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Report of the Working Party on Customs Questions affecting Transport on its 130th session

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Attendance	1	3
II. Adoption of the agenda (agenda item 1)	2	3
III. Opening statement.....	3	3
IV. Election of officers (agenda item 2).....	4	3
V. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 3).....	5	4
VI. Activities of other organizations and countries of interest to the Working Party (agenda item 4).....	6–11	4
VII. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 5).....	12–19	5
A. Status of the Convention.....	12–15	5
B. Annex 8 on road transport	16–18	6
C. Harmonization Convention and hinterland connections of seaports.....	19	6
VIII. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, of 10 January 1952 (agenda item 6)	20	6
IX. Rail transit (agenda item 7).....	21	7
X. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 8).....	22	7

XI.	Other United Nations Economic Commission for Europe legal instruments for border crossing facilitation (agenda item 9).....	23	7
XII.	Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 10)	24–40	7
	A. Status of the Convention.....	24–25	7
	B. Revision of the Convention	26–32	8
	1. Preparation of Phase III of the TIR revision process.....	26–31	8
	2. Amendment proposals for the Convention.....	32	9
	C. Application of the Convention.....	33–40	9
	1. TIR-related electronic data interchange systems	33	9
	2. Settlement of claims for payments	34	9
	3. TIR Handbook.....	35	9
	4. Application of the TIR Convention in a Customs union with a single Customs territory.....	36	9
	5. Increase in the number of loading and unloading places.....	37–38	10
	6. Other matters	39–40	10
XIII.	Prevention of the abuse of Customs transit systems by smugglers (agenda item 11).....	41	10
XIV.	Programme of work and biennial evaluation (agenda item 12).....	42–44	10
XV.	Other business (agenda item 13).....	45–46	11
	A. Dates of the next session.....	45	11
	B. Restriction on the distribution of documents	46	11
XVI.	Adoption of the report (agenda item 14).....	47	11

I. Attendance

1. The Working Party (WP.30) held its 130th session from 7–10 February 2012 in Geneva. The session was attended by representatives of the following countries: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uzbekistan. Representatives of the European Union (EU) were also present. The following intergovernmental organizations (IGOs) were represented: the Economic Cooperation Organization (ECO) and the Organization for Cooperation between Railways (OSJD). The following non-governmental organizations (NGOs) were represented: the International Road Transport Union (IRU), the International Touring Alliance and the International Automobile Federation (AIT/FIA), the Bureau International des Conteneurs et du Transport Intermodal (BIC).

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/259

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/259), with the addition of the following issue under agenda item 10 (c) (v): "Application of the TIR system between Tajikistan and Uzbekistan".

III. Opening statement

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, informed the Working Party about the finalization of the OSCE–UNECE Handbook on best practices at border crossings, including a Chapter on the methodology of border performance measurements and benchmarking. She stressed the importance of this methodology for monitoring purposes and invited WP.30 to find a way of using it in the framework of the Harmonization Convention, being a unique tool for border crossing facilitation. Ms. Eva Molnar also advocated modernization of the TIR system by means of its computerization and, at the same time, promotion of the existing TIR regime. To this end, the secretariat is preparing a marketing publication on the basis of the TIR study (Informal document No. 5 (2011)). Finally, she called upon TIR Contracting Parties to undertake collective efforts at various levels with a view to including the operation of the TIR Executive Board (TIRExB) and the TIR secretariat into the regular UN budget.

IV. Election of officers (agenda item 2)

4. In accordance with the Commission's rules of procedure and established practice, the Working Party (WP.30) re-elected Mr. Oleksandr Fedorov (Ukraine) as Chair and Mr. Shahin Bagirov (Azerbaijan) as Vice-Chair for its sessions in 2012.

V. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 3)

5. The Working Party was informed about the forthcoming seventy-fourth session of the Inland Transport Committee (ITC) (28 February to 1 March 2012) and its policy segment on intelligent transport systems (ITS). Inter alia, ITC will finalize documentation for the ongoing review of the UNECE 2005 reform (briefing note on transport activities, list of latest achievements and expected future activities of ITC subsidiary bodies) which then will be submitted to the UNECE Executive Committee (EXCOM) for consideration.

VI. Activities of other organizations and countries of interest to the Working Party (agenda item 4)

6. The EU representative informed the Working Party that, as of 1 July 2012, the Common Transit System, currently applicable between the EU and EFTA countries, is planned to be extended to Croatia and Turkey.

