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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions  
affecting Transport

**REPORT OF THE WORKING PARTY  
ON CUSTOMS QUESTIONS AFFECTING TRANSPORT  
ON ITS NINETY-SECOND SESSION  
(22-26 February 1999)**

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## REPORT

### ATTENDANCE

1. The Working Party held its ninety-second session from 22 to 26 February 1999.
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; Kyrgyzstan; Latvia; Lithuania; Malta; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom. Representatives of the European Community (EC) were also present.
3. Representatives of the European Conference of Ministers of Transport (ECMT) and of the Committee for the Organisation for Cooperation between Railways (OSZhD) participated at the meeting.
4. The following non-governmental organizations were represented: International Road Transport Union (IRU); International Touring Alliance (AIT) / International Automobile Federation (FIA).

### ADOPTION OF THE AGENDA

5. The Working Party adopted the provisional agenda prepared by the secretariat (TRANS/WP.30/183 and Add.1) with the addition of the following items:  
Agenda item 3 (c): European Conference of Ministers of Transport (ECMT)  
Agenda item 6 (c) (xii): Application of the Convention in the Republic of Moldova, the Russian Federation and the Ukraine.

### ELECTION OF OFFICERS

6. Mr. F. Paroissin was elected Chairman of the Working Party for its sessions in 1999.

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

Documentation: ECE/TRANS/127.

7. The Working Party was informed about the results of the sixty-first session of the Inland Transport Committee (8-11 February 1999). The Committee had invited the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods (1982) to consider, at its planned 1999 session, the preparation of new annexes on efficient border-crossing procedures and on the facilitation of ATP vehicles carrying perishable goods. It had also prolonged the mandate of the ad hoc group of experts on phase II of the TIR revision process for the year 1999 and had stressed that work in 1999 should also be focused on the facilitation of border crossing procedures for railway transport.

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

### (a) European Commission (EC)

8. The Working Party was informed of recent activities of the European Commission's Directorate General DG XXI, Taxation and Customs Union. Progress in the revision and harmonization of the Community and Common Transit procedures has been made among the 22 national Customs authorities involved and it was planned to conclude this work by the end of 1999. Work on the New Computerized Transit System (NCTS) has entered its second phase, i.e. the construction, testing and integration of the software, hardware and communication equipment and it was planned to start pilot operations in four countries as of December 1999. Full operation of the NCTS was scheduled for 2003. Considerations about possibilities for inclusion of the TIR regime into the NCTS procedure would start in due course.

### (b) European Conference of Ministers of Transport (ECMT)

9. The Working Party was informed about the preparation by the ECMT of a report on the removal of obstacles at border crossings, scheduled to be transmitted to the forthcoming session of the Council of Transport Ministers to be held at Warsaw on 19 and 20 May 1999. Input for this report by national delegations and the ECE secretariat would be welcomed. On 27 January 1999 the ECMT had organized a second Seminar on combating crime in transport in Paris during which problems related to Customs transit systems had also been considered.

10. In this context, the representative of the ECMT reiterated the importance Ministers of Transport accorded to the revision of the TIR Convention and in particular to the perceived need to reduce the notification periods and to fully apply the Recommendation of 20 October 1995 on an EDI control system for TIR Carnets.

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

Documentation: ECE/TRANS/107; ECE/TRANS/108.

- (a) Initiation of the amendment procedure for article 13, new paragraph 4 of the 1954 Convention

Documentation: TRANS/WP.30/178; TRANS/WP.30/168.

11. The Working Party was informed that the formal amendments required to insert the newly approved paragraph 4 to article 13 into the 1954 Convention, as adopted by the Working Party at the eighty-fourth session in June 1996, had been transmitted to the Legal Office of the United Nations for issuance of a Depositary Notification.

- (b) Status of resolution No. 48

Documentation: TRANS/WP.30/151, annex 4.

12. The Working Party took note that resolution No. 48 on the acceptance of "carnets de passages en douane" and of CPD carnets, adopted by the Working Party on 2 July 1993 (TRANS/WP.30/151, annex 4) has been accepted so far by the following countries only: Belgium; Bosnia-Herzegovina; Cyprus; Denmark; France; Germany; Iran (Islamic Republic of); Italy; Norway; Slovenia; Spain; Switzerland; United Kingdom; European Community.

