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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

##### 127th session

Geneva, 1 – 4 February 2011

Item 1 of the provisional agenda

##### Adoption of the agenda

### Annotated provisional agenda for the 127th Session<sup>1, 2</sup>

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday, 1 February 2011

#### I. Provisional Agenda

1. Adoption of the agenda.
2. Election of officers.

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<sup>1</sup> 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, third floor, Palais des Nations).

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

3. Activities of United Nations Economic Commission for Europe 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) Annex 8 on road transport;
  - (c) Harmonization Convention and hinterland connections of seaports.
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):
  - (a) Status of the Conventions;
  - (b) Application of the Conventions.
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) TIR Handbook;
    - (iv) Application of the TIR Convention in a Customs union with a single Customs territory;
    - (v) Increase in the number of loading and unloading places;
    - (vi) TIR Carnets invalidated by the guarantee chain;
    - (vii) Other matters.
11. Prevention of the abuse of Customs transit systems by smugglers.
12. Other business:
  - (a) Dates of the next sessions;
  - (b) Restriction on the distribution of documents.
13. 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.30/253).

#### **Documentation**

ECE/TRANS/WP.30/253

### **2. Election of officers**

In accordance with the Commission's rules of procedure and established practice, the Working Party (WP.30) should elect a Chairperson and, possibly, a Vice-Chairperson for its sessions in 2011.

### **3. 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 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.

### **4. Activities of other organizations and countries of interest to the Working Party**

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

WP.30 may wish to recall its earlier discussions on the conclusions of the study on the implications of the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE) for the TIR Convention (ECE/TRANS/WP.30/2010/1). WP.30 considered that the incorporation of the "Advance electronic information" and "Risk management" elements should be achieved within the framework of the eTIR project. The Working Party challenged the conclusion that outbound security inspections should be integrated into the TIR Convention, as this would create a new legal obligation for the Contracting Parties to act upon, if requested by other countries. The Working Party also felt that the introduction of Customs-to-TIR Carnet holders partnership on the basis of the Authorized Economic Operator (AEO) concept is premature for the time being (ECE/TRANS/WP.30/250, para. 5). WP.30 may wish to continue its discussions on the basis of document ECE/TRANS/WP.30/2010/8 which should be available in all working languages.

In the framework of this agenda item, WP.30 is also invited to address the issue that trucks and, sometimes, their drivers seem to be increasingly exposed to multiple X-ray scans in the course of a single transport.

#### **Documentation**

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

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

### **(a) Status of the Convention**

The Working Party will be informed of the current status of the Harmonization Convention. In particular, WP.30 may wish to note that the Secretary-General of the United Nations, acting in his capacity as depositary, has issued Depositary Notification C.N.552.2010.TREATIES-2 of 31 August 2010, communicating the adoption by the Administrative Committee for the Harmonization Convention of a new Annex 9 on rail border crossing. The new annex will enter into force on 30 November 2011 unless objections are transmitted by Contracting Parties to the United Nations (UN) Secretary General before 31 August 2011.

### **(b) Annex 8 on road transport**

At its 125th session, WP.30 took note of the preliminary results of the survey concerning the implementation of Annex 8 at the national level (Informal document No. 3 (2010)) and noted that the secretariat would pursue its efforts to obtain missing replies (ECE/TRANS/WP.30/250, para. 8). At its 126th session, the Working Party took note of further developments in the survey concerning the implementation of Annex 8 at the national level (Informal document No. 3 (2010)) and invited Contracting Parties, who had not yet replied to the secretariat, to do so as soon as possible (ECE/TRANS/WP.30/252, para. 10). Against this background, WP.30 may wish to discuss the outcome of the survey, as contained in document ECE/TRANS/WP.30/2011/1.

The Working Party may wish to be informed by delegations of various activities conducted at the national level with the aim to facilitate road transport.

The Working Party will also be informed of progress in the preparation of the OSCE-UNECE<sup>3</sup> Handbook on best practices at border crossings.

#### **Documentation**

ECE/TRANS/WP.30/2011/1

### **(c) Harmonization Convention and hinterland connections of seaports**

At its previous session, WP.30 was informed that ITC, at its February 2010 session, had approved the report on hinterland connections of seaports (ECE/TRANS/210) and had invited various working parties, including WP.30, to consider whether and how the tasks outlined in the report could be implemented (ECE/TRANS/208, paras. 30–32). The Working Party noted that the following recommendations fall within its competence: (i) to continue adopting good practices for border crossings; (ii) to consider the possible preparation of a new annex to the Harmonization Convention on border crossing procedures at seaports. WP.30 decided to consider these issues in detail at the present session (ECE/TRANS/WP.30/252, para. 5).