7. The representative of ECO delivered a presentation that outlined his Organization's activities in the area of border crossing facilitation, including preliminary results of the ECO RMT - NELTI¹ phase 3 project in cooperation with IRU, development of road and rail transport corridors, various conducted and planned workshops and seminars, in particular to assist Afghanistan in revitalizing the TIR system.

8. The delegation of Iran (Islamic Republic of) appreciated the activities of ECO on transport facilitation and promoting the TIR Convention and encouraged Contracting Parties, UNECE, IRU and other relevant organizations to cooperate with ECO in this context.

9. The Working Party noted that many international organizations, which regularly participate in its sessions, pursue similar transport and border crossing facilitation goals and urged these organizations to closely cooperate with each other in order to achieve their common objectives in a more efficient manner. WP.30 also considered itself a platform for information exchange between these organizations, Contracting Parties to UNECE legal instruments, the secretariat and other stakeholders. To foster such exchange, all players and, in particular, regional integration organizations, were encouraged to share information on their ongoing and planned activities and legislative changes through written contributions, presentations and analytical reports.

10. In this context, the Working Party reverted to the request of ECO that a separate agenda item on ECO activities be included in the provisional agenda in the future. WP.30 felt that a generic agenda item "Activities of other organizations and countries of interest to the Working Party" gives all concerned IGO's, NGO's and countries ample opportunity to present their activities and that the substance of contributions is more relevant than their form. At the same time, WP.30 realized a significant role played by organizations of regional integration, such as ECO, EU, EurAsEC, etc., in creating common legislation among their member States. Thus, the Working Party was of the view that their activities should be introduced as separate sub-items on the agenda.

11. The Working Party welcomed a presentation by BIC, which focused, in particular, on the possible relationship between ISO Standard 1496 and Annex 4 of the Customs

¹ ECO Regular Monitoring of Trucks - New Eurasian Land Transport Initiative

Convention on Containers, 1972 as well as Annex 7 of the TIR Convention, 1975. WP.30 was of the opinion that although it seems, at first glance, that ISO Standard 1496 also covers the Customs security aspects addressed in the technical annexes of both Conventions, further analysis is required in order to assess whether, indeed, containers certified in accordance with ISO Standard 1496 could automatically be considered as approved under the Container Convention or TIR Convention. The Working Party invited BIC to further look into this matter as well as in the other matters raised by World Customs Organisation (WCO) and UNECE at recent meetings of the Administrative Committee for the Container Convention as well as in their joint correspondence with BIC. BIC was also invited to report on developments in relation to ISO 17712 Standard on mechanical seals and the intended deletion of the tamper test clause. The Working Party requested the secretariat to continue closely liaising with WCO on the issue and revert back to WP.30 in case of further developments. The secretariat informed the Working Party that the thirteenth session of the Administrative Committee for the Customs Convention on Containers, 1972 will take place on 14 and 15 May 2012 at the WCO premises in Brussels.

VII. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 5)

A. Status of the Convention

12. The Working Party welcomed information that the Secretary-General of the United Nations, acting in his capacity as depositary, had issued Depositary Notification C.N.814.2011.TREATIES-2 of 29 December 2011 communicating that Tajikistan had acceded to the Harmonization Convention. In accordance with its Article 17 (2), the Convention will enter into force for Tajikistan on 28 March 2012.

13. WP.30 also recalled Depositary Notification C.N.534.2011.TREATIES-1 of 1 September 2011, communicating the entry into force on 30 November 2011 of a new Annex 9 on rail border crossing to the Harmonization Convention. The Working Party highlighted the importance of facilitation measures provided for in the Annex and stressed that concerted actions of various governmental authorities are required to ensure the smooth introduction of the provisions of this Annex into the national legislation of Contracting Parties to the Harmonization Convention. As a first step, all Contracting Parties should officially publish the text of Annex 9 in accordance with applicable national laws, as has recently been done in the Legal Journal of the European Union in all EU languages.²

14. The Working Party requested the secretariat to transmit, without delay, a letter to all Contracting Parties to the Harmonization Convention drawing their attention to the entry into force of Annex 9 and the need to undertake activities with the aim to start its application without delay. WP.30 was also of the view that the application of the new provisions should be closely monitored and instructed the secretariat to include a separate item on Annex 9 into the provisional agendas of its future sessions.

15. OSJD informed WP.30 about the forthcoming Seventh Interdepartmental Meeting of OSJD member States (3–5 July 2012) which would address border crossing facilitation in rail transport and, inter alia, national plans of action to implement the new Annex. All Contracting Parties to the Harmonization Convention as well as interested IGO's and NGO's were invited to take part in the Conference.

