



# Economic and Social Council

Distr.: General  
29 October 2018

Original: English

## Economic Commission for Europe

### Inland Transport Committee

### Working Party on Customs Questions affecting Transport

#### 150th session

Geneva, 16–19 October 2018

## Report of the Working Party on Customs Questions affecting Transport on its 150th session

### Contents

|   | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| I. Attendance.....  | 1                 | 3           |
| II. Adoption of the agenda (agenda item 1) .....  | 2                 | 3           |
| III. Opening speech .....   | 3–4               | 3           |
| IV. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party (agenda item 2)..... | 5–6               | 4           |
| V. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 3) .....                                       | 7–29              | 4           |
| A. Status of the Convention .....   | 7–8               | 4           |
| B. Revision of the Convention .....   | 9–22              | 5           |
| 1. Amendment proposals to the Convention .....  | 9–15              | 5           |
| 2. Preparation of Phase III of the TIR revision process.....  | 16–19             | 6           |
| 3. Draft Annex 11 to the TIR Convention .....   | 20–22             | 7           |
| C. Application of the Convention.....   | 23–29             | 10          |
| 1. New developments in the application of the Convention .....  | 23                | 10          |
| 2. Issues transmitted by the Administrative Committee .....   | 24–25             | 10          |
| (a) The application of greater facilities in the Convention .....   | 24                | 10          |
| (b) The use of subcontractors in the Convention .....   | 25                | 10          |

GE.18-18002(E)



\* 1 8 1 8 0 0 2 \*

Please recycle 



|       |   |       |    |
|-------|---|-------|----|
| 3.    | TIR-related electronic data interchange systems .....   | 26    | 11 |
| 4.    | Settlement of claims for payments .....   | 27    | 11 |
| 5.    | Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments .....  | 28    | 11 |
| 6.    | Other matters .....   | 29    | 11 |
| VI.   | International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 4) .....                                      | 30–33 | 11 |
| A.    | Status of the Convention .....  | 30    | 11 |
| B.    | Biennial survey of Annex 8 of the Convention.....   | 31–32 | 11 |
| C.    | Issues in the application of the Convention .....   | 33    | 11 |
| VII.  | Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail (agenda item 5)..... | 34–37 | 12 |
| VIII. | Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 6) .....                                | 38–39 | 13 |
| A.    | Status of the Convention .....  | 38    | 13 |
| B.    | Issues in the application of the 1954 Convention in Egypt and Jordan .....  | 39    | 13 |
| IX.   | Activities of other organizations and countries of interest to the Working Party (agenda item 7).....   | 40–44 | 13 |
| A.    | European Union .....  | 41    | 13 |
| B.    | Economic Cooperation Organization.....  | 42    | 13 |
| C.    | Eurasian Economic Commission .....  | 43    | 14 |
| D.    | World Customs Organizations .....   | 44    | 14 |
| X.    | Other business (agenda item 8) .....  | 45–48 | 14 |
| A.    | International Chamber of Commerce.....  | 45    | 14 |
| B.    | List of decisions .....   | 46    | 14 |
| C.    | Dates of the next sessions .....  | 47    | 14 |
| D.    | Restriction on the distribution of documents .....  | 48    | 14 |
| XI.   | Adoption of the report (agenda item 9) .....  | 49    | 14 |

## Annexes

|      |   |    |
|------|---|----|
| I.   | United Nations Economic Commission for Europe (UNECE) Inland Transport Committee Working Party on Customs Questions affecting Transport (WP.30), 150th session (16–19 October 2018): Keynote address by Mr. Yuwei Li, Director Sustainable Transport Division, Economic Commission for Europe, 16 October 2018..... | 15 |
| II.  | Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail.....   | 19 |
| III. | List of decisions taken at the 150th session of the Working Party .....   | 25 |

## I. Attendance

1. The Working Party (WP.30) held its 150th session from 16–19 October 2018 in Geneva. The session was attended by representatives of the following countries: Azerbaijan, Belgium, Bulgaria, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Spain, Sweden, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan. Representatives of the European Union were also present. The following intergovernmental organizations were represented: Eurasian Economic Commission (EEC), Intergovernmental Organization for International Carriage by Rail (OTIF). The following non-governmental organization was also represented: the International Road Transport Union (IRU).

## II. Adoption of the agenda (agenda item 1)

*Documentation:* ECE/TRANS/WP.30/299

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/299). At the request of the delegation of Ukraine, an item was added under “Other business” about a warning on fake Incoterms rules and deceptive training offers, issued by the International Chamber of Commerce (ICC).

## III. Opening speech

3. In his opening speech on the occasion of the 150th session of the WP.30, Mr. Yuwei Li, Director, United Nations Economic Commission for Europe (UNECE) Sustainable Transport Division, recalled a number of achievements of the Working Party in the area of border crossing facilitation, such as, but not limited to, the establishment and ongoing maintenance of the, currently, sixteen legal instruments for which the Working Party is responsible as well as being, for many years, the only intergovernmental organ in which both Eastern and Western countries cooperated constructively. However, the main focus of his speech was directed to the future, mentioning as main challenges: (a) the ongoing efforts to computerize the TIR Convention, including the adoption of Annex 11; (b) the introduction of further facilitations in the text of the TIR Convention; (c) the adoption of the draft Rail Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail and (d) a revision of the Harmonization Convention of 1982. The full text of the speech is in the annex to the final report of the session.

4. The delegations of the European Union, Turkey, Ukraine, China, Iran (Islamic Republic of) and IRU delivered statements in support and recognition of the achievements of the Working Party over the more than seventy years of its existence. The delegation of the European Union recalled another celebratory event, i.e. the fifty years existence of the European Community’s Customs Union. The delegations of Turkey supported the call for speedy computerization of the TIR procedure and informed the Working Party that, pending the adoption of Annex 11, Turkey had initiated negotiations with the Government of Iran (Islamic Republic of) to enter into a bilateral agreement, which incorporated the provisions of Annex 11. The delegation of Ukraine expressed support for a revision of the Harmonization Convention, which should then also address the complex issue of hinterland connections. The delegation of China expressed its readiness to collaborate with other contracting parties and the UNECE secretariat in implementing the TIR Convention. The

delegation of Iran (Islamic Republic of) called for special attention for the general need to digitalize customs procedures as well as the promotion of eTIR and the intermodal use of the TIR procedure. Finally, the delegation of IRU underlined the continued collaborative support from the private sector in the activities of the Working Party.

