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Inland Transport Committee

Working Party on Customs Questions affecting Transport

130th session

Geneva, 7–10 February 2012

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 130th session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 15.00 a.m. on Tuesday, 7 February 2012

I. Provisional Agenda

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

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website <www.unece.org/trans/bcf/welcome.html>. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

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

3. Activities of 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)
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) Other matters.
11. Prevention of the abuse of Customs transit systems by smugglers.
12. Programme of work and biennial evaluation
13. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
14. Adoption of the report.

II. Annotations

1. Adoption of the agenda

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (ECE/TRANS/WP.30/259).

Documentation

ECE/TRANS/WP.30/259

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 2012.

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, in particular, about the ongoing review of the United Nations Economic Commission for Europe (UNECE) 2005 reform. As part of the review process, the Inland Transport Committee (ITC) and its Bureau have prepared a briefing note on transport activities as well as a list of its latest achievements and expected future activities of ITC subsidiary bodies. These documents will be submitted to Executive Committee (EXCOM) for consideration.

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

The Working Party may wish to be informed about recent activities by the World Customs Organization (WCO), the European Commission (DG TAXUD), the Economic Cooperation Organization (ECO) 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.

At its previous session, WP.30 was informed that the WCO and UNECE secretariats had transmitted to the Bureau International des Conteneurs et du Transport Intermodal (BIC) a communication raising a number of questions on the possible introduction of a reference to ISO standard 1496 in the text of both the Customs Convention on Containers, 1972 and the TIR Convention, 1975. The Working Party will be informed of any follow-up on this issue.

WP.30 may also wish to recall a request of ECO, at the previous session, that a regular separate agenda item on ECO activities be included in the provisional agenda of future sessions. The secretariat pointed out that ECO can introduce its activities under agenda item "Activities of other organizations and countries of interest to the Working Party", where it is specifically mentioned, together with other intergovernmental organizations. As this was the first time that WP.30 was made aware of such a request, the Working Party invited

delegations to reconsider this issue at its present session (ECE/TRANS/WP.30/258, para. 3).

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

(a) Status of the Convention

The Working Party may wish to recall that the Secretary-General of the United Nations, acting in his capacity as depositary, issued Depositary Notification C.N.534.2011.TREATIES-1 of 1 September 2011, communicating the entry into force on 30 November 2011 of a new Annex 9 on rail border crossing in the Harmonization Convention. In this context, WP.30 may wish to exchange views on how to facilitate the smooth introduction of the provisions of this Annex into national legislation of Contracting parties to the Harmonization Convention.

(b) Annex 8 on road transport

Under this agenda item, delegations are expected to inform the Working Party about various activities conducted at the national level with the aim to facilitate road transport and, in particular, to transmit country reports outlining major achievements and setbacks in border crossing facilitation. Contracting Parties are also invited to share their experiences in the application of the International Vehicle Weight Certificate (IVWC) (ECE/TRANS/WP.30/256, paras. 13 and 14).

Under this agenda item, the Working Party will also be informed of the finalization of the OSCE³–UNECE Handbook on best practices at border crossings, including the Chapter on border performance measurements and benchmarking. In this respect, WP.30 may wish to discuss in which way these tools could be recommended to the Contracting Parties to the Harmonization Convention.

(c) Harmonization Convention and hinterland connections of seaports

At its previous session, the Working Party was informed that the secretariat had transmitted to various international organizations a standard letter (Informal document No. 7 (2011)) soliciting their views on the possible preparation of a new annex to the Harmonization Convention on border crossing procedures at seaports and had received replies from the following stakeholders: International Maritime Organization (IMO), International Road Transport Union (IRU), International Union of Railways (UIC), Committee of the Organization for Cooperation between Railways (OSJD), Intergovernmental Organisation for International Carriage by Rail (OTIF), WCO and the European Commission (EC). A majority of respondents had indicated that they generally advocate the idea of preparing a new annex on border procedures at seaports, while pointing out that their participation in this activity could only be limited, due to lack of resources and, for some, expertise in the field. The secretariat felt that the industry concerned should become a driving force for drafting a new annex, as it had been the case for Annexes 8 and 9 to the Convention. WP.30 suggested that port authorities at big seaports be contacted for that purpose (ECE/TRANS/WP.30/258, para.11). Against this background, the Working Party will be informed about progress on this issue.

