



**Economic and Social  
Council**

Distr.  
GENERAL

TRANS/WP.30/208  
30 June 2003

Original: ENGLISH

---

**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS  
AFFECTING TRANSPORT ON ITS ONE-HUNDRED-AND-FOURTH SESSION  
(17-20 June 2003)**

**CONTENTS**

	<u>Paragraphs</u>
– Attendance	1-4
– Commemorative words	5
– Opening Statement	6
– Adoption of the agenda	7
– Activities of UNECE bodies and other United Nations organizations of interest to the Working Party	8 and 9
– Activities of other organizations of interest to the Working Party	10
– Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)	11 and 12
– International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)	13-18
– Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail	19-21
– Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)	22-61
– Prevention of the abuse of Customs transit systems by smugglers	62-64
– Other business	65-67
– Adoption of the report	68

## **REPORT**

### **ATTENDANCE**

1. The Working Party held its one-hundred-and-fourth session from 17 to 20 June 2003 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; France; Germany; Greece; Hungary; Italy; Kazakhstan; Latvia; Lithuania; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Serbia and Montenegro; Slovakia; 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.
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); Transfrigoroute International.

### **COMMEMORATIVE WORDS**

5. The Working Party was informed by its Chairman about the death of Mr. I. Parts, the distinguished delegate of Estonia, on 10 March 2003. It observed a minute of silence in his memory.

### **OPENING STATEMENT**

6. In opening the meeting, the Director of the UNECE Transport Division, Mr. J. Capel Ferrer, informed the Working Party that the Inland Transport Committee, at its sixty-fifth session, had requested its Bureau to consider the difficulties encountered in the TIR procedure and to propose solutions for the future. The Bureau, at its session on 21 February 2003, had requested the secretariat to prepare a questionnaire to be sent to all Contracting Parties of the TIR Convention and, on the basis of the replies received, to prepare a note containing various issues concerning the application and implementation of the TIR Convention, weaknesses and proposals in order to solve those weaknesses in the TIR procedure. The Bureau had also requested the IRU to prepare a note on various issues concerning the application of the Convention, the IRU-managed TIR guarantee system and the financial flows and risk exposure of the IRU in relation to its activities concerning the TIR Convention. The Bureau will, at its forthcoming session on 10 July 2003, study the replies to the questionnaire and the reply of the IRU. Concerning the TIR Convention, Mr. J. Capel Ferrer emphasized the importance of ensuring its sustainability, stressed the significance of the work on roles and responsibilities initiated by the Chairman of WP.30 and that the TIR procedure must be based on a well functioning public-private partnership, highlighted the importance of the proper functioning of a control system for TIR Carnets and the importance of computerizing the TIR procedure as soon as possible. He also invited the Working Party to finalize the new draft Annex 8 to the Harmonization Convention and finally encouraged the Working Party to carefully consider how the question of security should be addressed in the framework of the Conventions administered by the Working Party.

## **ADOPTION OF THE AGENDA**

Documentation: TRANS/WP.30/207.

Mandate and background: Provisional agenda TRANS/WP.30/207, point 1.

7. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/207) with the addition of the following item under point 9 of the agenda:

- Information concerning the functionalities of the web site of the UNECE Border Crossing Facilitation section and the TIR web site.

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

Documentation: Depository Notification C.N.362.2003.TREATIES-2 and 3.

Mandate and background: Provisional agenda TRANS/WP.30/207, point 2.

8. The Working Party was informed that the United Kingdom had ratified the Convention on Customs Treatment of Pool Containers used in International Transport (Depository Notification C.N.362.2003.TREATIES-2 and 3).

9. The Working Party took note of information concerning the co-operation with the World Customs Organization (WCO) in relation to a possible revision of the Customs Convention on Containers, 1972 and requested the secretariat to provide its support to the WCO. The WCO intends to organize a session of the Administrative Committee of the Convention in October 2003 to discuss this issue.

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

Mandate and background: Provisional agenda TRANS/WP.30/207, point 3.

