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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(4 - 7 October 2005)

PROVISIONAL AGENDA FOR THE ONE-HUNDRED-AND-ELEVENTH SESSION

to be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 4 October 2005 *

* The UNECE Transport Division has submitted the present document after the official documentation deadline due to planning oversight.

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 UNECE Transport Division (Fax: +41-22-917-0039; e-mail: Poul.Hansen@unece.org).

Documents may also be downloaded from the Internet web site of the UNECE Transport Division (<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 newly issued documents.

The full text of the Conventions in English, French and Russian as well as complete lists of Contracting Parties to the Conventions referred to in this agenda are available on the UNECE web site: <http://www.unece.org/trans/conventn/legalinst.html#customs>.

Delegates are requested to complete the attached registration form also available from the Internet Web site of the UNECE Transport Division (<http://www.unece.org/trans/welcome.html>) and to transmit it to the UNECE secretariat, at the latest two weeks prior to the session, either by fax (+41-22-917-0039) or by e-mail (Poul.Hansen@unece.org). Prior to the session, delegates that do not hold a long term access badge are requested to present themselves at the Pass and Identification Unit of the UNOG Security and Safety Section, located at the Villa Les Feuillantines, 13, Avenue de la Paix (a map is attached) for the issuance of an identification badge. In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 74030).

Tuesday 4 October 2005

1. Adoption of the agenda
2. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party
3. Activities of other organizations 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) Preparation of a new Annex on rail border crossing
5. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)
 - (a) Status of the Convention
 - (b) Application of the Conventions
 - (i) Resolution on the application and use of the Conventions
 - (ii) Interpretation of terms of the Conventions
6. Rail transit

Wednesday 5 October 2005

7. Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention, 1975)
 - (a) Status of the Conventions
 - (b) Revision of the Convention
 - (i) Implementation of Phases I and II of the TIR revision process and examples of best practices
 - (ii) Preparation of Phase III of the TIR revision process
 - (iii) 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) Issues relating to technical provisions
 - (iv) TIR Handbook
 - (v) Other matters
- 8. Prevention of the abuse of Customs transit systems by smugglers
- 9. Programme of work for 2005 to 2009
- 10. Other business
 - (a) Dates of the next sessions
 - (b) Restriction on the distribution of documents

Thursday 6 October 2005

am: TIR Administrative Committee

pm: Administrative Committee of the “Harmonization Convention”

Friday 7 October 2005

- 11. Adoption of the reports

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1. ADOPTION OF THE AGENDA

Documentation: **TRANS/WP.30/221.**

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (TRANS/WP.30/221).

2. ACTIVITIES OF UNECE 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 the Inland Transport Committee, its subsidiary bodies and other United Nations bodies and organizations as they relate to matters of interest to the Working Party.

3. ACTIVITIES OF OTHER ORGANIZATIONS 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) as well as by other governmental and non-governmental organizations as they relate to matters of interest to the Working Party.

The Working Party may wish to be informed by the WCO about the final outcome and the follow-up activities concerning the Framework of Standards to Secure and Facilitate Global Trade as adopted by the WCO Council in June 2005, as well as activities and the status relating to the Customs Convention on Containers, 1972. The Working Party may wish to note that the forthcoming session of the Administrative Committee for the Convention will take place on 10 and 11 November 2005.

The Working Party, may wish to be informed by the secretariat about the status of discussions, in the framework of the World Trade Organization (WTO), on transport and facilitation related issues resulting from the decisions of the Cancun negotiation round, in particular in relation to the negotiations relating to Article 5 of the GATT Agreement on Transit.

The Working Party, at its one-hundred-and-tenth session, also took note of information provided by the International Organization for Standardization (ISO) on the status of work under way to convert PAS 17712 on mechanical seals for freight containers to a full ISO standard, to review container door and sealing security in the context of ISO TC/104 as well as development

of a standard for electronic seals. In this context the Working Party may also wish to take note of developments by the International Container Bureau.

The Working Party may wish to be informed about any new developments in this field.

4. INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER CONTROLS OF GOODS, 1982 (“HARMONIZATION CONVENTION”)

Documentation: ECE/TRANS/55 (<http://border.unece.org> - Legal Instruments); TRANS/SC.2/2005/2; Informal document No. 5 (2005).

(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 Convention. A complete list of Contracting Parties to the Convention is available at the following web site: http://www.unece.org/trans/conventn/agreem_cp.html#48. Information about the status of the Convention can be obtained from the following website: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>.

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

The Working Party, at its one-hundred-and-ninth session, took note of information provided by the secretariat about developments in the field of facilitation of border crossing in international rail transport, in particular the considerations by the Organization for the Collaboration of Railways (OCR) to elaborate a new Annex to the “Harmonization Convention”, which would cover issues relating to railway border crossing (TRANS/SC.2/2004/7).

The Working Party may wish to recall that the Administrative Committee of the “Harmonization Convention”, at its seventh session, took note of Informal document No. 5 (2005) prepared by the OCR, providing a first draft for a new Annex to the “Harmonization Convention” on facilitation of border crossing for railways.

The Working Party may wish to continue its considerations concerning the proposed new Annex to the Convention based on document TRANS/SC.2/2005/2. The Working Party may also wish to be informed by the OCR/OSZhd about further progress in relation to this question.

5. CUSTOMS CONVENTIONS ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES (1954) AND COMMERCIAL ROAD VEHICLES (1956)

Documentation: TRANS/WP.30/2005/31; TRANS/WP.30/2005/27; ECE/TRANS/107/Rev.1; ECE/TRANS/108; (<http://border.unece.org> - Legal Instruments).

(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. A complete list of Contracting Parties to the Convention is available at the following web site: http://www.unece.org/trans/conventn/agreem_cp.html#48. Information about the status of the Convention can be obtained from the following websites: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty8.asp>, <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty10.asp>.

(b) Application of the Conventions

The Working Party may wish to recall that, at its one-hundred-and-tenth session, it had decided to consider the following two questions raised by the AIT/FIA: (a) the use of the term “as far as possible” contained in Article 13.3 and 14.3 of the 1954 and 1956 Conventions, respectively and (b) the use of the term “force majeure” in the context of the application of an international Convention. The Working Party had requested the secretariat, together with the AIT/FIA, to prepare a document outlining the issues and providing some general legal guidelines concerning the two concepts.

The Working Party may wish to consider document TRANS/WP.30/2005/27, transmitted by the AIT/FIA.

The Working Party, at its one-hundred-and-tenth session, also took note of document TRANS/WP.30/2005/26, transmitted by the AIT/FIA containing a proposal for a Resolution on the application of the Temporary Importation Conventions for Private and Commercial Road Vehicles. A Resolution with the same purpose had been adopted in 1984 by the Expert Group on Customs Questions affecting Transport; the predecessor to the Working Party. The Working Party requested the secretariat to review the proposed language of the draft Resolution, in particular compared to the 1984 Resolution and to issue a revised document for its present session.

The Working Party may wish to consider document TRANS/WP.30/2005/31.

6. RAIL TRANSIT

The Working Party may wish to recall, that at its one-hundred-and-tenth session, it had been informed by the secretariat, that the United Nations Office of Legal Affairs (OLA) had informed the secretariat that the United Nations could not become Depositary of the Convention on Rail Transit Covering the SMGS Area, which had been adopted by the ITC in February 2005, since it is the standing practice of the Depositary only to undertake the depositary function for regional treaties, when they are drawn up within the framework of the United Nations regional commissions and are open for participation to their entire membership, i.e. not for Agreements of a sub-regional nature. Neither is it possible for the UNECE to become Depositary for the Convention according to the standing practice of the United Nations.

The Working Party may wish to be informed about the status of this question.

7. CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

Documentation: ECE/TRANS/17 and Amends.1-24; **2005 TIR Handbook**
(<http://tir.unece.org>).

