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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

150th session

Geneva, 16–19 October 2018

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 150th session* **

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Tuesday, 16 October 2018, and finishing around 6 p.m. on Friday, 19 October 2018, Room VII, Palais des Nations.

I. Provisional agenda

1. Adoption of the agenda.

* For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the ECE Sustainable Transport Division (email: wp.30@un.org). Documents may also be downloaded from the ECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

Delegates are requested to register online at:

uncdb.unece.org/app/ext/meeting-registration?id=Odji8R or to complete the registration form available from www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE secretariat, at the latest one week prior to the session by email (wp.30@un.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

** The full text of the conventions, as well as complete lists of contracting parties to the conventions referred to in this agenda are available on the ECE website: www.unece.org/trans/conventn/legalinst.html#customs.

2. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party.
3. 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) Amendment proposals to the Convention;
 - (ii) Preparation of Phase III of the TIR revision process;
 - (iii) Draft Annex 11 to the TIR Convention.
 - (c) Application of the Convention:
 - (i) New developments in the application of the Convention;
 - (ii) Issues transmitted by the Administrative Committee:
 - a. The application of greater facilities in the Convention;
 - b. The use of subcontractors in the Convention.
 - (iii) TIR-related electronic data interchange systems;
 - (iv) Settlement of claims for payments;
 - (v) Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments;
 - (vi) Other matters.
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention):
 - (a) Status of the Convention;
 - (b) Biennial survey of Annex 8 of the Convention;
 - (c) Issues in the application of the Convention.
5. Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail.
6. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956):
 - (a) Status of the Convention;
 - (b) Issues in the application of the 1954 Convention in Egypt and Jordan.
7. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) Eurasian Economic Union;
 - (d) World Customs Organization.
8. Other business:
 - (a) List of decisions;
 - (b) Dates of the next sessions;

- (c) Restriction on the distribution of documents.
- 9. Adoption of the report.
- 10. Tentative timetable.
- 11. List of decisions taken at the 149th session of the Working Party.

II. Annotations

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.

Documentation

ECE/TRANS/WP.30/299

2. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party

The Working Party will be informed about activities of the Inland Transport Committee (ITC), its Bureau, subsidiary bodies and other United Nations organizations on matters of interest to the Working Party. In particular, the Chair will brief the Committee about the latest developments in preparing a strategy for the ITC until 2030, which involves the Chairs of Working Parties and Administrative Committees under the purview of ITC.

Under this agenda item, the secretariat will inform the Working Party about ongoing pilot projects by railway companies involving the use of Unified Railway Law (URL) and the URL consignment note.

3. 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 about any changes in the status of the TIR Convention, 1975 and the number of contracting parties. In particular, the Working Party may wish to recall that the Secretary-General of the United Nations, acting in his capacity as depositary issued depositary notifications C.N.698.2017.TREATIES-XI.A.16 of 3 November 2017, informed of the submission of various proposals to amend the body of the TIR Convention, 1975 and C.N.699.2017.TREATIES-XI.A.16 of 3 November 2017; and informed of the submission of a proposal to amend Article 2 of the TIR Convention, 1975. In accordance with the provisions of Article 59, paragraph 3 of the TIR Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

¹ www.unece.org/tir/tir-depositary_notification.html

(b) Revision of the Convention*(i) Amendment proposals to the Convention*

The Working Party may wish to recall that, at its previous session, it continued its discussions on proposals to amend article 20. The delegation of the European Union reiterated its proposal to replace, in article 20, “country” by “Contracting Party” as this would serve the application of the article within the single customs territory of the European Union, being a contracting party to the TIR Convention itself, without impeding its application in any other customs union constituting a single customs territory, however without being a contracting party itself. For that reason, it invited the Working Party to agree to transmit the proposal to the TIR Administrative Committee (AC.2) for final consideration and, possibly, adoption. The delegation of the Russian Federation could not agree with this proposal and, instead, proposed to continue working on the proposal outlined by the Government of Ukraine in document ECE/TRANS/WP.30/2018/9 and its Corr.1. Unable to reach consensus, the Working Party decided to revert to this issue at the current session, based on a document by the secretariat with the proposal by the European Union and a (slightly) reformulated proposal by Ukraine (see ECE/TRANS/WP.30/298, para. 7).