10. The Working Party was informed by the representative of the European Commission of the status of the implementation of the New Computerized Transit System (NCTS), which must be implemented in all EU Member States on 1 July 2003. 11 Member States are currently using the NCTS and the number of NCTS movements now averages in excess of 1500 per working day. The Working Party was also informed that the Commission's proposals for the reform of transit by rail, which seeks to end the current automatic entitlement to a guarantee waiver that is currently enjoyed by some rail undertakings are under consideration by the Council and the Member States. It was also informed that a reform of the customs transit of post will form part of a more general review which, most likely, will not start before 2004. Furthermore, a wide range of amendments to the Community's Customs Code Implementing Provisions were published recently in Commission Regulation (EC) 881/2003 dated 21 May 2003 (OJ L134 29.5.03), including a number of changes to the Community's TIR provisions, which will enter into force on 1 September 2003. Concerning the enlargement of the European Union (EU), the representative of the European Commission informed the Working Parties that 10 new members will join the EU from 1 May 2004. The

Commission believes, however, that this will not diminish the relative importance of TIR to the EU. Concerning the status of the accession countries in relation to the TIR Convention, it should be noted that it is necessary for Malta to authorize a national guaranteeing association before its accession to the EU, in order that a TIR operation might be established. Finally, the Working Party was informed that the Commission will host a seminar at the end of October 2003 for Customs administrations of the Member States and the candidate countries, guaranteeing associations of these countries. In addition the UNECE and the IRU will be invited to attend the seminar which will consider the sustainability of the TIR system and the challenges facing TIR in the light of the enlargement of the EU.

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

Documentation: ECE/TRANS/107/Rev.1; ECE/TRANS/108; (<http://border.unece.org> - Legal Instruments); TRANS/WP.30/2003/2.

Mandate and background: Provisional agenda TRANS/WP.30/207, point 4.

#### **(a) Status of the Conventions**

11. The Working Party was informed that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles as of 1 June 2003 have seventy-seven and thirty-five Contracting Parties, respectively. Information about the status of the two Conventions can be obtained from the following web sites:

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>,  
and

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>.

#### **(b) Application of the Conventions**

12. The Working Party was informed by the secretariat that it has contacted several countries mentioned by the AIT/FIA during its intervention at the one-hundred-and-third session of the Working Party in order to obtain information concerning the problems raised by AIT/FIA. So far, the secretariat had not received any replies to its inquiries.

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

Documentation: ECE/TRANS/55; (<http://border.unece.org> - Legal Instruments); TRANS/WP.30/196; TRANS/WP.30/AC.3/10; TRANS/WP.30/AC.3/8; TRANS/WP.30/2002/19; TRANS/WP.30/2001/16; TRANS/WP.30/2000/16; TRANS/WP.30/2000/11; Informal documents No. 19 and 21 (2002).

Mandate and background: Provisional agenda TRANS/WP.30/207, point 5.

**(a) Status of the Convention**

13. The Working Party was informed that the Convention has forty-two Contracting Parties. Information about the status of the two Conventions can be obtained from the following web site: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>.

**(b) Preparation of a new Annex on efficient border crossing procedures**

14. The Working Party recalled that the Administrative Committee for the "Harmonization Convention", at its fifth session, had agreed to postpone the substantive discussion concerning a new Annex 8 to the Convention, which has the objective of addressing all elements important for efficient border crossing procedures in international road transport of goods since several Contracting Parties indicated that they were not yet in a position to decide on the proposal (TRANS/WP.30/AC.3/10, para. 5).

15. The Working Party took note that several Contracting Parties were still not in a position to decide on the contents of the new draft Annex 8 and that that they would not be able to do so before September 2003. With this in mind, the Working Party requested the secretariat to organize an ad hoc expert group meeting, in conjunction with its one-hundred-and-fifth session in September 2003, to discuss the outstanding obstacles, highlighted in bold in document TRANS/WP.30/AC.3/2003/1, in order to adopt the new draft Annex 8 to the Convention. If necessary, Contracting Parties were invited to include national experts in the various fields still outstanding to take part in their delegations, with a view to determining precisely the issues at stake. Furthermore, the Working Party decided to convene the sixth session of the Administrative Committee in conjunction with its one-hundred-and-sixth session in February 2004 with a view to adopting the new draft Annex 8.

16. The Working Party was informed about the outcome of the sixth session of the SECI Regional Road Transport Committee (RRTC) that was held at Istanbul on 19 and 20 March 2003, which had recommended the adoption of the international vehicle weight certificate (IVWC) and had discussed the elements to be included in a Code of Practice to be issued with the IVWC.

**(c) Preparation of a new Annex on security related issues**

17. The Working Party considered the possibility of establishing a new Annex to the Convention on harmonization of security related controls in connection with cross border transports by road, rail and inland waterways.

18. The Working Party requested the secretariat to prepare a document for one of its forthcoming sessions, describing the activities and initiatives by other intergovernmental organizations in the field of security impacting the facilitation of international transport and, if possible, also to include information concerning initiatives at the national level in this field, based on contributions which Contracting Parties to the Convention were invited to transmit to the secretariat. The Working Party also requested the secretariat to prepare a first outline of the elements which could form a new Annex to the Convention describing how to harmonize and facilitate security controls in relation to border crossing procedures.