² [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22011A1130\(04\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22011A1130(04):EN:NOT)

B. Annex 8 on road transport

16. Following the request of WP.30 at its 128th session (ECE/TRANS/WP.30/256, paras. 13 and 14), the delegation of the Russian Federation informed the Working Party about the application of the International Vehicle Weight Certificate (IVWC) in CIS countries. It pointed out that the benefits of the IVWC could be fully achieved only if other Contracting Parties to the Harmonization Convention would start applying and accepting the Certificate. The delegations of CIS countries were invited to transmit to the next session of WP.30, a document outlining the positive experiences of CIS countries in this area.

17. The delegations of Belarus and the Russian Federation reported about Decision No. 899 of 09.12.2011 of the Commission of the Customs Union which introduced, as of 17 July 2012, the obligation for road transport operators, when entering the territory of the Customs Union, to lodge advance electronic information with Customs at least two hours prior to crossing the border. This Decision had been taken with the aim to optimize and speed up conducting Customs operations. There are several ways of submitting advance electronic information, including the TIR-EPD application of IRU. The two delegations were requested to provide the secretariat with the text of the above decision for further dissemination.

18. The Working Party welcomed a presentation by Estonia on the electronic system "GoSwift" which was launched on 1 August 2011 with the aim to avoid long queues at the three road border crossing points between Estonia and the Russian Federation. The introduction of this system put an end to severe problems experienced by drivers and passengers when queuing up at the border, such as lack of security and facilities and pollution, but also fraud and smuggling. The details of "GoSwift" can be obtained at www.estonianborder.eu.

C. Harmonization Convention and hinterland connections of seaports

19. The Working Party recalled its earlier discussions regarding the possible preparation of a new annex to the Harmonization Convention on border crossing procedures at seaports (ECE/TRANS/WP.30/258, para.11) and was informed about activities of the secretariat with a view to identifying experts in this area who could assist in drafting such an annex as well to raising funds to hire a consultant(s).

VIII. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 (agenda item 6)

20. WP.30 took note that, in line with its request at the previous session (ECE/TRANS/WP.30/258, para. 12), the secretariat had contacted the Intergovernmental Organisation for International Carriage by Rail (OTIF) and OSJD to obtain more information on which kind of substantial proposals would contribute to bringing the Convention in line with modern rail transport requirements. The representative of OSJD informed WP.30 that his organization was soliciting views of OSJD member States on this issue. At the same time, OSJD doubted that it would be feasible to amend the outdated text of the 1952 Convention by means of signing an additional protocol.

IX. Rail transit (agenda item 7)

21. The Working Party noted that there had been no new developments concerning the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of Agreement on International Goods Transport by Rail (SMGS) Consignment Note. OSJD pointed out that this Convention is still needed and that a number of countries de-facto apply its provisions without acceding to it.

X. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 8)

22. WP.30 noted that the comments and best practices for the application of the 1956 Convention (ECE/TRANS/WP.30/2011/8), adopted at the previous session, were included in the Carnet de Passage (CPD) Handbook by AIT/FIA. The CPD Handbook is available with AIT/FIA upon request.

XI. Other United Nations Economic Commission for Europe legal instruments on border crossing facilitation (agenda item 9)

23. The Working Party reiterated its invitation to raise, under this agenda item, any questions pertaining to the application of other UNECE Conventions on border crossing facilitation. WP.30 also noted that no delegations which are Contracting Parties to the Convention on Customs Treatment of Pool Containers Used in International Transport, 1994 expressed interest in convening a session of its Administrative Committee (AC.4).

XII. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 10)

A. Status of the Convention

24. The Working Party noted that, as of 1 January 2012, the guarantee sum per TIR Carnet in the Republic of Moldova and Serbia had increased to EUR 60,000. This amount had been agreed upon between the Customs administrations, national guaranteeing associations, IRU and the international insurer.

25. The Working Party was also informed that, on 3 October 2011, the Secretary-General of the United Nations had issued Depositary Notification C.N.659.2011.TREATIES-3, communicating that, by 1 October 2011, none of the Contracting Parties had communicated to the Secretary-General an objection to the proposals of amendments to Annex 6 and Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1 and Corrs. 1 and 2 thereto. Consequently, the amendments entered into force on 1 January 2012 for all Contracting Parties. According to one of the amendments, national guaranteeing associations are requested to inform TIRExB, by 1 March each year, of the prices of various types of TIR Carnets they issue.

