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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

143rd session

Geneva, 31 May–3 June 2016

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 143rd session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday,
31 May, Room V, Palais des Nations

I. Provisional agenda

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

¹ 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 (Fax: +41-22-917-0039; e-mail: wp.30@unece.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: www2.unece.org/uncdb/app/ext/meeting-registration?id=PHTuXQ 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, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.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.

² 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. 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.
 - (c) Application of the Convention:
 - (i) New developments in the application of the Convention;
 - (ii) TIR-related electronic data interchange systems;
 - (iii) Settlement of claims for payments;
 - (iv) Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments;
 - (v) Other matters.
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”):
 - (a) Status of the Convention;
 - (b) Proposals for a new Annex 10 on sea ports.
5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
6. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956).
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) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
9. Adoption of the report.

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.30/285

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.

Under this agenda item, the Working Party may wish to take note that ITC, at its seventy-eighth session, *inter alia*, invited its subsidiary bodies to assess their regional and global activities, the enabling environment and any potential changes that may be deemed necessary for increasing their impact on the ground towards sustainable mobility (see Informal document ITC (2016) No. 14, Decision No. 3).

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 Convention and the number of Contracting Parties. More detailed information on these issues as well as on depositary notifications is available on the TIR website.³

(b) Revision of the Convention

(i) Amendment proposals to the Convention

The Working Party may wish to recall that, at its previous session, it had decided to adopt proposals:

- to align Article 6, paragraph 1, Explanatory Note 0.6.2. and Annex 9, Part I, paragraph 1 with the already adopted wording of Article 1 (q): *for* customs authorities *read* customs authorities or other competent authorities (see ECE/TRANS/WP.30/AC.2/127, para. 32);
- To systematically *replace* “approved” *by* “authorized” throughout the text of the Convention.

³ www.unece.org/tir/tir-depositary_notification.html

and that it had requested the secretariat to prepare a consolidated document with the adopted amendments for final review at the current session (see ECE/TRANS/WP.30/284, paras. 12–13). The consolidated proposals are in document ECE/TRANS/WP.30/2016/7, for a final review by the Working Party and successive transmission to the TIR Administrative Committee (AC.2).

The Working Party may wish to recall that, at its previous session, it had decided to revisit, at the current session, Article 8, paragraph 3 and Explanatory Note 0.8.3: proposal to replace the words “shall determine” by “shall be entitled to determine” in Article 8, para. 3 (see ECE/TRANS/WP.30/AC.2/2014/14, under point 3) as well as undertake a full review of the text of Explanatory Note 0.8.3, in particular against the background of the increase by IRU per 1 July 2016 of the guarantee amount per TIR Carnet to 100,000 €. The Working Party had requested the secretariat to prepare a document on the issues at stake for its present session. The secretariat prepared document ECE/TRANS/WP.30/2016/8, for consideration by the Working Party (see ECE/TRANS/WP.30/284, paras. 14 (a) and 15).

The Working Party further may wish to recall, that, at its previous session, it had decided to revisit, at its current session:

- Article 14, paragraph 1 and Article 15, paragraph 2; review the use of the term “Contracting Party” (see ECE/TRANS/WP.30/2015/17/Rev. 1, points 22 and 23);
- Article 20: proposal to replace “country” by “Contracting Party” (oral European Union proposal at 142nd session of the Working Party);
- Article 22, paragraphs 1 and 2; review the use of the term “Contracting Party”;
- Annex 9, Part I, paragraph 7: proposal to replace “Contracting Parties” by “each Contracting Party (oral proposal by the Russian Federation at the 142nd session of the Working Party);
- Various proposals to replace “conditions and requirements” by “minimum conditions and requirements” (see ECE/TRANS/WP.30/2015/17/Rev.1, Part C).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2016/9 for consideration by the Working Party (see ECE/TRANS/WP.30/284, paras. 14 (b)–(f) and paragraph 15).

