



Economic and Social Council

Distr.: General
6 July 2010

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

126th session

Geneva, 28 September – 1 October 2010

Item 1 of the provisional agenda

Adoption of the agenda

Annotated Provisional Agenda for the 126th Session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 15.00 hours on Tuesday, 28 September 2010

I. Provisional Agenda

1. Adoption of the agenda.
2. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party.

¹ 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 official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website <<http://border.unece.org>>. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, 3rd floor, Palais des Nations).

² The full text of the Conventions as well as complete lists of Contracting Parties to the Conventions referred to in this agenda are available on the UNECE website: <<http://www.unece.org/trans/conventn/legalinst.html#customs>>. Delegates are requested to complete the registration form available from the Internet website of the UNECE Transport Division <<http://www.unece.org/trans/registfr.html>> and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

3. Activities of other organizations and countries of interest to the Working Party.
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”):
 - (a) Status of the Convention;
 - (b) Annex 8 on road transport;
 - (c) Preparation of a new Annex on rail border crossing.
5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
6. Rail transit.
7. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956):
 - (a) Status of the Conventions;
 - (b) Application of the Conventions.
8. Other United Nations Economic Commission for Europe legal instruments for border crossing facilitation.
9. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):
 - (a) Status of the Convention;
 - (b) Revision of the Convention:
 - (i) Preparation of Phase III of the TIR revision process;
 - (ii) Amendment proposals for the Convention.
 - (c) Application of the Convention:
 - (i) Control system for TIR Carnets – International Road Transport Union SafeTIR;
 - (ii) Settlement of claims for payments;
 - (iii) TIR Handbook;
 - (iv) Application of the TIR Convention in a Customs union with a single Customs territory;
 - (v) Increase in the number of loading and unloading places;
 - (vi) TIR Carnets invalidated by the guarantee chain;
 - (vii) Other matters.
10. Prevention of the abuse of Customs transit systems by smugglers.
11. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
12. Adoption of the report.

II. Annotations

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 (ECE/TRANS/WP.30/251).

Documentation

ECE/TRANS/WP.30/251

2. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party

The Working Party (WP.30) will be informed of the results of relevant sessions of the Inland Transport Committee (ITC), its subsidiary bodies and other United Nations bodies and organizations as far as they relate to matters of interest to the Working Party.

3. Activities of other organizations and countries of interest to the Working Party

The Working Party may wish to take note of recent activities by the World Customs Organization (WCO), the European Commission (DG TAXUD) as well as by other organizations, both governmental and non-governmental, and countries as far as they relate to matters of interest to the Working Party.

At its previous session, the Working Party was informed of the ongoing activities by the secretariat to provide translation of a truncated version of the study on the implications of SAFE for the TIR Convention (ECE/TRANS/WP.30/2010/8) whose length, nevertheless, exceeded the limits established by the applicable UN rules. Pending the availability of this document in all working languages, the Working Party briefly discussed the conclusions of the study, as laid down in paras. 94 to 97 of document ECE/TRANS/WP.30/2010/1. WP.30 agreed that the incorporation of the "Advance electronic information" and "Risk management" elements should be achieved in the framework of the eTIR project. With regard to outbound security inspections, the Working Party challenged the conclusion that this element should be integrated into the TIR Convention, as this would create a new legal obligation for the Contracting Parties to act upon request of other countries. The Working Party also felt that the introduction of Customs-to-TIR Carnet holders partnership on the basis of the Authorized Economic Operator (AEO) concept is premature for the time being (ECE/TRANS/WP.30/250, para. 5). WP.30 will be informed of the status of translation of document ECE/TRANS/WP.30/2010/8 and may wish to continue its discussions on the matter.

Documentation

ECE/TRANS/WP.30/2010/1, ECE/TRANS/WP.30/2010/8

4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)

(a) Status of the Convention

The Working Party will be informed of the current status of the Harmonization Convention. In particular, WP.30 may wish to recall the accession of Iran (Islamic Republic of) effected on 18 May 2010 (Depositary Notification C.N.266.2010.TREATIES-1). In accordance with its Article 17 (2), the Convention will enter into force for the Islamic Republic of Iran on 18 August 2010. The Working Party will also be informed of the outcome of the ninth session of its Administrative Committee (AC.3) on 27 May 2010.

