

Economic and Social Council

Distr.: General 30 October 2019

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

153rd session

Geneva, 15-18 October 2019

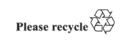
Report of the Working Party on Customs Questions affecting **Transport on its 153rd session**

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I. Attendance

1. The Working Party (WP.30) held its 153rd session from 15 to 18 October 2019 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belgium, Bulgaria, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kuwait, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan. Representatives of the European Union were also present. The following intergovernmental organization was represented: Eurasian Economic Commission (EEC). The following non-governmental organizations were represented: Alliance Internationale de Tourisme / Federation Internationale de l'Automobile (AIT/FIA), the International Road Transport Union (IRU).

II. Adoption of the agenda (agenda item 1)

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/305).

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

A. The Inland Transport Committee recommendations for enhancing national road safety systems

- The Working Party recalled that, on 24 April 2019, the Chair of the Inland Transport Committee (ITC) and the Director of the Sustainable Transport Division, in a joint letter, had invited the Chairs of Working Parties and Administrative Committees under the purview of ITC to take follow-up actions on aligning their work with the ITC strategy, in particular its road safety-related aspects. To that end, the ITC secretariat had prepared draft ITC recommendations for enhancing national road safety systems for comments by Working Parties and Administrative Committees (Informal document WP.30 (2019) No. 4 restricted). The Working Party, while fully supporting the scope of the recommendations in recognizing that road safety in its aspects affects the activities of the legal instruments under the purview of the Working Party, in particular when it comes to safe vehicles or drivers' behaviour, did not see any avenue for direct intervention in the field of customs other than, possibly, in the area of enforcement. To factually establish this, the Working Party had requested the secretariat to send a short survey to TIR customs focal points, with copy to WP.30 delegates, soliciting their national experience with customs-related activities of the draft recommendations and to prepare a document for its consideration at the current session (ECE/TRANS/WP.30/304, para. 6).
- 4. The Working Party considered document ECE/TRANS/WP.30/2019/7/Rev.1, containing the results of the survey. The Working Party expressed its satisfaction with the fact that twenty-nine countries had replied to the survey. The Working Party confirmed the preliminary conclusions by the secretariat underscoring, in particular, the impression that the roles and tasks of customs authorities in the field of road safety enforcement are extremely limited, with the exception of the inspection of the technical status of vehicles upon exportation or importation or the involvement of customs in controls of tachographs, weight and dimensions of vehicles or in checking for compliance with dangerous goods regulations. The Working Party requested the secretariat to transmit the document to ITC for information.

B. Alignment of the work of the Working Party with the Inland Transport Committee Strategy

The Working Party was informed that, on 26 June 2019, the Chair of ITC and the Director of the Sustainable Transport Division, in a joint letter, had invited the Chairs of Working Parties and Administrative Committees under the purview of ITC, to support the implementation of the ITC strategy by proposing a concrete plan aligning their work with the ITC strategy. The deadline for suggestions was set at 15 November 2019, after which date the ITC Bureau would prepare a concrete plan for presentation and, possibly, adoption at the eighty-second session of ITC (February 2020). Against this background the Working Party considered document ECE/TRANS/WP.30/2019/8 and its Corr.1 (English only), containing a list of tasks that the Working Party should undertake in the coming years in addition to its regular work. The Working Party expressed its readiness, in principle, to support the implementation of the ITC strategy and, thus, tentatively agreed with the proposed timetable for the tasks to be undertaken, subject to further assessment at any time in the future. As a first step, the Working Party requested the secretariat to prepare, for its next session, a document summarizing the main scope of the seventeen legal instruments under the auspices of the Working Party, reviewing the final clauses and proposing, where required, amendments. At the same time, the Working Party expressed caution that the imposed tasks (a) should not intervene with its regular tasks; (b) should not lead to mechanical changes for the simple sake of alignment with the ITC strategy and that (c) it would be the sole prerogative of the Working Party to establish the relevance of proposing or adopting amendments to the legal instruments or to undertake any further related action. As a word of caution, the delegation of the European Union advised ECE not to let its efforts to be considered as a global actor for legal instruments in the field of transport become detrimental to its task as guardian of the interest of the ECE region. The delegation of Ukraine recalled the extensive set of questions and answers developed by the TIR Executive Board as training material for the various stakeholders of the TIR system, inviting the Working Party to review and, where required, amend or update them, in order to reflect the latest state of play of the TIR Convention.1

IV. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 3)

A. Status of the Convention

6. The Working Party took note that, since its previous session, the status of the Convention and the number of contracting parties had not changed. Thus, the TIR Convention has, to date, seventy-six contracting parties (including the European Union) and is operational in sixty-two countries. More detailed information on these issues as well as on various depositary notifications s available on the TIR website.²

