



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.30/222
11 November 2005

Original: ENGLISH

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 ONE-HUNDRED-AND-ELEVENTH SESSION
(4 - 7 October 2005)**

CONTENTS

	<u>Paragraphs</u>
- Attendance	1-3
- Adoption of the agenda	4
- Activities of UNECE bodies and other United Nations organizations of interest to the Working Party	5-7
- Activities of other organizations of interest to the Working Party	8-12
- International Convention on the Harmonization of Frontier Controls of Goods, 1982 ("Harmonization Convention")	13-15
- Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)	16-22
- Rail Transit	23-25
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)	26-55
- Prevention of the abuse of Customs transit systems by smugglers	56
- Programme of work for 2005 to 2009	57
- Other business	58-61
- Adoption of the report	62

* * *

Annex 1: Application of the Customs Convention on the Temporary Importation of Private Road Vehicles (1954) and the Customs Convention on the Temporary Importation of Commercial Road Vehicles (1956).

Annex 2: Introduction of the HS Code of Goods in the TIR Carnet.

ATTENDANCE

1. The Working Party held its one-hundred-and-eleventh session from 4 to 7 October 2005 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Luxembourg; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Serbia and Montenegro; Slovakia; 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. Representatives of the European Community (EC) were also present.
3. The following non-governmental organizations were represented: International Bureau of Containers (ICB), International Organization for Standardization (ISO), International Road Transport Union (IRU), the International Touring Alliance/the International Automobile Federation (AIT/FIA), International Union of Railways (UIC) and Transfrigoroute International.

ADOPTION OF THE AGENDA

Documentation: [TRANS/WP.30/221](#).

Mandate and background: [TRANS/WP.30/221](#), point 1.

4. The Working Party adopted the provisional agenda prepared by the secretariat ([TRANS/WP.30/221](#)).

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

Mandate and background: [TRANS/WP.30/221](#), point 2.

5. The Working Party took note of information provided by the secretariat concerning the organization of a Round-Table in conjunction with the sixty-eighth session of the Inland Transport Committee (7-9 February 2006) with the title: "Transport Security in the pan-European context. Selected issues and options". A number of intergovernmental and nongovernmental organizations as well as selected Governments will be invited to report on their activities in this field and to identify gaps in international transport security where the UNECE could play a role. Furthermore, the following four issues will be considered in further detail: (a) transport infrastructure security, (b) inland terminal and inland port security, (c) security improvement in the context of personnel and access to the profession and (d) transport security at borders. The Working Party also took note that the UNECE Working Party on Intermodal Transport and Logistics (WP.24), at its forty-fourth session (Geneva, 27-28 September 2005), had considered

the issue of border crossing facilitation procedures relating to intermodal transport operations in a pan-European context. In particular, the Working Party had taken note of the development by the International Railway Transport Committee (CIT) of a joint consignment note for the CIM/SMGS areas, which it is the intention also to use as a Customs transit declaration. The Working Party was of the view that this was an interesting development, which should be followed in the future.

6. The Working Party took note of the accession of Liberia to a number of the Conventions under its auspices. In this context, the Working Party encouraged all delegations to verify, which of the UNECE Conventions on border crossing facilitation they had acceded to as well as the status of implementation. The status of the Conventions can be consulted at the following web site: http://www.unece.org/trans/conventn/agreem_cp.html. The Working Party agreed that, at its future sessions, it would review a number of the Conventions, which it is responsible for and which are not dealt with on a regular basis.

7. The Working Party took note of information provided by the secretariat concerning the review of the UNECE, which had been initiated in 2005. The conclusions of the review are contained in the report “The State of the UNECE, External Evaluation Report”, which had been published on 30 June 2005. Subsequently, a Committee chaired by the Ambassador of Belgium in Geneva had made a number of recommendations, which will be presented to the session of the UNECE Commission. Of particular interest to the Working Party are the requests to the Inland Transport Committee to submit proposals to the newly established Executive Committee on ways and means to strengthen the TIR Convention and to improve transparency in managing the TIR Convention as well as strengthen activities in the fields of border crossing and trade facilitation in cooperation with the Committee on Trade and submit proposals thereon.

