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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting

Transport

(23-26 October 2001)

**PROVISIONAL AGENDA FOR THE NINETY-NINTH SESSION OF
THE WORKING PARTY ON CUSTOMS QUESTIONS AFFECTING TRANSPORT**

**to be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 23 October 2001 ^{*/}**

^{*/} 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 UN/ECE 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 UN/ECE Transport Division (www.unece.org/trans). During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.111, 1st floor, Palais des Nations).

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EXPLANATORY NOTES

The secretariat proposes the following schedule of the work:

Tuesday, 23 October 2001:	WP.30 agenda items 1 - 7
Wednesday, 24 October 2001:	WP.30 agenda items 7 - 9
Thursday, 25 October 2001:	TIR Administrative Committee
Friday, 26 October 2001:	Adoption of reports: UNECE Working Party (WP.30) TIR Administrative Committee (AC.2)

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 (TRANS/WP.30/197).

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

The Working Party will be informed about the results of relevant sessions of subsidiary bodies of the Inland Transport Committee as they relate to matters of interest to the Working Party.

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

The Working Party may wish to be informed about recent activities by the World Customs Organization (WCO), the European Conference of Ministers of Transport (ECMT), 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.

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

(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.

The full text of the Conventions in English, French and Russian as well as complete lists of Contracting Parties to the Conventions are available on the UNECE web site:

<http://www.unece.org/trans/conventn/legalinst.html#customs>

(b) **Application of the Conventions**

The Working Party may wish to recall that on several occasions it had been requested by the AIT/FIA to consider specific problems related to the application of the Conventions.

The Working Party may wish to be informed by Customs authorities and the AIT/FIA of the application of the Conventions and in particular, about the management of the CDP Carnet system.

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

Preparation of a new Annex on efficient border crossing procedures

The Working Party may wish to recall that the Administrative Committee for the "Harmonization Convention" at its last session (18 and 20 October 2000) had agreed with the general conclusions of the Working Party on the preparation of a new Annex 8 to the Convention concerning efficient border crossing procedures for international road transport. It decided to consider and possibly adopt the draft Annex, including its technical appendices, at its forthcoming session, scheduled to be held in October 2001 (TRANS/WP.30/AC.3/8, paras. 12-22; TRANS/WP.30/192, paras. 10-13).

The Working Party at its ninety-seventh session (20-23 February 2001) reviewed the provisions of the draft Annex and took note of concerns expressed by the representatives of Switzerland and the United Kingdom with regard to the provisions of Articles 5 and 2 respectively. The Working Party, reiterating that the objective of preparing a new Annex 8 to the Convention had been to address all elements important for efficient border crossing procedures in international road transport of goods, requested the secretariat to complete work on the technical appendices to Articles 4 and 5 as soon as possible and to transmit all provisions of the draft Annex to the autumn session of the Working Party for consideration and possible adoption (TRANS/WP.30/194/, paras. 18-23).

In accordance with a decision of the Working Party at its ninety-eighth session (TRANS/WP.30/196, par. 17) the secretariat has prepared a consolidated text of a new Annex 8, including provisions on an International Vehicle Weight Certificate as well as an International Technical Inspection Certificate (TRANS/WP.30/2001/16) for its consideration.

6. DRAFT UNECE CONVENTIONS ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL

The Working Party may wish to recall that, at its ninety-sixth session, it had terminated its activities towards the preparation of harmonized pan-European Customs transit procedures for international rail transport. It had decided to transmit the two draft conventions it had prepared for this purpose, via diplomatic channels, to the Contracting Parties to the COTIF Convention and to the SMGS Agreement respectively with a view to soliciting their views on the approach taken and on the Customs transit procedures proposed therein (TRANS/WP.30/192, paras. 14-21). The Working Party, at its ninety-seventh session, had also decided to continue work on a correction based on the SMGS consignment note (TRANS/WP.30/194, para. 25). The Working Party may wish to be informed of progress made in preparing a revised draft Convention, and in particular about the outcome of the consultations that the secretariat has conducted with the Contracting Parties to the COTIF Convention and the SMGS Agreement.

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

(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 thirtieth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/61, annex 1).