The Working Party is invited to continue its considerations of the issue with the support of document ECE/TRANS/WP.30/2018/20.

The Working Party may wish to recall that, at its previous session, it continued its discussions on proposals to amend Article 11 with a new paragraph 4 bis, on the basis of document ECE/TRANS/WP.30/2018/12. At the session, the delegation of the Russian Federation continued to advocate its original proposal as contained in document ECE/TRANS/WP.30/2018/8. The delegations of Turkey and the European Union informed the Working Party that they could not support the Russian proposal, as it would require amending the national agreements between customs and national associations, but that they were ready to agree, as a compromise, with the proposals as contained in document ECE/TRANS/WP.30/2018/12. The representative of Italy pointed out that the purpose of the Russian proposal, viz. to bypass applicable provisions of national law by amending an international legal instrument, could create a precedent for addressing similar, or other, discrepancies in the future. In response, the delegation of the Russian Federation clarified that the purpose of its proposals was not to bypass national legislation, but rather to fill a legal vacuum created by the absence of applicable national law. Unable to reach consensus, the Working Party decided to revert to the issue at its next session, inviting delegations to provide comments or proposals to the secretariat no later than by 1 August 2018.

The Working Party is invited to continue its considerations, with the support of document ECE/TRANS/WP.30/2018/21 with comments or proposals from delegations, if any.

Documentation

ECE/TRANS/WP.30/2018/20, ECE/TRANS/WP.30/2018/21

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

The Working Party will be informed about the latest developments in the field of computerization of the TIR procedure and the eTIR pilot projects. The Working Party will also be briefed about the outcome of the twenty-eighth session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR procedure (GE.1), which took place in Geneva (28 and 29 June 2018), and may wish to endorse the report of the session (ECE/TRANS/WP.30/2018/22).

Further, the Working Party will be briefed about the latest developments in the International TIR Databank (ITDB).

Documentation

ECE/TRANS/WP.30/2018/22

(iii) Draft Annex 11 to the TIR Convention

The Working Party may wish to recall that, at its previous session, it extensively discussed the draft text of Annex 11, as contained in document ECE/TRANS/WP.30/2018/16 and, in particular the secretariat's pertinent replies to a set of questions raised by the delegation of the Russian Federation. The Working Party took note of a statement by the representative of IRU that the provisions of Annex 11 might, perhaps, not be perfect, but, in order to make progress, contracting parties needed to agree on its content as soon as possible. He further requested that Annex 11 be amended to include a reference to the equivalence between the electronic exchange of messages and the paper TIR Carnet when used as evidence in claims handling. Finally, the Working Party was informed by the delegation of the European Union, that more time was needed for an in-depth assessment of the provisions of Annex 11. In concluding the discussions, the Working Party decided to revert to the issue at its current session and invited delegations to provide comments to, as well as proposals for improvement of, the text of Annex 11 to the secretariat no later than by 1 August 2018 (see ECE/TRANS/WP.30/298, paras. 16–21).

The Working Party is invited to spend sufficient time on discussing the text of Annex 11 article by article and, possibly, finalize its considerations at the present session, so that Annex 11 can be transmitted AC.2 for possible adoption at its next session. To this end, delegations are invited to be ready to discuss the draft text of Annex 11, contained in document ECE/TRANS/WP.30/2018/16, disposing of the necessary mandates to conclude compromise proposals, but also to discuss and agree on comments and proposals to improve the text, submitted by delegations, if any, as contained in document ECE/TRANS/WP.30/2018/23.

Documentation

ECE/TRANS/WP.30/2018/16, ECE/TRANS/WP.30/2018/23

(c) Application of the Convention

(i) New developments in the application of the Convention

The Working Party is invited to raise new developments in the application of the TIR Convention, if any.

(ii) Issues transmitted by the Administrative Committee

a. The application of greater facilities in the Convention

The Working Party may wish to recall that, at its previous session, various delegations had confirmed their position on how to reflect the application of greater facilities in the text of the TIR Convention and that it had transpired to not be possible to reach consensus among contracting parties. Taking into account the fact that discussions on the subject had been ongoing for many years without having made significant progress on the draft proposals, the Working Party encouraged contracting parties to submit concrete proposals that could help move the discussions forward to the secretariat no later than by 1 August 2018 and decided to revert to the issue at its next session (see ECE/TRANS/WP.30/298, para. 24).