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

*Documentation:* Informal document SC.2/GEURL No.6 (2017)

5. The Working Party was 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 Chair briefed the Working Party 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. In their joint comments, the Chairs of the Working Party and of the TIR Administrative Committee (AC.2) raised, inter alia, the following issues: (a) more attention for the relevance of the TIR Convention and, in particular, the need for its speedy digitalization; (b) the introduction of a reference to the need to develop something like a harmonized approach for the use of e-signatures, maybe in the form of a convention, which allows persons who are not permanent residents of a given country to use an e-signature; (c) more focus on border crossing facilitation and, in particular, the relevance of its main legal instruments: the TIR Convention (1975) and the International Convention on the Harmonization of Frontier Controls of Goods, 1982 and (d) the need for finding resources or providing services (translation of the text of conventions, documents and publications, or interpretation at sessions) also in the other three official United Nations languages: Arabic, Chinese and Spanish. The secretariat informed the Working Party that Government delegates could receive a copy of the restricted ITC strategy document, upon request.

6. Under this agenda item, the Secretary of the Group of Experts towards Unified Railway Law informed the Working Party about the preparation of legal provisions on Unified Railway Law (URL) and about the launch of pilot runs by railway companies to test the URL provisions in practice. In this context, he particularly referred to the informal document by the Group of Experts on URL No. 6 (2017) containing the URL draft legal provisions, soliciting feedback from delegations on customs-related matters, especially on the run of these pilot tests.

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

##### **A. Status of the Convention**

7. The Working Party was informed about changes in the status of the TIR Convention, 1975 and the number of contracting parties, which currently stands at 74. In particular, the Working Party took note that various proposals to amend Annexes 6, 8 and 9, which had been adopted by the Administrative Committee for the 1975 TIR Convention at its sixty-sixth session, held in Geneva on 12 October 2017 (please also refer to depositary notification C.N.700.2017.TREATIES-XI.16 of 3 November 2017) had entered into force on 1 July 2018

for all contracting parties (please also refer to depositary notification C.N.201.2018.TREATIES-XI.A.16 of 9 April 2018). The Working Party further recalled that the Secretary-General of the United Nations, acting in his capacity as depositary, had issued depositary notifications C.N.698.2017.TREATIES-XI.A.16 of 3 November 2017, informing of the submission of various proposals to amend the body of the TIR Convention, 1975 and C.N.699.2017.TREATIES-XI.A.16 of 3 November 2017 on the submission of a proposal to amend Article 2 of the TIR Convention, 1975. In accordance with the provisions of Article 59, paragraph 3 of the TIR Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018. More detailed information on this issue as well as on depositary notifications is available on the TIR website.<sup>1</sup>

8. Under this agenda-item, the Working Party also took note that, on 15 August 2018, the TIR system became active for India. With this latest addition, the number of TIR operational countries was brought up to 62. The Working Party was further informed that, on 12 October 2018, a first TIR transport by a Pakistani transporter had left Karachi, bound for Kabul. As a next step, the China-Pakistan Economic Corridor (CPEC), as well as the Istanbul-Tehran-Islamabad corridor would be activated for transports under cover of TIR Carnets. IRU informed the Working Party about the launch of a first intermodal transport between the United Arab Emirates and Europe.

## **B. Revision of the Convention**

### **1. Amendment proposals to the Convention**

*Documentation:* ECE/TRANS/WP.30/2018/20

9. The Working Party recalled that, at its previous session, it had continued its discussions on proposals to amend article 20, without being able to reach consensus. The Working Party decided to revert to this issue at the current session, based on a document by the secretariat with the proposal by the European Union and a (slightly) reformulated proposal by Ukraine (see ECE/TRANS/WP.30/298, para. 7). In addition, the secretariat had received a new proposal by the Russian Federation. All proposals are contained in document ECE/TRANS/WP.30/2018/20.

10. In a first round of interventions, 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.”

11. 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

---

<sup>1</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html)

to reconsider the original wording of article 20 and refer to “journey” rather than “TIR operation”.

12. 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).

13. The Working Party recalled that, at its previous session, it had continued its discussions on proposals by the Government of the Russian Federation to amend Article 11 with a new paragraph 4 bis, on the basis of document ECE/TRANS/WP.30/2018/12.

14. The delegation of the Russian Federation informed the Working Party that, presently, it did not dispose of additional clarifications to support its proposal, but that the Federal Customs Service (FCS) of the Russian Federation would present further explanations at a later stage. The delegations of the European Union and Turkey Union recalled not being in a position to support the Russian proposal. The delegation of Uzbekistan stated that, in its view, the current wording of Article 11, paragraph 4 and its accompanying Explanatory Note were sufficiently clear.

15. The Working Party concluded that there was no consensus over the proposal and decided to not further discuss it at future sessions. At the same time, the delegation of the Russian Federation was reminded that, at any time, it could submit a new proposal for the consideration of the Working Party.

## **2. Preparation of Phase III of the TIR revision process**

*Documentation:* ECE/TRANS/WP.30/2018/22

16. The Working Party endorsed the report of the twenty-eighth session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR procedure (GE.1), which took place in Geneva (28 and 29 June 2018), as contained in document ECE/TRANS/WP.30/2018/22. It also took note that GE.1 would hold its twenty-ninth session on 14 and 15 November 2018 in Rotterdam, the Netherlands, at the kind invitation of the Dutch customs authorities. GE.1 will continue its discussions on, inter alia, fallback procedures, reconciliation procedures and the use of pointers for errors and amendments. The Working Party supported the continuation of the work of GE.1 in 2019 and requested the secretariat to seek prolongation of the mandate of GE.1 for the year 2019 from ITC.

17. The Working Party further noted that eTIR transports continued to be carried out between Iran (Islamic Republic of) and Turkey, and that efforts were undertaken by both countries to extend the scope of the project to include more transport companies and more customs offices. It took note that, due to the fact that the adoption of Annex 11 takes some time, the Turkish customs administration had sent a proposal to the Iranian customs administration to conclude a bilateral agreement, based on the provisions of draft Annex 11, which would allow expansion of the scope of the project.

