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ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE
Working Party on Customs Questions
affecting Transport
(3-6 February 2004)

PROVISIONAL AGENDA FOR THE ONE-HUNDRED-AND-SIXTH SESSION

to be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Tuesday, 3 February 2004 ^{*/}

^{*/} 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 UNECE 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 UNECE Transport Division (<http://border.unece.org>). During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.111, 1st floor, Palais des Nations).

The full text of the Conventions in English, French and Russian as well as complete lists of Contracting Parties to the Conventions referred to in this agenda are available on the UNECE web site: <http://www.unece.org/trans/conventn/legalinst.html#customs>.

New accreditation procedures have been introduced for all delegates attending meetings held at the Palais des Nations. Delegates are therefore requested to complete the attached registration form also available from the Internet Web site of the UNECE Transport Division (<http://www.unece.org/trans/welcome.html>) and to transmit it to the UNECE secretariat, at the latest two weeks prior to the session, either by fax (+41-22-917-0039) or by e-mail (Poul.Hansen@unece.org). 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 the Villa Les Feuillantines, 13, Avenue de la Paix (a map is attached) for the issuance of an identification badge. In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 74030).

GE.03-24480

Tuesday 3 February 2004

1. Adoption of the agenda
2. Election of officers
3. Activities of UNECE bodies and other United Nations organizations of interest to the Working Party
4. Activities of other organizations 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) Preparation of a new Annex on efficient border crossing procedures
6. Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail
 - (a) Resolution on the Use of the SMGS Consignment Note as a Customs Transit Declaration
 - (b) Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail
7. Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention, 1975)
 - (a) Status of the Convention
 - (b) Revision of the Convention
 - (i) Implementation of Phases I and II of the TIR revision process and examples of best practices
 - (ii) Preparation of Phase III of the TIR revision process
 - (iii) Draft amendments on the inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO)

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- (c) Application of the Convention
 - (i) Functions and roles of the TIRExB, the TIR secretariat and the IRU
 - (ii) Control system for TIR Carnets - IRU SafeTIR
 - (iii) Settlement of claims for payments
 - (iv) Issues relating to technical provisions
 - (v) The concept of authorized consignee in the TIR Convention
 - (vi) Practical application for the TIR procedure of the Customs Union between the Russian Federation and Belarus
 - (vii) CITES
 - (viii) TIR Handbook
 - (ix) Other matters
- 8. Prevention of the abuse of Customs transit systems by smugglers
- 9. Programme of work for 2004 to 2008
- 10. Other business
 - (a) Dates of the next sessions
 - (b) Restriction on the distribution of documents

Thursday 5 February 2004

TIR Administrative Committee, thirty-sixth session

Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982, sixth session

Friday 6 February 2004

Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982, sixth session (cont'd)

- 11. Adoption of the report

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1. ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/211.

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (TRANS/WP.30/211).

2. ELECTION OF OFFICERS

In accordance with the Commission's rules of procedure and established practice, the Working Party should elect a Chairman and possibly a Vice-Chairman for its sessions in 2004.

3. 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 the Inland Transport Committee, its subsidiary bodies and other United Nations bodies and organizations as they relate to matters of interest to the Working Party.

4. 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.

At its one-hundred-and-second session, the Working Party decided to monitor the progress made in the field of supply chain security by the World Customs Organization (WCO) (TRANS/WP.30/204, para. 7). At its one-hundred-and-fifth session, the Working Party was informed by the representative of the WCO about the state of play in this context (TRANS/WP.30/210, para. 54).

The Working Party may wish to be informed of new developments in this field, in particular about any developments in the context of the Customs Convention on Containers, 1972.

