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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-HUNDREDTH SESSION
(12 to 15 February 2002)**

CONTENTS

	<u>Paragraphs</u>
Opening ceremony	1 and 2
Attendance	3-5
Adoption of the agenda	6
Election of officers	7
Activities of UNECE bodies and other United Nations organizations of interest to the Working Party	8-10
Activities of other organizations of interest to the Working Party	11

CONTENTS (cont'd)

	<u>Paragraphs</u>
International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)	12-17
Preparation of a new Annex on efficient border crossing procedures	12-17
Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail	18-22
Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)	23-96
(a) Status of the Convention	23-28
(b) Revision of the Convention	29-46
(i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process	29-34
(ii) Preparation of Phase III of the TIR revision process	35-46
(c) Application of the Convention	47-96
(i) Settlement of claims for payments	48-54
(ii) Introduction of an identification number for the TIR Carnet holder	55-57
(iii) Re-introduction of the guarantee for sensitive and other excluded goods	58-61
(iv) Measures to reduce the number of lost, stolen and falsified TIR Carnets	62-65
(v) Application of Article 38 of the Convention	66-68
(vi) Road vehicles considered as heavy or bulky goods	69-73

CONTENTS (cont'd)

	<u>Paragraphs</u>
(vii) Guidance on Customs control and trade facilitation	74-76
(viii) Filling-in of TIR Carnets	77 and 78
(ix) Amendment proposals relating to technical provisions of the Convention	79-84
(x) Renewal of the certificate of approval	85-87
(xi) Inclusion of place and number of seals in the certificate of approval	88-90
(xii) National control measures in the Russian Federation	91-94
(xiii) TIR Handbook	95 and 96
Prevention of the abuse of Customs transit systems by smugglers	97 and 98
Other business	99-103
(a) Difficulties in the application of the 1954 Convention on the Temporary Importation of Private Road Vehicles	99 and 100
(b) Dates of the next sessions	101 and 102
(c) Restriction on the distribution of documents	103
Adoption of the report	104

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REPORT

OPENING CEREMONY

1. The Working Party held its one-hundredth session from 12 to 15 February 2002 in Geneva.
2. On the occasion of the one-hundredth session of the Working Party, several delegations and the UNECE secretariat addressed the meeting and reflected on the past achievements of the Working Party since its inception in 1948. These included the preparation and administration of numerous border crossing facilitation conventions, focusing on Customs issues, such as the TIR Convention, the Conventions on the Temporary Importation of Road Vehicles (1954 and 1956) and the International Convention on the Harmonization of Frontier Controls of Goods. Future challenges to be addressed by the Working Party would include the adaptation of its work and procedures to the changing geo-political environment in Europe, including the accession process of several Central European countries to the European Union. Future areas of work could include the facilitation of Customs procedures for international rail transport on a pan-European level, focusing on Customs transit procedures, and the finalization of new annexes to the "Harmonization" Convention, addressing in an integrated and comprehensive manner border crossing facilitation measures for road and rail transport, and computerization of the TIR procedure.

ATTENDANCE

3. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bosnia-Herzegovina; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Federal Republic of Yugoslavia; Finland; France; Germany; Greece; Iran (Islamic Republic of); Italy; Latvia; Lithuania; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; 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.
4. The United Nations Conference on Trade and Development (UNCTAD) was represented as well as the following inter-governmental organization: Committee of the Organization for Cooperation between Railways (OSZhD).
5. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance/International Automobile Federation (AIT/FIA) and the Liaison Committee of the Body and Trailer Building Industry (CLCCR).

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/199.

6. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/199) with the addition of the following item under point 9 of the agenda:

- Difficulties in the application of the Customs Convention on the Temporary Importation of Private Road Vehicles (1954).

ELECTION OF OFFICERS

7. Mr. F. Paroissin (France) was re-elected Chairman of the Working Party for its sessions in 2002.

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

Documentation: UNECE document on international agreements and conventions in the field of transport; TRANS/2002/16.

8. The Working Party took note that the forthcoming annual session of the Inland Transport Committee (ITC) will only take place in the week of 18 to 22 February 2002 and that the Committee therefore had not yet considered the work carried out by the Working Party in 2001. In particular, the Working Party was informed that the Committee would discuss the issue of transport and security, which could have an impact on the work programme of the Working Party.

9. The Working Party was also informed about the efforts to have the costs for the operation of the TIRExB and the TIR secretariat included in the Regular Budget of the United Nations as of the next budget cycle (2004 and 2005) as requested by the Administrative Committee of the TIR Convention at its twenty-eighth session (TRANS/WP.30/AC.2/57, para. 25). A note had been prepared in this respect by the secretariat for consideration by the Inland Transport Committee (TRANS/2002/16).

10. The Working Party took note of the work carried out by the Working Party on Combined Transport to improve combined transport involving rail. One of the elements to be considered in this respect are border crossing procedures. The Working Party will be kept informed about any new developments in this field.

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

11. The Working Party was informed by the representative of the European Commission of a project by the Joint Committee for the Common Transit Convention to revise the Convention in relation to Customs transit by rail. The existing provisions concerning transit by rail provide for the use of the CIM consignment note as a transit declaration under a simplified procedure. The objective of the revision is to bring rail transport in line with the general provisions of the Common transit system adopted by decision 1/2000 of 20 December 2000, from which transit by rail, so far, was excluded. In particular, the revision will aim at defining better the conditions for access to use simplified measures, for identification measures and for the start and end of the transit operation. Furthermore, the revision also aims at providing a solution for private rail operators, in particular as regards the provision of guarantees.

