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ECONOMIC COMMISSION FOR EUROPE
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

Issues relating to technical provisions

Cable with fibre-optic protection

Note by the secretariat

BACKGROUND

1. In document TRANS/WP.30/2004/15, the secretariat outlined that, after the one-hundred-and-sixth meeting of the Working Party, various delegations had pointed out that the proposed 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 had been found out, that the Working Party had not given clear instructions with regard to the draft amendment to Annex 2, Article 3, para. 10. Finally, the secretariat had received further questions regarding the Customs secure aspect of the fibre optic cable, which the Working Party may wish to address.

2. In order to provide the Working Party with a clear structure for its discussions, the secretariat will proceed as follows:

- (A) Presentation of the texts as adopted;
- (B) Outstanding proposal to amend Annex 2, Article 3, para. 10;
- (C) Proposals amending the various proposals;
- (D) Further issues.

A. PRESENTATION OF THE TEXTS AS ADOPTED

3. At its one-hundred-and-sixth session, the Working Party adopted a proposal to amend Annex 2, Article 3, paragraph 9 with a new subparagraph (c), as follows:

- “(c) any other type of material, as long as it shall be strong and durable and resistant to weather and corrosion (TRANS/WP.30/212, para. 39 and Annex 1).”

4. At its one-hundred-and-sixth session, the Working Party adopted a proposal to amend Annex 2, Article 3, paragraph 10 with a new comment, as follows:

“Comment to Article 3, paragraph 10

The use of fastening cables, consisting of batches of fibre-optic lines, spirally wound and with a sheath of unstretchable plastic is admissible, as long as the conditions set out in Annex 2, Article 1 (a) and (b) and Article 3, paragraphs 9 and 10 are met (TRANS/WP.30/212, para. 39 and Annex) 1.”

B. OUTSTANDING PROPOSAL TO AMEND ANNEX 2, ARTICLE 3, PARA. 10

5. Outstanding proposal to amend Annex 2, Article 3, para. 10, as follows (see document TRANS/WP.30/2004/4, para. 16):

“10. Each rope shall be in one piece and have a hard metal end-piece at each end. In case rope of steel wire, hemp or sisal is used, the rope shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).”

C. PROPOSALS AMENDING THE VARIOUS PROPOSALS

6. In order to make the text of Annex 2, Article 3, para. 9 more specific, while maintaining the intention to allow for the use of fibre optic cable, the following text is proposed:

“9. One of^{*/} the following fastenings shall be used:

- (a) steel wire rope of at least 3 mm diameter; or
- (b) ropes of hemp or sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic;
- (c) ropes consisting of batches of fibre-optic lines inside a spirally wound steel housing encased in a transparent sheath of unstretchable plastic.

Steel wire ropes may have a transparent sheath of unstretchable plastic.

In cases where etc. etc (no changes)...shape.

10. Each type of rope shall be in one piece and have a hard metal end-piece at each end. Each metal end-piece shall allow the introduction of the thread or strap of the Customs seal. The fastener of each end-piece of ropes in accordance with the provisions of paragraph 9 (a) and (b) shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).”

^{*/} Changes with regard to current text of Convention are underlined.

7. The justification of the new proposal of paragraph 9 is that a Customs officer should be able to recognize immediately whether or not a certain type of fastening is allowed under TIR. A provision of a general nature (“any type of material, as long as it shall be strong and durable and resistant to weather and corrosion”) would not allow for such easy recognition. In addition, thus it is no longer necessary to introduce a separate comment, relating to fibre optic cables. Finally, the improved wording of paragraph 10 better expresses the fact that all ropes must have an end-piece where a Customs seal can be put. However, fibre-optic cables do not have to fulfill the condition that rope shall remain visible on either site of the hollow rivet.

D. OTHER ISSUES

8. In the course of further investigation of the fibre optic cable, some more issues with regard to its Customs security were raised. The secretariat mentions them for the sake of completeness, without, as yet, being in a position to provide the necessary answers:

- (a) According to specifics, provided by one manufacturer, the temperature range for use of the fibre optic cable lies between –30 and +100 C. In view of the fact that in various Contracting Parties winter temperatures may drop well below –30, doubt has been raised with regard to the application of the fibre optic cable in severe weather conditions? Within the context of this issue it may also be interesting to be informed of the durability of the plastic sheath, encasing many fastenings, in severe weather conditions.
- (b) Is the transparent sheath of plastic essential for the use of the fibre optic cable, or is its use optional? When optional, the text of paragraph 9 will have to be amended accordingly.
- (c) Is there a possibility to open the two parts of the end-piece and put them back together again without leaving obvious traces of tampering? What is the function of the rivet in the end-piece?
- (d) Although extremely complicated, it is possible to cut the fibre optic cable through and weld it back together. This certainly leaves obvious traces, but because the transmission of light will not be interrupted, this may lead Customs officials to the wrong conclusion when checking the fibre optic cable
- (e) It has been proposed to make use of the opportunity to incorporate Explanatory Note 2.3.9. into the text of paragraph 9. It could become a new subparagraph (d) with the following text: “Ropes comprising a textile core surrounded by at least four strands consisting solely of steel wire and completely covering the core, under the condition that the ropes (without taking into account the transparent sheath, if any) are not less than 3 mm in diameter. Steel and textile cored steel fastening ropes may have a transparent sheath of unstretchable plastic.”
- (f) All amendments to provisions of Annex 2 should equally be introduced into Annex 7.

E. REQUEST TO THE WORKING PARTY

9. In view of the above considerations, the Working Party is requested to review its earlier decision to amend the text of Annex 2, Article 3, paragraphs 9 and 10. In addition, Contracting Party may wish to obtain satisfactory solutions for the outstanding issues before submitting final texts for amendment to the Administrative Committee. In order to facilitate discussions, Contracting Parties may wish to contact their technical services to ask their opinion on the issue.
