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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(14 – 17 June 2005)

PROVISIONAL AGENDA FOR THE ONE-HUNDRED-AND-TENTH SESSION*

to be held at the Palais des Nations, Geneva,
starting at 15.00 hours on Tuesday, 14 June 2005**

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

** 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>.

New accreditation procedures have been introduced for all delegates attending meetings held at the Palais des Nations. Delegates are therefore 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 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 14 June 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 Convention
6. Convention on Rail Transit covering the SMGS area

Wednesday 15 June 2005

7. 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) 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 16 June 2005

Administrative Committee of the Harmonization Convention

Friday 17 June 2005

- 11. Adoption of the report

Adoption of the report of the Administrative Committee of the Harmonization Convention

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1. ADOPTION OF THE AGENDA

Documentation: **TRANS/WP.30/219.**

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (TRANS/WP.30/219).

2. ACTIVITIES OF UNECE BODIES AND OTHER UNITED NATIONS ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Documentation: **ECE/TRANS/162.**

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. In particular, the Working Party may wish to be informed of the conclusion of the sixty-seventh session of the Inland Transport Committee. The report of the meeting is contained in document ECE/TRANS/162 and is available on the following web site: http://www.unece.org/trans/main/itc/itc_rep.html.

The Working Party may wish to take note of the UNCTAD Expert Meeting on Design and Implementation of Transit Transport Arrangements, which took place on 24-26 November 2004 in Geneva. The summary of the meeting is available from the following web site: <http://www.unctad.org/ttl/>.

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 recent activities including the status of the Customs Convention on Containers, 1972 and the WCO modelling work on defining data set for transit. The Working Party may also wish to be informed about the outcome of the discussion on the proposals by the High Level Strategic Group of Director Generals on the establishment of an international framework on security and facilitation.

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-eighth 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 as well as work under way to enhance container security, in particular the vulnerability of doors of the container, sealing and traceability.

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.2/2004/7; TRANS/WP.30/2005/22.

(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 Collaboration of Railways (OSZhD) 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 take note of document TRANS/WP.30/2005/22, prepared by the OSZhD, providing a first draft for a new Annex to the “Harmonization Convention” on facilitation of border crossing for railways. The draft will be considered by the Administrative

Committee of the Harmonization Convention on 16 June 2005 and will also be considered by the Working Party on Rail Transport (SC.2) at its fifty-ninth session in November 2005.

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

Documentation: ECE/TRANS/107/Rev.1; ECE/TRANS/108; (<http://border.unece.org> - Legal Instruments); TRANS/WP.30/2004/21; TRANS/WP.30/214.

(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-seventh session, it considered a number of questions concerning the application of the Conventions put forward by the AIT/FIA (TRANS/WP.30/2004/21). The Working Party was requested to provide interpretation on several of the questions as well as asking the secretariat to refer some of the questions to the Office of Legal Affairs of the United Nations (OLA) (TRANS/WP.30/214, paras. 20-28).

The Working Party may wish to be informed about the status of the request to OLA.

6. CONVENTION ON RAIL TRANSIT COVERING THE SMGS AREA

Documentation: TRANS/2005/13 and Corr.1; TRANS/WP.30/212.

The Working Party may wish to recall that, at its one-hundred-and-sixth session, it had taken note of a recommendation by the Contracting Parties of the SMGS Agreement recommending that the Working Party adopt the draft Convention without delay. The Working Party adopted the draft text of the Convention with a few modifications and submitted it for final adoption at the present session of the Committee (TRANS/WP.30/212, para. 16).

The Inland Transport Committee, at its fifty-seventh session, adopted the draft Convention contained in document TRANS/2005/13 and Corr.1 and the Committee entrusted the secretariat with the verification and preparation of the final text for signature. The Convention should be open for signature in Geneva from 1 August 2005 until 31 July 2006.

The Working Party may wish to be informed about the legal status of the Convention text.

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

Documentation: TRANS/WP.30/AC.2/75.

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>).

(b) **Revision of the Convention**

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

Documentation: TRANS/WP.30/2005/9.

The Working Party may wish to be informed by Contracting Parties to the Convention of any developments in this field.

The Working Party may wish to recall that, at its one-hundred-and-ninth session, it had considered document TRANS/WP.30/2005/9, transmitted by the Turkish delegation, relating to the application of Article 38 of the Convention. The Working Party had recommended that the TIRExB continue its work on this issue with a view to developing a set of guidelines for the communication of exclusions according to Article 38.

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

(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.30/2005/20; 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;.

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.);
- Increase in the number of places for loading and unloading under Customs seal;
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge.

The Working Party, at its one-hundred-and-ninth session, decided not to revert to the question of increasing the number of places for loading and unloading unless a concrete request was expressed at one of its future sessions (TRANS/WP.30/218, para. 34).