³ Organization for Security and Co-operation in 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, WP.30 took note of document ECE/TRANS/WP.30/2011/13, prepared by the secretariat and containing a summary of replies received by the secretariat on a draft text of Protocol to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952, introducing amendment provisions to the text of this Convention. Although not conclusive, the Working Party agreed that, on the basis of the replies received, it seemed premature to assume that the Protocol in its current wording was acceptable for a sufficient number of Parties in order to request the Secretary-General of the United Nations to issue a depositary notification, officially informing Parties of the text of the Protocol. In order to seek a solution on how to continue discussing the issue, the Working Party requested the secretariat to contact OSJD and OTIF, informing them of the status quo which has been attained, viz. that Contracting Parties to the 1952 Rail Convention seem to agree to the principle that the Convention should be extended to include specific amendment clauses, but cannot agree on the exact format before having obtained, from interested parties such as OSJD and OTIF, more information on exactly which kind of substantial proposals would contribute to bringing the Convention in line with twenty-first century rail transport requirements. The Working Party decided to revert to this issue when more information from OSJD and OTIF would have been obtained (ECE/TRANS/WP.30/258, para. 12). Following the above request, the secretariat has transmitted letters to OSJD and OTIF. WP.30 will be informed of any feedback received.

Documentation

ECE/TRANS/WP.30/2011/13 and Corr.1

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)

WP.30 may wish to recall that, at its previous session, it adopted the comments and best practices for the application of the 1956 Convention, as contained in document ECE/TRANS/WP.30/2011/8 by the International Touring Alliance and the International Automobile Federation (AIT/FIA) (ECE/TRANS/WP.30/258, para. 14). The adopted comments will be used to update the Carnet de Passage (CPD) Handbook.

Documentation

ECE/TRANS/WP.30/2011/8

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

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

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

(a) Status of the Convention

The Working Party will be informed that, on 3 October 2011, the Secretary General of the United Nations issued Depositary Notification C.N.659.2011.TREATIES-3, communicating that, by 1 October 2011, none of the Contracting Parties had communicated to the Secretary-General an objection to the proposals of amendments to Annex 6 and Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1 and Corr. 1 and 2 thereto. Consequently, in accordance with the provisions of article 60 (1) of the Convention, the amendments entered into force on 1 January 2012 for all Contracting Parties.

(b) Revision of the Convention

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

Use of new technologies

At its previous session, the Working Party was extensively briefed on and took note of the outcome of the nineteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) that took place in Belgrade on 13–14 September 2011 at the kind invitation of Serbian Customs Administration (ECE/TRANS/WP.30/258, para. 18). WP.30 may wish to endorse the report of the session as contained in document ECE/TRANS/WP.30/2012/1.

The Working Party will also be orally informed of the latest developments concerning the eTIR project, in particular about the progress made in addressing financial aspects of the eTIR system, including the cost-benefit analysis.

Documentation

ECE/TRANS/WP.30/2012/1

(ii) Amendment proposals for the Convention

At its previous session, the Working Party considered a revised secretariat document ECE/TRANS/WP.30/2010/4/Rev.3, containing various alternatives for items (o), (p) and (q) on audit requirements for an authorized international organization, as well as some further proposals on the text. WP.30 noted that, as before, four delegations were not in a position to agree to any available option for (o), (p) and (q) and reiterated their arguments and requests to delete these items, while some other delegations continued to argue in favour of keeping these provisions, in one form or another. To make progress, the Working Party took a decision to approve the amendment proposals, as contained in document ECE/TRANS/WP.30/2010/4/Rev.3, without items (o), (p) and (q), and to submit these proposals to the TIR Administrative Committee for consideration and, possibly, adoption. At the same time, the Working Party decided to continue its discussions on the three

outstanding items. To advance on this issue before the next session, WP.30 invited the Chair to conduct informal consultations among the countries concerned (ECE/TRANS/WP.30/258, paras. 24 and 25). The Working Party may wish to be informed about the outcome of such consultations.

At the previous session, the delegation of the Russian Federation also pointed out that its contribution to item (p) is not properly reflected in the above document and should be corrected. To this end, the secretariat has issued Corrigendum 1 to document ECE/TRANS/WP.30/2010/4/Rev.3.

Documentation

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

(c) Application of the Convention

(i) TIR-related electronic data interchange systems

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

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

(ii) Settlement of claims for payments

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

(iii) TIR Handbook

The latest version of the TIR Handbook has been published on the TIR website⁴ in Arabic, Chinese, English, French, Russian and Spanish and is also available in hard copies from the secretariat.

