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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(19-22 June 2001)

**PROVISIONAL AGENDA FOR THE NINETY-EIGHTH 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, 19 June 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 (http://www.unece.org/trans/new_tir/welctir). During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.111, 1st floor, Palais des Nations).

In accordance with the accreditation procedures applicable for all meetings held at the Palais des Nations, delegates are requested to fill-in the attached registration form (also available from the web site of the UN/ECE (www.unece.org)) and to transmit the duly filled-in form at the latest one week before the session to the UN/ECE Transport Division, either by fax (+41-22-917-0039) or by e-mail (martin.magold@unece.org). In Geneva, prior to the session, delegates are requested to present themselves at the Pass and Identification Unit of the UNOG Security and Safety Section, located at Villa Les Feuillantines, 13 Avenue de la Paix (see attached map), for issuance of an identification badge. In case of difficulties, please phone the UN/ECE secretariat (Int. 72453).

1. Adoption of the agenda TRANS/WP.30/195
2. Activities of UN/ECE bodies and other United Nations organizations of interest to the Working Party
3. Activities of other organizations of interest to the Working Party
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 ("Harmonization Convention") ECE/TRANS/55
(www.unece.org/trans/new_tir/conventions/list.htm)

Preparation of a new annex on efficient border crossing procedures TRANS/WP.30/194
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TRANS/WP.30/2000/16
TRANS/WP.30/2000/11
5. Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention, 1975) ECE/TRANS/17 and Amendments 1-19
1999 TIR Handbook
(www.unece.org/trans/new_tir/welctir.htm)
 - (a) Status of the Convention TRANS/WP.30/AC.2/61, annex 1
(www.unece.org/trans/new_tir/welctir.htm)
Depositary Notification
C.N.36.2001.TREATIES-1
Depositary Notification
C.N.37.2001.TREATIES-2
 - (b) Revision of the Convention
 - (i) Adoption of amendment proposals and examples of best practices under Phase II of the TIR revision process Depositary Notification
C.N.36.2001.TREATIES-1
TRANS/WP.30/AC.2/59 and Corr.1
TRANS/WP.30/192
TRANS/WP.30/2000/18

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

TRANS/WP.30/2001/11 | TRANS/WP.30/2001/5
TRANS/WP.30/2001/6
TRANS/WP.30/2001/8
TRANS/WP.30/194
TRANS/WP.30/AC.2/59
and Corr. 1
TRANS/WP.30/192
Informal document No.1 (2000)
Informal document No.7 (2000)
Informal document No.8 (2000)
TRANS/WP.30/1999/5
Informal document No.5 (1997) |
| (c) | Application of the Convention | (www.unece.org/trans/new_tir/welctir.htm) |
| (i) | Settlement of claims for payments | TRANS/WP.30/194
TRANS/WP.30/192
TRANS/WP.30/190
TRANS/WP.30/188
TRANS/WP.30/184
TRANS/WP.30/182 |
| (ii) | Introduction of an identification number for the TIR Carnet Holder and Corr. 1 | TRANS/WP.30/2001/9
TRANS/WP.30/AC.2/59

(www.unece.org/trans/new_tir/welctir.htm) |
| (iii) | Re-introduction of the guarantee for sensitive and other excluded goods | TRANS/WP.30/194
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| (iv) | Transport of illegal immigrants | TRANS/WP.30/2001/7
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| (v) | Measures to reduce the number of lost, stolen and falsified TIR Carnets | TRANS/WP.30/194
Informal document No. 1 (2001)
TRANS/WP.30/192 |
| (vi) | Application of Article 38 of the Convention | TRANS/WP.30/194
TRANS/WP.30/AC.2/2000/14
and Corr.1 |
| (vii) | Road vehicles considered as heavy or bulky goods | TRANS/WP.30/2001/10
TRANS/WP.30/AC.2/61
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and Corr. 1 |
| (viii) | TIR Handbook | UN/ECE document
(www.unece.org/trans/new_tir/welctir.htm) |
| (ix) | Other matters | |
| 6. | Prevention of the abuse of Customs transit systems by smugglers | TRANS/WP.30/127 |
| 7. | Other business | |
| (a) | Dates of the next sessions | |
| (b) | Restriction on the distribution of documents | |
| 8. | Adoption of the report | |

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EXPLANATORY NOTES

The secretariat proposes the following schedule of work:

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|-------------------------------------|--|
| Tuesday, 19 June 2001: | Agenda items 1-5 |
| Wednesday, 20 June 2001: | Agenda items 5 (cont'd) - 7 |
| Thursday, 21 June 2001: | Ad hoc expert group on the computerization of the TIR procedures |
| Friday, 22 February 2001 (morning): | Agenda item 8, (Adoption of the report) |

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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.30/195).