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

Documentation: ECE/TRANS/55 (www.unece.org/trans/new_tir/conventions/list.htm); TRAN/WP.30/2001/16; TRANS/WP.30/196; TRANS/WP.30/194; TRANS/WP.30/AC.3/8; TRANS/WP.30/192; TRANS/WP.30/2000/16; TRANS/WP.30/2000/11.

Preparation of a new Annex on efficient border crossing procedures

12. The Working Party recalled that the objective of preparing a new Annex 8 to the "Harmonization Convention", was to address in a comprehensive and consistent manner all major elements important for efficient border crossing procedures in international road transport of goods, covering different types of cargoes, particularly perishable foodstuffs, the road vehicles and the drivers as well as border crossing procedures and infrastructures.

13. At its ninety-ninth session, the Working Party had felt that, except for the provisions of Article 2 on the facilitation of visa procedures for professional drivers, and possibly for those of Article 4, paragraph 1, the other articles of the newly proposed Annex 8 seemed to be acceptable in principle. The Working Party had decided to consider at the present session the results of national consultations with competent authorities on the acceptability of the various provisions of the new Annex 8 (TRANS/WP.30/198, paras. 20-23).

14. The Working Party took note of a presentation by the secretariat of the provisions concerning the International Vehicle Weight Certificate.

15. The Working Party also took note of the status of the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections. The following countries are at present Contracting Parties to the Agreement: Estonia, Finland, Hungary, Netherlands, Romania and the Russian Federation.

16. The Working Party noted, at this stage, reservations made by some delegations concerning Articles 2, 4 and 5 of the new Annex 8. The Working Party, recalling that the Administrative Committee for the Convention was scheduled to be held in October 2002, decided to revert to the issue at its June session, where the complete text of the new Annex should be finalized. In this context, delegations were invited to consider if those issues where there is not yet any agreement should be separated from the general proposal.

17. The Working Party also took note of document TRANS/WP.30/2002/6 submitted by the IRU concerning the situation at CIS borders.

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

Documentation: TRANS/WP.30/2002/12; TRANS/WP.30/2002/9; TRANS/WP.30/2002/10; Informal document No. 4 (2002); Informal document No. 5 (2002); TRANS/2001/10; TRANS/WP.30/194; TRANS/WP.30/2000/17; TRANS/WP.30/164; TRANS/WP.30/R.141.

18. The Working Party recalled the history of developing harmonized pan-European Customs transit procedures for international rail transport, which had commenced in 1992. The Working Party had, at its ninety-sixth session, terminated its activities towards the preparation of two draft conventions for this purpose: one covering the area of the COTIF Convention and one covering the area of the SMGS Agreement. According to its decision (TRANS/WP.30/192, paras. 14-21), the two draft conventions prepared for this purpose had been transmitted, via diplomatic channels, to the Contracting Parties to the COTIF Convention and to the SMGS Agreement respectively with a view to soliciting their views on the approach taken and on the Customs transit procedures proposed therein (TRANS/WP.30/198, para. 26).

19. The Working Party was informed about the results of the Informal Ad-hoc Expert Group meeting on Customs Rail Transit based on the SMG Consignment Note which took place on 11 February 2002. The meeting had considered the experiences gained in some countries from using the CIM and SMGS consignment notes as Customs transit declarations. The meeting also had reviewed the texts of the draft conventions and the comments received from the Contracting Parties to the COTIF Convention and the SMGS Agreement.

20. The Working Party took note of the preliminary conclusions drawn up by the secretariat which indicated that:

- (a) there is a demand by Governments for a harmonization of Customs transit procedures governing rail transport in the SMGS area;
- (b) accepting the comments of the Contracting Parties to the SMGS Agreement, the draft SMGS Convention for Customs rail transit would provide reduced facilitation measures compared to the provisions contained in the original draft;
- (c) the reasons for the proposals made by the Contracting Parties to the SMGS Agreement seemed to be the widely different conditions for cooperation among railways in the area of Customs rail transit in the SMGS area compared to the Common transit area;
- (d) in order to accelerate the harmonization of Customs transit procedures between the Contracting Parties of the SMGS Agreement a two-step approach could be pursued:
 - (i) the preparation and adoption of a Resolution recommending Contracting Parties of the SMGS Agreement to adopt the SMGS Consignment note as a Customs transit declaration;
 - (ii) continued work towards finalizing the draft Convention, including all proposed facilitation measures;
- (e) further studies shall be initiated on how to facilitate the transfer of consignments between the two systems.

21. A report summarizing the conclusions of the meeting prepared by the secretariat is contained in document TRANS/WP.30/2002/12.

22. The Working Party invited those Contracting Parties to the COTIF Convention and the SMGS Agreement that had not yet transmitted their comments to the secretariat concerning the draft Conventions to do so as soon as possible and requested the secretariat to send out reminders in this respect. On the basis of any additional replies and those already received, the secretariat was requested to continue work together with interested countries and competent organizations to find a harmonized approach to Customs rail transit facilitation. The Working Party welcomed the offer of the European Commission and its member States to assist in the development of the Customs transit convention covering the SMGS Convention.