(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 thirty-seventh session of the TIR Administrative Committee (TRANS/WP.30/AC.2/75, annex 1) and can also be found on the following web site: http://www.unece.org/trans/conventn/agreem_cp.html#48. Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

The Working Party may wish to note that the following two amendments to the Convention will enter into force on 1 October 2005:

- Amendment to Article 1 (b) of a new Explanatory Note 0.1 (b) to the Convention adopted by the TIR Administrative Committee on 26 September 2003 (Depositary Notification C.N.519.2005.TREATIES-5);

- Amendments to Article 2, Article 3, paras. 9 and 10 and to Annex 7, Part I, Article 4, paras. 9 and 10 to the Convention adopted by the TIR Administrative Committee on 26 September 2003 (Depositary Notification C.N.520.2005.TREATIES-6).

(b) **Revision of the Convention**

(i) **Implementation of Phases I and II of the TIR revision process and examples of best practices**

The Working Party may wish to be informed of any new developments in relation to this question.

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

Documentation: TRANS/WP.30/218; TRANS/WP.30/214; TRANS/WP.30/192; **TRANS/WP.30/2005/32; TRANS/WP.30/2005/28; TRANS/WP.30/2005/20;** TRANS/WP.30/2005/14; TRANS/WP.30/2005/13; TRANS/WP.30/2005/11; TRANS/WP.30/2005/5; TRANS/WP.30/2005/2-TRANS/WP.30/AC.2/2005/1; TRANS/WP.30/2004/31; TRANS/WP.30/2004/30; TRANS/WP.30/2004/29; **Informal document No. 9 (2005);** Informal document No. 4 (2005).

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 (TRANS/WP.30/192, para. 33):

- Revision of the TIR Carnet, including the insertion of additional data elements (ID number, HS code, value of goods, etc.);
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge.
- **Revision of the TIR Carnet**

The Working Party may wish to recall that, at its one-hundred-and-tenth session, it considered document TRANS/WP.30/2005/13, containing in Annex 1 the text of a draft Recommendation on the use of the HS code prepared by the secretariat in consultation with the European Commission and the IRU and containing in Annex 2 an alternative text for a draft Recommendation prepared by the secretariat. The Working Party had an in-depth discussion of the pros and cons concerning the use of the HS-code in the context of the TIR procedure, i.e. taking into account the WCO Framework of Standards to secure and facilitate global trade. The

Working Party agreed not to pursue the draft Recommendation contained in Annex 2 of document TRANS/WP.30/2005/13. The Working Party requested the secretariat, in consultation with the European Commission and the IRU, bearing in mind the outcome of the discussions within the WCO, to revise the text of the draft Recommendation contained in Annex 1 of the said document, to clarify the issues of verification of the HS-code and the issue of liability of the operator and to transmit the revised proposal for consideration at the present session of the Working Party.

The Working Party may wish to consider document TRANS/WP.30/2005/28, prepared by the secretariat, containing a revised proposal for use of the HS-code.

- Use of new technologies

The Working Party, at its one-hundred-and-tenth session, took note of the document TRANS/WP.30/2005/14, which contains the report of the seventh session of the Informal Ad Hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure, which took place on 26 and 27 May 2005. In particular, the Working Party took note that the first part of the work of the Expert Group, encompassing the description of the current TIR Procedure, had been finalized. This analysis, contained in the first chapter of the reference model of the TIR procedure, will be made available for endorsement at the present session of the Working Party.

The Working Party may wish to consider and endorse document TRANS/WP.30/2005/32, prepared by the secretariat, containing the Reference Model for the eTIR project.

The Working Party also took note that the European Commission, at the Expert Group meeting, had presented its views on the elements and functioning of a computerized TIR system and that the secretariat had been requested, jointly with the European Commission to develop a new document for the next session of the Expert Group, which will take into account the ideas of the secretariat as well as the European Commission. In this context, the Working Party took note of comments by the IRU expressing (a) serious concern about the ideas that had been presented by the secretariat, in particular in document EXG/COMP/2004/23, and (b) pointing out that any new developments in the field of computerization should take into account developments and systems that were already in place, including the IRU SAFETIR system. The Working Party mandated the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure to continue its deliberations on the future of the computerized TIR procedure and, with a view to progress the design of the future system, to discuss the joint document to be prepared by the secretariat and the European Commission.

