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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

One-hundred-and-twenty-first session
Geneva, 2 - 6 February 2009

**ANNOTATED PROVISIONAL AGENDA
FOR THE ONE-HUNDRED-AND-TWENTY-FIRST SESSION**

To be held at the Palais des Nations, Geneva,
starting at 15.00 hours on Monday, 2 February 2009 ^{1/}, ^{2/}

^{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). Documents mentioned in bold in the documentation overview under each agenda item of this agenda are documents issued for the present session.

^{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 73263). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

I. PROVISIONAL AGENDA

Monday, 2 February 2009, 15.00 hours

1. Adoption of the agenda
2. Election of officers
3. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party
4. Activities of other organizations and countries of interest to the Working Party
5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)
 - (a) Status of the Convention
 - (b) New Annex 8 on road transport
 - (c) Preparation of a new Annex on rail border crossing
6. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952
7. Rail transit

Tuesday, 3 February 2009, 10.00 hours

8. 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
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) Implementation of amendments to the TIR Convention and examples of best practices
 - (ii) Preparation of Phase III of the TIR revision process
 - (iii) Amendment proposals for the Convention

Wednesday, 4 February 2009, 10.00 hours

- (c) Application of the Convention
 - (i) Control system for TIR Carnets - IRU SafeTIR
 - (ii) Settlement of claims for payments
 - (iii) Review of Annex 10 of the Convention

- (iv) Application of Article 38
 - (v) TIR Handbook
 - (vi) Other matters
10. Prevention of the abuse of Customs transit systems by smugglers
 11. Programme of work for 2009 to 2013
 12. Other business
 - (a) Dates of the next sessions
 - (b) Restriction on the distribution of documents

Thursday, 5 February 2009

TIR Administrative Committee

Friday, 6 February 2009, 10.00 hours

13. Adoption of the report

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 Adoption of the Agenda

Documentation: ECE/TRANS/WP.30/241

1. In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (ECE/TRANS/WP.30/241).

Item 2 Election of officers

2. In accordance with the Commission's rules of procedure and established practice, the Working Party should elect a Chairperson and, possibly, a Vice-Chairperson for its sessions in 2009.

Item 3 Activities of UNECE bodies and other United Nations Organizations of interest to the Working Party

3. The Working Party may wish to note 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. In particular, it will be informed about various initiatives in the area of transport and trade facilitation in global supply chains.

Item 4 Activities of other organizations and countries of interest to the Working Party

Documentation: ECE/TRANS/WP.30/2009/1

4. The Working Party will be informed about recent activities by the World Customs Organization (WCO), the European Commission (DG TAXUD), the World Trade Organization (WTO), the International Organization for Standardization (ISO) as well as by other governmental and non-governmental organizations as far as they relate to matters of interest to the Working Party. In particular, the Working Party will be informed about WCO activities concerning the Customs Convention on Containers, 1972.

5. The Working Party may also wish to recall that, at its previous session, it took note of a study by the US Chamber of Commerce evaluating various international agreements to implement the WCO SAFE Framework of Standards (ECE/TRANS/WP.30/2009/1). According to the study, the TIR Convention seemed to be the best legal instrument to facilitate the implementation of the SAFE Framework of Standards. The Working Party was not in a position to evaluate the study, but decided to continue its discussions on the subject at one of its next sessions (ECE/TRANS/WP.30/240, paras.7-10). In addition, WP.30 is invited to consider which new security elements, if any, could be incorporated into the legal instruments within its area of competence.

6. At the invitation of the Working Party at its 117th session (ECE/TRANS/WP.30/234, para. 12), Contracting Parties may wish to provide, under this agenda item, information on their national, bilateral or regional experiences in the field of the computerized treatment of TIR Carnets, including the electronic exchange of data.

Item 5 International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)

(a) Status of the Convention

7. The Working Party may wish to recall that Lao People's Democratic Republic became a Contracting Party to the Harmonization Convention on 29 December 2008 (Depositary Notification C.N.718.2008.TREATIES-2).

(b) New Annex 8 on road transport

8. At its previous session, the Working Party noted with concern the slow progress in the implementation of the new Annex and invited all Contracting Parties to the Harmonization Convention to incorporate Annex 8 into their national legislation without delay, e.g. to officially publish it, and to inform the secretariat accordingly. The Working Party may wish to be informed about the status of the application of Annex 8 at the national level.

9. The Working Party also took note of specific questions regarding the use of the International Vehicle Weight Certificate (IVWC), in particular on the authorization procedures and publication of a list of agreed weighing stations, as well as about the establishment of a reliable monitoring mechanism for the implementation of Annex 8. To discuss these and other related issues, the Working Party mandated the secretariat, in accordance with the provisions of Annex 7, Article 4 of the Convention, to convene the ninth session of the Administrative

Committee (AC.3) in the course of 2009, possibly in conjunction with one of the sessions of the Working Party (ECE/TRANS/WP.30/240, paras.12-15). To facilitate AC.3 considerations, the Working Party may wish to hold a first exchange of views on the implementation of technical provisions of the new Annex.