(b) Annex 8 on road transport

At its previous session, WP.30 took note of the preliminary results of the survey concerning the implementation of Annex 8 at the national level (Informal document No. 3 (2010)) and noted that the secretariat would pursue its efforts to obtain missing replies. International Road Transport Union (IRU) welcomed the survey and proposed that the findings could be complemented by data from the private sector. The delegation of Iran (Islamic Republic of) requested the secretariat to forward the above questionnaire to the competent Iranian authorities for reply (ECE/TRANS/WP.30/250, para. 8). Against this background, the Working Party may wish to note further progress in the implementation of the survey as well as to be informed by delegations of various activities conducted at the national level with the aim to facilitate road transport.

The Working Party will also be informed of the preparation of the OSCE-UNECE³ Handbook on best practices at border crossings, including the chapter on border crossing performance indicators.

Documentation

Informal document No. 3 (2010)

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

The Working Party may wish to take note that the Administrative Committee of the Harmonization Convention (AC.3), at its ninth session on 27 May 2010, decided to adopt the amendment proposal with regard to the introduction of a new Annex 9 to the Harmonization Convention, as set out in document ECE/TRANS/WP.30/AC.3/2010/1.

Documentation

ECE/TRANS/WP.30/AC.3/2010/1

5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952

At its previous session, WP.30 considered document ECE/TRANS/WP.30/2010/9, prepared by the secretariat, containing proposals for an additional protocol to the 1952 Convention which would introduce provisions to amend the said Convention. The Working Party agreed to the proposed text with the exception of the so-called "opt-out" clause, allowing any Party opposing an amendment to not be bound by it upon its entry into force, as this

³ Organization for Security and Cooperation in Europe-United Nations Economic Commission for Europe

could create different legal regimes under a single treaty. WP.30 requested the secretariat to submit the text of the draft protocol as an official document in the three official UNECE languages for discussion and, possibly, endorsement at its next session (ECE/TRANS/WP.30/250, para. 12). In line with this request, the secretariat prepared document ECE/TRANS/WP.30/2010/10 for consideration by the Working Party.

Documentation

ECE/TRANS/WP.30/2010/10

6. Rail transit

The Working Party will be informed of new developments concerning the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of Agreement on International Goods Transport by Rail (SMGS) Consignment Note, if any.

7. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)

(a) Status of the Conventions

The Working Party will be informed of the situation concerning the scope and the number of Contracting Parties to the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles.

(b) Application of the Conventions

At its previous session, WP.30 noted with satisfaction that the comments and best practices to assist in the proper application of the 1954 Convention, approved by WP.30 in 2009 (ECE/TRANS/WP.30/2009/3), had received positive feedback from both Contracting Parties and national associations, and that the International Touring Alliance and the International Automobile Federation (AIT/FIA) intended to prepare similar comments and best practices for the application of the 1956 Convention (ECE/TRANS/WP.30/250, para. 15). The Working Party may wish to be informed by AIT/FIA of any progress in this area.

Documentation

ECE/TRANS/107; ECE/TRANS/107/Rev.1; ECE/TRANS/108

8. Other United Nations Economic Commission for Europe legal instruments on border crossing facilitation

At the previous session of WP.30, the delegation of Turkey invited the Working Party to consider in more detail the European Convention on Customs Treatment of Pallets used in International Transport, 1960 and the Customs Convention on Containers, 1972 (ECE/TRANS/WP.30/250, para. 16). In this regard, the delegation of Turkey may wish to identify which elements of the two Conventions would need to be addressed by WP.30.

Documentation

ECE/TRANS/WP.30/2010/2

9. 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 changes in the status of the TIR Convention, if any.

(b) Revision of the Convention

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

Use of new technologies

The Working Party will be informed of the latest developments in the area of the eTIR project and the work of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1), in particular about the activities of the secretariat aimed at establishing a network of eTIR focal points and launching an eTIR website.