B. Revision of the Convention

1. Amendment proposals to the Convention

7. The Working Party noted that no amendment proposals to the Convention had been submitted for its consideration.

¹ www.unece.org/tir/training/english.html

² www.unece.org/tir/tir-depositary_notification.html

2. Preparation of Phase III of the TIR revision process

(a) eTIR pilot projects

- 8. The Working Party recalled the signature on 6 October 2017 of a five years Memorandum of Understanding (MoU) on cooperation between ECE and IRU in the field of computerization of the TIR procedure and of the supporting Contribution Agreement (CA) towards enhancing full computerization of the TIR procedure, welcomed the recently launched eTIR project between Azerbaijan and Iran (Islamic Republic of) and took note that the first eTIR transport from Iran (Islamic Republic of) to Azerbaijan had been conducted on 18 June 2019. The Working Party took note that, in both countries, a revised guarantee agreement had been signed between customs and the guaranteeing association, extending the coverage of the agreement to eGuarantees, and that the first eTIR transport from Iran (Islamic Republic of) to Azerbaijan took place on 18 June 2019. Since then, seven more similar transports took place. Finally, the Working Party noted that a meeting was planned on 30 October 2019 in Ardebil (Iran (Islamic Republic of)) to further discuss the full computerization of the TIR procedure on corridors that extend beyond Azerbaijan and Iran (Islamic Republic of). The Working Party further noted that the eTIR project between Iran (Islamic Republic of) and Turkey is still ongoing and that both countries were still discussing to finalize a MoU which would allow extending their eTIR pilot project to all customs offices and all TIR Carnet holders from both countries. Finally, the Working Party noted that the eTIR pilot project between Georgia and Turkey is continuing to the satisfaction of both administrations.
- 9. Under this agenda item, the Working Party was informed of the latest composition of the TIR secretariat Information Technology (IT) team. It took note that the team planned to focus on three major aspects of the eTIR international system: reliability, security and the ease of connection with the system for contracting parties. The team was currently conducting an in-depth review of the existing code and procedures from the eTIR pilots, to globally improve them according to the three identified goals.
- (b) Activities of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure
 - 10. The Working Party took note that the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held its thirtieth session on 18 and 19 September 2019 in Budapest, at the kind invitation of the Hungarian customs administration. It welcomed the participation of the Russian Federation and noted that GE.1 had discussed, inter alia, some issues on which contracting parties had not yet reached consensus when discussing draft Annex 11. At the session, the Expert Group had also discussed a survey on the connection to the eTIR international system and the so-called "opting out" clause, noting that Montenegro, Norway and Switzerland had indicated that they might make use of the "opting out" clause, due to the low volume of TIR transport versus the considerable costs of linking up to the eTIR international system.
 - 11. The Working Party took note that GE.1, while trying to clarify which customs offices should receive advance TIR data, had made proposals to slightly amend Article 2 (b) and Article 6 to incorporate the concepts contained in Explanatory Note 11.6.2 (which could then be deleted). In order to facilitate the discussions on draft Annex 11 at the forthcoming session of AC.2, the secretariat had circulated these proposals to all TIR contracting parties, together with proposals by the secretariat on editorial changes and additional amendments in other articles, aimed at ensuring consistency (as reproduced in Informal document WP.30 (2019) No. 10). The Working Party had first considerations on the various proposals and generally supported the proposals by the secretariat, pending a few possible minor amendments. The Working Party requested the secretariat to transmit the outcome of its discussions to the Administrative Committee.
 - 12. The Working Party also took note that on the issue of the authentication of the holder, GE.1 welcomed a presentation by the experts from the Russian Federation on the use of trusted third parties (TTP) for cross border recognition of electronic signatures. The presentation had raised interest and numerous questions, particularly on the mandatory usage of electronic signatures by all contracting parties, the costs for setting up national and central

TTPs as well as roles and responsibilities of TTPs. The Working Party took note that GE.1 had decided to continue considering this issue at its next session.

