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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

One-hundred-and-twentieth session
Geneva, 7 - 10 October 2008

**ANNOTATED PROVISIONAL AGENDA
FOR THE ONE-HUNDRED-AND-TWENTIETH SESSION**

To be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 7 October 2008 ^{1/}, ^{2/}

^{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 <<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 documents issued for the present session.

^{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: <<http://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 <<http://www.unece.org/trans/registfr.html>> 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 73263). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

I. PROVISIONAL AGENDA

Tuesday, 7 October 2008, 10.00 hours

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 and countries 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) New Annex 8 on road transport
 - (c) Preparation of a new Annex on rail border crossing
5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952
6. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)
 - (a) Status of the Conventions
 - (b) Application of the Conventions
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) Implementation of amendments to the TIR Convention and examples of best practices
 - (ii) Preparation of Phase III of the TIR revision process
 - (iii) Amendment proposals for the Convention

Wednesday, 8 June 2008, 10.00 hours

- (iii) Amendment proposals for the Convention (continued)
 - (c) Application of the Convention
 - (i) Control system for TIR Carnets - IRU SafeTIR
 - (ii) Settlement of claims for payments
 - (iii) Review of Annex 10 of the Convention
 - (iv) TIR Handbook
 - (v) Other matters

9. Prevention of the abuse of Customs transit systems by smugglers
10. Resolutions and recommendations
11. Other business
 - (a) Dates of the next sessions
 - (b) Restriction on the distribution of documents

Thursday, 9 October 2008

TIR Administrative Committee

Friday, 10 October 2008, 10.00 hours

12. Adoption of the report

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 Adoption of the Agenda

Documentation: ECE/TRANS/WP.30/239

1. In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (ECE/TRANS/WP.30/239).

Item 2 Activities of UNECE bodies and other United Nations Organizations of interest to the Working Party

Documentation: ECE/TRANS/WP.30/2008/17

2. The Working Party will be informed about the results of relevant sessions of the Inland Transport Committee (ITC), its subsidiary bodies and other United Nations bodies and organizations as far as they relate to matters of interest to the Working Party. The Working Party may also wish to recall that, at its previous session, it took note of the request by the ITC to look into security-related issues with regard to its fields of competence. The Working Party decided to revert to this request at the present session and requested the secretariat to prepare a document outlining a strategy how to address the issues at hand (ECE/TRANS/WP.30/238, para.4). In line with this request, the secretariat has prepared document ECE/TRANS/WP.30/2008/17 for consideration by the Working Party.

Item 3 Activities of other organizations and countries of interest to the Working Party

Documentation: ECE/TRANS/WP.30/238

3. The Working Party will be informed about recent activities by the World Customs Organization (WCO), the European Commission (DG TAXUD), the World Trade Organization (WTO), the International Organization for Standardization (ISO) as well as by other governmental and non-governmental organizations as far as they relate to matters of interest to the Working Party. In particular, the Working Party will be informed about WCO activities

concerning the Customs Convention on Containers, 1972. In this context, the Working Party may wish to take note that the Secretary-General of the United Nations, acting in his capacity as depositary, has issued Depositary Notification C.N.327.2008.TREATIES-1 of 22 April 2008, informing that, within a period of twelve months following the date of Depositary Notification C.N.492.2007.TREATIES-1 of 20 April 2007, no objection has been received from Contracting Parties regarding proposals to amend Annexes 1 and 4 of the Customs Convention on Containers, 1972. Therefore, in accordance with paragraph 5 of Article 22 of the Convention, the proposed amendments are considered to be accepted and will enter into force for all Contracting Parties on 20 July 2008.

4. At the invitation of the Working Party at its 117th session (ECE/TRANS/WP.30/234, para. 12), Contracting Parties may wish to provide, under this agenda item, information on their national, bilateral or regional experiences in the field of the computerized treatment of TIR Carnets, including the electronic exchange of data.

