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Working Party on Customs Questions
affecting Transport

**REPORT OF THE WORKING PARTY
ON CUSTOMS QUESTIONS AFFECTING TRANSPORT
ON ITS NINETY-FIFTH SESSION
(19-23 June 2000)**

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REPORT

ATTENDANCE

1. The Working Party held its ninety-fifth session from 19 to 23 June 2000 under the chairmanship of Mr. F. Paroissin (France).
2. The session was attended by representatives of the following countries: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; United Kingdom. Representatives of the European Community (EC) were also present.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented.
4. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance (AIT)/International Automobile Federation (FIA); Liaison Committee of Coachwork and Trailer Builders (CLCCR) and Transfrigoroute International.

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/189; Informal document 13 (2000).

5. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/189) with the addition of the following items to be considered, if time permits, under agenda item 5 (d) (vii):

- S Application of the TIR Convention in the Russian Federation
- S Transport of containers and semi-trailers via the Baltic Sea
- S Illegal immigrants carried on lorries carrying cargo under the TIR regime
- S Imposition of escort services in case of goods value above US\$ 50,000.

ACTIVITIES OF UN/ECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

6. The Working Party was informed about the results of the fifty-fifth session of the Economic Commission for Europe (3-5 May 2000). It noted that the Commission had considered the preparation of guidelines and procedures with regard to the involvement of the business community in the work of the various subsidiary bodies of the UN/ECE.

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

7. The Working Party was informed of recent activities of the European Commission's Directorate General Taxation and Customs Union (DG TAXUD) concerning the implementation of the New Computerized Transit System (NCTS) which had started to operate on 10 May 2000. Implementation had progressed according to plan and the system would become operational progressively in all Contracting Parties of the common transit system.

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

Preparation of a new annex on efficient border crossing procedures

Documentation: TRANS/WP.30/2000/11; TRANS/WP.30/1999/12; Informal document No. 6 (1999); ECE/TRANS/55.

8. The Working Party recalled that the Administrative Committee for the "Harmonization Convention", at its third session (Geneva, 21 and 24 June 1999) had examined proposals for the insertion of new annexes to the Convention on (a) facilitation of the passage of ATP vehicles carrying perishable foodstuffs prepared by the Working Party on the Transport of Perishable Foodstuffs (WP.11) and (b) efficient border crossing procedures prepared by the IRU (TRANS/WP.30/AC.3/6, paras. 12-19).

9. Following preliminary discussions on the feasibility of such new annexes, based on further contributions made by Transfrigoroute International and the IRU (TRANS/WP.30/1999/12; Informal document No. 6 (1999)), the secretariat, in accordance with the decisions of the Working Party (TRANS/WP.30/186, paras. 14-17), convened an informal ad hoc group of experts which considered the key elements required for efficient border crossing procedures and prepared a first draft of a new Annex 8 to the Convention.

10. Considering the results of the expert group meeting (TRANS/WP.30/2000/11), the Working Party felt that, in principle, the draft provisions of the new Annex 8 to the Convention seemed to be acceptable, but required further studies by competent national authorities and technical experts before they could be considered and adopted by the Administrative Committee at its forthcoming session in October 2000. The Working Party also supported, in principle, the view of the expert group that the facilitation of border crossing procedures had to be seen as a system requiring efficient administrative and legal procedures for the goods, the vehicles, the drivers as well as adequate border crossing infrastructures. With regard to Customs procedures, it was felt that the provisions of the new Annex should be in line with the provisions of the recently revised Kyoto Convention. Furthermore, the procedures and the results to be achieved with the envisaged reporting mechanism as provided for in Article 7 should be reviewed.

11. The representative of Transfrigoroute International stressed the importance of the draft Article 4, paragraph 2 which allowed for an easy identification of ATP-approved vehicles carrying perishable foodstuffs.

12. In order to make rapid progress in this matter, the Working Party decided to create an informal ad hoc group of experts to be convened by the secretariat within the next few weeks in order to consider the establishment of an International Technical Inspection Certificate for Lorries (Article 4) as well as an International Vehicle Weight Certificate (Article 5), based on a draft prepared by the SECI Regional Road Transport Committee. Delegations interested in participating in the work of the expert group were invited to contact the secretariat without delay.

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

(a) Status of the Convention

Documentation: Informal document No.10 (2000); TRANS/WP.30/AC.2/57, annex 1.

13. The Working Party was informed that the number of Contracting Parties to the TIR Convention, 1975 had not changed since its last session (February 2000) and amounted to 64 Contracting Parties. 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 twenty-eighth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/57, annex 1). The Working Party also took note of statistical data on the number of TIR Carnets issued and the number of authorized TIR Carnet users by countries in the year 1999 as contained in Informal document No.10 (2000).