At its previous session, WP.30 stressed, inter alia, the need to start work on the required legal amendments aimed at the introduction of eTIR (ECE/TRANS/WP.30/250, para. 18). In this context, the Working Party may wish to recall its earlier decision that legal aspects of computerization should be considered by WP.30 itself (ECE/TRANS/WP.30/232, para. 34) as well as the mandate given to the secretariat to prepare a first draft of proposals (ECE/TRANS/WP.30/242, para. 29). To facilitate the work of the secretariat, the Working Party may wish to reconsider document TRANS/WP.30/2005/20 which elaborated on the alternatives to either amend the TIR Convention, 1975 with provisions introducing the use of electronic data interchange (EDI) in parallel to or gradually replacing the paper TIR Carnet or to launch a completely new, so-called, "eTIR" Convention which would be based on EDI technologies. The first considerations of WP.30 on this issue in 2005-2006 did not reach a consensus. At that time, the Working Party also discussed whether the scope of the computerization project should be broadened with the aim of creating a global Customs transit procedure covering all modes of transport (TRANS/WP.30/220, para. 12), but without a clear-cut conclusion either. Thus, before embarking on the complex task of drafting the required legal provisions, the Working Party may wish to provide guidance to the secretariat on which approach should be pursued.

(ii) Amendment proposals for the Convention

At its previous session, the Working Party considered updated amendment proposals for the introduction of a new Annex 9, Part III of the Convention on the authorization of an international organization (ECE/TRANS/WP.30/2010/4/Rev.1). The Working Party felt that subparagraph 1 (c) of the Annex should become a new item of paragraph 3. The delegations of Kyrgyzstan and Tajikistan expressed their concerns about the late availability of document ECE/TRANS/WP.30/2010/4/Rev.1 in Russian which had prevented them from full-fledged consideration of the amendment proposals. On the basis of these considerations, WP.30 requested the secretariat to update the document and to ensure its earliest translation into all working languages (ECE/TRANS/WP.30/250, paras. 20 and 21). Following this request, document ECE/TRANS/WP.30/2010/4/Rev.2 has been prepared.

At the previous session, the Working Party also noted that the new audit provisions should also address the issue of confidentiality and requested the secretariat to study if this matter is duly reflected in the International Standards on Auditing, as referred to in para. 3 (q) of the new Annex (ECE/TRANS/WP.30/250, para. 22).

Documentation

ECE/TRANS/WP.30/2010/4/Rev.2

(c) Application of the Convention*(i) Control system for TIR Carnets - International Road Transport Union SafeTIR*

The Working Party will be informed by IRU of the latest statistical data regarding the performance of Contracting Parties in the SafeTIR system.

(ii) Settlement of claims for payments

The Working Party may wish to be informed by Customs authorities and IRU of the present situation with regard to the settlement of claims for payments made by Customs authorities against national guaranteeing associations. At the previous WP.30 session, in reply to an invitation of the Chair, IRU stated it would be prepared to provide statistical data on the number and amount (in Swiss Francs) of the claims which had been paid per year over the last decade. WP.30 looked forward to receiving this information (ECE/TRANS/WP.30/250, para. 28).

(iii) TIR Handbook

The 2010 version of the TIR Handbook has been published on the TIR website in English, French and Russian. Hard copies in these languages are also available. The Working Party will be informed of activities of the secretariat to have this publication translated into Arabic, Chinese and Spanish.

Documentation2010 TIR Handbook⁴*(iv) Application of the TIR Convention in a Customs union with a single Customs territory*

At its previous session, the representative of Belarus informed of the ongoing negotiations to establish a mechanism for the smooth functioning of the TIR procedure in the Customs union between Belarus, Kazakhstan and the Russian Federation. To this end, a draft trilateral agreement had been prepared which included inter alia the principles highlighted in document ECE/TRANS/WP.30/2010/6. The Working Party took note of this information and invited the three countries in question to provide the TIR secretariat and the TIRExB with a copy of the underlying agreement when it is signed. In this context, the delegations of the three countries in question are invited to provide the Working Party with updated information on the functioning of the TIR procedure in the new Customs union.