13. The Working Party also noted that CPD carnets were not yet issued under the "Istanbul Convention" on Temporary Admission since none of the Contracting Parties having so far accepted annex C of this Convention required temporary importation papers for road vehicles. The Working Party decided to inform the World Customs Organization (WCO) of this situation.

(c) Difficulties in the application of the 1954 Convention in Australia

Documentation: TRANS/WP.30/1998/3; TRANS/WP.30/178; TRANS/WP.30/1997/4.

14. The Working Party was informed by the representative of the AIT/FIA of difficulties in the interpretation of the Convention in Australia (TRANS/WP.30/1997/4). In particular, the term "private use" as defined in the Convention seemed to leave considerable scope for interpretation, particularly in the case of rally vehicles, vehicles on loan for business or vehicles imported temporarily by foreign workers (TRANS/WP.30/178, paras. 89-90). The Working Party noted that in Europe, from a Customs point of view, no distinction was made between the temporary importation of road vehicles used for commercial or private use, even though fiscal charges often differed among these categories of usage.

15. The Working Party requested the secretariat, taking account of the views expressed by the WCO in document TRANS/WP.30/1998/3, to prepare a brief analysis of these issues and to transmit it to the AIT/FIA.

**CUSTOMS CONVENTION CONCERNING SPARE PARTS USED FOR REPAIRING  
EUROP WAGONS**

Revision of the Convention

Documentation: Informal document No.4 (1998)(French only); TRANS/WP.30/178;  
TRANS/WP.30/174; TRANS/WP.30/R.169; TRANS/WP.30/R.129.

16. Due to the absence of representatives of the WCO and the International Union of Railways (UIC), the Working Party did not consider this issue. The secretariat was requested to monitor progress in this field and to report back to the Working Party, if necessary.



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

Documentation: 1995 TIR Handbook (UN Sales Publication, E, F, R).

(a) Status of the Convention

Documentation: TRANS/WP.30/AC.2/53, annex 1.

17. The Working Party noted that, with the coming into force of the Convention in the Syrian Arab Republic on 11 July 1999, the Convention would have 64 Contracting Parties. A list of Contracting Parties to the Convention is contained in the report of the Administrative Committee for the TIR Convention at its twenty-sixth session (25-26 February 1999) (TRANS/WP.30/AC.2/53, annex).

(b) Revision of the Convention

(i) Phase I of the TIR revision process

Legal status

Documentation: C.N.800.1998.TREATIES-2; C.N.433.1997.TREATIES-1; TRANS/WP.30/AC.2/47, annex 2 and Corrs. 1 and 2.

18. The Working Party recalled that, on 17 November 1997, the Legal Office of the United Nations had issued depositary notification C.N.433.1997.TREATIES-1 containing the amendment proposals adopted by the TIR Administrative Committee on 27 June 1997 under phase I of the TIR revision process (TRANS/WP.30/AC.2/47, annex 2 and Corrs. 1 and 2). Since no objections had been lodged by 17 November 1998 to these amendment proposals, they had come into force on 17 February 1999 as stipulated in depositary notification C.N.800.1998.TREATIES-2 issued on 21 January 1999 by the Legal Office of the United Nations.

19. The Working Party noted that the secretariat had requested the Legal Office of the United Nations to issue a corrigendum to depositary notification C.N.433.1997.TREATIES-1 incorporating the corrigenda 1 and 2 issued to document TRANS/WP.30/AC.2/47.

Implementation of the amendments: Report of the TIR Contact Group

Documentation: TRANS/WP.30/1999/3; TRANS/WP.30/182; TRANS/WP.30/AC.2/51; TRANS/WP.30/AC.2/49.

20. The Working Party took note that the competent authorities of Contracting Parties, national associations and the IRU had taken all necessary legal and administrative measures to ensure that the new provisions, particularly those contained in annex 9, Part I and Part II of the Convention, had already become applicable or would soon become applicable in all countries utilizing the TIR regime.