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

Documentation: ECE/TRANS/17 and Amendments 1-19; 1999 TIR Handbook (www.unece.org/trans/new_tir/welctir.htm); ECE/TRANS/17/Amend.20 and Add.1, 21 and 22; Depositary Notification C.N.123.2002.TREATIES-3, Depositary Notification C.N.142.2002.TREATIES-1; Depositary Notification C.N.14.2002.TREATIES-1; Depositary Notification C.N.17.2002.TREATIES-2; Informal document No. 6 (2002); Depositary Notification C.N.36.2001.TREATIES-1; Depositary Notification C.N.37.2001.TREATIES-2; Depositary Notification C.N.503.2001.TREATIES-4; Depositary Notification C.N.688.2001.TREATIES-4; Depositary Notification C.N.1106.2001.TREATIES-5.

(a) Status of the Convention

Documentation: TRANS/WP.30/AC.2/63, annex 1 (www.unece.org/trans/new_tir/welctir.htm).

23. The Working Party was informed that the TIR Convention, 1975 has at present 64 Contracting Parties. According to information provided by the IRU, TIR operations can be established in 52 Contracting Parties.

24. 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-second session of the TIR Administrative Committee (TRANS/WP.30/AC.2/65, annex 1). Permanently updated information on the scope of the TIR Convention and on the relevant Depositary Notifications is available on the TIR web site (www.unece.org/trans/new_tir/welctir.htm).

25. On 12 February 2001, the Secretary-General of the United Nations had issued Depositary Notification C.N.36.2001.TREATIES-1 containing all amendment proposals adopted by the TIR Administrative Committee adopted under Phase II of the TIR revision process (TRANS/WP.30/AC.2/59, annex 3). As no objections had been raised by 12 February 2002 the amendments will enter into force on 12 May 2002 (Depositary Notification C.N.123.2002.TREATIES-3). On 9 January 2002, the Secretary-General of the United Nations had issued Depositary Notification C.N. 17.2002.TREATIES-2 containing corrections to the amendments of the French text contained in Depositary Notification C.N.36.2001.TREATIES-1. Comments to these proposed amendments, adopted by the Working Party, are contained in document TRANS/WP.30/AC.2/59, annex 5.

26. Following the session of the Working Party, the secretariat will issue a document containing all amendments under Phase II of the TIR revision process (ECE/TRANS/17/Amend.21).

27. The amendments to Article 3 of the Convention contained in Depositary Notification C.N.37.2001.TREATIES-2 will enter into force on 12 May 2002 as no objections have been raised (Depositary Notification C.N.142.2002.TREATIES-1). These amendments will be contained in document ECE/TRANS/17/Amend.22.

28. On 12 June 2001, the amendments to Annexes 2 and 7 of the Convention contained in Depositary Notification C.N.37.2001.TREATIES-2 entered into force as announced in Depositary Notification C.N.503.2001.TREATIES-4. The amendments as well a number of subsequent Depositary Notifications containing corrections to the amendments are contained in document ECE/TRANS/17/Amend.20 and Add.1.

(b) Revision of the Convention

(i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process

Documentation: TRANS/WP.30/2002/8; TRANS/WP.30/2001/14; TRANS/WP.30/AC.2/59 and Corrs.1 and 2; TRANS/WP.30/192; TRANS/WP.30/2000/18; Informal document No. 6 (2002).

29. The Working Party recalled that, at its ninety-sixth session, it had finalized work on Phase II of the TIR revision process by agreeing on a complex package of amendment proposals to the Convention and by adopting examples of best practices. The TIR Administrative Committee, at its twenty-ninth session (19 and 20 October 2000) had adopted the amendment proposals prepared by the Working Party together with comments thereto (TRANS/WP.30/AC.2/59, annexes 3 and 5 and Corrs.1 and 4). The Administrative Committee also endorsed examples of best practices as had been prepared by the Working Party (TRANS/WP.30/AC.2/59, annex 7).

30. The main objective of Phase II of the TIR revision process had been to facilitate the application of the Convention at the national level. For this purpose, the roles and responsibilities of the various parties involved in the TIR procedure have been clearly defined and specified. Furthermore, guidance has been provided on the required national administrative procedures providing for an efficient functioning of the TIR procedures and, if required, for a speedy recovery of Customs duties and taxes at risk from the person directly liable (for example, the holder of a TIR Carnet) or, if this turned out not to be possible, from national guaranteeing associations.

31. The Working Party also recalled that, at its ninety-eighth session, it had been informed that the TIR Executive Board (TIRExB), in the framework of developing best practices, had developed an example authorization and agreement to be concluded between competent authorities and national associations (TRANS/WP.30/2001/14).

32. The Working Party was informed by Mr. Olszewski, Chairman of the TIRExB, that the TIRExB had received proposals from the Government of Estonia to amend both examples. These proposals had been carefully reviewed by the TIRExB at its twelfth session (January 2002). The TIRExB has decided that for the time being no correction of or amendment to the text was necessary.