- (c) Conversion of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure into a formal Group of Experts
 - 13. At the invitation of the secretariat, the Working Party considered converting GE.1 into a formal group of experts. The conversion should facilitate the participation of delegations, in particular for French and Russian speaking delegations, in the work and lead to preparing a version of the eTIR specifications that would be considered and adopted after the entry into force of Annex 11 by the contracting parties which would be bound by Annex 11. The Working Party considered document ECE/TRANS/WP.30/2019/9, which provided details of the rationale of this conversion as well as the draft Terms of Reference of GE.1.
 - The Working Party established that, since the end of its originally mandated tasks in 2015, the secretariat had convened GE.1 whenever issues related to maintaining or amending the eTIR specifications so required, de facto once or twice per year. At the request of WP.30, ITC prolonged the mandate of GE.1 every year from 2016 onwards. The Working Party considered the pros of having the status of GE.1 formalized (particularly, the availability of official documents in the three ECE languages and interpretation during sessions), versus continuing the current practice. The Working Party considered that any request to the Executive Commission (EXCOM) could only be launched after having received endorsement from ITC at its forthcoming session at the end of February 2020. In order not to frustrate the excellent work performed by GE.1 in its informal status, the Working Party requested the secretariat to seek endorsement from ITC to launch the formalization of GE.1 by EXCOM, while maintaining GE.1 as an informal group until such formalization was obtained. At the request of the delegation of the European Union, the secretariat was asked, upon submission of the proposal for conversion to ITC, that GE.1 would meet, at least, twice in 2020 and, at least, twice in 2021, so that more sessions of GE.1 could possibly be organized, with shorter intervals. The delegation of Ukraine stressed the importance of providing pertinent reasons to warranted conversion.

C. Application of the Convention

1. New developments in the application of the Convention

15. No new developments were raised under this agenda item.

2. TIR-related electronic data interchange systems

- 16. IRU informed the Working Party about the latest statistical data on the performance of contracting parties in the control system for TIR Carnets SafeTIR system (Informal document WP.30 (2019) 8). In this context, the Working Party appreciated document ECE/TRANS/WP.30/2019/10 by IRU, that provided clear definitions of the various termination types (load, partial, final and exit) that are now included in the statistical data and invited IRU to continue this type of reporting for the future.
- 17. The delegation of Belgium explained that the long periods of transmission and reconciliation were due to a bug that appeared when the IT system was updated in 2018. According to the latest available information the bug should be repaired in the coming weeks.

3. Settlement of claims for payments

18. IRU informed the Working Party about the current situation on the settlement of claims for payments made by customs authorities against national guaranteeing associations (Informal document WP.30 (2019) No. 9).

4. Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments

19. No information was provided. The Working Party agreed to take this item off its future agendas.

5. Other matters

- 20. Under this issue, the Working Party considered document ECE/TRANS/WP.30/2019/11, containing a letter from the Lithuanian National Road Carriers Association (LINAVA) on the introduction of mandatory payment for electronic services in Belarus.
- When introducing the topic, the delegation of Lithuania clarified that the issue evolved around the introduction, on 1 July 2019, of a unified system of transmission of predeclarations in Belarus, meaning that all advance cargo information including the one transmitted by the IRU application TIR Electronic Pre-Declaration (EPD) would be sent to the Belarusian customs exclusively through this unified platform operated by the "National Centre for Electronic Services" (NCES). According to Presidential Decree No. 515 of 8 November 2011, NCES would provide electronic services to state bodies, other organizations and citizens, both on a paid and unpaid basis. At the same time, services linked to the transmission of advance cargo information to the customs offices of Belarus would be carried out exclusively on a paid basis. According to inquiries, non-residents of Belarus would not have direct access to the unified platform, but would need to pass through customs brokers. The delegation of the European Union underlined that, in its view, the fees charged by the customs authorities of Belarus to European carrier are not in line with the spirit of the TIR Convention. For normal customs services (i.e within regular working hours, at customs premises), the customs administrations of member States of the European Union do not charge any fees, and this could serve as a good example. The delegation of Uzbekistan supported the statements by the delegations of Lithuania and the European Union, stressing that charging a fee was not only against the TIR Convention but may also be an issue with regard to the principles of the World Trade Organization of free transit and the charging of fees. IRU specified that charging a fee for regular customs services constitutes a violation of Article 46 of the Convention. Allowing such practice forms a real threat to the continuation of the TIR system in general and the introduction of eTIR in particular. The delegations of the Republic of Moldova supported the previous speakers. The secretariat was requested to transmit the findings of the Working Party to the Belarus authorities.
- 22. The Working Party also took note of document ECE/TRANS/WP.30/2019/12, containing a letter from the International Road Carriers of Ukraine (ASMAP-UA), that reported problems related to the non-acceptance of TIR Carnets by the customs authorities of the Russian Federation as well as a letter, transmitted by IRU.
- 23. The delegation of Ukraine explained that, at Russian border points, in particular in the North-West region, Ukrainian carriers are given the choice to, further to undergoing full customs control, including unloading of the goods, continue under the TIR procedure or change to the national transit procedure, which would not require full customs control and the unloading of goods. This choice was given due to the fact that the X-ray scanner, which would otherwise be used, was temporarily not available. In view of the burden of undergoing full customs control (both in time and financially), carriers saw no other option than to pursue their transport under a national guarantee. The delegation of the Republic of Moldova confirmed this practice.
- 24. The delegation of the Russian Federation informed the Working Party that more information on the issue would be provided at the session of AC.2. The Working Party agreed with this approach on the understanding that any such information would be considered informal, as not being on the agenda of AC.2, and would be referred back to WP.30 for consideration at its next session.
- 25. In the meantime, the Working Party called on all contracting parties to fully and correctly engage in the unrestricted application of the provisions of the TIR Convention on their territories, so that it could fully fulfil its role as a facilitation tool at the service of international trade and transport.

