



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.30/224
28 February 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

**REPORT OF THE WORKING PARTY ON CUSTOMS QUESTIONS
AFFECTING TRANSPORT ON ITS ONE-HUNDRED-AND-TWELFTH SESSION
(31 January - 3 February 2006)**

CONTENTS

	<u>Paragraphs</u>
- Attendance	1-4
- Adoption of the agenda	5
- Election of Officers	6
- Activities of UNECE bodies and other United Nations organizations of interest to the Working Party	7-10
- Activities of other organizations of interest to the Working Party	11-15
- International Convention on the Harmonization of Frontier Controls of Goods, 1982 ("Harmonization Convention")	16-19
- Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)	20-23
- Rail Transit	24 and 25
- Convention Concerning Customs Facilities for Touring, 1954	26 and 27
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)	28-53
- Prevention of the abuse of Customs transit systems by smugglers	54
- Programme of work for 2006 to 2010	55-58
- Other business	59-61
- Adoption of the report	62

* * *

REPORT

ATTENDANCE

1. The Working Party held its one-hundred-and-twelfth session from 31 January to 3 February 2006 in Geneva.
2. The session was attended by representatives of the following countries: Albania; Austria; Azerbaijan; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Kazakhstan; Latvia; Lithuania; Netherlands; Norway; Poland; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Turkey; Ukraine; United Kingdom. Representatives of Iran (Islamic Republic of) and Jordan participated under Article 11 of the Terms of Reference of the Economic Commission for Europe. Representatives of the European Community (EC) were also present.
3. The following intergovernmental organization was represented: The Organization for Cooperation between Railways (OSZhD).
4. The following non-governmental organizations were represented: International Bureau of Containers (ICB), International Organization for Standardization (ISO) and the International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

Documentation: ECE/TRANS/WP.30/223.

Mandate and background: ECE/TRANS/WP.30/223, point 1.

5. The Working Party adopted the provisional agenda prepared by the secretariat (ECE/TRANS/WP.30/223).

ELECTION OF OFFICERS

Mandate and background: ECE/TRANS/WP.30/223, point 2.

6. The Working Party re-elected Mr. Guus Jacobs (the Netherlands) as Chairperson of its sessions for 2006. The Working Party was invited to consider for its future sessions the election of a Vice-Chairperson.

ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Mandate and background: ECE/TRANS/WP.30/223, point 3.

7. The Working Party took note that the Inland Transport Committee (ITC) will hold its annual session from 7 to 9 February 2006. The agenda for the session is contained in document ECE/TRANS/2006/1.

8. In conjunction with the ITC session, a Round Table, with the title: "Transport Security in the pan-European context. Selected issues and options" will be organized on 8 February 2006 from 15.00h to 18.00h.

9. The Working Party also took note of the outcome of the reform and review of the UNECE, which had resulted in (a) the publication in May 2005 of a report by a group of consultants on the state of the UNECE and (b) the adoption by UNECE Member States in December 2005 of a work plan on the UNECE reform. In this context, the Working Party noted, with satisfaction, the emphasis in the work plan on border crossing and TIR issues. The Working Party also took note that an additional three staff posts have been allocated to the UNECE Transport Division.

10. The Working Party took note that information concerning the status of the Conventions managed by the UNECE Transport Division as well as the texts of the Conventions can be obtained from the following web site:

<http://www.unece.org/trans/conventn/legalinst.html>.

ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Mandate and background: ECE/TRANS/WP.30/223, point 4.

11. The Working Party was informed by the representative of the European Commission of issues relevant to the activities of the Working Party. The Working Party took note of the following issues:

– NCTS. After 7 years of development the NCTS developments came to a conclusion on 31 December 2005 with the implementation of an enquiry procedure;

– NCTS/TIR pilot. The pilot exercise trailed by the European Community has proven both feasible and desirable. Therefore, the European Commission has proposed an amendment to Community legislation in order to establish a legal basis for the NCTS/TIR procedure, which could be adopted within a few months;

– Export control system. Following the successful conclusion of NCTS, attention has now been turned to computerizing the European Community's Export procedures through a Community wide Automated Export System. The first phase to be rolled out between mid-2006 and mid-2007 will introduce pre-departure and exit notification of data. A second phase incorporating security elements will be introduced on 1 January 2008.