33. The representative of Estonia, agreeing that the proposals made by his Government were mainly of a linguistic nature, proposed a further amendment to paragraph 4 of the example authorization of associations. The Working Party took note of the proposal and requested the TIRExB to study it further.

34. The Working Party welcomed the invitation of the Government of Greece to host the seventh session of the TIR Contact Group in Athens on 22 to 23 April 2002 to consider, in particular, the implementation of the amendments under Phase II of the TIR revision process. The Working Party called on all Contracting Parties, national associations and the IRU to attend the TIR Contact Group (Informal document No. 6 (2002)).

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

Documentation: TRANS/WP.30/2002/7; TRANS/WP.30/2001/19; 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.30/2001/9; TRANS/WP.30/2001/8; TRANS/WP.30/2001/6; TRANS/WP.30/2001/5; 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); TRANS/WP.30/1999/5; Informal document No.5 (1997).

35. The Working Party recalled that, at its ninety-sixth session, it had decided to start work on Phase III of the TIR revision process which would include a study of the following elements (TRANS/WP.30/192, para. 33):

- Revision of the TIR Carnet, including the insertion of additional data elements (ID number, HS code, value of goods, etc.) (TRANS/WP.30/188, para. 31);

- Increase in the number of places for loading and unloading under Customs seal (TRANS/WP.30/186, paras. 42 and 43);
- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets (TRANS/WP.30/188, para. 38);
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge (TRANS/WP.30/188, para. 31).
- Revision of the TIR Carnet

36. The Working Party recalled that, at its ninety-eighth session, it had discussed extensively the usefulness of including additional data elements into the TIR Carnet. The Working Party was of the opinion that additional data elements could be useful in relation to the procedures for recovery of debt and facilitating subsequent Customs procedures (TRANS/WP.30/196, paras. 35-40).

37. The Working Party took note of the final report of the European Commission sub-group on data (Informal document No. 2 (2002)). The conclusions of the report seemed, at this time, in general not to favour requirements for additional data in the Community and Common transit systems.

38. The Working Party was informed that the secretariat has sent a questionnaire to several Contracting Parties inquiring about documentary requirements for TIR operations. The Working Party will be informed about the results of this survey at its next session.

39. The Working Party decided to await the results of the questionnaire in order to discuss, in detail, at its next session the advantages and disadvantages of revising the TIR Carnet and, in particular, the inclusion of additional data elements in the TIR Carnet. The Working Party took note of a proposal from the Russian Federation to prepare, as a fast track solution, a recommendation to use the HS code, in addition to the descriptive text, for the description of goods, whenever available. The Working Party also invited the delegations to consider if a revision of the TIR Carnet is at all relevant in the light of Phase III of the TIR revision process, in particular the computerization of the TIR procedure. The Working Party decided, for the time being, not to undertake further work on the proposal contained in TRANS/WP.30/2001/18 concerning the use of additional data elements in case of initiation of a procedure for recovery of Customs claims.

- Increase in the number of loading and unloading places

40. The Working Party considered document TRANS/WP.30/2001/19/Rev.1 prepared by the secretariat containing proposals for three alternative solutions to increase the number of loading and unloading places.

41. Having considered these solutions, some delegations expressed the view that an extension of the number of loading and unloading places in the TIR Carnet would provide operators with an operational and economical advantage which the two other already existing alternatives described in TRANS/WP.30/2002/19/Rev.1 did not provide for. Other delegations, recognizing the possible advantages, felt that an extension of the number of loading and unloading places could jeopardize Customs control possibilities, in particular in a case where several partial loading and unloading/termination operations were involved. It should also be taken into consideration that, at present, there exists neither a uniform standard for filling-in the TIR Carnet nor a uniform approach on how to administer, at a national level, the information flow concerning partial loading/unloading procedures. This could lead to problems in the application of the Convention that could increase if more loading and unloading places were accepted.

42. The Working Party requested the secretariat to prepare for its next session a document describing a scenario of six offices of loading and unloading, including a description of the document flow in accordance with national Customs procedure for the administration of partial loading/unloading operations. The Working Party also requested the IRU to provide specific information on the real need to increase the number of loading and unloading places, in particular in which countries such a need seems to be existing.

- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets

43. The Working Party recalled its previous position, that Customs authorities could not accept any reduction in the legally prescribed time-limits for notification of non-discharge as provided in the Convention (TRANS/WP.30/198, para. 62).

44. The Working Party noted that, with the entry into force of Phase II of the TIR revision process, the question concerning notification of the holder in case of non-discharge had been included in the Convention (TRANS/WP.30/AC.2/59, Annex 6, particularly new Explanatory Note 0.8.7, new Explanatory Note 0.11.1 and comment to Article 11).

45. The IRU informed the Working Party that, at a later stage, it would like to revert to the issue of pre-notification of non-discharge, once a revision of the inquiry procedure in the European Community for the TIR system had been undertaken.

- Use of new technologies

46. The Working Party was given a presentation on the content and outcome of the first meeting of the informal ad hoc Expert Group on Conceptual and Technical Aspects of the Computerization of the TIR Procedure, which had been convened on 24 and 25 January 2002, in line with the mandate given by the Working Party. The Expert Group had advanced considerably in analyzing the data elements and data-flows of the TIR Carnet and would now proceed to the compilation of these data elements and data-flows with a view to defining a full set of TIR electronic messages. It was expected that the Expert Group could transmit the first conclusions of its work to the autumn 2002 session of the Working Party. Documentation concerning the work of the Expert Group is available from the following web site: (http://www.unece.org/trans/new_tir/adhocinf/adhocinformal.htm).

