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Administrative Committee for the TIR Convention, 1975

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Geneva, 8 October 2015

Item 9 (a) of the provisional agenda

Other business:

Application of Article 45 of the Convention

Application of Article 45 of the Convention

Transmitted by the Government of Ukraine

Enclosed, the secretariat reproduces a letter by the Government of Ukraine on the application of Article 45 of the TIR Convention on the territory of the Russian Federation, including a request to have the letters published as informal document for discussion as a separate agenda item at the 62nd session of the Administrative Committee.



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30.06.2015 № 15574/15799-99-24-02-01-16

Kyiv, 30 June 2015

Your Ref: _____

Re.: information on applying provisions of Article 45 of TIR Convention

Provisions of article 45 of the Convention oblige contracting parties to publish a list of customs offices of departure, customs offices en route and customs offices of destination defined for TIR operations. Contracting parties of adjacent territories shall cooperate on mutual agreed conditions for defining relevant border customs houses and their working hours.

According to the explanatory note 0.45, contracting parties are recommended to create as much customs houses as possible either internal or border for providing TIR operations.

In this regard we consider necessary to inform you that as on June 22, 2015 officials of Federal Customs Service of Russian Federation (hereinafter – FCS RF) on a unilateral basis don't give a permission for importation of goods to the RF territory through vehicle Border Crossing Points (BCP) on UA-RF border using TIR procedure.

At the same time it should be stressed that the State Fiscal Service of Ukraine (hereinafter - SFSU) with its official letter as of 13.02.2015 No.4157/6/99-99-24-02-01-15 asked FCS RF to provide information on this issue (copy enclosed). Considering nonresponse from the side of FCS RF SFSU in its official letter as of 01.04.2015 No. 6785/6/99-99-24-02-01-15 turned to the Delegation of FCS RF to Ukraine with a request to cooperate in receiving required information from FCS RF. Unfortunately it is necessary to state that as on June 22, 2015 there was still no official answer received to above mentioned requests.

Furthermore it should be stated that provision of complete functionality of TIR procedure across RF territory at all stages of international movement and import of goods to the customs territory of RF from the customs territory of Ukraine through vehicle BCP, situated on the UA-RF border (list enclosed) has significant influence on TIR convention functioning and affects interests of many

significant influence on TIR convention functioning and affects interests of many contracting parties, not only Ukraine. Transport operators of these contracting parties realize international movement along this route taking into account customary international transport corridors.

Taking into consideration all of the aforesaid we kindly ask AC.2 to assist in receiving as soon as possible an official information from FCS RF which concerns directly adhering of Convention by one of contracting parties (RF) and practical implementation of TIR procedure. Nonfulfillment of these procedures have a negative impact on the TIR Convention functioning.

Please provide us information on the following issues:

1) customs offices of departure, customs offices en route and customs offices of destination as on 22 of June 2015, situated on RF customs territory and which are authorized for performing control over movement of goods according to TIR procedure according to the Article 45 of TIR Convention. By which legislative act this list is approved?

2) is there any approved list of BCP at the border of RF through which is performed a transition of goods according to TIR procedure according TIR Convention. By which legislative act this list is approved?

3) which BCP situated on UA-RF border (custom houses covering operations area of vehicle BCP on UA-RF border), authorized to perform control over movement of goods according to TIR procedure? By which legislative act a list of such BCP is approved? If there are any exceptions in this list please provide justification;

4) in what manner RF, as one of the contracting parties of TIR Convention, provides implementation of provisions of Article 45 regarding necessity of holding consultations in the context of defining the list of BCP for movement of goods according to TIR procedure on UA-RF border?

5) how FCS RF provides adherence to the list of RF president's decrees as of 25.02.2015 No. Пп-321 concerning providing of smooth execution of TIR Convention on the territory of RF in the context of TIR movements of goods through vehicle BCP on UA-RF border?

We consider essential to inform TIRExB that as on 22.06.2015 there are no restrictions in Ukrainian legislation concerning movement of goods according to TIR procedure. Thus goods which are being moved according to TIR procedure within the framework of TIR Convention (1975) may be moved through all interstate and international BCP on Ukrainian border.

Considering abovementioned and significant negative systematic impact on key provisions of the TIR Convention caused by FCS RF, which is expressed in frivolous selectivity of applying provisions of TIR Convention, unwarranted restrictions and factual prohibitions on movement of goods according to TIR procedure in the frames of TIR Convention (1975) through vehicle BCP situated on UA-RF border, introduced by FCS RF without relevant legislative basis, we earnestly ask AC.2 to:

1) carry over for consideration areas of concern stated in this letter at the next meeting of AC.2 as a separate item of the agenda and make their relevant estimation concerning compliance to Convention provisions. Besides we ask you to circulate this official letter of the SFSU as an unofficial document;

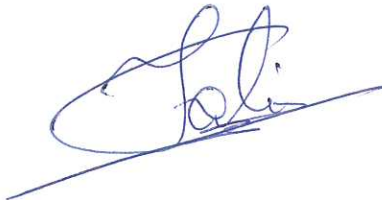
2) facilitate in receiving complete and smooth answers to stated questions addressed to FCS RF. We ask support from AC.2 in lifting of restrictions and bans introduced by FCS RF on a unilateral basis;

3) in case of absence of official letter from FCS RF with answers to above mentioned SFSU requests, concerned with necessity of rigorous and uninterrupted execution of Convention we ask AC.2 to tackle the issue of redirecting this questions to FCS RF on behalf of AC.2 according to request of Ukraine as one of the contracting parties of Convention. As a contracting party which interests and rights are systematically and crudely violated due to nonfulfillment of key provisions of Convention by RF as another contracting party of Convention;

4) consider possibility of including to the agenda of AC.2 issues concerning smooth and uninterrupted execution of Convention on RF territory considering proved facts of longtime, systematical violation of key provisions of TIR Convention (1975) by FCS RF stated in this SFSU official letter.

Attachment: on 3 p.

Deputy Chairman



Kostiantyn Likarchuk

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