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

The Working Party will be informed about the results of the fifty-sixth session of the Economic Commission for Europe (7-11 May 2001) as well as 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 of the World Customs Organization (WCO), the European Commission (DG TAXUD), the European Conference of Ministers of Transport (ECMT) as well as of other governmental and non-governmental organizations as they relate to matters of interest to the Working Party.

4. 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 and its group of experts concerning a new Annex 8 to the Convention on efficient border crossing procedures. 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 once more the provisions of the draft Annex and took note of the concerns expressed by the representatives of Switzerland and the United Kingdom with regard to the provisions of Articles 5 and 2 respectively, which did not seem to be in line with national legislation. The Working

Party, reiterating that the objective of preparing a new Annex 8 to the Convention has been to address all elements important for efficient border crossing procedures in international road transport of goods, requested the secretariat to complete the 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).

The Working Party may wish to be informed of progress made in the completion of the new Annex 8 and in particular about the progress made by the Regional Road Transport Committee (RRTC) in the preparation of an international vehicle weight certificate.

5. 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 12 February 2001, the Secretary-General of the United Nations has issued the following Depositary Notifications:

- Depositary Notification C.N.36.2001.TREATIES-1

Amendment proposals adopted by the TIR Administrative Committee (twenty-ninth session, 19 and 20 October 2001) comprising all amendment proposals prepared under Phase II of the TIR revision process (TRANS/WP.30/AC.2/59, annex 3 and Corr. 1). These amendments will come into force 3 months after the expiry of a period of 12 months following the date of issuance of the Depositary Notification during which no objection to the proposed amendments has been raised, i.e. on 12 May 2002. Interpretations (comments) to the proposed amendments and to other related provisions in the TIR Convention, as adopted by the UN/ECE Working Party WP.30, are contained in TRANS/WP.30/AC.2/59, annex 5.

- Depositary Notification C.N.37.2001.TREATIES-2

Amendment proposals adopted by the TIR Administrative Committee (twenty-ninth session, 19 and 20 October 2001) relating to amendments on vehicles with sliding sheets and to Article 3 of the Convention (TRANS/WP.30/AC.2/59, annex 4). The amendments with regard to vehicles with sliding sheets will come into force 1 month after the expiry of a period of three months following the date of issuance of the Depositary Notification during which no objection to the proposed amendments has been raised, i.e. on 12 June 2001. The amendments with regard to Article 3 of the Convention will come into force 3 months after the expiry of a period of 12 months following the date of issuance of the Depositary Notification during which no objection to the proposed amendments has been raised, i.e. on 12 May 2002.

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 its 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 Corr. 1). The Committee also endorsed the examples of best practices as had been prepared by the Working Party (TRANS/WP.30/AC.2/59, annex 7). Following verification of all amendment proposals by the secretariat the proposals have been transmitted to all Contracting Parties to the Convention (Depositary Notification C.N.36.2001.TREATIES-1, see above)

In this context, the Working Party may wish to recall that 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 wish to exchange views on the status of the amendment procedure.

(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 at its ninety-seventh session, requested the secretariat to prepare a document on the Customs needs with regard to the HS code and the value of goods, to be inserted into the TIR Carnet, as well as on the possibilities of how and by whom these needs, if justified, could be met. The study should also take account of the interests and possibilities of the transport industry (TRANS/WP.30/194, para. 39). In accordance with this decision, the secretariat has prepared document TRANS/WP.30/2001/6 for consideration by the Working Party.

In this context, the Working Party may also wish to reconsider Informal document No. 5 (1997), which contains a revised draft of a new TIR Carnet prepared by the UN/ECE secretariat.

- Increase in the number of loading and unloading places

The Working Party at its ninety-seventh session, also requested the secretariat to prepare, in co-operation with IRU, a document on the economic needs to extend the number of places for loading and unloading, as well as of the Customs requirements in this respect (TRANS/WP.30/194, para. 40). The Working Party may wish to consider this subject on the basis of information to be provided by the International Road Transport Union.

- Extension of the present EDI control system for 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 delays for notification of non-discharge as provided in the Convention. It declared, however, its readiness to consider possible further measures going beyond the existing EDI control system of TIR Carnets (SAFETIR) as contained in the Recommendation of 20 October 1995 adopted by the TIR Administrative Committee and those already contained in the amendment proposals and best practices adopted under Phase II of the TIR revision process, including pre-notifications of non-discharge to the guarantor (TRANS/WP.30/194, para. 41)

The Working Party may wish to consider this subject on the basis of information to be provided by the IRU.

- Regional economic integration organizations

The Working Party may wish to consider the amendment proposals to the Convention transmitted by the European Community and contained in document TRANS/WP.30/2001/8 which would provide for a definition and voting rights for regional economic integration organizations in the framework of the Convention.

- Use of new technologies

The results of the first session of the ad hoc expert group on the computerization of the TIR procedure (Geneva, 19 February 2001) are contained in document TRANS/WP.30/2001/5. The second meeting of the ad hoc expert group will take place on 21 June 2001, in conjunction with the present session of the Working Party. The agenda of this session of the expert group is contained in document TRANS/WP.30/2001/11.