B. Revision of the Convention

1. Preparation of Phase III of the TIR revision process

Use of new technologies

26. The Working Party endorsed the report of the nineteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) (Belgrade, 13 and 14 September 2011), contained in document ECE/TRANS/WP.30/2012/1. The delegations of Iran (Islamic Republic of) and Kazakhstan were of the view that WP.30 should only take note of this report without any endorsement. The secretariat recalled that the endorsement of the GE.1 report does not imply the approval by WP.30 of the outcome of GE.1 work, i.e. additions and/or amendments to the eTIR Reference Model, but rather indicates the support of the Working Party for GE.1 activities and a request to continue the work along the lines presented in the report. As in the past, amendments and additions to the eTIR Reference Model will be submitted separately to the Working Party for approval.

27. WP.30 thanked the Czech Customs administration for their kind offer to host the twentieth session of GE.1 in Prague on 19 and 20 April 2012. It took note that, among others, the following items will be discussed:

- the need to introduce international declaration mechanisms in the eTIR Reference Model;
- the financial implications of the introduction of the eTIR international system;
- the dematerialization of documents attached to the TIR Carnet.

28. The Working Party reminded Contracting Parties that, if their representatives cannot attend GE.1 meetings, they can nevertheless contribute to discussions through their eTIR focal points and, therefore, stressed the importance for all Contracting Parties to nominate eTIR focal points.

29. WP.30 noted that, in line with the joint mandates by WP.30, TIRExB, GE.1 and ITC, the secretariat, with the assistance of the UNOG competent services, had issued a tender for a cost-benefit analysis (CBA) of the eTIR project. On the basis of the offers received, a consultant had been selected. To date, a detailed inception report was produced and agreed upon. The CBA report should be finalized on time to be presented at the twentieth session of the GE.1 and will be later submitted to WP.30 and TIRExB for consideration.

30. WP.30 took note that the UNECE Transport Division's project "Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration" had been approved by the United Nations General Assembly for funding under the United Nations Development Account (UNDA). This project aims at extending the use of international standards and the latest information and communication technologies to increase cooperation between Customs authorities and C2C electronic information exchange. WP.30 took note of similarities between this project and eTIR and requested the secretariat to prepare, for the next session, a document providing more details on the UNDA project as well as on the financial arrangements of the cost-benefit analysis, as mentioned in the previous paragraph.

31. Finally, the Working Party welcomed the latest development of the eTIR pilot project. It took note that after a high level meeting in December 2011 in Rome between the Italian and Turkish Customs administrations where both parties agreed to collaborate on the pilot, a technical meeting would be organized in Ankara on 14 and 15 February 2012 to find technical solutions for the implementation of the pilot.

2. Amendment proposals for the Convention

32. The Working Party recalled its discussions on document ECE/TRANS/WP.30/2010/4/Rev.3, containing various alternatives for items (o), (p) and (q) on audit requirements for an authorized international organization, and reiterated its invitation to the Chair to conduct informal consultations among the countries concerned (ECE/TRANS/WP.30/258, paras. 24 and 25), with a view to achieving progress on this issue. WP.30 also noted that, following a request by the Russian delegation at the previous session, the secretariat has issued Corrigendum 1 to document ECE/TRANS/WP.30/2010/4/Rev.3 to rectify the text of the proposal by the Russian Federation regarding item (p).

C. Application of the Convention

1. TIR-related electronic data interchange systems

33. The Working Party was informed by IRU about the functioning of the IRU SafeTIR system (Informal document No.2 (2012)). From 1 January to 31 December 2011, IRU had received 3,051,671 SafeTIR messages with an average transmission delay of 4.4 days. Eighty-two per cent of the messages had been transmitted in real-time (within 24 hours). The Customs administrations of Belarus, Bosnia and Herzegovina, Bulgaria, Czech Republic, Estonia, France, Georgia, Montenegro, Republic of Moldova, Romania, Russian Federation, Serbia and Ukraine transmitted data in real-time. In the same period, IRU had issued 8,553 reconciliation requests and had received replies to 5,980 (70 per cent) of them with an average delay of 62 days. In addition, a total number of 3,681,505 requests were made by Customs authorities to check the status of TIR Carnets in the IRU Real-Time SafeTIR database. During the same period, 74,010 were lodged, free of charge, to the Customs authorities of 19 countries through the TIR-EPD (electronic pre-declaration) system.

