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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

151st session

Geneva, 5–8 February 2019

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 151st session*.**

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Tuesday, 5 February 2019, and finishing around 6 p.m. on Friday, 8 February 2019, Room XII, Palais des Nations.

I. Provisional agenda

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

* 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=SxwGUB at the latest one week prior to the session. 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 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.



3. Activities of United Nations Economic Commission for Europe (ECE) bodies and other United Nations organizations of interest to the Working Party.
4. 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:
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.
5. 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.
6. Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail.
7. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956):
 - (a) Status of the Conventions;
 - (b) Issues in the application of the 1954 Convention in Egypt and Jordan.
8. 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.
9. Other business:
 - (a) List of decisions;
 - (b) Dates of the next sessions;
 - (c) Restriction on the distribution of documents.

10. Adoption of the report.
11. Tentative timetable.
12. List of decisions taken at the 150th 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.30/301

2. Election of officers

In accordance with the Commission's rules and procedures and established practice, the Working Party (WP.30) should elect a Chair and, possibly, a Vice-Chair for its sessions in 2019.

3. Activities of United Nations Economic Commission for Europe (ECE) 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 Committee will be informed 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, if any. In this context, the Working Party may wish to note that the eighty-first session of ITC will be held in Geneva from 19–22 February 2019 and that a side-event on digitalization and eTIR will be organized in the afternoon of 19 February 2019.

4. 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 be informed that the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (a) C.N.543.2018.TREATIES-XI.A.16 of 31 October 2018, informing of the accession of Argentina to the TIR Convention on 31 October 2018. The TIR Convention will enter into force for Argentina on 30 April 2019. With the accession of Argentina, the TIR Convention now has seventy-five contracting parties; (b) C.N...556.2018.TREATIES-XI.A.16 of 9 November 2018, informing of the entry into force on 3 February 2019 of amendments to Article 1 (q), Article 3, paragraph (b), Article 6, paragraph 2, Article 11, paragraph 3 and Article 38, paragraph 1 of the TIR Convention; (c) C.N...557.2018.TREATIES-XI.A.16 of 9 November 2018, informing of an

objection by Kazakhstan to a proposal to amend Article 2 of the TIR Convention. As a consequence of this objection, the said amendment proposal shall be deemed not to have been accepted and shall have no effect whatsoever, as stipulated by Article 59, paragraph 4. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

(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, on the basis of document ECE/TRANS/WP.30/2018/20. The delegation of the Russian Federation expressed clear support for its own proposal, which it considered balanced. The delegation of the European Union reiterated its proposal to replace “country” by “contracting party”, but stated its readiness to look into other proposals as well. The delegation of Turkey, with support from the delegations of the European Union and Ukraine, questioned the relevance of references to “within the limits of its competence” and “in conformity with the provisions of article 48” in the proposal by the Russian Federation and proposed to delete them. The delegation of the Russian Federation stated it could agree with the proposed deletions, which would make the text read as follows: “For a TIR operation in the territory of a contracting party or several contracting parties forming a customs or economic union, the customs authorities [customs office of departure or entry en route] may fix a time limit and require the road vehicle, the combination of vehicles or the container to follow a prescribed route”. The delegation of Azerbaijan, while expressing general consent with the latest proposal, pointed at the text of Article 1 (b), which would require an adjustment to make it also applicable for TIR operations involving various contracting parties. The delegation of Turkey was of the opinion that such amendment was not required. The secretariat proposed to reconsider the original wording of article 20 and refer to “journey” rather than “TIR operation”. In conclusion, the Working Party requested the secretariat to prepare a final document for its consideration, elaborating on the difference in wording between “journey” and “TIR operation” and clarifying the consequences, if any, of amending Article 1 (b) (see ECE/TRANS/WP.30/300, paras. 9–12).

The Working Party is invited to continue its considerations of the issue with the support of document ECE/TRANS/WP.30/2019/1.

Further to a request by the TIR Administrative Committee (AC.2) at its sixty-eighth session (October 2018) (see ECE/TRANS/WP.30/AC.2/139, paras. 43 and 44), the Working Party is invited to revert, under this agenda item, to outstanding amendment proposals to the convention with regard to the maximum level of guarantee per TIR Carnet. Against this background, the Working Party is invited to revisit document ECE/TRANS/WP.30/2016/13.

