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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport
(19 to 23 June 2000)

PROVISIONAL AGENDA FOR THE NINETY-FIFTH SESSION

**to be held at the Palais des Nations, Geneva,
starting at 10.30 hours on Monday, 19 June 2000 */**

*/ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the ECE Transport Division (Fax: + 41-22-917-0039; E-mail: martin.magold@unece.org). Documents may also be downloaded from the Internet web site of the ECE Transport Division (www.unece.org/trans). During the meeting, missing documents may be obtained from the UNOG Documents Distribution Section (Room C.111, 1st floor, Palais des Nations).

In accordance with the accreditation procedures applicable to all meetings held at the Palais des Nations, delegates are requested to fill-in the attached registration form (also available from the Internet web site of the UN/ECE Transport Division) and to transmit the duly filled-in form at the latest two weeks before the session to the UN/ECE Transport Division, either by fax (+ 41-22-917-0039) or by e-mail (martin.magold@unece.org). In Geneva, prior to the session, delegates are requested to present themselves at the Pass and Identification Unit of the UNOG Security and Safety Section, located at Villa Les Feuillantines, 13 Avenue de la Paix (see attached map), for issuance of an identification badge. In case of difficulties, contact the UN/ECE secretariat (91-72453).

GE.00-

1. Adoption of the agenda TRANS/WP.30/189
2. Activities of UN/ECE bodies and other United Nations organizations of interest to the Working Party
3. Activities of other organizations of interest to the Working Party
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982
("Harmonization Convention") ECE/TRANS/55
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- Preparation of a new annex on efficient border crossing procedures TRANS/WP.30/2000/11
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Informal Document No. 6 (1999)
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TRANS/WP.30/AC.3/6
5. Customs Convention on the International Transport of Goods Under Cover of TIR Carnets
(TIR Convention, 1975) TIR Handbook
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- (a) Status of the Convention TRANS/WP.30/AC.2/57,
annex 1
- (b) Revision of the Convention
- (i) Adoption of amendment proposals under Phase II of the TIR revision process TRANS/WP.30/2000/12
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- (ii) Adoption of recommended procedures related to the amendment proposals under Phase II of the TIR revision process TRANS/WP.30/1999/10
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- (iii) Preparation of Phase III of the TIR revision process TRANS/WP.30/188
Informal document No.1 (2000)
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- (c) Extension of the scope of the Convention TRANS/WP.30/188
- (d) Application of the Convention
 - (i) Draft Recommendation on the validity of multi-user TIR operations TRANS/WP.30/2000/1
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 - (iii) Re-introduction of the guarantee for sensitive and other excluded goods TRANS/WP.30/188
TRANS/WP.30/AC.2/2000/1
TRANS/WP.30/184
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TRANS/WP.30/162
 - (iv) Interpretation of article 3 of the Convention TRANS/WP.30/2000/13
TRANS/WP.30/188
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 - (v) Validity of curtain-sided vehicles TRANS/WP.30/2000/14
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 - (vi) Procedures to be applied in case of suspension of a TIR operation TRANS/WP.30/2000/15
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 - (vii) Other matters

6. Prevention of the abuse of Customs
transit systems by smugglers

TRANS/WP.30/127

7. Other business

(a) Dates of next sessions

(b) Restriction on the distribution of documents

8. Adoption of the report

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EXPLANATORY NOTES

The secretariat proposes the following schedule of work:

Monday, 19 June 2000:	Agenda items 1 to 5
Tuesday, 20 June 2000:	Agenda item 5 to 7 (except item 5 (b)(iii))
Wednesday, 21 June 2000:	Agenda item 5 (b)(iii)
Thursday, 22 June 2000:	Technical visit to Neuchâtel (Switzerland) ^{2/}
Friday, 23 June 2000 (morning only):	Agenda item 8

^{2/} The International Road Transport Union (IRU) has offered to organize for the participants of the Working Party a technical visit to Neuchâtel (Switzerland) to observe the centralized printing of TIR Carnets. This visit, including guided tours of the printing works, is expected to last the whole day. Participants wishing to attend the technical visit on 22 June 2000 are requested to indicate this in the attached registration form.

