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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-SEVENTEENTH SESSION  
(25-28 September 2007)**

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## **I. ATTENDANCE**

1. The Working Party held its one-hundred-and-seventeenth session from 25 to 28 September 2007 in Geneva.
2. The session was attended by representatives of the following countries: Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Moldova; Netherlands; Norway; Poland; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom; United States of America; Uzbekistan. 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 United Nations Conference on Trade and Development (UNCTAD) was represented. The following intergovernmental organizations were represented: The Organization for Cooperation between Railways (OSJD) and the Intergovernmental Organization for International Carriage by Rail (OTIF).
4. The following non-governmental organizations were represented: The International Organization for Standardization (ISO); the International Road Transport Union (IRU) and the International Touring Alliance (AIT & FIA).

## **II. ADOPTION OF THE AGENDA**

5. The Working Party adopted the provisional agenda (ECE/TRANS/WP.30/233) and its addendum (ECE/TRANS/WP.30/233/Add.1).
6. The TIR Secretary read out a speech on behalf of Ms. Eva Molnar, the new Director of the Transport Division.

## **III. ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY**

7. The Working Party adopted the “expected accomplishment and related indicators of achievement” for WP.30 originally proposed at the one-hundred-and-sixteenth session (ECE/TRANS/WP.30/232, para. 7) and formally listed in Informal document No. 19 (2007). “The expected accomplishment and indicators of achievement” will be used to evaluate the work of WP.30.

#### **IV. ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY**

8. The Working Party was informed by the International Organization for Standardization (ISO) about progress made on some of the initiatives listed in Informal document No. 16 (2007) already presented at the June session of WP.30. The Working Party encouraged the ISO to provide written submissions to facilitate communication.

9. On behalf of the European Community, the European Commission provided information about the computerization of TIR and security declaration in the European Union (EU). As of 1 July 2009, new EU legislation will enter into force requiring the submission of an advance electronic cargo declaration for EU imports and exports (Regulation 648/05 and Regulation 1875/06). In accordance with the WCO Safe Framework of Standards, the deadline for lodging the advance cargo declaration for road transport will be one hour prior to arrival at the point of entry or exit. In addition, a new regulation will enter into force as of 1 January 2009, requiring the holder to lodge the TIR Carnet data electronically (in parallel with the submission of the paper TIR Carnet).

10. Using the electronic TIR data set, the Customs offices of departure/entry en route will send an Anticipated Arrival Record to the Customs office of exit en route/destination. After arrival of the goods at the Customs office of exit en route/destination, an Arrival Advice will be sent back to the Customs office of departure/entry en route followed by a "Control Results" message which will allow for the discharge of the TIR operation. The Customs office of exit en route/destination will retain voucher No. 2 and return the TIR Carnet duly filled-in to the TIR Carnet holder. The computerization of the procedure does include an electronic inquiry procedure, which will apply as of 1 July 2009.

11. The IRU described possible difficulties with the above procedure due to the lack of a single interface and the different data elements required in various EU members. The IRU, recalling the Chairman's remarks at the last WP.30, expressed the view that this decision was an international measure that should be adopted by the Administrative Committee in accordance with Article 42bis of the TIR Convention. In response to questions, the European Community replied that no other guarantee than the TIR guarantee will be required and that the Community's computerized system would be adapted to the needs of a future eTIR, should that become necessary.

12. The Working Party welcomed the European Community's presentation and took note of the IRU's comments. The Working Party invited other Contracting Parties to provide, at future sessions of the Working Party, information on their national experiences in the field of the computerized treatment of TIR Carnets.

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

**A. Status of the Convention**

13. The Working Party was informed that the Convention had 49 Contracting Parties. There has been no change in its status since the last session of the WP.30.<sup>1</sup> The Working Party was reminded that the deadline for objection to the new Annex 8 on road transport remains to be 20 February 2008 (Depositary Notification C.N.222.2007.TREATIES-1).

**B. Preparation of a new Annex on rail border crossing**

14. The Working Party was informed by OSJD and OTIF about progress made in preparing a new Annex on rail border crossing. The Working Party invited both proponents of the new Annex to continue discussions aiming at consolidating document ECE/TRANS/WP.30/2007/11 and Informal document No. 14 (2007) for discussions and possible adoption at the January 2008 session of the WP.30. The deadline for submission of the revised consolidated draft proposal is early November 2007.

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

15. The Working Party was informed by OSJD and OTIF about progress made in preparing a new Convention to Facilitate the Crossing of Frontiers in International Railway Passenger Transport. The Working Party invited both proponents of the new Convention to continue discussions aiming at consolidating document ECE/TRANS/WP.30/2007/12 and Informal document No. 15 (2007) for discussions and possible adoption at the January 2008 session of the WP.30. The deadline for submission of the revised consolidated draft proposal is early November 2007.

16. The Working Party was informed and discussed a number of possible difficulties related to the subject of the new proposed Convention in the context of the existing International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952.

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<sup>1</sup> A complete list of Contracting Parties is available at <[http://www.unece.org/trans/conventn/agree\\_e.pdf](http://www.unece.org/trans/conventn/agree_e.pdf)>.