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Mandate and background: [TRANS/WP.30/221](#), point 3.

8. The Working Party took note of information provided by the representative of the European Commission on the following issues relevant to the activities of the Working Party:

– NCTS/TIR pilot. The pilot for using the NCTS to exchange TIR data between European Community member States started from 1 July 2005. Presently, six States acting as departure and entry countries in the Community are capturing TIR Carnet details on to the NCTS and 10 States acting as destination and exit countries in the Community are receiving and processing these data. The pilot has shown that it is feasible to use NCTS for TIR, and discussions are currently under way to facilitate data capture. A draft Regulation for amending the Community legislation establishing a legal basis for the NCTS/TIR procedure has been prepared.

- Authorized consignee in TIR. The facility of authorized consignee in TIR within the European Community came into operation on 1 October 2005. Administrative arrangements, based on the Community transit arrangements, have been prepared.
- Accession of Romania to the Common Transit Convention. Romania and Bulgaria are expected to join the European Union on 1 January 2007. In this context, it is expected that Romania will be invited to join the Common Transit Convention and the so-called SAD Convention on 1 January 2006.
- Joint CIM/SMGS Consignment Note. The European Commission has participated in the discussions concerning the elaboration of the joint consignment note, which is expected to be introduced in 2006. The Commission is of the view that the joint consignment note will be acceptable as the basis of the Community/EFTA simplified rail transit procedure but that the Customs simplified transit procedures for the Community/EFTA area will not be merged with the Customs procedures for the SMGS area.

9. The Working Party took note of comments provided by the IRU concerning some administrative problems that possibly had arisen in relation to the implementation of the authorized consignee facility in the European Community. The Working Party took note that the European Commission and the IRU bilaterally would consider the issues and advised that the issues could be raised at its future sessions should problems continue to persist which had an impact on the general application of the Convention.

10. The Working Party took note of information provided by the ISO on ongoing work on seals, communication protocols and draft amendment ISO 1496 on container door integrity. The Working Party invited the ISO to provide as much written information as possible on these issues with a view that the issues could also be considered in the context of the TIR and Container Conventions.

11. The Working Party took note that many UNECE member States have already expressed their intention to implement the Framework of Standards to Secure and Facilitate Global Trade as adopted by the WCO Council in June 2005. The Working Party took note that the forthcoming session of the Administrative Committee for the Convention will take place on 10 and 11 November 2005 at the WCO offices in Brussels.

12. The Working Party invited delegations, at its future sessions, to provide information on their activities in relation to the negotiations in the framework of the World Trade Organization (WTO), on transport and facilitation related issues resulting from the decisions of the Cancun negotiation round, in particular in relation to the negotiations relating to Article 5 of the GATT Agreement on Transit.

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

Documentation: [ECE/TRANS/55](http://border.unece.org/) (<http://border.unece.org/>- Legal Instruments); [TRANS/SC.2/2005/2](#); Informal document No. 5 (2005).

Mandate and background: [TRANS/WP.30/221](#), point 4.

(a) Status of the Convention

13. The Working Party was informed that the Convention has 47 Contracting Parties. A complete list of Contracting Parties to the Convention is available at the following web site: 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>.

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

14. The Working Party took note that document [TRANS/SC.2/2005/2](#), containing the considerations by the Organization for the Collaboration of Railways (OSZhD) concerning the elaboration of a new Annex to the “Harmonization Convention”, which would cover issues relating to railway border crossing, was only available in the Russian language. Therefore, the Working Party decided not to discuss the issue at the present session.

15. The Working Party took note of information provided by the secretariat that the OSZhD was organizing a fourth session in Vilnius (Lithuania) on 17 and 18 October 2005 to prepare the new draft Annex 9. Following this session, the draft Annex 9 will be submitted to the Working Party for comments, whereafter it will be considered by the Conference to be organized by the OSZhD in the first half of 2006. Finally, the new draft Annex 9 will be submitted to the Administrative Committee of the Harmonization Convention for consideration and possible adoption.

