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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

(Thirty-seventh session, 14-15 October 2004,
agenda item 9 (b))

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION^{*/}

Application of the Convention

Amendment proposals relating to technical provisions

Cable with fibre-optic protection

Note by the secretariat

A. BACKGROUND

1. At its one-hundred-and-second session, the Working Party considered document TRANS/WP.30/2002/27 containing information on a cable with integrated fibre-optic, which, if used as a TIR cable, could offer increased security against tampering and unauthorized access to the load compartment as well as provide improved facilities of remote monitoring of the integrity of the load compartment via connection to a GPS system. The representative of the Hungarian Road Haulage Association (ATRH) informed the Working Party that the Hungarian Customs authorities had considered the information provided by the manufacturer and had found that the cable was not in conformity with the description provided for in Annex 2 of the Convention. The Working Party, considering that such type of product could possibly be a useful element in improving Customs

^{*/} The UNECE Transport Division has submitted the present document after the official documentation deadline due to resource constraints.

control of sealed load compartments, requested the secretariat to invite the manufacturer to give a demonstration of the cable at its next session (TRANS/WP.30/204, para. 54).

2. At its one-hundred-and-third meeting, the Working Party took note of such a presentation, but decided to postpone further discussion on the issue until its next session, where it would be possible to consider the technical compliance with the provisions of the Convention, Annex 2, based on the results of investigations of the cable to be carried out by Customs authorities (TRANS/WP.30/206, paras. 52 and 53).

3. At its one-hundred-and-fourth meeting, the Working Party was informed by the German delegation, that, based on a test of the fastening cable with integrated fibre optic, it was of the view that the cable is tamper-proof for Customs purposes (Informal document No. 4 (2003)). The Working Party was of the view that, most likely, an amendment to the Convention was necessary before the cable could be used within the TIR procedure and requested the secretariat to prepare an official document for its one-hundred-and-fifth session with the conclusions of the German testing and with a proposal for introduction of provisions in the Convention for the use of the cable (TRANS/WP.30/208, paras. 48-49).

4. At its one-hundred-and-sixth meeting, the Working Party considered document TRANS/WP.30/2004/4, prepared by the secretariat, containing draft proposals for amending the provisions of the Convention relating to the use of cables to allow for the use of fibre optic cables. The Working Party decided to follow option 1 as proposed by the secretariat and adopted the amendment to Annex 2, Article 3, para. 9 of the Convention as well as the new comment to Annex 2, Article 3, para. 10 to the Convention, which specifically addresses the use of fastening cables with fibre optic protection (TRANS/WP.30/212, para. 39).

5. The representative of the United States of America pointed out that the positioning of the lock of the fibre optic cable close to the handle of the load compartment might have negative repercussions on its functionality. The Working Party requested the secretariat to take account of this complicating factor when finalizing the text of the draft comment to Annex 2, Article 3, para. 10 and to submit the full text of the amendment proposals to the TIR Administrative Committee for consideration and, possibly adoption at its forthcoming session (TRANS/WP.30/212, para. 40).

6. After the meeting, various delegations pointed out to the secretariat that the text of both Annex 2, Article 3, para. 9 and the comment, as adopted by the Working Party, were too general and could lead to serious consequences in case it would be adopted by the Administrative Committee. In addition, it was pointed out that the Working Party had not given clear instructions with regard to the draft amendment to Annex 2, Article 3, para. 10 itself. Moreover, in the course of frequent contacts between the American authorities and the secretariat, it turned out that the observations raised by

them were not limited to the use of fibre-optic cable, but touched upon the general issue of the placement of seals.

7. In view of the above, the Working Party, at its one-hundred-and-seventh meeting, again studied the issue, considering documents TRANS/WP.30/2004/15 and Informal document No. 1 (2004) concerning the use of a cable with fibre-optic protection. The Working Party agreed, in principle, with the proposal contained in Informal document No. 1 (2004), together with some minor modifications, and requested the secretariat to prepare an official document with the modified proposal for its next session in October 2004 and, in parallel, to prepare a document with the same proposal for the TIR Administrative Committee for possible adoption in October 2004 (TRANS/WP.30/214, para. 52).

B. PROPOSAL

8. Replace the first two paragraphs of Annex 2, Article 3, paragraph 9 by the following text:

- “9 The following fastenings shall be used;**
- (a) steel wire ropes of at least 3 mm diameter; or**
 - (b) ropes of hemp of sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic; or**
 - (c) ropes consisting of batches of fibre-optic lines inside a spirally wound steel housing encased in transparent sheath of unstretchable plastic; or**
 - (d) ropes comprising a textile cord surrounded by at least four strands consisting solely of steel wire and completely covering the core, under the condition that the ropes (without taking into account the transparent sheath, if any) are not less than 3 mm in diameter.**

Ropes in accordance with paragraph 9 (a), (c) or (d) of these Regulations may have a transparent sheath of unstretchable plastic.”

9. Delete Explanatory Note to Article 3, paragraph 9 (Textile cored steel fastening ropes)

10. Replace Annex 2, Article 3, paragraph 10 by the following text:

“10 Each type of rope shall be in one piece and have a hard metal end-piece at each end. Each metal end-piece shall allow the introduction of the thread or strap of the Customs seal. The fastener of each end-piece of ropes in accordance with the provisions of paragraph 9 (a), (b) and (d) of these Regulations shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).”

C. FURTHER CONSIDERATIONS BY THE ADMINISTRATIVE COMMITTEE

11. The Administrative Committee may wish to adopt the proposal to amend the text of Annex 2, Article 3, paragraphs 9 and 10, including the deletion of Explanatory Note 2.3.9.

12. In accordance with Article 60, paragraph 1 of the Convention, the Administrative Committee at the time of adoption of any proposed amendment shall determine a date on which it shall come into force, unless by a prior date determined by the Administrative Committee at the same time, one-fifth or five of the States which are Contracting Parties, whichever number is less, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.