(c) Application of the Convention

Documentation: (www.unece.org/trans/new_tir/welctir.htm).

47. The Working Party took note that permanently updated information on the application of the Convention is available on the UNECE TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(i) Settlement of claims for payments

Documentation: TRANS/WP.30/198.

48. The Working Party was informed by Mr. Olszewski, Chairman of the TIRExB, that the TIRExB had decided to include this issue in its list of priority issues. In order to perform properly its task of supervising the application of the TIR Convention, the TIRExB had requested the IRU to provide information on the structure of the price of the TIR Carnet.

49. The delegation of the Russian Federation informed the Working Party of the inefficient functioning, in its view, of the TIR guarantee system which had failed to meet even a single Customs claim within the deadline prescribed in the TIR Convention. Since 1999, that had resulted in an average increase in the total Customs debt of US\$ 20 million per year, and the total amount of outstanding Customs claims has reached US\$ 60 million.

50. The delegation of the Russian Federation drew the attention of the Working Party to the fact that, in view of the entry into force of the amendments to the TIR Convention (Phase II of the revision process) on 12 May 2002, a mechanism should be developed which would put into practice the responsibility of the international organization for the proper functioning of the TIR guarantee system.

51. The IRU acknowledged that due to the complexity of the claim cases, the deadlines for the processing of payment requests raised by the Russian Federation towards the international guarantee chain sometimes exceeded those laid down in Convention. The IRU pointed out that the sums indicated by the delegation of the Russian Federation probably relate to infringements outside the scope of the TIR Convention and that the Customs authorities of the Russian Federation apparently have not been able to recover such sums directly from the debtors in question. As a consequence, the IRU felt that it was probably not affected by such cases and not in a position to evaluate them. The IRU pointed out that during the course of the last three years, the international chain of guarantee had honoured significant payment claims of the Russian Federation.

52. The Working Party was informed by the IRU that there were no new developments concerning the cases before the Court of Arbitration in Paris resulting from the denouncement of the contract of the insurance pool that formerly insured the guaranteeing chain managed by the IRU. 1,600 cases still await judgement by the Court.

53. The Working Party encouraged the IRU to do its utmost to solve, as soon as possible, the cases that are presently in front of the Court of Arbitration, and also to resolve the claim cases under the new insurance contract in the shortest possible timeframe.

54. The Working Party took note that, in the framework of Phase II of the TIR revision process, which entered into force on 12 May 2002, a new legal provision will come into force linking the authorization of an international organization to the effective management of the guaranteeing system.

(ii) Introduction of an identification number for the TIR Carnet holder

Documentation: TRANS/WP.30/2001/9; TRANS/WP.30/AC.2/59.

55. The Working Party recalled that, on 20 October 2000, the TIR Administrative Committee had adopted a Recommendation stipulating the insertion of the individual and unique identification (ID) number of the TIR Carnet holder (as prescribed since 1999 in the Model Authorization Form (MAF) contained in Annex 9, Part II of the TIR Convention) into each TIR Carnet used (TRANS/WP.30/AC.2/59, annex 2).

56. The Working Party welcomed the fact that no problems had been reported concerning the introduction and use of the ID number at the present time and decided not to revert to the issue unless problems were reported.

57. The Working Party was also informed about the use of the International TIR Databank (ITDB) for all TIR Customs Focal points to facilitate inquiry procedures concerning operators. The TIR secretariat receives on a continuous basis requests for identification and verification of holders.

(iii) Re-introduction of the guarantee for sensitive and other excluded goods

Documentation: TRANS/WP.30/198; TRANS/WP.30/196; TRANS/WP.30/194; TRANS/WP.30/192; TRANS/WP.30/190; TRANS/WP.30/188; TRANS/WP.30/AC.2/2000/1; TRANS/WP.30/184; TRANS/WP.30/178.

58. The Working Party recalled that some guaranteeing associations, in countries of the European Community and the IRU, had denounced their guarantees for a number of so-called sensitive goods. The Working Party also recalled its position requesting the IRU and the international guaranteeing chain to re-establish full guarantee coverage for these sensitive goods as soon as possible (TRANS/WP.30/198, para. 79, TRANS/WP.30/196, para. 61; TRANS/WP.30/194, para. 53, TRANS/WP.30/192, paras. 46-48; TRANS/WP.30/188, paras. 48-51; TRANS/WP.30/184, paras. 48-50; TRANS/WP.30/178, paras. 80 and 81).

59. The Working Party was informed by Mr. Olszewski, Chairman of the TIRExB, that the TIRExB had expressed regret that, despite the re-introduction of the comprehensive guarantee used in the Community/Common Transit systems and the introduction of the EDI control system for TIR Carnets (SAFETIR), no similar move had been undertaken for the TIR system.

60. The Working Party was informed by the IRU that initiatives were under way, together with the European Commission services, to ensure reintroduction of sensitive goods in the TIR system based on the exchange of information from SAFETIR and the Community's early warning system.