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

Documentation: [TRANS/WP.30/2005/31](#); [TRANS/WP.30/2005/27](#); [ECE/TRANS/107/Rev.1](#); [ECE/TRANS/108](#); (<http://border.unece.org/> - Legal Instruments).

Mandate and background: [TRANS/WP.30/221](#), point 5.

(a) Status of the Conventions

16. The Working Party took note that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles have, respectively, 77 and 40 Contracting Parties. A complete list of Contracting Parties to the Convention is available at

the following web site: 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

17. The Working Party took note of document [TRANS/WP.30/2005/27](#), transmitted by the AIT/FIA, containing an overview of a number of issues where the AIT/FIA is seeking clarification of the text of the two Conventions, in particular in relation to the use of the term “as far as possible” contained in Article 13.3 and 14.3 of the 1954 and 1956 Conventions, respectively, the use of the term “force majeure” in the context of the application of an international Convention, as well as requirements by some countries concerning authentication of the Certificate of Location. In relation to the two first mentioned issues, the United Nations Office of Legal Affairs has previously informed the Working Party that it is not in a position to provide interpretation on the issues without having available the preparatory works of the Conventions.

18. The Working Party expressed the opinion that in relation to the questions concerning the use of the term “as far as possible”, as well as the use of the term “force majeure”, interpretation should be provided. To this extent, the Working Party requested the secretariat, in cooperation with AIT/FIA to prepare two comments to the text of the Convention. Bearing in mind that, so far, comments have not been provided to interpret the two Conventions, the Working Party also requested the secretariat to prepare a handbook for the two Conventions, similar to the TIR Handbook, with a view to elaborating a consolidation of all the legal provisions and comments relating to the two Conventions. The Working Party also requested the secretariat to include opinions concerning the two Conventions, which the Working Party had previously provided and which had been included in the reports of the Working Party. In relation to the question concerning authentication of the Certificate of Location, the Working Party was of the view that such authentication should not be required routinely but only in cases where, based on a risk management approach, there has been identified a need for such additional measures.

19. The Working Party also took note of document [TRANS/WP.30/2005/31](#), transmitted by the AIT/FIA, containing a proposal for a Resolution on the application of the Temporary Importation Conventions for Private and Commercial Road Vehicles. A Resolution with the same purpose had been adopted in 1984 by the Expert Group on Customs Questions affecting Transport, the predecessor to the Working Party, but due to the amendments of the Conventions and the accession of the Contracting Parties to the Conventions, the AIT/FIA felt that there was a need for renewing the Resolution.

20. The Working Party agreed to modify the proposed text of the Resolution with a view to including the following elements:

- The Resolution should not prevent facilitation of temporary importation of vehicles which goes beyond the provisions of the two Conventions;
- the Resolution should be addressed to Contracting Parties to the two Conventions, countries de facto using the Conventions as well as other regional UN Commissions;
- the Resolution should make reference to the previous Resolution of 1984.

21. The Working Party took note of information provided by the secretariat that Resolutions adopted in the framework of the Working Party only become binding for countries at the moment when they explicitly indicate their intent, in writing to the UNECE Executive Secretary, to be bound by the text of the Resolution.

22. The Working Party adopted the Resolution contained in Annex 1 to this report, which will become resolution No. 51 of the Working Party. The Working Party requested the secretariat to transmit it to all parties mentioned therein.

RAIL TRANSIT

Mandate and background: [TRANS/WP.30/221](#), point 6.

23. The Working Party recalled that the United Nations Office of Legal Affairs (OLA) had informed the secretariat that the United Nations could not become Depositary of the Convention on Rail Transit Covering the SMGS Area, which had been adopted by the ITC in February 2005, since it is the standing practice of the Depositary only to undertake the depositary function for regional treaties, when they are drawn up within the framework of the United Nations regional commissions and are open for participation to their entire membership, i.e. not for Agreements of a sub-regional nature. Furthermore, the OLA cannot become depositary to a Convention which is based on another international legal instrument, for which the United Nations is not depositary. Neither is it possible for the UNECE to become Depositary for the Convention according to the standing practice of the United Nations.