12. The Working Party took note of Informal document No. 8 (2006), transmitted by the World Customs Organization (WCO), containing an overview of its activities. In particular, the Working Party took note that 125 WCO Member States had indicated their intention to start implementing the Framework of Standards to maximize security and facilitation in the international supply chain, which had been adopted in June 2005. Furthermore, the Working Party noted, with satisfaction, the entry into force on 3 February 2006 of the revised Kyoto Convention. Finally, the Working Party noted that the eighth session of the Administrative Committee for the Customs Convention on Containers had taken place in November 2005. In this context, the Working Party encouraged all Contracting Parties to the Convention to take part in future meetings of the Committee with a view to ensuring that the relevant amendments to the Convention could be adopted.

13. The Working Party took note of Informal document No. 9 (2006), transmitted by the International Organization for Standardization (ISO), containing information on developments of new standards in a number of areas relating to transport. The Working Party decided to continue to monitor the work of the ISO, in particular in the fields of seals and vehicle and container door end security.

14. The Working Party took note of information provided by the representatives of the International Bureau of Containers (ICB) on the activities of this organization. In particular, the Working Party noted the concerns expressed by the ICB with regard to the apparent increasing problem of re-circulation of containers that have been declared for “last voyage” and the lack of proper Customs control of such containers, which often pose safety, security and revenue protection risks. The Working Party requested that the secretariat, in cooperation with the WCO and the ICB, explore whether a Recommendation regarding increased control concerning this issue could be prepared for one of its forthcoming sessions.

15. The Working Party noted the development by the International Railway Transport Committee (CIT) of a joint consignment note for the CIM/SMGS areas, which is also intended to be used as a Customs transit declaration. The representative of the European Commission noted that the consignment note does not merge the two Customs systems and that the SMGS system cannot be used for the simplified procedure in the European Community.

INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“HARMONIZATION CONVENTION”)

Documentation: ECE/TRANS/55 (<http://border.unece.org> - Legal Instruments); Informal document No. 1 (2006).

Mandate and background: ECE/TRANS/WP.30/223, point 5.

(a) Status of the Convention

16. The Working Party was informed that the Convention has 47 Contracting Parties. A complete list of Contracting Parties to the Convention is available at the following web site: http://www.unece.org/trans/conventn/agreem_cp.html - 48. Information about the status of the Convention can be obtained from the following website (subscription required): <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>.

17. The Working Party also took note that the report of the eighth session of the Administrative Committee to the “Harmonization” Convention was not yet available in all three official language versions of the UNECE. The depositary notification concerning the adoption of the new Annex 8 to the Convention will only be transmitted by the UN once the three language versions are available. Therefore, the entry into force of the new Annex 8, unless objections are raised, is expected in spring 2007.

(b) Preparation of a new Annex on rail border crossing

18. The Working Party took note of Informal document No. 1 (2006) transmitted by the OSZhD, containing proposals for a new draft Annex 9 to the Convention on “Facilitation of Frontier Crossing Procedures in International Railway Transport of Goods” as well as a draft for a new Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic. The Working Party invited all delegations to consider the document before its next session, to provide the secretariat with comments and, at its next session, to discuss the proposed draft texts in-depth. The Working Party noted that the existing Convention to Facilitate the Crossing of Frontiers in the International Railway Passenger Traffic from 1952 no longer meets modern requirements.

19. The Working Party also took note that the planned international conference to discuss the facilitation of international rail transport, most probably, will be organized either in 2006 or 2007.