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

Documentation: TRANS/2001/10; TRANS/WP.30/194; TRANS/WP.30/164; TRANS/WP.30/2002/25; TRANS/WP.30/2002/16; TRANS/WP.30/2002/12; TRANS/WP.30/2002/10; TRANS/WP.30/2002/9; TRANS/WP.30/2000/17; TRANS/WP.30/R.141; Informal documents No. 4-5 (2002).

Mandate and background: Provisional agenda TRANS/WP.30/207, point 6.

### **(a) Resolution on the Use of the SMGS Consignment Note as a Customs Transit Declaration**

19. The Working Party recalled that, at its one-hundred-and second session, it adopted resolution No. 50 on the use of the SMGS Consignment Note as a customs transit declaration (TRANS/WP.30/204, annex 1). The Working Party was informed that, so far, only Bulgaria has informed the Executive Secretary of the UNECE of its acceptance of the resolution.

### **(b) Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail**

20. The Working Party took note that 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 possible (TRANS/WP.30/152, para. 104).

21. Stressing that the adopted resolution No. 50 was only a preliminary facilitation measure, the Working Party requested the secretariat to organize an ad hoc expert group meeting in conjunction with the one-hundred-and-fifth session of the Working Party in September 2003 with the aim of finalizing the draft Convention on international Customs transit procedures for the carriage of goods by rail covering the SMGS area. Contracting Parties to the SMGS Agreement and the OSZhD were invited to provide the UNECE secretariat with their comments on the draft contained in document TRANS/2001/10 as soon as possible.

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

Documentation: ECE/TRANS/17 and Amends.1-22; 2002 TIR Handbook; (<http://tir.unece.org>); TRANS/WP.30/AC.2/69 annex 1; TRANS/WP.30/204; TRANS/WP.30/202; TRANS/WP.30/200; TRANS/WP.30/198.

### **(a) Status of the Convention**

Mandate and background: Provisional agenda TRANS/WP.30/207, point 7 (a).

22. The Working Party took note of information provided by the IRU that it is expected that an issuing and guaranteeing association in Tajikistan will be authorized by the IRU to issue and guarantee TIR Carnets as from 14 July 2003, after which time the TIR procedure can be established

in fifty-three countries. The IRU also informed the Working Party that an issuing and guaranteeing association is expected to be authorized in Mongolia to issued TIR Carnets in the near future.

23. 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-fourth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/69, annex 1). Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

**(b) Revision of the Convention**

Mandate and background: Provisional agenda TRANS/WP.30/207, point 7 (b).

24. The Working Party was informed by the secretariat about the status of the International TIR Data Bank (ITDB) and the on-line access to the ITDB. The Working Party stressed that the Contracting Parties to the Convention should respect the deadlines set out in Annex 9, part II to the Convention concerning the submission of information to the TIR secretariat concerning authorizations and withdrawals as well as the annual transmission of and updated list of authorized persons. In this context, the Working Party was also informed by the secretariat that it has finalized the development and testing of the ITDB on-line and that the system will be ready for use after the endorsement by the TIR Administrative Committee at its thirty-fifth session in September 2003. Given the fact that information concerning authorized persons in the TIR procedure at that time will be available on-line to TIR Customs Focal Points, the Working Party stressed the importance of Customs authorities taking an active role in the authorization and access procedure and the transmission to the secretariat of correct and timely information.

**(i) Implementation of Phase II of the TIR revision process and examples of best practices**

25. As decided during its one-hundred-and-second session (TRANS/WP.30/204, para. 27), the Working Party requested Contracting Parties to supply the secretariat with information about the implementation at national level of Phases I and II of the TIR revision process. The delegation of Switzerland informed the Working Party that the amendments contained in Phases I and II of the TIR revision process had now been published in the Swiss Official Journal.

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

Documentation: TRANS/WP.30/2003/18; TRANS/WP.30/2003/15; TRANS/WP.30/2003/14; TRANS/WP.30/2003/9; TRANS/WP.30/2003/8 ; TRANS/WP.30/2003/7; TRANS/WP.30/2003/5; TRANS/WP.30/2003/3; TRANS/WP.30/2002/23; TRANS/WP.30/2002/20; TRANS/WP.30/2002/17; TRANS/WP.30/2002/15; TRANS/WP.30/2002/11; TRANS/WP.30/2002/7; TRANS/WP.30/2001/19 and Rev. 1; 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.30/2001/6; TRANS/WP.30/2001/5; Informal document No.20 (2002); 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); Informal document No.5 (1997).