24. The Working Party took note that the secretariat, in cooperation with the OSZhD, had responded to the OLA, arguing that the Convention, in fact, is not of a sub-regional nature, as countries outside the SMGS area also can become Contracting Parties according to Article 21 of the Convention and that the Convention covers countries beyond the UNECE region. A reply from the OLA is still pending.

25. The Working Party stressed the importance of the adoption of the Convention on Rail Transit Covering the SMGS Area with a view to creating a uniform legal status for the use of the SMGS Consignment note as a Customs document in the SMGS area, thereby creating an integrated instrument for rail transport and Customs procedures in the region. The Working Party noted that the entry into force of the Convention would be even more important with the development of the joint CIM/SMGS consignment note, which would provide a seamless transport network between the member countries of the OTIF and the OSZhD areas respectively, thereby creating the possibility of an integrated pan-European rail transit system. Finally, the Working Party doubted that OLA's reference to the standard practices of the UN was a valid reason for not assuming the role of Depository. The Working Party believed that the refusal should be based solely on legal arguments. For these reasons, the Working Party requested the secretariat to contact the OLA with a view to asking it to reconsider its decision concerning the UN's role as depository for the Convention.

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

Documentation: [ECE/TRANS/17 and Amends.1-24](#); 2005 TIR Handbook (<http://tir.unece.org/>).

Mandate and background: [TRANS/WP.30/221](#), point 7.

(a) Status of the Convention

26. The Working Party took note that Liberia had acceded to the Convention on 16 September 2005, whereafter the Convention has 66 Contracting Parties and the Convention is in operation in 55 of these Contracting Parties.

27. 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 thirty-ninth session of the TIR Administrative Committee ([TRANS/WP.30/AC.2/79](#), annex 1) and can also be found on the following web site: http://www.unece.org/trans/conventn/agreem_cp.html - 48. Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org/>).

28. The Working Party took note that the following two amendments to the Convention entered into force on 1 October 2005:

- Amendment to Article 1 (b) of a new Explanatory Note 0.1 (b) to the Convention adopted by the TIR Administrative Committee on 26 September 2003 (Depositary Notification [C.N.519.2005.TREATIES-5](#));
- Amendments to Annex 2, Article 3, paras. 9 and 10 and to Annex 7, Part I, Article 4, paras. 9 and 10 to the Convention adopted by the TIR Administrative Committee on 14 October 2004 (Depositary Notification [C.N.520.2005.TREATIES-6](#)).

(b) **Revision of the Convention**

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

29. The Working Party took note that information concerning the status of the revision of phases I and II of the Convention are contained in document [TRANS/WP.30/AC.2/2005/13](#).

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

Documentation: [TRANS/WP.30/218](#); [TRANS/WP.30/214](#); [TRANS/WP.30/192](#); [TRANS/WP.30/2005/32](#); [TRANS/WP.30/2005/28](#); [TRANS/WP.30/2005/20](#); [TRANS/WP.30/2005/14](#); [TRANS/WP.30/2005/13](#); [TRANS/WP.30/2005/11](#); [TRANS/WP.30/2005/5](#); [TRANS/WP.30/2005/2-TRANS/WP.30/AC.2/2005/1](#); [TRANS/WP.30/2004/31](#); [TRANS/WP.30/2004/30](#); [TRANS/WP.30/2004/29](#); [Informal document No. 9 \(2005\)](#); [Informal document No. 4 \(2005\)](#).

30. The Working Party, took note of document [TRANS/WP.30/2005/28](#), prepared by the secretariat in consultation with the European Commission and the IRU, containing the text of a draft Recommendation on the use of the HS code in the TIR Carnet. The Working Party again had an in-depth discussion of the pros and cons concerning the use of the HS-code in the context of the TIR procedure. The Working Party agreed to transmit the text of the draft Recommendation, including a few modifications, which are contained in the text in Annex 2 to this report, for consideration by the TIR Administrative Committee at its fortieth session in February 2006. In relation to the application of the Recommendation, the Working Party was of the view that, notwithstanding the apparent practice by operators to sign the Yellow Page not-for-Customs-use, which is contained in the TIR Carnet, this page is not intended for Customs use. The Turkish delegation reserved its position, which is to be confirmed in writing, with regard to the draft Recommendation.

