party took note that the Convention has 66 Contracting Parties and that it is operational in 55 of these Contracting Parties.

29. 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 report of the forty-first session of the TIR Administrative Committee (TRANS/WP.30/AC.2/83, annex) and can also be found on the following web site: http://www.unece.org/trans/conventn/agreem_cp.html#48. Regularly updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

30. The Working Party took note that the following amendments to the Convention will enter into force on 12 August 2006:

- Introduction of a new Article 42ter and the amendment of Article 60 of the Convention, together with the introduction of a new Annex 10. (Depositary Notification C.N.383.2006.TREATIES-2).
- Addition of new Explanatory Notes to Article 6.2bis and Annex 8, Article 10 (b) of the Convention (Depositary Notification C.N.397.2006.TREATIES-3).

31. The Working Party noted that with the entry into force on 1 April 2006 of amendments to Annexes 1 and 9 of the Convention (Depositary Notification C.N.1350.2005.TREATIES-6) the identification number (ID number) of the authorized TIR Carnet Holder had been introduced in the lay-out of the TIR Carnet. The IRU informed that the new lay-out will be applied to TIR Carnets with numbers above MX51000000 and that the first TIR Carnet with the new lay-out had already been distributed by the IRU and issued by some member associations. During a transition period until 1 October 2007, both versions of TIR Carnets with and without the ID number will circulate and should be accepted by Customs authorities. More information on the issue is available on: <http://www.unece.org/trans/bcf/news/wp30-120406.html>.

(b) Revision of the Convention

(i) Implementation of Phases I and II of the TIR revision process and examples of best practices

32. The Working Party took note that an overview of the implementation at national level resulting from phases I and II of the TIR revision process will be prepared by the secretariat for

the September session of the TIR Administrative Committee. Delegations were invited to transmit information on new implementation measures to the secretariat as soon as possible.

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

– Revision of the TIR Carnet

33. The Working Party also agreed to consider at its future sessions the question of revision of the TIR Carnet, in particular the introduction in the TIR Carnet of the HS code bearing in mind the considerations by the TIR Administrative Committee to adopt a Recommendation on the use of the HS code in the context of the TIR Convention.

– Use of new technologies

34. The Working Party adopted document TRANS/WP.30/2005/32-TRANS/WP.30/AC.2/2005/18, containing Chapter 1 of the Reference Model for the eTIR Project, with the understanding that further chapters will be included at a later stage of the project, subject to approval by the Working Party, and that a number of points of the document will be updated to reflect recent developments and as the eTIR Project develops over time.

35. The Working Party considered document ECE/TRANS/WP.30/2006/4 containing an overview of the mandates and opinions provided by the relevant TIR bodies in the computerization process. The Working Party was of the opinion that there was no reason to review them. The Working Party felt that the mandate should remain dynamic, thus providing full freedom to the Expert Group to analyze and develop its ideas on a technical level and to take into account technical innovations that could be advantageous for the development of the project.

36. The Working Party took note of a report provided by the Chairperson of the Informal ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR procedure on its ninth session, which took place in Bratislava on 7-8 March 2006, at the kind invitation of the Slovak Customs authorities. The Working Party adopted the report of the session, contained in document ECE/TRANS/WP.30/GE.1/2006/5, with an amendment to the text of paragraph 10, line 10-14 (starting with “The IRU expressed” and ending with “Bearing this in mind”), which will be replaced by the following text: “According to the IRU, nothing in the IRU’s proposal would preclude the Customs authorities from storing copies of all their data concerning TIR transports and guarantees in a centralized repository, managed internationally by Customs authorities independently from the Cutewise system.” The amendment will be issued in a corrigendum to the report of the Expert Group meeting.

37. The Working Party took note of issues which had been raised in the course of the Expert Group meeting, but which the Group had decided to refer back to the Working Party for further consideration. With regard to the legal aspects of the eTIR Project, the Working Party agreed that the work of the Informal ad hoc Expert Group on the Legal Aspects of Computerization of the TIR Convention should start as soon as possible since the approach to the eTIR Project had now been sufficiently identified, on the basis of the mandate given by the Working Party.

38. The secretariat informed the Working Party that the next meeting of the Informal ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure

will be held in Geneva on 25 and 26 (morning) September 2006, in conjunction with the one-hundred-and-fourteenth session of the Working Party. Full interpretation will be provided for the meeting and all delegations were therefore encouraged to take part in the session.

39. The Working Party considered document ECE/TRANS/WP.30/2006/8, prepared by the secretariat, containing the high-level description of the eTIR Project and proposals for its step-by-step implementation. The Working Party also took note of document ECE/TRANS/WP.30/2006/9, transmitted by the IRU, containing the views of the IRU and its member associations on computerization and highlighting, in particular, in the view of the IRU, the fundamental and profound differences which exist between their approach to the computerization of the TIR procedure compared to the proposals contained in document ECE/TRANS/WP.30/2006/8. Finally, the Working Party took note of document ECE/TRANS/WP.30/2006/10, containing considerations by the secretariat with regard to the differences between the two approaches.

40. The Working Party welcomed a joint presentation by the Federal Customs Service of the Russian Federation and the IRU on their common project on SafeTIR Real time for the transmission of termination data of TIR operations in the territory of the Russian Federation, and on the validation of the TIR Carnets, demonstrating the benefits of the public private partnership.

