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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(One-hundred-and-seventh session, 15-18 June 2004,
agenda item 6 (c) (iv))

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

Application of the Convention

Amendment proposals relating to technical provisions

Cable with fibre-optic protection

Note by the secretariat

A. BACKGROUND

1. At its one-hundred-and-second session, the Working Party considered document TRANS/WP.30/2002/27 containing information on a cable with integrated fibre-optic, which, if used as a TIR cable, could offer increased security against tampering and unauthorized access to the load compartment as well as provide improved facilities of remote monitoring of the integrity of the load compartment via connection to a GPS system. The representative of the Hungarian Road Haulage Association (ATRH) informed the Working Party that the Hungarian Customs authorities had considered the information provided by the manufacturer and had found that the cable was not in conformity with the description provided for in Annex 2 of the Convention. The Working Party considering that such type of product could possibly be a useful element in improving Customs

control of sealed load compartments, requested the secretariat to invite the manufacturer to give a demonstration of the cable at its next session (TRANS/WP.30/204, para. 54).

2. At its one-hundred-and-third meeting, the Working Party took note of such a presentation, but decided to postpone further discussion on the issue until its next session, where it would be possible to consider the technical compliance with the provisions of the Convention, Annex 2, based on the results of investigations of the cable to be carried out by Customs authorities (TRANS/WP.30/206, paras. 52 and 53).

3. At its one-hundred-and-fourth meeting, the Working Party was informed by the German delegation, that, based on a test of the fastening cable with integrated fibre optic, it was of the view that the cable is tamper-proof for Customs purposes (Informal document No. 4 (2003)). The Working Party was of the view that, most likely, an amendment to 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 (TRANS/WP.30/208, paras. 48-49).

4. At its one-hundred-and-sixth meeting, the Working Party considered document TRANS/WP.30/2004/4, prepared by the secretariat, containing draft proposals for amending the provisions of the Convention relating to the use of cables to allow for the use of fibre optic cables. The Working Party decided to follow option 1 as proposed by the secretariat and adopted the amendment to Annex 2, Article 3, para. 9 of the Convention as well as the new comment to Annex 2, Article 3, para. 10 to the Convention, which specifically addresses the use of fastening cables with fibre optic protection (TRANS/WP.30/212, para. 39).

5. The representative of the United States of America pointed out that the positioning of the lock of the fibre optic cable close to the handle of the load compartment might have negative repercussions on its functionality. The Working Party requested the secretariat to take account of this complicating factor when finalizing the text of the draft comment to Annex 2, Article 3, para. 10 and to submit the full text of the amendment proposals to the TIR Administrative Committee for consideration and, possibly adoption at its forthcoming session (TRANS/WP.30/212, para. 40).

6. After the meeting, various delegations pointed out to the secretariat that the text of both Annex 2, Article 3, para. 9 and the comment, as adopted by the Working Party, were too general and could lead to serious consequences in case it would be adopted by the Administrative Committee. In addition, it was pointed out that the Working Party had not given clear instructions with regard to the draft amendment to Annex 2, Article 3, para. 10 itself. Moreover, in the course of frequent contacts between the American authorities and the secretariat, it turned out that the observations raised by them were not limited to the use of fibre-optic cable, but touched upon the general issue of the placement of seals. Therefore, these observations should be addressed separately. Finally, the

secretariat has received further questions regarding the Customs secure aspect of the fibre optic cable, which the Working Party may wish to address.

D. FURTHER CONSIDERATIONS BY THE WORKING PARTY

7. In view of these developments, the Working Party may wish to review its decision to adopt the proposal to amend Annex 2, Article 3, paras. 9 and 10, together with the draft comment thereto. Additional information to facilitate further discussion will be submitted as an Informal Document.