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<sup>3</sup> Organization for Security and Co-operation in Europe-United Nations Economic Commission for Europe

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

At its previous session, the Working Party took note of document ECE/TRANS/WP.30/2010/10, containing the final draft of a Protocol to the 1952 Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail in the three official UNECE languages, prepared by the secretariat. The representative of the EU informed the meeting that, as some of its members States were Party to the said Convention and considering that the subject matter at hand involved aspects falling under exclusive competence of the European Union (EU), it was still studying the Protocol and the impact of its adoption by individual member states for EU legislation. The Working Party decided to revert to the issue at its present session, on the understanding that, by that time, the EU would have finalized its internal consultations (ECE/TRANS/WP.30/252, para. 14).

### **Documentation**

ECE/TRANS/WP.30/2010/10

## **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)**

### **(a) Status of the Conventions**

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

### **(b) Application of the Conventions**

At its previous session, WP.30 noted that the International Touring Alliance and the International Automobile Federation (AIT/FIA) continued to work on the preparation of comments and best practices for the application of the 1956 Convention (ECE/TRANS/WP.30/252, para. 17). The Working Party may wish to be informed by AIT/FIA of any progress in this area.

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

At the previous session of WP.30, the delegation drew the attention of WP.30 to the following issues:

(a) the text of the Customs Convention on Containers published on the UNECE website needs to be updated to include the recent amendment regarding the plate to identify the owner of the container;

(b) Global Positioning System (GPS) equipment on containers should be considered as accessories and benefit from the facilities provided for in the Convention;

(c) the European Convention on Customs Treatment of Pallets used in International Transport, 1960 brings various standards like International Standard for Phytosanitary Measures No. 15 (ISPM 15) which was developed by the International Plant Protection Convention (IPPC). The new standards of ISPM 15, such as roasting procedure, should be announced on time for transport operators to take the necessary measures.

Concerning (b), the Working Party felt that this issue falls under the competence of the Administrative Committee to the Container Convention which meets under the auspices of the World Customs Organization. The Working Party requested the secretariat to update the text of the Container Convention, as stipulated under (a), and to study issue (c) with a view to reporting to WP.30 at its present session (ECE/TRANS/WP.30/252, paras. 19 and 20). In line with this request, the secretariat has prepared document ECE/TRANS/WP.30/2011/2.

#### **Documentation**

ECE/TRANS/WP.30/2011/2

### **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 changes in the status of the TIR Convention, if any.

#### **(b) Revision of the Convention**

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

##### *Use of new technologies*

The Working Party will be informed of the latest developments in the area of the eTIR project and the work of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1).

At the previous session, WP.30 noted that the financial implications of eTIR would need to be addressed and stressed the importance of studying the experiences made within other Information Technologies (IT) systems in the Customs field, such as Automated SYstem for CUstoms Data (ASYCUDA), New Computerized Transit System (NCTS), TIR Electronic Pre-Declaration (TIR-EPD), SafeTIR, national Customs systems, etc. (ECE/TRANS/WP.30/252, para. 26). In this regard, the Working Party will be informed of follow-up activities of the secretariat, including a visit to the Turkish Customs who have kindly provided their expertise in the evaluation of the costs involved in setting up and maintaining the eTIR international system.

WP.30 may also wish to recall its considerations with respect to drafting of legal provisions aimed at the introduction of eTIR, in particular, which alternative should be pursued: either to amend the current Convention with provisions introducing the use of electronic data interchange (EDI) in parallel to or gradually replace the paper TIR Carnet or to launch a completely new, so called, "eTIR" Convention which would be based on EDI technologies. In the course of in-depth discussions, the Working Party realized that both options had their own pros and cons and was not in a position to reach a consensus. However, WP.30 agreed that, whatever option is chosen, the introduction of a computerized system should be done step-by-step after the proper cost/benefit analysis, should take into account various constraints at the national level as well as the guidelines approved by the TIR Administrative Committee (ECE/TRANS/WP.30/AC.2/85, para. 38) and should not impede transport and trade facilitation. The current paper-based system will continue to exist in

parallel to a computerized procedure. Finally, the Working Party decided to revert to this issue at the present session (ECE/TRANS/WP.30/252, paras. 27 and 28).