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

Documentation: ECE/TRANS/55 (<http://border.unece.org> - Legal Instruments);
TRANS/WP.30/196; TRANS/WP.30/AC.3/10; TRANS/WP.30/AC.3/8;
TRANS/WP.30/AC.3/2004/1; TRANS/WP.30/AC.3/2003/1; TRANS/WP.30/2003/20;
TRANS/WP.30/2002/19; TRANS/WP.30/2001/16; TRANS/WP.30/2000/16;
TRANS/WP.30/2000/11, Informal documents No. 19 and 21 (2002);

(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 Convention. A complete list of Contracting Parties to the Convention is available from the following website:

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXI/subchapA/treaty17.asp>.

(b) 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 fourth session had agreed with the general conclusions of the Working Party on the preparation of a new Annex 8 to the Convention with the objective of addressing all elements important for efficient border crossing procedures in international road transport of goods (TRANS/WP.30/AC.3/8, paras. 12-22).

The Working Party may wish to recall the outcome of the ad hoc expert group meeting that took place on 22 September 2003 to discuss all outstanding issues contained in the new draft Annex 8 to the Convention contained in document TRANS/WP.30/AC.2/2003/1. The ad hoc expert group had concluded that the proposed texts concerning all outstanding issues seemed to be acceptable with some minor modifications, with the exception of a few reservations on the proposed text concerning visa facilitation (Article 2) and the International Vehicle Weight Certificate (Article 5). Consequently, the ad hoc expert group had recommended that the revised text should be consolidated into a document for the consideration of the Administrative Committee of the Harmonization Convention at its session in February 2004. The report of the ad hoc expert group meeting is contained in document TRANS/WP.30/2003/23.

The Working Party may wish to take note that the sixth session of the Administrative Committee for Harmonization Convention will take place on 5 and 6 February 2004. The agenda is contained in document TRANS/WP.30/AC.3/11. The revised proposal for a new draft Annex 8 to the Convention is contained in document TRANS/WP.30/AC.3/2004/1.

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

Documentation: TRANS/WP.30/2004/2; TRANS/WP.30/2003/24; TRANS/2001/10; TRANS/WP.30/194; TRANS/WP.30/164; TRANS/WP.30/2002/25; TRANS/WP.30/2002/16; TRANS/WP.30/2002/12; TRANS/WP.30/2002/10; TRANS/WP.30/2002/9; TRANS/WP.30/2000/17; TRANS/WP.30/R.141; Informal documents No. 4-5 (2002).

(a) Resolution on the Use of the SMGS Consignment Note as a Customs Transit Declaration

The Working Party may wish to recall that, at its one-hundred-and-second session, it adopted resolution No. 50 on the use of the SMGS Consignment Note as a customs transit declaration (TRANS/WP.30/204, annex 1). The Working Party may wish to be informed about the status of acceptance of the resolution.

(b) Draft UNECE Conventions on International Customs Transit Procedures for the Carriage of Goods by Rail

The Working Party may wish to recall that the Inland Transport Committee, at its sixty-third session, had requested the Working Party to continue to consider the draft Convention for the SMGS Consignment Note, that it had prepared (ECE/TRANS/136, para. 88).

On 11 February 2002, an informal ad hoc Expert Group meeting on Customs Rail Transit based on the SMGS Consignment Note was held. It seemed that the amendments proposed by some Contracting Parties to the SMGS Agreement would result in considerably reduced facilitation measures compared to the provisions of the original draft prepared by the Working Party and the provisions in place for the COTIF Convention in the Common and Community transit system.

The Working Party, at its one-hundred-and-second session, adopted resolution No. 50 recommending the use of the SMGS Consignment Note as a Customs rail transit declaration by the Contracting Parties to the SMGS Agreement, stressing however that the adopted resolution was a preliminary facilitation measure (TRANS/WP.30/204, para. 23).

The Inland Transport Committee, at its sixty-fifth session, requested the Working Party to pursue its work towards finalizing a Convention facilitating international Customs transit rail transport on a Pan-European level in this area as soon as possible (TRANS/WP.30/152, para. 104).

