



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/TRANS/WP.30/247  
12 November 2009

Original: ENGLISH

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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Customs Questions affecting Transport

One-hundred-and-twenty-fourth session  
Geneva, 2 - 5 February 2010

**ANNOTATED PROVISIONAL AGENDA  
FOR THE ONE-HUNDRED-AND-TWENTY-FOURTH SESSION**

To be held at the Palais des Nations, Geneva,  
starting at 10.00 hours on Tuesday, 2 February 2010 <sup>1/</sup>, <sup>2/</sup>

**I. PROVISIONAL AGENDA**

1. Adoption of the agenda.
2. Election of officers.

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<sup>1/</sup> 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, 3<sup>rd</sup> floor, Palais des Nations).

<sup>2/</sup> 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 75975). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

3. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party.
4. Activities of other organizations and countries 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) Annex 8 on road transport;
  - (c) Preparation of a new Annex on rail border crossing.
6. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
7. Rail transit.
8. Customs 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.
9. Other UNECE legal instruments for border crossing facilitation.
10. Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention, 1975):
  - (a) Status of the Convention;
  - (b) Revision of the Convention:
    - (i) Preparation of Phase III of the TIR revision process;
    - (ii) Amendment proposals for the Convention.
  - (c) Application of the Convention:
    - (i) 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) TIR Carnets invalidated by the guarantee chain;
    - (vi) Application of the TIR Convention in a Customs union with a single Customs territory;
    - (vii) Application of the TIR Convention in the Russian Federation;
    - (viii) Other matters.
11. Prevention of the abuse of Customs transit systems by smugglers.
12. Programme of work for 2009 to 2014.

13. Other business:
  - (a) Dates of the next sessions;
  - (b) Restriction on the distribution of documents.
14. Adoption of the report.

## **II. ANNOTATIONS TO THE PROVISIONAL AGENDA**

### **Item 1. Adoption of the agenda**

Documentation: ECE/TRANS/WP.30/247

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.30/247).

### **Item 2. Election of officers**

2. 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 2010.

### **Item 3. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party**

Documentation: ITC Informal Document No. 12 (2009)

3. The Working Party will be informed of 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.

4. At its previous session, the Working Party considered ITC Informal Document No. 12 (2009) regarding the role which ITC working parties could play in addressing transport and trade facilitation issues from the perspective of global supply chains. According to the document, recent institutional and technological changes have brought about the need to transmit all information dealing with transport operations and processes electronically and in real time (e-governance in transport) and to facilitate an integrated multimodal transport network. To better meet these challenges, working parties were requested to identify areas of multimodal and intra-sectoral cooperation and submit their views to ITC. The Working Party noted that the development and realization of the eTIR project and, possibly, of a multimodal 'eTransit' system at a later stage, could contribute to e-governance in transport. It also recognized the need to get better acquainted with the activities of other UNECE working parties, with a view to identifying possible synergies, and requested the secretariat to prepare background information and proposals in this respect (ECE/TRANS/WP.30/246, paras. 5 and 6). The Working Party will be informed of follow-up activities by the secretariat.

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

Documentation: ECE/TRANS/WP.30/2010/1

5. The Working Party may wish to be informed of recent activities by the World Customs Organization (WCO), the European Commission (DG TAXUD) as well as by other organizations, both governmental and non-governmental, and countries as far as they relate to matters of interest to the Working Party.

6. The Working Party may also wish to recall its earlier discussions on the implementation of the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE) (ECE/TRANS/WP.30/242, paras. 9-13) and its standing invitation to delegations to contribute to a study on the implications of SAFE for the UNECE legal instruments in the area of border crossing facilitation (ECE/TRANS/WP.30/244, para. 12). In the absence of such contributions, the secretariat was mandated to perform this task and report back to the Working Party (ECE/TRANS/WP.30/246, para. 10). In line with this request, the secretariat has prepared document ECE/TRANS/WP.30/2010/1.

