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Working Party on Customs Questions
affecting Transport

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS
AFFECTING TRANSPORT ON ITS ONE-HUNDRED-AND-FIFTH SESSION
(23-26 September 2003)**

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REPORT

ATTENDANCE

1. The Working Party held its one-hundred-and-fifth session from 23 to 26 September 2003 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Kazakhstan; Latvia; Lithuania; Netherlands; Norway; Poland; Portugal; Republic of Moldova; 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.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented. The following intergovernmental organizations were represented: the Organization for Cooperation of Railways (OSZhD) and the World Customs Organization (WCO).
4. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance/International Automobile Federation (AIT/FIA); International Union of Railways (UIC/CER).

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/209.

Mandate and background: TRANS/WP.30/209, point 1.

5. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/209).

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

Documentation: TRANS/BUR.2003/3; TRANS/BUR.2003/4; TRANS/BUR.2003/11.

Mandate and background: TRANS/WP.30/209, point 2.

6. The Working Party was informed by the Chairman of the Bureau of the Inland Transport Committee that the Committee had requested the Bureau to consider the difficulties encountered in the TIR system and propose solutions for the future. The task of the Bureau was to take an overview and assist the TIR specialists in identifying and solving the problems within the TIR system which had led to the crisis in the system in 2002 and, which the experts had not been able to solve. In this context, the Bureau had, in particular, considered the summary of the replies, prepared by the secretariat, to the TIR questionnaire, which had been sent to all Contracting Parties (TRANS/BUR.2003/3) as well as the contribution by the IRU (TRANS/BUR.2003/4). The main findings of the Bureau were contained in document TRANS/BUR.2003/11, point 3. In particular, the Chairman of the Bureau pointed out the following conclusions:

- that it is the competency of the Contracting Parties alone to decide on interpretations of the Convention and to decide on the budget for the TIR Executive Board (TIRExB);
- that combating fraud can best be ensured by improving controls and that issuing associations have an important role in controlling the access to the system;
- that there did not explicitly seem to be a causal connection between the various language versions of the Convention as well as the revision procedure that had been chosen for the recent revisions of the Convention and the recent crisis;
- that the information concerning the financial flows of the IRU did not seem to sufficiently illustrate the real risk exposure of the IRU;
- that the question should be transmitted to the Working Party for further consideration.

7. The Working Party, at the proposal of its Chairman, invited the TIRExB to consider the questions in further detail and to report back to the TIR Administrative Committee with its findings. The Chairman of the TIRExB accepted this invitation.

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Mandate and background: TRANS/WP.30/209, point 3.

8. The Working Party was informed by the representative of the European Commission of the status of the implementation of the New Computerized Transit System (NCTS), which had been

implemented in all EU Member States as of 1 July 2003. The number of NCTS movements currently averages more than 4,800 per working day and some 250,000 NCTS movements have been registered since 1 July 2003. The Working Party was also informed that the European Parliament would hold a public hearing into the NCTS on 7 October 2003. The Working Party, furthermore, noted that Commission Regulation (EC) 881/2003 containing changes to the Community's TIR provisions, entered into force on 1 September 2003. In particular it sets the guarantee amount per TIR Carnet at €60,000 and it provides that a valid notification sent to a guaranteeing association in one EU Member State is deemed to have been sent to all the guaranteeing associations of the Community. As a consequence, the undertakings provided by the guaranteeing associations in the EU have to be revised. The European Commission is in discussion with the IRU concerning this issue. Finally, the Working Party was informed that the Commission has recently started a revision of the Community Customs code, with a view to implementing electronic communications (e customs), enhancing security related issues and introducing concepts like risk analysis.

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

Documentation: ECE/TRANS/107/Rev.1; ECE/TRANS/108; (<http://border.unece.org> - Legal Instruments); TRANS/WP.30/2003/2; C.N. 930.2003.TREATIES-3.

Mandate and background: TRANS/WP.30/209, point 4.

(a) Status of the Conventions

9. The Working Party was informed that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles as of 1 June 2003 have seventy-seven and thirty-five Contracting Parties, respectively. Information about the status of the two Conventions can be obtained from the following web sites:

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>,
and
<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>.

10. The Working Party took note that Albania has acceded to the Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and that the Convention will enter into force for Albania on 4 December 2003 (C.N. 930.2003.TREATIES-3).

