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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

132nd session

Geneva, 9–12 October 2012

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 132nd session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 15.00 a.m. on Tuesday, 9 October 2012

I. Provisional Agenda

1. Adoption of the agenda.
2. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party.

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. Terms of Reference and Rules of Procedure of the Working Party.
4. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) EurAsEC Customs Union;
 - (d) World Customs Organization.
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) Annex 9 on rail border crossing;
 - (d) Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention.
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 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) Application of the TIR Convention in the Customs Union of Belarus, Kazakhstan and the Russian Federation;
 - (iv) Increase in the number of loading and unloading places;
 - (v) Vehicles with sliding sheets;
 - (vi) Other matters.
9. Prevention of abuse of Customs transit systems by smugglers.
10. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
11. 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.30/263).

Documentation

ECE/TRANS/WP.30/263

2. 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 about the results of sessions of the Inland Transport Committee (ITC), its Bureau, subsidiary bodies and other United Nations organizations on matters of interest to the Working Party, and, in particular, about the ongoing review of the United Nations Economic Commission for Europe (UNECE) 2005 reform.

3. Terms of Reference and Rules of Procedure of the Working Party

At its previous session, the Working Party considered document ECE/TRANS/WP.30/2012/5 by Iran (Islamic Republic of), proposing modifications to the draft Terms of Reference (ToR) of WP.30, as contained in document ECE/TRANS/WP.30/2011/10 which had been adopted earlier as a basis for further consideration. The delegation of Iran (Islamic Republic of) pointed out that the aim of its proposal was to provide a distinction between the competencies of the Working Party and those of the Administrative Committees under item 1 (n) of the ToR, in particular the TIR Administrative Committee, as well as to introduce a certain hierarchy where the above Administrative Committees would take the lead. Several delegations raised concerns on the proposed amendments, in particular paragraphs (f), (g) and (h), and were of the view that, if accepted, such modifications could undermine the important role of WP.30 as an intergovernmental forum for negotiations and could leave aside some of its major activities. The secretariat clarified that WP.30, being a UNECE Working Party under the umbrella of ITC, and the Administrative Committees, being treaty bodies, function on different legal bases and are completely independent from each other. The Iranian delegation underlined that this is the first time that the draft Terms of Reference for WP.30 were prepared and that the purpose of the proposed amendments was not to limit the mandate of the Working Party but to clarify the different roles of the Administrative Committees of the Conventions and WP.30. As a result of the discussion, the Working Party was not in a position to support the changes as proposed in document ECE/TRANS/WP.30/2012/5 and took note that the delegation of Iran (Islamic Republic of) would submit a revised proposal for consideration at the present session of WP.30 (ECE/TRANS/WP.30/262, para.40). The revised proposal will be issued as document ECE/TRANS/WP.30/2012/5/Rev.1.

At its previous session, WP.30 also decided to postpone, to the present session, consideration of the proposal by Iran (Islamic Republic of) to streamline the work of WP.30 (ECE/TRANS/WP.30/258, para. 38) as well as of the draft rules of procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2. In the interim, delegations were invited to study this document and submit their comments to the secretariat for

consolidation (ECE/TRANS/WP.30/262, para.41). The Working Party is invited to consider these issues in substance.

Documentation

ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2,
ECE/TRANS/WP.30/2012/5/Rev.1

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

The Working Party will take note of activities by various regional economic or Customs Unions 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.

(a) European Union

At the previous session, the Working Party took note that, as of 1 July 2012, the Common Transit Conventions, currently applicable between the EU and the European Free Trade Association (EFTA) countries, would be extended to Croatia while the accession of Turkey is expected later this year. As in the past, the delegation of EU will keep WP.30 informed of progress in this area as well as about any new activities which may be of interest to the Working Party.

(b) Economic Cooperation Organization

At the previous session, the representative of ECO³ reported on the activities of his organization concerning road and rail corridors in the ECO region which are undertaken at the national, regional and global levels. In particular, at the national level, he referred to the efforts to revitalize the TIR system in Afghanistan and the accession of Pakistan to the TIR Convention. At the regional level, the activities of the ECO Road, Rail, Transit and Insurance Committees were introduced. At the global level, ECO seeks further cooperation with the Working Party, UNECE, Islamic Development Bank (IDB), UNCTAD, International Road Transport Union (IRU), World Bank (WB), Asian Development Bank (ADB) and World Customs Organization (WCO). The full text of his presentation will be available on the WP.30 website (www.unece.org/trans/bcf/wp30/wp30-presentations.html). The Working Party noted that, at its next session, ECO would report on progress in the above areas (ECE/TRANS/WP.30/262, para.6).