61. The Working Party took note that the SAFETIR Taskforce, with the participation of the secretariat and the IRU, would continue to review the implementation of SAFETIR on the basis of the Recommendations of 20 October 1995 and 2000. The Working Party will be kept informed about the developments.

(iv) **Measures to reduce the number of lost, stolen and falsified TIR Carnets**

Documentation: TRANS/WP.30/198; TRANS/WP.30/196; TRANS/WP.30/194.

62. The Working Party recalled that, at its ninety-eighth session, it had been informed about the fact that the IRU had been forced to change the supplier of the paper for TIR Carnets as of September 2001 and as a result had to change one of the security features in the TIR Carnet, as the new paper supplier could not provide this feature. The IRU had proposed to the TIRExB to change at the same time the design-related features of the TIR Carnet as well as to add additional security features in order to make falsification more difficult (TRANS/WP.30/196, paras. 68 and 69). The TIRExB decided to accept the changes in the layout of the TIR Carnet as proposed by the IRU since they did not modify the relevant provisions of the Convention.

63. The Working Party noted with satisfaction that, so far, no problems had been reported in connection with the introduction of the new version of the TIR Carnet ("blue" TIR Carnet).

64. The Working Party was informed by the IRU that at present around 200,000 "blue" TIR Carnets had been distributed by the IRU.

65. Detailed information concerning the various TIR Carnet versions is available on the UNECE TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(v) **Application of Article 38 of the Convention**

Documentation: TRANS/WP.30/196; TRANS/WP.30/194; TRANS/WP.30/AC.2/2000/14 and Corr.1.

66. The Working Party recalled that, at the invitation of the TIR Administrative Committee, the Working Party, at its ninety-seventh session, had considered the underlying reasons for the exclusion of persons from the TIR procedure in accordance with Article 38, paragraph 1 of the Convention. The TIR Administrative Committee had noted that the reasons for exclusion were quite different in the Contracting Parties to the Convention. This was mainly due to different national interpretations of the conditions for such exclusion as stipulated in Article 38, i.e. "guilty of a serious offence" (TRANS/WP.30/194, para. 74).

67. The Working Party, following an in-depth discussion of the issues addressed in secretariat document TRANS/WP.30/AC.2/2000/14 and Corr.1 felt that it was necessary to delete Explanatory Note 0.38.1 to Article 38 of the Convention and decided to submit this proposal at the next session of the TIR Administrative Committee in October 2002.

68. The Working Party also decided to adopt the following two comments and transmit them to the next session of the TIR Administrative Committee in October 2002 for endorsement:

Comment to Article 38

Add a new comment to Article 38, paragraph 1 to read as follows:

“Exclusion of a domestic transport operator from the TIR procedure

In order to exclude from the TIR regime a national transport operator guilty of a serious offence against the Customs laws committed on the territory of the country where he is resident or established, the Customs authorities are recommended to use the provisions of Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d) rather than the provisions of Article 38, paragraph 1.” {TRANS/WP.30/200, para. 68}

Add the same comment to Annex 9, Part II, “Procedure”.

Comment to Article 38

Add a new comment to Article 38, paragraph 2 to read as follows:

“Cooperation between competent authorities

With regard to the procedure of authorization of a person to utilize TIR Carnets in line with Annex 9, Part II of the Convention the competent authorities of the Contracting Party where the person concerned is resident or established should take into due account any information notified by another Contracting Party in accordance with Article 38, paragraph 2 on serious or repeated offences against Customs legislation committed by that person. Thus, in order to allow for efficient consideration of the case by the Contracting Party where the person concerned is resident or established, such notification should contain as many details as possible.” {TRANS/WP.30/200, para. 68}

Add the same comment to Annex 9, Part II, “Procedure”.

(vi) **Road vehicles considered as heavy or bulky goods**

Documentation: TRANS/WP.30/2002/8; TRANS/WP.30/2001/20; TRANS/WP.30/2001/10; TRANS/WP.30/AC.2/61; TRANS/WP.30/AC.2/59.

69. The Working Party recalled that the TIR Administrative Committee, at its twenty-ninth session (19 and 20 October 2000), had adopted a comment on the application of the newly adopted Article 3 of the Convention concerning road vehicles considered themselves as heavy or bulky goods (TRANS/WP.30/AC.2/59, paras. 61-62 and annex 6).

70. Following the adoption of this comment, the Working Party had, at its ninety-eighth and ninety-ninth sessions, conducted an in-depth review of the comment based on proposals submitted by the Government of Estonia (TRANS/WP.30/198, paras. 96 and 97).

71. The Working Party considered document TRANS/WP.30/2002/8 containing a proposal by the secretariat to delete the last two sentences of the comment on the application of Article 3 and to launch a more general discussion on the procedures of transport of heavy and bulky goods at one of its future sessions.

72. The Working Party decided to delete the last two sentences of the comment on the application of Article 3 and to submit it for endorsement by the Administrative Committee in October 2002. The amended text of the comment will be as follows:

Comment to Article 3

Amend the comment to Article 3 to read as follows:

“Road vehicles considered as heavy or bulky goods

If road vehicles or special vehicles regarded themselves as heavy or bulky goods are carrying other heavy or bulky goods so that both vehicle and goods at the same time fulfil the conditions set forth in Chapter III (c) of the Convention, only one TIR Carnet is needed bearing at the cover and all vouchers of the TIR Carnet the endorsement set forth in Article 32 of the Convention. If such vehicles are carrying normal goods in the load compartment or in containers, the vehicle or the containers must be previously approved under the conditions set forth in Chapter III (a) and the load compartment or the containers have to be sealed.