Item 4 International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)

Documentation: ECE/TRANS/55/Rev.1; ECE/TRANS/WP.30/2007/11/Rev.1

(a) Status of the Convention

5. The Working Party will be informed of the situation concerning the scope and the number of Contracting Parties to the Convention. The Working Party may also wish to recall that the new Annex 8 on road transport entered into force on 20 May 2008 in accordance with Article 22 of the Convention (Depositary Notification C.N. 127.2008.TREATIES-1).

(b) New Annex 8 on road transport

6. At its previous session, the Working Party recalled the importance of the facilitation measures contained in the new Annex and encouraged all Contracting Parties to start its implementation as soon as possible. In this context, the Working Party noted that the European Community initiated internal procedures to include the Annex into the Community legislation. (ECE/TRANS/WP.30/238, para.11). Contracting Parties may wish to inform the Working Party about the status of the application of Annex 8 at the national level or to raise any question in this regard. The Working Party may also wish to mandate the secretariat, in accordance with the provisions of Annex 7, Article 4 of the Convention, to convene the ninth session of the Administrative Committee (AC.3) in the course of 2009, possibly in conjunction with one of the sessions of the Working Party.

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

Documentation: ECE/TRANS/WP.30/2007/11/Rev.1; ECE/TRANS/WP.30/2007/11; Informal document No. 1 (2008); ECE/TRANS/WP.30/238

7. At its previous session, the Working Party continued its consideration of document ECE/TRANS/WP.30/2007/11/Rev.1 containing consolidated proposals by the Organization for Cooperation of Railways (OSJD) and the Intergovernmental Organisation for International Carriage by Rail (OTIF) for the introduction of a new Annex 9 to the Convention, taking into

account the already adopted slight amendments to Article 4 and Article 8. At the session, the Working Party was briefed by the European Community, OSJD and OTIF on further progress in this field and encouraged parties to continue their efforts to achieve consensus proposals and invited them to submit no later than on 1 July 2008, a document for consideration at the present session (ECE/TRANS/WP.30/238, para. 13). The Working Party may wish to be informed of any progress made in this area.

Item 5 International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail, of 10 January 1952

Documentation: ECE/TRANS/WP.30/2008/7; ECE/TRANS/WP.30/2007/12/Rev.1; ECE/TRANS/WP.30/2007/12; Informal document No. 2 (2008); ECE/TRANS/WP.30/236; ECE/TRANS/WP.30/238

8. At its previous session, the Working Party recalled consolidated proposals by OSJD and OTIF for a new International Convention to Facilitate the Crossing of Frontiers in International Railway Passenger Transport (ECE/TRANS/WP.30/2007/12/Rev.1) and the difficulties related to the adoption of the newly proposed Convention in the context of the existing International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952. The Russian Federation reported positive progress in its analysis of the possibility of acceding to the 1952 Convention. OSJD informed that other countries had expressed a principle interest to accede to the 1952 Convention. The Working Party also took note of document ECE/TRANS/WP.30/2008/7, prepared by the secretariat, containing background information on the 1952 Convention and the list of Contracting Parties (Albania, Austria, Belgium, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden and Switzerland). In particular, the Working Party noted that, due to the absence of specific amendment provisions in the 1952 Convention, the provisions of Article 40 of the Vienna Convention on the Law of Treaties applied. The Working Party requested the secretariat, through the Inland Transport Committee, to seek confirmation from the existing Contracting Parties to the 1952 Convention that they would positively consider proposals to amend the Convention, once more countries have acceded to it, and to inform the Working Party accordingly (ECE/TRANS/WP.30/238, para.14). The Working Party will be informed about further progress in this regard.

Item 6 Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)

Documentation: ECE/TRANS/107; ECE/TRANS/107/Rev.1 (Russian only); ECE/TRANS/108

(a) Status of the Conventions

9. The Working Party may wish to 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.

(b) Application of the Conventions

10. The Working Party may wish to be informed about the recent developments with regard to the preparation of new comments and best practices and further activities to encourage accession to and the effective implementation of these two Conventions.