1. ADOPTION OF THE AGENDA

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (TRANS/WP.30/189).

2. ACTIVITIES OF UN/ECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

The Working Party will be informed about the results of the fifty-fifth session of the Economic Commission for Europe (2-5 May 2000) as well as of relevant sessions of subsidiary bodies of the Inland Transport Committee as they relate to matters of interest to the Working Party.

3. ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

The Working Party may wish to be informed about recent activities of the World Customs Organization (WCO), the European Commission (DG TAXUD), the European Conference of Ministers of Transport (ECMT) as well as of other governmental and non-governmental organizations as they relate to matters of interest to the Working Party.

4. INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“Harmonization Convention”)

Preparation of a new annex on efficient border crossing procedures

The Working Party may wish to recall that the Administrative Committee for the “Harmonization Convention”, at its third session (Geneva, 21 and 24 June 1999) had considered proposals for the insertion of new annexes to the Convention on (a) facilitation of the passage of ATP vehicles carrying perishable goods prepared by the Working Party on the Transport of Perishable Foodstuffs (WP.11) and (b) efficient border crossing procedures prepared by the IRU (TRANS/WP.30/AC.3/6, paras. 12-19).

The Working Party, at its ninety-third session, considered these proposals as well as a revised consolidated proposal prepared jointly by the IRU and Transfrigoroute (International) (TRANS/WP.30/1999/12) (Informal Document No. 6 (1999) and felt that, in principle, the proposals for a new annex to the Convention seemed to be acceptable, but required to be aligned with the existing legal provisions therein. Furthermore, such an annex would need to be complemented with technical and administrative provisions allowing for their efficient application. The Working Party requested the secretariat to convene an informal drafting group representing the various parties involved and to coordinate with the Working Party on Road Transport (SC.1) and UN/CEFACT as well as with the Southeast European Cooperative Initiative (SECI) on this subject. The Working Party would consider the results of this group at its session in June 2000 (TRANS/WP.30/186, paras. 14-17).

In accordance with this mandate, the secretariat has convened an informal ad hoc group of experts which met in Geneva on 4 and 5 April 2000. The Working Party may wish to consider the report of the group of experts relating to the draft of a new annex to the “Harmonization Convention” on efficient border crossing procedures (TRANS/WP.30/2000/11).

The next session of the Administrative Committee for the “Harmonization Convention”, which is scheduled to be held from 18 to 20 October 2000, in conjunction with the autumn session of the Working Party, will consider this draft annex in accordance with Article 22 of the Convention.

5. CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

(a) Status of the Convention

The Working Party will be informed of the situation concerning the scope and the number of Contracting Parties to the TIR Convention, 1975.

A complete list of Contracting Parties to the Convention as well as a list of countries in which TIR operations can be undertaken is annexed to the report of the twenty-eighth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/57, annex 1).

(b) Revision of the Convention

(i) Adoption of amendment proposals under Phase II of the TIR revision process

The Working Party may wish to recall that the main objective of Phase II of the TIR revision process is to facilitate the application of the Convention at the national level. For this purpose, the roles and responsibilities of the various parties involved in the TIR procedure will be clearly defined and specified. Furthermore, guidance will be provided on the required national administrative procedures providing for an efficient functioning of the TIR procedures and, if required, for a speedy recovery of Customs duties and taxes at risk from the holder of a TIR Carnet or, if this turned out not to be possible, from national guaranteeing associations.

On the basis of a consolidated document prepared by the secretariat taking account of earlier deliberations of the Working Party (TRANS/WP.30/2000/2), the Working Party, at its ninety-fourth session, approved in principle a large number of amendment proposals constituting Phase II of the TIR revision process (TRANS/WP.30/188, para. 27).

