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Working Party on Customs Questions

affecting Transport

(One-hundred-and-fifth session, 3-6 February 2004,
agenda item 7 (c) (ix))

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

Application of the Convention

**Application of the TIR Convention on the territory of the Customs Union
between the Russian Federation and the Republic of Belarus**

**Statement by the delegation of the Russian Federation
at the one-hundred-and-fourth session of the Working Party**

Note: At the one-hundred-and-fourth session of the Working Party (23-26 September 2003), the delegations of the Russian Federation and the Republic of Belarus provided a detailed oral explanation of the background of the Customs Union between the Republic of Belarus and the Russian Federation as well as a clarification of the consequences for the TIR system. The Working Party invited the delegations of the Republic of Belarus and the Russian Federation to provide this information in writing (TRANS/WP.30/210, paras. 48 and 50). Below the secretariat has reproduced the information provided by the Russian delegation.

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1. The Agreement on the Customs Union between the Russian Federation and the Republic of Belarus was signed on 6 January 1995 in Minsk. This agreement determines the objectives, principles and mechanisms of the functioning of the Customs Union, as well as the phases for its implementation.
2. Phase I envisages the creation of identical systems to regulate foreign trade, including the harmonization of Customs law.
3. In line with the above Agreement, the President of the Russian Federation signed the Decree "On the abolition of Customs control at the border between the Russian Federation and the Republic of Belarus" on 25 May 1995. On the basis of this Decree, crossing points at the Russian-Byelorussian border were abolished, at the same time ensuring that due Customs controls take place at the external borders of the Customs Union.
4. However, problems appeared when claims had to be made against the national guaranteeing associations of the Russian Federation or the Republic of Belarus for TIR infringements committed by mala fide transport operators. It became obvious that no evidence of goods importation in the Russian or Byelorussian territory could be provided, which is an indispensable tool in order to take a decision on the validity of such claims.
5. The only feasible short-term solution to this problem was found in the establishment of so-called registration points with the function to fill-in and stamp TIR Carnets entering the Russian territory.
6. Taking into account the composition of goods flows, it was considered appropriate to arrange that the registration points would function in West-East direction only. The procedure outlined in paras. 1 to 4 of document TRANS/WP.30/2003/17 was introduced. In East-West direction, an even more simplified procedure was introduced, as described in para. 5 of document TRANS/WP.30/2003/17.
7. Thus, the Russian Federation has made use of the provisions of Article 48 of the TIR Convention, pursuant to which Contracting Parties which form a Customs or Economic Union may enact special provisions in respect of transport operations commencing or terminating, or passing through, their territories, provided that such provisions do not attenuate the facilities provided for by this Convention.
8. At present the Russian Customs authorities, in cooperation with the Byelorussian colleagues, are discussing mid-term issues how to distinguish between the liability of the national guaranteeing

associations ASMAP and BAIRC. In this context, the principle applied in the European Community (liability of associations according to the country of entry) is under study.

9. At this moment, the Russian Federation and the Republic of Belarus stand on the threshold of phase II of the implementation of the Customs Union. Phase II is aimed at merging the Customs territories of the two countries into a single one and making the Customs Union into legal entity. The implementation of phase II will provide for the solution of many problems, including those at stake within the framework of the TIR Convention.