Documentation

ECE/TRANS/WP.30/2019/1, ECE/TRANS/WP.30/2016/13

(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-ninth session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR procedure

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

(GE.1), which took place in Rotterdam (The Netherlands) on 14 and 15 November 2018), and may wish to endorse the report of the session (ECE/TRANS/WP.30/2019/2).

Further, the Working Party will be briefed about the latest developments in the International TIR Databank (ITDB). Under this agenda item, the Working Party may also wish to discuss issues in the implementation of the ITDB.

Documentation

ECE/TRANS/WP.30/2019/2

(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, article by article. While tentatively adopting the majority of proposals, the Working Party requested the secretariat to submit new proposals for articles 2 (b), 4, 8, 9, 10, 13 and the Explanatory Note to Article 3, paragraph 2 of Annex 11. The Working Party agreed that this new document could tentatively also be tabled for the TIR Administrative Committee (AC.2) on the assumption that, in case the Working Party would manage to finalize discussions at its 151st session, the document could immediately be transferred to AC.2 for consideration at its sixty-ninth session. The amended proposals are contained in document ECE/TRANS/WP.30/2019/3-ECE/TRANS/WP.30/AC.2/2019/6, for consideration and, possibly, adoption by the Working Party. In the context of its discussions, the Working Party may also wish to recall the pertinent answers by the secretariat to a set of questions raised by the delegation of the Russian Federation (see ECE/TRANS/WP.30/300, paras. 20–22).

Documentation

ECE/TRANS/WP.30/2019/3-ECE/TRANS/WP.30/AC.2/2019/7

(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

The use of subcontractors in the Convention

The Working Party may wish to recall that, at its previous session, it continued its considerations on the use of subcontractors in the convention on the basis of document ECE/TRANS/WP.30/2018/25. The Working Party concluded that the proposals by Belarus and the secretariat adequately responded to the main concerns of contracting parties, in particular with regard to the liability for the payment of customs duties and taxes and the indications on the TIR Carnet, but that the proposal by the secretariat provided a clearer and more flexible approach for application in different contracting parties. The Working Party, although agreeing, in principle, to transmitting the proposal to AC.2, agreed, at the request of the delegation of Azerbaijan, to postpone a final decision until its current session. The Working Party requested contracting parties to send their final considerations, if any, no later than 20 November 2018 to the secretariat.

The Working Party is invited to finalize its considerations, with the assistance of document ECE/TRANS/WP.30/2019/4, containing comments by contracting parties, if any and, possibly, adopt the proposals by the secretariat, as contained in document ECE/TRANS/WP.30/2018/25.

Documentation

ECE/TRANS/WP.30/2019/4, ECE/TRANS/WP.30/2018/25

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

The Working Party will be informed by the International Road Transport Union (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 IRU.

5. 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, at its previous session, it agreed 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 mandated the secretariat to seek replies from contracting parties no later than by 15 January 2019 (see ECE/TRANS/WP.30/300, paras. 31 and 32). The secretariat will orally brief the Working Party about the latest developments on this issue.

(c) **Issues in the application of the Convention**

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,

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

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).

6. 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. The Working Party also took note of comments by the Government of Turkey, as contained in document ECE/TRANS/WP.30/2018/26. The delegation of the European Union stated that it had taken seriously the repeated requests to agree on the text and that it was now in a position to take a decision at this meeting. However, it would not be in favour of the text, would a clause about the participation of Regional Economic Integration Organizations (REIO) as contracting party to the new convention not be inserted. The delegation of the Russian Federation could agree to such request, on the condition that a similar wording to that of Article 52 of the TIR Convention would be used. The delegation of the Russian Federation further informed the Working Party that it could also accept the Turkish proposals to amend articles 1 (m), 4 and 25, paragraph 1 of the text. However, in the opinion of the delegation of the Russian Federation, the proposals to amend article 27, as proposed by Turkey, would significantly complicate the legal structure and the framework function of the new convention. The delegation of the Russian Federation proposed, as a compromise, to amend article 27, paragraph 1, introducing consensus as a principle to adopt amendments rather than the figured two-third majority.