(c) EurAsEC Customs Union

At the previous session of WP.30, the delegations of Belarus and the Russian Federation provided information on various Information Technologies (IT) options detailing how transport operators could comply with Decision No. 899 of 9 December 2011 of the Commission of the Customs Union which had introduced, as of 17 June 2012, the obligation to lodge advance electronic information with Customs at least two hours prior to crossing the border (Informal document No. 9 (2012)). The Working Party welcomed the commitment of these countries to continue an open dialogue and close cooperation with the transport industry with the aim of assisting transport companies in meeting the new requirements and ensuring a smooth transition period (ECE/TRANS/WP.30/262, paras. 9 and 10). In line with a request of the Working Party, the secretariat has reissued Informal

³ Economic Cooperation Organization

document No. 9 (2012) as official document ECE/TRANS/WP.30/2012/8 in all languages for the present session.

Against this background, WP.30 may wish to consider progress in implementing the above regulations. In addition, WP.30 will be informed about the outcome of its invitation to representatives of the newly created EurAsEC Economic Commission, successor of the Commission of the Customs Union, to take part in the sessions of the Working Party and to inform WP.30 of any future changes in the Customs legislation of the EurAsEC Customs Union (ECE/TRANS/WP.30/262, para. 10).

Documentation

ECE/TRANS/WP.30/2012/8

(d) World Customs Organization

The Working Party will be informed about activities of the World Customs Organization (WCO) as far as they relate to matters of interest to WP.30.

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 about any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications is available on the UNECE website.⁴

WP.30 will also be informed about the activities of the secretariat on preparing and transmitting to the Ministers of Foreign Affairs of the Contracting Parties a communication which, first, recalls the entry into force of a new Annex 9 on rail border crossing and the need to ensure the introduction of the provisions of this Annex into the national legislation of Contracting Parties, and, second, distributes a questionnaire to monitor the progress in implementing Annex 8 on road transport at the national level (Informal document No. 10 (2012)).

Documentation

Informal document No.10 (2012)

(b) Annex 8 on road transport

Under this agenda item, delegations are invited 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.

At its previous session, having recalled the generally slow progress in implementing the International Vehicle Weight Certificate (IVWC), the Working Party noted with satisfaction a wide use of IVWC in some countries, in particular, in Belarus. WP.30 also welcomed the initiative of the Organization of the Black Sea Economic Cooperation (BSEC) aimed at promoting the implementation of IVWC in its region. The Working Party reiterated its invitation to countries already benefiting from the use of IVWC to report on

⁴ <http://www.unece.org/trans/bcf/welcome.html>

their experiences (ECE/TRANS/WP.30/262, para. 16). In this respect, WP.30 may wish to consider Informal document No.11 (2012).

At the previous session, WP.30 considered a scientific study on the impact of X-ray inspections of commercial road vehicles on the health of drivers (Informal document No. 6 (2012)) (ECE/TRANS/WP.30/262, para. 17). The Working Party may invite IRU to report on any progress in this area.

Documentation

Informal document No.6 (2012), Informal document No.11 (2012)

(c) Annex 9 on rail border crossing

The Working Party, at its previous session, urged all Contracting Parties to ensure the smooth introduction of the provisions of new Annex 9 on rail border crossing into their national legislation and noted that this issue would be on the agenda of the forthcoming Seventh Interdepartmental Meeting of the Organization for Cooperation between Railways (OSJD) member States (25–28 June 2012) (ECE/TRANS/WP.30/262, para. 18). WP.30 is invited to take note of the outcome of this meeting (Informal document No.12 (2012)).

Documentation

Informal document No.12 (2012)

(d) Round table on the role of best practices at border crossings in the implementation of the Harmonization Convention

The Working Party, at its previous session, welcomed the publication of the joint UNECE and OSCE ‘Handbook on Best Practices at Border Crossings: A Trade and Transport Facilitation Perspective’ and the holding of a one-day round table on the role of best practices at border crossings in the implementation of the Harmonization Convention (ECE/TRANS/WP.30/262, para. 20). The outcome of the round table is contained in document ECE/TRANS/WP.30/2012/9.

Documentation

ECE/TRANS/WP.30/2012/9

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

The Working Party will be informed about the results of the Seventh Interdepartmental Meeting of OSJD member States (25–28 June 2012) which, inter alia, addressed the issue of bringing the Convention in line with modern rail transport requirements.

7. Rail transit

The Working Party will be informed of new developments in 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 Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)

(a) Status of the Convention

WP.30 may wish to note that the Secretary-General of the United Nations in his capacity as depositary issued depositary notification C.N.264.2012.TREATIES-XI.A.16, dated 30 May 2012, informing Contracting Parties of errors in the French text of proposals to amend Articles 1, 8, 11 and Annex 6 of the Convention. Any objections to these corrections should be communicated to the Secretary-General not later than 28 August 2012.