The Working Party, at its one-hundred-and-fourth session, requested the secretariat to organize an ad hoc expert group meeting in conjunction with the one-hundred-and-fifth session of the Working Party in September 2003 with the aim of finalizing the draft Convention on international Customs transit procedures for the carriage of goods by rail covering the SMGS area. An ad hoc expert group meeting on Customs rail transit covering the SMGS Agreement took place on 23 September 2003. The meeting reached conclusions concerning most of the provisions contained in the draft Convention. The secretariat had been requested to resolve a few questions still outstanding, in particular Article 5, para. 2 and Article 8, para. 3, with the assistance of OSZhD and UIC. Countries concerned were also invited to provide the secretariat with their proposals on the paragraphs in question. As a result, the ad hoc expert group had recommended that a revised text of the draft Convention be submitted for consideration by the Working Party at its one-hundred-and-sixth session in February 2004. The report of the meeting is contained in document TRANS/WP.30/2003/24.

The Working Party may wish to consider document TRANS/WP.30/2004/2 containing a consolidated draft text for a Convention on Rail Transit covering the SMGS area.

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

Documentation: ECE/TRANS/17 and Amends.1-22; 2002 TIR Handbook (<http://tir.unece.org>); TRANS/WP.30/AC.2/68 annex 1; TRANS/WP.30/204; TRANS/WP.30/202; TRANS/WP.30/200; TRANS/WP.30/198.

(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 thirty-fifth session of the TIR Administrative Committee (TRANS/WP.30/AC.2/71, annex 1). Permanently updated information on the scope of the TIR Convention is available on the UNECE TIR web site: (<http://tir.unece.org>).

(b) **Revision of the Convention**

(i) **Implementation of Phases I and II of the TIR revision process and examples of best practices**

The Working Party may wish to be informed by Contracting Parties and the secretariat about the status of implementation at national level of Phases I and II of the revision process, in particular the state of implementation of the Convention and the amendments thereto at national level.

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

Documentation: TRANS/WP.30/2004/10; TRANS/WP.30/2004/3; TRANS/WP.30/2003/18; TRANS/WP.30/2003/15; TRANS/WP.30/2003/14; TRANS/WP.30/2003/9; TRANS/WP.30/2003/8; TRANS/WP.30/2003/7; TRANS/WP.30/2003/5; TRANS/WP.30/2003/3; TRANS/WP.30/2002/23; TRANS/WP.30/2002/20; TRANS/WP.30/2002/17; TRANS/WP.30/2002/15; TRANS/WP.30/2002/11; TRANS/WP.30/2002/7; TRANS/WP.30/2001/19 and Rev. 1; TRANS/WP.30/2001/18; TRANS/WP.30/2001/15; TRANS/WP.30/2001/13; TRANS/WP.30/2001/12; TRANS/WP.30/2001/11; TRANS/WP.30/2001/6; TRANS/WP.30/2001/5; EXG/COMP/2003/5; Informal document No.20 (2002); Informal document No.2 (2002); Informal document No.15 (2001); Informal document No.14 (2001); Informal document No.13 (2001); Informal document No.12 (2001); Informal document No.8 (2000); Informal document No.7 (2000); Informal document No.1 (2000); Informal document No.5 (1997).

The Working Party may wish to recall that, at its ninety-sixth session, it 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.);
- Increase in the number of places for loading and unloading under Customs seal;
- Use of new technologies in TIR operations also with a view to reducing the delay in notification of non-discharge.

- **Revision of the TIR Carnet**

The Working Party may wish to recall that, at its ninety-eighth session, it had considered the usefulness of including additional data elements into the TIR Carnet. It had concluded that additional data elements could be useful in relation to the procedures for recovery of debt and facilitating

subsequent Customs procedures (TRANS/WP.30/196, paras. 35-40). At its one-hundredth and one-hundred-and-first sessions, it had taken note of the work of the European Commission's sub-group on data requirements (Informal document No. 2 (2002)) that, at the time, in general seemed not to favour requirements for additional data in the Community and Common transit systems (TRANS/WP.30/200, para. 37).

