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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

One-hundred-and-twenty-third session
Geneva, 29 September - 2 October 2009

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

To be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 29 September 2009 ^{1/}, ^{2/}

I. PROVISIONAL AGENDA

1. Adoption of the agenda.

^{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>>.

2. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party.
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 UNECE 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 - IRU SafeTIR;
 - (ii) Settlement of claims for payments;
 - (iii) Review of Annex 10 of the Convention;
 - (iv) TIR Handbook;
 - (v) 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 TO THE PROVISIONAL AGENDA

Item 1. Adoption of the Agenda

Documentation: ECE/TRANS/WP.30/245

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.30/245).

Item 2. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party

Documentation: ECE/TRANS/2009/6, ECE/TRANS/2009/7, ECE/TRANS/2009/8, ITC Informal Document No. 12 (2009)

2. At its previous session, the Working Party was informed of the results of the seventy-first session of the Inland Transport Committee (ITC) (24-26 February 2009), as far as they relate to matters of interest to the Working Party, in particular:

- (a) The Committee requested its subsidiary bodies to review and further improve the mechanisms for monitoring the implementation of their respective legal instruments in 2009.
- (b) The Committee requested the secretariat to circulate ITC documents ECE/TRANS/2009/6, ECE/TRANS/2009/7 and ECE/TRANS/2009/8 on gender issues in transport to its subsidiary bodies for consideration.
- (c) The Committee requested its subsidiary bodies to address the subject of transport and trade facilitation from the perspectives of global supply chains and submit proposals to the Bureau for consideration and reporting to the Committee at its next session.

3. In line with the above requests, the Working Party may wish to consider documents ECE/TRANS/2009/6, ECE/TRANS/2009/7, ECE/TRANS/2009/8 as well as ITC Informal Document No. 12 (2009) and provide guidance to the secretariat on how to tackle the issues in question.

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

4. The Working Party may wish to be informed of 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.

5. The Working Party may also wish to recall its earlier discussions on the implementation of the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE) (ECE/TRANS/WP.30/242, paras. 9-13) and its standing invitation to delegations to contribute to a study on the implications of SAFE for the UNECE legal instruments in the area of border

crossing facilitation (ECE/TRANS/WP.30/244, para. 12). WP.30 will be informed of the inputs received.

6. The Working Party will also be informed by IRU of the outcome of the New Eurasian Land Transport Initiative (NELTI), as highlighted at the previous session (ECE/TRANS/WP.30/244, para. 13).

7. At the invitation of the Working Party at its 117th session (ECE/TRANS/WP.30/234, para. 12), delegations 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 4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)

(a) Status of the Convention

8. The Working Party will be informed of the situation concerning the scope of the Harmonization Convention and the number of Contracting Parties.

(b) Annex 8 on road transport

Documentation: ECE/TRANS/WP.30/2009/8, ECE/TRANS/WP.30/2009/10

9. At its previous session, the Working Party considered and approved, subject to minor modifications, a draft questionnaire concerning the application of Annex 8 at the national level (ECE/TRANS/WP.30/2009/8). The secretariat was requested to distribute this questionnaire to the Ministries for Foreign Affairs of the Contracting Parties to the Harmonization Convention and set up a deadline for reply at 31 December 2009. The Working Party will be informed of the follow-up activities in this regard.

10. The Working Party will be informed of the outcome of the joint United Nations Economic Commission for Europe (UNECE) and the Organization of the Black Sea Economic Cooperation (BSEC) seminar on the implementation of Annex 8 to the Harmonization Convention (Geneva, 18 June 2009) which was organized in conjunction with the 122nd session of WP.30 (ECE/TRANS/WP.30/2009/10).

11. Under this agenda item, Contracting Parties may wish to inform the Working Party of further progress in the implementation of Annex 8 at the national level.

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

Documentation: ECE/TRANS/WP.30/2009/2 and ECE/TRANS/WP.30/2009/2/Rev.1

12. At its previous session, the Working Party took note of the consolidated text of a new Annex 9, as laid down in document ECE/TRANS/WP.30/2009/2 and Corr. 1-3. The European Community informed that, in the course of its internal approval procedures, it had noted a possible inconsistency between the new Annex 9 and the body and/or other Annexes to the Convention. The Working Party mandated the secretariat to study this issue and submit

proposals to the next session (ECE/TRANS/WP.30/244, para. 18). Following this mandate, the secretariat has prepared document ECE/TRANS/WP.30/2009/2/Rev.1.

Item 5. 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)

13. At its previous session, the Working Party was informed that the Inland Transport Committee, at its February 2009 meeting, had invited the governments of countries that are Contracting Parties to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952, to confirm that they would positively consider proposals to amend this Convention, as proposed by OSZhD and OTIF, once more countries have acceded to it (ECE/TRANS/206, para. 60). The secretariat was requested, in due course, to forward this invitation to the Contracting Parties of the 1952 Convention and solicit their views (ECE/TRANS/WP.30/244, para. 19). The Working Party will be informed of the follow-up activities by the secretariat.