CUSTOMS CONVENTIONS ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES (1954) AND COMMERCIAL ROAD VEHICLES (1956)

Documentation: ECE/TRANS/107/Rev.1; ECE/TRANS/108; (<http://border.unece.org> - Legal Instruments).

Mandate and background: ECE/TRANS/WP.30/223, point 6.

(a) Status of the Conventions

20. The Working Party took note that the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles have, respectively, 78 and 40 Contracting Parties. A complete list of Contracting Parties to the Convention is available at the following web site: http://www.unece.org/trans/conventn/agreem_cp.html - 48. Information about the status of the Convention can be obtained from the following websites (subscription required):

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>,
<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>.

(b) Application of the Conventions

21. The Working Party recalled its earlier decision requesting the secretariat to prepare two comments to the text of the Conventions, in relation to the terms “as far as possible” and “force majeure”, which are used in the Conventions. The representative of the European Commission considered that the substance of the two comments also could be useful in relation to other Conventions, which include similar language.

22. The Working Party noted that Recommendation No. 51, promoting the correct application of the Conventions, which it had adopted at its one-hundred-and-eleventh session, will be considered and possibly endorsed at the forthcoming session of the Inland Transport Committee. If endorsed, the Recommendation will be transmitted to all relevant parties.

23. The Working Party recalled that it had decided to prepare a Handbook on the two Conventions, which should include a consolidation of all the legal provisions as well as comments which do not exist today but which should be prepared based on previous opinions issued by the Working Party and included in its reports. The Working Party invited the secretariat, in collaboration with AIT/FIA to prepare a document to this extent for one of its future sessions.

RAILWAY TRANSIT

Documentation: ECE/TRANS/2006/9.

Mandate and background: ECE/TRANS/WP.30/223, point 7.

24. The Working Party considered document ECE/TRANS/2006/9, prepared by the secretariat, which contained a draft amended Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes and which also included the amendments required by the UN Office of Legal Affairs for the UN Secretary-General to become depositary of the Convention.

25. The OSZhD called on the Working Party to adopt the draft Convention with amendments without delay since the amendments do not change the substantive text of the Convention. The Working Party adopted the draft text and submitted it for final adoption by the UNECE Inland Transport Committee (ITC) at its session in February 2006.

CONVENTION CONCERNING CUSTOMS FACILITIES FOR TOURING, 1954

Mandate and background: ECE/TRANS/WP.30/223, point 8.

26. The Working Party took note of a presentation by the secretariat of the objectives, main provisions and advantages of the Convention concerning Customs Facilities for Touring, 1954. The Working Party noted that the Convention neither meets the requirements of modern touring and tourist traffic nor the standards for Customs control.

27. The Working Party invited all delegations to consider in time for the whether its next session the Convention is still useful whether there is a need for it and, if so, which provisions of the Convention need to be revised.

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

Documentation: ECE/TRANS/17 and Amends.1-25; 2005 TIR Handbook (<http://tir.unece.org>).

Mandate and background: ECE/TRANS/WP.30/223, point 9.

(a) Status of the Convention

28. The Working Party took note that the Convention has 66 Contracting Parties and that it is operational in 55 of these Contracting Parties.

29. A complete list of Contracting Parties to the Convention, as well as a list of countries in which TIR operations can be undertaken, will be annexed to the report of the fortieth session of the TIR Administrative Committee (ECE/TRANS/WP.30/AC.2/81, annex 1) and can also be found on the following web site: http://www.unece.org/trans/conventn/agreem_cp.html#48. Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

(b) Revision of the Convention

(i) Implementation of amendments to the Convention

30. The Working Party took note that the following amendment to the Convention will enter into force on 1 April 2006:

- Amendments to Annex 1 and 9 of the Convention adopted by the TIR Administrative Committee on 4 February 2005 (Depositary Notification C.N.1350.2005.TREATIES-6).

