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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

147th session

Geneva, 10-13 October 2017

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 147th session* **

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Tuesday, 10 October 2017, Room XII, Palais des Nations

I. Provisional agenda

1. Adoption of the agenda.

* For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the ECE Sustainable Transport Division (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=hTXsYy 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.

** 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.

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2. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party.
3. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):
 - (a) Status of the Convention;
 - (b) Revision of the Convention:
 - (i) Amendment proposals to the Convention;
 - (ii) Preparation of Phase III of the TIR revision process;
 - (iii) Financial aspects of computerization of the TIR procedure;
 - (iv) Draft Annex 11 to the TIR Convention.
 - (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) IRU external audit report and related matters;
 - (vi) Other matters.
4. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention):
 - (a) Status of the Convention;
 - (b) Issues in the application of the Convention.
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):
 - (a) Status of the Convention;
 - (b) Issues in the application of the 1954 Convention in Egypt and Jordan.
7. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) Eurasian Economic Union;
 - (d) World Customs Organization.
8. Other business:
 - (a) List of decisions;
 - (b) Dates of the next sessions;
 - (c) Restriction on the distribution of documents.
9. Adoption of the report.

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.30/293

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 recall that, after extensive discussions of Decision No. 6 of the 2017 session of ITC at its previous session, it had requested the secretariat to prepare a document outlining the principles and scopes of the Sustainable Development Goals and outlining proposals on how to include issues of implementing transport-oriented sustainable development goals in its Term of Reference, for discussion at the current session (see ECE/TRANS/WP.30/292, para. 5).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2017/19, for consideration by the Working Party.

Documentation

ECE/TRANS/WP.30/2017/19

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. Since the accession of India to the Convention on 15 June 2017, the TIR Convention has seventy-one Contracting Parties. 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 welcomed document ECE/TRANS/WP.30/2017/7 by IRU, which contained the results of a survey among

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

Contracting Parties on the national levels of customs duties and taxes of tobacco and alcohol products. The Working Party took note of the information provided by IRU and was of the view that IRU could continue its survey, focusing on countries that had not yet replied and report back at a future session (see ECE/TRANS/WP.30/292, para. 9). In line with this request, the amended results of the survey by IRU are contained in document ECE/TRANS/WP.30/2017/20, for consideration by the Working Party.

The Working Party may also wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/2017/8 by the secretariat, which contained various proposals to amend Article 20 to accommodate the use of the TIR system in a customs union, together with Informal document WP.30 (2017) No. 7 by the Government of the Russian Federation, which contained a proposal to amend Articles 1 (b) and 20 of the Convention. At that session, IRU, supporting - in principle - the proposal of Belarus in document ECE/TRANS/WP.30/2017/8, provided an alternative formulation for Article 20 (see ECE/TRANS/WP.30/292, para. 10).

Against this background, WP.30 requested the secretariat to prepare a new document, elaborating the issues to be addressed with this amendment proposal, as well as the understanding of Article 20, in order to determine the objective of the amendment and the appropriate wording for the proposal.

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2017/21, for consideration by the Working Party.

The Working Party may wish to recall its considerations of document ECE/TRANS/WP.30/2017/9 by the Government of the Russian Federation, elaborating a proposal to replace the word “limit” in Explanatory Note 0.8.3 by “establish”. Further to substantive discussions (see ECE/TRANS/WP.30/292, paras. 12-14), the Working Party agreed to revert to the issue at the current session.

The Working Party is invited to continue its discussions of document ECE/TRANS/WP.30/2017/9, possibly assisted by further explanations from the delegation of the Russian Federation on the reasons for and, particularly, the purpose of its proposal.

Documentation

ECE/TRANS/WP.30/2017/9, ECE/TRANS/WP.30/2017/20, ECE/TRANS/WP.30/2017/21

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

The Working Party will be informed about the latest developments in the field of computerization of the TIR procedure, in particular the latest developments regarding the eTIR Pilot Project between Georgia and Turkey.

The Working Party will be invited to endorse the report 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), which was held on 18 and 19 May 2017, in Geneva and contained in document ECE/TRANS/WP.30/2017/22.

In the context of the report of the twenty-sixth session of GE.1, the Working Party may wish to recall that GE.1, at that session, had, inter alia, expressed the view that all the outcome of its work (eTIR specifications and Extensible Markup Language (XML) schemas) should be in the public domain and this should be clarified by means of a usage note to be attached to all the documentation and artefacts, whenever necessary, and requested the secretariat to prepare a draft of such usage note, as well as a disclaimer, for the consideration of the Working Party at its current session (see ECE/TRANS/WP.30/292, para. 21). Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2017/23 for consideration by the Working Party.

The Working Party will also be invited to take note of and endorse the report of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) at its fourth session, which was held on 16 and 17 May 2017 in Geneva and contained in document ECE/TRANS/WP.30/GE.2/8.

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

(iii) Financial aspects of computerization of the TIR procedure

The Working Party may wish to recall that, at its previous session, at the proposal of GE.2, it discussed possible financing mechanisms for eTIR and requested that separate provision be made in the agenda for further discussing this issue in depth. Further to substantive discussions on the importance of resolving the financing question as soon as possible and due to a lack of time, WP.30 decided to revert to the issue of financing at the current session and requested the secretariat to deliver a presentation recapitulating the principles and functionalities of the eTIR international system, in order to further facilitate discussions (see ECE/TRANS/WP.30/292, paras. 24-25). Against this background, the Working Party will be invited to take note of the presentation by the secretariat and to continue its discussions on financing the eTIR international system.