18. The Working Party also noted that UNECE and IRU continued to work towards launching eTIR pilot projects with new countries. With regard to an intermodal eTIR project between Azerbaijan, Georgia, Kazakhstan and Ukraine, the customs administrations of all countries concerned have confirmed their willingness to take part in the project and have accepted the standard conditions for computerization projects to be launched in the framework of the Memorandum of Understanding signed by UNECE and IRU on 6 October 2017. The Working Party also took note that the customs administrations of Azerbaijan, India and Iran (Islamic Republic of) had met in Teheran on 2 and 3 July 2018 and had expressed their willingness to work on an eTIR project along the International North-South Transport Corridor (INSTC). Azerbaijan and Iran (Islamic Republic of) had expressed an interest to

start the required developments in national ICT customs systems and eTIR transport between both countries.

19. Further, the Working Party was briefed about the latest developments in the International TIR Databank (ITDB). The secretariat recalled the ITDB seminar that had been organized by TIRExB on 14 June 2018, during the 149th session of the Working Party, which had, in particular, focused on issues related to data entry by the various stakeholders. The seminar had made clear, on the one hand, that more awareness raising of customs authorities about the functionalities of the ITDB was required, whereas, on the other hand, continued attention should be paid to concerns from the transport industry on the level of implementation of the ITDB by competent authorities during TIR operations. The Working Party finally took note of the seminar videos had been uploaded on the ITDB user guides page.

### 3. Draft Annex 11 to the TIR Convention

*Documentation:* ECE/TRANS/WP.30/2018/16

20. The Working Party continued its considerations of draft Annex 11 on the basis of document ECE/TRANS/WP.30/2018/16, agreeing to go through the document article by article. The findings of the Working Party were as follows:

- (a) Article 1, new paragraph (s): no comments;
- (b) Article 43: no comments;
- (c) New Article 59 quater: no comments;
- (d) Article 59: no comments;
- (e) New Article 60 bis: no comments;
- (f) Article 61: no comments;

(g) Annex 11, Part I, Article 1: the delegation of the Czech Republic wondered whether it was necessary to repeat throughout Annex 11 the term “contracting parties bound by Annex 11” whereas, on the basis of Article 1, it seemed sufficiently clear that the scope of the application of Annex 11 was limited by Article 60 bis, distinguishing between contracting parties having accepted Annex 11 and those that had not. In reply, the secretariat explained that, although for legal reasons perhaps redundant, this was done to make it clear, when reading the text of Annex 11, that the term “contracting parties” therein was limited to those bound by it, whereas the term “contracting parties” in the remainder of the TIR Convention referred to all its contracting parties without distinction;

(h) Article 2 (b): various delegations raised concerns over the use of the terms “cargo” and “information”. Taking into account that this term was also used in the eTIR specifications, the secretariat was requested to prepare a new proposal for consideration at the next session;

(i) Article 2 (d): the secretariat raised the issue whether or not the term “eTIR technical specifications” required further clarification. Whereas the delegation of Turkey was of the opinion that any clarification at present might become a blocking factor in the future, the delegation of the European Union advocated that also soft rules needed specification somewhere in the eTIR documentation, but that this could still be included at a later stage;

(j) Article 3: whereas the text of the legal provision seemed acceptable, concerns were raised with regard to its accompanying Explanatory Note. The delegation of the European Union could agree to introducing a deadline for the implementation of eTIR, but was of the opinion that, for example, a time frame of three years for contracting parties and a period of five years for contracting parties forming a customs union seemed more appropriate, as a time period of one year could be too ambitious even for a single contracting

party. The delegation of Turkey advocated that, as political willingness and available resources dictate the reality of any given time frame, it could be better not to mention a time frame at all if the set time frame would envisage a period longer than one or two years. The delegation of the European Union did not share this view, indicating that any time frame, how loosely formulated it might be, had its merits in guiding contracting parties towards implementing the eTIR system. The secretariat was requested to propose an alternative wording for consideration at the next session;

(k) Article 4, title: the secretariat informed the Working Party that it would prepare additional proposals, elaborating on the Rules of Procedure for the Technical Implementation Body, for consideration at the next session.

(l) Article 4, text: no comments;

(m) Article 5: the delegation of the European Union repeated its reservation with regard to the use of the term “advance cargo information” (see also point (h));

(n) Article 6: no comments;

(o) Article 7: no comments;

(p) Article 8: the delegation of the European Union requested clarification of the term “additional data requirements”. The secretariat clarified that this term does not refer to the World Customs Organization Safe Framework of Standards transit-related data, as they have been incorporated as optional data elements in the eTIR messages, but to other data that could be requested nationally on the basis of other agreements or national legislation. The delegation of Turkey expressed its satisfaction with the chosen wording of the article, as it called upon contracting parties to take measures to facilitate the submission of any such additional data requirements. Further to a question from the delegation of the European Union about the use of the term “imposed”, the Working Party agreed that the term “imposed by legislation” might be a more accurate formulation;

(q) Article 9: further to questions from various delegations, the Working Party agreed that the paper fallback procedure should come first and that electronic fallback systems, if necessary, should only be used as last resort. Furthermore, the secretariat recalled that the issue of fallback procedures was still under discussion by GE.1 and that it would be addressed at its twenty-ninth session. The Working Party requested the secretariat to propose, if necessary, a revised wording of Article 9, once GE.1 had finalized its discussions;

(r) Article 10: Various delegations and the secretariat provided inputs to improve the wording of Article 10 as well as its accompanying Explanatory Note to paragraph 3. While stressing that funding could possibly be obtained through the regular budget of the United Nations, in particular if the United Nations would increase its technical assistance to countries in their efforts to computerize international agreements, the Working Party agreed that this option should be clearly mentioned as well as further explored by the secretariat because the important eTIR initiative presents a rare window of opportunity. In addition, the Working Party agreed with the proposal by the delegation of Turkey that if an amount per TIR transport should be used to finance the operational costs of the eTIR international system, this amount should be calculated on and charged for all TIR transports, not only on those carried out under the eTIR procedure. Furthermore, the Working Party agreed that the preparation of a budget to host and administer the eTIR international system should involve not only contracting parties but also UNECE and the Technical Implementation Body. The agreed reformulated text of Article 10 and the Explanatory Note to its paragraph 3 are as follows, subject to editorial changes:

“Article 10

Hosting of the eTIR international system

1. The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (UNECE).
2. UNECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.
3. The necessary resources shall be made available to UNECE to fulfil the obligations set forth in paragraphs 1 and 2 of this article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at UNECE shall be decided on and approved by the contracting parties to the TIR Convention.

Explanatory Note to Part I - Article 10, paragraph 3

If necessary, contracting parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, contracting parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by UNECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.”