Item 7 Rail transit. The Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes

11. At its previous session, the Working Party regretted that, so far, no Contracting Party to the SMGS Convention had acceded to the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Note. Considering the importance of the new Convention and the efforts undertaken to reach an agreement on its text, the Working Party encouraged Contracting Parties to the SMGS Agreement to accede to the Convention at the earliest opportunity (ECE/TRANS/WP.30/238, para. 17). The Working Party may wish to be informed by Contracting Parties to the SMGS Agreement about progress made in this field.

Item 8 Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)

Documentation: ECE/TRANS/17 and Amends.1-27; 2007 TIR Handbook ^{3/}

(a) Status of the Convention

12. The Working Party will be informed of the situation concerning the scope and the number of Contracting Parties to the TIR Convention, 1975. In particular, the Secretary-General of the United Nations, acting in his capacity of depositary, has issued Depositary Notification C.N.364-2008.TREATIES-1 of 12 May 2008, informing of the submission of proposals to amend paragraphs 1 and 2 of Article 13 of Annex 8 of the TIR Convention, 1975 together with proposals to introduce new Explanatory Notes 8.13.1-3 and 8.13-2 to Annex 6 of the Convention. In accordance with Article 60, paragraph 1 of the Convention, these amendments shall enter into force on 1 January 2009, unless not later than by 1 October 2008 one-fifth or five of the States which are Contracting Parties, whichever number is less, have notified the Secretary-General of the United Nations of their objection to the amendments.

13. 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 forty-fifth session of the TIR Administrative Committee (ECE/TRANS/WP.30/AC.2/93, annex). ^{4/}

(b) Revision of the Convention

(i) Implementation of amendments to the TIR Convention and examples of best practices

14. The Working Party may wish to recall that, at its 118th session, it had invited Contracting Parties to convey to the secretariat any information about the implementation of the latest amendments to the TIR Convention at the national level (ECE/TRANS/WP.30/236, para. 19).

15. The Working Party may wish to be informed by the secretariat or any Contracting Party about any new developments in relation to this question.

^{3/} <<http://tir.unece.org>>.

^{4/} Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: <<http://tir.unece.org>>.

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

Documentation: ECE/TRANS/WP.30/GE.1/2008/3; ECE/TRANS/WP.30/2008/8/Rev.1; ECE/TRANS/WP.30/238

Use of new technologies

16. The Working Party may wish to endorse document ECE/TRANS/WP.30/GE.1/2008/3, containing the summary report of the fourteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held in Geneva on 10 and 11 April 2008.

17. The Working Party may also wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/2008/8, clarifying the method of submission of the Customs declaration as contained in Chapter 2 of the eTIR Reference Model. The Working Party welcomed this document, but felt that further clarifications were required to address issues raised by Turkey, the Russian Federation and IRU. Thus, the Working Party requested GE.1 to continue its discussions on the issue based on a revised document, to be submitted by the secretariat (ECE/TRANS/WP.30/238, para. 22). In this context, the Working Party may wish to take note of document ECE/TRANS/WP.30/2008/8/Rev.1, containing further explanations with regard to the submission of the Customs declaration, which will be considered at the fifteenth session of the GE.1 (Geneva, 16-17 October 2008).