On 24 July 2001, the Secretary-General of the United Nations has issued Depositary Notification C.N.688.2001.TREATIES-4 containing corrections to an earlier Depositary Notification C.N.37.2001.TREATIES-2, dated 12 February 2001. Both notifications refer to changes to Annex 2 (vehicles with sliding sheets) and Annex 7 (containers with sliding sheets) of the TIR Convention, which had come into force on 12 June 2001 (Depositary Notification C.N.503.2001.TREATIES-4, dated 23 May 2001). The text of the corrections is contained in document TRANS/WP.30/AC.2/59, Corrs. 1 and 2 (report of the twenty-ninth session of the TIR Administrative Committee).

These corrections have become necessary due to the fact that the TIR Handbook, maintained by the UNECE secretariat and containing the consolidated text of the TIR Convention, contained an error in the numbering of the sketches appended to Annexes 2 and 7 of the Convention. As the TIR Handbook has been used to prepare and adopt the above amendment proposals concerning sliding sheets, the amendments relating to these Annexes also contained the same error, which is now corrected by the issuance of Depositary Notification C.N.688.2001.TREATIES-4. Document TRANS/WP.30/2001/17 contains an explanatory note prepared by the secretariat on the corrections effected by the Depositary Notification.

Permanently updated information on the scope of the TIR Convention is available on the TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(b) Revision of the Convention

(i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process

The Working Party may wish to recall that, at its ninety-sixth session, it had finalized work on Phase II of the TIR revision process by agreeing on a complex package of amendment proposals to the Convention and by adopting examples of best practices. The TIR Administrative Committee, at its twenty-ninth session (19 and 20 October 2000) had adopted the amendment proposals prepared by the Working Party together with comments thereto (TRANS/WP.30/AC.2/59, annexes 3 and 5 and Corrs.1 and 2). The Administrative Committee also endorsed examples of best practices as had been prepared by the Working Party (TRANS/WP.30/AC.2/59, annex 7).

The main objective of Phase II of the TIR revision process had been to facilitate the application of the Convention at the national level. For this purpose, the roles and responsibilities of the various parties involved in the TIR procedure have been clearly defined and specified. Furthermore, guidance has been provided on the required national administrative procedures providing for an efficient functioning of the TIR procedures and, if required, for a speedy recovery of Customs duties and taxes at risk from the person directly liable (for example, the holder of a TIR Carnet) or, if this turned out not to be possible, from national guaranteeing associations.

The Working Party may also wish to recall that, at its ninety-eighth session, it had been informed that the TIRExB, in the framework of developing best practices, had developed an example authorization and agreement. They are contained in document TRANS/WP.30/2001/14 for consideration by the Working Party.

In this context, the secretariat will outline necessary modifications to be made to resolution No. 49 of 3 March 1995 adopted by the Working Party, to the recommendation of 20 October, 1995 adopted by the TIR Administrative and to the TIR Handbook as a consequence of the amendments adopted under Phase II of the TIR revision process.

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

At its ninety-sixth session, the Working Party 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.) (TRANS/WP.30/188, para. 31);
- Increase in the number of places for loading and unloading under Customs seal (TRANS/WP.30/186, paras. 42 and 43);
- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets (TRANS/WP.30/188, para. 38);
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge (TRANS/WP.30/188, para. 31).

At its ninety-seventh session, the Working Party decided to consider also under Phase III of the TIR revision process amendment proposals on the definition and voting rights of regional economic integration organizations (TRANS/WP.30/194, para. 43).

- **Revision of the TIR Carnet**

The Working Party may wish to recall that at its ninety-eighth session, it had discussed extensively the usefulness of including additional data elements into the TIR Carnet. The Working Party was of the opinion that additional data elements could be useful in relation to the procedures for recovery of debt and facilitating subsequent Customs procedures. The Working Party requested the secretariat to prepare, for its next session, a document on the possibilities of establishing an inquiry procedure to provide data necessary in relation to the initiation of procedures for the recovery of Customs claims. The possibilities of supplying additional data elements on the basis of prior or subsequent Customs procedures, such as export and import procedures should also be considered. In

this context, consideration should also be given to initiatives taken by other intergovernmental organizations working on the same issue (TRANS/WP.30/196, paras. 35-39).

The Working Party may wish to consider this subject on the basis of document TRANS/WP.30/2001/18 prepared by the secretariat.