14. The Working Party noted with interest that a number of countries outside Europe, such as China and the Gulf States were showing interest in acceding to the Convention. In this context, the Working Party was informed of activities of the secretariat to prepare the TIR Handbook in Chinese and Arabic as well as to organize a special seminar on the application of the TIR procedure for countries of the Middle East to be held in Jordan in October/November 2000.

(b) Revision of the Convention

(i) Adoption of amendment proposals under Phase II of the TIR revision process

Documentation: TRANS/WP.30/2000/12; Informal documents No. 9 and 11 (2000); TRANS/WP.30/2000/2.

15. On the basis of a consolidated document (TRANS/WP.30/2000/12) prepared by the secretariat in cooperation with the Chairman taking account of earlier deliberations of the Working Party, the Working Party continued its discussions on Phase II of the TIR revision process with a view to transmitting a comprehensive and consistent package of amendment proposals to the twenty-ninth session of the TIR Administrative Committee (19 and 20 October 2000) for consideration and possible adoption.

16. The Working Party agreed on the amendment proposals to the Convention as contained in document TRANS/WP.30/2000/12 with the following modifications:

Article 1

Add the following new paragraph:

"(c) the term "start of a TIR operation" shall mean that the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of departure or of entry (en route) together with the load and the TIR Carnet relating thereto and that the TIR Carnet has been accepted by the Customs office;"

Modify the existing paragraph (h) which becomes a new paragraph (m) to read as follows:

"(m) the term "Customs office en route" shall mean any Customs office of a Contracting Party through which a road vehicle, combination of vehicles or container is entering or leaving this Contracting Party in the course of a TIR transport;"

Add the following new paragraph:

"(o) the term "holder" of a TIR Carnet shall mean the person to whom a TIR Carnet has been issued in accordance with the relevant provisions of the Convention and on whose behalf a Customs declaration has been made in the form of a TIR Carnet indicating a wish to place goods under the TIR procedure at the Customs office of departure. He shall be responsible for presentation of the road vehicle, the combination of vehicles or the container together with the load and the TIR Carnet related thereto at the Customs office of departure, the Customs office en route and the Customs office of destination and for due observance of the other relevant provisions of the Convention."

Article 8, paragraph 4

Replace twice in the second sentence the words "TIR operation" by: "TIR transport".

Article 10, paragraph 2

Modify paragraph 2 to read as follows:

"2. When the Customs authorities of a country have discharged a TIR operation they can no longer claim from the guaranteeing association payment of the sums mentioned in Article 8, paragraphs 1 and 2, unless the certificate of termination was obtained in an improper or fraudulent manner or no termination has taken place."

Comment to Article 11 (Information to guaranteeing associations)

(1999 TIR Handbook page 37)

Modify the existing comment to Article 8 which becomes a comment to Article 11, paragraph 1 to read as follows:

"Notification to (a) guaranteeing association(s)

Customs administrations should notify their respective national guaranteeing association(s) as soon as possible of cases covered by Article 11, paragraph 1, that is when a TIR operation has not been discharged. "

Comment to Article 11

Add a new comment to Article 11 to read as follows:

"Notification to the TIR Carnet holder

The requirement of notification to the TIR Carnet holder referred to in Explanatory Notes 0.8.7 and 0.11-1 could be fulfilled by transmission of a registered letter."

Comment to Article 18 (Several Customs offices of departure)

(1999 TIR Handbook, page 48)

Modify the existing comment to read as follows:

"Several Customs offices of departure and/or destination"

A TIR transport may involve more than one Customs office of departure and/or destination in one or in several countries, provided the total number of Customs offices of departure and destination does not exceed four. In accordance with No. 6 of the Rules regarding the use of the TIR Carnet (Annex 1 to the Convention, Model of the TIR Carnet: Version 1 and Version 2, page 3 of the cover), for each additional Customs office of departure or destination two extra vouchers are required. The filling in of the vouchers of the TIR Carnet whenever several Customs offices of departure/destination are involved should be done in such a way that goods loaded/unloaded subsequently at different offices should be added in/crossed out from the goods manifest (boxes 9, 10, 11) and the offices of departure/destination should endorse the goods loaded/unloaded subsequently under item 16."

