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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(22 to 26 February 1999)

PROVISIONAL AGENDA FOR THE NINETY-SECOND SESSION

**to be held at the Palais des Nations, Geneva,
starting at 11.00 hours on Monday, 22 February 1999 */**

*/ 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 ECE Transport Division (Fax: +41-22-917-0039; E-mail: martin.magold@unece.org). Documents may also be downloaded (in their original language only) from the Internet web site of the ECE Transport Division (www.unece.org/trans). During the meeting, missing documents may be obtained from the UNOG Documents Distribution Section (Room C.111, 1st floor, Palais des Nations).

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GE.98-24302

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10. Other business
- (a) Dates of next sessions
- (b) Restriction on the distribution of documents
11. Adoption of the report

EXPLANATORY NOTES

The secretariat proposes the following schedule of work:

Monday, 22 February 1999:	WP.30 agenda items 1 to 6
Tuesday, 23 February 1999:	WP.30 agenda item 6
Wednesday, 24 February 1999 (morning):	WP.30 agenda items 6 to 10
(afternoon):	Informal consultations on the TIR Executive Board
Thursday, 25 February 1999:	TIR Administrative Committee
Friday, 26 February 1999 (morning):	Adoption of the report (WP.30)
(afternoon):	Adoption of the report (TIR Administrative Committee)

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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.30/183).

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

The Working Party will be informed about the results of the sixty-first session of the Inland Transport Committee (8-11 February 1999) (ECE/TRANS/127) as well as of relevant sessions of its subsidiary bodies as they relate to matters of interest to the Working Party.

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

(a) World Customs Organization (WCO)

The Working Party will be informed about recent activities of the WCO, in particular on the progress made in the revision of the Kyoto Convention and on the status of the Convention on Temporary Admission (Istanbul Convention, 1990).

(b) European Commission (EC)

The Working Party will be informed of recent activities of the European Commission's Directorate General for Customs and Indirect Taxation (DG XXI), in particular on the progress made in the revision of the Community/Common Transit systems and on the implementation of the New Computerized Transit System (NCTS).

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

(a) Initiation of the amendment procedure for article 13, new paragraph 4 of the 1954 Convention

The Working Party may wish to be informed by the representative of Italy on progress made in initiating the formal amendment procedures required to insert the newly approved paragraph 4 to article 13 into the 1954 Convention as had been agreed upon at the eighty-fourth session of the Working Party in June 1986 (TRANS/WP.30/178, para. 85; TRANS/WP.30/168, para. 72).

(b) Status of resolution No. 48

On 28 April 1994, the Executive Secretary of the ECE had transmitted letters to all Contracting Parties to the 1954 and 1956 Conventions, in accordance with resolution No. 48 on the acceptance of "carnets de passages en douane" and of CPD carnets, adopted by the Working Party on 2 July 1993 (TRANS/WP.30/151, annex 4). As of 1 December 1998 the following Contracting Parties have informed the secretariat of their acceptance of resolution No. 48: Belgium; Bosnia-Herzegovina; Cyprus; Denmark; France; Germany; Iran (Islamic Republic of); Italy; Norway; Spain; Switzerland; United Kingdom; European Community (i.e. no new additions since 15 August 1996).

The Working Party may wish to be informed of further developments with regard to the status of resolution No. 48 and countries having accepted it. The Working Party may also consider further action to be undertaken on this subject given the low rate of acceptance of this resolution.

(c) Difficulties in the application of the 1954 Convention in Australia

At its eighty-ninth session, the Working Party was informed by the representative of the AIT/FIA of difficulties in the interpretation of the Convention in Australia (TRANS/WP.30/1997/4). In particular the term "private use" as defined in the Convention seemed to leave considerable scope for interpretation, particularly in the case of rally vehicles, vehicles on loan for business or vehicles imported temporarily by foreign workers (TRANS/WP.30/178, paras. 89-90).

As requested, the Working Party may wish to hear reports of Customs representatives on national practices in the application of the Convention in this respect and may take account of the views expressed by the World Customs Organization (WCO) on this matter (TRANS/WP.30/1998/3).