31. The Working Party also took note of the following amendment proposals to the Convention:

- Addition of two new Explanatory Notes to Article 6.2^{bis} and Annex 8, Article 10 (b) of the Convention adopted by the TIR Administrative Committee on 7 October 2005 (Depositary Notification C.N.99.2006.TREATIES-1). The amendments will enter into force on 12 August 2006 unless a sufficient number of objections are raised not later than 12 May 2006.

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

Documentation: TRANS/WP.30/192; TRANS/WP.30/2005/32-TRANS/WP.30/AC.2/2005/18; TRANS/WP.30/GE.1/2005/5; TRANS/WP.30/2005/2/Rev.1; Informal document No. 2 (2006); Informal document No. 3 (2006).

32. The Working Party recalled that the following points had been included in the original considerations concerning this issue (TRANS/WP.30/192, para. 33):

- Revision of the TIR Carnet, including the insertion of additional data elements (ID number, HS code, value of goods, etc.);
- Increase in the number of places for loading and unloading under Customs seal;
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge.

33. The Working Party had already at its previous sessions decided not to consider the question concerning an increase in the number of places for loading and unloading unless the question is specifically raised.

- Revision of the TIR Carnet

34. The Working Party took note that, for the time being, there did not seem to be any other issues for consideration under this item. Delegations were invited to consider the issue before the next session of the Working Party and to inform the secretariat of any new issues. Otherwise, this item will not be included in the agenda after the next session.

- Use of new technologies

35. The Working Party noted that the Russian language version of document TRANS/WP.30/2005/32-TRANS/WP.30/AC.2/2005/18, prepared by the secretariat, containing the Reference Model for the eTIR project, had only been made available just before the beginning of the present session. It, therefore, decided to postpone the consideration of the document until its one-hundred-and-thirteenth session.

36. The Working Party endorsed the report of the eighth session of the Ad hoc Expert Group contained in document TRANS/WP.30/GE.1/2005/5. The Working Party took note of considerations by the Chairperson of the Expert Group that its work seemed, from time to time, to be overshadowed by discussions of a fundamental nature on the formulation of the mandates given by the Working Party over the years. The Working Party considered that the mandates given so far to the Group are clear, not needing further clarification, and instructed the Expert Group to focus its future work only on activities within its competence. The Working Party reminded the Expert Group that such discussions of a fundamental nature should only be held by the Working Party. In order to assess and, if required, review the mandates issued so far, as well as their application for the eTIR-project, the Working Party requested the secretariat to prepare a document for discussion at its forthcoming session containing all mandates and opinions provided by the relevant bodies over the years.

37. The delegation of the Russian Federation, supported by some other delegations, requested that future work on the issue of computerization be conducted in all three official languages of the UNECE.

38. The Working Party, based on a presentation by the secretariat, considered document TRANS/WP.30/GE.1/2005/2/Rev.1, prepared by the secretariat in consultation with the European Commission, containing a description of the main principles of the future eTIR system. The Working Party also considered Informal documents No. 2 and 3 (2006), prepared by the IRU, containing comments to the above-mentioned document, as well as proposals for the computerization of the TIR system based on the IRU SAFETIR and Cute-wise systems through public-private partnerships based on the synergies at national and international levels between the existing systems used in the private and public sectors. The Working Party considered that the proposals seemed to include many of the same elements, but also contained distinctive differences. Some delegations were of the view that the developments of the eTIR system should be continued in line with its decision taken at the one-hundred-and-eleventh session (TRANS/WP.30/222, para. 35). Other delegations were of the view that the proposals made by the IRU, contained in Informal document No. 3 (2006), should be pursued. The Russian delegation felt that various components of

the TIR computerization could be developed in parallel, in view of different timeframes for their implementation as well as different goals and data contents. Subsequently the systems could be integrated into one system.