- **Use of new technologies**

31. The Working Party noted that document [TRANS/WP.30/2005/32](#), prepared by the secretariat, containing the Reference Model for the eTIR project was not available for the present session due to a delay in the translation of the document. The Working Party, nevertheless, took note of information provided by the secretariat concerning the background for the document. The Working Party decided to revert to the document at its session in February 2006.

32. The IRU expressed the view that the constraints of the eTIR project, contained in the Reference Model should describe the financial aspects of the project more precisely.

33. The Working Party took note of [Informal document No. 9 \(2005\)](#), prepared by the secretariat in consultation with the European Commission, containing a description of the main principles for the eTIR system. The representative of the European Commission expressed the

view that the document described a future computerized TIR system that as closely as possible reflected the present paper based TIR system and that the system was compatible with the NCTS system. The Working Party, noting that the informal document had only been issued a few days before the meeting in the English version only, nevertheless expressed the view that the guidelines contained in the document concerning the future of the eTIR project were clear and the Working Party supported the view that the Ad hoc Expert Group on Computerization should follow the guidelines contained in [Informal document No. 9 \(2005\)](#) for its future discussions.

34. The IRU pointed out that, in its view, the late publication is contrary to the normal practice of Working Parties under the Inland Transport Committee and not acceptable for decisions having such an important strategic impact on the future of the TIR system. The accelerated procedure impeded the necessary consultations at national level. The IRU had strong doubts as to the possibilities of realizing the computerization of the TIR system on a basis that partly ignored the results of the questionnaire answered by General Directors of Customs authorities. The strategy described aimed at computerizing elements in the system that had already been computerized through IT initiatives taken by the industry in cooperation with some Customs authorities. Instead, the IRU suggested that work continue based on the existing mandate, stressing the fact that the only way to obtain the computerization was through a public/private partnership, respecting the fundamental principles of the TIR Convention and the investments in the partly computerized system already made. The IRU would be ready to actively participate in such a process with appropriate propositions.

35. The Working Party took note of the remarks made by the IRU. The Working Party declared its capacity to recognize its responsibilities and expressed the intention that Customs authorities would have their own system under their own control.

36. The Working Party considered document [TRANS/WP.30/2005/20](#), prepared by the secretariat, containing an overview of the pros and cons of, on the one hand, either amending the present Convention or on the other hand, elaborating a new eTIR Convention in relation to the development of the eTIR project.

37. The Working Party, after discussing the issue, did not, for the time being, reach a consensus on this question and decided to consider the question in more detail at its forthcoming session.

38. Finally, the Working Party considered the question of broadening the scope of work of the computerization project to encompass not only the eTIR procedure but an eTransit procedure with the aim of creating a global Customs transit procedure covering all modes of transport. The Working Party considered that, for the time being, there did not seem to be a need for elaboration of proposals in this direction.

39. The Working Party welcomed the invitation by the Slovak delegation to organize in 2006, the next session of the Ad hoc Expert Group in Slovakia.

(iii) Amendment proposals for the Convention

Documentation: [TRANS/WP.30/2005/29](#); [TRANS/WP.30/GE.2/2005/1](#);
[TRANS/WP.30/2005/24](#); [TRANS/WP.30/2005/23](#); [TRANS/WP.30/2005/19](#);
[TRANS/WP.30/2005/18](#); [TRANS/WP.30/2005/17](#); [TRANS/WP.30/2005/16](#);
[TRANS/WP.30/2005/15](#); [TRANS/WP.30/2005/7](#); [TRANS/WP.30/2005/6](#);
[TRANS/WP.30/2004/38](#); [TRANS/WP.30/2004/37](#); [TRANS/WP.30/2004/33](#);
[TRANS/WP.30/2004/32](#); [TRANS/WP.30/2004/25](#); [TRANS/WP.30/2004/24](#);
[TRANS/WP.30/2004/14](#); [TRANS/WP.30/2004/11](#); [TRANS/WP.30/2003/22](#);
[TRANS/WP.30/2003/11](#); [TRANS/WP.30/2003/10](#); [TRANS/WP.30/2002/30](#);
[TRANS/WP.30/216](#); [TRANS/WP.30/R.179](#); [Informal document No. 8 \(2005\)](#); [Informal document No. 2 \(2004\)](#).