The Working Party has also considered a survey conducted by the secretariat on documentary requirements for TIR operations showing that a majority of the Customs authorities having replied required information in addition to that contained in the TIR Carnet (TRANS/WP.30/2002/15). As a result, the Working Party requested the secretariat to prepare proposals for best practices concerning documentary requirements for the TIR procedure (TRANS/WP.30/202, para. 36). At its one-hundred-and-third session, the Working Party had considered this issue on the basis of document TRANS/WP.30/2003/3, prepared by the secretariat. The Working Party requested the IRU to prepare a document for its one-hundred-and-fourth session containing a proposal to amend the proposal with a view to limiting the responsibility of the holder for information contained in documents submitted to Customs authorities (TRANS/WP.30/2003/18). The Working Party, at its one-hundred-and-fifth session, requested the secretariat and the IRU, jointly, to prepare a document on documentary requirements.

The Working Party may wish to consider document TRANS/WP.30/2004/10, prepared by the secretariat in consultation with the IRU, containing such a proposal.

- Increase in the number of loading and unloading places

The Working Party, at its one-hundredth session, continued its consideration of document TRANS/WP.30/2001/19 prepared by the secretariat containing proposals for three alternative long-term solutions to increase the number of loading and unloading places (TRANS/WP.30/200, paras. 41-42). At its one-hundred-and-first session, it considered document TRANS/WP.30/2002/17, prepared by the secretariat, describing a scenario of up to six places of loading and unloading. The Working Party agreed that there exists a demand from the transport industry to increase the number of loading and unloading places permitted in the Convention. The Working Party requested the secretariat to prepare a document describing, in detail, the implications at both national and international level of a scenario of six Customs offices of loading and unloading, including an analysis of the legal consequences (TRANS/WP.30/202, para. 39).

The Working Party, at its one-hundred-and-fourth session, adopted a comment to Article 18 of the Convention providing for a short-term solution to increase the number of loading/unloading places.

The Working Party, at its on-hundred-and-fifth session, took note of information provided by the IRU that, from the transport industry, there did not seem to be a real need for an amendment of the Convention allowing for and increasing the number of loading and unloading places. Furthermore, the IRU pointed out that in case such an amendment is introduced, this would reduce the space available in the TIR Carnet, thereby making it more difficult to fill in the Carnet. The Working Party decided that it would be preferable to evaluate the experiences with the short-term measure adopted by the Working Party before deciding on an amendment to the Convention. The Working Party requested Contracting Parties to inquire with the national issuing associations concerning the real need for increasing the number of loading and unloading places and to report the results of their discussions at the one-hundred-and-sixth session of the Working Party.

The Working Party may wish to be informed of the results of such discussions and consider whether or not to continue considering the issue.

- Use of new technologies

The Working Party may wish to recall that the Informal ad hoc Expert Group on Conceptual and Technical Aspects of the Computerization of the TIR Procedure (hereafter called “The Expert Group”) held its third meeting on 1 and 2 September 2003 in Budapest (EXG/COMP/2003/5).

The Expert Group endorsed the approach proposed by the IT specialists to use UMM as a basis for its work on the project and discussed the first draft, prepared by the secretariat (ExG/COMP/2003/1). The Expert Group encountered three issues, where it felt it could not proceed without further guidance from the Working Party. In this context, the Working Party may wish to consider document TRANS/WP.30/2004/3 and provide the expert group with guidance on the issues raised.

(iii) **Draft amendments on the inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO)**

The Working Party may wish to be informed of any progress considering the proposals transmitted by the European Community concerning inclusion and attribution of voting rights to Regional Economic Integration Organizations (REIO) and the bilateral discussions in this context with the United States of America and Turkey respectively.