(b) **Application of the Conventions**

11. The Working Party was informed by the AIT/FIA that, in relation to the problems that had been mentioned in document TRANS/WP.30/2003/2, it had received confirmation from the Governments of India and Egypt that these countries, in future, would respect the Conventions. The Working Party will be informed in the future by the AIT/FIA about any new developments in this respect.

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

Documentation: ECE/TRANS/55; (<http://border.unece.org> - Legal Instruments); TRANS/WP.30/196; TRANS/WP.30/AC.3/10; TRANS/WP.30/AC.3/8; TRANS/WP.30/2003/20; TRANS/WP.30/2002/19; TRANS/WP.30/2001/16; TRANS/WP.30/2000/16; TRANS/WP.30/2000/11, Informal documents No. 19 and 21 (2002); C.N. 950.2003.TREATIES-2.

Mandate and background: TRANS/WP.30/209, point 5.

(a) **Status of the Convention**

12. The Working Party was informed that the Convention has forty-two Contracting Parties. Information about the status of the Convention can be obtained from the following web site: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>. The Working Party took note that Ukraine has acceded to the Convention, which will enter into force for Ukraine on 12 December 2003 (C.N. 950.2003.TREATIES-2).

(b) **Preparation of a new Annex on efficient border crossing procedures**

13. The Working Party was informed by the secretariat about the outcome of the ad hoc expert group meeting that had taken place on 22 September 2003 to discuss all outstanding issues contained in the new draft Annex 8 to the Convention (TRANS/WP.30/AC.2/2003/1). The ad hoc expert group had concluded that the proposed texts concerning all outstanding issues seemed to be acceptable with some minor modifications, with the exception of a few reservations on the proposed text concerning visa facilitation (Article 2) and the International Vehicle Weight Certificate (Article 5). Consequently, the ad hoc expert group had recommended that the revised text should be consolidated into a document for the consideration of the Administrative Committee of the Harmonization Convention at its session in February 2004. The report of the meeting will be contained in document TRANS/WP.30/2003/23.

14. The Working Party decided to follow the recommendation of the ad hoc expert group meeting and requested the secretariat to issue a consolidated text of the draft Annex 8 as soon as possible.

DRAFT UNECE CONVENTIONS ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL

Documentation: TRANS/2001/10; TRANS/WP.30/194; TRANS/WP.30/164; TRANS/WP.30/2003/21; TRANS/WP.30/2002/25; TRANS/WP.30/2002/16; TRANS/WP.30/2002/12; TRANS/WP.30/2002/10; TRANS/WP.30/2002/9; TRANS/WP.30/2000/17; TRANS/WP.30/R.141; Informal documents No. 4-5 (2002).

Mandate and background: TRANS/WP.30/209, point 6.

(a) **Resolution on the Use of the SMGS Consignment Note as a Customs Transit Declaration**

15. The Working Party was informed by the secretariat that, so far, two Contracting Parties to the SMGS Agreement had accepted resolution No. 50 on the use of the SMGS Consignment Note as a Customs transit declaration, which had been adopted by the Working Party (TRANS/WP.30/204, annex 1). The secretariat will immediately after the present session, inquire if Contracting Parties can accept the resolution.

(b) **Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail**

16. The Working Party was informed by the secretariat about the outcome of the ad hoc expert group meeting on Customs rail transit covering the SMGS Agreement, that had taken place on 23 September 2003 to discuss the draft Convention contained in document TRANS/2001/10. The meeting had considered a number of amendment proposals submitted by Contracting Parties to the SMGS Agreement and by OSZhD. The meeting had reached conclusions concerning most of the provisions contained in the draft Convention. The secretariat had been requested to resolve a few questions still outstanding, in particular Article 5, para. 2 and Article 8, para. 3, with the assistance of OSZhD and UIC. Countries concerned were also invited to provide the secretariat with their proposals on the paragraphs in question. As a result, the ad hoc expert group had recommended that a revised text of the draft Convention be submitted for consideration by the Working Party at its one-hundred-and-sixth session in February 2004. The report of the meeting will be contained in document TRANS/WP.30/2003/24.

17. The Working Party took note of this decision and requested the secretariat to prepare the requested document as soon as possible.