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

Documentation: ECE/TRANS/WP.30/2009/2

10. At its previous session, the Working Party took note of Informal Document No. 12 (2008) jointly submitted by OSJD and OTIF, containing consensus proposals for the introduction of a new Annex 9 to the Convention. The Working Party was informed that these proposals would need to be modified to take into account a few outstanding comments by the European Community, so that the final version could be submitted to the present session of WP.30. While fully recognizing the concerted efforts by OSJD, OTIF and EC, the Working Party highlighted the importance of coordination among all national authorities concerned and invited Contracting Parties to finalize such consultations prior to the next session (ECE/TRANS/WP.30/240, para. 17). Against this background, WP.30 may wish to consider in substance document ECE/TRANS/WP.30/2009/2 containing the final draft agreed by OSJD, OTIF and EC, with a view to its possible endorsement and submission to the forthcoming session of AC.3.

Item 6 International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, of 10 January 1952

Documentation: ECE/TRANS/WP.30/2008/7; ECE/TRANS/WP.30/2007/12/Rev.1; ECE/TRANS/WP.30/2007/12; Informal document No. 2 (2008); ECE/TRANS/WP.30/236; ECE/TRANS/WP.30/238

11. The Working Party may wish to recall that, following its request at the 119th session (ECE/TRANS/WP.30/238, para. 14), the secretariat would invite the Inland Transport Committee at its February 2009 meeting to seek confirmation from the existing Contracting Parties to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail that they would positively consider proposals to provide for an opportunity to amend the existing Convention, once more countries have acceded to it (ECE/TRANS/WP.30/240, para. 18).

Item 7 Rail transit. The Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

12. At its previous session, the Working Party noted that, in December 2007, Ukraine had signed (subject to ratification) the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Note (Depositary Notification CN.1193.2007.TREATIES-3). WP.30 encouraged other SMGS countries to speed up their national procedures to agree upon accession to the above Convention (ECE/TRANS/WP.30/240, para. 21). The Working Party may wish to be informed of any progress in this regard.

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

Documentation: ECE/TRANS/107; ECE/TRANS/107/Rev.1 (Russian only); ECE/TRANS/108;

(a) Status of the Conventions

13. 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

Documentation: ECE/TRANS/WP.30/2009/3

14. At its previous session, the Working Party took note that AIT/FIA had finalized the examination of various issues concerning the implementation of the two Conventions and would contact the secretariat to jointly prepare proposals for comments and best practices to assist in the proper application of these legal instruments (ECE/TRANS/WP.30/240, para. 20). Against this background, WP.30 may wish to consider document ECE/TRANS/WP.30/2009/3 submitted by AIT/FIA in cooperation with the secretariat.

Item 9 Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)

Documentation: ECE/TRANS/17 and Amends.1-27; 2007 TIR Handbook ^{3/}

(a) Status of the Convention

15. The Working Party will be informed of the situation concerning the scope and the number of Contracting Parties to the TIR Convention, 1975. In particular, WP.30 may wish to recall that the amendments to paragraphs 1 and 2 of Article 13 of Annex 8, together with the introduction of new Explanatory Notes 8.13.1-3 and 8.13-2 to Annex 6 of the Convention, entered into force on 1 January 2009.

(b) Revision of the Convention

(i) Implementation of amendments to the TIR Convention and examples of best practices

16. The Working Party may wish to recall that, at its 118th session, it had invited Contracting Parties to convey to the secretariat any information about the implementation of the latest amendments to the TIR Convention at the national level (ECE/TRANS/WP.30/236, para. 19). The Working Party may wish to be informed by the secretariat or by Contracting Parties about any new developments in relation to this question.

^{3/} <<http://tir.unece.org>>.

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

Documentation: ECE/TRANS/WP.30/GE.1/2008/5; ECE/TRANS/WP.30/2008/8/Rev.1;
ECE/TRANS/WP.30/2008/8/Rev.2

Use of new technologies

17. The Working Party may wish to endorse document ECE/TRANS/WP.30/GE.1/2008/5, containing the summary report of the fifteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held in Geneva on 16 and 17 October 2008.

18. The Working Party may wish to recall its discussions on document ECE/TRANS/WP.30/2008/8 and Rev.1, further clarifying the method of submission of the Customs declaration as described in Chapter 2 of the eTIR Reference Model (ECE/TRANS/WP.30/240, para. 25). WP.30 may wish to revert to this issue on the basis of document ECE/TRANS/WP.30/2008/8/Rev.2, which takes into account considerations and recommendations made by GE.1 at its fifteenth session.