Finally, at its previous session, the Working Party took note of proposals to amend Article 18, increasing the number of places of loading and unloading from four to eight. In particular, the Working Party took note of (a) document ECE/TRANS/WP.30/2015/19/Rev.1 containing comments and views from Belarus, Iran (Islamic Republic of) and Switzerland, which expressed support for the proposals and (b) document ECE/TRANS/WP.30/2016/2 by IRU, providing additional clarification on the impact of increasing the number of places of loading and unloading from four to eight on the TIR guarantee, and also reporting on experiences with the use of more than one TIR Carnet to conduct a TIR transport, in accordance with a comment to Article 18. Due to the late availability of the document from IRU, the delegation of the Russian Federation felt that more time was needed for internal consultation. The delegation of EU expressed the view that, as such, it was not against the proposals, but suggested to discuss them as part of a package, together with the proposals to amend Article 8, paragraph 3, Explanatory Note 0.8.3. and the so-called (o), (p) and (q) provisions of Annex 9, Part III. In that context, the delegations of Turkey and Ukraine stated that, although not opposed to discuss the aforementioned proposals as a package, there was, in their view, no link between them. The EU agreed to this statement, but clarified that the suggestion for a package was made because all proposals had been under discussion for a long time, without any considerable progress (see ECE/TRANS/WP.30/284, para. 17).

The Working Party is invited to continue discussing documents ECE/TRANS/WP.30/2015/19/Rev.1 and ECE/TRANS/WP.30/2016/2. In addition, the Working Party may wish to elaborate on the proposal of the EU to discuss proposals to amend Article 18 as part of a package, together with the proposals to amend Article 8, paragraph 3, Explanatory Note 0.8.3. and the so-called (o), (p) and (q) provisions of Annex 9, Part III.

Documentation

ECE/TRANS/WP.30/2015/19/Rev.1, ECE/TRANS/WP.30/2016/1,
ECE/TRANS/WP.30/2016/2, ECE/TRANS/WP.30/2016/7, ECE/TRANS/WP.30/2016/8,
ECE/TRANS/WP.30/2016/9

(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. In particular:

- (a) progress in the eTIR Pilot Project between Italy and Turkey;
- (b) the ECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey as pilot countries; and
- (c) progress in the implementation of the United Nations Development Account project: “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”.

Under this agenda item the Working Party will be invited to endorse document ECE/TRANS/WP.30/GE.2/2, containing the report of the first session of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2), which took place on 16–17 November 2015, in Geneva. In this context, the Working Party may wish to take note of document ECE/TRANS/WP.30/2016/10, containing comments, if any, submitted by Contracting Parties by 10 March 2016 (see ECE/TRANS/WP.30/284, para. 20). The Working Party will further be orally informed about the results of the second session of GE.2, which took place on 4–5 April 2016, in Geneva.

Further to a request from the Working Party, the secretariat will provide information about the organization of the twenty-sixth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), due to be held in the autumn of 2016 (see ECE/TRANS/WP.30/284, para. 21).

Documentation

ECE/TRANS/WP.30/GE.2/2, ECE/TRANS/WP.30/2016/10

(c) Application of the Convention

(i) New developments in the application of the Convention

The Working Party may wish to recall its extensive discussions, at previous sessions, on the measures introduced by national competent authorities that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/270, paras. 19–30, ECE/TRANS/WP.30/272, paras. 37–43, ECE/TRANS/WP.30/274, paras. 26–30, ECE/TRANS/WP.30/276, paras. 13–19, ECE/TRANS/WP.30/278, paras. 23–27; ECE/TRANS/WP.30/280, paras. 16–24, ECE/TRANS/WP.30/282, paras. 20–22; ECE/TRANS/WP.30/282, paras. 23–27).

The Working Party will be informed about further developments, if any.

(ii) **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.