The Working Party took note of the concerns of the private sector expressed by IRU when it comes to financing the operational costs of the eTIR international system by means of an amount per TIR transport. It also noted that IRU would consult with national associations on potential implications and, if necessary, revert to it in the future;

- (s) Article 11: no comments;
- (t) Article 12: no comments;
- (u) Article 13: no comments other than that, at the proposal by the secretariat, the words “in accordance with Annex 11” would be deleted because they were considered redundant in combination with the definition of the term “eTIR procedure” in the proposed new article 1 (s) of the Convention;
- (v) Part II, Explanatory Notes: no further comments other than those already raised and accepted under points (j) and (r).

21. The secretariat was requested to prepare a new document for consideration of the Working Party at its next session. 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.

22. The delegation of the Russian Federation raised five questions to which the secretariat provided the following answers:

- (a) How will a financial guarantee be processed in case of issuance of an electronic TIR Carnet?

Each eTIR guarantee, registered with the eTIR international system, constitutes proof of the existence of a financial guarantee and indicates the TIR Carnet holder to whom it has been issued. At the beginning of a TIR transport, customs administrations will accept the eTIR guarantee, indicated in the declaration made by the TIR Carnet holder and, consequently, the guarantee status will be changed from “issued” to “in use”. (More details can be found in the functional specifications).

(b) Will all issued financial guarantees be recorded and displayed in the information system?

All eTIR guarantees, once issued by the guarantee chain, have to be registered in the eTIR international system, where they are visible — including information on the TIR transport carried out under this guarantee, once it has been used or is in use — to all parties involved in the TIR transport for which the eTIR guarantee has been used.

(c) Will the legal significance of the financial guarantee be ensured for issued electronic TIR Carnets?

Similar to paper TIR Carnets, eTIR guarantees, registered with the eTIR international system, provide proof of binding legal obligations for the guarantee chain (in case the legal provisions for its liability have been fulfilled) as soon as the eTIR guarantee has been accepted by a customs administration.

(d) How will the authority/credentials of a person signing the financial guarantee in electronic form be certified?

The credentials and the authorization of the TIR Carnet holder to use the TIR system are verified by the customs authorities in the country of departure and, during the TIR transport, recognized by the customs authorities of all other contracting parties involved in the TIR transport.

(e) In case of non-delivery of goods, will the national customs administration be automatically provided with electronic documents on the transit of goods under cover of a TIR Carnet required to recover debt towards customs?

In case the transport does not arrive within the given time frame at destination, it is up to the customs authorities concerned to query the eTIR international system to obtain all data related to the eTIR guarantee concerned, which, if necessary, can be used to start a claims procedure, in line with the relevant provisions of the TIR Convention.

## **C. Application of the Convention**

### **1. New developments in the application of the Convention**

23. No new developments in the application of the Convention were raised under this agenda item.

### **2. Issues transmitted by the Administrative Committee**

#### **(a) The application of greater facilities in the Convention**

24. The secretariat informed the Working Party that it had not received any further comments from contracting parties on the issue at stake. The Working Party, noting the continued interest of several countries to grant operators greater facilities in accordance with article 49 of the Convention, expressed their support for the proposal by TIRExB for a new Explanatory Note to Article 49 to that end (see document ECE/TRANS/WP.30/2018/5, para. 8), decided to submit the proposal to AC.2 for consideration and, possibly, adoption at its February 2019 session. The Working Party encouraged contracting parties, which are not interested in the application of these facilities, to not block the adoption process, as they are not obliged to introduce such facilities on their territories if they do not wish so.

**(b) The use of subcontractors in the Convention**

*Documentation:* ECE/TRANS/WP.30/2018/25

25. The Working Party continued its considerations on the basis of document ECE/TRANS/WP.30/2018/25. In particular, the Working Party took note of the differences in the proposals submitted by Belarus and the secretariat for a new comment to Article 1 (o), as developed in the annex to the document. The Working Party concluded that both proposals 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 next session. The Working Party requested contracting parties to send their final considerations, if any, no later than 20 November 2018 to the secretariat.

**3. TIR-related electronic data interchange systems**

26. 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 (2018) No. 13).

**4. Settlement of claims for payments**

27. 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 (2018) No. 14).

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

28. No new issue was raised under this agenda item.

**6. Other matters**

29. The Working Party was informed about the 2018 version of the TIR Handbook, which was now available in English, French and Russian as hard-copy and electronically. The Arabic, Chinese and Spanish versions were still under preparation.

## **VI. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 4)**

**A. Status of the Convention**

30. The Working Party was informed that no changes in the status of the convention or the number of contracting parties had taken place. The Harmonization Convention has 58 contracting parties. More detailed information on these issues as well as on various depositary notifications is available on the ECE website.<sup>2</sup>

<sup>2</sup> [www.unece.org/trans/bcf/welcome.html](http://www.unece.org/trans/bcf/welcome.html)

## **B. Biennial survey of Annex 8 of the Convention**

*Documentation:* ECE/TRANS/WP.30/2009/8

31. The Working Party recalled that, on 20 May 2008, Annex 8 to the Harmonization Convention came into force. According to Article 7 "Reporting mechanism" of the Annex, the Executive Secretary of UNECE shall carry out, every second year, a survey among contracting parties on progress made to improve border crossing procedures in their countries. The last survey was conducted in 2016 and its results were published in 2017 (document ECE/TRANS/WP.30/2017/13).

32. The delegation of the European Union raised the question whether it would be possible to delay the launch of the survey until after the meeting of the Administrative Committee of the Harmonization Convention (AC.3) in June 2019. The secretariat reminded the Working Party of its obligation under Article 7 of Annex 8 to repeat the survey biennially. On this understanding, the Working Party 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.

## **C. Issues in the application of the Convention**

33. Under this agenda item, the Working Party recalled its decision, taken at its 148th session (February 2018), that the eleventh session of AC.3 should be convened in conjunction with its 2019 June session. The Working Party mandated the secretariat to make the necessary arrangements, 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 address at that session (see ECE/TRANS/WP.30/296, para. 38).

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

*Documentation:* ECE/TRANS/WP.30/2018/6/Rev.1, ECE/TRANS/WP.30/2018/26

34. The Working Party continued its discussions of 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, with the assistance of document ECE/TRANS/WP.30/2018/26 by the Government of Turkey, elaborating its proposals to the draft.