- Revision of the TIR Carnet

The Working Party may wish to recall that, at its one-hundred-and-ninth session, it considered document TRANS/WP.30/2005/5, transmitted by the European Community, containing a number of issues to be considered relating to the verification, liability and the legal status in connection with the proposal for introduction of a Recommendation for the use of the HS-code into the goods manifest of the TIR Carnet as set out in document TRANS/WP.30/2004/30. The Working Party considered that the views expressed in the document needed to be reflected in the draft Resolution and requested the secretariat, in cooperation with the European Community and the IRU, to the extent possible, to incorporate in the draft Recommendation the issues raised in document TRANS/WP.30/2005/5.

The Working Party may wish to consider document TRANS/WP.30/2005/13, prepared by the secretariat in consultation with the European Commission and the IRU, containing the text of a draft Resolution on the use of the HS code.

- Use of new technologies

The Working Party may wish to be informed of the outcome of the meeting of the seventh session of the Expert Group, which will take place on 26 and 27 May 2005. The report of the meeting is contained in document TRANS/WP.30/2005/14 (available in English only). In particular, the Working Party may wish to be informed about the outcome of the survey amongst Contracting Parties on the vision for the eTIR project and the needs and constraints of countries.

The Working Party may wish to recall that, at its one-hundred-and-eighth session, the issue had been raised if, in the context of the development of the eTIR project, it should be considered to elaborate a new eTIR Convention. The Working Party agreed that it would be useful to explore the options in this respect at an early stage and requested the secretariat to prepare a document for its session in June 2005 describing the scenarios and the consequences either in the case that a new so-called “eTIR” Convention would be opted for or in the case that an amendment of the present TIR Convention would be opted for (TRANS/WP.30/216, para. 41).

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

(iii) Amendment proposals for the Convention

Documentation: 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. 2 (2004).

The Working Party may wish to recall that, at its one-hundred-and-ninth session, it had taken note of document TRANS/WP.30/2005/6, transmitted by the IRU, containing a legal analysis by Professor L. Thévenoz, University of Geneva, mandated by the IRU, explaining his interpretation of the concepts of guarantee/surety. The Working Party decided to revert to the issue at one of its forthcoming sessions when delegations had had the possibility of studying the legal arguments in detail.

The Working Party was also informed that the secretariat had requested the view of the Office of Legal Affairs of the United Nations concerning the general understanding of the concepts of guarantee/surety and that an answer would be received in the near future.

The Working Party may wish to take note of document TRANS/WP.30/2005/15, prepared by the secretariat, containing observations by the United Nations Office of Legal Affairs, Trade Law Division (UNCITRAL) on the concepts of surety and guarantee as well as other legal issues that have been raised in the context of the revision discussions.

The Working Party may wish to recall that, at its previous sessions, it had invited the TIRExB to consider a number of proposals for revision of the Convention of a technical nature (TRANS/WP.30/218, para. 51). The Working Party may wish to be informed by the Chairman of the TIRExB of progress in the consideration of these issues.

The Working Party may also wish to recall that, at its one-hundred-and-ninth session, it had considered that, in particular, the proposals for revision of Articles 8.1 and 8.7 needed further consideration. For this purpose, *inter alia*, the Working Party had mandated the secretariat to convene a third session of the Ad hoc Expert Group, with a view to drafting specific amendment proposals concerning the issues still outstanding. The Working Party may wish to be informed about the outcome of the Expert Group meeting which will take place on 19 and 20 May 2005 in Geneva.

The agenda for the meeting will be contained in document TRANS/WP.30/2005/23 and the report in TRANS/WP.30/2005/24.

The Working Party may wish to recall that, at its one-hundred-and-ninth session, it had requested the secretariat to prepare documents concerning a number of issues that had been raised in the context of the discussions concerning a revision of the Convention.

The Working Party may wish to consider the following issues and documents, prepared by the secretariat:

- Article 4 concerning suspension of duties and taxes (TRANS/WP.30/2005/16)
- Article 8.2 concerning the justification of the article (TRANS/WP.30/2005/17)
- Article 8.3 concerning tobacco and alcohol (TRANS/WP.30/2005/18)
- Article 11 and the proposal of the Russian Federation (TRANS/WP.30/2005/19).

(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 about any new developments in this field.

(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 English, French and Russian language versions has recently been updated. One copy of the updated 2005 TIR Handbook will be available for delegations at the present session.

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>). A limited number of hard-copy versions or a CD-ROM version of the TIR Handbook may be obtained free of charge from the secretariat.

(v) **Other matters**

The Working Party may wish recall that, at its one-hundred-and-ninth session, the representative of the European Community had raised the issue concerning the apparent practice in some Contracting Parties to require that accompanying documents be stamped by the Customs office of departure/exit. In the view of the Community, such practice gives a false sense of authenticity of such documents. The Working Party may wish to be informed of any new developments in this area.

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.30/2005/25, TRANS/WP.30/2005/21; TRANS/WP.30/2005/8; TRANS/2004/18; TRANS/2004/19.

