ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(20 to 23 February 2001)

PROVISIONAL AGENDA FOR THE NINETY-SEVENTH SESSION

to be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 20 February 2001 */

*/ 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 Feuillantes, 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).
1. Adoption of the agenda

2. Election of officers

3. Activities of UN/ECE bodies and other United Nations organizations of interest to the Working Party

4. Activities of other organizations of interest to the Working Party

5. Status of international Agreements and Conventions in the field of border crossing facilitation

   Preparation of a new annex on efficient border crossing procedures

7. Draft UN/ECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail


   (a) Status of the Convention
(b) Revision of the Convention

(i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process

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

(c) Extension of the scope of the Convention

(d) Application of the Convention

(i) Settlement of claims for payments

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

(iii) Procedures to be applied in case of suspension of a TIR operation
(iv) Transport of containers, semi-trailers or trailers without tractor units
(v) Escort of road vehicles
(vi) Transport of illegal immigrants
(vii) Measures to reduce the number of lost, stolen and falsified TIR Carnets
(viii) Application of Article 38 of the Convention
(ix) International directory of TIR focal points
(x) TIR Handbook
(xi) Other matters

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

10. Other business

(a) Dates of the next sessions

(b) Restriction on the distribution of documents

11. Adoption of the report

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EXPLANATORY NOTES

The secretariat proposes the following schedule of work:

- **Monday, 19 February 2001:** Ad hoc expert group on the computerization of the TIR regime
- **Tuesday, 20 February 2001:** WP.30 Agenda items 1-8
- **Wednesday, 21 February 2001:** Agenda item 8 (cont’d)
- **Thursday, 22 February 2001:** TIR Administrative Committee
- **Thursday, 22 February 2001 (afternoon):** WP.30 Agenda items 8-10
- **Friday, 23 February 2001 (morning):** Adoption of the reports: UN/ECE Working Party (WP.30), TIR Administrative Committee (AC.2)

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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.30/193).

2. **ELECTION OF OFFICERS**

   In accordance with the Commission’s rules of procedure and established practice, the Working Party will have to elect a Chairman and possibly a Vice-Chairman for its sessions in 2001.

3. **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 relevant sessions of subsidiary bodies of the Inland Transport Committee as they relate to matters of interest to the Working Party.

4. **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.
5. **STATUS OF INTERNATIONAL AGREEMENTS AND CONVENTIONS IN THE FIELD OF BORDER CROSSING FACILITATION**

The Working Party may wish to be informed about the status of international Agreements and Conventions in the field of border crossing facilitation which are administered by the Working Party. A document on the status of 55 UN/ECE Agreements and Conventions prepared by the secretariat will be available at the session.

Permanently updated information on the status and scope of these conventions and agreements is available on the relevant UN/ECE web site [www.unece.org/trans/new_tir/conventions/list.htm](http://www.unece.org/trans/new_tir/conventions/list.htm).

6. **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 take note of the results of the fourth session of the Administrative for the “Harmonization Convention” (18 and 20 October 2000). The Committee had agreed with the general conclusions of the Working Party and its group of experts concerning a new Annex 8 to the Convention on efficient border crossing procedures and decided to consider and possibly adopt the draft Annex, including its technical appendices, at its forthcoming session, scheduled to be held in October 2001 (TRANS/WP.30/AC.3/8, paras. 12-22; TRANS/WP.30/192, paras. 10-13).

The Working Party will be informed of progress made in the preparation of the technical appendices to Articles 4 and 5 of the new Annex 8 on the international vehicle inspection and the international vehicle weight certificates respectively.

7. **DRAFT UN/ECE CONVENTIONS ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL**

The Working Party may wish to recall that, at its ninety-sixth session, it had terminated at this stage its activities towards the preparation of harmonized pan-European Customs transit procedures for international rail transport. Therefore, the Working Party had decided to transmit the two draft conventions it had prepared for this purpose, via diplomatic channels, to the Contracting Parties to the COTIF Convention and to the SMGS Agreement respectively with a view to soliciting their views on the approach taken and on the Customs transit procedures proposed therein. On the basis of the comments received, the Inland Transport Committee, at its forthcoming session in February 2001, had been invited to consider the adoption of the two draft conventions (TRANS/WP.30/192, paras. 14-21).
In accordance with this decision, the secretariat has prepared document TRANS/2001/10 which contains the text of the two draft conventions on Customs transit for rail transport under cover of CIM and SMGS consignment notes respectively. This document has been transmitted to all Parties to the COTIF Convention and the SMGS Agreement as well as to the sixty-third session of the UN/ECE Inland Transport Committee (13-15 February 2001) for comments and guidance on possible further action.

The Working Party may wish to consider the results of this consultation procedure as well as the decisions taken by the Inland Transport Committee on the possible adoption of the two draft conventions.