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

Documentation: ECE/TRANS/17 and Amends.1-22; 2002 TIR Handbook; (<http://tir.unece.org>); TRANS/WP.30/AC.2/69, annex 1; TRANS/WP.30/204; TRANS/WP.30/202; TRANS/WP.30/200; TRANS/WP.30/198; C.N. 630.2003.TREATIES-2; C.N.807.2003.TREATIES-5; C.N. 645.2003.TREATIES-3; C.N.809.2003.TREATIES-5; C.N.623.2003.TREATIES-1.

(a) Status of the Convention

Mandate and Background: TRANS/WP.30/209, point 7 (a).

18. The Working Party took note of information provided by the secretariat that the issuing and guaranteeing association in Tajikistan had been authorized by the IRU to issue and guarantee TIR Carnets as from 14 July 2003, after which time the TIR procedure was applicable in fifty-three of the 65 Contracting Parties. The IRU also informed the Working Party that an audit and a training of the issuing and guaranteeing association of Mongolia would take place in October 2003. Provided that the audit is satisfactory, the TIR system will be operational in Mongolia in the near future thereafter.

19. 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-fifth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/71, annex 1). Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

20. The Working Party was informed by the secretariat of the entry into force of two amendments to the Convention relating to:

- the deletion of Explanatory Note 0.38.1 of Annex 6 of the Convention, the proposal of which had been communicated by the Secretary-General of the United Nations with Depository Notification C.N. 630.2003.TREATIES-2, and which, since no objections had been raised by 7 August 2003, will enter into force on 7 November 2003 (Depository Notification C.N.807.2003.TREATIES-5);

- the insertion of a new subparagraph (f) to Explanatory Note 2.2.1 (b) of Annex 6 of the Convention, the proposal of which had been communicated by the Secretary-General of the United Nations with Depositary Notification C.N. 645.2003.TREATIES-3, and which, since no objections had been raised by 7 August 2003, will enter into force on 7 November 2003 (Depositary Notification C.N.809.2003.TREATIES-5).

The Working Party was also informed that the Secretary-General of the United Nations on 19 June 2003 had issued Depositary Notification C.N.623.2003.TREATIES-1, containing a proposal for amendments to Article 26, para. 1 of the Convention. According to the Convention, unless objections have been raised within a period of 12 months from the date of the issuance of the Depositary Notification, the proposed amendments will enter into force 3 months after the expiry of the said objection period, i.e. 19 September 2004.

(b) Revision of the Convention

Mandate and background: TRANS/WP.30/209, point 7 (b).

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

21. The Working Party recalled its previous request to Contracting Parties (TRANS/WP.30/206, para. 30) that, with a view to providing the necessary transparency concerning the state of implementation of the Convention and the amendments thereto, in particular for national guaranteeing associations, Contracting Parties were invited to inform the secretariat, in writing, about the status of implementation at national level. The Contracting Parties should include, if possible, information concerning the number of the publication with which the implementation had been published (name and number of the Official Journal or internal instruction). This issue had also been stressed as being of importance in connection with the discussion of the Bureau of the Inland Transport Committee.

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

Documentation: TRANS/WP.30/2003/18; TRANS/WP.30/2003/15; TRANS/WP.30/2003/14; TRANS/WP.30/2003/9; TRANS/WP.30/2003/8; TRANS/WP.30/2003/7; TRANS/WP.30/2003/5; TRANS/WP.30/2003/3; TRANS/WP.30/2002/23; TRANS/WP.30/2002/20; TRANS/WP.30/2002/17; TRANS/WP.30/2002/15; TRANS/WP.30/2002/11; TRANS/WP.30/2002/7; TRANS/WP.30/2001/19 and Rev. 1; TRANS/WP.30/2001/18; TRANS/WP.30/2001/15; TRANS/WP.30/2001/13; TRANS/WP.30/2001/12; TRANS/WP.30/2001/11; TRANS/WP.30/2001/6;

TRANS/WP.30/2001/5; Informal document No.20 (2002); Informal document No.2 (2002); Informal document No.15 (2001); Informal document No.14 (2001); Informal document No.13 (2001); Informal document No.12 (2001); Informal document No.8 (2000); Informal document No.7 (2000); Informal document No.1 (2000); Informal document No.5 (1997).