Comment to Explanatory Note 0.18-2

Add a new comment to Explanatory Note 0.18-2 to read as follows:

"Unloading of the goods

The term "unloading" referred to, in particular, in Explanatory Note 0.18-2 does not necessarily imply physical removal of the goods from the vehicle or container, for example, in cases where a transport operation continues with the same vehicle or container after a TIR transport has ended. However, if a TIR transport has ended for a part-load of the goods and continues for the rest of the load, the former shall be physically removed from the sealed load compartment or container or, in case of heavy or bulky goods, shall be separated from the remaining heavy or bulky goods for which the TIR transport continues."

Explanatory Note 0.21-1 to Article 21

Replace the words “other than” by: “in addition to” (English only).

Article 26, paragraph 1

In the first and second sentences replace the words “TIR operation” by: “TIR transport”.

Article 28

Modify article 28 to read as follows:

“1. Termination of a TIR operation shall be certified by the Customs authorities without delay. Termination of a TIR operation may be certified without or with reservation: where termination is certified with reservation this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly indicated in the TIR Carnet.

2. In cases where the goods are placed under another Customs procedure or another system of Customs control, all irregularities that may be committed under that other Customs procedure or system of Customs control shall not be attributed to the TIR Carnet holder as such or any person acting on his behalf.”

Comment to Article 28

Add a new comment to Article 28 to read as follows:

“Applicable procedures after termination of a TIR operation

Article 28 provides that termination of a TIR operation shall be certified by the Customs authorities without delay. Termination will be subject to the goods having been placed under another Customs procedure or another system of Customs control. This may include clearance for home use, transfer across the border to a third country or a free zone or storage in a place approved by the Customs authorities while awaiting the declaration for another Customs procedure.”

Comment to Article 28 (Return of TIR Carnets)
(1999 TIR Handbook, page 53)

Modify the existing comment to read as follows:

“Return of a TIR Carnet to the holder or any other person acting on his behalf

It must be stressed that the immediate return of the TIR Carnet, whether certified as terminated with or without reservation, is an essential duty of the Customs office of destination. This not only facilitates checking by the issuing association and the international organization referred to in Article 6, but also enables these organizations, on return of the Carnet, to issue a new Carnet to the carrier, since the number of Carnets in use (in the holder’s possession) at any one time may be limited.”

Comment to Article 28 (Possibility of using two TIR Carnets for a single transport operation)
(1999 TIR Handbook, page 53)

Modify the existing comment to read as follows:

“Possibility of using two TIR Carnets for a single TIR transport

Occasionally, the number of vouchers in the TIR Carnet are not sufficient to carry out a total TIR transport. In these cases the first part of a TIR transport has to be ended in accordance with Articles 27 and 28 of the Convention and a new Carnet has to be accepted by the same Customs office having certified the termination of the previous TIR operation and used for the remainder of the TIR transport. Proper inscription shall be made in both TIR Carnets to reflect this fact.”

Comment to Article 28 (Discharge of TIR Carnets)
(1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Termination of a TIR operation

1. In cases where a TIR operation has been certified as terminated without reservation, the Customs authorities which declare that the certificate of termination has been obtained in improper or fraudulent manner should specify in its notification of non-discharge and/or request for payment its reasons for declaring this termination improper or fraudulent.

2. The Customs authorities should not certify the termination of TIR operations subject to systematic unspecified reservations, without giving reasons, solely for the purposes of avoiding the requirements of Article 10, paragraph 2 and Article 11, paragraph 1.”

Comment to Article 28 (Indication of reservations)

(1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Indication of reservations

Customs authorities should make any reservation about the termination of a TIR operation very clear and should also indicate the existence of a reservation by filling-in box 27 on voucher No.2 of the TIR Carnet and by placing an “R” under item 5 on the counterfoil No.2 as well as by completion of the Certified Report of the TIR Carnet, if appropriate.”

Comment to Article 28 (Alternative forms of evidence as proof for the discharge of TIR Carnets)

(1999 TIR Handbook, page 40)

Modify the existing comment to Article 10 which becomes a comment to Article 28 to read as follows:

“Alternative forms of evidence for the termination of a TIR operation

With a view to establishing alternative evidence for the proper termination of a TIR operation, Customs authorities are recommended to use exceptionally, for example, the following information provided it has been furnished to their satisfaction:

- any official certificate or confirmation of the termination of a TIR operation covered by the same TIR transport made out by another Contracting Party following the respective TIR operation or confirmation of the transfer of the goods in question to another Customs procedure, e.g. clearance for home use;
- the duly stamped corresponding counterfoils No. 1 or No. 2 in the TIR Carnet by such a Contracting Party or a copy thereof to be provided by the international organization referred to in Article 6 of the Convention which must confirm that it is a true copy of the original.”