Item 6. Rail transit. The Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Note

14. At its previous session, the Working Party noted with regret that no new countries had expressed interest to accede to the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Note (ECE/TRANS/WP.30/244, para. 20). The Working Party may wish to be informed of further progress in this field.

Item 7. 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; ECE/TRANS/108

(a) Status of the Conventions

15. 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

16. At its previous session, the Working Party approved document ECE/TRANS/WP.30/2009/3 by International Touring Alliance and the International Automobile Federation (AIT/FIA), containing proposals for comments and best practices to assist in the proper application of the 1954 Convention. Delegations were invited to submit their remarks, if any, prior to the next session of WP.30 (ECE/TRANS/WP.30/244, para. 22). The Working Party will be informed of the comments received.

Item 8. Other UNECE legal instruments for border crossing facilitation

17. The Working Party will be informed of new accessions to various UNECE legal instruments in the area of border crossing facilitation.

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

Documentation: ECE/TRANS/17 and Amends.1-28; 2007 TIR Handbook ^{3/}

(a) Status of the Convention

18. The Working Party will be informed of the situation concerning the scope of the TIR Convention, 1975 and the number of Contracting Parties. In particular, WP.30 may wish to recall that the amendment proposal introducing a new Explanatory Note to Article 3 (a) (Depositary Notification C.N.48.2009.TREATIES-1 of 2 February 2009) will enter into force on 1 October 2009, unless at least five objections are received before 1 July 2009. In addition, the amendment proposal to Annex 6, Explanatory Note 0.8.3 concerning the maximum guarantee amount per TIR Carnet (Depositary Notification C.N.198-2009.TREATIES-2 of 8 April 2009) will enter into force on 1 January 2010, unless at least five objections are received before 1 October 2009.

(b) Revision of the Convention

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

Use of new technologies

19. The Working Party will be informed of further progress in the computerization of the TIR procedure (eTIR project).

(ii) Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2009/4 and Corr. 1-3; ECE/TRANS/WP.30/2009/5; ECE/TRANS/WP.30/2009/9

20. The Working Party, at its previous session, endorsed in principle Informal document No. 5, containing suggestions by the secretariat for improvement of the text of the amendment proposals to Annex 9, part I, as set out in document ECE/TRANS/WP.30/2009/4 and Corr. 1-3. In this regard, IRU pointed out that the proposed obligation to provide the TIR Executive Board (TIRExB) with the issuing price of TIR Carnets may be in conflict with national legislation which restricts the disclosure of private financial information (ECE/TRANS/WP.30/244, paras. 31-33).

21. On the basis of document ECE/TRANS/WP.30/2009/5, the Working Party also endorsed in principle the proposals by EC regarding Annex 9, a new part III, subject to some modifications. The Working Party also discussed how the criterion of sound financial standing of the international guaranteeing system, as set out in para. 1 (a) of the above document, could be

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

verified. It was suggested that audits by an independent external auditor and/or by the United Nations Office of Internal Oversight Services (OIOS) or the United Nations Board of Auditors (BOA) be used for that purpose. The secretariat was requested to consult with the competent United Nations services and prepare proposals for consideration at the next session. The Working Party also invited delegations to submit to the secretariat not later than 15 July 2009 further comments or proposals to document ECE/TRANS/WP.30/2009/5 (ECE/TRANS/WP.30/244, para. 34).

22. In line with the above decisions, the secretariat has prepared a consolidated document ECE/TRANS/WP.30/2009/9, containing the already endorsed text of Annex 9, part I together with a proposal for Annex 9, part III, including provisions with regard to audit requirements.

(c) Application of the Convention

(i) Control system for TIR Carnets - IRU SafeTIR

23. The Working Party may wish to 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

24. 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.

(iii) Review of Annex 10 of the Convention

25. The Working Party will be informed of TIRExB activities aimed at preparing an example of best practice in order to facilitate and improve the implementation of Annex 10 at the national level.

(iv) TIR Handbook

Documentation: 2007 TIR Handbook^{4/}

26. 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 and examples of best practices adopted by the Working Party and the TIR 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 will be informed of activities by the secretariat towards the preparation of the 2009 edition of the TIR Handbook.

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

(v) Other matters

27. 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

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

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

30. The secretariat has already made arrangements for the 124th session to be held in the week of 1 - 5 February 2010 and for the 125th session to be held in the week of 25 – 28 May 2010.

(b) Restriction on the distribution of documents

31. 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.

Item 12. Adoption of the report

32. In accordance with established practice, the Working Party will adopt the report on its 123rd 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.

III. TENTATIVE TIMETABLE

| Preliminary timetable | | |
|-------------------------|---------------|------------------------------|
| Tuesday, 29 September | 10.00 – 13.00 | Items 1 - 3 |
| | 15.00 – 18.00 | Items 4 - 6 |
| Wednesday, 30 September | 10.00 – 13.00 | Items 7 - 9 |
| | 15.00 – 18.00 | Items 9 (continued) - 11 |
| Thursday, 1 October | 10.00 – 18.00 | TIR Administrative Committee |
| Friday, 2 October | 10.00 – 13.00 | Item 12 |