- Revision of the TIR Carnet

22. The Working Party was informed that the consultations between the secretariat and the IRU concerning the documentary requirements, in particular referring to documents TRANS/WP.30/2003/3 and 18 had not yet been finalized. The Working Party requested that the results of these consultations be presented at its one-hundred-and-sixth session in February 2004 in a document to be prepared by the secretariat.

23. The Working Party recalled that, at its ninety-sixth session, it had decided to start the work on Phase III of the TIR revision process, which would include consideration of the inclusion of additional data elements in the TIR Carnet (TRANS/WP.30/192, para. 33). The Working Party had previously taken note that the European Commission's sub-group on data requirements had, at the time, not been in favour of requirements for additional data elements (TRANS/WP.30/200, para. 37). Nevertheless, the Working Party had a preliminary discussion concerning the need to consider, in further detail, the inclusion of such data in the TIR Carnet. Although, there did not seem to be consensus on the matter within the Working Party, it requested the secretariat, in particular due to the future needs in relation to computerization and issues in relation to security, to prepare, for one of its future sessions, a document describing the issue in detail, if possible in cooperation with other international organizations involved in this issue.

- Increase in the number of loading and unloading places

24. The Working Party considered document TRANS/WP.30/2002/20, prepared by the secretariat, containing a proposal for an amendment of the Convention with the aim of increasing the possible places of loading and unloading from four to six. In this context, the Working Party also recalled that, at its one-hundred-and-fourth session, it had adopted, as a short-term measure, a comment to Article 18 of the Convention, prepared by the TIRExB, concerning the possibility of increasing the total number of loading and unloading places to more than four in exceptional cases by using two TIR Carnets (TRANS/WP.30/208, para. 28).

25. The Working Party took note of information provided by the IRU that, from the transport industry, there did not seem to be a real need for an amendment of the Convention allowing for and increasing the number of loading and unloading places. Furthermore, the IRU pointed out that in

case such an amendment is introduced, this would reduce the space available in the TIR Carnet, thereby making it more difficult to fill in the Carnet.

26. After an in-depth discussion, the Working Party decided that it would be preferable to evaluate the experiences with the short-term measure adopted by the Working Party before deciding on an amendment to the Convention. The Working Party requested Contracting Parties to inquire with the national issuing associations concerning the real need for increasing the number of loading and unloading places and to report the results of their discussions at the one-hundred-and-sixth session of the Working Party.

- Use of new technologies

27. The Working Party was informed of progress made by the Informal ad hoc Expert Group on Conceptual and Technical Aspects of the Computerization of the TIR Procedure (hereafter called “The Expert Group”).

28. At the request of the Expert Group, the secretariat had convened a meeting of IT specialists, which was held on 3 July 2003 in Geneva. The summary report of the meeting is contained in document ExG/COMP/2003/2. The IT specialists held an extensive exchange of views on the use of a methodology in general as a tool to structure the project to computerize the TIR Procedure and, in particular, on the use of the Unified Modelling Methodology (UMM), a methodology developed under the auspices of UN/CEFACT. The IT specialists agreed that the UMM, in providing a uniform approach, offered the necessary tools to describe the TIR business process and requested the secretariat to draft a first version of a working document, taking account of the guidelines and tools provided by UMM.

29. The Expert Group held its third meeting on 1 and 2 September 2003 in Budapest, at the invitation of the Hungarian Customs authorities. The Expert Group endorsed the approach proposed by the IT specialists to use UMM as a basis for its work on the project and discussed the first draft, prepared by the secretariat (ExG/COMP/2003/1). The Expert Group encountered three issues, where it felt it could not proceed without further guidance from the Working Party:

- (a) The definition of the scope of the project, which had been formulated by the Working Party as being “the computerization of the TIR procedure”. The Expert Group felt that the Working Party should clarify in more detail what was meant exactly by this wording. Within this context, the Expert Group also noted that the term “TIR procedure” was an undefined term, making it impossible to describe exactly the boundaries of the project;

- (b) The description of the approach on how to achieve the computerization of the TIR procedure. In view of political and technical developments, having taken place over the last few years, the Working Party may wish to provide a more detailed guidance to the Expert Group on which approach the computerization project should pursue;
- (c) The title of the project. For practical reasons, the secretariat had proposed to refer in the future to the “e-TIR-project” as a short name for the project to computerize the TIR procedure. The Expert Group felt that it was not in a position to decide on this issue and decided to refer the matter to the Working Party for further discussion.