Article 42

Replace the words “TIR operation” by: “TIR transport”.

Annex 1 to the Convention

Model of TIR Carnet, Version 1 and Version 2

Replace in No. 2 of the Rules Regarding the use of the TIR Carnet the wording “TIR operations” by: “TIR transports”.

Comment to Annex 1

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

“Model of the TIR Carnet and TIR Carnet forms actually printed and distributed

In order to impede falsification of TIR Carnet forms and to facilitate their distribution and registration, TIR Carnet forms actually printed and distributed may contain additional details and features which do not appear in the model of the TIR Carnet reproduced in Annex 1, such as identification and page numbers, bar-codes as well as other special protective features. Such additional details and features should be approved by the TIR Administrative Committee.”

The representative of the IRU reserved his position on this matter.

Comment to Annex 1 (Discharge of TIR Carnets)

(1999 TIR Handbook, page 73)

Modify the existing comment to read as follows:

“Termination of a TIR operation

In box 24 to 28 of voucher No. 2, in addition to the required inscriptions, only one Customs stamp and one signature are necessary and sufficient to certify the termination of a TIR operation. Other authorities than Customs are not entitled to stamp and sign the vouchers, counterfoils and the front cover. The filling-in by the Customs authorities of the counterfoil to voucher No. 2, including one Customs stamp, the date and the signature, indicates to the holder of a TIR Carnet and the guaranteeing association that termination of the TIR operation has been certified, with or without reservation.”

Comment to Annex 1 (Alternative forms of evidence as proof for the discharge of TIR Carnets)
(1999 TIR Handbook, page 74)

Modify the existing comment to read as follows:

“Alternative forms of evidence for the termination of a TIR operation

With a view to establishing alternative evidence for the proper termination of a TIR operation, Customs authorities are recommended to use exceptionally, for example, the following information provided it has been furnished to their satisfaction:

- any official certificate or confirmation of the termination of a TIR operation covered by the same TIR transport made out by another Contracting Party following the respective TIR operation or confirmation of the transfer of the goods in question to another Customs procedure, e.g. clearance for home use;
- the duly stamped corresponding counterfoils No. 1 or No. 2 in the TIR Carnet by such a Contracting Party or a copy thereof to be provided by the international organization referred to in Article 6 of the Convention which must confirm that it is a true copy of the original.”

Comment to Annex 1 (Indication of reservations)
(1999 TIR Handbook, page 74)

Modify the existing comment to read as follows:

“Indication of reservations

Customs authorities should make any reservation about the termination of a TIR operation very clear and should also indicate the existence of a reservation by filling-in box 27 on voucher No.2 of the TIR Carnet and by placing an “R” under item 5 on the counterfoil No.2 as well as by completion of the Certified Report of the TIR Carnet, if appropriate.”

17. The Working Party noted that the French and Russian texts of the amendment proposals still might need to be improved and requested the secretariat to take the necessary action in this regard.

18. Reviewing Article 2 of the Convention on the scope of the TIR procedure, the Working Party stressed that crossing one or more frontiers of Contracting Parties is an essential condition for a valid TIR transport. Thus, the Working Party was of the view that the Convention may not be applied in case a transport operation is made within one country between a Customs free zone and the rest of its territory as no borders are crossed during the journey.

19. With regard to the new terminology that has been defined in Article 1 of the Convention, the Working Party felt that the words “beginning”, “commencement” (French), “>”R”:@” (Russian) and “end”, “achèvement” (French), “8@>, P” (Russian) should be used in connection with a TIR transport, in order to distinguish this terminology from that relating to the “start”, “début” (French), “>”R”:@” (Russian) and “termination”, “fin” (French), “BD, 8D”V, >4, ” (Russian) of a TIR operation.

20. The Working Party was informed by the secretariat of some differences in meaning between the original texts of the Convention in English and Russian as well as in English and French (Informal document No. 9 (2000)). Having stressed that texts in all the three official languages of the Convention should be equally authentic as stipulated in Article 64 of the Convention, the Working Party felt that such differences should be reconciled without delay and possibly within Phase II of the TIR revision process through modifications of the relevant French and Russian texts. All Contracting Parties concerned were invited to send relevant comments to the secretariat as soon as possible with a view to including them into the package of the amendment proposals under Phase II of the TIR revision process.

21. The Working Party also took note of Informal document No.11 (2000) containing some amendment proposals by the National Committees for the Simplification of Procedures and Practices in Administration, Commerce and Transport (SECIPRO) and requested the secretariat to consider the above proposals and select those which might be taken into account under Phase II of the TIR revision process.