Under this agenda item, delegations are also invited to report on the functioning of various national and international TIR-related electronic data interchange (EDI) systems.

(iii) **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.

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

The Working Party may wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/2016/4, in which the secretariat provided a comparison between the World Trade Organization Trade Facilitation Agreement and, respectively, the TIR Convention, the Harmonization Convention and the WCO Revised Kyoto Convention. The Working Party mandated the secretariat to promote the linkages between transport, customs and trade facilitation within the framework of WTO FTA (see ECE/TRANS/WP.30/284, para. 30).

The secretariat proposes that the Working Party considers this item in detail. To that end, the secretariat will circulate further documentation.

(v) **Other matters**

The Working Party may wish to consider any other issues and difficulties in the application of the Convention faced by customs authorities, national associations, the international insurers or 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 are available on the ECE website.

(b) **Proposal on a new Annex 10 on sea ports**

The Working Party may wish to recall that, at its previous session, it took note of document ECE/TRANS/WP.30/2015/21/Rev.1 with comments on a first draft of a new Annex 10 to the Harmonization Convention, including: (a) detailed changes to the text from the Eurasian Economic Commission (EEC); (b) comments on the text from Ukraine; and (c) a general proposal on referencing the IMO FAL-65 Convention from the Federation of National Associations of Ship Brokers and Agents (FONASBA). In its comments, EEC further pointed out that the new Annex 10, in certain cases, stipulates commitments that go beyond the scope of the Convention itself and, therefore, proposed a review of the text of the Harmonization Convention to increase coherence between the body of the Convention and its Annexes. The Working Party: (a) took note of these comments and considerations; (b) decided to continue working on Annex 10; and (c) and requested delegations to submit

views on the changes and corrections proposed by EEC and Ukraine or any additional comments on the text in writing to the secretariat not later than by 10 March 2016 (see ECE/TRANS/WP.30/284, paras. 35–36).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2016/11, containing comments by Contracting Parties, if any, on the first draft of Annex 10, for consideration of the Working Party.

Documentation

ECE/TRANS/WP.30/2016/11

5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952

The Working Party may wish to recall that, at its previous session, it took note of document ECE/TRANS/WP.30/2016/5, containing a revised draft of a new convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail, as prepared by an informal group, and of document ECE/TRANS/WP.30/2016/6, containing a comparative analysis between the existing legal instruments and the new draft Convention. The secretariat pointed out the importance for delegations to hold internal consultations to take stock of the views of all major stakeholders. In conclusion, the Working Party decided to request delegations to inform their national regulatory authorities, railways and business operators about this project and to invite delegations to submit their preliminary comments by 15 May 2016. This would enable the informal group to continue elaborating an informal draft for further discussions and aim for a final consolidated version for discussion at the October 2016 session of the Working Party (see ECE/TRANS/WP.30/284, paras. 41–42). Preliminary comments, if any, will be made available at the session as informal document, for information of the Working Party.

The Working Party may wish to note that, at its seventy-eighth session, ITC, inter alia, invited WP.30 and the Working Party on Rail Transport (SC.2) to organize an ad hoc meeting in 2016 in cooperation with all interested ITC participants and relevant stakeholders in order to finalize the draft of the Convention and, eventually, consider the development of a compendium of good practices for future adoption by the Committee and opening for signature by interested countries and to report to the ITC session of 2017 on the progress achieved (see also Informal document ITC (2016) No. 14, decision 41). In order to follow up on this matter, the Working Party is invited to dedicate substantial time to preliminarily discussing the revised draft of the new convention, as contained in document ECE/TRANS/WP.30/2016/5.

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

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. In addition, the International Touring Alliance and the International Automobile Federation may report on several issues in the implementation of these Conventions.

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 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 the Eurasian Economic Union.

(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 on Customs Questions affecting Transport.

8. Other business

(a) 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 144th session to be held from 11 to 15 October 2016.

(b) 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 143rd 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.