30. The Working Party welcomed the oral report of the meeting and endorsed the work undertaken by the Expert Group. The full report will be contained in document EXG/COMP/2003/5. The Working Party requested the secretariat to prepare a document containing the questions, raised by the Expert Group, for discussion at its one-hundred-and-sixth session.

31. With regret, the Working Party took note of the fact that the Chairman of the Expert Group, Mr. J. Ille from Czech Republic, had indicated that, due to other professional commitments, he would no longer be able to continue his work for the Expert Group. The Working Party expressed its thanks to Mr. Ille for the commitment and enthusiasm with which he had conducted his work and wished him well in the future.

(iii) **Draft amendments on the inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO)**

32. The Working Party was informed by the representatives of the European Commission and the delegation of the United States that following bilateral discussions there was still one issue to be resolved. The delegation of Turkey stated that its position remained unchanged since it has not been contacted by the European Commission so far. A final proposal concerning inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO) would be transmitted by the European Community for consideration by the Working Party and the Administrative Committee in due course. The Working Party decided to revert to this question at its next session.

(c) **Application of the Convention**

(i) **Functions and roles of the TIRExB, the TIR secretariat and the IRU**

Documentation: TRANS/WP.30/2003/22; TRANS/WP.30/2003/11; TRANS/WP.30/2003/10; TRANS/WP.30/2002/30; TRANS/WP.30/R.179.

Mandate and background: TRANS/WP.30/209, point 7 (c) (i).

33. The delegation of the Russian Federation introduced document TRANS/WP.30/2003/11, containing proposals for amendments to the Convention of Article 6.2 bis concerning the responsibility of the international organization as well as an addition to Article 11 of a new point 2 bis containing provisions on the handling of customs claims for payment and the right to appeal.

34. The Working Party felt that the proposals by the Russian Federation raised a number of questions to be clarified before being considered in further detail, in particular the following questions from the European Commission:

- clarification of the points raised under paragraph 2 (a) – (e) of the document;
- Article 6.2 bis. The text “confirm its readiness ...” seems inappropriate for Article 6.2. The notion that the international organization should strictly implement the provisions should be incorporated in the UNECE/IRU Agreement;
- Article 11.2 bis: What is the objective behind the first part of the proposed text? The right of appeal should apply to the tax payer (as per European Community Customs law) and not the tax authority;

as well as the following questions submitted by the IRU to the secretariat:

- what is the reason for the difference between the proposed text of Article 6.2 bis and the existing text?
- (a) is the delegation of the Russian Federation aware that the relations between the national guaranteeing association and the international organization are contained in an Agreement between the partners? Is it the aim of the proposal to overrule such Agreements?

(b) why is the word “insurer” used? Have the commercial relations between the international organizations and financial institutions, e.g. insurance companies to be dealt with in the Convention?

(c) when taking up the question of appeal (which in IRU's opinion is a matter for national legislation) is it taken into account that the claims referred to in Article 11 are based on or governed by Civil Law on the basis of the surety contract between national associations and competent national authorities?

35. The Working Party invited the Russian Federation to provide clarification on the questions mentioned in para. 34 and to transmit its responses for the consideration of the Working Party at its forthcoming session.

36. The Working Party decided to postpone the discussion of document TRANS/WP.30/TRANS/2003/22, transmitted by the Chairman, containing proposals for amendments of the Convention until its next session since the document had not been available before the session.

37. The Working Party was informed by its Chairman that the group "Friends of the Chair" had met on 21 and 22 August 2003 in the Netherlands to consider the draft revised UNECE/IRU Agreement. Following the conclusions of the meeting, the Agreement, in particular through the Chairman's continuous contacts with all players, had finally been signed on 18 September 2003.

38. The Working Party thanked the Chairman for his perseverance in finalizing the Agreement.

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

Documentation: TRANS/WP.30/2003/9.

Mandate and background: TRANS/WP.30/209, point 7 (c) (ii).

39. The Working Party was informed by the IRU, that, as requested by the Working Party at its one-hundred-and-fourth session (TRANS/WP.30/208, para. 35), it had initiated an IT project to include information available in the IRU TIR Carnet databases, which is not yet available in the CuteWise application and which could be relevant for Customs authorities. The IRU informed the Working Party that the project would be finalized not later than in 18 months' time.