8. 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-ninth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/59, annex 1).

Permanently updated information on the scope of the TIR Convention is available on the TIR website (www.unece.org/trans/new_tir/welctir.htm).

(b) Revision of the Convention

(i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process

The Working Party may wish to recall that, at its ninety-sixth session, it had finalized its work on Phase II of the TIR revision process by agreeing on a complex package of amendment proposals to the Convention as contained in document TRANS/WP.30/18 and Corr.1 and by adopting examples of best practices, as contained in document TRANS/WP.30/1999/10 (TRANS/WP.30/192, paras. 25-32).

The TIR Administrative Committee, at its twenty-ninth session (19 and 20 October 2000) had adopted the amendment proposals prepared by the Working Party together with comments thereto (TRANS/WP.30/AC.2/59, annexes 3 and 5). The Committee also endorsed the examples of best practices as had been prepared by the Working Party (TRANS/WP.30/AC.2/59, Annex 7).
Following verification of all amendment proposals by the secretariat, as had been requested by the Administrative Committee, the complete package of amendment proposals under Phase II of the TIR revision process has been transmitted to the Legal Office of the United Nations in New York for issuance of a Depositary Notification to all Contracting Parties to the Convention.

In this context, the Working Party may wish to recall that the main objective of Phase II of the TIR revision process had been 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 have been clearly defined and specified. Furthermore, guidance has been 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.

The Working Party will be informed by the secretariat of the present status of the amendment procedure.

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

The Working Party may wish to recall that, at its ninety-sixth session, it had decided to start work on Phase III of the TIR revision process which would include a study of the following elements:

(a) Revision of the TIR Carnet, including the insertion of additional data elements (ID number, HS code, value of goods, etc.) (TRANS/WP.30/188, para. 31);

(b) Increase in the number of places for loading and unloading under Customs seal (TRANS/WP.30/186, paras. 42 and 43);

(c) Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets (TRANS/WP.30/188, para. 38);

(d) Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge (TRANS/WP.30/188, para. 31).

The Working Party had been of the view that elements (a) to (c) could be prepared and considered by the Working Party in plenary session. Activities under element (d) would however require the assistance of an ad hoc expert group (TRANS/WP.30/192, paras. 33-40).

The Working Party may wish to consider the above elements taking account of earlier discussions and documents as indicated above and on the basis of further contributions to be transmitted by delegations.
With regard to element (d) the Working Party may wish to take note of the results of the first session of an ad hoc expert group on the computerization of the TIR regime. The secretariat is planning to convene this first session of the expert group on 19 February 2000, immediately prior to the present session of the Working Party (TRANS/WP.30/192, paras. 36-39. The agenda of this session of the expert group will be transmitted to all delegations participating in the sessions of the Working Party before the end of January 2001.

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

At earlier sessions, the Working Party had briefly discussed the proposal of the secretariat to consider an extension of the scope of the TIR Convention to rail transport with a view to establishing a single pan-European Customs transit system providing facilities for all land transport modes on an equal basis. This proposal had been put forward against the background of the little progress that had been made since 1995 in the establishment of a UN/ECE Convention on International Customs Transit Procedures for the Carriage of Goods by Rail (see also agenda item 7). The Working Party had been of the view that this proposal was worth being studied in more detail by the Contracting Parties to the Convention and by private sector interests, particularly in view of the current privatization of railway companies in many UN/ECE member countries (TRANS/WP.30/192, paras. 41 and 42; TRANS/WP.30/190, paras. 31 and 32; TRANS/WP.30/188, para. 18).

The Working Party may wish to continue its deliberations on this subject also taking into account the requested views of railway companies.

(d) **Application of the Convention**

The Working Party may wish to note that permanently updated information on the application of the Convention is available on the relevant TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(i) **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.30/192, para. 44 and 45; TRANS/WP.30/190, para. 37; 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 particular, the Working Party may wish to have an indication of the amounts paid out by the international insurers and the IRU in the years 1999 and 2000 as well as information on the reasons for payment claims by Customs authorities. Regular information in this respect would allow for better risk assessment in the application of the Convention by Customs authorities and the TIR Executive Board.

(ii) **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 some national guaranteeing associations in countries of the European Community and the international insurers had denounced their insurance contracts. The Working Party had, on various occasions, urged the international insurers to re-establish full guarantee coverage for these sensitive goods as soon as possible (TRANS/WP.30/192, paras. 46-48; TRANS/WP.30/188, paras. 48-51; TRANS/WP.30/184, paras. 48-50; TRANS/WP.30/178, paras. 80-81).