The Working Party is invited to continue its discussions, possibly aided by proposals by delegations, if any, contained in document ECE/TRANS/WP.30/2018/24.

Documentation

ECE/TRANS/WP.30/2018/24

b. The use of subcontractors in the Convention

At its previous session, the Working Party considered document ECE/TRANS/WP.30/2018/18 by IRU which contained an extensive description of the contractual relationship in place in a number of countries between associations and TIR Carnet holders on the use of subcontractors. The Working Party also took note of the examples of transport operations that require the use of subcontractors, especially in the context of intermodal transport. The representatives of Turkey and the European Union underlined their support for concepts that facilitate trade and promote the use of intermodal transport. The delegation of Turkey drew attention to the need for a clear definition of the term “subcontractor” in the TIR Convention. Representatives of national associations pointed out the extensive screening mechanisms put in place to ensure that subcontractors fulfil the criteria as stipulated by Annex 9, Part II. IRU reported that, so far, no incidents in the application had been noted, although the practice existed already for a number of years. It also clarified that the use of subcontractors leaves the liability of the TIR Carnet holder in accordance with Article 11 of the Convention fully untouched. Having noted the widespread implementation and the security measures taken by the guarantee chain, the Working Party decided to continue its work on the matter and requested the secretariat to prepare a document, recapitulating amendment proposals that had been prepared so far (see ECE/TRANS/WP.30/298, para. 25).

The Working Party is invited to continue its considerations on the basis of document ECE/TRANS/WP.30/2018/25.

Documentation

ECE/TRANS/WP.30/2018/25

(iii) *TIR-related electronic data interchange systems*

The Working Party will be informed by IRU about the latest statistical data on the performance of contracting parties in the control system for TIR Carnets — SafeTIR system.

(iv) *Settlement of claims for payments*

The Working Party may wish to be informed by customs authorities and IRU about the current situation on the settlement of claims for payments made by customs authorities against national guaranteeing associations.

(v) *Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments*

Under this agenda item, the secretariat will brief the Working Party on developments in the field of the World Trade Organization Trade Facilitation Agreement (WTO TFA) and activities of the secretariat to promote the linkages between transport, customs and trade facilitation within the framework of WTO TFA, if any.

(vi) Other matters

The Working Party may wish to consider any other issues or difficulties in the application of the TIR Convention faced by customs authorities, national associations, the international insurers or the IRU.

4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention)

(a) Status of the Convention

The Working Party will be informed about any changes in the status of the convention and in the number of contracting parties. More detailed information on these issues as well as on various depositary notifications is available on the ECE website.²

(b) Biennial survey of Annex 8 of the Convention

The Working Party may wish to recall that, on 20 May 2008, Annex 8 to the Harmonization Convention came into force. According to Article 7 "Reporting mechanism" of the Annex, the Executive Secretary of the United Nations Economic Commission for Europe (UNECE) shall carry out, every second year, a survey among contracting parties on progress made to improve border crossing procedures in their countries. The last survey was conducted in 2016 and its results were published in 2017 (document ECE/TRANS/WP.30/2017/13).

At its 146th session (June 2017), when considering the outcome of the 2016 survey, the delegation of the European Union raised the question whether it would not be possible to repeat the survey with longer intervals and to review the questions. In reply, the secretariat stated that it was legally obliged to repeat the survey every two years and that the exact questions are repeated to ensure an efficient comparison of the answers with previous surveys. The secretariat proposed that the issue be further discussed at a forthcoming session of AC.3 (ECE/TRANS/WP.30/292, para. 42).

The Working Party is invited to request the secretariat to launch the 2018 survey on the basis of the questionnaire as approved at its 122nd session, contained in document ECE/TRANS/WP.30/2009/8 and provide a deadline for reply.

Documentation

ECE/TRANS/WP.30/2009/8

(c) Issues in the application of the Convention

The Working Party may wish to consider issues or difficulties in the application of the convention, if any.

Under this agenda item, the Working Party may wish to recall its decision, taken at its 148th session (February 2018), that the eleventh session of the Administrative Committee of the Harmonization Convention (AC.3) should be convened in conjunction with its 2019 June session. The Working Party mandated the secretariat to make the necessary arrangements, including the preparation of pre-, in- and post-session documents. Contracting parties were invited to provide input to the secretariat about issues they would want to be addressed at that session (see ECE/TRANS/WP.30/296, para. 38).