35. 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 rather than the proposal, drafted by the secretariat in consultation with the United Nations Office of Legal Affairs–Treaty Section (OLA-TS) as contained in document ECE/TRANS/WP.30/2018/7. 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 he 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.

36. 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.

37. 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. At the request of the Turkish delegation, an annex will be added to the final report to provide an easy comparison between the text of article 27 in document ECE/TRANS/WP.30/2018/6/Rev.1, the Turkish proposal in document ECE/TRANS/WP.30/2018/26 and the compromise solution proposed by the Russian Federation. Comments or proposals by delegations should reach the secretariat no later than by 20 November 2018.

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

### **A. Status of the Convention**

38. The Working Party was informed that no changes in the status or the number of contracting parties to the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles had occurred and that the conventions had 80 and 26 contracting parties, respectively.

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

*Documentation:* ECE/TRANS/WP.30/2017/27, ECE/TRANS/WP.30/2018/27

39. The Working Party recalled 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, 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 International d'Automobile (FIA) on how to further proceed with the matter.

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

40. 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**

41. The delegation of the European Union provided no further information under this agenda item for the attention of the Working Party.

### **B. Economic Cooperation Organization**

42. Due to the absence of a delegation from the Economic Cooperation Organization at the session, no information was provided.

### **C. Eurasian Economic Union**

43. The Working Party was informed about progress in relevant activities and projects implemented in the Eurasian Economic Union. In particular, the Working Party noted that the Eurasian Economic Commission is working on the revision of the procedure to fill in the transit declaration, as it is in use in the EEU. As an outcome, a few additional simplifications are envisaged to fill in the transit declaration, depending on the type of transport, as well as in the event of a multimodal transport. In addition, changes in the transit declaration form are being considered.

### **D. World Customs Organization**

44. Due to the absence of a delegation from the World Customs Organization at the session, no information was provided.

## **X. Other business (agenda item 8)**

### **A. International Chamber of Commerce**

45. Under this agenda item, the delegation of Ukraine informed the Working Party that, in recent months, a number of websites and providers had started to offer information or training on the new Incoterms 2020 rules. The International Chamber of Commerce (ICC) would like to warn that any such material is very likely to be false, as ICC and ICC national committees and groups have not planned any such activity until next year.

### **B. List of decisions**

46. The Working Party reviewed the list of decisions without further comments and requested the secretariat to continue this practice. The list of decisions is attached as Annex III to the final report

**C. Dates of the next sessions**

47. The Working Party decided to conduct its 151st session in the week of 4–8 February 2019 and its 152nd session in the week of 11–14 June 2019, subject to confirmation.

**D. Restriction on the distribution of documents**

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

**XI. Adoption of the report (agenda item 9)**

49. In accordance with established practice, the Working Party adopted the report on its 150th session on the basis of a draft prepared by the secretariat.

## Annex I

### **United Nations Economic Commission for Europe (UNECE) Inland Transport Committee Working Party on Customs Questions affecting Transport (WP.30), 150th session (16–19 October 2018)**

#### **Keynote address by Mr. Yuwei Li, Director Sustainable Transport Division, Economic Commission for Europe, 16 October 2018**

Mr. Chairman, Distinguished delegates,

Ladies and Gentlemen,

It is a great honour and a pleasure for me as Director of the Sustainable Transport Division to welcome you on behalf of the Executive Secretary of UNECE to this 150th session of the UNECE Working Party on Customs Questions affecting Transport (WP.30).

There are not many intergovernmental working bodies - not only within UNECE, but also in other international organizations - that can look back on such a high number of meetings, spread over 70 years and demonstrating such successful and constructive intergovernmental cooperation.

To start with history, you may be interested to know that this 150th session takes place, as have many sessions of the Working Party, in Salle VII of the Palais des Nations, the very meeting room in which the Council of the League of Nations, the predecessor of the UN Security Council, held its first session in 1936.

You are meeting today in this room with another purpose: to consolidate the excellent collaboration that exists between Governments and the private sector to remove unnecessary bureaucratic burdens at border crossings and to make international transport and trade more efficient. In doing so, you are contributing to the economic development of countries from the ECE region and beyond and to the well-being of their populations.

Continuing with history, you may be interested in knowing that this Working Party was established seventy years ago, in 1948, just one year following the creation of UNECE. It started off as an "Ad Hoc Working Party on Customs Formalities".

In 1953, by a decision of the Inland Transport Committee, this first Ad Hoc Group became permanent with the title "Group of Experts on Customs Questions affecting Transport". In the following years this Group of Experts was re-named Working Party, then in 1969 again Group of Experts and, finally, in 1988, became again a Working Party with its present name. These changes in its title, however, never actually affected the substance of its programme of work, which has remained the facilitation of border crossing procedures for inland transport with a clear focus on customs procedures.

During its existence, the Working Party developed a large number of international legal instruments, many of which are still in force and operational. Others have become the basis of other more modern instruments and customs procedures. Examples are:

- the Customs Convention of Containers of 1956 which was revised and replaced by the Convention of 1972;
- the globally applied Customs Conventions on the Temporary Importation of Private and Commercial Vehicles of 1954 and 1956;

- the first TIR Convention of 1959 which was followed by negotiations on the present TIR Convention which came into force in 1975; and
- The International Convention on the Harmonization of Frontier Controls of Goods of 1982.

During the Cold War period, the Working Party was the only intergovernmental organ in which both Eastern and Western countries cooperated constructively – though not always without difficulties.

The end of the Cold War highlighted that the legal instruments developed by the Working Party were as valid as they were before. However, some of these legal instruments have been put under considerable strain due to the major political and economic changes that have happened in this period.

I believe that what this Working Party has achieved with its silent but efficient work is one of the most solid building blocks of European integration. As you know better than anybody else, facilitation of crossing borders does not mean to simplify for the sake of simplification. It rather means to increase the efficiency of the complex operations involved in the necessary controls by performing them as rationally as possible. This is not an easy task. It always requires the upkeep of a delicate balance between, on the one hand, the requirements of the traders, the transport industry and the national economy and, on the other hand, the need to comply with indispensable regulations and controls relating to health, security, customs duties and taxes and many others.

To achieve this delicate balance in a multilateral framework, bringing together a large number of States with different economic policies, different trade and transport regulations and not always compatible transport and trade policy objectives is difficult task. Given this situation, it is obvious that a consensus on specific facilitation issues is often difficult to achieve and often requires a lengthy and often frustrating process. However, once a consensus has been reached, it stands for a solution applicable in all of Europe and often beyond.