5. CUSTOMS CONVENTION CONCERNING SPARE PARTS USED FOR REPAIRING EUROPEAN WAGONS

Revision of the Convention

At its eighty-seventh session, the Working Party had considered briefly a document transmitted by the International Union of Railways (UIC) containing a first draft of a new Convention which is aimed at extending the facilitation measures of the present convention to the 19 "RIV" member countries (TRANS/WP.30/R.169). The Working Party also considered to what extent the provisions of the newly proposed convention would already be covered by other existing conventions, such as the Istanbul Convention (TRANS/WP.30/174, paras. 57-59).

Having taken note of ongoing consultations between the UIC and the WCO on this matter at its eighty-ninth session (TRANS/WP.30/178, paras. 91-93), the Working Party may wish to be informed of the results achieved so far.

6. 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. On 2 October 1998 the Government of Kyrgyzstan has become the sixty-third Contracting Party to the Convention.

Updated information on the status of the Convention will be provided at the session.

(b) Revision of the Convention

(i) Phase I of the TIR revision process

- Legal status

The Working Party may recall that on 17 November 1997 the Legal Office of the United Nations had issued depositary notification C.N.433.1997.TREATIES-1 containing the amendment proposals adopted by the TIR Administrative Committee on 27 June 1997 under phase I of the TIR revision

process (TRANS/WP.30/AC.2/47, annex 2 and Corrs. 1 and 2). Since no objections had been lodged by 17 November 1998 to these amendment proposals, they will come into force on 17 February 1999 as stipulated in a depositary notification to be issued by the Legal Office of the United Nations.

- Implementation of amendments: Report of the TIR Contact Group

The Working Party may wish to note that the TIR Administrative Committee had requested all competent authorities of Contracting Parties, national associations and the IRU to take, in a cooperative spirit, all necessary administrative and legal measures to ensure that the new provisions, particularly those contained in annex 9, Part I and Part II of the revised Convention, would become applicable as of 17 February 1999 (TRANS/WP.30/182, paras. 18-22; TRANS/WP.30/AC.2/51, paras. 11-13; TRANS/WP.30/AC.2/49, paras. 16-17).

The TIR Administrative Committee had also decided to convene a session of the TIR Contact Group prior to the coming into force of the amendments to discuss among Customs authorities, national associations and the transport industry all practical aspects related to the application of the new provisions of the Convention (TRANS/WP.30/AC.2/51, paras. 32 and 33) . This sixth session of the TIR Contact Group was hosted by the Government of Turkey and was held in Istanbul from 2 to 4 November 1998. Government and industry representatives from 31 countries attended the session. The report of the session is contained in document TRANS/WP.30/1999/3 for consideration and approval by the Working Party.

So far, the secretariat has not been made aware of any specific problems which countries and national associations might envisage in the implementation of the above amendments to the Convention. Delegations are invited to report any difficulties as soon as possible.

(ii) Phase II of the TIR revision process: Proposals for amendments to the Convention

The Working Party may wish to review the amendment proposals prepared by the ad hoc group of experts on phase II of the TIR revision process as contained in the reports of its first (2-3 April 1998), second (24-26 June 1998) and third (19-20 October 1998) sessions (TRANS/WP.30/1998/17; TRANS/WP.30/1998/11; TRANS/WP.30/1998/5 and Corr.1).

At its ninety-first session, the Working Party endorsed the views expressed and the amendment proposals prepared by the group of experts and requested the secretariat to compile all amendment proposals in a single document (TRANS/WP.30/182, paras. 28-30). On the basis of this secretariat document (TRANS/WP.30/1999/1) the Working Party may wish to consider and approve the amendment proposals under Phase II of the TIR revision process.

The Working Party may also wish to consider additional amendment proposals transmitted by the International Road Transport Union (IRU) on inquiry procedures (TRANS/WP.30/1999/2).

(iii) Phase III of the TIR revision process

At its ninety-first session, the Working Party recommended to the Inland Transport Committee to prolong the mandate of the group of experts on the TIR revision process to the year 1999 in order to conclude phase II of the TIR revision process and to start phase III focusing on a revision of the TIR Carnet and the computerization of the TIR procedure (TRANS/WP.30/182, para. 29).

The Working Party may wish to consider the elements for revision under phase III as well as the procedure to be used. At its ninetieth session, the Working Party had already considered briefly a revised TIR Carnet on the basis of a draft prepared by the secretariat and the IRU. Unfortunately, due to lack of time, the expert group did not yet study this matter in detail as had been requested earlier by the Working Party (TRANS/WP.30/180, paras. 28-30; Informal document No. 5 (1997); TRANS/WP.30/R.176).