- Revision of the TIR Carnet

26. The Working Party took note of the document prepared by the IRU on the responsibility of the TIR Carnet holder concerning information contained in additional documents required by Customs authorities (TRANS/WP.30/2003/18).

27. The Working Party decided to postpone the discussion of this point of the agenda to its one-hundred-and-fifth session in September 2003 as several delegations were not in a position to decide on this issue. In the interim period, the secretariat, in co-operation with the Contracting Parties and the IRU, were requested to consider how to address the concerns raised by the IRU (TRANS/WP.30/2003/18) in the draft comment to the Convention prepared by the secretariat, which is contained in document TRANS/WP.30/2003/3.

- Increase in the number of loading and unloading places

28. The Working Party considered document TRANS/WP.30/2003/7 containing, as a short-term solution, a proposal transmitted by the TIR Executive Board (TIRExB), for a comment to Article 18 of the Convention on the possibilities to increase the number of loading/unloading places. The Working Party adopted a slightly modified comment contained in the annex to this report and decided to transmit it for the endorsement of the Administrative Committee at its thirty-fifth session in September 2003.

29. The Working Party decided to continue consideration of a long term solution at its future session, in line with the decision taken at its one-hundred-and-second session (TRANS/WP.30/204, paras. 31-34).

- Use of new technologies

30. The Working Party was informed that the secretariat had convened the third session of the Informal ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Convention, which would be held on 1 and 2 September 2003 in Budapest, at the kind invitation of the Hungarian Customs administration. The objective of the meeting would be to continue and finalize the analysis of the data elements, available in the TIR Carnet, and the design of charts and diagrams, depicting the TIR transport. The results of the efforts, undertaken by the Expert Group should facilitate the design of a set of electronic messages, aimed at simplifying the exchange of data between all parties involved in the TIR procedure. Agenda and working documents will be posted on the web at the following address:  
[http://www.unece.org/trans/bcf/adhoc/conc\\_tech/conc\\_tech\\_index.htm](http://www.unece.org/trans/bcf/adhoc/conc_tech/conc_tech_index.htm).

**(iii) Draft amendments on the inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO)**

31. The Working Party took note of the proposals transmitted by the European Community and the United States of America respectively (TRANS/WP.30/2003/14, TRANS/WP.30/2003/15 as well as Informal document No. 7 (2003)).



32. The Working Party was informed that negotiations at bilateral level were taking place, on the one hand, between the European Community and the United States of America with the aim of finding solutions to the issues of contention, which in particular are the questions concerning allocation of competencies and voting rights as well as the number of votes and, on the other hand, between the European Community and Turkey. The Working Party decided to continue the discussion at its forthcoming session in September 2003, unless solutions were found to the outstanding issues, in which case the issue could be referred to the TIR Administrative Committee at its thirty-fifth session in September 2003.

**(iv) Draft amendments on the introduction of a control system for TIR Carnets**

33. The Working Party continued its discussion on the amendment proposal, submitted by Latvia on the introduction of a control system for TIR Carnets into the TIR Convention (TRANS/WP.30/2003/5). The Working Party considered proposals for further improvement of the text of the amendment proposal, submitted by Estonia and the European Community, as reflected in the secretariat's document TRANS/WP.30/2003/8.

34. The Working Party endorsed the assessment, made by the secretariat regarding these improvements and requested the secretariat to prepare a document for discussion and possible adoption at the thirty-fifth session of the TIR Administrative Committee in September 2003, based on the Latvian proposal, and taking into account the textual improvements and addressing the issue of the introduction of a control system in a generic way, without making specific reference to the international organization and its control system contained in the above-mentioned amendment proposals.

35. The Working Party also considered document TRANS/WP.30/2003/9 transmitted by the IRU concerning information available in the IRU TIR Carnet databases, which could be relevant for Customs authorities. The Working Party was of the view that all the information, which is contained in the IRU databases, but which at present is not available to Customs authorities through CUTEWise, with the exception of information concerning the language of the TIR Carnet, would be of value for Customs authorities. In particular, the Working Party requested the IRU to include, as soon as possible, in CUTEWise, information concerning the date of validity of the TIR Carnet and information on the unique ID number of the TIR Carnet holder in accordance with the Recommendation adopted by the TIR Administrative Committee on 20 October 2000, recognizing that the latter is not yet included in CUTEWise in a systematic manner. The IRU confirmed its willingness to provide the requested data as soon as it is technically possible, and not later than in 18 months. The Working Party also requested the secretariat, in collaboration with the IRU, to study how the ITDB, managed by the TIR secretariat, and the SAFETIR/CUTEWise, managed by the IRU, could be made more compatible in the framework of the computerization of the TIR procedure.