The Working Party also considered at its ninety-eighth session, the question of a revision of the layout of the TIR Carnet on the basis of Informal document No. 5 (1997). The Working Party may wish to continue its consideration of this subject based on an informal document prepared by the secretariat that will be available at the present session.

- Increase in the number of loading and unloading places

The Working Party may wish to recall its discussion of this subject at its ninety-eighth session, where it had considered documents TRANS/WP.30/2001/12 and Informal document No. 14 (2001) transmitted by the IRU. The IRU had suggested to allow, by modifying Article 18 of the Convention, an increase in the maximum permissible number of Customs offices, possibly up to six, but to leave the number of corresponding boxes in the TIR Carnet indicating the Customs offices involved unchanged; i.e. at four. In case more than four Customs offices were involved during a TIR transport, two TIR Carnets, sealed together by Customs authorities at the Customs office of departure, might be used.

The Working Party had requested the secretariat to prepare a document on possible alternative solutions in this regard taking also due account of Customs control requirements (TRANS/WP.30/196, para. 43). In accordance with this decision, the secretariat has prepared document TRANS/WP.30/2001/19 for consideration by the Working Party.

- Possibilities for the reduction of the legally required delays for notification of non-discharge of TIR Carnets

The Working Party, at its ninety-seventh session, was of the view that Customs authorities could not accept any reduction in the legally prescribed time-limits for notification of non-discharge as provided in the Convention (TRANS/WP.30/194, para. 41).

Nevertheless, the IRU had informed the Working Party of its intention to submit a document for the present session of the Working Party on this issue.

- Regional economic integration organizations

The Working Party may wish to continue its consideration of the amendment proposals to the Convention transmitted by the European Community contained in document TRANS/WP.30/2001/8 concerning a change of the name of Customs or Economic Unions referred to in the TIR Convention to regional economic integration organizations, the insertion of a definition of such organizations as well as an explanation of their voting rights (TRANS/WP.30/196, paras. 45-47)

The Working Party may wish also to consider document TRANS/WP.30/2001/15, submitted by the European Community providing supplementary information on how the proposed definition and voting rights has been implemented in other legal instruments and international organizations. The Working Party may also wish to consider an informal document on this issue that will be prepared by the secretariat well in advance of the session.

The Working Party, at its ninety-eighth session, requested the secretariat to analyze, as far as possible, the practical repercussions of the proposed amendments, in particular as this relates to the work of the TIR Administrative Committee and the TIR Executive Board (TRANS/WP.30/196, para. 48). The Working Party may wish to be informed about the result of the analysis.

- Use of new technologies

The Working Party may wish to consider the results of the second session of the ad hoc expert group on the computerization of the TIR procedure (Geneva, 21 June 2001), as contained in document TRANS/WP.30/2001/13.

(c) Extension of the scope of the Convention

At earlier sessions, the Working Party had briefly discussed the proposal of the secretariat to consider an extension of the scope of the TIR Convention to rail transport with a view to establishing a single pan-European Customs transit system providing facilities for all land transport modes on an equal basis. This proposal had been put forward against the background of the little progress that had been made since 1995 in the establishment of a UNECE Convention on International Customs Transit Procedures for the Carriage of Goods by Rail (see also agenda item 6). The Working Party had been of the view that the secretariat should continue with exploratory discussions with Customs authorities and relevant industry groups, in order to verify the exact interest for such a project, particularly in view

of the current privatization of railway companies in many UNECE member States (TRANS/WP.30/194, paras. 44 and 45; TRANS/WP.30/192, paras. 41 and 42; TRANS/WP.30/190, paras. 31 and 32; TRANS/WP.30/188, para. 18).

The Working Party may wish to be informed by the secretariat about progress made on this issue.

(d) Application of the Convention

The Working Party may wish to note that permanently updated information on the application of the Convention is available on the TIR web site (www.unece.org/trans/new_tir/welctir.htm).

(i) Settlement of claims for payments

The Working Party may wish to be informed by the IRU on further progress made in the current arbitration procedure, initiated by the IRU, to obtain payment for Customs claims presented to the previous insurers of the international guaranteeing chain which had denounced their contract with the IRU at the end of 1994 (TRANS/WP.30/196, para. 51; TRANS/WP.30/194, para. 49, TRANS/WP.30/192, paras. 44 and 45; TRANS/WP.30/190, para. 37; TRANS/WP.30/188, paras. 46 and 47; TRANS/WP.30/184, paras. 51 and 52; TRANS/WP.30/182, paras. 37 and 38).