It is worth noting in this context, that many of the Agreements and Conventions developed by the UNECE and by this Working Party are spreading out increasingly outside Europe where international land transport is only now becoming an important reality, in particular in the Middle East and Asia where the major part of international trade so far was handled by sea ports and only now the huge potential of international road and rail transport is starting to be tapped. In this context, I am pleased to note that, in 2015, the Working Party amended its Terms of Reference, which now also give non-ECE countries full rights when it comes to legal instruments to which they are contracting parties.

During 70 years and in 150 sessions, the Working Party, not to mention its various ad hoc expert groups, has contributed very substantially to an efficient transport system and to an effective pan-European system of border controls, which is functioning in most instances to the satisfaction of both customs authorities and the transport industry. As I mentioned before and I'd like to repeat it: one of the key factors for success of these facilitation measures is that its provisions are well balanced and take due account of the interests of Governments, traders and transport operators. This requirement has always been very well taken care of by the Working Party right from its very beginning.

Another important factor of success is the active participation in the work of the Working Party of international organizations such as the European Union, the Eurasian Economic Commission, the Economic Cooperation Organization and the World Customs Organization as well as NGO's such as the International Touring Alliance/International Automobile Federation (AIT/FIA) and the International Road Transport Union (IRU).

The AIT/FIA is successfully administering the implementation of two United Nations Customs Conventions on the temporary importation of road vehicles and are operating a global system of temporary importation papers, the carnets de passage, and the accompanying guarantee system, mostly in countries outside Europe, in Africa, the Middle East and in Asia.

For its part, IRU is constructively and successfully cooperating with the Working Party and other TIR governing bodies in the implementation of the TIR Convention through the issuing and distribution, via its national associations, of TIR Carnets to the more than 30.000 approved TIR transport companies in over 60 countries in Europe, the Middle-East and, lately, Pakistan, China and India. Right from the very beginning, the IRU has managed the international TIR guarantee system, one of the backbones of the TIR Convention. Currently, IRU is strongly promoting the computerization of the TIR procedure and the accession of new countries to the TIR Convention.

Let me express once again to these organizations my appreciation and that of the UNECE secretariat for their valuable contribution to the objectives and activities of the Working Party.

Mr. Chairman, Distinguished delegates,

Ladies and Gentlemen,

I would like to continue my statement by looking at the future, highlighting to you that what I think are the main challenges ahead for the Working Party.

To start with the main one, which I think constitutes one of the greatest challenges in the history of the TIR Convention: the ongoing efforts to computerize the TIR system. After many years with moderate progress, leading up to the finalization of the technical and conceptual documentation for eTIR, the process has been accelerated by the joint efforts by UNECE and IRU to engage in eTIR pilot projects with interested countries. After the successful conduct of the pilot project between the Islamic Republic of Iran and Turkey, IRU agreed to an MoU with UNECE to trigger interest from a wider range of countries. Presently, discussions are under way with Azerbaijan, Georgia, Kazakhstan and Ukraine for an extended eTIR pilot corridor, which also includes the intermodal use of the TIR procedure. At the same time, legal experts have prepared the legal text to introduce eTIR in the text of the TIR Convention, draft Annex 11. Allow me to remind contracting parties, who already agreed some twenty years ago that the computerization of the TIR procedure was necessary and inevitable, of their responsibility to adopt, within the shortest possible deadlines, the text of Annex 11 and allow it to enter into force for those countries which wish to benefit from eTIR. In this context, let me recall the dramatically dwindling figures in the distribution and issuance of TIR Carnets. If you are as committed to the continuity of the TIR system as you state you are, swift action is required, not just to maintain the status of the TIR Convention in its current environment but also to make it become applied by more countries around the globe. Thus, I urge you to use this celebratory occasion of the 150th session of this illustrious body to make bold steps in discussing Annex 11, possibly deciding that it can be transferred to AC.2 for adoption at the first opportunity.

But, unfortunately, computerization is not all that the TIR Convention needs in order to keep in pace with the modern-day developments in transport and logistics. It is hard for me to understand that longstanding facilitations, such as authorized consignor and consignee, or the use of subcontractors – vital for the intermodal application of the TIR procedure – cannot find their place inside the text of the TIR Convention, in particular when knowing that the vast majority of TIR contracting parties has been applying these principles as national or regional simplifications for many years, in close collaboration with the guarantee chain, without any problem. Making the TIR system more competitive and attractive for the road industry is necessary to maintain its relevance as the only true global transit system.

Another area which continues to ask for your attention is transport by rail. For years, efforts have been undertaken to draft a new convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail. A draft text now seems finalized. It is not a secret that, in particular, the European Union does not see sufficient benefit in the draft to be able to support it. At the same time, a steady number of other countries keep advocating its benefits, pushing for adoption. I think it is about time that countries close ranks and take the reasonable decision to adopt the draft, so that it can be endorsed by the Inland Transport Committee, possibly already at its 2019 session.

As a final main challenge, I would like to mention the Harmonization Convention of 1982. This important framework instrument has served countries well over the years. In particular, the introduction of Annex 8 for road in 2008 and Annex 9 for rail in 2011 have given new impetus to the application of this Convention. At the same time, I have to mention that efforts to draft a further annex on ports failed in 2017, mainly due to the fact that the topic was already greatly covered by another international legal instrument, in this case the IMO-FAL Convention. What has happened with this draft Annex 10 may also be true when it comes to other parts of this Convention, due to the development and existence of other legal instruments in this field. Also, the aspect of digitalization is only marginally covered in the text of the Convention. Some member States have already started to argue that the time may have come for a complete revision of the Harmonization Convention. The secretariat would welcome proposals from contracting parties to this end and will provide its secretarial support in such a process. I have understood that the Administrative Committee for the Harmonization Convention is due to meet in June 2019 and that might be a good occasion to make plans how to proceed.

In a nutshell, the Working Party has achieved an incredible amount of achievements in the course of its more than seventy years of existence. But there is no time for complacency. The fast-changing world with continuously changing political and economic dimensions require us to continue investing our efforts to keep the legal instruments developed under the auspices of UNECE in line with modern time requirements and technologies. To this end, I call upon each and everyone of you to pursue and further strengthen the exemplary cooperation that exist in the Working Party between the public and private sector, based on mutual understanding and support.