(ii) Adoption of recommended procedures related to the amendment proposals under Phase II of the TIR revision process

Documentation: TRANS/WP.30/1999/10; TRANS/WP.30/1999/7.

22. The Working Party took note of consolidated recommendations for the termination and discharge of TIR operations as well as for inquiry procedures. These recommendations have been prepared on the bases of the proposals made earlier by the European Commission, the Russian Federation and the IRU. The Working Party also took note of a list of recommended documents to substantiate Customs claims prepared by the secretariat in accordance with the request of the ad hoc group of experts on Phase II of the TIR revision process (TRANS/WP.30/1999/10).

23. The Working Party felt that such recommendations would allow for transparency and harmonization in the implementation of the TIR procedure at the national level and thus would be of great interest to the transport industry and to many countries, in particular those which have only recently acceded to the Convention or are considering to do so. The Working Party invited all Contracting Parties to provide the secretariat with their comments on the above document with a view to preparing a revised version for consideration at the next session of the Working Party.

24. The Working Party stressed that the recommended procedures would need to be adopted by the Working Party and the TIR Administrative Committee as part of Phase II of the TIR revision process.

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

Documentation: Informal documents No. 1, 7 and 8 (2000); TRANS/WP 30/188; Informal document No. 5 (1997).

25. The Working Party recalled that, at its ninety-fourth session, it had considered briefly a document prepared by the UN/ECE and the TIR secretariats which provided some reflections on the necessary steps to be taken and the elements to be considered in order to arrive at a consistent and target-oriented package of amendment proposals under Phase III of the TIR revision process (Informal document No.1 (2000)) (TRANS/WP.30/188, paras. 31-38).

26. Taking account of Informal document No. 8 (2000) prepared by the European Community and Informal document No. 7 (2000) prepared by the UN/ECE and the TIR secretariats, the Working Party was of the view that, following the conclusions of Phases I and II of the TIR revision process, the next logical step was to provide the TIR regime with the legal and administrative basis to allow for the use of modern information, management and control technology based on highly automated and secured electronic procedures. The Working Party recognized that computerization of the TIR procedure was inevitable (a) in the light of today's extremely rapid technological developments, based on Internet and Smart Card technologies, particularly affecting international transport and trade, (b) the ever increasing need for improved efficiency of Customs transit procedures and (c) the fight against fraudulent activities which must be conducted with the most appropriate and effective means. For this purpose, the strategy, the structures and the electronic platforms to be used during the computerization process of the TIR regime had to be identified and determined at an early stage in close consultation with all national Customs authorities and transport interests in order to provide national Customs authorities and the transport industry with the necessary long-term stability in its administrative procedures and the underlying legal framework.

27. The Working Party felt that the existing and widely varying national Customs procedures, administrative practices and legal requirements in the Contracting Parties to the Convention should be taken into account during this process. Computerization of the TIR procedure, based on the TIR regime as revised during Phases I and II of the TIR revision process, would therefore have to focus on the possibility of linking national Customs transit procedures via a standard electronic and/or paper-based data file containing all information of the TIR Carnet. The newly to be created electronic data file would need to be compatible with most if not all possible technical EDI solutions applied or yet to be applied in the Contracting Parties to the Convention.

28. The link between national Customs procedures and the transfer of data files should be possible via (a) international EDI systems, as is being done in the New Computerized Transit System (NCTS), (b) Smart Cards that could be filled-in and carried along by the transport operator as well as filled-in, read and validated by Customs authorities, or (c) the present paper-based TIR Carnets, possibly supplemented by bar-code and TIR Carnet holder identification systems.

29. The Working Party was of the view that, whatever system is to be used, the approach taken in computerization of the TIR regime must be courageous and forward looking and should be able to accommodate all possible technological solutions likely to be implemented in the years ahead.

30. In order to make solid progress in this complex field, the Working Party decided to follow established practice and to establish an ad hoc group of experts on the computerization of the TIR regime which should be composed of experts from interested countries and industry groups. The sessions of the ad hoc expert group should be convened by the secretariat in consultation with the Chairman of the Working Party. The expert group should (a) analyze the administrative and legal requirements relevant for computerization of the TIR regime, (b) study suitable technological solutions in this respect and (c) consider the experiences made with similar automated systems at the national as well as sub-regional levels, such as the NCTS, with a view to preparing possible alternative solutions and scenarios, specifying the benefits as well as the disadvantages of the various approaches. The findings of the expert group could then be considered by the Working Party and/or the TIR Contact Group in the first half of 2001.