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

A. Status of the Convention

26. The Working Party was informed that the status of the convention and the number of contracting parties had not changed. The Harmonization Convention has fifty-eight contracting parties. More detailed information on these issues as well as on various depositary notifications is available on the ECE website.³

B. Amendment proposals to the Convention

27. The Working Party was informed that the Administrative Committee for the Harmonization Convention (AC.3), at its eleventh session (June 2019), had tentatively adopted a proposal to amend Annex 8, Article 7, extending the frequency of the reporting mechanism from two to five years, pending confirmation by a decision of the Council of the European Union. The delegation of the European Union reported that the formal adoption process was well under way and that the secretariat could arrange for AC.3 to meet. Thus, the Working Party mandated the secretariat to make the necessary arrangements to convene the twelfth session of AC.3, including the preparation of pre-, in- and post-session documents in conjunction with the 154th session of the Working Party, to be held on Wednesday 5 February 2020 from 5 to 6 p.m., with the formal adoption of the proposal as only agenda item. The Working Party invited Mr. O. Fedorov (Ukraine), Chair of the eleventh session of AC.3 to also consider acting as Chair at the twelfth session.

C. Issues in the application of the Convention

28. No issue was raised under this agenda item.

VI. Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail (agenda item 5)

Status of the Convention

- 29. The Working Party recalled that, at its previous session, it had been informed that the Secretary-General of the United Nations, acting in his capacity as depositary, has issued depositary notifications C.N.126.2019.TREATIES-XI.C.7 and C.N.127.2019.TREATIES-XI.C.7 of 4 April 2019, informing of the opening for signature of the new convention at the United Nations Headquarters in New York and the issuance of certified true copies. The secretariat informed the Working Party that, on 27 September 2019, at the annual Treaty Event, held at the occasion of seventy-fourth session of the United Nations General Assembly in New York, Chad had signed the convention. More detailed information on this issue as well as on depositary notifications is available on the TIR website.⁴
- 30. The delegation of the Russian Federation informed the Working Party that, at the proposal of the Ministry of Transport, the Russian Government, on 30 September 2019, had approved the signing of the Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage, carried in International Traffic by Rail. The Ministry of Transport had been instructed to sign the document on behalf of the Russian

³ Ibid.

⁴ Ibid.

Federation. Recalling the importance of the new Convention for the development of international rail passenger traffic, he called on countries to accede to it.

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

A. Status of the Conventions

31. The Working Party was informed that, since its previous session, the status and the number of contracting parties to the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles had not changed and that the conventions had eighty and twenty-six contracting parties respectively. More detailed information on this issue as well as on depositary notifications is available on the TIR website.⁵

B. Issues in the application of the 1954 Convention in Egypt and Jordan

- 32. The Working Party recalled the ongoing issues in Egypt and Jordan in the application of the 1954 Convention, particularly due to the fact that customs authorities do not seem to respect the deadlines and procedures laid down in the Convention. AIT/FIA informed the Working Party that discussions were still ongoing with both countries.
- 33. Under this agenda item, the Working Party took note that, at the invitation of AIT/FIA, the secretariat would participate in a workshop on the 1954 and 1956 conventions and other legal instruments in the field of border crossing facilitation in Cairo, on 3 November 2019.