Taking account of the fact that, as of 1 January 2001, individual guarantees would no longer be required for so-called “sensitive” goods in the countries applying the Community and Common Transit Systems, the Working Party may wish to consider the consequences this may entail for the TIR regime. The Working Party may also wish to consider all necessary steps that could be taken in order to arrive at full guarantee coverage for all goods to be transported under the TIR regime. The necessary steps still to be taken, as indicated by the Working Party at its ninety-sixth session (TRANS/WP.30/192, para. 47), were the following:

(a) Re-establishment of insurance coverage for all excluded goods on the territory of the EU (see the list of these goods in TRANS/WP.30/190, annex 1);

(b) Re-introduction of insurance coverage for small quantities of tobacco and alcohol (TRANS/WP.30/162, paras. 41-43);

(c) Re-introduction of insurance coverage for the “Tobacco and Alcohol” TIR Carnet (TRANS/WP.30/AC.2/2000/1).

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

The Working Party may wish to 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, had 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 had invited the European Community to prepare a clear interpretation of this provision, possibly in the form of an Explanatory Note to Article 26 of the Convention (TRANS/WP.30/188, para. 58).

As the proposals made by the European Community were not available in all working languages of the UN/ECE at earlier sessions of the Working Party (TRANS/WP.30/190, paras. 49 and 50; TRANS/WP.30/192, paras. 52-54), the secretariat is reproducing these proposals in document TRANS/WP.30/2001/1 for consideration by the Working Party at its present session.

(iv) **Transport of containers, semi-trailers or trailers without tractor units**

The Working Party may recall that the Working Party, at its ninety-sixth session, had considered a draft comment to Article 3 of the Convention proposed by the IRU (TRANS/WP.30/191). The Working Party noted that Customs authorities in some Contracting Parties requested the opening of a second TIR Carnet for a single TIR transport in cases when a TIR transport operation of a container, semi-trailer or trailer was continued by road following transport by sea (ferry boat, etc.). In such cases, the container, semi-trailer or trailer is often not accompanied by a tractor unit nor by the holder of the TIR Carnet or a successive road transport operator. The Working Party recalled in this context its considerations and those of the TIR Administrative Committee on the validity of multi-user TIR operations at its ninety-fifth and twenty-seventh sessions respectively (TRANS/WP.30/192, paras. 55-59; TRANS/WP.30/190, paras. 33-36; TRANS/WP.30/AC.2/55, paras. 9-12; TRANS/WP.30/2000/1).

As no common opinion on this subject emerged, the Working Party had decided not to continue consideration of this issue until new elements emerged permitting the resolution of this issue at the international level. However, with a view to making progress in this matter, the Working Party requested the secretariat to prepare a document as a basis for discussion at its next session indicating the relevant legal provisions in the Convention and reflecting the views expressed and opinions provided during the sessions of the Working Party, including those referring to multi-user TIR operations. This document should also contain a new draft comment to Article 3 of the Convention on the validity of TIR Carnets for transport of containers, semi-trailers and trailers without tractor units in cases where the TIR transport was undertaken by one and the same TIR Carnet holder (TRANS/WP.30/192, paras. 57 and 58).
In accordance with this decision, the secretariat has prepared document TRANS/WP.30/2001/2 for consideration by the Working Party.

(v) Escort of road vehicles

The Working Party may wish to continue its consideration of the application of Article 23 of the Convention on the requirements for escort services. At its ninety-sixth session, the Working Party had already considered briefly a comment to Article 23 proposed by the IRU (TRANS/WP.30/2000/20).

The Working Party had noted that the application of Article 23 of the Convention on the requirements for escort services depended on the risk assessment made by the Customs offices of departure or entry en route and depended on a large number of factors which were stipulated in internal administrative instructions. In many instances, major elements were insufficient guarantee coverage of TIR Carnets, unclear description of the goods in the goods manifest, sensitive cargoes and reliability of the transport operator. Since several representatives felt that Customs authorities could be recommended, on request and as a service to the transport operator, to insert the requirement and the reasons for escort services into the counterfoils of the TIR Carnet, the secretariat was requested to prepare a draft comment to this effect referring also possibly to the reasons which had led transport operators and the IRU to request such an insertion (TRANS/WP.30/192, paras. 61 and 62).

The Working Party may wish to continue its considerations of this subject on the basis of a document prepared by the secretariat (TRANS/WP.30/2001/3).

(vi) Transport of illegal immigrants

The Working Party may wish to recall that, at its ninety-sixth session, it had briefly considered a comment to Articles 21 and 36 proposed by the IRU addressing the transport of illegal immigrants under cover of TIR Carnets (TRANS/WP.30/2000/20). The Working Party had noted that very often Customs authorities were not competent or had no exclusive competence for investigations in this field. Thus, this problem had to be addressed in cooperation with the competent police and/or border guard authorities. The Working Party had decided to revert to this issue at its next session on the basis of revised draft comments to be prepared by the secretariat in cooperation with the IRU (TRANS/WP.30/192, para. 63).