40. The Working Party recalled that, at its one-hundred-and-tenth session, it had considered a number of amendment proposals.

41. The Working Party considered document [TRANS/WP.30/2005/29](#), transmitted by the European Community, containing a revised proposal for amending Article 4 of the Convention. After due consideration of the issue, the following text was proposed with a view to further clarifying the meaning of the article: “As long as goods are carried under the TIR procedure the payment or security of import or export duties and taxes other than that mentioned in Article 3 (b) shall be suspended”. One delegation requested more time to consider the proposal and therefore the Working Party decided to revert to considering the proposed text at its session in February 2006 with a view to possibly adopting it.

42. The Working Party recalled that, at its one-hundred-and-tenth session, it had considered document [TRANS/WP.30/2005/17](#), prepared by the secretariat, containing an explanation of the background of Article 8.2. Due to an ongoing Court case in one of the EU Member States, which may invoke the provisions of Article 8.2, the Community had at the previous session proposed, for the time being, to postpone any further consideration of this issue. The Working Party took note that the court procedures were still ongoing and decided to revert to the issue at one of its future sessions with a view also to considering any implications that the arguments raised in the said court cases might raise. The German delegation offered to prepare a document for one of the forthcoming sessions of the Working Party explaining the relationship between Article 8.2 and the ongoing Court cases.

43. The Working Party then went on to consider document [TRANS/WP.30/2005/29](#), transmitted by the European Community, containing proposals for amending the Explanatory Note to Article 8.3 and to add new Explanatory notes to Articles 3 (b) and 23 of the Convention. The Working Party was of the view that, in general, the proposal amendments could be agreed. However, the Working Party was of the view that the proposals should be considered part of a package together with the proposal for amending Article 4 of the Convention. Bearing in mind

that the decision concerning the proposal for amending Article 4 had been postponed to its forthcoming session, the Working Party decided also to revert to the consideration of the proposals for amending the Explanatory Note to Article 8.3 and to add new Explanatory notes to Articles 3 (b) and 23 of the Convention at its next session.

44. The Working Party went on to consider and adopt the report of the third meeting of the Ad hoc Expert Group meeting on revision of Phase III of the Convention as contained in document [TRANS/WP.30/2005/24](#) and [Corr.1](#).

45. The Working Party took note of the outcome of the fourth session of the Ad hoc Expert Group meeting on revision of Phase III the Convention which had taken place on 3 October 2005. The Ad hoc Expert Group had considered document [TRANS/WP.30/GE.2/2005/2](#), transmitted by the Government of the Netherlands, containing a number of proposals for amendment of Articles 8 and 11 as well as Annex 9, part III of the Convention, including the proposals contained in document [TRANS/WP.30/2005/19](#), transmitted by the Russian Federation. The Ad hoc Expert Group had not reached final conclusions concerning the proposed amendments and recommended therefore to the Working Party that a fifth session of the Group would take place, tentatively on 10 and 11 November 2006. The report of the session will be contained in document [TRANS/WP.30/GE.2/2005/3](#). Delegations were invited to transmit their proposals for amendments to the Convention, which they wish to have considered at the fifth session of the Ad hoc Expert Group, to the secretariat before 18 October 2005. The delegation of the Russian Federation expressed the insistent hope that the proposal contained in document [TRANS/WP.30/2005/19](#) would be considered at the forthcoming session of the Ad hoc Expert Group. The Working Party requested the Ad hoc Expert Group to consider the proposal contained in document [TRANS/WP.30/2005/19](#) on a priority basis at its next session.

(c) Application of the Convention

(i) Control system for TIR Carnets - IRU SafeTIR

46. The Working Party took note of information provided by the IRU on the functioning of the IRU SAFETIR system. In the period 1 January to 31 August 2005, IRU received SafeTIR messages for 91% with an average delay of 7 days. Only 3.13% of messages have been transmitted in real-time. Concerning reconciliation requests to Customs authorities to verify the termination of TIR Carnets, IRU has issued in the same period 8,452 reconciliation requests and has received replies to 74% of their requests with an average delay of 40 days.