(c) **Application of the Convention**

(i) **Functions and roles of the TIRExB, the TIR secretariat and the IRU**

Documentation: TRANS/WP.30/2004/11; TRANS/WP.30/2003/22; TRANS/WP.30/2003/11; TRANS/WP.30/2003/10; TRANS/WP.30/2002/30; TRANS/WP.30/R.179.

The Working Party, at its one-hundred-and-first session, was informed by the IRU about the possible threat over the sustainability of the TIR procedure (TRANS/WP.30/202, para. 12). At its one-hundred-and-second session, it considered a proposal by the IRU on guidance on the functions and roles of the TIRExB, the TIR secretariat and the IRU (TRANS/WP.30/2002/30). In this context, the IRU also stressed the importance of further developing the agreement between the IRU and the UNECE to encompass not only the transfer of funds to the UNECE Trust Fund for the funding of the TIRExB, but also the responsibilities of the IRU in managing the TIR system, including the printing, distributing and guarantee for the TIR system, as well as determining carefully the budget for the TIRExB. The Working Party supported a proposal by its Chairman, that he would convene a small group of “friends of the Chairman” to preliminarily explore if and how the issues raised by the IRU could be addressed (TRANS/WP.30/204, paras. 10-12).

The Working Party, at its one-hundred-and-third session, supported the conclusions of the meeting of the “Friends of the Chairman”, that took place in January 2003, as contained in Informal document No. 1, which for the present session are contained in document TRANS/WP.30/2003/10. The Working Party also took note of a number of amendment proposals proposed by the Russian Federation as contained in document TRANS/WP.30/2003/11 (TRANS/WP.30/206, para. 39-42).

The Working Party, at its one-hundred-and-fourth session, had an in-depth discussion of document TRANS/WP.30/2003/10, and decided to separate the issues contained in the document into medium-term priorities (roles and responsibilities of the TIRExB, the TIR secretariat and the IRU) to be transmitted for the consideration of the TIR Administrative Committee at its thirty-fifth session and long-term priorities (amendments of the Convention) to be discussed by the Working Party at its present session. The Working Party may wish to consider the document TRANS/WP.30/TRANS/2003/22, transmitted by the Chairman, containing proposals for amendments of the Convention.

The Working Party, at its one-hundred-and-fifth session, had also considered document TRANS/WP.30/2003/11, transmitted by the Russian Federation, containing proposals for amendments to the Convention of Article 6.2 bis concerning the responsibility of the international organization as well as an addition to Article 11 of a new point 2 bis containing provisions on the handling of customs claims for payment and the right to appeal.

The Working Party felt that the proposals by the Russian Federation raised a number of questions to be clarified before being considered in further detail, in particular questions from the European Commission and the IRU (TRANS/WP.30/210, para. 34). The Working Party had invited the Russian Federation to provide clarification on these questions.

The Working Party may wish to consider document TRANS/WP.30/2004/11, transmitted by the Russian Federation, containing the above-mentioned clarifications.

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

The Working Party, at its one-hundred-and-fourth session, considered document TRANS/WP.30/2003/9 transmitted by the IRU concerning information available in the IRU TIR Carnet databases, which could be relevant for Customs authorities and requested the IRU to include, as soon as possible, all the information, which is contained in the IRU databases, in particular information concerning the date of validity of the TIR Carnet and information on the unique ID number of the TIR Carnet holder in accordance with the Recommendation adopted by the TIR Administrative Committee on 20 October 2000. The Working Party, at its one-hundred-and-fifth session, was informed by the IRU that the project would be finalized not later than in 18 months' time.

The Working Party, also at its one-hundred-and-fifth session, requested the IRU to consider if information concerning the stamps and signatures of the principal of the issuing associations used in TIR Carnets, which today are provided via letters, faxes or e-mails, can be included in the CuteWise. The Working Party may wish to be informed by the IRU about any development concerning the issue.

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

Documentation: TRANS/WP.30/210.

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.30/202, para. 48).

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.

