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Report of the Working Party on Customs Questions affecting Transport on its 159th session

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I. Attendance

1. The Working Party held its 159th session on 8 and 11 (a.m.) February 2022, virtually and in-person, in Geneva. The session was attended by representatives of the following countries: Albania, Austria, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and Uzbekistan. Representatives of the European Union were present. The following non-governmental organization was represented: International Road Transport Union (IRU).

II. Adoption of the agenda (agenda item 1)

2. The Working Party adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/317).

III. Election of officers (agenda item 2)

3. In the absence of a Chair or Vice-Chair, the Working Party (WP.30) agreed that, exceptionally, it would guide the secretariat through the agenda of the session. The Working Party strongly encouraged interested governments to nominate a candidate for the post of Vice-Chair in order to facilitate any future election process.

IV. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 3)

Alignment of the work of the Working Party with the Inland Transport Committee strategy

4. The Working Party recalled its ongoing discussions of the topic, which were initiated at its 154th session (February 2020) (Please refer to ECE/TRANS/WP.30/308, paras. 6–9, ECE/TRANS/WP.30/310, paras. 3 and 4, ECE/TRANS/WP.30/312, paras. 5–8, ECE/TRANS/WP.30/314, paras. 4–10 and ECE/TRANS/WP.30/316, paras. 3–9) on the basis of documents ECE/TRANS/WP.30/2020/1 and ECE/TRANS/WP.30/2020/8.

5. In particular, the Working Party recalled that, at its previous session (October 2021), it confirmed that this had been a useful exercise, which had highlighted issues in the application of various legal instruments, leading to a review of their relevance at national level, including, at times, up to denunciations. Although it had been established that some legal instruments had lost their relevance or seemed to have been overtaken by more recent legislation, developed under the aegis of the United Nations or other international organizations, such as, in particular, the World Customs Organization (WCO), the Working Party was of the view that these legal instruments should continue to exist, as they may very well have served as the basis for more recently developed legal instruments and, therefore, continued to be of relevance. At the same time, and exactly for the same reason, the Working Party felt that there was no reason, or it could even be risky, to amend or adjust them to current realities as, by doing so, they might undermine the construction of more recent legislation that has been based on them. The Working Party was of the view that this exercise should now be considered finalized and requested the secretariat to report this to the Inland Transport Committee (ITC) at its February 2022 session (ECE/TRANS/WP.30/316, paras. 8 and 9).

6. The Working Party confirmed its findings at its previous session and took note that they had been transmitted to ITC for consideration (ECE/TRANS/2022/25).

7. The delegation of the European Union informed the Working Party that internal consultations about the 1958 Customs Convention concerning spare parts used for repairing EUROP wagons and the 1994 Convention on Customs Treatment of Pool Containers used in International Transport were still ongoing and that it would report any developments at a future session of the Working Party.

8. Under this agenda item, the secretariat informed the Working Party about the upcoming eighty-fourth annual session of ITC (22–25 February 2022), which will mark its seventy-fifth anniversary. As part of the session, the theme of the Ministerial segment on 22 February 2022 will be on “75 years of ITC: Connecting Countries and Driving Sustainable Mobility”. On Wednesday 23 February, from 10 to 11 a.m. a ‘governments only’ restricted session, with the participation of the Chairs of the Committee’s subsidiary bodies, will be organized which will be dedicated to the challenges and opportunities in the implementation of the ITC Strategy, as well as possible ways to further enhance it. More detailed information is available on the ITC website.¹

V. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 4)

A. Status of the Convention

9. The Working Party was informed that the TIR Convention has seventy-seven contracting parties and that the TIR system is operational in sixty-five countries. In particular, the Working Party recalled that the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (i) C.N.99.2021.TREATIES-XI.A.16 of 25 March 2021, informing of the submission of a proposal to amend Article 18 and Annexes 1 and 6 of the TIR Convention, 1975. In accordance with the provisions of Article 59 (3) of the Convention, the amendments shall enter into force on 25 June 2022, unless an objection has been communicated to the Secretary-General not later than by 25 March 2022; (ii) C.N.370.2021.TREATIES-XI.A.16 of 15 November 2021, informing that, by 4 November 2021, none of the Parties had communicated an objection to the various proposals to amend the body and annexes of the TIR Convention, 1975, including those that make the electronic submission of data to ITDB obligatory. Consequently, in accordance with the provisions of article 59 (3) of the Convention, the amendments entered into force with respect to all Parties to the Convention on 4 February 2022. More detailed information on depositary notifications is available on the TIR website.²

10. The delegation of the European Union informed the Working Party that these latest amendment proposals, as contained in Amendment 38 to the TIR Convention, had been published in Official Journal L459 of 22 December 2021, in all official languages of the European Union.³

B. Revision of the Convention

Amendment proposals to the Convention

11. The Working Party took note that, at present, no amendment proposals to the Convention had been submitted for its consideration. The delegation of the European Union recalled the extensive work by all stakeholders in the recent past in submitting, discussing and, finally, adopting various packages of amendment proposals, including, but not limited to, new Annex 11 of the Convention and the work that undoubtedly would lie ahead soon.