(c) Application of the Convention

(i) Status of resolution No. 49

Resolution No. 49: "Short-term measures to ensure the security and the efficient functioning of the TIR transit system" adopted by the Working Party at its eighty-first session (TRANS/WP.30/162, annex 2) has been officially accepted so far by the following Contracting Parties to the Convention: Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Italy; Jordan; Latvia; Lithuania; Luxembourg; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; United Kingdom; European Community.

As requested by the Working Party, the secretariat will issue a questionnaire to Contracting Parties having accepted resolution No. 49 inquiring about its implementation (TRANS/WP.30/182, para. 33). The results will be available at the session for consideration and possible follow-up action.

(ii) EDI control system for TIR Carnets: Implementation of the Recommendation adopted by the TIR Administrative Committee on 20 October 1995

The Working Party may wish to recall that, at its eighty-ninth session, the representatives of the IRU had announced that in due course the IRU would make available on-line information on discharged TIR Carnets as well as on stolen or otherwise "invalid" TIR Carnets to interested Customs authorities by means of either (a) telephone lines using a PC and a modem; (b) the Internet or by

(c) e-mail systems. These facilities would improve inquiry procedures by Customs authorities to obtain precise information about the place and the time of discharge of TIR Carnets (TRANS/WP.30/178, paras. 41-45). As of 15 August 1998 access to the IRU database providing the above information is possible for registered users (for registration details, please contact the TIR Department of the IRU).

As requested by the TIR Administrative Committee, a handbook on the so-called "CUTE-WISE" procedure allowing access by Customs authorities to the IRU data bank has been published jointly by the ECE and the IRU and was distributed at the sixth session of the TIR Contact Group in Istanbul (2-4 December 1998) (TRANS/WP.30/AC.2/51, para. 30). Additional copies will be available at the session and/or may be obtained directly from the IRU or the secretariat (English only).

(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 those goods and TIR Carnets for which the national guaranteeing associations and the international insurers had denounced their insurance contracts (TRANS/WP.30/178, paras. 80 and 81). The Working Party may also wish to consider all necessary steps that could be taken in order to arrive at full guarantee coverage for all goods to be transported under the TIR regime.

(iv) 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.30/182, paras. 37 and 38; TRANS/WP.30/180, para. 36; TRANS/WP.30/178, para. 47; TRANS/WP.30/174, para. 32; TRANS/WP.30/172, para. 17; TRANS/WP.30/168, paras. 28-35).

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 terms of amounts and reasons given for payment claims).

(v) Interpretation of article 8, paragraph 7

At its ninety-first session, the Working Party had a thorough discussion on the various national administrative procedures in the lodging of Customs claims based on documentation provided by Turkey and the IRU (TRANS/WP.30/1998/4; TRANS/WP.30/1998/2). With a view to providing guidance on national practices, the secretariat was requested to prepare a draft comment on "recommended procedures" for consideration by the Working Party at its next session (TRANS/WP.30/182, paras. 39-44).

The Working Party may wish to consider and adopt the requested draft comment prepared by the secretariat (TRANS/WP.30/1999/4).

(vi) Interpretation of article 3

As decided at its eighty-ninth session, the Working Party may wish to continue its consideration on the validity of article 3 of the Convention and, specifically, on the question as to whether it is acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven on their own wheels, implying that these vehicles themselves were regarded as the "goods" transported under the TIR procedure. Taking account of a draft comment on this matter prepared by the ECE secretariat (TRANS/WP.30/R.191), the Working Party had approved in principle the comment contained in annex 1 to its report (TRANS/WP.30/178).

Since Turkey had reserved its position on the acceptance of this comment, the Working Party had decided to revert once more to this matter at its forthcoming session before transmitting it to the TIR Administrative Committee for endorsement (TRANS/WP.30/178, paras. 53 and 54). Due to lack of time, the Working Party, at its ninetieth and ninety-first sessions, could not consider this issue (TRANS/WP.30/182, para. 47; TRANS/WP.30/180, para. 40).

The Working Party may wish to arrive at a consensus view on this matter, adopt a comment thereon for inclusion into the TIR Handbook and transmit this comment to the TIR Administrative Committee for endorsement.