The Working Party may wish to recall that, at its one-hundred-and-ninth session, it had decided to make a number of changes to the Programme of Work with a view to providing more targeted and result oriented output and to enhance the layout of the Programme of Work in line with the request of the Inland Transport Committee. The Working Party also decided to include a continuous review of all Conventions and Agreements under its responsibility, to review commitments contained in Resolutions and Recommendations contained in the Programme of Work. In this context, a full list of all Conventions and Agreements under the responsibility of the Working Party is contained in the annex to the report of the one-hundred-and-ninth session (TRANS/WP.30/218, annex 4). The Working Party also decided to launch a process of annual country reporting on issues relevant to the Working Party, provided that resources are available for such activity at national level.

The Working Party may wish to consider document TRANS/WP.30/2005/21, prepared by the secretariat, containing a draft for a revised Programme of Work as well as a draft outline for the proposed annual country reports.

In the context of the Programme of Work, the Working Party may also wish to consider the various recommendations that it has adopted in the past as contained in document TRANS/WP.30/2005/25, 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-eleventh session of the Working Party to be held in the week from 3 to 7 October 2005 in conjunction with the thirty-ninth session of the TIR Administrative Committee.

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

(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 REPORT

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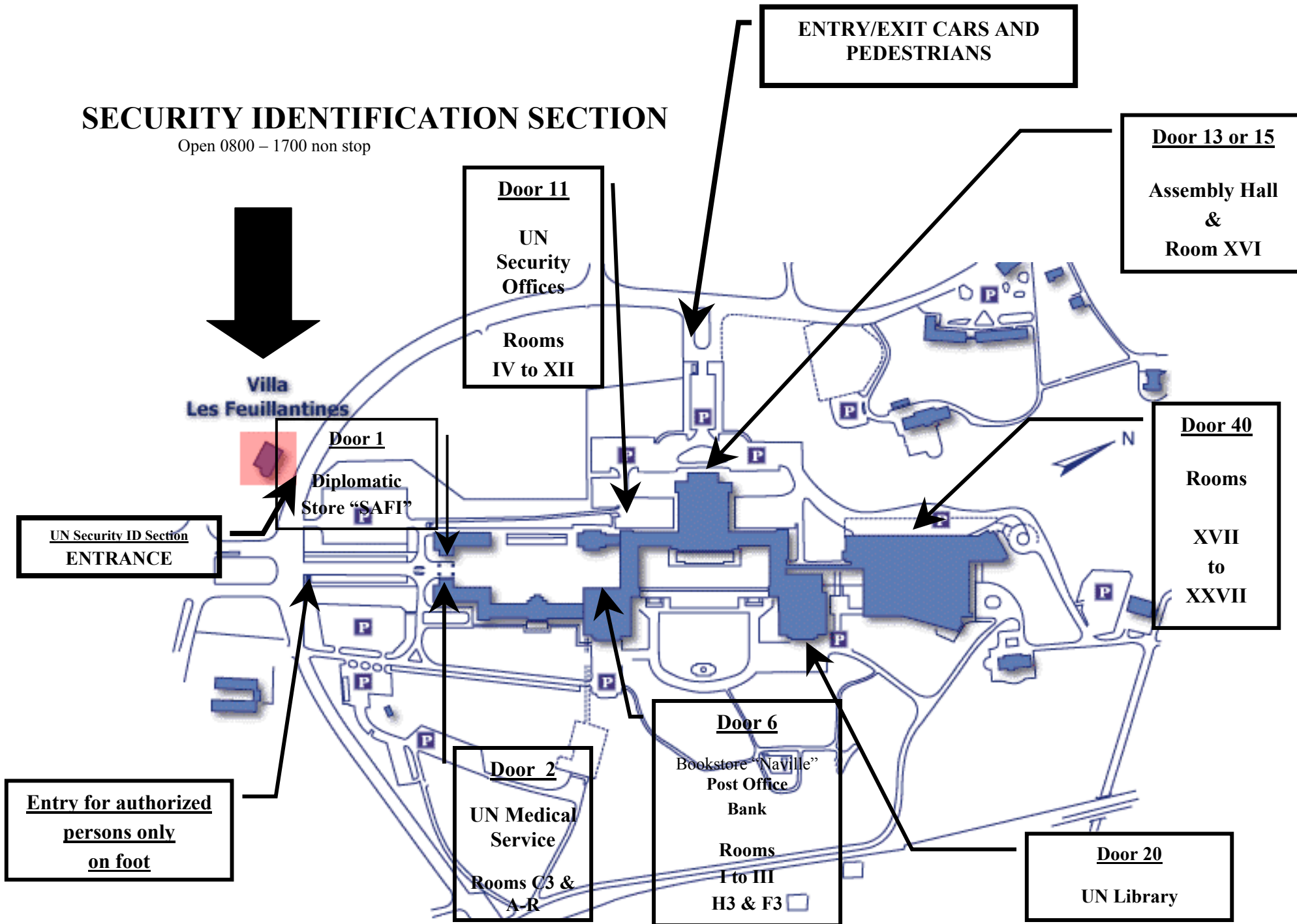
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