#### **Item 5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)**

##### **(a) Status of the Convention**

7. The Working Party will be informed of the situation concerning the scope of the Harmonization Convention and the number of Contracting Parties.

##### **(b) Annex 8 on road transport**

Documentation: ECE/TRANS/WP.30/2009/8

8. At its previous session, the Working Party was informed of activities by the secretariat with regard to the survey of the implementation of Annex 8 at the national level. The questionnaire was distributed to the Ministries for Foreign Affairs of the Contracting Parties to the Harmonization Convention and a deadline for reply was set at 31 December 2009 (ECE/TRANS/WP.30/246, para. 14). The Working Party will be informed about the status of replies to the questionnaire.

9. The Working Party may also wish to exchange views on the draft chapter on border crossing performance measurement, which would be included into the OSCE-UNECE Handbook on best practices at border crossings and which was distributed at the previous session (ECE/TRANS/WP.30/246, para. 16).

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

Documentation: ECE/TRANS/WP.30/2009/2/Rev.2

10. At its previous session, the Working Party considered a revised text of a new Annex 9 to the Harmonization Convention, prepared by the secretariat (ECE/TRANS/WP.30/2009/2/Rev.1). The Working Party generally supported this proposal, subject to minor modifications, and noted

that some more changes might be proposed by the Organization for Cooperation between Railways (OSJD) Member States. It requested the secretariat, in cooperation with OSJD and the Intergovernmental Organization for International Carriage by Rail (OTIF), to revise the draft and submit it to the next session for adoption (ECE/TRANS/WP.30/246, para. 17). Against this background, the Working Party may wish to discuss a revised document ECE/TRANS/WP.30/2009/2/Rev.2.

**Item 6. 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; WP.30 Informal document No. 2 (2008)

11. At its 122nd session, the Working Party noted that ITC, at its February 2009 meeting, had invited the governments of countries that are Contracting Parties to the International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail of 1952, to confirm that they would positively consider proposals to amend this Convention, as proposed by OSZhD and OTIF, once more countries have acceded to it (ECE/TRANS/206, para. 60). The secretariat was requested to forward, in due course, this invitation to the Contracting Parties of the 1952 Convention and solicit their views (ECE/TRANS/WP.30/244, para. 19).

12. At its previous session, the Working Party recalled the above decision of ITC and felt that, given the absence of specific amendment provisions in the 1952 Convention, it would be more appropriate to seek confirmation that the present Contracting Parties would agree to the introduction of a standard amendment clause, which, if accepted, would become a tool for any further amendments to the 1952 Convention (ECE/TRANS/WP.30/246, para. 18). The Working Party will be informed of activities of the secretariat in this respect.

**Item 7. Rail transit.**

13. At its previous session, the Working Party noted that no new countries had expressed interest in acceding to the Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of the SMGS Consignment Note (ECE/TRANS/WP.30/246, para. 19). The Working Party may wish to be informed of further progress in this field.

**Item 8. 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; ECE/TRANS/108

**(a) Status of the Conventions**

14. 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.

**(b) Application of the Conventions**

Documentation: ECE/TRANS/WP.30/2009/3

15. The Working Party may wish to recall that it had approved document ECE/TRANS/WP.30/2009/3 by the International Touring Alliance and the International Automobile Federation (AIT/FIA), containing proposals for comments and best practices to assist in the proper application of the 1954 Convention (ECE/TRANS/WP.30/244, para. 22), and had invited AIT/FIA to proceed with their publication in the Carnet de Passage Handbook (ECE/TRANS/WP.30/246, para. 21). The Working Party may wish to be informed of further progress in this area.

**Item 9. Other UNECE legal instruments on border crossing facilitation**

Documentation: ECE/TRANS/WP.30/2010/2

16. The Working Party will be informed of new accessions to various UNECE legal instruments in the area of border crossing facilitation. It may also wish to consider document ECE/TRANS/WP.30/2010/2 prepared by the secretariat, containing an overview of the UNECE conventions on border crossing facilitation, in order to assess their coherence with other international or subregional treaties and to keep them in line with modern transport and border control requirements.