21. The Working Party endorsed the report of the sixth session of the TIR Contact Group (TRANS/WP.30/1999/3) that had been convened in Istanbul on 2-4 December 1998 at the invitation of the Government of Turkey, on the understanding that the secretariat would issue a corrigendum replacing paragraph 12, indent No. 7 in the report by the following text:

“A clear-cut definition for the holder of a TIR Carnet should be prepared. With regard to authorization for national and legal persons to utilize TIR Carnets (annex 9, Part II of the Convention) several participants stressed that this requirement would apply to all TIR Carnet holders as well as to third parties (sub-contractors) transporting goods under the TIR regime to which Carnets had been provided in special cases. Other participants felt that such a decision was premature and not applicable in all Contracting Parties. Further consideration would therefore be required during phase II of the TIR revision process in order to resolve this issue.”

22. With regard to the international TIR data bank on persons authorized to utilize TIR Carnets in accordance with new annex 9 of the Convention, the Working Party felt that use of and access to this data bank should only be authorized by the TIR Executive Board (TIRExB) and/or the TIR Administrative Committee under clearly defined conditions.

(ii) Phase II of the TIR revision process: Proposals for amendments to the Convention

Documentation: TRANS/WP.30/1999/2; TRANS/WP.30/1999/1; TRANS/WP.30/1998/17; TRANS/WP.30/1998/11; TRANS/WP.30/1998/5 and Corr.1.

23. The Working Party reviewed the amendment proposals prepared by the ad hoc group of experts on phase II of the TIR revision process as contained in the reports of its first (2-3 April 1998), second (24-26 June 1998) and third (19-20 October 1998) sessions on the basis of a document prepared by the secretariat compiling all amendment proposals in a consolidated manner (TRANS/WP.30/1999/1).

24. The Working Party took the following decisions and views on the proposals contained in document TRANS/WP.30/1999/1:

Status and functions of the international organization(s):

Add a new paragraph 2 bis, article 6 of the Convention to read as follows:

“2 bis. An international organization, as referred to in paragraph 2, shall [may] be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system provided that it accepts this responsibility.”

Use of the word “may” in this new paragraph would align it with the wording used in the existing paragraph 1, article 6.

The proposed explanatory note 0.6.2 bis was accepted to read as follows:

Add a new explanatory note 0.6.2 bis (to article 6.2 bis), annex 6 to the Convention to read as follows :

“0.6.2 bis. The relationship between an international organization and its member associations shall be defined in [written] agreements on the functioning of the international guarantee system.”

Definition of termination and discharge procedures

25. Some delegations felt that it was premature to decide on amendment proposals to the Convention aiming at a clear distinction between (a) the termination of a TIR operation as an obligation of the TIR Carnet holder and (b) the discharge of a TIR operation as the recognition by Customs authorities that a TIR operation has been terminated correctly. They expressed their concern about the possible legal consequences of such a distinction. The majority of delegations was, however, of the view that such amendments which did not modify existing Customs procedures in the Contracting Parties to the Convention, would allow for a better understanding of the rights and obligations of Customs authorities, TIR Carnet holders and national associations during TIR operations, including a clear determination of the beginning and the ending of a TIR operation, would enhance transparency and harmonization of the relevant national Customs procedures and might facilitate adequate lodging and settlement of Customs claims. It was therefore proposed to continue work in this field.

26. The Working Party felt that an alternative wording for the proposed article 1, paragraph a bis as contained in document TRANS/WP.30/1999/1 might read as follows:

“(a bis) the term “termination of a TIR operation” shall mean that the holder of a TIR Carnet has presented the road vehicle, the combination of vehicles or the container for purposes of control to the Customs office of destination or of exit (en route) together with the load and the TIR Carnet relating thereto;”

27. It was noted that, as a consequence arising from the insertion of such definitions into the Convention, a number of other provisions had to be modified, particularly article 10 referring then only to discharge operations, the outcome of which determined the financial obligations of TIR Carnet holders and/or national guarantee associations, and article 28 providing for relevant termination procedures covering also Customs procedures following the termination of the TIR operation.

Recommended procedures for the termination of a TIR operation

28. The Working Party underlined the usefulness of such guidelines and invited the European Commission and the IRU to prepare relevant proposals.

Recommended procedures for the discharge of a TIR operation

29. The Working Party approved the proposed procedures in principle which should be complemented by procedures, such as applied in the Russian Federation, as well as by special provisions applicable for sensitive goods. The Russian Federation was invited to prepare relevant provisions in line with national practice.