The delegations of Armenia and Mongolia stated their full support for the draft convention. The delegation of Iran (Islamic Republic of), while supporting the draft convention, called for flexibility on all sides to enable broader partnership and cooperation for its successful implementation. In conclusion, the Working Party requested the secretariat to prepare an update of the draft, for discussion at its forthcoming session. Considering the progress achieved and in line with the request by ITC to finalize considerations in 2018, with the aim that draft text of the new Convention could be transmitted to the Committee for consideration and possible endorsement at its eighty-first session and subsequent transmittal to the depositary, the document should also be tabled for adoption by ITC at its 2019 session. Comments or proposals by delegations, if any, should reach the secretariat no later than by 20 November 2018 (see ECE/TRANS/WP.30/300, paras. 34–37).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2019/5, containing the final text of the draft Convention, including three alternative proposals for Article 27, for consideration and, possibly, adoption by the Working Party. The Working Party may wish to note that the same text will be submitted as official document ECE/TRANS/2019/18 to ITC. In addition, the Working Party may wish to consider document ECE/TRANS/WP.30/2019/6, by the secretariat, elaborating on the comments received from the United Nations Office of Legal Affairs – Treaty Section on, in particular, the various alternative proposals to Article 27. Finally, the Working Party may wish to take note of comments or proposals by delegations, if any, in document ECE/TRANS/WP.30/2019/7.

Documentation

ECE/TRANS/WP.30/2019/5, ECE/TRANS/WP.30/2019/6, ECE/TRANS/WP.30/2019/7

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

(a) Status of the Conventions

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 (October 2017), 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. The Working Party reverted to the issues at stake at its previous session, based on document ECE/TRANS/WP.30/2018/27, containing an official translation of a letter of reply from Egypt customs. In the letter, Egypt customs basically reject all complaints and explain that all actions undertaken are in line with or as stipulated by the convention and national law. As a matter of fact, Egypt customs claim that ongoing indolence from the Automobile and Touring Club of Egypt has seriously jeopardized customs authorities collecting due payments, leading to legal proceedings by customs against the association for an amount of 114,574,460 Egyptian pounds (around 5.5 million euro). The Working Party took note of this information and decided to wait for feedback from the Federation Internationale d'Automobile (FIA) on how to further proceed with the matter (see ECE/TRANS/WP.30/300, para. 39).

The Working Party will orally be briefed about feedback from FIA, if any.

Documentation

ECE/TRANS/WP.30/2018/27

8. 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.

(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.

9. 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 152nd session to take place in the week of 11–14 June 2019. The eleventh session of AC.3 which will be held in conjunction with the 152nd session of the Working Party.

(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.

10. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 151st 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.

11. Tentative timetable

Tuesday, 5 February 2019	10.00 a.m. – 1.00 p.m.	Items 1–4
	3.00 p.m. – 6.00 p.m.	Item 4 (cont'd)
Wednesday, 6 February 2019	10.00 a.m. – 1.00 p.m.	Item 4 (cont'd)
	3.00 p.m. – 6.00 p.m.	Items 5–9
Friday, 8 February 2019	10.00 a.m. –	Item 10

12. List of decisions taken at the 150th session of the Working Party

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
3	Attach speech of Mr. Li to final report	secretariat	done
6	Solicit feedback on Unified Railway Law draft legal provisions	delegations	At first opportunity
10	Prepare final document on Article 20, including considerations about Article 1 (b)	secretariat	27 November 2018
15	Remove item on Article 11, paragraph 4 <u>bis</u> from future agendas	secretariat	13 November 2018
16	Request extension of mandate GE.1	secretariat	ITC agenda (done)
21	Prepare new version of Annex 11 for WP.30 and AC.2	secretariat	27 November 2018
24	Submit proposal new Explanatory Note to Article 49 to AC.2	secretariat	29 November 2018.
25	Postpone final decision on comment to Article 1 (0) to 151st session of WP.30	secretariat	13 November 2018
32	Launch 2018 version of the survey on Annex 8, Harmonization Convention	secretariat	a.s.a.p
33	Convene the eleventh session of AC.3 in conjunction with the 152nd session of WP.30 (June 2019)	secretariat	March 2019
37	Prepare amended draft of new Rail Convention for WP.30 and ITC	secretariat	27 November 2018
37	Submit comments or proposals for new Rail Convention	delegations	20 November 2018
39	Seek feedback from FIA on letter Egypt customs	secretariat	done