¹ <https://itc-75th-anniversary.unece.org/>

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

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2021:459:TOC>

C. Application of the Convention

1. Comments to the TIR Convention

12. The Working Party took note that, at present, no proposals for new comments to provisions of the Convention had been submitted for its consideration.

2. eTIR

(a) eTIR international system: interconnection projects

13. The Working Party took note of the latest developments of the eTIR international system and the ongoing eTIR interconnection projects, such as those of Azerbaijan, Georgia, Pakistan, Tunisia, Turkey and Uzbekistan. The Working Party also noted the next priorities and related tasks of the secretariat, especially the preparation of the conformance tests

(b) Activities of the Technical Implementation Body

14. The Chair of TIB informed the Working Party about the outcome of the first session of TIB, which took place on 18–22 January 2022 and the report of which is contained in document ECE/TRANS/WP.30/AC.2/TIB/2. In particular, the Working Party noted that TIB had adopted version 4.3 of the eTIR technical specifications, as contained in document ECE/TRANS/WP.30/AC.2/TIB/2022/5-ECE/TRANS/WP.30/AC.2/2022/14, and confirmed their alignment with version 4.3 of the eTIR concepts (ECE/TRANS/WP.30/AC.2/TIB/2022/3-ECE/TRANS/WP30/AC.2/2022/12) and the eTIR functional specifications (ECE/TRANS/WP.30/AC.2/TIB/2022/4-ECE/TRANS/WP30/AC.2/2022/13), pending their adoption by AC.2.

15. The Working Party also noted that TIB had adopted its Rules of Procedure (RoP), the final version of which is contained in Annex II of the report of the first session and that, in line with Article 4 of Annex 11 of the Convention they had been transmitted to AC.2 for endorsement.

3. New developments in the application of the Convention

16. No new development was raised under this agenda item.

4. TIR-related electronic data interchange systems

17. The Working Party was informed by IRU about the latest statistical data on the performance of contracting parties in the control system for TIR Carnets — SafeTIR system (Informal document WP.30 (2022) No. 1).

5. Settlement of claims for payments

18. The Working Party was informed by IRU about the current situation on the settlement of claims for payments made by customs authorities against national guaranteeing associations (Informal document WP.30 (2022) No. 2).

6. Other matters

19. The Working Party did not consider any other issues or difficulties in the application of the TIR Convention faced by customs authorities, national associations, the international insurers or IRU.

VI. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention) (agenda item 5)

A. Status of the Convention

20. The Working Party was informed about the status of the Convention. Since the tenth session of the Committee, in 2014, only Turkmenistan has acceded to the Convention, in 2016, becoming the fifty-eighth contracting party to the Convention. More detailed information on the status of the Convention as well as on various depositary notifications is available on the ECE website.⁴

B. Issues in the application of the Convention

21. Under this agenda item, the Working Party recalled that, at its previous session (October 2021), it accepted a survey on the application of Annex 9 of the Harmonization Convention (see document ECE/TRANS/WP.30/2021/4 and Informal document WP.30 (2021) No. 6 by the Organization for Cooperation between Railways (OSJD) and was of the opinion that it should be distributed among participants in the Working Party on Rail Transport (SC.2) and interested railway partners, such as, but not limited to, the International Union of Railways (UIC) and the Community of European Railway and Infrastructure Companies (CER) (see ECE/TRANS/WP.30/316, para. 28).

22. The Working Party took note that SC.2, at its seventy-fifth session (November 2021), discussed the draft survey developed by the secretariats of SC.2 and WP.30 on Annex 9, as contained in Informal document SC.2 No. 3 (2021) as agreed at the session of WP.30 in October 2021. SC.2 noted that the survey was now in a position to be completed by railway stakeholders. SC.2 thanked WP.30 and the secretariat for the preparation of the survey and asked the secretariat to send the survey to SC.2 delegates for completion. The secretariat of the Intergovernmental Organization for International Carriage by Rail (OTIF) questioned why the survey for Annex 9 was not also being sent to customs authorities. It noted that it would approach the relevant organs (WP.30 and SC.2) to exchange information on the current survey. The Secretary of WP.30 noted that the customs authorities present in its session had noted that they would not be in a position to complete the Annex 9 survey and that as such it should be shared with SC.2 focal points as those working directly on customs matters on international rail journeys (see ECE/TRANS/SC.2/236, paragraphs 66–68). The Working Party was informed that the survey had been sent out with a deadline of 31 March 2022 for reply. WP.30 delegations interested to receive a copy of the survey for reply, were requested to contact the secretariat by email.

