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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(31 January – 4 February 2005)

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

to be held at the Palais des Nations, Geneva,
starting at 15.00 hours on Monday, 31 January 2005 **

* The present documentation has been submitted after the official documentation deadline by the Transport Division 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.111, 1st 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).

Monday 31 January 2005

1. Adoption of the agenda
2. Election of officers
3. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party
4. Activities of other organizations 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) Preparation of a new Annex on efficient border crossing procedures
6. 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

Tuesday 1 February 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

Wednesday 2 February 2005

- (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

Friday 3 February 2005

11. Adoption of the report

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1. ADOPTION OF THE AGENDA

Documentation: **TRANS/WP.30/217.**

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (TRANS/WP.30/217).

2. ELECTION OF OFFICERS

In accordance with the Commission's rules of procedure and established practice, the Working Party should elect a Chairperson and possibly a Vice-Chairperson for its sessions in 2005.

3. 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.

4. ACTIVITIES OF OTHER ORGANIZATIONS OF INTEREST TO THE WORKING PARTY

Documentation: **TRANS/WP.30/2005/3.**

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 seventh session of the Administrative Committee of the Container Convention, the results of the works of the High Level Strategic Group on the establishment of an international framework on security and facilitation as well as work on the WCO data modelling. In this context, the Working Party may also wish to take note of document TRANS/WP.30/2005/3, transmitted by the IRU, containing security guidelines for road transport, which the IRU had developed at the invitation of the WCO.

The Working Party, at its one-hundred-and-eighth session, took note of information concerning the launch 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 may wish to be informed about any new developments in this field.

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, including a new annex which details quality control procedures for seal manufacturers as well as work under way to examine the design of the door end of the container from the aspect of improving security and making undetected entry into the container more difficult.

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

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

Documentation: ECE/TRANS/55 (<http://border.unece.org> - Legal Instruments);
TRANS/WP.30/AC.3/2005/1.

(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 efficient border crossing procedures

The Working Party may wish to recall that the Working Party, at its one-hundred-and-sixth session, finalized the new draft Annex 8 to the Convention addressing all elements important for efficient border crossing procedures in the international road transport of goods and agreed on the final text to be transmitted by the secretariat, as soon as possible, to the Contracting Parties in preparation of the seventh session of the Administrative Committee (TRANS/WP.30/212, para. 14).

The Working Party, at its one-hundred-and-eighth session, took note of document TRANS/WP.30/2004/27, transmitted by the European Community, containing a number of comments concerning errors or inconsistencies that have been detected in connection with the review of the new draft Annex 8 and decided to accept the proposed modifications to be included in a revised document, pending the information to be received by the secretariat from the International Organization on Legal Metrology concerning clarifications on item 4 as well as the notes for completion of the International Vehicle Weight Certificate.

The final draft text will be published by the secretariat in document TRANS/WP.30/AC.3/2005/1 for consideration at the meeting of the Administrative Committee in June 2005.

The Working Party may wish to be informed about the preparedness of Contracting Parties to adopt the new draft annex in June 2005.

6. 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).

(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 outcome of the request to OLA.

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>); **TRANS/WP.30/2005/1**; **TRANS/WP.30/2005/9**.

(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>).

(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 by Contracting Parties and the secretariat about the status of implementation at national level of the Convention and Phases I and II of the revision process. In this context, the Working Party may wish to take note of document TRANS/WP.30/2005/1, prepared by the secretariat, providing an overview of the implementation of the TIR Convention at national level, including Phases I and II of the TIR revision process, based on information received by the secretariat from Contracting Parties.

The Working Party, at its one-hundred-and-eighth session, at the request of the Turkish delegation, undertook an in-depth review of the deletion of the Explanatory Note to Article 38, para. 1 of the Convention concerning the offences committed by drivers. The Working Party, expressing, in general, the view that the decision concerning the possible exclusion, applying Article 38, should be taken according to national law, recognized that it could be useful to elaborate some guidelines concerning the application of Article 38 with a view to aligning the application of the article at national level. It noted that the TIRExB had decided to deal with the issue of exclusions according to both Annex 9 and Article 38 and to develop some guidelines for a harmonized approach in relation to exclusions.

The Working Party may wish to take note of document TRANS/WP.30/2005/9, transmitted by the Government of Turkey.

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

Documentation: TRANS/WP.30/214; **TRANS/WP.30/2005/2-TRANS/WP.30/AC.2/2005/1; TRANS/WP.30/2005/5; TRANS/WP.30/2005/10;** TRANS/WP.30/2004/31; TRANS/WP.30/2004/30; TRANS/WP.30/2004/29; **TRANS/WP.30/2005/11.**

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-seventh session decided to revert to the question of increase in the number of places for loading and unloading under Customs seal at its session in February 2005.

- Revision of the TIR Carnet

The Working Party may wish to recall that, at its one-hundred-and-eighth session, it considered document TRANS/WP.30/2004/29, prepared by the secretariat, concerning the incorporation of the provisions of the Recommendation for the use of the ID-number of the authorized holder in the body of the Convention. The Working Party noted that the IRU in its systems had succeeded in arriving at the use of a uniform ID-number format in accordance with the Recommendation and requested the secretariat to prepare a document for its present session containing a proposal following this format. The Working Party also requested the secretariat to review the issue of assigning an ID-number, that could not be used again, to a holder with the aim of aligning this to practical procedures applied at national level.