With a view to concluding work on Phase II of the TIR revision process and to transmitting a comprehensive and consistent package of amendment proposals to the twenty-ninth session of the TIR Administrative Committee for consideration and possible adoption, the secretariat has prepared a new document in accordance with the decisions of the Working Party containing the complete package of amendment proposals under Phase II of the TIR revision process as considered so far by the Working Party.

The Working Party may wish to review this secretariat document and, in particular, those provisions which have not yet been considered at earlier sessions (TRANS/WP.30/2000/12).

Following the session of the Working Party, the secretariat intends to transmit the complete package of amendment proposals to all Contracting Parties to the Convention for review and possible comments. This procedure should ensure that those Contracting Parties that do not participate regularly in the sessions of the Working Party and/or the TIR Administrative Committee will be informed of the status of work under Phase II of the TIR revision process. At its session in October 2000, the Working Party may wish to review once more the package of amendment proposals as well as all comments transmitted to the secretariat before they are transmitted to the TIR Administrative Committee, at its twenty-ninth session (19 and 20 October 2000).

For reference, the following documents prepared during Phase II of the TIR revision process contain relevant background information: TRANS/WP.30/188, paras. 23-30; TRANS/WP.39/2000/9; TRANS/WP.30/2000/2; TRANS/WP.30/186, paras. 25-41; TRANS/WP.30/1999/14; TRANS/WP.30/1999/10; TRANS/WP.30/1999/9; TRANS/WP.30/1999/8; TRANS/WP.30/1999/7 and Add.1; TRANS/WP.30/184, paras. 23-40; TRANS/WP.30/1998/17; TRANS/WP.30/1998/11; TRANS/WP.30/1998/5 and Corr.1.

(ii) Adoption of recommended procedures related to the amendment proposals under Phase II of the TIR revision process

The Working Party may wish to consider and adopt recommended procedures on the termination and discharge of TIR operations as well as on recommended inquiry procedures that have been prepared by the secretariat in line with a decision of the ad hoc group of experts on phase II of the TIR revision process in June 1999. As requested, the secretariat has also prepared a list of recommended documents to substantiate claims for non-discharged TIR Carnets by Customs authorities (TRANS/WP.30/1999/7, paras. 28, 31 and 36; TRANS/WP.30/1999/10).

The Working Party may wish to consider these proposed recommended procedures with a view to their inclusion into the TIR Handbook or into a separate publication on recommended procedures or best practices (TRANS/WP.30/1999/10).

(iii) Preparation of Phase III of the TIR revision process

At its ninety-fourth session, the Working Party considered briefly a document prepared by the secretariat which provided some reflections on the necessary steps to be taken and the elements to be considered in order to arrive at a consistent and target-oriented package of amendment proposals under Phase III of the TIR revision process (Informal document No. 1 (2000)). In particular, the document listed a number of Customs requirements which would need to be addressed by EDI procedures in the framework of the TIR Convention as well as some remarks on possible approaches that might be taken in the computerization of the TIR procedure. The main requirements which EDI systems would need to meet in this respect seem to be the following:

- (a) Administration of the TIR procedure by Customs authorities and its TIR Executive Board, transport operators, national associations and the international organization should be simplified substantially;
- (b) Fraudulent activities, such as falsification of Customs stamps should be prevented or at least substantially reduced;
- (c) Different national Customs procedures, administrative practices and legal requirements should not need to be modified.

The Working Party decided that it would devote one day of its forthcoming June session to a detailed discussion on the preparation of Phase III of the TIR revision process on the basis of information to be prepared by the secretariat, UN/ECE member countries and other interested experts and international organizations (TRANS/WP.30/188, paras. 31-38).