40. The Working Party requested the IRU to consider if information concerning the stamps and signatures of the principal of the issuing associations used in TIR Carnets, which today are provided via letters, faxes or e-mails, can be included in the CuteWise. The IRU agreed to consider this question.

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

Documentation: TRANS/WP.30/208.

Mandate and background: TRANS/WP.30/209, point 7 (c) (iii).

41. The Working Party was informed by the IRU that the final ruling of the Court of Arbitration has been delayed due to further questions submitted to the parties by the Court. The final decision by the Court is now expected in November 2003. The IRU confirmed that as soon as new developments would occur the Working Party would be informed.

(iv) **Amendment proposals relating to technical provisions**

Documentation: TRANS/WP.30/2003/13; TRANS/WP.30/2002/27.

Mandate and background: TRANS/WP.30/209, point 7 (c) (iv).

42. The Working Party was informed by the secretariat that no document had been prepared for the session and decided to postpone the consideration of this issue until its one-hundred-and-sixth session. The secretariat was requested to prepare an official document for its forthcoming session with the conclusions of the testing of the cable carried out by the German Customs authorities and with a proposal for introduction of provisions in the Convention for the use of the cable.

43. The Working Party decided to consider document TRANS/WP.30/2003/13, submitted by the United States, containing an assessment of seals at its forthcoming session.

(v) **Inclusion of place and number of seals in the certificate of approval**

Documentation: TRANS/WP.30/AC.2/69 and Corr.1; TRANS/WP.30/2003/4; TRANS/WP.30/2002/24; Depositary Notifications C.N.645.2003.TREATIES-3 and C.N.809.2003.TREATIES.5.

Mandate and background: TRANS/WP.30/209, point 7 (c) (v).

44. The Working Party took note of an intervention by the representative of Switzerland who expressed concern about the procedure applied in connection with the issuance of the Depositary Notification C.N.645.2003.TREATIES-3 concerning the amendment of Explanatory Note 2.2.1 (b) to Article 2, paragraph 1 (b) of Annex 2 of the Convention as well as the issuance of the Depositary Notification C.N.630.2003.TREATIES-2 concerning the deletion of Explanatory Note 0.38.1 to

Article 38 of the Convention. The Working Party noted that, in connection with future amendments procedures, attention must be given to strictly following the provisions of the Convention. In this context, the Working Party was of the view that the TIR Administrative Committee was the correct body to consider this issue in detail.

(vi) **The concept of authorized consignee in the TIR Convention**

Documentation: TRANS/WP.30/2003/19; TRANS/WP.30/2003/12; TRANS/WP.30/2003/1.

Mandate and background: TRANS/WP.30/209, point 7 (c) (vi).

45. The Working Party discussed at length document TRANS/WP.30/2003/19, prepared by the secretariat, containing the main conclusions of the legal study undertaken by the TIRExB and the pilot held by the French authorities. Neither the legal study nor the pilot had found any pressing arguments indicating that the concept of authorized consignee could not be applied within the current text of the TIR Convention. However, outstanding issues remained, in particular how to recognize the recipient of the goods as being an authorized consignee and how to reconcile the activities undertaken by the authorized consignee upon reception of the goods with two comments of Article 28 of the Convention.

46. The Working Party did not reach agreement on these outstanding issues. The IRU indicated that in theory the transfer of responsibility from the Customs office of destination to the authorized consignee would not endanger the well functioning of the guarantee system, but pointed out that nevertheless a number of practical issues remained, which prevented it from supporting the issue, such as the complications of establishing a reliable list of authorized consignees and problems in the field of transmission of data to the SafeTIR system, in case goods had been delivered directly to the premises of the authorized consignee instead of to the Customs office of destination.

47. The Working Party acknowledged that the granting and the implementation of the facilitation of authorized consignee is left to the competence of individual Contracting Parties and deemed no further instructions or guidelines necessary. The Working Party endorsed the conclusion, drawn by the TIRExB in the course of its legal study on the issue, that, for the time being, the facilitation of authorized consignor cannot be applied within the context of the current text of the TIR Convention. The Working Party invited Contracting Parties, having experience in the application of the concept of authorized consignee within their territory to share this experience with other Contracting Parties and decided not to continue its discussion of the matter unless new information would be available.