(iv) **Amendment proposals relating to technical provisions**

Documentation: TRANS/WP.30/2004/7; TRANS/WP.30/2004/4; TRANS/WP.30/2003/13; TRANS/WP.30/2002/27.

The Working Party may wish to recall that, at its one-hundred-and-second session, it considered information transmitted by a private company on the development of a TIR cable with integrated fibre optic offering increased security against tampering with the TIR cable and unauthorized access to the load compartment (TRANS/WP.30/2002/27) (TRANS/WP.30/204, para. 54). At its one-hundred-and-third-session, the Working Party took note of a presentation of the cable. At its one-hundred-and-fourth session, the Working Party was informed by the German delegation, that it, based on a test of the fastening cable with integrated fibre optic, which had been presented to the Working Party at its one-hundred-and-third session by a private company (TRANS/WP.30/204, para. 54), was of the view that the cable is tamper-proof for Customs purposes (Informal doc. No. 4 (2003)). It requested the secretariat to prepare an official document for its present session with the conclusions of the German testing and with a proposal for introduction of provisions in the Convention for the use of the cable.

The Working Party may wish to consider document TRANS/WP.30/2004/4, prepared by the secretariat, containing proposals for amending the provisions of the Convention relating to the use of cables to allow for the use of fibre optic cables.

The Working Party may also wish to consider document TRANS/WP.30/2003/13, submitted by the United States, containing an assessment of seals at its forthcoming session and document TRANS/WP.30/2004/7, transmitted by the International Organization for Standardization (ISO), containing a standard for mechanical seals.

(v) **The concept of authorized consignee in the TIR Convention**

Documentation: TRANS/WP.30/2003/19; TRANS/WP.30/2003/12; TRANS/WP.30/2003/1.

At its one-hundred-and-third session, the Working Party had a first exchange of views on the issue of authorized consignee, based on document TRANS/WP.30/2003/1, prepared by the TIRExB at its fifteenth meeting, containing a summary of the discussions by the TIRExB on the validity of the concept of authorized consignee within the framework of the Convention. Some delegates were of the view, that the conclusion of the TIRExB, that the TIR Convention already, at present, provides for the use of the concept authorized consignee, should be the guideline for any further consideration. Other delegates, however, raised a number of impediments of a legal and/or practical level contrary to the TIRExB's conclusions. At its one-hundred-and-fourth session, the Working

Party took note of the French experiences gained in a pilot study providing consignees with the right to receive goods under the TIR procedure directly at their premises, the outlines of which were contained in working document TRANS/WP.30/2003/12. The Working Party requested the secretariat to prepare a new document, aimed at merging the theoretical analysis, made by the TIRExB and contained in document TRANS/WP.30/2003/1, with the practical experience gained by France, contained in document TRANS/WP.30/2003/12.

The Working Party, at its one-hundred-and-fifth session, discussed at length document TRANS/WP.30/2003/19, prepared by the secretariat, containing the main conclusions of the legal study undertaken by the TIRExB and the pilot held by the French authorities. Neither the legal study nor the pilot had found any pressing arguments indicating that the concept of authorized consignee could not be applied within the current text of the TIR Convention. However, outstanding issues remained, in particular how to recognize the recipient of the goods as being an authorized consignee and how to reconcile the activities undertaken by the authorized consignee upon reception of the goods with two comments of Article 28 of the Convention. The Working Party did not reach agreement on these outstanding issues. The IRU indicated that, in theory, the transfer of responsibility from the Customs office of destination to the authorized consignee would not endanger the well functioning of the guarantee system, but pointed out that nevertheless a number of practical issues remained, which prevented it from supporting the issue, such as the complications of establishing a reliable list of authorized consignees and problems in the field of transmission of data to the SafeTIR system. The Working Party acknowledged that the granting and the implementation of the facilitation of authorized consignee is left to the competence of individual Contracting Parties and deemed no further instructions or guidelines necessary. The Working Party invited Contracting Parties, having experience in the application of the concept of authorized consignee within their territory, to share this experience with other Contracting Parties and decided not to continue its discussion of the matter unless new information would be available.