Pending a decision by WP.30, the secretariat also pointed out the complexity of drafting legal provisions and welcomed the offer of some delegations to assist in this process, e.g. by means of a small drafting group. The Working Party took note of this statement (ECE/TRANS/WP.30/252, para. 29).

**(ii) Amendment proposals for the Convention**

At its previous session, the Working Party considered amendment proposals for the introduction of a new Annex 9, Part III of the Convention on the authorization of an international organization (ECE/TRANS/WP.30/2010/4/Rev.2) and focused its attention on items (o), (p) and (q) which introduce audit requirements. WP.30 also took note of Informal document No. 6 (2010) in which the International Road Transport Union (IRU) reiterated its concerns on the new audit provisions, such as unclear background, lack of justification, possible breach of the Swiss law, number of audits and the confidentiality of audit reports, and proposed to adopt the new Annex 9, Part III without items (o), (p) and (q). IRU also pointed out that it already fulfils numerous obligations by virtue of the UNECE-IRU agreement.

A number of delegations were of the view that provisions (o), (p) and (q) aimed at ensuring good governance and transparency in the TIR system and, thus, cannot be spared. They argued that audits would be a logical consequence of the authorization granted to an international organization, as the Contracting Parties should have the right to verify the fulfilment of the conditions of the authorization.

Some other delegations expressed concerns that the new provisions seem to impose numerous audits that could prevent IRU from the proper accomplishment of its tasks and, therefore, could have a negative impact on transport operators. A few delegations felt that the annual external audits of IRU, conducted in line with the Swiss law, would be sufficient to ensure the necessary transparency and that technical, legal and financial implications of the new audit provisions should be studied further.

The Working Party realized that it has at least the following three options concerning the underlying proposals: (i) to adopt the text as it stands, including (o), (p) and (q); (ii) to adopt the text without (p) and (iii) to adopt the text without (o), (p) and (q). Being unable to take a final decision at the previous session, WP.30 decided to come back to this issue at its present session (ECE/TRANS/WP.30/252, paras. 30–34).

**Documentation**

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

**(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, including TIR-EPD, TIR-NCTS, etc.

(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) **TIR Handbook**

The 2010 version of the TIR Handbook has been published on the TIR website in Arabic, Chinese, English, French, Russian and Spanish.

**Documentation**

2010 TIR Handbook<sup>4</sup>

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

At its previous session, the representative of Belarus informed WP.30 of the preparation of a draft trilateral agreement on the functioning of the TIR procedure in the Customs union between Belarus, Kazakhstan and the Russian Federation. The agreement was expected to be adopted in October 2010. Meanwhile, the application of the TIR procedure remained unchanged (ECE/TRANS/WP.30/252, para. 39). In this context, the delegations of the three countries in question are invited to provide the Working Party with updated information on the functioning of the TIR procedure in the new Customs union.

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

At the 125th session of WP.30, the delegation of Turkey and IRU recalled the previous WP.30 discussions on the possible increase in the number of loading and unloading places for a TIR transport and suggested that this issue be re-examined, taking into account new transport patterns that had appeared as a result of the global downturn. The Turkish delegation was invited to submit a document on the issue for consideration by WP.30 (ECE/TRANS/WP.30/250, para. 32).

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

Taking account of the above, WP.30 may wish to consider document ECE/TRANS/WP.30/2010/11 transmitted by the Government of Turkey, as well as Informal document No. 5 (2010) submitted by IRU.

**Documentation**

ECE/TRANS/WP.30/2010/11, Informal document No. 5 (2010)

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<sup>4</sup> <<http://tir.unece.org>>.



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

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

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

**Documentation**

ECE/TRANS/WP.30/2010/5

**(vii) Other matters**

The Working Party may wish to consider any other issues and difficulties in the application of the Convention faced by Customs authorities, national associations, the international insurers or the IRU.

**11. Prevention of the abuse of Customs transit systems by smugglers**

As in the past, the Working Party may wish, on a restricted basis, to exchange views concerning any special cases, devices and facilities used to abuse the TIR transit system. The Working Party has, at its previous sessions, invited all Contracting Parties to the TIR Convention, 1975, and the World Customs Organization (WCO) to transmit all relevant information on such cases so that it could take the necessary steps, falling within its competence and mandate, to prevent such occurrences (TRANS/WP.30/127, paras. 55–57).

**12. 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 128th session to be held in the week of 6–10 June 2011.

**(b) Restriction on the distribution of documents**

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

**13. Adoption of the report**

In accordance with established practice, the Working Party will adopt the report on its 127th 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.

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