The Working Party may also 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. In particular, the Working Party may wish to have an indication of the amounts paid out by the international insurers and the IRU in the years 1999 and 2000 as well as information on the reasons for payment claims by Customs authorities. Regular information in this respect would allow for better risk assessment in the application of the Convention by Customs authorities and the TIR Executive Board.

(ii) Introduction of an identification number for the TIR Carnet Holder

On 20 October 2000, the TIR Administrative Committee adopted a Recommendation stipulating the insertion of the individual and unique identification (ID) number of the TIR Carnet holder (as prescribed since 1999 in the Model Authorization Form (MAF) contained in Annex 9, Part II of the TIR Convention) into each TIR Carnet used (TRANS/WP.30/AC.2/59, annex 2).

The purpose of this recommendation is to allow for a clear and unequivocal identification of all authorized TIR Carnet holders, which should contribute to further reducing possible misuse of the TIR procedure and facilitate possible inquiry procedures which may be necessary by Customs authorities

following termination of a TIR operation (in accordance with Article 8, paragraph 7 of the TIR Convention).

The Recommendation has come into force on 1 April 2001. At the ninety-eighth session of the Working Party no problems had been reported concerning the introduction of the identification number (TRANS/WP.30/196, para. 58).

The Working Party may wish to exchange information about the experiences concerning the implementation of the Recommendation and how the Recommendation has assisted in the operation of the TIR procedures.

The Working Party may also wish to be informed of the first experiences of providing access to the International TIR Databank (ITDB) for all TIR Customs Focal points for inquiry procedures.

(iii) Re-introduction of the guarantee for sensitive and other excluded goods

The Working Party may wish to be informed of progress made in the re-introduction of guarantee coverage for such goods and TIR Carnets for which some guaranteeing associations in countries of the European Community and the IRU had denounced their insurance contracts.

The Working Party had, on various occasions, urged the IRU and the international guaranteeing chain to re-establish full guarantee coverage for these sensitive goods as soon as possible (TRANS/WP.30/196, para. 61; TRANS/WP.30/194, para. 53, TRANS/WP.30/192, paras. 46-48; TRANS/WP.30/188, paras. 48-51; TRANS/WP.30/184, paras. 48-50; TRANS/WP.30/178, paras. 80-81).

The Working Party may wish to recall information provided by IRU at its ninety-seventh session (TRANS/WP.30/194, paras. 51-52) concerning the possible reintroduction of the guarantee coverage for sensitive goods under cover of TIR Carnets within the European Community provided that a comprehensive package of control measures would be implemented. The IRU had also proposed that some of these measures should be extended to all Contracting Parties to the TIR Convention, including an extended list of sensitive goods.

As requested, the TIRExB had discussed the matter in detail based on documentation submitted by the IRU. The TIRExB had been of the opinion that all goods should be treated in the same manner under the TIR Convention as the Convention does not provide for any differentiation of kinds of goods with the exception of tobacco and alcohol. Furthermore, the TIRExB had not found any evidence that the goods included in the proposal from the IRU are particularly sensitive in all 50 countries utilizing the TIR system. The TIRExB therefore did not accept the proposals of the IRU. The TIRExB furthermore stressed that it was not acceptable for any party to the TIR system to assume only part of its responsibility and impose conditions on others jeopardizing the delicate balance of facilities and responsibilities offered and imposed by the Convention (TRANS/WP.30/196, para. 63).

Information will be provided by the secretariat on efforts to further improve and extend the present IRU SAFETIR system in order to better control the use of TIR Carnets (TRANS/WP.30/196, para 64).

The Working Party may wish to be informed by the IRU about the steps taken to reintroduce the guarantee for sensitive goods on the territory of the European Union.

(iv) **Measures to reduce the number of lost, stolen and falsified TIR Carnets**

At its ninety-eighth session, the Working Party had been informed about the fact that the IRU had been forced to change the supplier of the paper for TIR Carnets as of September 2001 and as a result was forced to change some of the security features in the TIR Carnet, as the new paper supplier could not provide these features. The IRU had proposed to the TIRExB to change at the same time the design related features of the TIR Carnet as well as to add some other security features in order to make falsification more difficult (TRANS/WP.30/196, paras. 68 and 69).