Mr. Chairman, Distinguished delegates, Ladies and Gentlemen,

As Director of the Sustainable Transport Division of UNECE, I wish to personally thank every delegate present, as well as their predecessors, representing the customs authorities of both ECE member countries and countries from outside the ECE region. I also wish to thank the IRU and its national associations for their contribution to the sound evolution of the TIR implementation, and the AIT/FIA for their cooperation.

Let me conclude by stressing that the UNECE Sustainable Transport Division will continue to do its utmost to support your important activities in the Working Party.

I wish this Working Party great success in the coming years.

Thank you for your kind attention.

## Annex II

[Original: English/French/Russian only]

### **Draft Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail**

#### **Article 27<sup>3</sup>**

1. Any Party may propose an amendment to the present Convention and submit it to the secretariat of the Convention. The secretariat of the Convention shall communicate any proposed amendments to the Parties with a request to be notified whether they favour a conference of Parties for the purpose of considering and deciding upon the proposals. If within four months from the date of such communication at least one third of the Parties favour such a conference, the secretariat of the Convention shall convene the conference under the auspices of the United Nations Economic Commission for Europe. Any amendment adopted by a majority of two thirds of the Parties present and voting shall be communicated by the Depositary to Parties for their acceptance.
2. An amendment adopted in accordance with paragraph 1 of this Article shall enter into force for all Parties three months after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.
3. Any instrument of ratification, acceptance, approval or accession deposited after an amendment has been accepted in accordance with the procedure in this article, but before it has entered into force, shall be deemed to apply to the Convention as amended on the date when the amendment enters into force.
4. Any such instrument deposited after the entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

#### **Article 27**

1. Toute Partie peut proposer un amendement à la présente Convention et le soumettre au secrétariat de la Convention. Le secrétariat communique les propositions d'amendements aux Parties, en leur demandant de lui faire savoir si elles sont favorables à la convocation d'une conférence des Parties en vue d'examiner ces propositions et de se prononcer à leur sujet. Si, dans les quatre mois à compter de la date à laquelle cette communication a été faite, un tiers au moins des Parties sont favorables à la tenue d'une conférence, le secrétariat de la Convention la convoque sous les auspices de la Commission économique pour l'Europe. Tout amendement adopté par une majorité des deux tiers des Parties présentes et votantes est communiqué par le Dépositaire aux Parties pour acceptation.
2. Tout amendement adopté conformément aux dispositions du paragraphe 1 du présent article entre en vigueur pour toutes les Parties trois mois suivant la date à laquelle le nombre d'instruments d'acceptation déposés atteint les deux tiers du nombre des États Parties à la date d'adoption de cet amendement.
3. Tout instrument de ratification, d'acceptation, d'approbation ou d'adhésion déposé après l'acceptation d'un amendement à la présente Convention, conformément à la procédure

---

<sup>3</sup> See document ECE/TRANS/WP.30/2018/6/Rev.1 for the full text

prévue au présent article, mais avant l'entrée en vigueur de celui-ci est considéré comme s'appliquant au texte modifié de la présente Convention à la date de l'entrée en vigueur dudit amendement.

4. Tout instrument de cette nature déposé après l'entrée en vigueur d'un amendement à la présente Convention est considéré comme s'appliquant au texte modifié de la présente Convention.

## **Статья 27**

1. Любая Сторона может предложить поправку к настоящей Конвенции и представить ее в секретариат Конвенции. Секретариат Конвенции сообщает любые предлагаемые поправки Сторонам с просьбой уведомить его о том, выступают ли они за проведение конференции Сторон для рассмотрения и принятия решений по этим предложениям. В случае если в течение четырех месяцев с даты такого сообщения не менее трети Сторон выступит за проведение такой конференции, секретариат Конвенции созывает конференцию под эгидой Европейской экономической комиссии Организации Объединенных Наций. Любая поправка, принятая большинством в две трети присутствующих и участвующих в голосовании Сторон, направляется Сторонам для принятия.

2. Поправка, принятая в соответствии с пунктом 1 настоящей статьи, вступает в силу для всех Сторон через три месяца после даты передачи двумя третями Сторон своих документов о ратификации, принятии или одобрении поправки на хранение Депозитарию.

3. Любой документ о ратификации, принятии, одобрении или присоединении, сданный на хранение после принятия поправки в соответствии с процедурой, изложенной в настоящей статье, но до ее вступления в силу, считается применимым к Конвенции с внесенными в нее изменениями на дату вступления поправки в силу.

4. Любой такой документ, сданный на хранение после внесения поправки к настоящей Конвенции, считается применимым к Конвенции с внесенными в нее поправками.

## **Alternative proposal Article 27 by the Government of Turkey<sup>4</sup>**

### **Article 27**

1. Any Party may propose an amendment to the present Convention and submit it to the secretariat of the Convention. The secretariat of the Convention shall communicate any proposed amendments to the Parties with a request to be notified whether they favour a conference of Parties for the purpose of considering and deciding upon the proposals. If within four months from the date of such communication at least one third of the Parties favour such a conference, the secretariat of the Convention shall convene the conference under the auspices of the United Nations Economic Commission for Europe. Any amendment

---

<sup>4</sup> See document ECE/TRANS/WP.30/2018/26

adopted by a majority of two thirds of the Parties present and voting shall be communicated by the Depositary to Parties for their acceptance.

2. Amendments to this Convention shall enter into force for the States Parties ratifying or acceding to them three months after the deposit of the instruments of ratification or accession by two thirds of the States Parties. Such amendments shall not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

3. For each State Party ratifying or acceding to an amendment referred to in paragraph 2 after the deposit of the required number of instruments of ratification or accession, the amendment shall enter into force three months after the deposit of its instrument of ratification or accession.

4. A State which becomes a Party to this Convention after the entry into force of an amendment in accordance with paragraph 2 shall, failing an expression of a different intention by that State:

(a) be considered as a Party to this Convention as amended; and

(b) be considered as a Party to the Convention as not amended, in relation to any State Party not bound by the amendment.

5. A State which becomes a Party to this Convention after an amendment has been accepted in accordance with the procedure in paragraph 2, but before it has entered into force, shall be deemed to apply to the Convention as not amended.