In view of the above and in line with the mandate given, the following issues may need to be addressed by the Working Party:

- (a) Inclusion of additional data into the TIR Carnet (such as, unique identification number of authorized TIR Carnet holders, increase in the number of places of loading and unloading) (Informal Document No. 1 (2000), paras. 3-9)
- (b) Modification of the lay-out of the TIR Carnet (Informal Document No. 1 (2000), paras. 3-9; TRANS/WP.30/180, paras. 28-29; Informal Document No. 5 (1997))
- (c) Reduction of legally required deadlines for notification of non-discharge (TRANS/WP.30/188, para. 38)
- (d) Customs requirements for the computerization of the TIR procedure (Informal Document No. 1 (2000), paras. 12-36)
- (e) Replacement of the TIR Carnet by an electronic TIR Card (Informal Document No. 1 (2000), paras. 20-36)

In accordance with the decision of the Working Party at its ninety-fourth session, the secretariat will invite experts and international organizations to provide information on the above issues (TRANS/WP.30/188, para. 37).

In this context, the Working Party may also wish to consider the possibility of convening, before the end of 2000, a session of the TIR Contact Group to consider with all parties concerned (private and public sector interests) possible concepts and strategies for the computerization of the TIR procedure.

(c) **Extension of the scope of the Convention**

At its ninety-fourth session, the Working Party noted with interest the proposal of the secretariat that, with a view to establishing a single pan-European Customs transit system providing facilities for all land transport modes on an equal basis, an extension of the scope of the TIR Convention to rail transport should be considered (TRANS/WP.30/188, para. 18).

The Working Party may wish to consider the feasibility and the usefulness of such an approach, covering also possibly inland water transport.

(d) **Application of the Convention**

(i) **Draft Recommendation on the validity of multi-user TIR operations**

At its ninety-third session, the Working Party took note of a draft Recommendation on the validity of multi-user TIR operations which has been prepared by the TIR and the UN/ECE secretariats in order to provide for the possibility that, under certain conditions, TIR operations could also be undertaken by persons other than the TIR Carnet holder who, however, remained responsible for the proper application of the Convention. The objective of the draft Recommendation was to accommodate different interpretations by Contracting Parties on the validity of multi-user TIR operations and had the objective of providing, as a temporary short-term measure, for transparency in the application of the Convention in all Contracting Parties, realizing that harmonization of relevant national legislation and of different interpretations relating to the responsibility of the TIR Carnet holder to be inserted into the Convention might not be achieved in the foreseeable future. In particular, the draft Recommendation was designed to overcome a number of practical problems for the transport industry which had arisen as a result of the interdiction of multi-user TIR operations.

At the ninety-third session of the Working Party, several delegations felt that the provisions of the draft Recommendations were not in line with the provisions of the Convention. Others pointed out that further analyses had to be carried out to study its consequences on the organization of international transport. Other delegations welcomed the draft as a step in the right direction which would allow the use of modern transport techniques under the Convention (TRANS/WP.30/186, paras. 65-68).

The Administrative Committee, at its twenty-seventh session, also considered briefly the draft Recommendation and requested the Working Party to reconsider this issue at its next session with a view to providing guidance to the Administrative Committee on this subject (TRANS/WP.30/AC.2/55, paras. 9-12).

As consideration of this issue was postponed by the Working Party, at its ninety-fourth session, the Working Party may wish to decide whether, in accordance with the above-mentioned decision of the Administrative Committee and taking account of new developments in this field, the proposed draft Recommendation contained in document TRANS/WP.30/2000/1 should be withdrawn.

(ii) **Settlement of claims for payments**

The Working Party may wish to be informed by the IRU on further progress made in the current arbitration procedure, initiated by the IRU, to obtain payment for Customs claims presented to the previous insurers of the international guaranteeing chain which had denounced their contract with the IRU at the end of 1994 (TRANS/WP.30/188, paras. 46-47; TRANS/WP.30/184, paras. 51-52; TRANS/WP.30/182, paras. 37-38).

The Working Party may also wish to be informed by Customs authorities and the IRU of the present situation with regard to the settlement of claims for payments made by Customs authorities against national guaranteeing associations (in terms of amounts and reasons given for payment claims).