The TIRExB decided to accept the changes in the lay-out of the TIR Carnet as proposed by the IRU since they do not modify the relevant provisions of the Convention. The introduction of the revised TIR Carnet is foreseen as from 30 September 2001.

The Working Party may wish to exchange information about the experiences concerning the introduction of the new features in the TIR Carnet.

(v) **Application of Article 38 of the Convention**

The Working Party may wish to recall that, at the invitation of the TIR Administrative Committee, the Working Party, at its ninety-seventh session, had considered the underlying reasons for the exclusion of persons from the TIR procedure in accordance with Article 38, paragraph 1 of the Convention. The TIR Administrative Committee had noted that the reasons for exclusions were quite different in the Contracting Parties to the Convention. This was mainly due to different national interpretations of the conditions for such exclusion as stipulated in Article 38; i.e. "guilty of a serious offence" (TRANS/WP.30/194, para. 74).

The Working Party had, at its previous session, taken note of the proposals prepared by the TIR Secretary on the harmonized application of Article 38 and Annex 9, Part II of the Convention as contained in document TRANS/WP.30/AC.2/14 and Corrs.1 and 2.

At its ninety-eighth session the Working Party had agreed, as a first step, to facilitate the application of national legislation with regard to Article 38 and, for this purpose, decided to consider the deletion of Explanatory Note 0.38.1 to Article 38, paragraph 1 of the Convention (TRANS/WP.30/196, para.75).

The Working Party also considered to add a comment to Article 38, paragraph 2 of the Convention concerning "Cooperation between competent authorities" based on the proposal of the secretariat contained in document TRANS/WP.30/AC.2/2001/14 (TRANS/WP.30/196, para. 76).

The Working Party also considered to add a new comment to Article 38, paragraph 1 of the Convention concerning "Exclusion of a domestic transport operator from the TIR procedure" based on a revised text of the proposal contained in TRANS/WP.30/AC.2/2001/14. The same comment should also be added to Annex 9, Part II, "Procedure" (TRANS/WP.30/196, paras. 77 and 78).

The Working Party may wish to continue its consideration on this subject.

(vi) **Road vehicles considered as heavy or bulky**

The TIR Administrative Committee, at its twenty-ninth session (19-20 October 2000), adopted a comment on the application of the newly adopted Article 3 of the Convention concerning road vehicles considered themselves as heavy or bulky goods (TRANS/WP.30/AC.2/59, paras. 61, 62 and annex 6).

Following the adoption of this comment, Estonia had submitted a proposal for modifications to be made to this comment. The TIR Administrative Committee, at its thirtieth session, had invited the Working Party to consider this proposal and to report back to the Committee at its next session (TRANS/WP.30/AC.2/61, para. 53).

At its ninety-eighth session, the Working Party considered the proposal for modifications submitted by Estonia and the document prepared by the secretariat (TRANS/WP.30/2001/10) providing an interpretation of the reasons that had led to the adoption of the comment on the application of the newly adopted Article 3 of the Convention. The Working Party invited the delegate of Estonia to submit a written document for the next session of the Working Party containing detailed information about the proposed modifications (TRANS/WP.30/196, para. 82).

In accordance with this decision, the secretariat has prepared document TRANS/WP.30/2001/20 containing the submission from Estonia.

(vii) TIR Handbook

The Working Party may wish to be informed about the latest up-date of the TIR Handbook, including all modifications of the TIR Convention, the latest of which have come into force on 12 June 2001.

The complete text of the TIR Handbook is available on the UNECE TIR web site in Arabic, Chinese, Czech, English, French, German, Italian, Russian, Spanish and Turkish (www.unece.org/trans/new_tir/welctir.htm).

(viii) 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

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. 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 scheduled the one-hundredth session of the Working Party to be held in the week from 11 to 25 February 2002, in conjunction with the thirty-second session of the TIR Administrative Committee.

The one-hundredth-and-first session of the Working Party is tentatively scheduled to be held during the week of 17 to 21 June 2002.

(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.

10. ADOPTION OF THE REPORT

In accordance with established practice, the Working Party will adopt the report on its ninety-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 for adoption in all working languages.



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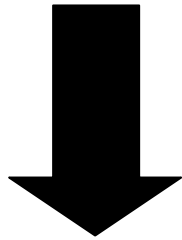
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