The Working Party may wish to be informed about any experiences gained by Contracting Parties in this context.

(vi) **Practical application for the TIR procedure of the Customs Union between the Russian Federation and Belarus**

Documentation: TRANS/WP.30/2004/5; TRANS/WP.30/2003/17, Informal document No. 8 (2003).

The Working Party may wish to recall that this issue had been discussed during several previous sessions. The Working Party, at its one-hundred-and-third session, was informed by the IRU about difficulties for operators in understanding the practical application of the Customs Union between the Russian Federation and Belarus. The Working Party, at its one-hundred-and-fourth

session, noted document TRANS/WP.30/2003/17 containing information provided by the Russian Federation on the issue. The Working Party, at its one-hundred-and-fifth session, took note of Informal document No. 8 (2003), submitted by the IRU, containing a number of practical and legal questions that the IRU has in connection with the application of the TIR procedure in the Republic of Belarus and the Russian Federation. The delegations of the Russian Federation and the Republic of Belarus provided a detailed oral explanation of the background of the Customs Union between the Republic of Belarus and the Russian Federation, which had been signed in 1995 as well as a clarification on the consequences for the TIR system. The Working Party invited the delegations of the Republic of Belarus and the Russian Federation to provide, in writing, this information.

The Working Party may wish to consider the information provided by the Russian Federation contained in document TRANS/WP.30/2004/5.

(vii) **CITES**

The Working Party may wish to consider a proposal transmitted by the European Community, document TRANS/WP.30/2004/6, concerning the inclusion of provisions in the TIR Convention about endangered species (The Washington Convention 1973, CITES). In accordance with Resolution 10.5, it is a requirement for CITES documentation (in the main export permits/certificates) to accompany ATA and TIR carnets. In the context of the ATA Carnet, the WCO recently adopted a new comment to the Istanbul Convention reinforcing that requirement.

The Working Party may wish to consider the proposal transmitted by the European Community.

(viii) **TIR Handbook**

Documentation: UNECE document; (<http://tir.unece.org>).

The TIR Handbook contains the text of the Convention and its annexes, including the amendments to the Convention, at present including the amendments adopted under Phase II of the TIR revision process, as well as all relevant comments adopted by the Working Party, the Administrative Committee and the TIRExB. The updated TIR Handbook in English, French and Russian can be viewed and downloaded from the UNECE TIR web site in these languages (<http://tir.unece.org>). Updated hard-copy versions of the TIR Handbook are available in Arabic, Chinese, English, French, Italian and Russian. A limited number of such copies may be obtained free of charge from the secretariat.

(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.

8. PREVENTION OF THE ABUSE OF CUSTOMS TRANSIT SYSTEMS BY SMUGGLERS

Documentation: TRANS/WP.30/127.

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. PROGRAMME OF WORK 2004 TO 2008

The Working Party may wish to consider its programme of work covering the years 2004 to 2008. On the basis of its present programme of work (2003-2007) as reproduced in document TRANS/WP.30/2004/9, and in accordance with the relevant decisions of the Inland Transport Committee and the Commission, the Working Party may wish to review its future activities taking into account that (a) the output to be expected within the next two years (or earlier) of each work element should be indicated, (b) work elements with a permanent character and those to be executed within a limited time period should be listed separately and (c) the programme of work should be streamlined as much as possible and the broad objectives and the measures to be carried out should be clearly stated.

10. 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 already scheduled the one-hundred-and-seventh session of the Working Party to be held in the week from 14 to 18 June 2004.