Documentation

ECE/TRANS/TIR/6/Rev.9

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

At its previous session, WP.30 noted that the member States of the Customs Union of Belarus, Kazakhstan and the Russian Federation had basically approved a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union, which inter alia provides the following:

- only one pair of vouchers No. 1/No. 2 of a TIR Carnet is used for any TIR operation within the Customs Union.
- a common TIR guarantee level of Euro 60,000.

⁴ <www.unece.org/tir/tir-hb.html>.

- harmonized application of Article 38 of the TIR Convention, stipulating that any exclusion from the TIR procedure in one member State is automatically extended to the other member States.
- electronic data interchange between Customs offices of departure (entry) and destination (exit), making the return of vouchers No. 2 by post redundant.

The above draft agreement was undergoing internal approval procedures. It had also been decided that the issue whether or not the TIR procedure can apply to domestic transports of goods under Customs control between two Customs offices of member States of the Customs Union without crossing the territory of third countries would be addressed by a separate protocol which was under preparation. WP.30 was also informed by the delegation of Belarus about practical aspects of the application of the TIR procedure in the Customs Union (ECE/TRANS/WP.30/258, para. 32). In this context, the three delegations concerned may wish to inform WP.30 of further developments in this field.

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

At its previous session, WP.30 took note of Informal document No. 10 (2011) by Turkey, containing statistical data as well as examples of TIR Carnets to justify its proposal to increase the total number of Customs offices of departure and destination for one TIR transport from four to eight and to amend the relevant provisions of the TIR Convention. The Working Party also considered a blueprint of a new TIR Carnet (Informal document No.11 (2011)) and delivered a number of remarks on the content of the blueprint which would be taken into account by IRU. At the same time, WP.30 stressed that, before addressing technical issues in detail, a conceptual decision should be taken on the underlying proposal. The European Union pointed out that the need to increase the number of Customs offices to eight seemed to have been proved by Informal document No.10 (2011) and that now substantial discussions on how proceed with this issue could start. The Russian delegation reserved its position on the proposal, due to the fact that an increase in the number of Customs offices could lead to more complicated control procedures and higher risk of loss of the goods and their incorrect declaration. IRU confirmed that, should the underlying proposal become part of the Convention, the TIR guarantee chain would provide the necessary guarantee coverage. Finally, WP.30 decided to revert to this issue at its present session (ECE/TRANS/WP.30/258, paras. 33 and 34).

Documentation

Informal document No. 10 (2011), Informal document No. 11 (2011)

(vi) 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 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. Programme of work and biennial evaluation

At its previous session, the Working Party approved the programme of work for the years 2012–2016 as well as its programme of work and parameters for its biennial evaluation for the 2012-2013 biennium, prepared in line with the new template established by the UNECE Executive Committee. The delegation of Iran (Islamic Republic of) was of the view that the work of WP.30 could become more efficient and effective if, instead of having three meetings per year, the Working Party would hold only two sessions, in conjunction with the meetings of the TIR Administrative Committee. This proposal, if accepted, would spare both the resources of the secretariat required for the organization of WP.30 meetings and of developing countries to send their representatives. The Iranian delegation invited the Working Party to consider if, in the future, the WP.30 June session could be abolished (ECE/TRANS/WP.30/258, paras. 38 and 39). WP.30 may wish to discuss this proposal in substance.

The Working Party, at its previous meeting, also considered document ECE/TRANS/WP.30/2011/10 containing draft terms of reference for WP.30. The delegation of Iran (Islamic Republic of) expressed the view that, due to a global nature of some conventions under the auspices of WP.30, Contracting Parties which are not UNECE member States should be given an opportunity to participate in the Working Party in full capacity, rather than in consultative capacity, according to the UNECE Rules of Procedure. The secretariat clarified that this issue should be addressed not in the terms of reference, but in the rules of procedure, and volunteered to prepare, for the next session, separate draft rules of procedure for the Working Party. Finally, WP.30 felt that delegations might need more time to study the proposed terms of reference and decided to come back to this issue at its next session. In the interim, delegations were requested to transmit their comments, if any, to the secretariat (ECE/TRANS/WP.30/258, para. 40).

Against the above background, WP.30 may wish to consider and possibly approve the draft terms of reference (ECE/TRANS/WP.30/2011/10), as well as draft rules of procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2.

Documentation

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

13. Other business

(a) Dates of the next sessions

The Working Party may wish to decide on the dates of its next sessions. The secretariat has already made arrangements for the 131st session to be held in the week of 11–15 June 2012.

(b) Restriction on the distribution of documents

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

14. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 130th session on the basis of a draft prepared by the secretariat. Given the present translation resource restrictions, parts of the final report may not be available at the session for adoption in all working languages.