(vii) Improved procedures in the use of TIR Carnets by transport operators

With a view to reducing the possibilities for fraudulent discharge of TIR Carnets at Customs offices of destination, the Working Party, at its eighty-ninth session, had a first exchange of views on the feasibility of recommending or prescribing in the Convention that the holder of the TIR Carnet or his agent (driver) should deal directly with Customs agents in the discharge of TIR Carnets. It had felt that, in principle, the procedure described in secretariat document TRANS/WP.30/R.196 was in line with the

provisions and the spirit of the Convention. Since the TIR Carnet was a Customs document providing also proof of a financial guarantee by the transport operator (the holder), the transport operator had the right to insist on dealing directly with Customs agents in the discharge of TIR Carnets.

In this context, the Working Party had been of the view that the wording of article 28 and/or of explanatory note 0.28 in annex 6 of the Convention should be reviewed to ensure that discharge of TIR Carnets could take place without delay and that persons acting under other Customs regimes (importation, warehousing, etc.) did not get involved in the discharge of TIR Carnets (TRANS/WP.30/178, paras. 55-58).

The Working Party may wish to continue its consideration of this matter, also taking account of an informal document transmitted to the ninetieth session of the Working Party by the IRU (Informal document No.3 (1998)), with a view to proposing practical solutions for the improvement of the TIR procedure.

(viii) Application of article 18 in respect of partial discharge procedures

On the proposal of the IRU, the Working Party, at its ninetieth session, had decided to consider the practical application of article 18 in respect of partial discharge procedures. Due to lack of time, the matter was not considered (TRANS/WP.30/180, para. 63).

The Working Party may wish to consider this matter following an introduction on the respective practical problems to be provided by the IRU.

(ix) Validity of curtain-sided vehicles

At its eighty-third and eighty-fourth sessions in 1996, the Working Party had considered the validity of curtain-sided vehicles under the Convention on the basis of a document transmitted by the United Kingdom (TRANS/WP.30/R.166). At earlier sessions, the Working Party had already considered this issue and did not approve such load compartments with sliding sheets. At the eighty-fourth session of the Working Party, some delegations were of the view that the type of construction as described in the document of the United Kingdom was Customs secure, but that its inspection at Customs offices would be very complicated and time consuming. The Working Party decided to study this matter further and to consider, if acceptable, appropriate amendments to annex 2, article 3 of the Convention (TRANS/WP.30/168, paras. 39-40; TRANS/WP.30/166, paras. 38-39).

At the request of the IRU, noting that this unresolved question caused concern among transport operators, taking account of a presentation made by the Czech Republic at the ninetieth session of the Working Party (TRANS/WP.30/180, paras. 47-48), and on the basis of a document transmitted by the Czech Republic (TRANS/WP.30/1998/14), the Working Party may wish to continue its consideration of this matter with a view to providing guidance to transport operators and manufacturers of load compartments.

(x) International directory of TIR focal points

In accordance with resolution No. 49, the secretariat has set up and maintains an international directory of TIR focal points that could be addressed in case of inquiries in relation to the TIR procedure. The directory contains names and addresses of persons as well as other useful information on Customs administrations and national associations dealing with the TIR procedure. The distribution of the directory is restricted to Customs authorities, national associations and the TIR Department of the IRU. The directory may be obtained from the ECE secretariat (in a hard copy version) or may be consulted via the Internet on the web site of the ECE Transport Division (www.unece.org/trans/main). The required password for access to the relevant web site may be obtained from the secretariat.

(xi) International register on Customs sealing devices

The international register on Customs sealing devices used for the TIR regime, maintained by the secretariat in English, French and Russian, covers at present more than 40 countries utilizing the TIR procedure. At its ninetieth session, the Working Party stressed that the register must be kept up to date on a permanent basis; otherwise its use could be counterproductive. It therefore requested all Customs authorities to inform the secretariat immediately in case of modifications in the approved sealing devices (TRANS/WP.30/180, para. 46). Copies or excerpts of the register may be obtained from the secretariat by Customs authorities concerned.

Updates of the register, if necessary, will be available at the session for restricted use by Customs authorities. Copies or excerpts of the register may be obtained from the secretariat by Customs authorities.

(xii) 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.