The Working Party may wish to be informed about the developments in this field. In this context, the Working Party may wish to consider Informal document No. 9 (2005), prepared by the secretariat in consultation with the European Commission, containing a description of the main principles for the eTIR system. The Working Party may wish to provide the Expert Group with its initial views concerning the principles described in the document.

The Working Party may also wish to recall that, at its one-hundred-and-tenth session, it had considered the question which had been raised at its one-hundred-and-eighth session whether, in the context of the development of the eTIR project, it should be considered either to follow an amendment procedure of the present Convention to introduce the necessary new elements or to elaborate a new eTIR Convention. One delegation already expressed the view that a new separate eTIR Convention will need to be developed. The Working Party requested the secretariat to prepare for its next session a document containing an overview of the possible scenarios in connection with the development of the eTIR project and the alignment of the legal basis in this context.

The Working Party may wish to consider document TRANS/WP.30/2005/20, prepared by the secretariat.

The Working Party may also wish to be informed about the eighth session of the Expert Group, which will take place on 14 and 15 November 2005 in Geneva.

The Working Party may also wish to recall that, at its one-hundred-and-tenth session, it had discussed whether it should be considered to broaden the scope of work of the computerization project to encompass not only the eTIR procedure but an eTransit procedure with the aim of creating a global Customs transit procedure covering all modes of transport. Some delegations expressed reservations about such an approach whereas others seemed to be being in favour of considering this issue in further detail. However, since the issue was not included in the agenda of the present meeting, the Working Party agreed that, with a view to be able to discuss the issue in detail, it should be included in the agenda for the forthcoming session of the Working Party with a view to having an initial brainstorming on the issue.

The Working Party may wish to discuss the issue in more detail.

(iii) Amendment proposals for the Convention

Documentation: **TRANS/WP.30/2005/29; TRANS/WP.30/WG.2/2005/1;**
TRANS/WP.30/2005/24; TRANS/WP.30/2005/23; TRANS/WP.30/2005/19;
TRANS/WP.30/2005/18; TRANS/WP.30/2005/17; TRANS/WP.30/2005/16;
TRANS/WP.30/2005/15; TRANS/WP.30/2005/7; TRANS/WP.30/2005/6;
TRANS/WP.30/2004/38; TRANS/WP.30/2004/37; TRANS/WP.30/2004/33;
TRANS/WP.30/2004/32; TRANS/WP.30/2004/25; TRANS/WP.30/2004/24;
TRANS/WP.30/2004/14; TRANS/WP.30/2004/11; TRANS/WP.30/2003/22;
TRANS/WP.30/2003/11; TRANS/WP.30/2003/10; TRANS/WP.30/2002/30;
TRANS/WP.30/216; TRANS/WP.30/R.179; Informal document No. 8 (2005); Informal
document No. 2 (2004).

The Working Party may wish to recall that, at its one-hundred-and-tenth session, it had considered a number of amendment proposals.

The Working Party considered document TRANS/WP.30/2005/16, prepared by the secretariat, containing an amendment proposal for Article 4 of the Convention. The representative of the European Community proposed the following alternative text with a view to further clarifying the meaning of the article: “As long as goods are carried under the TIR procedure the payment or security of import or export duties and taxes shall be suspended”. The Working Party invited the European Community to prepare an official proposal for consideration at its present session.

The Working Party may wish to consider document TRANS/WP.30/2005/29, transmitted by the European Commission, containing a revised proposal for amending Article 4 of the Conventions.

The Working Party also considered document TRANS/WP.30/2005/17, prepared by the secretariat, containing an explanation of the background of Article 8.2. The representative of the European Community expressed the view that Article 8.2, in general, no longer seemed needed. However, due to an ongoing Court case in one of the EU Member States, which may invoke the provisions of Article 8.2, the Community proposed, for the time being, to postpone any further consideration of this issue. The Working Party may wish to be informed of any new developments concerning this question.

The Working Party then considered document TRANS/WP.30/2005/18, prepared by the secretariat, containing amendment proposals for Explanatory Note to Article 8.3 of the Convention. One delegation raised the question as to why it was necessary to change the present text, which seemed to reflect the actual status. The representative of the European Community provided a number of alternative proposals for amending the provision in question. The Working Party, with a view to considering all options, invited the European Community to transmit its proposals in writing for consideration at its present session.

