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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

131st session

Geneva, 12–15 June 2012

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 131st session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 15.00 a.m. on Tuesday, 12 June 2012

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 www.unece.org/trans/bcf/welcome.html. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third 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: 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 www.unece.org/meetings/practical_information/confpart.pdf 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 www.unece.org/meetings/practical.htm.

3. Activities of other organizations and countries of interest to the Working Party.
 - (a) Economic Cooperation Organization;
 - (b) European Union;
 - (c) EurAsEC Customs Union;
 - (d) World Customs Organization;
 - (e) Russian Federation.
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) Annex 9 on rail border crossing
 - (d) Harmonization Convention and hinterland connections of seaports.
5. Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention
6. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
7. Rail transit.
8. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)
9. Other United Nations Economic Commission for Europe legal instruments for border crossing facilitation.
10. 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) TIR-related electronic data interchange systems;
 - (ii) Settlement of claims for payments;
 - (iii) Application of the TIR Convention in a Customs union with a single Customs territory;
 - (iv) Increase in the number of loading and unloading places;
 - (v) Other matters.
11. Prevention of abuse of Customs transit systems by smugglers.
12. Programme of work and biennial evaluation
13. Other business:
 - (a) Dates of the next sessions;

- (b) Restriction on the distribution of documents.
14. 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.30/261).

Documentation

ECE/TRANS/WP.30/261

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

The Working Party will be informed of the results of the seventy-fourth annual session of the Inland Transport Committee (ITC) (28 February to 1 March 2012), its subsidiary bodies and other United Nations bodies and organizations as far as they relate to matters of interest to the Working Party, and specifically, about the ongoing review of the United Nations Economic Commission for Europe (UNECE) 2005 reform. As part of the review process, ITC and its Bureau, with support from the Chairs of ITC subsidiary bodies, had prepared a briefing note on transport activities as well as a list of the latest achievements and expected future activities of ITC subsidiary bodies. These documents, together with an oral report of the ITC Chair, were considered by the UNECE Executive Committee (EXCOM). The Working Party will be informed about the outcome of the EXCOM considerations.

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

The Working Party will take note of activities by various regional economic or Customs Unions 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.

(a) **Economic Cooperation Organization**

At the previous session, the representative of ECO³ delivered a presentation outlining ECO's activities in the area of border crossing facilitation, including preliminary results of phase 3 of the ECO RMT – NELTI⁴ project in cooperation with IRU, development of road and rail transport corridors and various conducted and planned workshops and seminars, in particular to assist Afghanistan in revitalizing the TIR system (ECE/TRANS/WP.30/260, para.7). WP.30 may wish to be informed about the progress or outcome of these initiatives.

(b) **European Union**

At the previous session, the EU representative informed the Working Party that, as of 1 July 2012, the Common Transit System, currently applicable between the EU and EFTA countries, is planned to be extended to Croatia and Turkey (ECE/TRANS/WP.30/260,

³ Economic Cooperation Organization

⁴ ECO Regular Monitoring of Trucks - New Eurasian Land Transport Initiative

para.6). Further information on developments in the European Union is presented in Informal document No.3 (2012).

Documentation

Informal document No.3 (2012)

(c) EurAsEC Customs Union

At the previous session, the delegations of Belarus and the Russian Federation reported about Decision No. 899 of 09.12.2011 of the Commission of the Customs Union which introduced, as of 17 June 2012, the obligation for road transport operators, when entering the territory of the Customs Union, to lodge advance electronic information with Customs at least two hours prior to crossing the border. This decision had been taken with the aim to optimize and speed up Customs operations. There are several ways of submitting advance electronic information, including the TIR–electronic pre-declaration (TIR–EPD) application of IRU (ECE/TRANS/WP.30/260, para.17). The Working Party may wish to be informed of the status of the implementation of the above Decision as well as of any new changes in the Customs legislation of the Customs Union.