Recommended inquiry procedures

30. Taking account of proposals made by the IRU (TRANS/WP.30/1999/2), the Working Party approved in principle the recommended inquiry procedures proposed by the group of experts, including reference to the IRU “CUTE-WISE” procedure. The Russian Federation was invited to provide information on their national practices in this regard. The European Commission and the IRU were invited to prepare standard specimen forms for inquiry notices and reminders as well as special procedures to be applied for sensitive goods.

31. Some delegations stressed in this context that reference might need to be made in article 11, paragraph 1 of the Convention to the requirement by Customs authorities to notify not only the association, but to send a notification also to the TIR Carnet holder of any non-discharged TIR operation.

### Reduction in the notification period for Customs claims

32. The Working Party was of the view that, for the time being, a reduction in the legal notification periods for Customs claims (article 11, paragraph 1 of the Convention) could not be envisaged. The IRU stressed that such a reduction, in the order of 3 months, would be justified as it might allow for a more rapid identification of fraudulent activities under the TIR regime and for an easier detection of fraudsters.

### Alternative forms of evidence

33. The Working Party was not in a position to arrive at a consensus on the usefulness of alternative forms of evidence as proof for the termination of a TIR operation. It felt, however, that use of the SAFETIR system, operated by the IRU, should not be recommended in this respect. Further considerations of this issue were required.

### Definition of the holder of TIR Carnets

34. The Working Party had an exchange of views on the different interpretations given and different national legal bases determining the rights and obligations of the holder of a TIR Carnet as stipulated in article 39, paragraph 2 of the Convention and inscribed in the model of the TIR Carnet, but not defined in the Convention.

35. The Working Party realized that in some Contracting Parties it was provided that the TIR Carnet holder must be the transport operator actually accompanying or transporting the sealed load compartment or container in accordance with national Customs laws and regulations. This interpretation would seem to be in line with the provisions of the new annex 9, Part II of the TIR Convention stipulating minimum conditions and requirements for persons utilizing TIR Carnets. In other Contracting Parties, the holder of a TIR Carnet was considered to be the person to whom a TIR Carnet has been issued by a national association and with whom it is joint and severally liable vis-à-vis the national Customs authorities. In these Contracting Parties the holder was free to sub-contract transport operators in line with modern transport procedures and techniques (semi-trailers, containers, etc.). The Working Party also noted that the views of national associations on this matter were divided and not always in line with the views of the competent national authorities of the country in which they were established.

36. The Working Party stressed that the long-term objective was to arrive at a clear-cut definition of the holder of a TIR Carnet encompassing its rights and obligations in the framework of the Convention providing for flexibility of the transport industry in transporting goods, including sub-contracting and use of different modes of transport, without jeopardizing Customs control and the possible recovery of duties and taxes at risk.

37. The Working Party stressed that the difficulties for international transport stemming from these different interpretations had to be resolved during phase II of the TIR revision process, possibly based on (a) a generally accepted concept of liability of the TIR Carnet holder, (b) the mutual acceptance of different interpretations of what constituted a holder of a TIR Carnet in all Contracting Parties and (c) the authorization by Customs authorities of all transport operators in accordance with annex 9, part II of the Convention.

EDI control system for TIR Carnets

38. The Working Party was of the view that further work on the legal basis of the EDI control system for TIR Carnets and on the related IRU SAFETIR system would be required in connection with work on the computerization of the TIR regime and on the revision of the TIR Carnet to be undertaken under Phase III of the TIR revision process.

39. The Working Party requested the ad hoc group of experts on phase II of the TIR revision process to consider the above issues in detail and to report back to the Working Party at its October 1999 session. The secretariat was requested to establish an addendum to document TRANS/WP.30/1999/1 incorporating the views and decisions taken by the Working Party as well as the proposals made by Estonia during the session as far as they related to Phase II of the TIR revision process.

40. The Working Party was also of the view that an analysis had to be made on the inclusion of additional information into the TIR Carnet. Such work could be carried out already during Phase II of the TIR revision process on the basis of a document to be prepared by the Russian Federation.

(iii) Phase III of the TIR revision process

Documentation: TRANS/WP.30/182; TRANS/WP.30/180; Informal document No.5 (1997); TRANS/WP.30/R.176.

41. The Working Party reconfirmed its decision, as contained in its approved programme of work, to consider under Phase III of the TIR revision process, to be commenced in 1999, a revision of the TIR Carnet as well as provisions for a modernized, possibly EDI-based TIR regime, focusing on administrative and control aspects.