The Working Party may wish to continue its considerations of this subject on the basis of a document prepared by the secretariat (TRANS/WP.30/2001/4).
(vii) **Measures to reduce the number of lost, stolen and falsified TIR Carnets**

At its ninety-sixth session, the Working Party, with view to identifying the scope of the problem related to lost, stolen and falsified TIR Carnets, had requested the secretariat, in cooperation with the IRU, to prepare facts and figures on this phenomenon for consideration by the Working Party at its next session (TRANS/WP.30/192, para. 68).

The Working Party may wish to consider this subject on the basis of information to be provided by the IRU. The secretariat will prepare a document on this subject which will be transmitted to delegations as soon as relevant information is available (Informal document No. 1 (2001)).

(viii) **Application of Article 38 of the Convention**

The TIR Administrative Committee, at its twenty-ninth session, had considered the underlying reasons for the exclusion of persons from the TIR procedure in accordance with Article 38, paragraph 1 of the Convention and had noted that they were quite different in the Contracting Parties to the Convention. This was mainly due to different national interpretations of the conditions for such exclusion as stipulated in Article 38; i.e. “guilty of a serious offence”. With a view to clarifying, to the extent possible, this notion, the TIR Secretary had prepared comments to Article 38 and Annex 9, Part II of the Convention (TRANS/WP.30/AC.2/14). Following a brief discussion on these proposals, the TIR Administrative Committee had invited the Working Party to review the proposals of the TIR Secretary and to report back to the Administrative Committee (TRANS/WP.30/AC.2/59, paras. 17 and 18).

The Working Party may wish to consider this issue on the basis of document TRANS/WP.30/AC.2/14 and Corr. 1 (Russian only) prepared by the TIR Secretary.

(ix) **International directory of TIR focal points**

In accordance with resolution No. 49, the secretariat has established and maintains an international directory of TIR focal points that could be addressed in case of inquiries in relation to the TIR procedure. The directory contains names and addresses of persons as well as other useful information on Customs administrations and national associations dealing with the TIR procedure. The distribution of the directory is restricted to Customs authorities, national associations and the TIR Department of the IRU.

A new hard-cover version of the directory will be available at the session and/or may be obtained as of mid-February 2001 from the secretariat. The permanently updated directory may be consulted on the TIR web site (www.unec.org/trans/new_tir/welctir.htm). The required password for access to this web site may be obtained from the secretariat.
(x) **TIR Handbook**

The Working Party may wish to note that a limited number of copies of the 1999 TIR Handbook are available for delegations during the session. This TIR Handbook contains the latest amendments to the Convention as well as all relevant comments adopted by the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) and the TIR Administrative Committee. Hard-cover versions of the TIR Handbook are available in Arabic, Chinese, English, French, German, Italian, Russian and Spanish.

The complete text of the TIR Handbook is also available on the TIR web site in Arabic, Chinese, Czech, English, French, German, Italian, Russian, Spanish and Turkish (www.unece.org/trans/new_tir/welctir.htm).

(xi) **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.

9. **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.
10. OTHER BUSINESS

(a) **Dates of the next sessions**

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

Pending a final decision of the Inland Transport Committee, to be taken at its annual session in February 2001, the secretariat has already scheduled the ninety-eighth session of the Working Party to be held in the week from 18 to 22 June 2001. The ninety-ninth session of the Working Party could be held, in conjunction with the thirty-first session of the TIR Administrative Committee and the fifth session of the Administrative Committee for the “Harmonization” Convention, during the week 22 to 26 October 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.

11. ADOPTION OF THE REPORT

In accordance with established practice, the Working Party will adopt the report on its ninety-seventh 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.
# CONFERENCE REGISTRATION FORM

**Title of the Conference**

UN/ECE Working Party on Customs Questions affecting Transport (WP.30) - 97. session

**Delegation/Participant of country, Organization or Agency**

**Participant:** Name  
Mr.  
Mrs.  
Ms.  
First name(s)

**Participation Category**

- Head of delegation  
- Delegation Member  
- Observer Country  
- Observer (organization)  
- NGO  
- Other (Please specify below)

**Participation from 20 to 23 February 2001**

**In which language do you prefer to receive documents**

- English  
- French  
- Russian  

**Official position (in own country):**  
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**Validity until:**

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**Telefax N:**  
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**Permanent official address:**

**Address in Geneva:**

**Accompanied by spouse**  
Yes  
No

**Family name (spouse):**  
**First Name (spouse):**

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**On issue of ID Card**

**Participant signature:**

**Spouse signature:**  
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