(iii) Re-introduction of the guarantee for sensitive and other excluded goods

The Working Party may wish to be informed of progress made in the re-introduction of guarantee coverage for those goods and TIR Carnets for which the national guaranteeing associations and the international insurers had denounced their insurance contracts. At its ninety-fourth session, the Working Party had once more urged the international insurers to re-establish full guarantee coverage for these sensitive goods as soon as possible and had invited the TIR Executive Board (TIRExB) to consider all necessary steps that could be taken in order to arrive at guarantee coverage for all goods to be transported under the TIR regime (TRANS/WP.30/188, paras. 48-51; TRANS/WP.30/184, paras. 48-50; TRANS/WP.30/178, paras. 80-81).

The TIRExB, considering this matter, had differentiated between four separate issues that would need to be resolved:

- (a) Re-establishment of insurance coverage on the territory of the EU for the 3 categories of goods for which the comprehensive guarantee coverage under the Community/Common Transit System had been re-introduced as of 1 August 1997;
- (b) Re-introduction of insurance coverage for all other excluded goods on the territory of the EU;
- (c) Re-introduction of insurance coverage for small quantities of tobacco and alcohol (TRANS/WP.30/162, paras. 41-43);
- (d) Re-introduction of insurance coverage for the "Tobacco and Alcohol" TIR Carnet (TRANS/WP.30/AC.2/2000/1).

At its ninety-fourth session, the Working Party was informed that, as of 1 April 2000, insurance coverage would be re-introduced on the Customs territory of the European Community for the 3 categories of goods mentioned under (a) above. The Working Party felt that this was a step in the right direction, but insisted on further steps to be taken by the international insurers to re-establish full guarantee coverage for all goods to be transported under the TIR regime (TRANS/WP.30/188, paras. 48-51).

The Working Party may wish to consider once more the necessary steps that could be taken in order to arrive at full guarantee coverage for all goods to be transported under the TIR regime.

(iv) Interpretation of article 3 of the Convention

At its ninety-fourth session, the Working Party has continued its consideration of the validity of Article 3 of the Convention and expressed the view that, in order to arrive at a harmonized application

of the Convention, the provisions in Article 3 had to be amended. Such amendment could be based on the draft comment prepared earlier by the secretariat (TRANS/WP.30/R.191) stating that it is acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven on their own wheels as these vehicles themselves could be regarded as "goods" transported under the TIR procedure (TRANS/WP.30/188, paras. 52-53).

As requested by the Working Party, the secretariat has prepared a proposal for an amended text of Article 3 for consideration by the Working Party (TRANS/WP.30/2000/13).

(v) Validity of curtain-sided vehicles

The Working Party may wish to recall that, at earlier sessions, it had considered and not approved the validity of curtain-sided vehicles under the Convention on the basis of a document transmitted by the United Kingdom (TRANS/WP.30/R.166). At that time, some delegations had been of the view that the type of construction as described in the document of the United Kingdom was Customs secure, but that its inspection at Customs offices would be very complicated and time consuming.

At its ninety-fourth session, the Working Party noted that this unresolved question caused increasing concern among transport operators which, due to the inherent advantages of curtain-sided vehicles, wished to use them in international transport under Customs seal. It agreed that some new constructions of curtain-sided vehicles are now available that seem to be Customs secure, but felt that amendments or comments to the Convention were needed to clarify this position. The Working Party considered two basic approaches in addressing this matter as contained in a document prepared by Sweden, stipulating detailed requirements in Annex 2 of the Convention for the approval of curtain-sided vehicles (TRANS/WP.30/2000/10) and a document prepared by the secretariat, proposing the insertion of only a comment on the validity of curtain-sided vehicles into the TIR Handbook without modifying the provisions of the Convention (TRANS/WP.30/2000/6); (TRANS/WP.30/188, paras. 55-57).