2. Settlement of claims for payments

34. The Working Party was informed by IRU of the current situation on the settlement of claims for payments made by Customs authorities against national guaranteeing associations. From 1 January to 31 December 2011, IRU received 2,484 pre-notifications and 970 notifications (from all Contracting Parties) as well as 217 payment requests. The number of pending payment requests as of 31 December 2011 amounted to 6,317. In the same period, 90 payment requests had been paid and 390 had been closed without payment. WP.30 also took note that the secretariat and IRU would consider a correlation between the figures reported by IRU to WP.30 and the statistics collected by the TIR Executive Board (TIRExB) when conducting the survey of Customs administrations regarding Customs claims raised in 2007–2010.

3. TIR Handbook

35. WP.30 took note that the 2010 version of the TIR Handbook was available in all six United Nations languages, both electronically and in hard copies. The next edition of the Handbook is planned to be published in 2013.

4. Application of the TIR Convention in a Customs union with a single Customs territory

36. The Working Party was informed about progress in the preparation and approval of a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union of Belarus, Kazakhstan and the Russian Federation.

5. Increase in the number of loading and unloading places

37. The delegation of Turkey, supported by Azerbaijan, Uzbekistan and IRU, pointed out the clear demand from the road transport industry and trade to increase the number of places of loading and unloading from four to eight and argued in favour of amending the TIR Convention without delay. EU, Belarus and the Russian Federation were not in a position to support this view and indicated that such an increase would need to be analysed further, as it might complicate control over the TIR procedure and lead to higher risks for Customs authorities.

38. The Working Party invited the above delegations to conduct informal consultations with a view to finding a consensus before the next session of WP.30. In the interim, all delegations were invited to consider a possible new layout of the TIR Carnet covering eight offices of departure and destination (Informal document No. 1 (2012) by IRU) and send their comments to the secretariat.

6. Other matters

39. The delegations of Tajikistan and Kyrgyzstan informed the Working Party of their road carriers' complaints about the facts of possible infringements of the TIR Convention in Uzbekistan. The delegation of Uzbekistan questioned this information and reported compliance with the provisions of the TIR Convention. The Working Party noted that disputes between two Contracting Parties should be settled by negotiations between them and that monitoring the application of the TIR procedure at the national level, as well as facilitating settlement of disputes, are within the competence of TIRExB. The TIR Secretary invited the delegations of Tajikistan and Kyrgyzstan to provide the secretariat with all relevant material concerning the reported difficulties, which would then be transmitted to the competent authorities of Uzbekistan for consideration. Should the Parties not reach an agreement, the issue would be submitted to TIRExB for further consideration.

40. Turkey informed WP.30 of problems with Customs escorts experienced by Turkish operators in the Russian Federation. Turkey also reported on a temporary solution to the guarantee problem of trailers whose owners are not the holders of the TIR Carnet, and of its intention to forward this matter to TIRExB with the request to seek a permanent solution.

XIII. Prevention of the abuse of Customs transit systems by smugglers (agenda item 11)

41. The Working Party took note of two latest fraud reports from the Polish Customs administrations, available at the password-protected TIR Focal Points website. WP.30 recalled the importance of the fraud reports and encouraged Contracting Parties to continue to submit reports and to assess the relevance of the provided data for national risk management purposes.

XIV. Programme of work and biennial evaluation (agenda item 12)

42. The Working Party adopted, as a basis for further consideration, the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10), subject to the following modifications:

In item 1 (j), *after* World Customs Organization, *add* supranational organizations, organizations of regional integration as well as.

Add a new paragraph 3 to *read*:

3. Any of these Terms of Reference can be amended.

43. The delegation of Iran (Islamic Republic of) was of the view that the draft Terms of Reference did not properly distinguish between the competencies of the Working Party and those of the various Administrative Committees, mentioned under item 1 (n) of ToR, and submitted to the secretariat modifications to this effect. The Working Party requested the secretariat to issue this contribution as an official document for discussion at the next session.

44. Due to lack of time, the Working Party decided to postpone, to the next session, consideration of draft rules of procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2, as well as of the proposal by Iran (Islamic Republic of) to streamline the work of WP.30 (ECE/TRANS/WP.30/258, para. 38).

XV. Other business (agenda item 13)

A. Dates of the next sessions

45. The Working Party decided to hold the 131st session in the week of 11–15 June 2012.

B. Restriction on the distribution of documents

46. The Working Party decided that there were no restrictions with respect to the distribution of documents issued in connection with its current session.

XVI. Adoption of the report (agenda item 14)

47. The Working Party adopted the report on its 130th session on the basis of a draft prepared by the secretariat.