(c) Application of the Convention

(i) Status of resolution No. 49

Documentation: TRANS/WP.30/162, annex 2.

42. The Working Party noted that resolution No. 49: "Short-term measures to ensure the security and the efficient functioning of the TIR transit system" adopted by the Working Party at its eighty-first session (TRANS/WP.30/162, annex 2) has been officially accepted so far by the following Contracting Parties to the Convention: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Italy; Jordan; Latvia; Lithuania; Luxembourg; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; United Kingdom; European Community.

43. The Working Party requested the secretariat to issue a questionnaire to Contracting Parties having accepted resolution No. 49 inquiring about its implementation.

(ii) EDI control system for TIR Carnets: Implementation of the Recommendation adopted by the TIR Administrative Committee on 20 October 1995

Documentation: ECE/IRU Handbook on the "CUTE-WISE" procedure; TRANS/WP.30/AC.2/51; TRANS/WP.30/178; TRANS/WP.30/AC.2/37, annex 4.

44. The Working Party was informed about progress made in the implementation of the EDI control system for TIR Carnets (IRU SAFETIR system) as well as about the on-line information system on discharged TIR Carnets as well as on stolen or otherwise invalid TIR Carnets ("CUTE-WISE") accessible to interested Customs authorities by means of either telephone lines using a PC and a modem, the Internet or by e-mail systems (for registration details, the TIR Department of the IRU or the secretariat may be contacted).

45. The Working Party urged once more all competent authorities that did not yet provide data to the IRU SAFETIR system to do so as soon as possible.

46. In particular, the Working Party felt that work had to be undertaken on standard forms and procedures allowing for an efficient reconciliation of information in case the SAFETIR system provided different information on the termination of TIR operations than the returned TIR Carnets.

47. As requested by the TIR Administrative Committee, a Handbook on the so-called "CUTE-WISE" procedure has been published jointly by the ECE and the IRU. Copies of the Handbook (English only) and access forms may be obtained directly from the IRU or the secretariat.

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

Documentation: TRANS/WP.30/178.

48. The Working Party noted that no progress has been made with regard to the re-introduction of the guarantee coverage on the territory of the European Community for those goods for which some national guaranteeing associations and the international insurers had denounced their insurance contracts (TRANS/WP.30/178, paras. 80 and 81). The Working Party was informed by the German and the Belgium associations that the international insurers were not yet ready to re-establish full guarantee coverage even for those three categories of goods for which the use of the comprehensive guarantee under the Community/Common transit system had been re-introduced as of 1 August 1997.

49. The Working Party was informed by the representatives of the IRU that, in order to re-introduce insurance coverage for sensitive goods on the territory of the European Community, it was required that the Recommendation of 20 October 1995 on the EDI control system for TIR Carnets was applied comprehensively for such goods and that the notification deadlines as provided for in Recommendation No. 49 and in the European Community were reduced.

50. The Working Party urged once more the international insurers to re-establish full guarantee coverage for these sensitive goods as soon as possible and invited the TIR Executive Board to consider all necessary steps that could be taken in order to arrive at guarantee coverage for all goods to be transported under the TIR regime.

(iv) Settlement of claims for payments

Documentation: TRANS/WP.30/182; TRANS/WP.30/180; TRANS/WP.30/178; TRANS/WP.30/174; TRANS/WP.30/172; TRANS/WP.30/168.

51. The Working Party was informed by the IRU on progress made in the current arbitration procedure, initiated by the IRU, to obtain payment for Customs claims presented to the previous insurers of the international guaranteeing chain which had denounced their contract with the IRU at the end of 1994. The Working Party noted that some payments had been made during the last few months, but deplored the extremely lengthy procedures in the settlement of such claims.

52. The representatives of the Russian Federation stressed that they were not satisfied with



progress made in this matter by the IRU. The TIR Executive Board was invited to consider this issue at one of its forthcoming sessions.

(v) Interpretation of article 8, paragraph 7

Documentation: TRANS/WP.30/1998/4;TRANS/WP.30/1998/2.

53. The Working Party requested the secretariat to prepare a draft comment on “recommended procedures” relating to the lodging of Customs claims based on documentation prepared by Turkey and the IRU, for consideration by the group of experts on phase II of the TIR revision process at its next session.

