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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport

(One-hundred-and-sixth-session, 3-6 February 2004,
agenda item 6 (b))

**REPORT OF THE INFORMAL AD HOC EXPERT GROUP ON
CUSTOMS RAIL TRANSIT BASED ON THE SMGS CONSIGNMENT NOTE ^{*/}**

Note by the secretariat

INTRODUCTION

1. The present document has been prepared by the secretariat on the basis of the proceedings of the informal ad hoc expert group on Customs Rail Transit based on the SMGS consignment note (Geneva, 23 September 2003). The report summarizes the presentations made, the views expressed and the conclusions drawn during the meeting. The purpose of this report is to provide a basis for further work to be undertaken concerning this issue by the Working Party.

^{*/} This document was previously announced as TRANS/WP.30/2003/24.
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ATTENDANCE

2. The session was attended by representatives from the following countries: Austria; Belarus; Bulgaria; Estonia; Latvia; Lithuania; Netherlands; Portugal; Romania; Russian Federation; Slovakia; Turkey and Ukraine. Representatives of the European Community (EC) were also present.

3. The following inter-governmental organizations were represented: Committee of the Organization for Cooperation between Railways (OSZhD).

4. The following non-governmental organizations was represented: International Union of Railways/Community of European Railways (UIC/CER).

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/2003/21.

5. The expert group adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/2003/21).

BACKGROUND AND REVIEW OF THE PROVISIONS OF THE DRAFT CONVENTION

Documentation: TRANS/2001/10; TRANS/WP.30/2002/12; TRANS/WP.30/2002/10; 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.

(a) Background

6. The Expert Group recalled that at its ninety-sixth session, the Working Party on Customs Questions affecting Transport (WP.30) had terminated its activities towards the preparation of harmonized pan-European Customs transit procedures for international rail transport by preparing two draft conventions, one for the covering the CIM Consignment Note and one for the area covering the SMGS Consignment note.

7. In accordance with the decision of the Inland Transport Committee (ECE/TRANS/136) the Working Party, at its ninety-seventh session, had agreed not to continue any further work on the draft Convention based on the COTIF Consignment Note. The secretariat had, however, been requested to convene an ad hoc informal expert group meeting of interested countries and international organizations to review once more the provisions of the draft convention based on the SMGS Consignment Note and to prepare a revised draft for consideration of the Working Party (TRANS/WP.30/198).

8. On 11 February 2002, an informal ad hoc Expert Group meeting on Customs Rail Transit based on the SMGS Consignment Note had concluded that there is a demand by Governments and industry for a harmonization of Customs transit procedures governing rail transport in the SMGS area (TRANS/WP.30/2002/12).

9. The Working Party, at its one-hundred-and-second session, stressing that the adopted resolution No. 50 was a preliminary facilitation measure, requested the secretariat to pursue, as soon as possible, the finalization of the draft Convention on international Customs transit procedures for the carriage of goods by rail covering the SMGS area, also taking into consideration the facilitation of transfer of goods in transit between Contracting Parties to the SMGS Agreement and the COTIF Convention (TRANS/WP.30/204, para. 23).

10. The Inland Transport Committee, at its sixty-fifth session, requested the Working Party to pursue its work towards finalizing a Convention facilitating international Customs transit rail transport on a Pan-European level in this area as soon as (TRANS/WP.30/152, para. 104).

(b) Review

11. The expert group took note that a meeting of OSZhD countries would take place on 21 and 22 October 2003 in Kiev (Ukraine) to coordinate views on the issue. The OSZhD informed that it encouraged countries to use the SMGS Consignment note as a Customs transit declaration.

12. The expert group was informed by the Russian Federation that it would start to use the Consignment Note as a Customs transit declaration from 1 January 2004.

13. Both the representatives of the European Commission and UIC pointed out that the aim with the draft Convention should be to harmonize to the extent possible with the provisions already in force for the use of the CIM Consignment Note in the Common transit area. Furthermore, it was pointed out that if an alignment was not achieved, then this could cause problems for those EU accession countries that are also Contracting Parties to SMGS.

14. The expert group then proceeded with a review of the provisions contained in the draft Convention based on the comments provided by Contracting Parties to SMGS. The results of the review are contained in document TRANS/WP.30/2004/2.

CONCLUSIONS

15. The expert group emphasized the importance of finalizing the draft Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under cover of the SMGS consignment note with a view to facilitating international Customs rail transit. The expert group noted that there is a demand by Governments for a harmonization of Customs transit procedures governing rail transport in the SMGS area.

16. The expert group agreed to provide the secretariat with comments on a number of outstanding issues in relation to specific provisions of the draft Convention.

17. The secretariat was requested to prepare an official document for the next session of the Working Party containing a consolidated version of the draft Convention, for possible adoption and transmission to the Inland Transport Committee for endorsement.