The Working Party may wish to consider document TRANS/WP.30/2005/2, prepared by the secretariat, containing a revised proposal for provisions on the ID-number to be included in the body of the Convention.

The Working Party may also wish to recall that, at its one-hundred-and-eighth session, it had considered document TRANS/WP.30/2004/30 prepared by the secretariat, containing a proposal for a Recommendation for the introduction of the HS-code into the goods manifest. The Working Party, in general, was of the view that it would be useful to include the HS-code in the goods description, in particular bearing in mind the issues of supply chain security and computerization but also recognizing that a number of questions would need further clarification and discussion before it could be recommended to proceed with the consideration of adopting the draft recommendation.

The Working Party may wish to take note of document TRANS/WP.30/2005/5, transmitted by the European Community, highlighting some of the issues to be addressed and providing further information on how the HS code is applied in the Community and Common transit systems.

- Use of new technologies

The Working Party may wish to be informed of the outcome of the meeting of the sixth session of the Expert Group, which took place on 26 and 27 October 2004. The report of the meeting is contained in document TRANS/WP.30/2005/11.

(iii) Amendment proposals for the Convention

Documentation: **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-eighth session, it took note of the report of the first session of the Ad hoc Expert Group on Phase III of the TIR revision (Geneva, 30 and 31 August 2004) as contained in document TRANS/WP.30/2004/32, prepared by the secretariat. Since the report was not available in all languages during that session, the Working Party may wish to consider the report at the present session.

The Working Party may also wish to recall, that at its one-hundred-and-eighth session, in spite of the above, it agreed that a second meeting would take place on 15 and 16 November 2004 in Geneva. The Working Party may wish to take note of the agenda and the report of this meeting, contained in documents TRANS/WP.30/2004/37 and TRANS/WP.30/2004/38, respectively.

The Working Party may also wish to recall, that at its one-hundred-and-eighth session, it took note of a presentation by the IRU on the organization and functioning of the TIR guarantee chain (TRANS/WP.30/216, para. 53). The presentation is available on the following UNECE web site: <http://www.unece.org/trans/bcf/wp30/wp30-reports.htm>. The Working Party invited the IRU to transmit an official document for the present session containing an overview of how the IRU understands the guarantee/surety issue.

The Working Party may wish to take note of document TRANS/WP.30/2005/6, transmitted by the IRU, containing the above-mentioned overview.

The Working Party may also wish to recall that, at its one-hundred-and-eighth session, it considered document TRANS/WP.30/2004/33, prepared by the secretariat, containing three alternative proposals or adding a new Explanatory Note to Article 6.2 bis. The Working Party considered that it would be premature to adopt the Explanatory Note to Article 6.2 bis before it had been considered in conjunction with the other issues linked to the revision and decided to postpone its discussion of the issue and also decided to ask the Ad hoc Expert Group to take this issue into consideration at its future session.

At the second session of the Ad hoc Expert Group, the group recommended that the Working Party, at its present session, should consider a revised proposal in relation to Article 6.2 bis of the Convention.

The Working Party may wish to take note of document TRANS/WP.30/2005/7, prepared by the secretariat, containing the text of the revised proposal as well as a proposal for a comment to Annex 8, Article 10 (b).

(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**

Documentation: TRANS/WP.30/214; TRANS/WP.30/2004/17.

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**

Documentation: **TRANS/WP.30/2005/4**; TRANS/WP.30/2004/36.

The Working Party may wish to recall that, at its one-hundred-and-eighth session, it had decided to postpone the consideration of document TRANS/WP.30/2004/36, prepared jointly by the UNECE and the WCO secretariat, containing a proposal for the placement of mechanical seals as the document was not available in all official languages.

The Working Party may wish to take note that, in the context of the considerations of this proposal in the framework of the Administrative Committee of the Customs Conventions on Containers, 1972, it had been agreed to postpone the discussion of the proposal until the ISO had finalized its considerations on container door design.

The Working Party may wish to take note of document TRANS/WP.30/2005/4, transmitted by the International Container Bureau (ICB), containing proposals on the marking of containers

according to annex 7 of the Convention. This proposal has also been transmitted for consideration in the context of the Customs Convention on Containers, 1972. The proposals have not yet been considered in this framework.

(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 is presently under revision by the secretariat. One copy of the 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 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.

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.30/2005/8**; TRANS/2004/19 and 18; TRANS/2004/18.

The Working Party, at its one-hundred-and-eighth session, took note of the present Programme of Work for 2004 to 2008 as well as documents TRANS/2004/18 and TRANS/2004/19, prepared for the Inland Transport Committee (ITC) on the strategic objectives adopted by the Committee. The Working Party was of the view that the Programme of Work would benefit from a closer review and invited delegations, in writing, to provide the secretariat with proposals for improvements to the Programme of Work on which basis the secretariat was requested to prepare a revised Programme of Work for the present session of the Working Party.

The Working Party may wish to take note of document TRANS/WP.30/2005/8, prepared by the secretariat, containing a revised proposal for the Programme of Work.

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-tenth session of the Working Party to be held in the week from 13 to 17 June 2005 in conjunction with the seventh session of the Administrative Committee for the "Harmonization" Convention.

The one-hundred-and-eleventh session of the Working Party is tentatively scheduled to be held during the week of 10 to 14 October 2005 in conjunction with the thirty-ninth 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-ninth 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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31 January 2005

4 February 2005

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