² www.unece.org/trans/bcf/welcome.html

5. Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail

The Working Party may wish to recall that, at its previous session, it continued its discussions on the draft convention on the basis of document ECE/TRANS/WP.30/2018/6/Rev.1, containing its full text in English, French and Russian. In this context, the Working Party also took note of Informal document WP.30 (2018) No. 8 from the Ministry of Transport of the Russian Federation in support of the draft convention. The Working Party took note that the secretariat had made arrangements for SC.2 delegates to attend the session, and that invitations to the railway ministries of China and Mongolia had been sent. The Working Party further recalled that ITC had urged the Working Party to finalize its considerations in the course of 2018, with the aim that a draft text of the new convention could be transmitted to ITC for consideration and possible endorsement at its eighty-first session and, subsequent transmittal to the depositary. Finally, the Working Party took note of comments by the Government of Turkey, as contained in document ECE/TRANS/WP.30/2018/19.

At the session, the delegation of Azerbaijan reiterated its support to continue discussing the draft convention but reported that interagency consultations on a final position were still ongoing. The delegation of Iran (Islamic Republic of) stated that due to ongoing legal issues a final position was still under consideration. The delegation of Armenia expressed its support for the draft convention. The delegation of the European Union stated that internal procedures on a common position had not yet been finalized. The delegation of Switzerland informed the Working Party that interagency consultations were taking place but that the Federal Transport Ministry had challenge the advocated advantages of the draft convention. The delegation of the Eurasian Economic Union (EEU) stated that the drafters had taken all comments by EEU into account and that, therefore, the Eurasian Economic Commission and the EEU member States were ready to adopt the draft convention. The delegation of Turkey expressed its support for the draft convention, while pointing out that document ECE/TRANS/WP.30/2018/19, contained, *inter alia*, alternative proposals for Article 27, introducing a distinction between contracting parties having accepted amendments and those that considered themselves not being bound by them. The delegation of the Russian Federation stated that, at a first glance, a number of proposals seemed of an editorial nature or were already covered by other provisions of the draft convention. The proposals for Article 27 merited further study in order to come to a mutually satisfactory wording. In conclusion, the Working Party decided to revert to this issue at its next session, inviting delegations, once more, to submit comments or proposals to the secretariat no later than by 1 August 2018 (see ECE/TRANS/WP.30/298, paras. 37–41).

The Working Party is invited to continue and, possibly, finalize its discussions of the draft convention, with the assistance of document ECE/TRANS/WP.30/2018/26, containing comments or proposals by delegations, if any.

Documentation

ECE/TRANS/WP.30/2018/6/Rev.1, ECE/TRANS/WP.30/2018/26

6. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)

(a) Status of the Convention

The Working Party will be informed about the status of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles.

(b) Issues in the application of the 1954 Convention in Egypt and Jordan

The Working Party may wish to recall that, at its 147th session, it took note of document ECE/TRANS/WP.30/2017/27, about the ongoing problems in Egypt and Jordan in the application of the 1954 Convention, particularly due to the fact that customs authorities did not seem to respect the deadlines and procedures laid down in the convention and that the secretariat had sent official letters on 27 July 2017 to the Governments of Egypt and Jordan through their permanent missions in Geneva and had sent reminder letters on 27 September 2017. Since then, various attempts from FIA³, its affiliated associations and ECE, to receive feedback or clarification from either country had failed, including an official invitation from the Executive Secretary of ECE to the permanent missions of Egypt and Jordan to attend further discussions of the matter at its 149th session (see ECE/TRANS/WP.30/296, paras. 42 and 43).

Due to the absence of representatives from Egypt or Jordan, the Working Party could not discuss the matter at its 149th session. It could only take note that, on 12 June 2018, the secretariat had received, through its permanent mission, a written statement from Egypt customs. However, the letter was in Arabic. The Working Party requested the secretariat to seek official translation of this letter from the ECE translation services and decided to revert to this issue at its next session. At the proposal of the delegation of the European Union, the Working Party agreed that, based on the outcome of that session, it would decide if the matter needed to be raised to the level of ITC (see ECE/TRANS/WP.30/298, para. 44).