(vi) Interpretation of article 3

Documentation: TRANS/WP.30/182; TRANS/WP.30/178; TRANS/WP.30/R.191.

54. The Working Party continued its consideration of the validity of article 3 of the Convention and, specifically, on the question as to whether it was acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven on their own wheels, implying that these vehicles themselves were regarded as the "goods" transported under the TIR procedure. As no common position could be achieved on this issue and taking account of a draft comment on this matter prepared already earlier by the secretariat (TRANS/WP.30/R.191), the Working Party decided to revert once more to this matter at its forthcoming session on the basis of a more flexible wording of the proposed comment (for example, stating that road vehicles could be regarded as goods).

(vii) Improved procedures in the use of TIR Carnets by transport operators

Documentation: Informal Document No.3 (1998); TRANS/WP.30/178; TRANS/WP.30/R.196.

55. With a view to reducing the possibilities for fraudulent termination of TIR operations at Customs offices of destination, the Working Party continued its exchange of views on the feasibility of recommending or prescribing in the Convention that the holder of the TIR Carnet or his agent (driver) should deal directly with Customs officials during the termination of a TIR operation.

56. The Working Party felt that, in principle, the procedures and solutions described in secretariat document TRANS/WP.30/R.196 and in the informal IRU document (No. 3) were in line with the provisions and the spirit of the Convention. The secretariat and the IRU were requested to prepare on this basis concrete proposals, including specimen forms of special vouchers for inclusion into the TIR Carnet as well as a draft comment on this matter, for consideration by the Working Party at its forthcoming session.

(viii) Application of article 18 in respect of partial discharge procedures

Documentation: TRANS/WP.30/180.

57. The Working Party noted that in some Contracting Parties only one voucher of the TIR Carnet was used by Customs authorities to document cases of partial discharge operations instead of the two vouchers No.1 and No.2 foreseen in the Convention.

58. The secretariat was requested to prepare a draft comment to article 18 on this matter referring also to the example of a duly filled-in TIR Carnet contained in the TIR Handbook for consideration at the next session of the Working Party.

(ix) Validity of curtain-sided vehicles

Documentation: TRANS/WP.30/1998/14; TRANS/WP.30/180; TRANS/WP.30/168; TRANS/WP.30/166; TRANS/WP.30/R.166.

59. The Working Party recalled that, at earlier sessions, it had already considered and not approved the validity of curtain-sided vehicles under the Convention on the basis of a document transmitted by the United Kingdom (TRANS/WP.30/R.166). At that time, some delegations had been of the view that the type of construction as described in the document of the United Kingdom was Customs secure, but that its inspection at Customs offices would be very complicated and time consuming.

60. Noting that this unresolved question caused concern among transport operators and taking account of a document transmitted by the Czech Republic (TRANS/WP.30/1998/14), the Working Party continued its discussions on this subject with a view to providing guidance to transport operators and manufacturers of load compartments. Several delegations agreed with the conclusions made in document TRANS/WP.30/1998/14 that the construction of the curtain-sided vehicle as described therein was Customs secure and in line with the provisions of annex 2 of the Convention.

61. Before taking a final decision on whether (a) the technical description of curtain-sided vehicles should be included into the technical annexes of the Convention, (b) the Working Party should voice an opinion, possibly in the form of a comment, on the validity of curtain-sided vehicles as long as their construction complied with the provisions of annex 2, article 3, paragraphs 6, 8 and 9 as well as annex 6 of the Convention or (c) it should be left to the digression of national approval authorities to approve such vehicles as they deem it appropriate, the Working Party decided to request the secretariat to prepare a draft comment on this matter for possible inclusion into the TIR Handbook and to revert to this question at its forthcoming session.

(x) International directory of TIR focal points

Documentation: Document prepared by the secretariat (restricted).

62. The Working Party was informed that, in accordance with resolution No. 49, the secretariat has set up and maintains an international directory of TIR focal points that could be addressed in case of inquiries in relation to the TIR procedure. The directory contains names and addresses of persons as well as other useful information on Customs administrations and national associations dealing with the TIR procedure. The distribution of the directory is restricted to Customs authorities, national associations and the TIR Department of the IRU. An updated hard copy version of the directory was distributed during the session of the Working Party. Further copies may be obtained from the ECE secretariat. The directory may also be consulted via the Internet web site of the ECE Transport Division ([www.unece.org/trans/main](http://www.unece.org/trans/main)). The required password for access to this web site may be obtained from the secretariat.

