

RESOLUTION No. 97/2 ON CRIME IN INTERNATIONAL TRANSPORT

[CEMT/CM(97)6/FINAL]

The ECMT Council of Ministers' meeting in Berlin on April 21-22, 1997

EXPRESSING great concern about the sharp increase in criminal acts affecting international transport, especially fraud in the transit systems as well as the theft of vehicles and goods and attacks on drivers.

EMPHASISING:

- the necessity to ensure that transport operations by all modes of transport are carried out safely and that goods, equipment, personnel and public financial interests are protected from criminal acts at all stages during their journey;
- the importance to international trade of efficient administrative procedures including those at border crossings;
- the contribution that the transit regimes TIR and T have made to facilitating trade and transport and the vital importance of maintaining these regimes;
- that the transit regimes, independent of the financial guarantees on which they are based, can function only if the procedural arrangements are precisely applied at all levels by the competent authorities, as well as by the users of these regimes (freight forwarders, shippers, operators, etc.).

REALISING that the fight against crime and fraud requires concerted and co-ordinated actions from all those with an interest.

WELCOMES in this regard:

- the European Commission Interim Report on Transit and the European Parliament inquiry on the same subject;
- the initiatives that have been taken by the International Chamber of Commerce to provide, via the ICC Commercial Crime Bureau, advisory, preventive and responsive services related to commercial crime and, in particular, to combat and prevent maritime fraud through the ICC International Maritime Bureau;
- the measures already taken by the national Customs Authorities, the European Community, the UN/ECE Working Party on Customs Questions Affecting Transport (WP30), the TIR Administrative Committee and the IRU.

DETERMINED to do everything possible to protect the safety and efficiency of international and national transport.

NOTES the contents of report CEMT/CM(97)7 and its analysis of the problems.

RECOMMENDS:

In relation to the theft of goods and vehicles and attacks on drivers

Ministries of Transport:

- to set up improved contacts with the police and customs authorities as well as trade organisations to ensure that information on crime, crime trends and criminals is exchanged wherever appropriate;
- to check that operators given licences and permits are bone fide operators without criminal records pertinent to vehicle/freight crime;
- to maintain information on persistent offenders and withdraw licences or refuse to grant permits to them;
- to provide information and advice to operators on theft avoidance, safe practices, recommended routes, protected parking areas and appropriate precautions;
- to encourage the setting up of secure and safe parking areas and freight traffic centres for trucks and loads (containers, trailers, swap bodies). Standards of protection for such areas must be defined to commonly agreed levels or criteria;
- to work together with the profession and other Ministries to ensure that information on these locations is available and regularly disseminated.

Authorities responsible for vehicle regulations:

- to examine forms of vehicle identification which would make removal or falsification as difficult as possible;
- to examine security procedures that can prevent stolen vehicles being given new identities under their existing Vehicle Identification Number;
- to take initiatives to make the alteration or removal of a Vehicle Identification Number a crime;
- to take initiatives to make the current voluntary practice of applying Vehicle Identification Numbers to trailers over 750 kg compulsory (based on the EU Directive 76/114 on Statutory Plates);
- to encourage the voluntary marking of major components and the definition of a common European specification for making the Vehicle Identification Number more visible;
- to encourage the development of European requirements for security features such as effective door and luggage compartment locks;
- to take measures for exchange of computerised information among Registration authorities with a view to preventing registration of stolen vehicles and other vehicle-related fraud.

Road Transport Operators, through their national and international organisations:

- to take all possible precautions to avoid exposure to theft or attack;
- to exchange experience and compile and disseminate information on good practice, on effective deterrents and technical equipment;
- to work on introducing modern communication systems from vehicles and for tracking vehicles in international transport;
- to draw up a code of conduct whereby those actively participating in criminal actions are excluded from membership of associations.

Vehicle Manufacturers and Equipment Suppliers:

- to provide improved antitheft systems on vehicles as indicated by EU Directive 95/56 of 8 November 1995 and ECE Regulations 18 and 97;
- to examine the possibilities for improving the security of vehicle identification systems;
- to test, for example in the context of the EU technological programmes, devices and equipment that can reduce the possibilities of theft or falsification.

Police Authorities dealing with transport related crime:

- to intensify investigation activities in order to identify and prosecute those responsible for crime and fraud;
- to exchange intelligence and data and generally improve national and international contacts;
- to work together with transport and other Ministries, as well as professional organisations, to gather and exchange information (especially about suspect operators);
- to provide information on good practice to operators.

Insurance Companies:

- to encourage and provide incentives to operators to use effective anti-theft devices and systems;
- to provide information to operators on these systems and on good practice.

In relation to fraud in the transit systems

Ministries of Transport:

- to deepen co-operation with national organisations for International Transport and their international body (IRU);

- to consider the Community/Common transit and TIR regimes as key regimes in the facilitation of the international carriage of goods, and to support their uniform application and rapid revision.

Customs Authorities:

Generally:

- to apply fully and in an harmonised way the provisions set out in the Community/Common Transit Legislation and the TIR Convention;
- to streamline all documentation procedures and to use modern Electronic Data Interchange methods;
- where appropriate, to give clearer instructions to ensure a better control of goods circulating under the transit regimes;
- to strengthen training and information so that officials can better appreciate the importance of their work and better master the procedures they have to put in place;
- to take actions to control the discharge of TIR carnets more effectively and allow the international guarantee chain to be aware of operations underway;
- to have recourse to guarantees only when they have taken all reasonable steps themselves;
- to review the deadlines for the notification of non-discharged operations with a view to reducing them significantly.

In relation to the TIR Convention:

- to accept and implement urgently Resolution 49, adopted by the UN/ECE Working Party on Customs Questions Affecting Transport;
- to complete as a first step the revision of the Convention as a matter of priority;
- to move as soon as possible towards a more fundamental revision of the Convention;

In relation to the Community/Common Transit:

- to support the reform of the regimes;
- to support transit computerisation projects (NCTS).

Shippers, forwarders, hauliers:

- to verify the authenticity of their agents and clients, using existing sources including the ICC;
- to use the safe areas designated by local or national authorities.

Insurance companies, guaranteeing associations:

- to implement strict rules of access to the transit systems;
- to investigate exchange of information between themselves and other parties involved in international transit better to identify incidences of crime and fraud.

In relation to the legal framework

Competent authorities:

- to examine in which cases the differences and anomalies at international level in legal liability between modes might be a factor in crime, and to propose appropriate changes.

In relation to information and statistics on the extent of crime

Competent bodies:

- to examine available national and international data sources with a view to having more reliable information on the extent of the problem.

COMMITTS ITSELF:

- to make further efforts to improve the enforcement of existing rules and regulations and achieve convergence in the practices involved;
- to examine the relationship between transporters and shippers with a view to defining measures which would avoid unjustifiable pressure to illicit behaviour by transporters;
- to make continuous efforts to ensure that strict qualitative criteria for access to the transport profession are applied and that training of operators is given a high priority.

REQUESTS the Committee of Deputies:

- to send this Resolution to all those concerned in the fight against crime in transport;
- to report back at the next session on progress in implementing these recommendations.