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

### **A. Status of the Conventions**

17. The Working Party was informed of no change in the number of Contracting Parties to the Customs Conventions on the Temporary Importation of Private Road Vehicles (80 Contracting Parties) and Commercial Road Vehicles (41 Contracting Parties) since the last session of WP.30. A complete list of Contracting Parties to these Conventions is available at the UNECE website.<sup>2</sup>

### **B. Application of the Conventions**

18. The Working Party was informed by the AIT/FIA about progress made in the preparation of new comments and best practices to assist in the proper implementation of these two Conventions. The UNECE secretariat was invited to actively encourage accessions to these Conventions and to encourage their effective implementation. The UNECE secretariat was also requested to take initiative in organizing capacity building seminars in these areas.

## **VIII. RAIL TRANSIT**

### **A. Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes**

19. The Working Party was reminded that the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes is open for signature until 31 December 2007 at the UN headquarters. The WP members were invited to sign.

20. The Russian Federation informed the Working Party about its plans to organize a high-level Railways Border Crossing Facilitation conference in the second half of 2008 to focus the attention of policy makers on the challenges in the field. The Working Party welcomed the proposal and invited the Russian delegation to inform it as soon as possible about the dates of the conference and to cooperate with the UNECE secretariat concerning its organization.

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<sup>2</sup> <[http://www.unece.org/trans/conventn/agree\\_e.pdf](http://www.unece.org/trans/conventn/agree_e.pdf)>.

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

### **A. Status of the Convention**

21. The Working Party took note that the Convention had 68 Contracting Parties. The Working Party was reminded that the Convention will enter into force for the United Arab Emirates on 20 October 2007. A complete list of Contracting Parties to the TIR Convention is available at the UNECE website.<sup>3</sup> The IRU informed that close cooperation had been established in Bosnia and Herzegovina, Montenegro and the United Arab Emirates to ensure the start of operations possibly by the end of 2007. The TIR secretariat will be kept informed of progress.

### **B. Revision of the Convention**

#### **1. Preparation of Phase III of the TIR revision process**

22. The Working Party considered document ECE/TRANS/WP.30/2007/16-ECE/TRANS/WP.30/AC.2/2007/15, submitted by the secretariat, containing Chapter 2 of the eTIR Reference Model. It took note of Informal document No. 18 (2007), transmitted by the IRU, which provides the industry's assessment of Chapter 2 of the Reference Model. It also took note of Informal document No. 20 (2007), transmitted by the government of Turkey and containing concerns with regard to certain aspects of Chapter 2. The Working Party confirmed that issues raised by Turkey in Informal document No. 20 (2007) would be considered before the final adoption of the Reference Model. The Working Party adopted document ECE/TRANS/WP.30/2007/16-ECE/TRANS/WP.30/AC.2/2007/15 subject to the deletion of the asterisks and corresponding footnotes in Chapters 2.1.2.2.3 and 2.1.2.4.2. With regard to the fall-back scenarios described in this document, Contracting Parties were invited to submit proposals, if any, for change to the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure. The adopted Chapter 2 could be revised at any time. Written proposals which would have an impact on Chapter 2 of the Reference Model, should be submitted in parallel to GE.1 in the form of clear amendment proposals to the existing text, so that the GE.1 could provide the Working Party with its considerations.

23. Due to the unavailability of Russian and French translations, the Working Party was not in a position to endorse document ECE/TRANS/WP.30/GE.1/2007/11 containing the summary report of the twelfth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure held in Geneva on 12 June 2007. The Working Party will consider endorsing this document at its next session.

24. The Working Party considered document ECE/TRANS/WP.30/2007/17, submitted by the secretariat. The document contains an overview of issues of a strategic and/or legal nature, identified so far in the course of the eTIR Project. The Working Party welcomed the document as the first step in the examination of the legal and strategic issues of computerization. The Working Party itself intends to continue to deal with the issues raised in the document (and possibly other related issues). The Working Party agreed that the issue of increasing the

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<sup>3</sup> <[http://www.unece.org/trans/conventn/agree\\_e.pdf](http://www.unece.org/trans/conventn/agree_e.pdf)>.

maximum number of TIR operations and places of loading and unloading per TIR transport does not have a direct relation to the strategic or legal issues of computerization. To facilitate further discussions, all parties concerned were invited to submit comments and additions in writing to the secretariat not later than by early November 2007.

## **2. Amendment proposals for the Convention**

25. The Working Party considered document ECE/TRANS/WP.30/2007/18, transmitted by the European Commission on behalf of the European Community, containing a number of amendment proposals. The IRU expressed severe concerns about some proposals of the European Community, in particular with regard to the terms "falsified proof of termination" and "administrative proceedings". Due to practical difficulties in discussing the EC's amendment proposals and counterproposals, the Working Party requested the secretariat to prepare a consolidated document. The document, to be prepared for the January 2008 session of the Working Party, will contain the proposals of the European Community (ECE/TRANS/WP.30/2007/18) as well as other parties' comments, counterproposals and additional amendment proposals.