39. The Working Party, after an in-depth discussion, decided that any issues of a political, strategic or financial nature needed to be addressed or referred back to the Working Party. Furthermore, it requested the Expert Group to continue its discussion on the future technical developments on the basis of the secretariat's proposal, requesting, at the same time, the IRU to provide the Expert Group with more technical details of its proposal, thus enabling it to make progress in its technical analysis of the eTIR system and undertake a technical evaluation of the IRU proposal and, on that basis, to report back to the Working Party at its forthcoming session.

(iii) Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2006/2; TRANS/WP.30/2005/29; TRANS/WP.30/2005/24 and Corr.1; TRANS/WP.30/2005/23; TRANS/WP.30/2005/19; TRANS/WP.30/2005/18; TRANS/WP.30/2005/17; TRANS/WP.30/2005/16; TRANS/WP.30/2005/15; TRANS/WP.30/2005/12; TRANS/WP.30/2005/7; TRANS/WP.30/2005/6; TRANS/WP.30/2004/38; TRANS/WP.30/2004/37; TRANS/WP.30/2004/33; TRANS/WP.30/2004/32; TRANS/WP.30/2004/25; TRANS/WP.30/2004/24; TRANS/WP.30/2004/14; TRANS/WP.30/2004/11; TRANS/WP.30/2003/22; TRANS/WP.30/2003/11; TRANS/WP.30/2003/10; TRANS/WP.30/2002/30; TRANS/WP.30/R.179; TRANS/WP.30/GE.2/2005/10; TRANS/WP.30/GE.2/2005/9; TRANS/WP.30/GE.2/2005/8; TRANS/WP.30/GE.2/2005/7; TRANS/WP.30/GE.2/2005/6; TRANS/WP.30/GE.2/2005/5; TRANS/WP.30/GE.2/2005/4 and Corr.1; TRANS/WP.30/GE.2/2005/3; TRANS/WP.30/GE.2/2005/2; TRANS/WP.30/GE.2/2005/1; Informal document No. 5 (2006); Informal document No. 4 (2006); Informal document No. 5 (2005) (GE.2); Informal document No. 3 (2005) (GE.2); Informal document No. 8 (2005); Informal document No. 2 (2004); Informal document No. 3 (2003).

40. The Working Party noted that a number of documents relating to the revision process were not listed in the documentation overview in the provisional agenda. It requested the secretariat to ensure that all document references be included in the report of the meeting and in the documentation for future sessions.

41. With regard to Article 4 of the Convention, the delegation of the Russian Federation was of the view that, in contrast to the current wording of Article 4, the proposed draft text was acceptable neither in substance, nor linguistically. The Working Party decided to consider the following text at its next session as a part of the entire package of amendments: "As long as goods are carried under the TIR procedure the payment of import and export duties and taxes shall be suspended and security other than that mentioned in Article 3 (b) shall not be required".

42. The Working Party took note of the report of the fifth session of the Ad hoc Expert Group on Phase III of the TIR revision process contained in document TRANS/WP.30/GE.2/2005/10. Some delegations expressed concern with regard to the level of progress, so far, in the revision process.

43. The Working Party also took note of Informal document No. 4 (2006), transmitted by the Governments of Finland, Germany and the Netherlands as well as Informal document No. 5 (2006), transmitted by the Government of Germany. The representative of the European Commission announced that there was no coordinated Community position on these documents.

44. With a view to the progress of the revision process, the Working Party requested the secretariat to prepare for its next session a document consolidating all amendment proposals presented, so far, during Phase III of the revision process.

45. The delegation of the Russian Federation deplored that the Working Party was not in a position to consider, in substance, the proposal to amend Article 11 of the TIR Convention, as contained in document TRANS/WP.30/2005/19, despite the fact that the Ad hoc Group on Phase III of the TIR Revision, at its fifth session, had decided to transmit the underlying proposal to the Working Party for adoption. The Russian delegation looked forward to the Working Party's considering and adopting the proposal at its next session.