(d) World Customs Organization

The Working Party, at its previous session, noted a presentation by the Bureau International des Conteneurs et du Transport Intermodal (BIC) on the possible relationship between ISO⁵ Standard 1496 and Annex 4 of the Customs Convention on Containers, 1972 as well as Annex 7 of the TIR Convention, 1975. WP.30 was of the opinion that although it seems, at first glance, that ISO Standard 1496 also covers the Customs security aspects addressed in the technical annexes of both Conventions, further analysis is required in order to assess whether, indeed, containers certified in accordance with ISO Standard 1496 could automatically be considered as approved under the Container Convention or TIR Convention. The Working Party invited BIC to further explore this matter as well as other matters raised by World Customs Organisation (WCO) and UNECE at recent meetings of the Administrative Committee for the Container Convention and in their joint correspondence with BIC. BIC was also invited to report on developments of ISO 17712 Standard on mechanical seals and the intended deletion of the tamper test clause. The Working Party requested the secretariat to continue closely liaising with WCO on the issue and revert back to WP.30 on further developments (ECE/TRANS/WP.30/260, para.11).

The secretariat will inform the Working Party about the outcome of the thirteenth session of the Administrative Committee for the Customs Convention on Containers, 1972 (14 and 15 May 2012). On this basis of and subject to further information from BIC, WP.30 may wish to continue its discussions of the above issues.

(e) Russian Federation

The Russian Customs administration has informed the secretariat about the entry into force of a new national law according to which the Customs authorities have been delegated the functions previously performed by other control bodies at border crossings (ECE/TRANS/WP.30/2012/3). The Working Party may wish to take note of this information and thank the Russian delegation for its submission.

Documentation

ECE/TRANS/WP.30/2012/3

⁵ International Organization for Standardization

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

(a) Status of the Convention

The Working Party may wish to recall that the Secretary-General of the United Nations, acting in his capacity as depositary, issued Depositary Notification C.N.814.2011.TREATIES-2 of 29 December 2011 communicating that Tajikistan had acceded to the Harmonization Convention. In accordance with its Article 17 (2), the Convention entered into force for Tajikistan on 28 March 2012.

(b) Annex 8 on road transport

Under this agenda item, delegations are invited to inform the Working Party about various activities conducted at the national level with the aim to facilitate road transport and, in particular, to transmit country reports outlining major achievements and setbacks in border crossing facilitation.

At the previous session, the delegation of the Russian Federation informed the Working Party about the application of the International Vehicle Weight Certificate (IVWC) in CIS countries. It pointed out that the benefits of the IVWC could be fully achieved only if other Contracting Parties to the Harmonization Convention would start applying and accepting the Certificate. The delegations of CIS countries were invited to report on the positive experiences of CIS countries in this area (ECE/TRANS/WP.30/260, para.16). A summary of the received contributions will be prepared by the secretariat (Informal document No. 4 (2012)).

Documentation

Informal document No.4 (2012)

(c) Annex 9 on rail border crossing

The Working Party, at its previous session, recalled the entry into force on 30 November 2011 of a new Annex 9 on rail border crossing to the Harmonization Convention. WP.30 highlighted the importance of facilitation measures provided for in the Annex and stressed that concerted actions by various governmental authorities are required to ensure the smooth introduction of the provisions of this Annex into the national legislation of Contracting Parties to the Harmonization Convention. As a first step, all Contracting Parties should officially publish the text of Annex 9 in accordance with applicable national laws. The Working Party requested the secretariat to transmit, without delay, a letter to all Contracting Parties to the Harmonization Convention drawing their attention to the entry into force of Annex 9 and the need to undertake activities with the aim to start its application without delay. WP.30 was also of the view that the application of the new provisions should be closely monitored and instructed the secretariat to include a separate item on Annex 9 into the provisional agendas of its future sessions (ECE/TRANS/WP.30/260, paras. 13 and 14).

Against the above background, the Working Party may wish to be informed about the follow-up activities undertaken by the secretariat and Contracting Parties.

(d) Harmonization Convention and hinterland connections of seaports

The Working Party may wish to recall its earlier discussions regarding the possible preparation of a new annex to the Harmonization Convention on border crossing procedures at seaports (ECE/TRANS/WP.30/258, para.11) and will be informed about any new developments in this field.

5. Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention

The Harmonization Convention lays down a number of key principles for border crossing facilitation and provides for a high degree of flexibility in their implementation at the national level, as a consequence of the fact that there may be no 'one fits all' solution for the 56 Contracting Parties. In this situation, examples of best practice are found to be indispensable for the proper implementation of the Harmonization Convention. With this in mind, UNECE and OSCE⁶ have issued a joint publication entitled 'Handbook on Best Practices at Border Crossings: A Transport and Trade Facilitation Perspective'.⁷ It offers 265 pages of reference material and over 120 best practice examples at border crossings, many across the ECE region, on the basis of which countries can develop new, innovative policies that both increase security and more efficiently facilitate international trade and transport. It pays particular attention to road border crossing points but also touches upon border crossing points along railways and at sea ports. Chapter 9 in the Handbook gives different techniques to measure performance of various border control agencies and may become a useful tool to promote border crossing facilitation by means of better monitoring of the actual situation at borders.

In accordance with the programme of work of the Inland Transport Committee, subprogramme on Customs questions affecting transport for the biennium 2012–2013 (ECE/TRANS/WP.30/2011/11, item 9.7) and the programme of work of the Working Party for the years 2012–2016 (ECE/TRANS/WP.30/2011/12, item 5), delegations are invited to take part in a one-day round table on the role of best practices at border crossings in the implementation of the Harmonization Convention that will be held in the framework of the present session on 14 June 2012. The provisional agenda of the round table will be circulated as Informal document No. 5 (2012).

Documentation

Informal document No. 5 (2012)

6. 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 took note that, in line with its request at the previous session (ECE/TRANS/WP.30/258, para. 12), the secretariat had contacted the Intergovernmental Organisation for International Carriage by Rail (OTIF) and the Committee of the Organization for Cooperation between Railways (OSJD) to obtain more information on which kind of substantial proposals would contribute to bringing the Convention in line with modern rail transport requirements. The representative of OSJD informed WP.30 that his organization was soliciting views of OSJD member States on this issue. At the same time, OSJD doubted that it would be feasible to amend the outdated text of the 1952 Convention by means of signing an additional protocol (ECE/TRANS/WP.30/260, para. 20). The Working Party will be informed about progress on this topic.

⁶ Organization for Security and Co-operation in Europe

⁷ Can be downloaded at www.unece.org/fileadmin/DAM/trans/bcf/publications/OSCE-UNECE_Handbook.pdf

7. 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.

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

The Working Party may wish to recall that the comments and best practices for the application of the 1956 Convention (ECE/TRANS/WP.30/2011/8), adopted at the 129th session, were included in the Carnet de Passage (CPD) Handbook by the International Touring Alliance and the International Automobile Federation (AIT/FIA). The CPD Handbook is available with AIT/FIA upon request.

Documentation

ECE/TRANS/WP.30/2011/8

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

The Working Party may wish to discuss the implementation of any UNECE Conventions on border crossing facilitation, in order to assess their coherence with other international or regional treaties and to keep them in line with modern transport and border control requirements.

10. 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 any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.⁸

(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 about the outcome of the twentieth session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) that will be held in Prague on 19 and 20 April 2012. Inter alia, GE.1 was expected to address the following issues:

- The need to introduce international declaration mechanisms in the eTIR Reference Model;
- The financial implications of introducing the eTIR international system;

⁸ <http://tir.unece.org>

- The dematerialization of documents attached to the TIR Carnet.

At its previous session, WP.30 was informed about the progress in conducting a cost-benefit analysis (CBA) of the eTIR project and that the CBA report should be finalized on time for presentation at the twentieth session of the GE.1 and will be later submitted to WP.30 and TIR Executive Board (TIRExB) for consideration. The Working Party also took note that the UNECE Transport Division's project "Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration" had been approved by the United Nations General Assembly for funding under the United Nations Development Account (UNDA). This project aims at extending the use of international standards and the latest information and communication technologies to increase cooperation between Customs authorities and Customs to Customs (C2C) electronic information exchange. WP.30 took note of possible synergies between this project and eTIR and requested the secretariat to prepare, for the next session, a document providing more details on the UNDA project as well as on the financial arrangements of the cost-benefit analysis (ECE/TRANS/WP.30/260, paras. 29 and 30).