The Working Party is invited to revert to the issues at stake, based on document ECE/TRANS/WP.30/2018/27, containing an official translation of a letter of reply from Egypt customs

Documentation

ECE/TRANS/WP.30/2017/27, ECE/TRANS/WP.30/2018/27

7. Activities of other organizations and countries of interest to the Working Party

The Working Party will take note of activities by various regional economic commissions or Customs Unions as well as by other organizations, both intergovernmental and non-governmental, and countries as far as they relate to matters of interest to the Working Party.

(a) European Union

The Working Party may wish to be informed about recent developments in the European Union related to the activities of the Working Party.

³ Federation Internationale de l'Automobile

(b) Economic Cooperation Organization

The Working Party may wish to be informed about relevant activities and ongoing projects carried out by the Economic Cooperation Organization.

(c) Eurasian Economic Union

The Working Party may wish to be informed about further progress in relevant activities and projects carried out by EEU. Under this agenda item, the Working Party is also invited to take note of a presentation by a representative of the EEU about the Union's new customs code.

(d) World Customs Organization

The Working Party may wish to be informed about recent activities of the World Customs Organization as far as they relate to matters of interest to the Working Party.

8. Other business

(a) List of decisions

Under this agenda item, the Working Party may wish to recall that, as requested at the 145th session, the secretariat includes a list of decisions as Annexes to the final reports of sessions. At its previous session, the Working Party requested the secretariat to continue this practice, thus keeping track of the status of decisions and include the practice as a separate agenda item for its future sessions. The secretariat agreed to this, adding that the list would also be attached to future draft agendas (see ECE/TRANS/WP.30/290, para. 51), (see agenda item 11).

The Working Party is invited to review the list of decisions and provide guidance to the secretariat.

(b) Dates of the next sessions

The Working Party may wish to decide on the dates of its next sessions. The secretariat has made arrangements for the 151st session to take place in the week of 4–8 February 2019, and for the 152nd session in the week of 11–14 June 2019.

(c) Restriction on the distribution of documents

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

9. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 150th session on the basis of a draft prepared by the secretariat. Given the present translation resource restrictions, parts of the final report may not be available at the session for adoption in all working languages.

10. Tentative timetable

Tuesday, 16 October 2018	10.00 a.m. – 1.00 p.m.	Items 1–3
	3.00 p.m. – 6.00 p.m.	Item 3 (cont'd)
Wednesday, 17 October 2018	10.00 a.m. – 1.00 p.m.	Items 3 (cont'd)
	3.00 p.m. – 6.00 p.m.	Items, 4–8
Friday, 19 October 2018	10.00 a.m. –	Item 9

11. List of decisions taken at the 149th session of the Working Party

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
7	Prepare document on article 20	secretariat	6 August 2018
9	Remove discussion on E.N. 0.8.3. from the agenda	secretariat	23 July 2018
10	Provide feedback to the secretariat on proposals to amend art. 11	delegations	1 August 2018
21	Provide comments/proposals for Annex 11	delegations	1 August 2018
22	Inform AC.2 of issues regarding the ITDB	secretariat	25 July 2018
23	Transmit findings to the Uzbek authorities	secretariat	a.s.a.p.
23	Instruct customs officials on the proper filling in of box 11	delegations	a.s.a.p.
24	Submit proposals on the introduction of greater facilities	delegations	1 August 2018
25	Prepare document on subcontractors, recapitulating various amendment proposals	secretariat	6 August 2018
29	Remove issue from the agenda	secretariat	23 July 2018
32	Bring problems in getting the TIR Handbook translated in Arabic, Chinese and Spanish to the attention of ITC	secretariat	February 2019
33	Submit Informal document WP.30 (2018) No. 7 as an official document for AC.2	secretariat	8 August 2018
36	Convene the eleventh session of AC.3 in conjunction with the 152nd session of WP.30 (June 2019)	secretariat	March 2019
40.	Study Turkish proposals to amend Article 27 of the draft Rail Convention	secretariat/ delegations	1 August 2018
41	Submit comments on the draft Rail Convention	delegations	1 August 2018
44	Seek translation of a letter from Egypt customs	secretariat	a.s.a.p.
48	Presentation on the new Customs Code of the EEU	EEU delegation	150th session.