**(c) Application of the Convention**

Mandate and background: Provisional agenda TRANS/WP.30/207, point 7 (c).

**(i) Functions and roles of the TIRExB, the TIR secretariat and the IRU**

Documentation: TRANS/WP.30/2003/11; TRANS/WP.30/2003/10; TRANS/WP.30/2002/30; TRANS/WP.30/R.179; Informal document No. 3 (2003).

36. The Working Party considered document TRANS/WP.30/2003/10, transmitted by the Chairman, containing preliminary proposals on the roles and responsibilities of the TIRExB, TIR secretariat and the IRU. The Working Party welcomed the document as an important contribution to the future sustainability of the TIR procedure.

37. The Working Party was informed by the secretariat that it expected to submit the revised draft UNECE-IRU Agreement to the Chairman in the coming weeks after the present session for consideration by the group of “Friends of the Chair”.

38. The Working Party took note of information provided by the IRU that it would lift the reservation on the 2003 budget once the Agreement was signed. The Working Party expressed the view that, in the future, such interference in the functioning of the TIR Convention and the TIRExB could not be accepted and reiterated its view that it was the sole competency of the TIR Administrative Committee to decide the budget for the TIRExB and the size of levy on the TIR Carnet to be collected to finance the budget (TRANS/WP.30/206, para. 44).

39. The Working Party, preliminarily, considered document TRANS/WP.30/2003/11 transmitted by the Russian Federation containing proposals for amendments to the Convention, and decided to consider it in more detail at its forthcoming session.

40. The Working Party had an in-depth discussion of document TRANS/WP.30/2003/10. It was of the view that para. 26, last sentence of the document could give rise to misinterpretation and decided to substitute the sentence with the following: “The TIR Convention, in its actual version, does not contain any reference relating to the rights of appeal by the national guaranteeing associations and leaves this question up to national legislation”. In addition, it provided a number of textual comments to the document, which the secretariat was requested to introduce.

41. The Working Party decided to separate the issues contained in the document in medium and long term priorities. Concerning the issues to be considered in the medium term, the Working Party, in general, agreed with the proposals contained in the document concerning the roles and responsibilities of the TIRExB, the TIR secretariat and the IRU, and requested the secretariat to prepare a document for the thirty-fifth session of the TIR Administrative Committee in September 2003 containing these issues. Concerning the issues to be considered in the long term relating to amendments of the Convention, the Working Party requested the secretariat to include these in a new document to be prepared for the forthcoming session of the Working Party.

42. The Working Party considered Informal document No. 3 (2003) transmitted by the Government of Turkey, and decided to consider the proposals contained in the document as a fall-back position in case problems should arise in the future concerning the transfer of funds for the TIRExB.

**(ii) Control system for TIR Carnets - IRU SafeTIR**

43. The Working Party was informed of progress made by the SafeTIR-Taskforce, a joint effort by the secretariat and the IRU, to improve the functioning of the IRU-operated SafeTIR system. In the last few months, the Taskforce had met twice, on 18 February 2003 and on 20 May 2003. The Working Party welcomed the information that substantial improvement in the functioning of SafeTIR could be reported in Greece and Poland. Even though the Working Party was aware of the fact that the implementation of SafeTIR in a number of Contracting Parties was still below expectations and would require continued attention, it expressed its satisfaction with the practical results achieved by the Taskforce so far and agreed to the proposal that, in future, the Taskforce would no longer meet on a regular basis, but only when the need would arise. In such situation, of course, any development would be reported to the Working Party for consideration.

**(iii) Settlement of claims for payments**

Documentation: TRANS/WP.30/206.