**Item 10. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)**

Documentation: ECE/TRANS/17 and Amends.1-28; 2007 TIR Handbook <sup>3/</sup>

**(a) Status of the Convention**

17. The Working Party may wish to note that the amendment proposal introducing a new Explanatory Note to Article 3 (a) (Depositary Notification C.N.48.2009.TREATIES-1 of 2 February 2009) entered into force on 1 October 2009 (Depositary Notification C.N.387.2009.TREATIES-3 of 2 July 2009). With regard to the amendment proposal to Annex 6, Explanatory Note 0.8.3 concerning the maximum guarantee amount per TIR Carnet (Depositary Notification C.N.198-2009.TREATIES-2 of 8 April 2009), by the deadline of 1 October 2009 more than five of the States which are Parties to the Convention (Armenia, Georgia, Kyrgyzstan, Iran (Islamic Republic of), Tajikistan, the former Yugoslav Republic of Macedonia and Turkey) had notified the Secretary-General of their objection to the proposed amendment. Consequently, in accordance with the provisions of article 59 (4) of the Convention, the amendment is deemed not to have been accepted and has no effect. Details on the objections can be found in Depositary Notifications C.N.722.2009.TREATIES-10, C.N.706.2009.TREATIES-3, C.N.714.2009.TREATIES-4, C.N.716.2009.TREATIES-5, C.N.717.2009.TREATIES-6, C.N.718.2009.TREATIES-7, C.N.720.2009.TREATIES-8 and C.N.721.2009.TREATIES-9 of 9 October 2009.

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<sup>3/</sup> <<http://tir.unece.org>>.

**(b) Revision of the Convention**

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

Use of new technologies

18. The Working Party will be informed of further progress in the computerization of the TIR procedure (eTIR project). It may also wish to recall that, at its previous session, the representative of a national association stated that the private sector was prepared to launch a computerized TIR system, which would ensure full management by Customs, within a time period of eighteen months. He was invited to submit detailed proposals to this extent for consideration at the present session (ECE/TRANS/WP.30/246, para. 27).

**(ii) Amendment proposals for the Convention**

Documentation: ECE/TRANS/WP.30/2010/3; ECE/TRANS/WP.30/2010/4

19. At its previous session, the Working Party reviewed the text of the amendment proposals to Annex 9, Part I, contained in Informal document WP.30 No. 6 (2009), with a slightly amended wording for Article 3 (vi) proposed by the secretariat. Finally, the Working Party requested the secretariat to submit the amendment proposals in the appropriate format as an official document in all working languages for adoption at its next session (ECE/TRANS/WP.30/246, para. 28). Following this request, the secretariat has issued document ECE/TRANS/WP.30/2010/3 that the Working Party is invited to consider.

20. At its previous session, the Working Party recalled its request to the secretariat to consult with the competent United Nations services and prepare proposals for audit requirements, to be included into a new Annex 9, Part III, and noted with regret that, due to ongoing internal consultations, the secretariat had not managed to finalize such proposals. At the same time, the Working Party recognized that only well-balanced and duly formulated audit requirements would provide the TIR system with the required transparency. Thus, it requested the secretariat to continue its consultations, on the understanding that an official document in all official languages would be available at its next session for consideration (ECE/TRANS/WP.30/246, para. 29). In line with the above request, document ECE/TRANS/WP.30/2010/4 has been issued.

**(c) Application of the Convention**

**(i) Control system for TIR Carnets - IRU SafeTIR**

21. The Working Party may wish to be informed by the International Road Transport Union (IRU) of the latest statistical data regarding the performance of Contracting Parties in the SafeTIR system.

**(ii) Settlement of claims for payments**

22. The Working Party may wish to be informed by Customs authorities and 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**

23. The Working Party will be informed of TIRExB activities aimed at preparing an example of best practice in order to facilitate and improve the implementation of Annex 10 at the national level.