VIII. Activities of other organizations and countries of interest to the Working Party (agenda item 7)

A. European Union

34. The delegation of the European Union informed the Working Party that, in case of Brexit, the common transit procedure will become operational between the European Union and the United Kingdom. It further provided information on the Commission Implementing Regulation (EU) 2019/1394 of 10 September 2019, containing the latest amendments and corrections to Implementing Regulation (EU) 2015/2447, as published in the Official Journal of the European Union L234 of 11 September 2019.⁶

B. Economic Cooperation Organization

- 35. ECO reported on its latest activities of interest to the Working Party. As mentioned at the 147th session of WP.30 (October 2017), a project, conducted with IRU, which involved field studies of the Islamabad-Tehran-Istanbul (ITI) and Kyrgyz-Tajikistan-Afghanistan-Iran (KTAI) road corridors, was now in its final stage.
- 36. The project addressed and assessed major aspects of the transport industry to get a comprehensive and realistic picture of the existing routes and how to improve their functioning. Main aspects include: analysis of the traffic/cargo traffic along the corridors, trade statistics from transit countries, assessment of road conditions, roadside facilities, truck fleet, checkpoints and ports, investment needs, best practices, status of the motor vehicle third party liability insurance scheme (MVTPL), visa regimes between transit countries etc.

⁵ Ibid.

⁶ eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2019:234:FULL&from=EN

- 37. The study further examined how major international agreements/conventions that facilitate the movement of goods were being implemented in ECO countries. For example, for the TIR Convention where all ECO members are contracting parties, Iran (Islamic Republic of) and Turkey had successfully implemented an eTIR pilot project and ECO expects that, soon, eTIR would be extended to all transport operators and customs of both countries as well as to other ECO member States. In June 2019, the first eTIR transports were conducted between Azerbaijan and Iran (Islamic Republic of), marking a new era of transport operations between the two countries. This new digital TIR corridor opens the ECO region for even greater trade flows, leading to increased prosperity. Pakistan has also officially requested to join future pilot projects. When this materializes, the complete ITI corridor will be fully computerized.
- 38. The key findings of the study, a set of recommendation and an action plan would be presented at the next meeting of the High-Level Working Groups on ITI and KTAI corridors in Tehran, November 2019.
- 39. With the accession of Pakistan to the CMR Convention in 2019, all ECO member countries, except Afghanistan, are now contracting parties. Iran (Islamic Republic of), Tajikistan and Turkey are also contracting parties to the e-CMR Protocol.
- 40. With these latest developments, the ECO secretariat was ready to cooperate with ECE and the Islamic Development Bank (IDB) to consider organizing, in 2020, regional workshops on e-CMR and e-TIR for ECO member countries. Finally, the Afghan Transport Ministry was also interested in organizing a national awareness raising workshop on CMR in the near future.

C. Eurasian Economic Union

41. EEC had no information to share with the Working Party under this agenda item.

D. World Customs Organization

42. Under this agenda item, the Working Party was informed that, on 1 August 2019, the Secretary-General of the United Nations, acting in his capacity as depositary, issued depositary notification C.N.328.2019.TREATIES-XI.A.15 informing of the submission of various proposals to amend Annexes 1 and 4 of the Container Convention of 1972. In accordance with the provisions of Article 22 (5) of the Convention, the amendments shall enter into force on 1 November 2020, unless, by 1 August 2020, one-fifth or five of the contracting parties, whichever number is less, have notified the Secretary-General that they object to the amendment proposals. Against this background, the Working Party recalled that the TIR Convention, 1975 and the Container Convention, 1972 share a joint annex, Annex 7 and Annex 4 respectively. The amendment proposals to Annex 4 of the Container Convention equal those of Annex 7 of the TIR Convention that entered into force on 1 January 2017 (Amendment 33). More detailed information on this issue as well as on depositary notifications is available on the TIR website.⁷

IX. Other business (agenda item 8)

A. List of decisions

43. The list of decisions of the 153rd session is attached as Annex to the final report.

⁷ Ibid.

B. Dates of the next sessions

44. The Working Party decided to conduct its 154th session in the week from 3 to 7 February 2020 and took note that the secretariat had made tentative arrangements for the 155th session to be convened in the week from 8 to 12 June 2020 and the 156th session in the week from 12 to 16 October 2020.

C. Restriction on the distribution of documents

45. The Working Party decided that there would be no restriction in the distribution of documents issued for the current session.

X. Adoption of the report (agenda item 9)

46. In accordance with established practice, the Working Party adopted the report on its 153rd session on the basis of a draft prepared by the secretariat.

Annex

List of decisions taken at the 153rd session of the Working Party

Reference in final report (para.)	Short description of decision	Actor	Deadline
4	Transmit results survey to ITC	secretariat	a.s.a.p.
5	Transmit work alignment document to ITC	secretariat	a.s.a.p.
14	Request extension informal GE.1 for 2020 and	secretariat	a.s.a.p.
	seek endorsement for conversion into formal GE.1		
	from ITC		
21	Transmit WP.30 findings to Belarus	secretariat	a.s.a.p.
27	Organized twelfth session AC.3 (5 February 2020)	secretariat	13 November 2019

Deadline agendas: 13 November 2019 Deadline documents: 27 November 2019