41. The Working Party had an extensive exchange of views on the various aspects which should be addressed in the eTIR Project. The Working Party confirmed that the eTIR Project should evolve around the establishment of an international centralized database in order to facilitate the secure exchange of data between national Customs systems. Furthermore, Contracting Parties agreed that the management of data on guarantees, once the guarantor had issued a guarantee to an operator, should lie with Customs. The Working Party adopted the principles set out in document ECE/TRANS/WP.30/2006/8 and requested the Expert Group to continue its work on the further elaboration of the technical aspects of the eTIR Project, provided that the Expert Group would take due account of the observations by the Working Party, including the role of the national associations and the international organization. The Working Party also expressed the view that the document should be ameliorated and adapted, where necessary, to take into account innovations which could be advantageous for the project.

(iii) Amendment proposals for the Convention

42. The Working Party took note that document ECE/TRANS/WP.30/2006/5, prepared by the secretariat containing a consolidated overview of all amendment proposals transmitted by delegations had only been made available in all three official languages of the UNECE at the meeting. Bearing in mind the importance of the amendment proposals and that delegations had not had the possibility to carry out consultations at national level the Working Party decided to postpone until its next session the discussion of the document as well as documents EDE/TRANS/WP.30/2006/6, transmitted by the IRU, document ECE/TRANS/WP.30/2006/7, prepared by the secretariat and Informal document No. 10 (2006). The representative of the European Community informed the Working Party that the Community is preparing a comprehensive proposal taking into account the proposals presented by several Contracting Parties.

(c) **Application of the Convention**

(i) **Control system for TIR Carnets - IRU SafeTIR**

43. The Working Party took note of information provided by the IRU on the functioning of the IRU SafeTIR system:

- Between 1 January to 30 April 2006 the IRU received SafeTIR messages for 88% of all terminated TIR Carnets with an average delay of 7 days;
- 2.68% of messages have been transmitted in real-time;
- Between 1 January to 30 April 2006 the IRU has issued 3,667 reconciliation requests to Customs authorities to verify the termination of TIR Carnets and has received replies to 57% of the requests with an average delay of 18 days.

44. The IRU informed the Working Party that following the entry into force of Annex 10 of the Convention it plans to provide the TIRExB with more detailed statistics on SafeTIR performance.

(ii) **Settlement of claims for payments**

45. The Working Party was informed by the IRU of the following figures:

- Between 1 January to 30 April 2006, the IRU received 5,798 notifications/pre-notifications sent by Customs authorities to their national Guaranteeing Associations;
- The number of pending payment requests per 30 April 2006 amount to 6,754;
- Between 1 January and 30 April 2006 the number of claims settled in full or in part through payment were 12, while the number of claims closed without payment were 46.

46. Faced with enormous amounts of pre-notifications, mainly in the EU, resulting from the non-circulation of the termination certificates among the Customs offices, the IRU appealed to the Customs authorities involved to solve this problem.

(iii) **Issues relating to technical provisions**

47. The Working Party took note that the TIRExB had considered in further detail the problems with incorrect approval of vehicles, in particular vehicles with sliding sheets as well as observation of a general lack of correct application of sealing of vehicles (ECE/TRANS/WP.30/224, para. 49). The TIRExB is considering to issue a checklist, developed in cooperation with the Liaison Committee of the Body and Trailer Building Industry (CLCCR), to assist competent authorities in fulfilling their duties correctly, to distribute to competent authorities a manual developed by the European Union Customs Assistance Program in Serbia and Montenegro (CAFAO) containing examples of incorrect application of approval or sealing, to develop best practices on the issue and finally to organize a seminar for approval authorities providing training on correct approval and sealing procedures for TIR approved loading units.

48. The Working Party also took note that a practical demonstration of the problems had been organized in conjunction with the Regional TIR seminar held in Sofia (Bulgaria) on 11 and

12 May 2006. During a field trip to the Kalotina border post on the Bulgarian-Serbian border a representative of CAFAO had demonstrated that many loading units equipped with sliding sheets can be opened in a very short time, often in less than a minute, without breaking the Customs seal or leaving any obvious trace. The problem was confirmed by the representative of Germany.

49. The Working Party considered that the problem was very serious and invited all delegations to take immediate measures at national level to ensure that appropriate and correct approval and control procedures for TIR vehicles with a view to ensure the sustainability of the TIR system and as not to endanger the international supply chain.

(iv) TIR Handbook

50. The TIR Handbook contains the text of the Convention and its annexes, including the amendments to the Convention and Explanatory Notes, as well as all relevant comments adopted by the Working Party, the Administrative Committee and the TIRExB.

51. The 2005 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish language versions both in hard copy, cd-rom and in electronic version for download from the UNECE TIR web site: <http://tir.unece.org>. Hard copies and cd-rom's can be obtained from the secretariat.

(v) Other matters

52. The Working Party welcomed the recent Regional TIR seminar held in Sofia (Bulgaria) on 11 and 12 October 2006 and expressed its appreciation to the National Customs Agency of Bulgaria and the Association of the Bulgarian Enterprises for International Road Transport and the Roads (AEBTRI) for organizing the seminar. The program, presentations and conclusions of the seminar can be obtained from the following web site:
<http://www.unece.org/trans/bcf/tir/welcome.html>, Regional TIR seminars.

XIV. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

53. No new information was provided concerning this issue.

XV. OTHER BUSINESS

(a) Dates of the next sessions

54. The Working Party decided to convene its one-hundred-and-fourteenth session from 26 to 29 September 2006 in conjunction with the forty-second session of the TIR Administrative Committee and the tenth session of the Ad hoc Expert Group on conceptual and technical aspects of computerization of the TIR procedure.

55. The one-hundred-and-fifteenth session of the Working Party is tentatively scheduled to be held during the week of 29 January to 2 February 2007.

(b) **Restriction on the distribution of documents**

56. The Working Party decided that there were no restricted documents in connection with its current session.

XVI. ADOPTION OF THE REPORT

57. The Working Party decided to adopt the report on its one-hundred-and-thirteenth session.