44. The Working Party was informed by the IRU of the status of notified notifications and claims.

- Number of TIR Carnets subject to pre-notifications and notifications:
  - 1.01.2003 - 31.05.2003: 2266
  - 1.01.2003 - 31.03.2003: 904
  
- Pending payment requests:
  - 31.12.2002: 7984
  - 31.05.2003: 8087
  
- Closed payment requests for the period 1.01.2003 - 31.05.2003:
  - Paid: 83
  - Closed without payment: 141  
(Administrative closure or Court decision):
  
- SafeTIR (1.01.2003 - 31.05.2003):
  - 31.03.2003: 2384 requests for reconciliation, 921 replies
  - 31.05.2003: 5096 requests for reconciliation, 2748 replies

The IRU pointed out that the number of irregularities reported through pre-notifications and notifications has increased severely, demonstrating the urgent need for concrete and strong action in the field of prevention of fraud and the urgent need to apply the sanctions foreseen by the TIR Convention. The SafeTIR figures illustrates that only 54 % of the requests are replied to, with an average delay of 33 days, demonstrating an urgent need for a full implementation of the SafeTIR system, including an efficient implementation of reconciliation procedures, in order to ensure its efficient role as a Risk Management tool beneficial for Authorities and private sectors.

45. The Working Party was also informed about the situation in relation to the previous pool of insurers of the international guaranteeing chain. In general, the IRU pointed out that the Court of Arbitration only considers the issue of coverage of the insurance towards the Guaranteeing Chain and not the validity of the customs claims. The last batch of claims is expected to be considered by the Court in September 2003. However, the IRU informed the Working Party that in the majority of cases still outstanding, where it has been established by the Arbitration Court that insurance coverage exists, the insurers have imposed on the IRU to maintain its opposition to the payment demands. Therefore, it is likely that a large number of cases will subsequently be the subject of court proceedings at national level.

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

Documentation: TRANS/WP.30/2003/16.

46. The Working Party welcomed that the IRU had acted on the request made at its one-hundred-and-third session (TRANS/WP.30/206, paras. 49-51), and that it, as from 31 May 2003, had instructed its issuing associations not to issue other TIR Carnets than the so-called "black" TIR Carnet with alpha-numeric numbers from 38.000.000 (TRANS/WP.30/2003/16).

47. The Working Party, pointing out that the above action is purely an internal instruction from the IRU to its issuing associations, recalled that all versions of the TIR Carnet, including "Red" and "Blue" TIR Carnets, would remain valid until the completion of the TIR transport at the final Customs office of destination, provided that they have been taken under Customs control at the Customs office of departure within the time-limit set by the issuing associations. The Working Party, however, encouraged Customs administrations to be extra vigilant if "Red" or "Blue" TIR Carnets are presented to the first Customs office of departure after 1 August 2003.

**(v) Amendment proposals relating to technical provisions**

Documentation: TRANS/WP.30/2003/13; TRANS/WP.30/2002/27.

48. The Working Party was informed by the German delegation, that it, based on a test of the fastening cable with integrated fibre optic, which had been presented to the Working Party at its one-hundred-and-third session by a private company (TRANS/WP.30/204, para. 54), was of the view that the cable is tamper-proof for Customs purposes (Informal doc. No. 4 (2003)).

49. The Working Party was of the view that, most likely, an amendment of the Convention was necessary before the cable could be used within the TIR procedure and requested the secretariat to prepare an official document for its one-hundred-and-fifth session with the conclusions of the German testing and with a proposal for introduction of provisions in the Convention for the use of the cable.

50. The Working Party preliminarily considered document TRANS/WP.30/2003/13 containing a vulnerability assessment study on tamper-indicating seals transmitted by the United States Government. The Working Party felt that the document provided valuable information on the security of different sealing devices, but pointed out that the advantages of using more advanced seals should be weighed carefully against the costs of such solutions. It decided to postpone the discussion to one of its forthcoming sessions, since the document was not available in all official languages and was awaiting the outcome of discussions taking place in the World Customs Organization (WCO) and the International Organization for Standardization (ISO). The Working Party supported a proposal by the representative of the European Commission that the WCO should be invited to participate in one of its future sessions to provide information on this matter.

**(vi) Heavy or bulky goods**

Documentation: TRANS/WP.30/2003/6; TRANS/WP.30/2002/23 and Rev.1;  
TRANS/WP.30/2002/8.

51. The Working Party considered document TRANS/WP.30/2003/6, prepared by the secretariat, containing a proposal for a comment to the Convention providing for the use of more than one TIR Carnet for a TIR transport.

52. The Working Party adopted a slightly modified comment contained in the annex to this report and decided to transmit it for endorsement by the Administrative Committee at its thirty-fifth session in September 2003.

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

Documentation: TRANS/WP.30/2003/4; TRANS/WP.30/2002/24.