Documentation

ECE/TRANS/WP.30/2010/6

(v) Increase in the number of loading and unloading places

At the previous session of WP.30, the delegation of Turkey and IRU recalled the previous WP.30 discussions on the possible increase in the number of loading and unloading places for a TIR transport and suggested that this issue be re-examined, taking into account new transport patterns that had appeared as a result of the global downturn. The Turkish

⁴ <<http://tir.unece.org>>.

delegation was invited to submit a document on the issue for consideration at the next session of WP.30.

In this context, the Working Party may wish to recall that, at its 109th session in 2005, it took note of document TRANS/WP.30/2005/10, transmitted by the IRU, containing a study on the need to increase the total number of Customs offices of departure and destination. The study had analyzed 1,001 TIR Carnets and had found that only seven out of the 1,001 TIR Carnets had been used in connection with transports with more than four Customs offices of departure or destination. The study also found that there seemed to be only a few problems with the application of using two consecutive TIR Carnets according to the comment to Article 18 in those exceptional cases where more than four Customs offices of departure and destination were involved. At that time, the Working Party decided not to revert to this question again unless a concrete request was expressed at one of its future sessions (TRANS/WP.30/218, paras. 32 – 34).

Taking account of the above, WP.30 may wish to consider document ECE/TRANS/WP.30/2010/11 transmitted by the Government of Turkey.

Documentation

ECE/TRANS/WP.30/2010/11

(vi) *TIR Carnets invalidated by the guarantee chain*

At its 124th session, the Working Party welcomed a detailed presentation by IRU and Informal document No.1 (2010) on the current practice of invalidation of TIR Carnets by the guarantee chain. Following an in-depth discussion on various practical situations which might occur in the course of invalidation, the Working Party noted that the invalidation procedure required human intervention at various instances and, therefore, was subject to delays in the distribution of information. This might lead to disputes between the Customs and guarantee chain on the validity of TIR Carnets at different stages of the invalidation process, as considered by the TIR Executive Board (TIRExB) on several occasions (ECE/TRANS/WP.30/2010/5). In particular, the Board pointed out that any dispute concerning the guarantee/legal status of an invalidated TIR Carnet would have to be solved on a case-by-case basis in line with national laws and regulations and that the ultimate solution to this problem would only be achieved in a fully computerized environment, for example, in the framework of the eTIR project.

The Working Party invited the delegations to examine whether, under the present paper-based system, the Convention could be amended with a view to providing common guidance on the validity of TIR Carnets under specific circumstances. WP.30 also noted that the initiative to invalidate a TIR Carnet always belongs to the issuing association. For example, the issuing association by its own decision can suspend the issuance of TIR Carnets to a holder and initiate the process of invalidating the TIR Carnets that he has in his possession. The Working Party was of the view that this practice should further be evaluated by TIRExB, in line with its mandate, and invited IRU to submit to TIRExB all necessary information (ECE/TRANS/WP.30/248, paras. 30 and 31). In this context, WP.30 will be informed of further considerations by TIRExB.

Documentation

ECE/TRANS/WP.30/2010/5

(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.

Documentation

ECE/TRANS/17 and Amends.1-28; 2010 TIR Handbook⁵

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

As in the past, the Working Party may wish, on a restricted basis, to exchange views concerning any special cases, devices and facilities used to abuse the TIR transit system. The Working Party has, at its previous sessions, 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).

11. Other business**(a) Dates of the next sessions**

The Working Party may wish to decide on the dates of its next sessions. The secretariat has already made arrangements for the 127th session to be held in the week of 31 January - 4 February 2011.

(b) Restriction on the distribution of documents

The Working Party should decide whether or not there shall be any restrictions with respect to the distribution of documents issued in connection with its current session.

12. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 126th 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 at the session for adoption in all working languages.

⁵ <<http://tir.unece.org>>.