46. The Working Party considered document ECE/TRANS/WP.30/2006/2, prepared by the secretariat, containing the findings of the TIRExB on the various issues of a technical nature which it had been invited to consider:

- Definition of the term “TIR procedure”. The Working Party decided to follow the recommendation by the TIRExB, that the term does not need any further specification.
- Title to Chapter II. The Working Party decided to follow the recommendation by the TIRExB, that the Board would revert to this issue once the Working Party has taken a decision on the content of the chapter.
- Article 28. The Working Party decided to include the two alternatives proposed by the TIRExB in the consolidated document referred to in para. 44 above with a view that the Working Party could consider the issues in more detail.
- Article 40. The Working Party took note of the decision by the TIRExB to develop a set of best practices concerning the responsibility of the holder. The result of the considerations of the TIRExB will be referred back to the Working Party once finalized.
- Article 41. The Working Party decided not to make any changes to the present text of the article.
- Article 42**bis**. The Working Party took note of the considerations by the TIRExB and requested the secretariat to prepare proposals concerning the proper application of the Convention in the consolidated document mentioned above in para. 43. The proposals should also include considerations concerning the non-application of the Convention by Contracting Parties and, as a result, possible sanctions in line with general UN rules and procedures.

(c) **Application of the Convention**

(i) **Control system for TIR Carnets - IRU SafeTIR**

47. The Working Party took note of information provided by the IRU on the functioning of the IRU SafeTIR system. In the period 1 January to 31 December 2005, the IRU received SafeTIR messages for 91 per cent of all terminated TIR Carnets with an average delay of 6 days. 2.70 per cent of the messages have been transmitted in time. Concerning the reconciliation requests to Customs authorities to verify the termination of TIR Carnets, the IRU has, in the same period, issued 13,989 requests and has received replies to 81 per cent of the requests with an average delay of 42 days.

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

48. The Working Party was informed by the IRU of the following figures:

- Between 1 January to 31 December 2005, the IRU received 18,517 notifications/pre-notifications sent by Customs authorities to their national Guaranteeing Associations.
- The number of pending payment requests on 31 December 2005 were 6,741.
- The number of claims settled in full or in part between 1 January and 31 December 2005 were 1,684, while the number of claims closed without payment were 233.

(iii) **Issues relating to technical provisions**

49. The Working Party took note of information provided by the secretariat, that the TIRExB had been informed by the Liaison Committee of the Body and Trailer Building Industry (CLCCR) and a representative of the European Union Customs Assistance Program in Serbia and Montenegro, of problems with incorrect approval of vehicles, in particular vehicles with sliding sheets as well as observation of a general lack of correct application of sealing of vehicles. The TIRExB, emphasizing the importance of this issue for the sustainability of the TIR Convention, was of the view that the problem should be addressed through a combination of initiatives, including the development of further instructions and training concerning the proper application, review of the relevant provisions and the possible organization of a seminar for competent authorities. The Working Party requested the secretariat to also inform TIR Custom Focal points about the problems.

(iv) **TIR Handbook**

50. The TIR Handbook contains the text of the Convention and its annexes, including the amendments to the Convention and Explanatory Notes, as well as all relevant comments adopted by the Working Party, the Administrative Committee and the TIRExB.

51. The updated 2005 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish language versions both in hard copy, cd-rom and in electronic version for download from the UNECE TIR web site: <http://tir.unece.org>.

(v) **Other matters**

52. The Working Party took note of information provided by the Turkish delegation that the deletion of the Explanatory Note to Article 38 seemed to have led to an exclusion of operators in cases of trivial infringements, e.g. an operator having changed Customs office of destination. The

Turkish delegation was requested to provide evidence of any unjustified exclusions and to transmit this to the secretariat for further consideration by the Working Party or the TIRExB.