(iv) Draft Annex 11 to the TIR Convention

The Working Party may wish to recall that GE.2, at its fourth session, had provided detailed drafting guidelines for further improving the text of Annex 11 and requested delegations participating in GE.2 to hold virtual consultations with the secretariat to finalize the draft Annex and other amendments to the TIR Convention, in order to transmit a complete draft for the consideration of WP.30 at its October 2017 session (see ECE/TRANS/WP.30/292, para. 23).

At the request of the Working Party, the secretariat has made separate provision in the agenda to discuss draft Annex 11 and other amendment proposals by GE.2 as contained in document ECE/TRANS/WP.30/2017/24.

Documentation

ECE/TRANS/WP.30/2017/22, ECE/TRANS/WP.30/2017/23,
ECE/TRANS/WP.30/2017/24, ECE/TRANS/WP.30/GE.2/8

(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 Convention, if any.

(ii) TIR-related electronic data interchange systems

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

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**

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.

(v) **IRU external audit report and related matters**

The Working Party may wish to recall its discussions at its previous session of the IRU external audit report and access thereto. At the session, IRU informed the Working Party that national associations had full access to the report under the same conditions as governmental delegations, but that, as yet, no association had made use of its right to consult the report. It further stated that, apart from one national association from Romania (ARTRI) and the national association of the Republic of Moldova (AITA), all other associations had accepted the results of the audit. In a reaction, the delegation of Austria stated that, as far as it was informed, its national association had not fully accepted the results of the audit. In response to a proposal by the delegation of the Russian Federation, the Working Party requested the secretariat to address a letter to the management of all national associations asking them (a) if they had been granted access to the external audit report of IRU and (b) what their views were on the external audit report. The secretariat was requested to report the findings to the Working Party at the current session (see ECE/TRANS/WP.30/292, paras. 31-35).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2017/25, containing an overview of the replies received from national associations.

Documentation

ECE/TRANS/WP.30/2017/25

(vi) **Other matters**

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

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

(a) **Status of the Convention**

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

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

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

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

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 considered document ECE/TRANS/WP.30/2017/14 containing a merged draft of various proposals for the text of a new Convention and decided to continue discussing the draft at its next session (see ECE/TRANS/WP.30/292, paras. 43-50). To that end, it requested the secretariat to prepare an official document, merging the draft in document ECE/TRANS/WP.30/2017/14 with the amended draft in Informal document WP.30 (2017) No. 9. It further requested the secretariat to assist the drafters with improving the final clauses, once the institutional issues were addressed. Finally, delegations were invited to provide the secretariat with their comments to the draft or further contributions to the issue, not later than by 21 July 2017 (see ECE/TRANS/WP.30/292, paras. 43-50).

As requested, the secretariat prepared document ECE/TRANS/WP.30/2017/26, containing a revised text of the draft Convention, for consideration by the Working Party.

Documentation

ECE/TRANS/WP.30/2017/26

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

(a) **Status of the Convention**

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

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

The Working Party may wish to recall that, at its previous session, it took note of Informal document WP.30 (2017) No. 10 in which AIT/FIA elaborated on ongoing problems in Egypt and Jordan with 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. The Working Party considered the situation in the two countries, and was of the view that competent national authorities should strictly respect the deadlines stipulated by the Convention, in particular Article 26, which states unequivocally that “customs authorities shall not have the right to require from the guaranteeing association payment of import duties and import taxes on vehicles or component parts temporarily imported when the non-discharge of the temporary importation papers has not been notified to the guaranteeing association within a year of the date of expiry of the validity of those papers. The customs authorities shall provide the guaranteeing associations with details of the amount of import duties and import taxes within one year from the notification of the non-discharge. The guaranteeing associations' liability for these sums shall cease if such information is not furnished within this one-year period.” The correct application of this and other provisions of the Convention should be first item to be examined in lawsuits filed by customs administrations against national associations, thus avoiding that claims end up in courts long after the date of their legal expiration. The Working Party requested the secretariat to issue the document as official document for consideration at the current session and bring the raised issues to the

attention of the Governments of Egypt and Jordan, together with its preliminary assessment, to seek clarification of the situation at hand, and to solicit their feedback. (see ECE/TRANS/WP.30/292, paras. 52-54).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2017/27 for consideration by the Working Party. The secretariat will further brief the Working Party on feedback received from the Governments of Egypt and Jordan, if any.

Documentation

ECE/TRANS/WP.30/2017/27

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

The Working Party will take note of activities by various regional economic 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.

8. Other business

(a) List of decisions

Under this agenda item, the Working Party may wish to recall that, as requested at the 145th session, the secretariat includes a list of decisions as Annexes to the final reports of sessions. At its previous session, the Working Party requested the secretariat to continue this practice, thus keeping track of the status of decisions and include the issue 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 (ECE/TRANS/WP.30/290, para. 51) (see Annex 1).

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 148th session of the Working Party to be held in the week of 5-9

February 2018 and the 149th session in the week of 11-14 June 2018 (subject to confirmation).

(c) **Restriction on the distribution of documents**

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

9. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 147th 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.