23. Under this agenda item, Ms. E. Elezi from Albanian Railways delivered a presentation on the joint railway station Tuzi, located on the border between Albania and Montenegro. This common railway station is a milestone and the first railway station of this type in the region to shorten travel time for passenger and off-road trains at border crossings.

VII. Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail (agenda item 6)

Status of the Convention

24. The Working Party recalled that, at its 156th session (February 2021), the delegation of the Russian Federation informed the meeting that, at the national level, all required procedures in preparation of signing the Convention had been completed and that a

⁴ www.unece.org/tir/tir-depositary_notification.html.

Government decree to that extent had been issued. Steps were being undertaken at the level of the Ministry of Transport in order to facilitate signing the Convention in New York (ECE/TRANS/WP.30/312, para. 32).⁵ No further developments were reported under this agenda item.

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

A. Status of the Conventions

25. The Working Party was informed that 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 have 80 and 26 contracting parties, respectively. More detailed information on this issue as well as on depositary notifications is available on the TIR website.⁶

B. Issues in the application of the Conventions

26. The Working Party recalled that, at its 157th session (June 2021), it considered and adopted a Memorandum of Understanding (MoU) between ECE and the Alliance Internationale de Tourisme / Federation Internationale de l'Automobile (AIT/FIA) on the revitalization and digitalization of relevant United Nations inland transport conventions and, in particular, the development of an eCPD (Carnet de Passage en Douane) system, as contained in document ECE/TRANS/WP.30/2021/5. The Working Party mandated the secretariat to submit the MoU to the Executive Commission (EXCOM) of ECE for information. The Working Party requested parties to regularly report on progress made. The delegation of the European Commission encouraged stakeholders to draw from the recent experiences in the dematerialization of the Admission Temporaire / Temporary Admission (ATA) Carnet and to inform the World Customs Organization (WCO) about this initiative. It also expressed a word of caution with regard to any Information Technology (IT) development which could lead to new IT developments in customs administrations (see ECE/TRANS/WP.30/314, paras. 41 and 42). The Executive Secretary of ECE informed EXCOM at its 177th session (8 July 2021) about the upcoming signature of the MoU (see EXCOM/CONCLU/117). ECE and FIA signed the MoU on 20 October 2021.⁷

27. The secretariat informed the Working Party that ECE and FIA had jointly presented the MoU at the twentieth session of the WCO ATA/Istanbul Administrative Committee (15 November 2021), as well as at a FIA workshop on the 1954 and 1956 temporary importation conventions and other United Nations legal instruments in the field of temporary importation (Amman, 24 November 2021). FIA further informed the Working Party that Jordanian Customs, from now on, will only accept CPDs issued with an AIT/FIA eCPD distribution system QR code, for verification of its authenticity.

IX. Introduction of new technologies in rail, road, road-based mobility, inland waterway, logistics and intermodal transport until 2030 (agenda item 8)

28. No delegation raised an issue under this agenda item. Delegations were encouraged to raise any initiative or national, sub-regional or regional interest in this regard at future sessions of the Working Party. In particular, the secretariat invited delegations wishing to

⁵ www.unece.org/tir/tir-depositary_notification.html.

⁶ www.unece.org/tir/tir-depositary_notification.html.

⁷ For the press-release on the signing event, see: unece.org/media/press/361329

report on its efforts to contribute to the digitalization of the TIR Convention, to do so under this agenda item (see also ECE/TRANS/WP.30/312, para. 15).

X. Activities of other organizations and countries of interest to the Working Party (agenda item 9)

29. The Working Party took 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

30. The delegation of the European Union reported on the recently published third report on the progress in developing the electronic systems provided for under Article 278a of the Union Customs Code (UCC).⁸

B. Economic Cooperation Organization

31. There was no intervention from the Economic Cooperation Organization (ECO) under this agenda item.

C. Eurasian Economic Union

32. There was no intervention from the Eurasian Economic Union (EEU) under this agenda item.

D. World Customs Organization

33. There was no intervention from the World Customs Organization (WCO) under this agenda item.

XI. Other business (agenda item 10)

A. Dates of the next sessions

34. The Working Party tentatively decided to hold its 160th session on 8–10 June 2022, subject to potential adjustments due to the ongoing COVID pandemic and the United Nations liquidity crisis. Prospective participants were encouraged, within the existing sanitary and organizational restrictions, to consider attending the session in person.

B. Restriction on the distribution of documents

35. The Working Party decided that there would be no restrictions on the distribution of documents issued in connection with its current session.

⁸ https://ec.europa.eu/taxation_customs/news/ucc-work-programme-progress-report-2021-2022-01-24_en;

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0791&qid=1644326240767&from=EN>

C. List of decisions

36. .Because of the absence of a Chair, the Working Party agreed that there would be no list of decisions to be attached to the final report.

XII. Adoption of the report (agenda item 11)

37. The Working Party adopted the report of its 159th session on the basis of a draft prepared by the secretariat.