The provisions of Article 3 (a) (iii) of the Convention apply in the case of road vehicles or special vehicles being exported from the country where the Customs office of departure is located and being imported into another country where the Customs office of destination is located. In this case, the provisions of Article 15 of the Convention referring to the temporary importation of a road vehicle are not applicable. Thus, Customs documents in respect of temporary importation of such vehicles are not required.” {TRANS/WP30/200, paras. 69-72}

73. The Working Party also decided to revert to the general discussion concerning heavy and bulky goods at its October session.

(vii) Guidance on Customs control and trade facilitation

Documentation: TRANS/WP.30/2002/1.

74. The Working Party took note of a proposal by the European Community concerning an amendment proposal to the Convention aimed at providing for a clear definition of the terms “facilitation and Customs controls” in the framework of the Convention (TRANS/WP.30/2002/1).

75. The Working Party was also informed by Mr. Olszewski, Chairman of the TIRExB, that the TIRExB had prepared a draft comment to the Convention concerning the same issue.

76. The Working Party requested the secretariat to prepare a document for its June 2002 session containing both texts allowing the Working Party to study them in further detail, possibly in co-operation with the representative of the European Community.

(viii) Filling-in of TIR Carnets

Documentation: TRANS/WP.30/2002/2.

77. The Working Party adopted the proposal by the secretariat to add the following comment to Annex I of the TIR Convention (Comments to the model of the TIR Carnet):

Comment to Annex 1

Add a new comment to Annex 1 to read as follows:

“Filling-in of a TIR Carnet

No. 10 (b) of the Rules Regarding the Use of the TIR Carnet does not forbid the filling-in of the TIR Carnet by hand or by any other means, as long as the particulars on all sheets are clearly legible.” {TRANS/WP.30/200, para. 77}.

78. The Working Party decided to transmit the comment to the TIR Administrative Committee for endorsement at its session in October 2002.

(ix) Amendment proposals relating to technical provisions of the Convention

Documentation: TRANS/WP.30/2002/3; TRANS/WP.30/2002/4; TRANS/WP.30/2002/5; Informal document No. 1 (2002).

79. The Working Party considered an amendment proposal to the Convention transmitted by the Liaison Committee of the Body and Trailer Building Industry (CLCCR) as contained in document TRANS/WP.30/2002/3 which would provide for a clearer description of the design of the TIR plate (amendment to Annex 5 of the Convention).

80. After an in-depth discussion, the Working Party agreed that it would be useful, in order to strengthen the profile of the TIR system, to modify the comment to Annex 5 of the Convention concerning the layout of the TIR plate. The Working Party requested the secretariat to prepare a modified comment concerning colour and the font of the letters of the TIR plate.

81. The Working Party also considered two further amendment proposals to the Convention transmitted by the CLCCR as contained in document TRANS/WP.30/2002/4 concerning the structure of load compartments (amendment to Explanatory Note 2.2.1 (a) of the Convention) and in document TRANS/WP.30/2002/5 concerning the structure of load compartments (amendment to Explanatory Note 2.2.1 (b) of the Convention).

82. The Working Party decided, via the representative of the Government of Sweden, to ask a technical expert to assist in evaluating the technical aspects of the two proposals.

83. The Working Party also considered information provided by the CLCCR about the approval of vehicles with sliding sheets in a number of countries that are not in conformity with the provisions provided for in Annex 2, Article 4 of the Convention.

84. The Working Party requested the secretariat, on the basis of information to be provided by the CLCCR, to inform the TIR Customs Focal Points about such possible irregularities. CLCCR agreed to provide a list of items to be checked in connection with the approval of vehicles with sliding sheets.

(x) Renewal of the certificate of approval

Documentation: Informal document No. 3 (2002).

85. The Working Party recalled that, at its ninety-eighth session, it was informed by the representative of the European Commission about a practical difficulty in the application of Annex 3, paragraph 4 of the Convention concerning the renewal of the certificate of approval for road vehicles. Transport operators increasingly use road vehicles in Contracting Parties other than those where they are registered. As a consequence, vehicles must be sent back to the country of registration for inspection and renewal of the certificate of approval, which often causes operational and economic difficulties (TRANS/WP.30/196, para. 86).

86. The Working Party took note of the proposal submitted by the IRU on a draft new text of Annex 3, Article 4 of the Convention allowing for renewal of the certificate of approval by any Customs authority.

87. The Working Party considered that a number of control issues such as, for instance, exchange of information between Customs authorities and possible forum shopping, needed to be considered in further detail. The Working Party invited the European Commission to prepare a document addressing such issues for the next session of the Working Party.

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

88. The Working Party recalled that, at its ninety-ninth session, the representative of the Netherlands had requested the Working Party to consider the question of including information on the exact placement and number of seals on the load compartment in the Model Certificate of Approval of a Road Vehicle, contained in Annex 4 of the Convention (TRANS/WP.30/198, para. 108).