The Working Party may wish to consider document TRANS/WP.30/2005/29, transmitted by the European Commission.

The Working Party may also wish to recall that, at its one-hundred-and-tenth session, it had decided to convene the fourth meeting of the Ad hoc Expert Group meeting on revision of the Convention on 3 October 2005 with a view to consider a consolidated proposal for amendment of Articles 8 and 11 of the Convention, including the proposals contained in document TRANS/WP.30/2005/19, transmitted by the Russian Federation. The agenda for the session will be contained in document TRANS/WP.30/WG.2/2005/1.

The Working Party may wish to be informed about the outcome of the meeting.

(c) **Application of the Convention**

(i) **Control system for TIR Carnets - IRU SafeTIR**

The Working Party may wish to be informed by the IRU about developments concerning the issue.

(ii) **Settlement of claims for payments**

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) **Issues relating to technical provisions**

The Working Party may wish to be informed of any new developments concerning this point of the agenda.

(iv) **TIR Handbook**

Documentation: UNECE document (<http://tir.unece.org>); **2005 TIR Handbook**.

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, the Administrative Committee and the TIRExB.

The Handbook in the Arabic, Chinese, English, French, Russian and Spanish language versions has recently been updated and is available both in hard copy and in electronic version.

The last version of the TIR Handbook in Arabic, Chinese, English, French, Russian and Spanish can be viewed and downloaded from the UNECE TIR web site in these languages (<http://tir.unece.org>).

(v) **Other matters**

Documentation: **TRANS/WP.30/AC.2/2005/16**.

The Working Party took note of a proposal by the European Community that the secretariat prepare a consolidated version of the TIR Convention for use as a reference document, with a view to considering this at the thirty-ninth session of the TIR Administrative Committee in October 2005. The Working Party requested the secretariat to verify that the Treaty Section of the Office of Legal Affairs of the United Nations (OLA) would agree to the publication of such a reference document as well as to inquire with OLA about its legal status and if the Administrative Committee could adopt such a reference document. On the condition that the OLA would agree to the publication of the document, the Working Party requested the secretariat to prepare a document in English, French and Russian, on the basis of the text of the TIR Handbook, containing the provisions of the Convention and the annexes to the Convention as well as the Explanatory Notes thereto.

The Working Party may wish to take note of document TRANS/WP.30/2005/AC.2/16, prepared by the secretariat, containing a consolidated version of the Convention. The document will be considered by the TIR Administrative Committee, at its thirty-ninth session on 6 October 2005.

The Working Party may wish to be informed about the outcome of the Regional TIR Seminar for the countries of the Central Asian region and China which took place in Beijing on 22 and 23 September 2005.

8. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: TRANS/WP.30/127.

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.

9. PROGRAMME OF WORK FOR 2005 TO 2009

Documentation: TRANS/WP.30/2005/30; TRANS/WP.30/2005/8; TRANS/2004/19 and 18; Informal document No. 5 (2005).

The Working Party may wish to recall that, at its one-hundred-and-tenth session, it had considered Informal document No. 5 (2005), prepared by the secretariat, containing an overview of all Resolutions and Recommendations adopted in the framework of the UNECE work on border crossing facilitation between 1956 and 1984. The Working Party decided to revert to considering the relevance of the Resolutions and Recommendations at a future meeting and requested the secretariat, for its present session, to prepare a document containing Resolutions and Recommendations adopted by the Working Party in the period 1985 until today.

The Working Party may wish to consider document TRANS/WP.30/2005/30, prepared by the secretariat.

10. OTHER BUSINESS

(a) Dates of the next sessions

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

The secretariat has already scheduled the one-hundred-and-twelfth session of the Working Party to be held in the week from 30 January to 3 February 2006 in conjunction with the fortieth session of the TIR Administrative Committee.

The one-hundred-and-thirteenth session of the Working Party is tentatively scheduled to be held during the week of 6 to 10 June 2006.

(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 REPORTS

In accordance with established practice, the Working Party will adopt the report on its one-hundred-and-eleventh 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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