47. The Working Party took note of proposals from the secretariat that efforts should be made jointly by the secretariat and the IRU to ensure the smooth entry into force of the proposed Annex 10 to the Convention, in particular with a view to preparing countries which were not yet compliant with the requirements. The proposal was supported by the IRU, who proposed that they, together with the secretariat, would address the issues at bilateral level.

48. The Working Party was reminded by the delegation of the Russian Federation of its proposal made at the one-hundred-and-tenth session of the Working Party of inclusion of information on the start of the TIR transport in the IRU SafeTIR system. The IRU informed the Working Party that it was studying the possibilities, for such a facility and would revert to the issue at one of the forthcoming sessions of the Working Party.

(ii) Settlement of claims for payments

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

- Between 1 January to 15 September 2005, the IRU received 13,125 notifications/pre-notifications sent by Customs authorities to their national Guaranteeing Associations.
- The pending payment requests per 15 September 2005 amount to 5,348 addition to come from the IRU.
- The claims settled between 1 January and 15 September 2005 amount to 1,654.

50. The Working Party noted information provided by the delegation of Turkey that an increasing number of claim cases were settled in court.

(iii) Issues relating to technical provisions

51. No issues were raised under this point of the agenda.

(iv) TIR Handbook

Documentation: UNECE document (<http://tir.unece.org/>); 2005 TIR Handbook.

52. 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.

53. The updated 2005 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish language versions in both hard copy, on CD-room and in electronic version from the UNECE TIR web site in these languages (<http://tir.unece.org>).

(v) Other matters

Documentation: <TRANS/WP.30/AC.2/2005/16>.

54. The Working Party took note of document <TRANS/WP.30/AC.2/2005/16>, prepared by the secretariat, containing, at the request of the European Community, a consolidated version of the Convention, which will be considered by the TIR Administrative Committee. The Working Party took note that the document is for information purposes only.

55. The Working Party took note of a recent national TIR Seminar which had taken place in Azerbaijan as well as of the Regional TIR Seminar for the countries of the Central Asian region and China which took place in Beijing on 22 and 23 September 2005.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: TRANS/WP.30/127.

Mandate and background: [TRANS/WP.30/221](#), point 8.

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

PROGRAMME OF WORK FOR 2005 TO 2009

Documentation: Informal document No. 11 (2005); [TRANS/WP.30/2005/8](#); [TRANS/2004/19](#) and [TRANS/2004/18](#); Informal document No. 5 (2005).

Mandate and background: [TRANS/WP.30/221](#), point 9.

57. The Working Party took note of Informal document No. 11 (2005), prepared by the secretariat, containing an overview of Resolutions adopted by the Working Party in the period 1984 to 2005. The Working Party decided to revert to this issue at its next session and encouraged delegations to study Resolutions of particular interest. In this context, the secretariat was requested to prepare a document for one of the future sessions containing a list of countries, which has accepted the Resolutions of the Working Party.

OTHER BUSINESS

Mandate and background: [TRANS/WP.30/221](#), point 10.

(a) Dates of the next sessions

58. The Working Party decided to convene its one-hundred-and-twelfth session in the week from 30 January to 3 February 2006 in conjunction with the fortieth session of the TIR Administrative Committee.

59. The one-hundred-and-thirteenth session of the Working Party is tentatively scheduled to be held during the week of 29 May to 2 June 2006.

60. The one-hundred-and-fourteenth session of the Working Party is tentatively scheduled to be held during the week of 16 to 20 October 2005.

(b) Restriction on the distribution of documents

61. The Working Party decided that there were no documents to be restricted.

ADOPTION OF THE REPORT

Mandate and background: [TRANS/WP.30/221](#), point 11.