7. CONVENTION ON CUSTOMS TREATMENT OF POOL CONTAINERS USED IN INTERNATIONAL TRANSPORT

The "Container Pool" Convention had come into force on 17 January 1998 and has at present seven Contracting Parties: Austria, Cuba, Italy, Malta, Sweden, Uzbekistan, European Community. The text of the "Pool" Convention is contained in document ECE/TRANS/106. An introduction to the Convention and to the new concept of "equivalent compensation" contained therein had been issued by the secretariat already in 1994 and had been distributed at previous sessions of the Working Party.

The Working Party may wish to consider any follow-up action that may be required to implement the Convention, particularly as regards the preparation of "model pool agreements" (TRANS/WP.30/162, para. 77; TRANS/WP.30/159, para. 80; TRANS/WP.30/157, paras. 72-78).

8. DRAFT UN/ECE CONVENTION ON INTERNATIONAL CUSTOMS TRANSIT PROCEDURES FOR THE CARRIAGE OF GOODS BY RAIL

(a) Revised draft Convention

At its eighty-second session, the Working Party has completed, in principle, its work on the preparation of a Convention on International Customs Transit Procedures for the Carriage of Goods by Rail with the exception of article 26, paragraphs 8 and 10 (TRANS/WP.30/164, paragraphs 59-61). The text of the draft Convention is contained in document TRANS/WP.30/R.141. A few minor amendments to it are contained in the report of the eighty-second session of the Working Party (TRANS/WP.30/164, para. 60).

The Working Party may wish to take a final decision on the representation and the number of votes of regional economic integration organizations (article 26, paragraphs 8 and 10 of the draft Convention). At its eighty-seventh session, no progress had been made towards a consensus decision on this matter (TRANS/WP.30/174, para. 46; TRANS/WP.30/164, para. 61; TRANS/WP.30/162, paras. 66-71).

(b) Extension of the scope of the draft Convention to cover the SMGS Agreement

Following lengthy considerations on possibilities of extending the scope of the draft Convention also to countries applying the SMGS Agreement, the Inland Transport Committee had stressed in 1997 that work on the Convention should be continued under the auspices of the ECE and that two legal options should be considered: (a) the preparation of two similar, but independent United Nations conventions and (b) the preparation of a single convention with two separate annexes, one covering the COTIF member countries, the other covering SMGS member States with a link to be established between the two different Customs transit systems. The secretariat had been requested to prepare a first

draft of such a Convention. Due to lack of resources such draft has not yet been established by the secretariat (ECE/TRANS/119, paras. 136-139; TRANS/WP.30/174, paras. 47-49).

Since the programme of work of the Working Party contains, for the year 1999, the preparation of a study on legal and administrative requirements for using the CIM and the SMGS consignment notes as a Customs document and bearing in mind that the secretariat resources are not likely to be increased before the end of 1999, the Working Party may wish to consider ways and means how to establish the requested study within the time frame provided (TRANS/WP.30/182, annex).

9. 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.

10. OTHER BUSINESS

(a) Dates of next sessions

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

Pending a final decision of the Inland Transport Committee at its February 1999 session, the secretariat has already scheduled the ninety-third session of the Working Party to be held in the week from 21 to 25 June 1999, possibly in conjunction with the second session of the Administrative Committee for the "Harmonization Convention".

The ninety-fourth session of the Working Party could be held in the week 18-22 October 1999, possibly in conjunction with the twenty-seventh 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 ninety-second 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 ECE working languages.



UNITED NATIONS OFFICE - GENEVA

CONFERENCE REGISTRATION FORM

Date:

Title of the Conference

Delegation/Participant of country, Organization or Agency)

Participant: Name Mr. ' Mrs. ' Ms. ' First name(s)

Participation Category

Head of delegation	'	Observer (organization)	'
Delegation Member	'	NGO	'
Observer Country	'	Other (Please specify below)	'
.....			
.....			
Participation from/until			
from	to	...

In which language do you prefer to receive documents

English ' French ' Russian '

Official position (in own country):

Passport No :

Validity until:

Official telephone No:

Telefax No:

E-mail address:

Permanent official address:

Address in Geneva:

Accompanied by spouse

Oui ' Non '

Family name (spouse)

First Name (spouse)

On issue of ID Card

Participant signature:	
Spouse signature:	
Date :	

Security Use Only

Card No issued:	
Initials, UN Official	