53. The Working Party was informed by the secretariat that a corrigendum (TRANS/WP.30/AC.2/69/Corr.1) had been issued to the report of the thirty-fourth session of the TIR Administrative Committee, concerning the adoption of Explanatory Note 2.2.1 (b) to Article 2, paragraph 1 (b) of Annex 2 of the Convention (TRANS/WP.30/AC.2/69, paras. 55 and 56) with a view to specifying the deadlines for objections to the Explanatory Note and to clarifying issues concerning the applicability for containers.

54. The secretariat has requested the United Nations Legal Office in New York to issue a Depositary Notification in this respect, which is expected to be issued shortly. Thus, according to the corrigendum, the deadline for objections is 7 August 2003 and, unless any objections are raised, the Explanatory Note will enter into force on 7 November 2003.

**(viii) The concept of authorized consignee in the TIR Convention**

Documentation: TRANS/WP.30/2003/12; TRANS/WP.30/2003/1.

55. The Working Party took note of a presentation by the representative of France on the French experiences gained in a pilot study providing consignees with the right to receive goods under the TIR procedure directly at their premises, the outlines of which were contained in working document TRANS/WP.30/2003/12, based on the opinion of the TIRExB that the TIR Convention at present, already, provides for the use of concept of authorized consignee and that it was the competence of individual Contracting Parties to decide whether or not the facilitation could be applied and for which operators (TRANS/WP.30/2003/1, para. 34). The French Customs authorities outlined how they had developed a procedure by which, within the framework of the current text of the TIR Convention and in line with the existing provisions of Community and national law, it had been possible to grant certain consignees with the right to receive goods directly at their premises while at the same time, ensuring uninterrupted Customs controls at all times. In particular, the pilot study had addressed the question as to when the liability for the regularity of the TIR transport transfers from the TIR Carnet holder to the consignee.

56. The Working Party welcomed the presentation and the detailed explanation on a number of practical matters such as the breaking of seals by other people than Customs and the application of the concept in case of part loads. Although the pilot study had not answered all the outstanding questions, the Working Party felt that, in view of the fact that the concept of authorized consignee was already applied in a number of Contracting Parties, it should continue its discussion on the subject at its next meeting. It requested the secretariat to prepare a new document, aimed at merging the theoretical analysis, made by the TIRExB and contained in document TRANS/WP.30/2003/1, with the practical experience gained by France, contained in document TRANS/WP.30/2003/12. The IRU, however, expressed concern about the consequences for the effective organization and functioning of the international guarantee system according to Article 6.2 bis of the Convention should the concept of authorized consignee be introduced in the Convention.

**(ix) Practical application for the TIR procedure of the Customs Union between the Russian Federation and Belarus**

Documentation: TRANS/WP.30/2003/17.

57. The Working Party considered document TRANS/WP.30/2003/17 containing information provided by the Russian Federation on the practical application for the TIR procedure of the Customs Union between the Russian Federation and Belarus, which had been in force since 1998 and which was in conformity with Article 48 of the Convention.

58. The Working Party was informed by the IRU of a number of problems it had encountered in this context, in particular the occurrence of double claims, and the fact that the transmission of vouchers seemed not to function.

59. The Working Party requested the IRU to provide detailed questions concerning the problems encountered and invited Belarus and the Russian Federation, if possible in a joint effort, to provide additional information concerning the Customs Union, in particular the reasons for the differences in Customs controls in the East/West versus the West/East TIR transport procedure and to provide information concerning the claims handling procedure.

(x) **TIR Handbook**

Documentation: UNECE document; (<http://tir.unece.org>).

60. The TIR Handbook contains the latest amendments to the Convention as well as all relevant comments adopted by the UNECE Working Party (WP.30) and the Administrative Committee. The TIR Handbook can be viewed and downloaded from the UNECE TIR web site in various languages (<http://tir.unece.org>). Updated hard-copy and electronic versions of the TIR Handbook are available in Chinese, English, French, Italian and Russian. Arabic and German versions are being printed and will be available shortly, also in electronic version. A limited number of such copies may be obtained free of charge from the secretariat.

(xi) **Other matters**

61. The Working Party took note of a presentation of the secretariat concerning the development of the ITDB on-line and new features of the UNECE Web site.

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

Documentation: TRANS/WP.30/127.

Mandate and background: Provisional agenda TRANS/WP.30/207, point 8.

62. The Working Party was informed by the representative of Denmark about the smuggling of cigarettes hidden in the chassis floor of a vehicle, which was only accessible through the load compartment. It was the view of the Danish Customs authorities, that the TIR guarantee should cover such goods, which were not enumerated in the TIR Carnet.

63. The Working Party was informed by Mr. M. Amelio, Chairman of the TIRExB, that the TIRExB, in its Programme of Work for 2003-2004, has included as the first priority item the combating of fraud.