(vii) **Practical application for the TIR procedure of the Customs Union between the Russian Federation and the Republic of Belarus**

Documentation: TRANS/WP.30/2003/17, Informal document No. 8 (2003).

Mandate and background: TRANS/WP.30/209, point 7 (c) (vii).

48. The delegations of the Russian Federation and the Republic of Belarus provided a detailed oral explanation of the background of the Customs Union between the Republic of Belarus and the Russian Federation, which had been signed in 1995 as well as a clarification on the consequences for the TIR system.

49. The Working Party took note of Informal document No. 8 (2003), submitted by the IRU, containing a number of practical and legal questions that the IRU has in connection with the application of the TIR procedure in the Republic of Belarus and the Russian Federation.

50. The Working Party, after an in-depth discussion, invited the delegations of the Republic of Belarus and the Russian Federation to provide, in writing, the information, which had been provided orally during the meeting. The Working Party also invited the TIRExB to consider the issue further in close cooperation with the Republic of Belarus and the Russian Federation, in particular concerning the issue of the claims handling, and to report back to the Administrative Committee on the matter.

(viii) **TIR Handbook**

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

51. The Working Party took note that the TIR Handbook contains the text of the Convention and its annexes, including the amendments to the Convention, at present including the amendments adopted under Phase II of the TIR revision process, as well as all relevant comments adopted by the Working Party, the Administrative Committee and the TIRExB. The updated TIR Handbook in English, French and Russian can be viewed and downloaded from the UNECE TIR web site in these languages (<http://tir.unece.org>). Updated hard-copy versions of the TIR Handbook are available in Arabic, Chinese, English, French, Italian and Russian. A limited number of such copies may be obtained free of charge from the secretariat.

52. The Working Party took note that in future it is possible that hard copy versions can only be made available in the official languages of the United Nations.

(ix) **Other matters**

53. The Working Party was informed about the Regional TIR training seminar, which will take place in Moscow on 2 and 3 October 2003.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: TRANS/WP.30/127.

Mandate and background: TRANS/WP.30/209, point 8.

54. In relation to point 2 and 5 (c) of the agenda, the Working Party took note of a presentation by the representative of the World Customs Organization (WCO) concerning its initiative on supply chain security. It noted that work is being carried out on issues such as mutual administrative assistance between Customs authorities, the WCO data model, for which a transit module was expected in 2005, the unique consignment reference number, essential data elements, security seals and advanced cargo information. Work was also going on in relation to the revised Kyoto Convention and the Customs Convention on Containers, for which a session of the Administrative Committee would take place on 22 and 23 October 2003.

55. The Working Party was of the view that many of the issues being addressed by the WCO has relevance to the work of the Working Party and invited the WCO to take part in its future sessions on a regular basis. The Working Party also requested the UNECE secretariat to take part in relevant WCO meetings in the future.

56. Concerning the question of security in relation to the Conventions and Agreements administered by the UNECE, the Working Party was of the view that discussions should be initiated concerning a new draft Annex to the Harmonization Convention providing guidance on security controls in relation to border crossing procedures. In this relation, both Contracting Parties and relevant industry organizations were invited to transmit their views and experiences in this field to the secretariat, which was requested to prepare a document on this basis for one of the future sessions of the Working Party. In relation to the TIR Convention, the Working Party felt that it was important to include the question of security and risk assessment in the project concerning the computerization of the TIR procedure.

OTHER BUSINESS

(a) Dates of the next sessions

57. The Working Party decided to convene its one-hundred-and-sixth session in the week from 2 to 6 February 2004 in conjunction with the thirty-sixth session of the TIR Administrative Committee and the sixth session of the Administrative Committee for the “Harmonization” Convention. The deadline for submission of official documentation from delegations is 9 November 2003.

58. The one-hundred-and-seventh session of the Working Party is tentatively scheduled to be held during the week of 14 to 18 June 2004.

(b) Restriction on the distribution of documents

59. The Working Party decided there should be no restrictions with respect to the distribution of documents issued in connection with its current session.

ADOPTION OF THE REPORT

60. The Working Party adopted the report on its one-hundred-and-fifth session.