(c) Extension of the scope of the Convention

Documentation: TRANS/WP.30/188.

31. The Working Party recalled that, at its ninety-fourth session, it had noted with interest the proposal of the secretariat that, with a view to establishing a single pan-European Customs transit system providing facilities for all land transport modes on an equal basis, an extension of the scope of the TIR Convention to rail transport should be considered (TRANS/WP.30/188, para. 18).

32. The Working Party was of the view that work towards a single pan-European rail transit system should be pursued, as an ideal solution, by the Working Party on the basis of a new United Nations Convention. At its forthcoming session, the Working Party would review progress made in this field and decide on any further action and possible re-direction of work.

(d) Application of the Convention

(i) Draft Recommendation on the validity of multi-user TIR operations

Documentation: TRANS/WP.30/2000/1; TRANS/WP.30/AC.2/55.

33. The Working Party noted that the TIR Administrative Committee, at its twenty-seventh session, had considered briefly a draft Recommendation on the validity of multi-user TIR operations (TRANS/WP.30/2000/1) and requested the Working Party to reconsider this issue at its next session with a view to providing guidance to the Administrative Committee on this subject (TRANS/WP.30/AC.2/55, paras. 9-12).

34. The Working Party recalled that the Recommendation has been prepared by the TIR and the UN/ECE secretariats in order to provide for the possibility that, under certain conditions, TIR operations could also be undertaken by persons other than the TIR Carnet holder who, however, remained responsible for the proper application of the Convention. The objective of the draft Recommendation was to accommodate different interpretations by Contracting Parties on the validity of multi-user TIR operations and to provide, as a temporary short-term measure, for transparency in the application of the Convention in all Contracting Parties, realizing that harmonization of relevant national legislation and of different interpretations relating to the responsibility of the TIR Carnet holder to be inserted into the Convention might not be achieved in the foreseeable future (TRANS/WP.30/186, paras. 65-68).

35. The Working Party realized that multi-user TIR operations no longer posed any major problems in the application of the Convention and therefore decided not to continue, for the time being, consideration of the proposed Recommendation.

36. The representative of the Russian Federation felt that the validity of multi-user TIR operations involving several carriers still needed to be discussed by the Working Party with a view to preparing relevant provisions on this matter for inclusion into the Convention.

(ii) Settlements of claims for payments

Documentation: TRANS/WP.30/188; TRANS/WP.30/184; TRANS/WP.30/182.

37. The Working Party reiterated its concern about the slow progress made in the settlement of "old" Customs claims under the previous insurance system and urged again all Parties involved to resolve the still numerous pending cases as quickly as possible.

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

Documentation: TRANS/WP.30/188; TRANS/WP.30/AC.2/2000/1; TRANS/WP.30/184; TRANS/WP.30/178; TRANS/WP.30/162.

38. The Working Party noted that, unfortunately, no further progress had been made in the re-introduction of guarantee coverage for those goods and TIR Carnets for which the national guaranteeing associations and the international insurers had denounced their insurance contracts.

39. As already announced at the spring session of the Working Party, as of 1 April 2000 insurance coverage has been re-introduced on the Customs territory of the European Community for three categories of goods (TRANS/WP.30/188, paras. 48-51).

40. The Working Party decided to annex to its report the list of goods, which, as of 1 April 2000, were still excluded from guarantee cover on the territory of the European Community (see Annex 1 to this report).

(iv) Interpretation of Article 3 of the Convention

Documentation: TRANS/WP.30/2000/13; TRANS/WP.30/R.191.

41. The Working Party recalled that, at its ninety-fourth session, it had continued its consideration of the validity of Article 3 of the Convention and expressed the view that, in order to arrive at a harmonized application of the Convention, the provisions in Article 3 had to be amended. Such amendment could be based on the draft comment prepared earlier by the secretariat (TRANS/WP.30/R.191) stating that it is acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven on their own wheels as these vehicles themselves could be regarded as "goods" transported under the TIR procedure (TRANS/WP.30/188, paras. 52-53).

42. The Working Party considered the newly proposed text of Article 3 of the Convention as prepared by the secretariat (TRANS/WP.30/2000/13). It agreed with the new wording of Article 3 and with the proposed comment thereto to which an additional phrase should be added at the end of the comment to read as follows: "Appropriate inscriptions to this effect should be made in each of the TIR Carnets utilized". Furthermore, the Working Party decided to insert another comment explaining the differences in the application of Article 15 and Article 3 (a) of the Convention. The agreed text of Article 3 as well as the amended and newly added comment are contained in the Annex 2 to this report and will be transmitted to the TIR Administrative Committee for adoption at its forthcoming session.

