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**Economic Commission for Europe**

Inland Transport Committee

**Working Party on Road Transport**

**107<sup>th</sup> session**

Geneva, 22-23 October 2012

Item 8 (d) of the provisional agenda

**Facilitation of international road transport**

**The relationship between the origin of goods and transport operations**

**Submitted by the Government of Poland**

This informal document, submitted by the Government of Poland, discusses issues related to the control of bilateral transport operations of goods implemented by control authorities of some countries outside the European Union.

1. The issue relates to the control of bilateral transport operations of goods executed by control authorities of some countries outside the EU which classified them incorrectly as a third country transport operations. It is not only the problem of Polish hauliers but also a matter of hauliers from other countries.
2. Polish hauliers very often carry goods from the EU member countries outside EU borders. Some of these goods have been manufactured in some third countries other than Poland and shipped to Poland to the logistic centers. Polish hauliers take over these goods in Poland and transport them by road to their destination points in some other countries outside EU.
3. In these cases in the CMR Consignment Note the place of taking over the goods is duly indicated to be Poland. Polish hauliers who pass border of countries outside EU show, for control purposes, the bilateral road transport permits of these countries. In these cases border control authorities refuse Polish hauliers the right to enter their territory to perform the bilateral transport operations claiming that the good's place of origin is not Poland but third country, and transport operations has to be performed on the basis of the third country permits. It should be noted that fines for improper use of permits issued by countries outside the EU are reaching in some cases the equivalent of about 15 thousand Euros. The vehicles of hauliers who violated above regulations are detained in special places until hauliers remove the reasons of detention. This means a forced stop of the vehicles and their cargos, which according to very high fines generates additional costs for hauliers.
4. However, it is also possible that some of these goods are manufactured in Poland by a company of an international conglomerate which is based outside Poland. In such case the place of loading of the goods as indicated in the field no 4 of CMR Consignment Note is Poland, as the country of the beginning of transport operation. The place of unloading is given country outside the EU, and the sender of goods indicated in the field no 1 of CMR document is the company based outside of Poland. In the opinion of the Polish side in above cases interpretation of the bilateral transport operations as the third country transport operations is legally unjustified. In those cases authorities from countries outside EU define transport operations on the basis of the origin of the goods or on the basis of some other commercial documents which accompany the transport operations. It is not in line with international practices, principles of the World Trade Organization and Convention issued by the UN. Moreover, this practice is not in line with recommendations made by UNECE which constitute that in order to promote the development and facilitation of international transport by road and is needed harmonization and unify of the rules for the performing of transport operations.
5. Having regard the above, in the opinion of the Polish side, based on the international and bilateral legislation in force as well as on international practice, road freight transports from Poland as a point of the beginning of the transport operation carried out by Polish hauliers to the point of destination in some other countries outside EU have to be regarded as bilateral transport between those two countries.
6. In our opinion this topic is very important and it requires discussion and establishing a common understanding of the classification of types of transport during the forthcoming UNECE session. This organization has high international authority, which could help us to work out common position which could then be guidelines for control authorities and hauliers in different countries.

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