(c) **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 relevant TIR web site administered jointly by the UN/ECE and the TIR secretariat (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.30/194, para. 49, TRANS/WP.30/192, para. 44 and 45; TRANS/WP.30/190, para. 37; TRANS/WP.30/188, paras. 46-47; TRANS/WP.30/184, paras. 51-52; TRANS/WP.30/182, paras. 37-38).

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. The TIR Secretary has prepared an explanatory note on the application of the ID-number by the TIR Carnet Holder, national associations and Customs Authorities. This note, available in English, French and Russian has been transmitted in early March to all concerned Customs Authorities, national associations and the IRU (also available under What's new on the TIR web site (www.unece.org/trans/new_tir/welctir.htm)) (TRANS/WP.30/2001/9).

The Working Party may wish to exchange information about the experiences concerning the implementation of the Recommendation.

(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 some national 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.30/194, 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 the preliminary information provided by IRU during the 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 these measures should be extended to all Contracting Parties to the TIR Convention, including an extended list of sensitive goods.

The Working Party, welcoming the efforts undertaken by the IRU and the European Community to re-introduce the guarantee coverage for sensitive goods on the territory of the European Community, however felt that further analysis on the validity and possible repercussions of such measures would need to be made. The IRU was invited to submit a detailed document on this subject for consideration by the TIR Executive Board (TIRExB).

The Working Party may wish to consider this subject taking account of the views of the TIRExB. The secretariat will depending on the decision of the TIRExB prepare a note on this subject, which will be transmitted to the delegations as soon as the requested information is available.

(iv) **Transport of illegal immigrants**

The Working Party may wish to recall that, at its ninety-sixth session, it had briefly considered a comment to Articles 21 and 36 proposed by the IRU addressing the transport of illegal immigrants under cover of TIR Carnets (TRANS/WP.30/2000/20). The Working Party may also wish to recall that at its ninety-seventh session it had taken note of document TRANS/WP.30/2001/4 prepared by the secretariat in co-operation with the IRU proposing a comment to Article 5 of the TIR Convention. As the document had only been made available shortly before the session, only preliminary remarks had been made. However, it had been pointed out by the European Community that, because the draft comment was linked to Article 5 of the TIR Convention, only offices en route were addressed. The Working Party had requested the secretariat to prepare an amended working document (TRANS/WP.30/194, paras. 65-67).

The Working Party may wish to continue its considerations of the subject on the basis of a revised document prepared by the secretariat (TRANS/WP.30/2001/7)

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

At its ninety-sixth session, the Working Party, with view to identifying the scope of the problem related to lost, stolen and falsified TIR Carnets, had requested the secretariat, in co-operation with the IRU, to prepare facts and figures on this phenomenon for consideration by the Working Party at its next session (TRANS/WP.30/192, para. 68).

The Working Party, had at its ninety-seventh session, considered Informal document No. 1 (2001) on the issue submitted by IRU, as well as a presentation made by the IRU on the subject (TRANS/WP.30/194, paras. 69-73).

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

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

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 Working Party may wish to recall that 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 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 Corr. 1. The Working Party had in principle supported the approach taken, but pointed out that the matter was closely linked to differences in national legislations of Contracting Parties and that the matter needed to be considered in more detail to arrive at common interpretations (TRANS/WP.30/194, para. 75).

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

(vii) Road vehicles considered as heavy or bulky goods

The TIR Administrative Committee, at its twenty-ninth session (19-20 October 2000) adopted a comment on 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 submitted a proposal for modifications to be made to this comment. The TIR Administrative Committee, at its thirtieth session, 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).

On the basis of the proposal for modifications submitted by Estonia, the secretariat has prepared a document TRANS/WP.30/2001/10 for consideration by the Working Party.

(viii) TIR Handbook

The Working Party may wish to note that a limited number of hard copies of the 1999 TIR Handbook are available for delegations during the session. The TIR Handbook contains the latest amendments to the Convention as well as all relevant comments adopted by the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) and the TIR Administrative Committee. Hard-cover versions of the TIR Handbook are available in Arabic, Chinese, English, French, German, Italian, Russian and Spanish.

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

(ix) **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.

6. 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.

7. 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 ninety-ninth session of the Working Party to be held in the week from 22 to 26 October 2001, in conjunction with the thirty-first session of the TIR Administrative Committee and the fifth session of the Administrative Committee for the "Harmonization" Convention.

The one-hundredth session of the Working Party is tentatively scheduled to be held in conjunction with the thirty-second session of the TIR Administrative Committee, during the week of 11 to 15 February 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.

8. ADOPTION OF THE REPORT

In accordance with established practice, the Working Party will adopt the report on its ninety-eighth 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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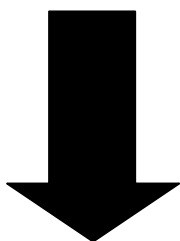
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