As requested by the Working Party, the secretariat has convened an informal ad hoc group of experts on this issue which met in Geneva on 30 and 31 March 2000. The Working Party may wish to consider the results of the expert group meeting providing concrete proposals not only on the validity of curtain-sided vehicles, but also on the approach to be taken regarding the inclusion of technical descriptions of load compartments and containers into Annexes 2 and 7 of the Convention (TRANS/WP.30/2000/14).

Taking account of the good experiences made with the ad hoc expert group on curtain-sided vehicles, the Working Party may also wish to consider the feasibility of establishing an informal ad hoc expert group on technical questions relating to the application and interpretation of the provisions contained in Annexes 2, 6 and 7 of the Convention. This expert group could be convened as required to provide guidance to the Working Party on specific technical issues.

(vi) Procedures to be applied in case of suspension of a TIR operation

The Working Party may recall that, at its ninety-third session, it had noted that the Hungarian Customs authorities seemed not to accept TIR Carnets following the suspension of the TIR procedure in transit through the Federal Republic of Yugoslavia in accordance with Article 26 of the Convention (TRANS/WP.30/186, para. 70).

On the basis of a document transmitted by Hungary, the Working Party, at its ninety-fourth session, considered applicable procedures following the suspension of the TIR procedure in accordance with Article 26 of the Convention (TRANS/WP.30/2000/7). As there were different views on the interpretation of this article taking account of the objective and the spirit of the Convention, particularly in cases in which Customs seals or identifying marks had been removed or when Contracting Parties were involved in which, due to the lack of an authorized guarantee association, no TIR procedure could be applied, the Working Party invited the representatives of the European Community to prepare a clear interpretation of this provision, possibly in the form of an explanatory note to Article 26 (TRANS/WP.30/188, para. 58).

The Working Party may wish to consider this matter on the basis of a document transmitted by the European Community (TRANS/WP.30/2000/15).

(vii) Other matters

The Working Party may wish to consider any other issues and difficulties in the application of the Convention faced by Customs authorities, national associations, the international insurers or the IRU.

6. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Having discussed at earlier sessions a number of drug seizures involving TIR vehicles, the Working Party felt that it should be informed of any special devices and facilities used by smugglers abusing the TIR transit system. The Working Party invited all Contracting Parties to the TIR Convention, 1975, and the World Customs Organization (WCO) to transmit all relevant information on such cases so that it could take the necessary steps, falling within its competence and mandate, to prevent such occurrences (TRANS/WP.30/127, paras. 55-57).

As in the past, the Working Party may wish to exchange views and report on experiences on this subject, if any, on a confidential basis.

7. OTHER BUSINESS

(a) Dates of next sessions

The Working Party may wish to decide on the dates for its next sessions.

In line with the programme of work and the list of meetings approved by the Inland Transport Committee, the secretariat has already scheduled the ninety-sixth session of the Working Party to be held in the week from 16 to 20 October 2000.

This session of the Working Party would be held in conjunction with the twenty-ninth session of the TIR Administrative Committee (19 and 20 October 2000), the fourth session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982 (18 and 20 October 2000) and the first session of the Administrative Committee for the Convention on Customs Treatment of Pool Containers Used in International Transport (19 and 20 October 2000).

The ninety-seventh session of the Working Party could be held in conjunction with the thirtieth session of the TIR Administrative Committee in the week from 19 to 23 February 2001.

(b) Restriction on the distribution of documents

The Working Party should decide whether there shall be any restrictions with respect to the distribution of documents issued in connection with its current session.

8. ADOPTION OF THE REPORT

In accordance with established practice, the Working Party will adopt the report on its ninety-fifth session on the basis of a draft prepared by the secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available for adoption in all working languages.



UNITED NATIONS OFFICE - GENEVA

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Date:

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Delegation/Participant of country, Organization or Agency)

Participant: Name Mr. ' Mrs. ' Ms. '

First name(s)

Participation Category

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Participation from 19 to 23 June 2000	I will attend the technical visit on 22 June 2000 ' /

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