(iii) Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2009/4; ECE/TRANS/WP.30/2009/5;
ECE/TRANS/WP.30/2008/9; ECE/TRANS/WP.30/2008/10/Rev.1;
ECE/TRANS/WP.30/2008/11; ECE/TRANS/WP.30/2008/12;
ECE/TRANS/WP.30/2008/13/Rev.1 and /Rev.2; ECE/TRANS/WP.30/2008/14/Rev.1

19. At its previous session, the Working Party Working Party approved a comment to Article 23, clarifying that Customs authorities should only impose escorts on the basis of risk assessment procedures. WP.30 also noted that the comment to Explanatory Note 0.8.3 "Duties and taxes at risk" may also need to be modified and decided to revert to this issue at its next session (ECE/TRANS/WP.30/240, paras.26 and 27).

20. The Working Party reverted to the wording of (new) Article 11, paragraph 4 concerning the contestation of a claim by the guaranteeing association (document ECE/TRANS/WP.30/2008/13/Rev.1 and 2). The Russian delegation proposed that, apart from formal appeal in accordance with national law, the guaranteeing association should be given an alternative option of sending to the competent authorities "a motivated opposition to the claim". Having pointed out that "a motivated opposition" does not seem to be a legal notion, the Working Party was not in a position to agree to this proposal. The Russian Federation was invited to revise its position before the next session. Meanwhile, the Russian delegation requested that its proposal on Article 11.4 be maintained in square brackets.

21. With regard to the other outstanding proposals (document ECE/TRANS/WP.30/2008/11), the Working Party agreed (i) to accept a new Explanatory Note 0.28-2 in accordance with the proposal by the TIRExB; (ii) not to accept amendment proposals to Annex 8; (iii) to revert to the amendment proposals to Annex 9 (part I and new part III) at the next session, on the basis of a separate document to be prepared by the secretariat. Finally, the Working Party requested the secretariat to submit to both WP.30 and AC.2 sessions in February 2009 a document, containing all amendment proposals endorsed so far. To ensure the alignment between the three language

versions, French and Russian speaking delegations were invited to review the amendment proposals and to send their remarks to the secretariat as soon as possible (ECE/TRANS/WP.30/240, paras.29 and 30).

22. In view of the above, the Working Party is invited to:

- consider document ECE/TRANS/WP.30/2009/4 by the secretariat, containing the precise wording of the legal amendment proposals endorsed so far by WP.30 (Annex 1) in the proper format as well as non-legal amendment proposals involving comments (Annex 2). Should the Working Party agree to this document, it will be considered by the TIR Administrative Committee at its February 2009 session;
- consider document ECE/TRANS/WP.30/2009/5, comprising the outstanding amendment proposals to Annex 9 (part I and new part III).

(c) Application of the Convention

(i) Control system for TIR Carnets - IRU SafeTIR

23. The Working Party may wish to be informed by the IRU about the latest statistical data regarding the performance of Contracting Parties in the control system.

(ii) Settlement of claims for payments

24. The Working Party may 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.

(iii) Review of Annex 10 of the Convention

25. At its previous session, the Working Party noted that the secretariat and the IRU had submitted a joint document to the TIRExB, providing a first assessment of the implementation of Annex 10 at national level, together with considerations on how to improve its functioning. The Working Party welcomed the initiative of the TIRExB to draft an example of best practices, based on the experience in one or more countries where Annex 10 is working well, and looked forward to remaining informed of progress on the issue at its future sessions (ECE/TRANS/WP.30/240, para. 33). In line with this request, WP.30 will be informed about the relevant TIRExB activities.

(iv) Application of Article 38

Documentation: **ECE/TRANS/WP.30/2009/6**

26. At its previous session, the Working Party took note of Informal document No. 13 (2008) by the Government of Turkey, containing two draft Explanatory Notes to Article 38. The Working Party was of the view that the Turkish proposals should be studied further and requested the secretariat to issue them as official document for consideration at the present session (ECE/TRANS/WP.30/240, para. 35). Following this request, the secretariat has issued document ECE/TRANS/WP.30/2009/6.

(v) TIR Handbook

Documentation: 2007 TIR Handbook ^{4/}

27. 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 and the Administrative Committee. The 2007 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish language versions in hard copy, CD-ROM and in electronic version for download from the UNECE TIR website. Hard copies and CD-ROMs can be obtained from the secretariat. The Working Party may also wish to take note that the secretariat is planning to issue in 2009 a revised edition of the TIR Handbook.

(vi) Other matters

28. 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.

Item 10 Prevention of the abuse of Customs Transit Systems by smugglers

29. 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).

Item 11 Programme of work for 2009 to 2013

Documentation: ECE/TRANS/WP.30/2009/7

30. The Working Party may wish to consider and amend as appropriate its Work Programme for the years 2009 to 2013 based on the draft contained in document ECE/TRANS/WP.30/2009/7.

Item 12 Other business

(a) Dates of the next sessions

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

32. The secretariat has already made arrangements for the 122nd session to be held in the week of 15 to 19 June 2009 and the 123rd session to be held in the week of 28 September - 2 October 2009.

^{4/} <<http://tir.unece.org>>.

(b) Restriction on the distribution of documents

33. 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.

Item 13 Adoption of the report

34. In accordance with established practice, the Working Party will adopt the report on its 121st 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.