In line with this request, the secretariat has prepared document ECE/TRANS/WP.30/2012/4.

Documentation

ECE/TRANS/WP.30/2012/4

(ii) Amendment proposals for the Convention

At its previous session, the Working Party recalled its discussions on document ECE/TRANS/WP.30/2010/4/Rev.3, containing various alternatives for items (o), (p) and (q) on audit requirements for an authorized international organization, and reiterated its invitation to the Chair to conduct informal consultations among the countries concerned (ECE/TRANS/WP.30/258, paras. 24 and 25), with a view to achieving progress on this issue (ECE/TRANS/WP.30/260, para. 32). WP.30 may wish to be informed about the outcome of such consultations.

Documentation

ECE/TRANS/WP.30/2010/4/Rev.3 and Corr. 1, ECE/TRANS/WP.30/2011/6

(c) Application of the Convention

(i) TIR-related electronic data interchange systems

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

Under this agenda item, WP.30 may also wish to be informed about the functioning of various national and international TIR-related EDI systems.

(ii) Settlement of claims for payments

The Working Party may wish to be informed by Customs authorities and IRU of the present situation on the settlement of claims for payments made by Customs authorities against national guaranteeing associations.

(iii) Application of the TIR Convention in a Customs union with a single Customs territory

At its previous session, the Working Party noted progress in the preparation and approval of a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union of Belarus, Kazakhstan and the Russian Federation (ECE/TRANS/WP.30/260, para. 36). WP.30 may wish to be informed about any new developments in this area.

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

At the previous session, the delegations of Turkey, Azerbaijan, Uzbekistan, supported by IRU, pointed out the clear demand from the road transport industry and trade to increase the number of places of loading and unloading from four to eight and argued in favour of amending the TIR Convention without delay. EU, Belarus and the Russian Federation were not in a position to support this view and indicated that such an increase would need to be analyzed further, as it might complicate control over the TIR procedure and lead to higher risks for Customs authorities. The Working Party invited the above delegations to conduct informal consultations with a view to finding a consensus before the next session of WP.30. In the interim, all delegations were invited to consider a possible new layout of the TIR Carnet covering eight offices of departure and destination (Informal document No. 1 (2012) by IRU) and send their comments to the secretariat (ECE/TRANS/WP.30/260, paras. 37 and 38). WP.30 may wish to be informed about the results of informal consultations and continue its consideration of the subject.

Documentation

Informal document No. 1 (2012)

(v) 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.

11. Prevention of abuse of Customs transit systems by smugglers

The Working Party, at its previous session, took note of two recent fraud reports from the Polish Customs administrations and recalled the importance of these reports and encouraged Contracting Parties to continue to submit reports and to assess the relevance of the provided data for national risk management purposes (ECE/TRANS/WP.30/260, para. 41). 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.

12. Programme of work and biennial evaluation

At its previous session, the Working Party adopted, as a basis for further consideration, the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10), subject to a few modifications. The delegation of Iran (Islamic Republic of) was of the view that the draft ToR did not properly distinguish between the competencies of the Working Party and those of the various Administrative Committees, mentioned under item 1 (n) of ToR, and submitted to the secretariat modifications to this effect. The Working Party requested the secretariat to issue this contribution as an official document for discussion at the present

session (ECE/TRANS/WP.30/260, paras. 42 and 43). Following this request, the secretariat has issued document ECE/TRANS/WP.30/2012/5 which WP.30 is invited to consider.

WP.30, at its previous session, also decided to postpone, to the current session, consideration of draft rules of procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2, as well as of the proposal by Iran (Islamic Republic of) to streamline the work of WP.30 (ECE/TRANS/WP.30/258, para. 38).

Documentation

ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2, ECE/TRANS/WP.30/2012/5

13. 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 132nd session to be held in the week of 8–12 October 2012.

(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.

14. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 131st session on the basis of a draft prepared by the secretariat. Given the present translation resource restrictions, parts of the final report may not be available at the session for adoption in all working languages.