(xi) International register on Customs sealing devices

Documentation: Document prepared by the secretariat (restricted).

63. The Working Party noted that the international register on Customs sealing devices used for the TIR regime, maintained by the ECE secretariat in English, French and Russian, covers at present more than 40 countries utilizing the TIR procedure. The Working Party stressed that the register must be kept up to date on a permanent basis; otherwise its use could be counterproductive. It therefore requested all Customs authorities to inform the ECE secretariat immediately in case of modifications of approved sealing devices. Copies or excerpts of the register may be obtained from the secretariat by Customs authorities concerned.

(xii) Other matters

64. The Working Party was informed about alleged problems in the application of the Convention in the Republic of Moldova, the Russian Federation and the Ukraine. It decided that such issues should, in the future, be dealt with in the TIR Executive Board (TIRExB). Contracting Parties and international organizations were requested to transmit such information or queries to the TIR secretariat which would take the necessary steps to have these issues considered and possibly resolved by the TIRExB.

## **CONVENTION ON CUSTOMS TREATMENT OF POOL CONTAINERS USED IN INTERNATIONAL TRANSPORT**

Documentation: ECE/TRANS/106; ECE publication; TRANS/WP.30/162; TRANS/WP.30/159; TRANS/WP.30/157.

65. The Working Party noted that the "Container Pool Convention" had come into force on 17 January 1998 and has at present the following seven Contracting Parties: Austria, Cuba, Italy, Malta, Sweden, Uzbekistan, European Community. The Working Party decided to consider the already earlier prepared "model pool agreements" at its forthcoming session with a view to facilitating the application of the Convention and the new Customs concept of "equivalent compensation".

## **DRAFT UN/ECE CONVENTION ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL**

(a) Revised draft Convention

Documentation: TRANS/WP.30/174; TRANS/WP.30/164; TRANS/WP.30/162; TRANS/WP.30/R.141.

66. The Working Party noted that no progress had been made on the still unresolved issue of representation and number of votes of regional economic integration organizations (article 26, paragraphs 8 and 10 of the draft Convention).

(b) Extension of the scope of the draft Convention to cover the SMGS Agreement

Documentation: ECE/TRANS/119; TRANS/WP.30/174; TRANS/WP.30/168; TRANS/WP.30/166; TRANS/WP.30/164; TRANS/WP.30/R.161; TRANS/WP.30/R.160; TRANS/WP.30/R.159; TRANS/WP.30/R.140/Rev.1 and Corr.1 (Russian only).

67. The Working Party recalled that, following lengthy considerations on possibilities of extending the scope of the draft Convention also to countries applying the SMGS Agreement, the Inland Transport Committee had repeatedly stressed that work on the Convention should be continued under the auspices of the ECE and that two legal options should be considered: (a) the preparation of two similar, but independent United Nations conventions and (b) the preparation of a single convention with two separate annexes, one covering the COTIF member countries, the other covering SMGS member States with a link to be established between the two different Customs transit systems.

68. Endorsing in principle the views expressed by the representative of the OSZhD that, in due course, practical results on this matter should be achieved, the Working Party decided to prepare, as a first step,

two similar, but independent United Nations conventions, one providing for the use of the CIM consignment note as a Customs document in those countries applying the COTIF railway regime and another convention, providing for the use of the SMGS consignment note as a Customs document in the countries applying the SMGS regime.

69. The Working Party appreciated the offer of the OSZhD to prepare a revised draft convention covering the SMGS countries and decided to re-consider the two draft conventions at its forthcoming session.

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

70. Not considered due to lack of time.

### **OTHER BUSINESS**

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

71. The Working Party decided to convene its next session from 18 to 22 October 1999, in conjunction with the twenty-seventh session of the TIR Administrative Committee (21 and 22 October 1999).

72. The next session of the ad hoc group of experts on Phase II of the TIR revision process was scheduled to be held from 21 June (p.m.) to 24 June 1999 (a.m.).

73. The ECE secretariat was invited to convene, if possible, the second session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods on 21 June 1999 (a.m.) with the reading of the report on 24 June 1999 (p.m.).

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

74. 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**

75. The Working Party adopted the report on its ninety-second session.

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