53. The Working Party also took note of information provided by the representative of the European Commission that the use of the TIR system in Serbia and Montenegro was hampered by fact that the TIR procedure could not be used in the entire territory of Montenegro. The Working Party requested the secretariat to seek further information on the issue with a view to finding a solution to the problem and to report back the Working Party at its future sessions.

PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Mandate and background: ECE/TRANS/WP.30/223, point 10.

54. The Working Party took note of information provided by the secretariat that the TIRExB, in the framework of its Terms of Reference to foster the exchange of intelligence, had developed a so-called Fraud Report Form (FRF), which is intended to be made available for TIR Customs Focal points with a view that new cases and types of fraud in the TIR system can be exchanged between Customs authorities via the TIR secretariat, thereby creating a virtual early-warning system for the detection and prevention of fraud.

PROGRAMME OF WORK FOR 2006 TO 2010

Documentation: TRANS/WP.30/220.

Mandate and background: ECE/TRANS/WP.30/223, point 11.

55. The Working Party adopted the Work Programme for the years 2006 to 2010 as contained in the annex to this report.

56. The Working Party reminded delegations of its decision to initiate an annual transmission of country reports, with a view to providing delegations with a better understanding of developments in the field of border crossing facilitation in the UNECE region (TRANS/WP.30/220, para. 50). Delegations were invited to transmit their country reports to the secretariat before 1 March 2006.

57. The Working Party decided to continue with three official sessions per year. In this context, the Working Party took note of information from some delegations that the participation in Ad hoc group meetings on a regular basis proved to be a problem for budgetary reasons. Bearing this in mind, the Working Party expressed the view that the use of Ad hoc groups for discussion of specific issues should be limited as much as possible and that discussions of issues within its competency, to the extent possible, should be conducted at its regular sessions.

58. The Working Party took note of Informal document No. 6 (2005), transmitted by the secretariat, containing the texts of Resolutions adopted by the Working Party in the period 1987 until the present.

OTHER BUSINESS

Mandate and background: ECE/TRANS/WP.30/223, point 12.

(a) Dates of the next sessions

59. The Working Party decided to convene its one-hundred-and-thirteenth session in the week from 29 May to 2 June 2006. The deadline for transmission of official documentation to be translated for the session is 13 March 2006.

60. The one-hundred-and-fourteenth session of the Working Party is tentatively scheduled to be held during the week of 25 to 29 September 2006, in conjunction with a session of the TIR Administrative Committee.

(b) Restriction on the distribution of documents

61. The Working Party decided that there were no restricted documents in connection with its current session.

ADOPTION OF THE REPORT

Mandate and background: ECE/TRANS/WP.30/223, point 13.

62. The Working Party decided to adopt the report on its one-hundred-and-twelfth session.

Annex

Programme of work for the years 2006-2010¹

PROGRAMME ACTIVITY 02.10: CUSTOMS QUESTIONS AFFECTING TRANSPORT

Harmonization and simplification of requirements for border crossing procedures concerning modes of inland **and intermodal** transport

Description:

- (a) Preparation and implementation and, where appropriate, review and modification of international legal instruments.
- (b) Simplification **and harmonization** of administrative formalities, documents and procedures.

Work to be undertaken: The Working Party on Customs Questions affecting Transport will pursue the following activities:

CONTINUING ACTIVITIES

- (a) Review of relevant Conventions and Agreements on border crossing facilitation under the auspices of the Working Party in order to ensure their **relevance and implementation as well as** coherence with other international or sub-regional treaties and to keep them in line with modern transport and border control requirements. Priority: 1

Output expected in 2006:

Analysis of the application of the following UNECE Conventions on border crossing facilitation: TIR Convention 1975; Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles;

Consideration of the need for negotiating two model container pool agreements providing guidance to the transport industry and the Contracting Parties on the implementation of the provisions of the "Customs Container Pool Convention" covering international rail and international maritime transport.