(v) **Validity of curtain-sided vehicles (vehicles with sliding sheets)**

Documentation: TRANS/WP.30/2000/14 and Add.1/Corr.1; TRANS/WP.30/2000/10; TRANS/WP.30/2000/6; TRANS/WP.30/1998/14; TRANS/WP.30/R.166.

43. The Working Party recalled that, at earlier sessions, it had considered and not approved the validity of curtain-sided vehicles under the Convention. However, it had agreed that some new constructions of curtain-sided vehicles were now available that seemed to be Customs secure.

44. Following considerations of two basic approaches in addressing this matter proposed in a document prepared by Sweden, stipulating detailed requirements in Annex 2 of the Convention for the approval of curtain-sided vehicles (TRANS/WP.30/2000/10) and in a document prepared by the secretariat, proposing the insertion of only a comment on the validity of curtain-sided vehicles into the TIR Handbook without modifying the provisions of the Convention (TRANS/WP.30/2000/6), the Working Party, at its ninety-fourth session, requested the secretariat to convene an informal ad hoc group of experts to prepare concrete proposals on the validity of such vehicles under the Convention (TRANS/WP.30/188, paras. 55-57).

45. The Working Party considered the results of the expert group meeting (30 and 31 March 2000), at which experts from interested UN/ECE member countries, the European Commission and the Liaison Committee of Coach Work and Trailer Builders (CLCCR) participated, which are contained in documents TRANS/WP.30/2000/14 and Add.1/Corr.1. It noted that the expert group proposed to insert a new Article 4 into Annex 2 as well as a new Article 5 into Annex 7 of the Convention allowing for the general approval of all possible types of vehicles and containers with sliding sheets without any reference to specific and already existing types of constructions.

46. The Working Party agreed, in principle, with the approach taken by the expert group. One delegation felt, however, that the newly proposed provisions in Annex 2, Article 4, paragraph 3 as well as in Annex 7, Article 5, paragraph 3 of the Convention might need to be reviewed as they might dilute the strict requirements for vehicles and containers with sliding sheets proposed in the preceding paragraph 2 of Articles 4 and 5 respectively.

47. The Working Party requested the secretariat to add an additional sketch to the proposed amendments showing clearly the overall construction of vehicles and containers with sliding sheets. It decided to review briefly the amendment proposals at its forthcoming session and to transmit them also to the forthcoming session of the TIR Administrative Committee.

48. In view of the good experiences made with the ad hoc expert group on curtain-sided vehicles, the Working Party decided to establish an ad hoc expert group on technical questions relating to issues of transport and border crossing facilitation. This expert group could be convened, as required, to provide guidance to the Working Party.

(vi) **Procedures to be applied in case of suspension of a TIR operation**

Documentation: TRANS/WP.30/2000/15 and Corr.1; TRANS/WP.30/2000/7.

49. The Working Party continued its considerations on the application of the Convention and on the procedures to be applied following the suspension of the TIR procedure in accordance with Article 26 of the Convention. Different views on the interpretation of this article had been voiced earlier, particularly in cases in which Customs seals or identifying marks had been removed or when Contracting Parties were involved, in which, due to the lack of an authorized guarantee association, no TIR procedure could be applied (TRANS/WP.30/188, para. 58; TRANS/WP.30/2000/7; TRANS/WP.30/186, para. 70).

50. On the basis of a document prepared by the European Community (TRANS/WP.30/2000/15), the Working Party considered the application of Article 26 of the Convention. It noted that its provisions did not cover cases of countries being Contracting Parties to the Convention in which no TIR operation could be established due to the absence of a national guarantee system and/or for any other reason. The Working Party also felt that it would not seem to be reasonable to refuse the acceptance of TIR Carnets in any succeeding Contracting Parties only because the Customs seals are not intact. These issues would need to be addressed and the Convention therefore had to be amended accordingly. Noting that some of the proposals made by the European Community still needed to be clarified, the Working Party decided to revert to these questions at its forthcoming session.

(vii) **Other matters**

Application of the TIR Convention in the Russian Federation

51. The representative of the European Community expressed concern about the large number of Orders of the State Customs Committee of the Russian Federation which often came into force at very short notice, affected adversely the international transport industry and did not seem to be in line with the provisions of the Convention. He expressed particular concern about the application of State Order No. 97 of 8 February 2000 providing for a long list of goods that had become subject to obligatory physical examination with random opening of packages at the entry points of the Russian Federation. The application of this Order had led to considerable problems and delays, particularly at the Finnish-Russian border. In this context, the representative of Finland informed the Working Party that the Finish guaranteeing association was considering the exclusion of Russian transport operators from its guarantee coverage. The representative of Italy pointed out similar developments in his country which, similarly to the Finnish case, could lead to a denunciation of the guarantee coverage for Russian transport operators in all countries of the European Community.