89. The Working Party noted a comment to Explanatory Note 2.2.1 (b) to Annex 2 of the Convention on the number of Customs seals which recommends that the number of seals should be indicated in the Certificate of Approval under item 5 and that, when appropriate, a sketch should be attached to the Certificate of Approval.

90. The Working Party requested the secretariat to remind the TIR Focal Points about the existence of this comment. The Working Party also requested the secretariat to examine how to provide for mandatory rules in the Convention concerning this issue and report to the Working Party at one of its future sessions.

(xii) National control measures in the Russian Federation

91. The Working Party recalled that, at its ninety-ninth session, it was informed by the representatives of the European Community and Finland of problems caused by the introduction of new transit regulations for certain goods in the Russian Federation. The representative of the Russian Federation had informed the Working Party about the general purpose of the new regulations. The Working Party had requested the TIRExB to consider whether the new regulations were in line with the provisions of the TIR Convention (TRANS/WP.30/198, paras. 101-103).

92. The Working Party was informed that the TIRExB had discussed these measures in detail. The TIRExB had expressed its understanding for national control measures taken by the State Customs Committee (SCC) in accordance with Article 42 bis of the Convention with a view to ensuring the safeguard of the TIR procedure in the Russian Federation in general and the proper use of TIR Carnets in particular. The TIRExB however has been of the view that the special measures taken by the SCC in this regard relating to Customs transit of some selected cargoes to a few destinations outside the territory of the Russian Federation were not in line with the provisions and the spirit of the TIR Convention. The TIRExB had requested the TIR Secretary to inform the SCC about this opinion and to put relevant information on the TIR Web page.

93. The Working Party was informed by the delegation of the Russian Federation that, for the time being, the measures are still applicable, but that the views of the TIRExB would be considered.

94. The Working Party took note of the information and requested the secretariat to monitor the situation closely and to report on the situation at its next session.

(xiii) TIR Handbook

Documentation: UNECE document (www.unece.org/trans/new_tir/welctir.htm).

95. The Working Party noted that the TIR Handbook will be updated to take account of new developments, recently adopted amendments and comments as well as modified recommendations. Updated versions in the Arabic, English, French and Russian languages will be made available in April 2002. The Chinese, Czech, German, Italian, Spanish and Turkish updated versions will be available at a later stage. The complete text of the TIR Handbook is available on the UNECE TIR web site (www.unece.org/trans/new_tir/welctir.htm).

96. The TIR Handbook contains the latest amendments to the Convention as well as all relevant comments adopted by the UNECE Working Party on Customs Questions affecting Transport (WP.30) and the TIR Administrative Committee. Hard-copy versions of the TIR Handbook are available in Arabic, Chinese, English, French, German, Italian, Russian and Spanish. A limited number of such copies may be obtained free of charge from the secretariat.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: TRANS/WP.30/127.

97. Having discussed at earlier sessions a number of drug seizures involving TIR vehicles, the Working Party felt that it should be informed of any special devices and facilities used by smugglers abusing the TIR transit system. The Working Party invited all Contracting Parties to the TIR Convention, 1975, and the World Customs Organization (WCO) to transmit all relevant information on such cases so that it could take the necessary steps, falling within its competence and mandate, to prevent such occurrences (TRANS/WP.30/127, paras. 55-57).

98. The Working Party was informed by the IRU that TIR operators experienced a new type of fraud where reputable transport, import and export businesses were taken over by organized crime. Transport operators were increasingly becoming victims of fraud carried out by such “cover business”. The Working Party welcomed IRU’s offer to present a document on this issue at its next session.

OTHER BUSINESS

(a) Difficulties in the application of the 1954 Convention on the Temporary Importation of Private Road Vehicles

99. The Working Party was informed by the representative of the AIT/FIA about difficulties encountered in the application of the 1954 Convention on the Temporary Importation of Private Road Vehicles.

100. The AIT/FIA have been informed that a number of private road vehicles have been brought into Iran from Turkey using the international Carnets de Passage (CPD) system as provided for by this Convention. Subsequently, Customs claims have been raised against the Carnet issuing association in Turkey. Therefore, it seems that the purpose of the temporary importations has been to bring these vehicles illegally into circulation in Iran in violation of the provisions of the Convention. The AIT/FIA expressed concern about this situation as this might jeopardize the international CPD guarantee system. The Working Party invited the AIT/FIA to provide further information on this issue, if necessary, in order to ensure the correct application of the Convention and to provide the secretariat with any additional information in this respect.

(b) Dates of the next sessions

101. The Working Party decided to convene its one-hundredth-and-first session during the week of 17 to 21 June 2002. The deadline for submission of documentation to be included in the agenda as official documents is 29 March 2002.

102. The one-hundredth-and-second session of the Working Party is tentatively scheduled to be held during the week of 21 to 25 October 2002, in conjunction with the thirty-third session of the TIR Administrative Committee and, possibly, the fifth session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods.

(c) Restriction on the distribution of documents

103. The Working Party decided that there should be no restriction on the distribution of documents issued in connection with its current session, except for the International Directory of TIR Focal Points.

ADOPTION OF THE REPORT

104. The Working Party adopted the report of the one-hundredth session. During the adoption of the report the French and Russian delegations deplored that part of the report was not available in all official languages. They reserved their position as to the text that was only adopted in English.