The one-hundred-and-eighth session of the Working Party is tentatively scheduled to be held during the week of 11 to 15 October 2004 in conjunction with the thirty-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 one-hundred-and-sixth 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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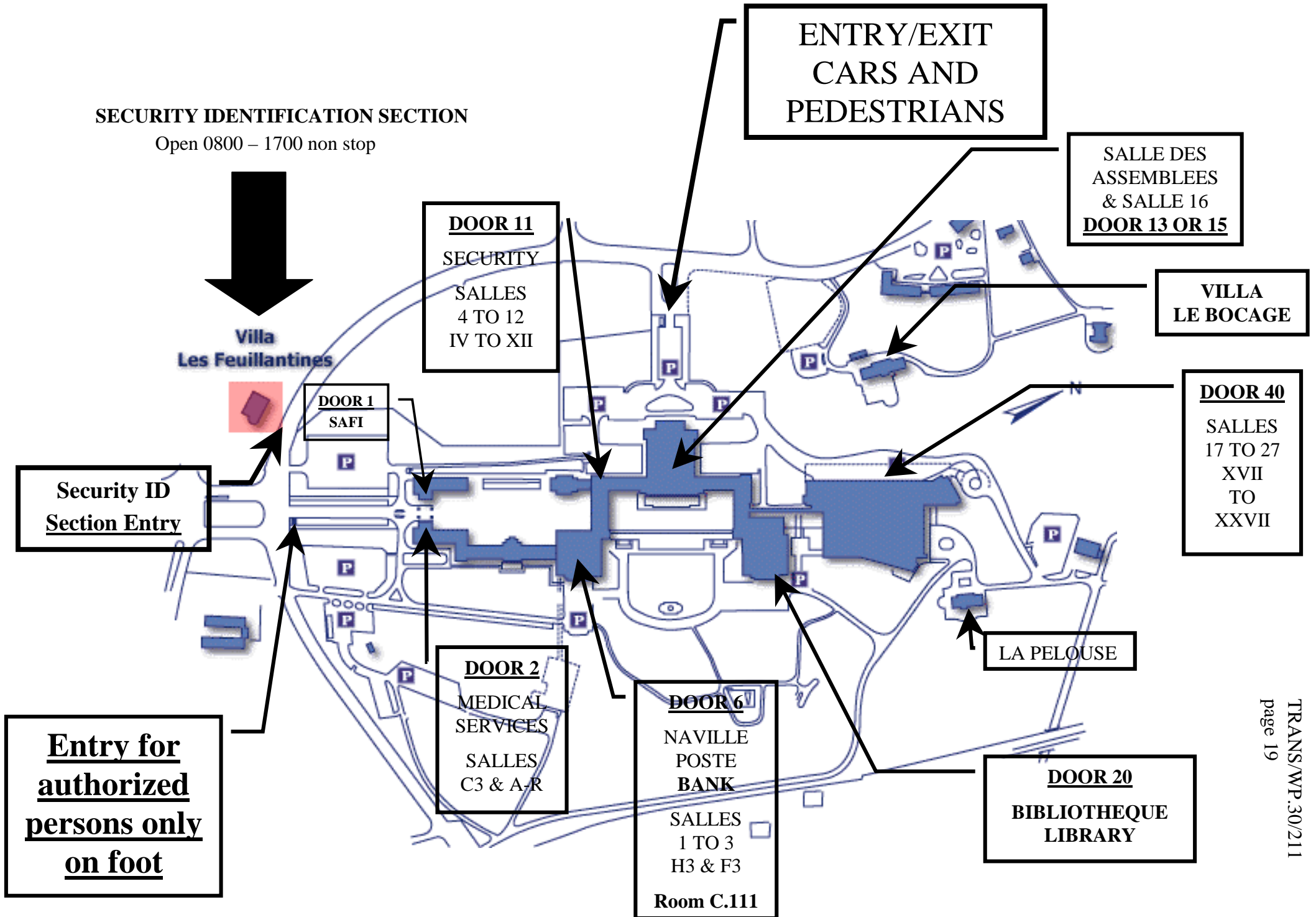
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