26. To facilitate the preparation of such a consolidated document, prior to the early November 2007 deadline, Contracting Parties, as well as WP.30 observers, are invited to submit (or if done previously re-submit) their comments on the EC's proposals, counterproposals and their own amendment proposals. The IRU was invited to provide impact estimates on the financial stability of the international guarantee chain related to amendment proposal contained in ECE/TRANS/WP.30/2007/18.

27. The Working Party considered document ECE/TRANS/WP.30/2007/19 proposing to increase the level of maximum guarantee to sixty thousand euros from fifty thousand United States dollars. While many countries expressed their support for the increase, the IRU recalled the extreme sensitivity of the issue for the guarantee chain. The IRU was invited to provide its estimates of impacts due to the increase in the level of guarantee. The Working Party welcomed a proposal by Turkey to submit a study analyzing this issue. Further considerations were postponed until the January 2008 session of the WP.30, to be able to take into account the current survey of the TIRExB on this issue. The Working Party decided that the proposal contained in ECE/TRANS/WP.30/2007/19 would become an integral part of consolidated amendment proposals.

28. The Working Party considered document ECE/TRANS/WP.30/2007/20 concerning Turkey's concerns regarding the draft recommendation with respect to the introduction of HS code in the TIR Carnet.

29. Although Turkey stated that it could support the adoption of the Recommendation, the Turkish delegation expressed the view that, should the use of the HS code on the TIR Carnet become mandatory, it will insist on the introduction of an Explanatory Note to the Convention, stipulating that the holder shall not be liable in cases of inconsistencies between the goods and HS code and/or between the plain language description of the goods and the HS code that is



written on the TIR Carnet. The IRU confirmed its support for the position of the Turkish government.

30. Based on this statement by Turkey, the Working Party decided to place the discussion about the draft recommendation on the agenda of the next session of AC.2 in January 2008.

### **C. Application of the Convention**

#### **1. Control system for TIR Carnets - IRU SafeTIR**

31. The IRU provided information on the functioning of the IRU SafeTIR system. Between 1 January and 31 August 2007, the IRU received 92 per cent of all required SafeTIR messages with an average delay of five days. Fifty-one per cent were transmitted within 24 hours. Concerning reconciliation requests to verify the termination of TIR Carnets, the IRU issued - in the same period - 5,414 reconciliation requests (and received replies to 61 per cent of these requests with an average delay of 36 days). A list detailing the performance of the IRU SafeTIR system in each Contracting Party was distributed to the Working Party. The IRU will provide Contracting Parties and the secretariat, before the end of 2007, with an update of the Cutwise application regarding the invalidation of TIR Carnets.

32. The secretariat briefed the Working Party on the reactivation of the so-called SafeTIR Taskforce. The Taskforce aims at encouraging Contracting Parties to improve their SafeTIR performance.

#### **2. Approval and control of TIR load compartments**

33. The Working Party took note of a special training seminar on approval and control of TIR load compartments held on 24 September 2007 in Geneva.

#### **3. Settlement of claims for payments**

34. The Working Party was informed by the IRU about the settlement of claims for payments made by Customs authorities against national associations. The IRU provided the following statistics:

- Between 1 January to 31 August 2007, the IRU received 20,156 notifications/pre-notifications sent by Customs authorities to their national guaranteeing associations;
- The number of pending payment requests as of 31 August 2007, was 6,957;
- There were 264 claims settled between 1 January and 31 August 2007 of which 72 were settled without payment.

35. The IRU drew attention to the fact that the number of pre-notifications issued by Customs authorities established in the EU had never been so high. The IRU regretted that for more than 80 per cent of the TIR transport concerned by these pre-notifications, the SafeTIR data had been made available to Customs authorities confirming the termination of the relevant TIR operations. This situation continues to impose a costly administrative burden on the international guarantee chain and transport operators.

36. The secretariat encouraged members of the Working Party to reply expeditiously to a current "claims survey" being undertaken by the TIRExB.

**4. Other matters**

37. The IRU informed the Working Party that, as of 1 October 2007, TIR Carnets with numbers of 51 million or less should not be accepted by Customs authorities.

**X. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS**

38. There was no exchange of views concerning any special cases, devices and facilities used to abuse the TIR transit system.

**XI. OTHER BUSINESS**

**A. Dates of the next sessions**

39. The Working Party decided to hold its one-hundred-and-eighteenth session during the week of 28 January to 1 February 2008.

40. The secretariat has made arrangements for the following sessions of the Working Party in 2008:

- the one-hundred-and-nineteenth session will be held from 2 to 6 June 2008;
- the one-hundred-and-twentieth session will be held from 29 September to 3 October 2008 (subject to confirmation).

**B. Restriction on the distribution of documents**

41. The Working Party decided not to restrict any documents issued in connection with its current session.

**XII. ADOPTION OF THE REPORT**

42. The Working Party adopted the report of its one-hundred-and-seventeenth session on the basis of a draft prepared by the secretariat.

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