52. The Working Party noted that such partial denunciation of the guarantee coverage would not be in line with Article 6, paragraph 2 and Annex 9, Part I of the Convention and could lead to the revocation of the authorization for national associations to issue TIR Carnets and to act as guarantors. As a result, the TIR regime might need to be withdrawn on the territory of the European Community.

53. The representative of the Russian Federation stressed that the allegations made by the representative of the European Community were not sufficiently substantiated. Substantive arguments and grievances in this respect should be transmitted for consideration by the TIR Executive Board (TIRExB) which had been established to supervise and provide support in the application of the Convention. The representative of the Russian Federation also provided some information on the application of State Order No. 97.

54. In this context, the Chairman of the TIRExB, Mr. R. Ehmcke pointed out that the TIRExB and the TIR secretariat were considering these issues and had already consulted with the State Customs Committee of the Russian Federation with a view to resolving the ensuing problems.

Transport of containers and semi-trailers via the Baltic Sea

55. The representative of the IRU informed the Working Party that some Customs authorities had requested a second TIR Carnet to be opened for a single TIR transport in cases where a TIR transport of a container or a semi-trailer was resumed following a sea leg. He undertook to transmit a draft comment to Article 3 of the Convention on this matter at the next session of the Working Party.

Illegal immigrants carried in lorries transporting cargo under the TIR regime

56. Not considered due to lack of time.

Imposition of escort services in case of goods value above US\$ 50,000

57. Not considered due to lack of time.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

58. No new information was provided by delegations on this subject.

OTHER BUSINESS**(a) Dates of next sessions**

59. The Working Party decided to convene its ninety-sixth session from 16 to 20 October 2000. This session would be held in conjunction with the twenty-ninth session of the TIR Administrative Committee (19 and 20 October 2000), the fourth session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982 (18 and 20 October 2000) and the first session of the Administrative Committee for the Convention on Customs Treatment of Pool Containers Used in International Transport (18 and 20 October 2000).

60. The ninety-seventh session of the Working Party could then be held in conjunction with the thirtieth session of the TIR Administrative Committee in the week from 19 to 23 February 2001.

(b) Restriction on the distribution of documents

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

ADOPTION OF THE REPORT

62. The Working Party adopted the report on its ninety-fifth session.

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Annex 1**TIR CONVENTION, 1975**

**GOODS FOR WHICH NO GUARANTEE COVERAGE
EXISTS ON THE TERRITORY OF THE EUROPEAN COMMUNITY
(Status: 1 April 2000)**

Harmonized System Heading No.	Goods Description
01.02	Live bovine animals
02.02	Meat of bovine animals, frozen
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter
ex 04.05	Butter and other fats and oils derived from milk
8.03	Bananas, including plantains, fresh or dried
7.01	Cane or beet sugar and chemically pure sucrose in solid form
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 per cent vol. or higher
ex 22.08	Spirits, liqueurs and other spirituous beverages

Annex 2

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975

agreed upon by the Working Party on 16 June 2000

Replace the text of Article 3 by the following:

“Article 3

For the provisions of this Convention to become applicable:

- (a) the transport operation must be performed
 - (i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth in Chapter III (a), or
 - (ii) by means of other road vehicles, other combinations of vehicles or other containers under the conditions set forth in Chapter III (c), or
 - (iii) by road vehicles or special vehicles such as buses, cranes, sweepers, concrete-laying machines etc. exported and therefore themselves considered as goods travelling by their own means from a Customs office of departure to a Customs office of destination under the conditions set forth in Chapter III (c). In case such vehicles are carrying other goods, the conditions as referred to under (i) or (ii) above shall apply accordingly;
- (b) the transport operations must be guaranteed by associations approved in accordance with the provisions of Article 6 and must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention.”

Annex 2 (cont'd)

TIR CONVENTION, 1975

Comment to Article 3

adopted by the Working Party on 16 June 2000

Replace the existing comment to Article 3 (1999 TIR Handbook, page 32; TRANS/GE.30/10, para. 14-17) by the following comment:

Comment

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. Also an additional Carnet has to be used for such transports. Appropriate inscriptions to this effect should be made in each of the TIR Carnets utilized.

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."

Add the same comment to Article 29 of the Convention.