With regard to the noted amendment proposals to Articles 1, 8, 10, 11 and Annex 6 of the Convention, as contained in depositary notification C.N.326.2011.TREATIES-2 (re-issued) of 2 August 2011, the Secretary-General of the United Nations issued depositary notification C.N.324.2012.TREATIES-XI.A.16 of 18 June 2012, informing that by 13 June 2012 none of the Contracting Parties to the TIR Convention, 1975 had communicated an objection to the proposals of amendments to Articles 1, 8, 10 and 11 and to Annex 6 of the Convention. Therefore, in accordance with Article 59, paragraph 3 of the Convention, the said amendments will enter into force on 13 September 2012 for all Contracting Parties.

The Working Party will also be informed about any further changes in the status of the Convention and in the number of Contracting Parties, if any. More detailed information on these issues as well as on various Depositary Notifications is available on the TIR website.⁵

(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 informed about the outcome of the twentieth session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) which was held in Prague on 19 and 20 April 2012 (ECE/TRANS/WP.30/262, para. 26). The full report of this session (ECE/TRANS/WP.30/2012/7) is now submitted to the Working Party for endorsement.

The Working Party will also be orally briefed on the results of the twenty-first session of GE.1 to be held in Bratislava on 25 and 26 September 2012, at the kind invitation of the Slovak Customs authorities. In particular, WP.30 will be informed of the findings of GE.1 of the Cost Benefit Analysis (CBA) of the eTIR project. In addition, the Working Party will be informed about progress in the eTIR Pilot Project between Turkey and Italy.

Documentation

ECE/TRANS/WP.30/2012/7

(ii) Amendment proposals for the Convention

At its previous session, the Working Party was informed that the Chair had conducted informal consultations on 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, but progress had not been achieved, as the countries concerned had retained their original positions (ECE/TRANS/WP.30/262, para. 28). WP.30 may wish to provide guidance whether this issue should be pursued.

⁵ www.unece.org/tir/tir-depositary_notification.html.

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 about the latest statistical data on 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) Application of the TIR Convention in the Customs Union of Belarus, Kazakhstan and the Russian Federation

At its previous session, the Working Party was informed about further progress in preparing and approving a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union of Belarus, Kazakhstan and the Russian Federation. Turkey reported that its transport operators sometimes face problems in the Customs Union, if they are not in a position to meet the time-limit set by Customs for transit, due to severe weather conditions or accidents. The Working Party invited the delegation of Turkey to first try to settle this issue on a bilateral basis (ECE/TRANS/WP.30/262, para. 32). WP.30 may wish to check with the delegations concerned if further information is available.

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

At the 130th session, the delegations of Azerbaijan, Turkey, Uzbekistan, supported by IRU, pointed out the clear demand from the road transport industry and trade to increase the number of places of loading and unloading from four to eight and argued in favour of amending the TIR Convention without delay. EU, Belarus and the Russian Federation were not in a position to support this view and indicated that such an increase would need to be analysed further, as it might complicate control over the TIR procedure and lead to higher risks for Customs authorities. The Working Party invited the above delegations to conduct informal consultations with a view to finding a consensus before the previous session of WP.30. (ECE/TRANS/WP.30/260, paras. 37 and 38). However, at the previous session the Working Party noted that the different positions of various countries had not yet been reconciled (ECE/TRANS/WP.30/262, para. 33). WP.30 may wish to consider how to tackle this issue in the future.

(v) Vehicles with sliding sheets

At its previous session, the Working Party considered document ECE/TRANS/WP.30/2012/6 submitted by the International Association of the Body and Trailer Building Industry (CLCCR), containing amendment proposals to the TIR Convention regarding a new design of vehicles with sliding sheets. Given the highly technical nature of this issue, WP.30 invited delegations to discuss these proposals with national experts and report back to the Working Party at its next session. Meanwhile, the secretariat offered its services to CLCCR for improving the wording of the underlying

proposals (ECE/TRANS/WP.30/262, para. 34). A revised proposal by CLCCR is found in document ECE/TRANS/WP.30/2012/6/Rev.1.

Documentation

ECE/TRANS/WP.30/2012/6/Rev.1

(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.

9. Prevention of abuse of Customs transit systems by smugglers

Under this agenda item, 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.

10. 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 made arrangements for the 133rd session to be held in the week of 4–8 February 2013.

(b) Restriction on the distribution of documents

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

11. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 132nd 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.