(iii) Amendment proposals for the Convention

Documentation: ECE/TRANS/WP.30/2008/9; ECE/TRANS/WP.30/2008/10/Rev.1; ECE/TRANS/WP.30/2008/11; ECE/TRANS/WP.30/2008/12; ECE/TRANS/WP.30/2008/13/Rev.1; ECE/TRANS/WP.30/2008/14/Rev.1

18. The Working Party may wish to recall that, following an in-depth discussion at its previous session, it approved the proposal to increase the level of maximum guarantee per TIR Carnet to sixty thousand euros from fifty thousand United States dollars and mandated the secretariat to transmit this proposal to the October 2008 session of the TIR Administrative Committee. The Working Party also noted that the endorsed proposal would not prevent Contracting Parties from establishing a lower guarantee level, if they so wish. Concerning the expression of the maximum guarantee amount in terms of Special Drawing Rights (SDR) with a view to accommodating fluctuations in exchange rates (ECE/TRANS/WP.30/2008/9 and Corr.1), the Working Party decided to revert to this issue at a later stage (ECE/TRANS/WP.30/238, paras. 23-27).

19. The Working Party also appreciated the participation of a representative of the insurers in its previous session. The Working Party realized that the Contracting Parties to the TIR Convention were not fully aware of the complex mechanism of the TIR international guarantee system which included several layers of insurance, risk management, recourse actions against the principal debtors, etc. Some delegations also felt that more transparency should be provided on the financial aspects of the insurance system. To address these and related issues, the Working Party invited the IRU and insurers to provide a briefing, possibly at one of the future WP.30 sessions (ECE/TRANS/WP.30/238, para. 28).

20. With regard to the other various amendment proposals, as consolidated in document ECE/TRANS/WP.30/2008/11, the Working Party may wish to recall its preliminary agreement (pending availability of the document in all three official UNECE languages) on the following amendments (ECE/TRANS/WP.30/238, para. 29):

- (a) To accept Explanatory Note 0.11.-2 in accordance with the Russian proposal, with the exception of the last sentence, which should be replaced by the following text: “The claim for payment to the TIR Carnet holder may be combined with the notification referred to in Article 11, paragraph 1 (a).”;
- (b) Not to accept the proposal by the EC or the IRU for the introduction of a comment to Article 11, paragraph 2;
- (c) To accept Article 11, paragraph 3, in accordance with a proposal by the EC, on the understanding that the text would clarify that the reference therein to paragraph 2 of Article 11 would refer back to Article 8, paragraphs 1 and 2;
- (d) To accept Explanatory Notes 0.11-3-1 and 0.11-3-2 in accordance with proposals by the EC;
- (e) To accept the comment to Article 11, paragraph 3 in accordance with the proposal by the EC;
- (f) To accept Article 11, paragraph 4 in accordance with the proposal by the European Community. In addition, it was accepted that the first two sentences of the proposal by the Expert Group on Revision would be discussed when dealing with amendments to Annex 9 of the Convention. At the request of the Russian Federation, the last part of paragraph 4, is maintained in square brackets for the time being;
- (g) To accept Explanatory Note 0.11-4 in accordance with the proposal by the EC;
- (h) Not to accept the comment to Article 11, paragraph 4;
- (i) To accept Article 11, paragraph 5 in accordance with the proposal by the EC;
- (j) Not to accept Explanatory Note 0.11-5;
- (k) Not to accept Article 11, paragraph 6.

21. Following the request of the Working Party, the secretariat has reflected all preliminary agreed amendment proposals in a revised document ECE/TRANS/WP.30/2008/13/Rev.1, which the Working Party may wish to finally adopt at its present session. The Working Party may also wish to consider the remaining proposals from document ECE/TRANS/WP.30/2008/11.

22. The Working Party may wish to recall its considerations, at the previous session, of document ECE/TRANS/WP.30/2008/10, containing a proposal to amend the comment to Article 23, so that it would make it clear that Customs authorities should only impose escorts based on risk assessment procedures. Having generally supported the proposal, the Working Party delivered a number of remarks, both of substantial and linguistic nature, regarding the list

of factors that should be taken into account by Customs when performing the risk assessment. Some delegations felt that this list was not necessary and that a general reference to the principles of risk management would be sufficient. However, other delegations argued that such a list could provide guidance to Contracting Parties where risk management techniques had not yet been developed. It was also pointed out that the comment to Explanatory Note 0.8.3 "Duties and taxes at risk" should be modified accordingly. The Working Party invited all delegations to transmit, prior to 15 July 2008, their written comments on the proposed draft and, on that basis, requested the secretariat to revise document ECE/TRANS/WP.30/2008/10 (ECE/TRANS/WP.30/238, para. 31). Against this background, the Working Party may wish to consider a modified proposal as contained in document ECE/TRANS/WP.30/2008/10/Rev.1.