**(iv) TIR Handbook**

Documentation: 2007 TIR Handbook<sup>4/</sup>

24. 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 and examples of best practices adopted by the Working Party and the TIR Administrative Committee. The Working Party will be informed of the 2009 edition of the TIR Handbook.

**(v) TIR Carnets invalidated by the guarantee chain**

Documentation: ECE/TRANS/WP.30/2010/5

25. At its previous session, on the basis of Informal document No. 7 (2009) of the European Community, the Working Party had a first exchange of views on the validity of a TIR Carnet which had been invalidated by the guarantee chain before its expiry date and, in particular, in the course of a TIR transport. The guarantee chain expressed the view that, from the moment the notification is received by Customs, the invalid or invalidated TIR Carnets no longer carry a guarantee. On the other hand, Customs representatives pointed out that, once a TIR Carnet has been accepted by the Customs office of departure, it should remain valid until the very end of the TIR transport (ECE/TRANS/WP.30/246, para. 35).

26. The European Community and some other delegations were of the view that Article 8 of the Convention should be supplemented with a provision confirming the liability of the guaranteeing association for TIR Carnets accepted by the Customs office in case the information on the invalidation had not reached Customs on time. Given the complexity of the issue, the Working Party decided to consider it in detail at the present session on the basis of a document and/or presentation by IRU on the current practice of invalidation of TIR Carnets by the guarantee chain and the past considerations by the TIR Executive Board, to be summarized by the secretariat. The European Community was also invited to submit a proposal in this respect (ECE/TRANS/WP.30/246, para. 36).

27. As foreseen, the Working Party may wish to continue its discussions on the issue based on document ECE/TRANS/WP.30/2010/5 prepared by the secretariat as well as inputs by EC and IRU.

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<sup>4/</sup> <<http://tir.unece.org>>.



**(vi) Application of the TIR Convention in a Customs union with a single Customs territory**

Documentation: ECE/TRANS/WP.30/2010/6

28. The secretariat has been informed of the ongoing negotiations towards the establishment of a Customs union between the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation and the creation of a single Customs territory with no internal borders between the three countries. Taking into account Article 48 of the TIR Convention, the Customs administrations of the Republic of Belarus and of the Russian Federation have expressed the wish to learn from an exchange of experiences and best practices concerning the implementation of the TIR procedure in Customs unions, in particular, in the European Community, with a view to ensuring a smooth application of the TIR Convention in the Customs union of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation. Against this background, the Working Party may wish to discuss document ECE/TRANS/WP.30/2010/6 prepared by the secretariat in cooperation with the European Commission.

**(vii) Application of the TIR Convention in the Russian Federation**

29. At its previous session, the Working Party was informed of practical difficulties experienced by transport operators in the Russian Federation in cases where the Customs duties and taxes at stake exceed the guarantee level, in spite of its recent increase in the country to EUR 60,000. The Working Party noted that the underlying problems were also under consideration by TIRExB which was awaiting clarification from the Russian Customs. The Working Party invited the Russian delegation to provide more information on this issue and decided to revert to it at the present session (ECE/TRANS/WP.30/246, para. 37).

**(viii) Other matters**

30. 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 11. Prevention of the abuse of Customs transit systems by smugglers**

31. 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 12. Programme of work for 2010 to 2014**

Documentation: ECE/TRANS/WP.30/2010/7

32. The Working Party may wish to consider and amend as appropriate its Work Programme for the years 2010 to 2014 based on the draft contained in document ECE/TRANS/WP.30/2010/4.

**Item 13. Other business**

**(a) Dates of the next sessions**

33. The Working Party may wish to decide on the dates of its next sessions. The secretariat has already made arrangements for the 125th session to be held in the week of 25 - 28 May 2010 and for the 126th session to be held in the week of 27 September - 1 October 2010.

**(b) Restriction on the distribution of documents**

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

**Item 14. Adoption of the report**

35. In accordance with established practice, the Working Party will adopt the report on its 123rd 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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