64. The Working Party took note of information provided by the representative of the United Kingdom, that his administration, in co-operation with the European Commission, other Member States and Contracting Parties, would pursue the issue of forged Certificates of Approval (TRANS/WP.30/204, para. 79) and that it would report back to the Working Party once additional information is available.

## **OTHER BUSINESS**

Mandate and background: Provisional agenda TRANS/WP.30/207, point 9.

### **(a) Dates of the next sessions**

65. The Working Party decided to convene its one-hundred-and-fifth session in the week from 22 to 26 September 2003 in conjunction with the thirty-fifth session of the TIR Administrative Committee. The preliminary schedule of meetings planned for the week is the following:

#### Monday, 22 September 2003:

Morning: TIRExB session

Afternoon: Ad hoc expert group meeting on the new draft Annex 8 to the “Harmonization Convention”.

#### Tuesday, 23 September 2003:

Morning: Ad hoc expert group meeting on the draft UNECE Convention on International Customs Transit Procedures for the Carriage of Goods by Rail in SMGS region.

Afternoon: One-hundred-and-fifth session on the UNECE Working party on Customs Question affecting Transport (WP.30)

#### Wednesday, 24 September 2003:

All day: One-hundred-and-fifth session on the UNECE Working party on Customs Question affecting Transport (WP.30)

#### Thursday, 25 September 2003:

All day: Thirty-fifth session of the TIR Administrative Committee (AC.2)

#### Friday, 26 September 2003:

Reading of the reports of WP.30 and AC.2.

66. The one-hundred-and-sixth session of the Working Party is tentatively scheduled to be held during the week of 2 to 6 February 2004.

### **(b) Restriction on the distribution of documents**

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

## **ADOPTION OF THE REPORT**

Mandate and background: Provisional agenda TRANS/WP.30/207, point 10.

68. The Working Party adopted the report of the one-hundred-and-fourth session.

---



**Annex****Comments adopted by the UNECE Working Party  
on Customs questions affecting Transport****COMMENT TO ARTICLE 17**

Add a new comment to Article 17 to read as follows:

*"Simultaneous use of several TIR Carnets*

*Where the Customs office of departure has accepted several TIR Carnets for one TIR transport, this office shall indicate all reference numbers of these TIR Carnets in box "For official use" on all vouchers of each TIR Carnet accepted. "*

\* \* \*

**COMMENT TO ARTICLE 18**

Add a new comment to Article 18 to read as follows:

*"Possibilities of increasing the total number of loading and unloading points to more than four in exceptional cases*

*According to Article 18 and No.5 of the Rules regarding the use of the TIR Carnet (Annex 1), one TIR transport may not involve more than four points of loading and unloading. In order to increase the total number of loading and unloading points in the course of one transport operation, a road vehicle or a combination of vehicles or containers may perform several TIR transports consecutively or at a time, each under cover of a separate TIR Carnet. To this end, the following options may be used:*

- (i) Consecutive use of two TIR Carnets for one transport operation in accordance with the comment to Article 28 "Possibility of using two TIR Carnets for a single transport operation". The first TIR Carnet may include up to 4 Customs offices of departure and destination. After its completion and termination at the fourth Customs office, a new TIR Carnet may be opened and used for the remainder of the transport operation. A proper inscription shall be made in both TIR Carnets to reflect this fact. Thus, the last Customs office of destination covered by the first TIR Carnet becomes the office of departure for the second TIR Carnet which may include up to three Customs offices of destination. In the first TIR Carnet, all goods bound for Customs offices of destination of the second TIR Carnet should be indicated as intended for the last Customs office of destination. Such a*

*procedure may cover up to seven Customs offices of departure and destination. To fulfil the conditions laid down in Article 2 of the Convention, it is essential that both TIR transports be carried out across at least one border. Since two TIR Carnets are used one after another, only one TIR guarantee exists at a time;*

- (ii) *Simultaneous use of several road vehicles (e.g., a combination of vehicles) or several containers. In line with Article 17, paragraph 1 of the TIR Convention, for each road vehicle or container a separate TIR Carnet may be issued. Each TIR Carnet may cover up to four points of loading and unloading. The Customs office(s) of departure should indicate all reference numbers of these TIR Carnets in box "For official use" on all vouchers of each TIR Carnet accepted.*

*Whatever alternative is used, consignments to be unloaded at different unloading points should be separated from each other, as stipulated in Explanatory Note 0.18-2, paragraph 1."*

---