23. With regard to a draft comment to Article 4 of the Convention, as proposed by the secretariat in document ECE/TRANS/WP.30/2008/14, the Working Party may wish to recall its request to the secretariat that some modifications be made in the title of the comment and in its text (ECE/TRANS/WP.30/238, para. 32). In line with this request, the secretariat has issued a revised document ECE/TRANS/WP.30/2008/14/Rev.1, which the Working Party may wish to consider.

(c) Application of the Convention

(i) Control system for TIR Carnets - IRU SafeTIR

24. The Working Party may wish to be informed by the IRU about the latest statistical data regarding the performance of Contracting Parties in the control system.

(ii) Settlement of claims for payments

25. 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) Review of Annex 10 of the Convention

26. The Working Party may wish to recall that, at its 118th session, it had decided as part of its work programme for 2008 to review the implementation of Annex 10 to the Convention on an international EDI control system for TIR Carnets (ECE/TRANS/WP.30/236, Annex). At the previous session, the Working Party noted that the application of Annex 10 was seriously hindered by delays in the transmission of data and the insufficient response rate for reconciliation requests. The Working Party appealed to the Contracting Parties to improve the implementation of Annex 10. The IRU, in consultation with the secretariat, was requested to identify concrete issues which could be addressed by the Working Party at its present session (ECE/TRANS/WP.30/238, para. 35). The Working Party will be informed about the outcome of consultations between the secretariat and the IRU.

(iv) TIR Handbook

Documentation: 2007 TIR Handbook ^{5/}

27. 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 and the Administrative Committee. The 2007 version of the Handbook is available in the Arabic, Chinese, English, French, Russian and Spanish language versions in hard copy, CD-ROM and in electronic version for download from the UNECE TIR web site. Hard copies and CD-ROMs can be obtained from the secretariat. The Working Party may wish to take note of the above information.

(v) Other matters

28. 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.

Item 9 Prevention of the abuse of Customs Transit Systems by smugglers

29. As in the past, the Working Party may wish, on a restricted basis, to exchange views concerning any special cases, devices and facilities used to abuse the TIR transit system. The Working Party has, at its previous sessions, invited all Contracting Parties to the TIR Convention, 1975, and the 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).

Item 10 Resolutions and recommendations

Documentation: ECE/TRANS/WP.30/2008/16

30. The Working Party may wish to recall that at its 118th session, it had decided that, as part of its programme of work for the year 2008, it would start a periodic review of resolutions adopted by the Working Party with a view to confirming their usefulness and implementation as well as adopting modifications where deemed necessary (ECE/TRANS/WP.30/236, Annex).

31. To start this work, the Working Party may wish to consider document ECE/TRANS/WP.30/2008/16 prepared by the secretariat and containing an overview of resolutions and recommendations adopted by the Working Party and its predecessor, the Group of Experts on Customs Questions affecting Transport (GE.30). The Working Party is invited to provide guidance to the secretariat on how it wishes to pursue this issue at future sessions.

^{5/} <<http://tir.unece.org>>.

Item 11 Other business

(a) Dates of the next sessions

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

33. The secretariat has already made arrangements for the 121st session to be held in the week of 2 to 6 February 2009, in conjunction with the forty-seventh session of the TIR Administrative Committee, and the 122nd session to be held in the week of 15 to 19 June 2009.

(b) Restriction on the distribution of documents

34. 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.

Item 12 Adoption of the report

35. In accordance with established practice, the Working Party will adopt the report on its 120th 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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