- (b) Periodic review of Resolutions and Recommendations adopted by the Working Party with a view to confirming their usefulness and implementation as well as possibly adopting modifications where deemed necessary Priority: 2

¹ Text in **bold** characters indicates newly proposed text; text in square brackets ([...]) refers to text proposed for deletion.

Output expected in 2006:

Initial review of all Resolutions and Recommendations adopted by the Working Party with a view to deciding on which Resolutions and Recommendations to focus in the coming year.

- (c) Study of the possible extension of relevant UNECE Conventions on border crossing facilitation to other regions, particularly relating to legal and administrative aspects.

Priority: 2

Output expected in 2006:

Preparation and organization of regional and/or national workshops, possibly in cooperation with UNESCAP and UNESCWA **and other relevant UN and international organizations**, on the implementation of relevant UNECE Conventions on border crossing facilitation, *in particular* in Asia and the Middle East.

- (d) Study of Customs questions with a view to simplification of Customs formalities and documents in the field of transport, in particular taking account of the possibility of electronic data interchange solutions, including UN/EDIFACT messages. **Priority: 1**

Output expected in 2006:

Analysis and revision of the provisions of both a strategic and technical nature of the TIR Convention, in particular the provisions relating to the guarantee system with a view to enhancing the functioning and efficiency for both the public and private partners in the TIR system;

Coordination of work with the relevant bodies within the European Community on integration of the TIR system in the New Customs Transit System (**NCTS**).

Continuation of work on phase III of the TIR revision procedure, focusing on the revision of the TIR Carnet and on provisions for a modernized EDI-based Customs administration and control system.

- (e) Study of specific legal and other measures to combat fiscal fraud resulting from simplified Customs and other border crossing procedures, such as the TIR regime, including periodic review of the status of implementation of resolution No. 220 (prevention of the abuse of Customs transit systems by drug smugglers). Setting-up of mechanisms and administrative procedures for the regular exchange of information with other Governmental and non-governmental organizations to combat such fraud.

Priority: 1

Output expected in 2006:

Preparation of adequate instruments and measures to improve international cooperation among Contracting Parties to the TIR Convention, 1975 and concerned national and international organizations to prevent fraud.

Activities towards implementation of the Recommendation adopted by the TIR Administrative

Committee on 20 October 1995 on an international EDI control system for TIR Carnets.

Exchange of intelligence among Customs authorities of Contracting Parties to relevant UNECE Conventions on border crossing facilitation on abuses with a view to identifying measures to combat such occurrences.

- (f) Analysis of difficulties encountered relating to border crossing formalities with a view to devising administrative procedures eliminating such difficulties. The analysis will cover health, phytosanitary, veterinary and quality controls, application of standards, public safety controls, etc., including the promotion of the implementation and extension of the scope of the International Convention on the Harmonization of Frontier Controls of Goods of 1982 (Harmonization Convention). Priority: 1

Output expected in 2006:

[Finalization of a new annex to the "Harmonization Convention" on road transport, including possibly an international lorry weight certificate, in close cooperation with the Working Party on Road Transport].

Study of concrete measures facilitating border crossing procedures for railway transport in cooperation with the Working Party on Rail Transport, possibly through the preparation of a new annex on rail border crossing facilitation.

ACTIVITIES OF A LIMITED DURATION

- (a) Study to facilitate railway transit traffic on the basis of the CIM and the SMGS Consignment Notes, including the preparation of a new Customs transit regime allowing the use of the CIM and the SMGS consignment notes as a Customs document. Priority: 2

Output expected in 2006:

[Preparation of a draft Customs transit convention covering international rail transport in SMGS Member States]

Study the full integration of a harmonized Customs transit regime covering all COTIF and SMGS Member States.

- (b) Study of the provisions of the Convention concerning Customs Facilities for Touring, 1954, with a view to modernizing the provisions of the Convention in line with modern Customs, touring and tourist practices.**