## **Article 27**

1. Toute Partie peut proposer un amendement à la présente Convention et le soumettre au secrétariat de la Convention. Le secrétariat doit communiquer les propositions d'amendements aux Parties, en leur demandant de lui faire savoir si elles sont favorables à la convocation d'une conférence des Parties pour examiner ces propositions et se prononcer à leur sujet. Si, dans les quatre mois à compter de la date à laquelle cette communication a été faite, un tiers au moins des Parties est favorable à la tenue d'une telle conférence, le secrétariat de la Convention doit la convoquer sous les auspices de la Commission économique pour l'Europe. Tout amendement adopté par une majorité des deux tiers des Parties présentes et votantes doit être communiqué par le Dépositaire aux Parties pour acceptation.

2. Les amendements à la présente Convention entreront en vigueur pour tous les États parties les ayant ratifiés ou y ayant adhéré trois mois après le dépôt des instruments de ratification ou d'adhésion par les deux tiers des États parties. Ces amendements ne doivent pas porter atteinte à la jouissance par les autres États parties des droits qu'ils tiennent de la Convention, ni à l'exécution de leurs obligations qui en découlent.

3. Pour chaque État partie qui a ratifié un amendement visé au paragraphe 2 ou y a adhéré après la date de dépôt du nombre requis d'instruments de ratification ou d'adhésion, cet amendement entrera en vigueur trois mois après la date de dépôt par l'État partie de son instrument de ratification ou d'adhésion.

4. Tout État qui devient partie à la Convention après l'entrée en vigueur d'un amendement conformément au paragraphe 2 sera, faute d'avoir exprimé une intention différente, considéré comme étant:

a) Partie à la Convention telle qu'amendée; et

b) Partie à la Convention non amendée au regard de tout État partie qui n'est pas lié par cet amendement.

5. Tout État qui devient partie à la Convention après l'acceptation d'un amendement conformément à la procédure visée au paragraphe 2 mais avant l'entrée en vigueur de cet amendement sera considéré comme étant partie à la Convention non amendée.

## Статья 27

1. Любая Сторона может предложить поправку к настоящей Конвенции и представить ее в секретариат Конвенции. Секретариат Конвенции сообщает любые предлагаемые поправки Сторонам с просьбой уведомить его о том, выступают ли они за проведение конференции Сторон для рассмотрения и принятия решений по этим предложениям. В случае если в течение четырех месяцев с даты такого сообщения не менее трети Сторон выступит за проведение такой конференции, секретариат Конвенции созывает конференцию под эгидой Европейской экономической комиссии Организации Объединенных Наций. Любая поправка, принятая большинством в две трети присутствующих и участвующих в голосовании Сторон, направляется Сторонам для принятия.

2. Поправки к настоящей Конвенции вступают в силу для всех Государств-участников, ратифицировавших их или присоединившихся к ним через три месяца после сдачи на хранение ратификационных грамот или документов о присоединении к ним двумя третями Государств-участников. Такие поправки не затрагивают осуществления другими Государствами-участниками своих прав или выполнения ими своих обязательств по настоящей Конвенции.

3. Для каждого Государства-участника, ратифицировавшего поправку, указанную в пункте 2, или присоединившегося к ней после сдачи на хранение требуемого числа ратификационных грамот или документов о присоединении, поправка вступает в силу через три месяца после сдачи на хранение его ратификационной грамоты или документа о присоединении.

4. Государство, ставшее участником настоящей Конвенции после вступления в силу поправки в соответствии с пунктом 2, если только оно не заявляет об ином намерении:

a) считается участником настоящей Конвенции с внесенной в нее поправкой; и

b) считается участником Конвенции без поправки в отношении любого Государства-участника, не связанного поправкой.

5. Государство, которое становится участником настоящей Конвенции после принятия поправки в соответствии с процедурой, указанной в пункте 2, но до вступления ее в силу, считается применяющим Конвенцию без поправки.

## **Alternative proposal Article 27 by the Government of the Russian Federation at the 150th session of the Working Party<sup>5</sup>**

### **Article 27**

1. Any Party may propose an amendment to the present Convention and submit it to the secretariat of the Convention. The secretariat of the Convention shall communicate any proposed amendments to the Parties with a request to be notified whether they favour a conference of Parties for the purpose of considering and deciding upon the proposals. If within four months from the date of such communication at least one third of the Parties favour such a conference, the secretariat of the Convention shall convene the conference under the auspices of the United Nations Economic Commission for Europe. Any amendment adopted by consensus of the Parties shall be communicated to the Parties.
2. An amendment adopted in accordance with paragraph 1 of this Article shall enter into force for all Parties three months after the number of instruments of ratification, acceptance or approval deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.
3. Any instrument of ratification, acceptance, approval or accession deposited after an amendment has been accepted in accordance with the procedure in this article, but before it has entered into force, shall be deemed to apply to the Convention as amended on the date when the amendment enters into force.
4. Any such instrument deposited after the entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

### **Статья 27**

1. Любая Сторона может предложить поправку к настоящей Конвенции и представить ее в секретариат Конвенции. Секретариат Конвенции сообщает любые предлагаемые поправки Сторонам с просьбой уведомить его о том, выступают ли они за проведение конференции Сторон для рассмотрения и принятия решений по этим предложениям. В случае если в течение четырех месяцев с даты такого сообщения не менее трети Сторон выступит за проведение такой конференции, секретариат Конвенции созывает конференцию под эгидой Европейской экономической комиссии Организации Объединенных Наций. Любая поправка принимается на основе консенсуса и направляется Сторонам.
2. Поправка, принятая в соответствии с пунктом 1 настоящей статьи, вступает в силу для всех Сторон через три месяца после даты передачи двумя третями Сторон своих документов о ратификации, принятии или одобрении поправки на хранение Депозитарию.
3. Любой документ о ратификации, принятии, одобрении или присоединении, сданный на хранение после принятия поправки в соответствии с процедурой, изложенной в настоящей статье, но до ее вступления в силу, считается применимым к Конвенции с внесенными в нее изменениями на дату вступления поправки в силу.

---

<sup>5</sup> English and Russian only

4. Любой такой документ, сданный на хранение после вступления в силу поправки к настоящей Конвенции, считается применимым к Конвенции с внесенными в нее поправками.

## Annex III

### 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 Mr. Li to final report  | secretariat  | done                 |
| 6  | Soliciting 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 <i>bis</i> from future agendas                           | secretariat  | 13 November 2018     |
| 16                                       | Request extension mandate GE.1  | secretariat  | ITC agenda (done)    |
| 21                                       | Prepare new version 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  | a.s.a.p              |