62. The Working Party decided to adopt the report of its one-hundred-and-eleventh session.

Annex 1

**APPLICATION OF THE CUSTOMS CONVENTION ON THE TEMPORARY
IMPORTATION OF PRIVATE ROAD VEHICLES (1954) AND THE CUSTOMS
CONVENTION ON THE TEMPORARY IMPORTATION OF COMMERCIAL ROAD
VEHICLES (1956)**

**Resolution No. 51 adopted on 4 October 2005 by
the UNECE Working Party on Customs Questions affecting Transport**

The Working Party on Customs Questions Affecting Transport,

Being concerned with eliminating fraud and the abusive use of customs documents for the temporary importation of private or commercial vehicles,

Referring to Resolution 45 adopted by the Group of Experts on Customs Questions affecting Transport on 16 March 1984, which has become obsolete,

Emphasizing the fact that the system established under the Customs Convention on the Temporary Importation of Private Road Vehicles (1954) and the Customs Convention on the Temporary Importation of Commercial Road Vehicles (1956) constitutes a whole of provisions and procedures that must be fully implemented, applied and respected by those Governments which have acceded to these Conventions and by those Governments which *de facto* apply them,

Recommending to Governments that the issue of temporary importation papers should be entrusted only to associations that are nationally authorized and are affiliated to an international organization, as defined in these Conventions, offering adequate guarantees,

Stressing that this Resolution should not preclude countries from applying greater facilities beyond those provided by the Conventions referred to in this Resolution,

Invites the Executive Secretary of the Economic Commission for Europe, by reason of the global character of the customs system in question, and by reason of the interest to member countries of the Economic Commission for Europe in the border crossing facilitation means that this system offers, to bring the matter to the attention of Contracting Parties to the Conventions on Temporary Importation of Vehicles, 1954 and 1956, respectively, countries de facto applying the Conventions and other regional economic commissions of the United Nations with the aim of promoting the correct application of the Conventions and the accession to them.

Annex 2**INTRODUCTION OF THE HS CODE OF GOODS IN THE TIR CARNET****Draft Recommendation adopted by the
Administrative Committee for the TIR Convention, 1975,
on ...****The Administrative Committee,**

Stressing the need for the application of effective risk management and risk assessment measures with regard to goods in transit;

Bearing in mind that a TIR transport is often preceded by an exportation declaration containing the commodity code of the goods made in accordance with the International Convention on the Harmonized Commodity Description and Coding System (the so-called HS code);

Recognizing the importance of the twin objective of identifying those goods that may pose a security risk and of facilitating the movement of other goods;

Convinced that, where access to the HS code is possible, its use in the TIR Carnet in addition to a plain language description of the goods could contribute to this objective;

Considering also that the inclusion of the HS code in the TIR Carnet would also facilitate electronic data processing;

Recognizing that relevant amendments to the TIR Convention being prepared under Phase III of the TIR revision process may take some time to enter into force;

1. Decides to recommend that TIR Carnet holders or any other persons filling-in the TIR Carnet on their behalf are to indicate the HS code of the goods under box 10 of the goods manifest on the voucher not for Customs use (yellow page) of the TIR Carnet, in addition to a plain language description of the goods;

2. Urges the Customs authorities at the Customs office of departure to check, where applicable, whether the HS code shown on the goods manifest tallies with the HS code shown on the export Customs declaration and/or other commercial or transport documents.

If the TIR Carnet has been accepted by the Customs office of departure without indication of the HS code, the HS code should not be required either by subsequent Customs offices en route or by Customs offices of destination.

The absence of the HS code of the goods in the TIR Carnet shall not lead to delays during a TIR transport and shall not be an obstacle to the acceptance of TIR Carnets. The absence of the HS code shall not be considered as an infringement of the Convention and shall not lead to any liabilities of the TIR Carnet holder.

The same shall apply in those cases where the Customs authorities suspect that the HS code may be incorrect or where there are inconsistencies between the plain language description of the goods and the HS code.

Without prejudice to Article 8 paragraph 6 of the TIR Convention, the plain language description of the goods will be deemed to be correct in cases where there is an inconsistency between the plain language description and the description indicated by the HS code.

The practical application of this Recommendation shall be reviewed 12 months following the date of entry into force with a view to ensuring that it meets its objectives.

The present Recommendation will come into effect on
