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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

152nd session

Geneva, 12–14 June 2019

### Report of the Working Party on Customs Questions affecting Transport on its 152nd session

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## **I. Attendance**

1. The Working Party (WP.30) held its 152nd session from 12 to 14 June 2019 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belgium, Bulgaria, China, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan. Representatives of the European Union were also present. The following non-governmental organizations were represented: Fédération Internationale de l'Automobile (FIA), International Road Transport Union (IRU).

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

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/303) without further amendments.

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

3. 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 Working Party took note that ITC, at its eighty-first session (19–22 February 2019, Geneva) had:

(a) adopted the ITC strategy until 2030 (ECE/TRANS/2019/R.1), including vision, mission, strategic objectives, action plan, list of priorities and resource mobilization and partnership, requesting its subsidiary bodies to align their work with the strategy. The mission is to contribute to sustainable inland transport and mobility to achieve the sustainable development goals in member States of ECE and the United Nations through policy dialogue, the harmonization of regulatory frameworks, promotion of new technologies, assistance in enhancing connectivity and the implementation of legal instruments. In performing its mission, ITC will enhance its role as: (i) the United Nations platform for regional and global inland transport conventions; (ii) the United Nations platform for supporting new technologies and innovations in inland transport; (iii) the United Nations platform for regional, interregional and global inland transport policy dialogues and (iv) the United Nations platform for promoting sustainable regional and interregional inland transport connectivity and mobility;

(b) adopted the Ministerial Resolution on enhancing cooperation, harmonization and integration in the era of transport digitalization and automation, which inter alia, supports the development, use and safe integration in transport systems of digital and other relevant technologies and innovations in all transport modes and in particular in the areas of TIR, CMR and AETR and pledges to work towards the full implementation of the eTIR system and the rapid entry into force of Annex 11 to the TIR Convention, including by ensuring the required financing for and implementation of eTIR at the national level;

(c) expressed its support for continuing the eTIR project. To this end, it (i) decided to prolong the mandate of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (WP.30/GE.1) to the year 2019; (ii) encouraged countries to express an interest or engage in eTIR pilot projects, thus paving the way for a smooth transition to the full implementation of eTIR; (iii) urged contracting parties and relevant stakeholders to secure the funds required to operationalize the eTIR project and (iv) urged contracting parties to expediently hold additional consultations in order to adopt new Annex 11 to the TIR Convention, introducing eTIR into the legal text of the convention;

(d) urged all stakeholders in the 1954 Customs Convention on the Temporary Importation of Private Vehicles to respect the provisions of the convention in order to ensure that the Carnet de Passage en Douane (CPD) can continue to exist for Egypt and Jordan;

(e) adopted, with the abstention of the member States of the European Union, the text of the new Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-luggage carried in international Traffic by Rail (of 22 February 2019) and requested the secretariat to transmit the text to the depositary to be opened for signature;

(f) conducted a side-event on digitalization and e-documents, in which inter alia, the implementation of eTIR into the legal framework of the TIR Convention by means of the required amendments to the body of the convention and the provisions of new Annex 11, was highlighted as an example for introducing computerization in other legal instruments.

4. The full report of the eighty-first session of ITC is contained in document ECE/TRANS/288 and Add.1–2.

5. With regard to the implementation of the ITC strategy, the Working Party recalled (a) its statement at the 143rd session (June 2016) that the hybrid approach adopted by its Rules of Procedure, as endorsed by ITC in 2015 (attributing full member rights to non-ECE countries during discussions on matters relating to legal instruments to which they are contracting parties), provide sufficient basis for the activities of the Working Party at both the regional and the global level, while stating its support of capacity-building activities by the ECE secretariat related to the legal instruments under its purview outside the ECE region, as long as sufficient focus on capacity-building within the region remains ensured (see ECE/TRANS/WP.30/286, para. 14), (b) the recent adoption of the convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail and (c) the ongoing efforts to computerize the TIR procedure (eTIR) subject to the adoption and entry into force of Annex 11 or by any other legal means.

6. The Working Party also took note that, on 24 April 2019, the Chair of ITC and the Director of the Sustainable Transport Division, in a joint letter, had invited the Chairs of Working Parties and Administrative Committees under the purview of ITC to take follow-up actions on aligning their work with the ITC strategy, in particular its road safety related aspects. To that end, the ITC secretariat prepared draft ITC recommendations for enhancing national road safety systems for comments by Working Parties and Administrative Committees (Informal document WP.30 (2019) No. 4) – restricted). The Working Party took note of the recommendations. While fully supporting the scope of the recommendations in recognizing that road safety in its aspects affects the activities of the legal instruments under the purview of the Working Party, in particular when it comes to safe vehicles or drivers' behaviour, it did not see any avenue for direct intervention in the field of customs other than, possibly, in the area of enforcement. To factually establish this, the Working Party requested to secretariat to send a short survey to TIR customs focal points, with copy to WP.30 delegates, soliciting their national experience with customs-related activities mentioned in paragraph 32 of the draft recommendations and to prepare a document for its consideration at the next session.

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

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

7. The Working Party was informed about changes in the status of the TIR Convention (1975) and the number of contracting parties. In particular, the Working Party took note that since its previous session, the convention has entered into force for Argentina and

Oman, and now has seventy-six contracting parties, whereas TIR operations can be established with sixty-two countries. More detailed information on this issue as well as on depositary notifications is available on the TIR website.<sup>1</sup>

8. The Working Party also took note that, as of 25 June 2019, China would fully implement TIR at all its checkpoints at border and inland customs offices.

9. In this context, the Working Party reminded all TIR contracting parties of their obligation to make the list of their customs offices of departure, en route and destination approved for accomplishing TIR operations publicly available, by virtue of Article 45 of the Convention. The delegation of the European Union informed that the Customs Office List is publicly available at the EU Open Data Portal.<sup>2</sup>

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

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

10. The Working Party recalled that, at its previous session, it finalized its discussions of a proposal to amend Article 20 and to raise the maximum amount for the transport of certain alcohol and tobacco products, as stipulated by Explanatory Note 0.8.3, from \$200,000 to €400,000, while keeping the amount for small quantities at €100,000 and had requested the secretariat to transmit the proposals to AC.2 for consideration and, possibly, adoption.

11. At the request of the delegation of Ukraine, IRU informed the Working Party that an increase of the maximum amount for the transport of certain alcohol and tobacco products from \$200,000 to €400,000 would not be accepted by its insurers, nor the re-introduction of the transport of small quantities of such products at €100,000. According to IRU it was very unlikely that insurers would agree to provide coverage for the two products under one and the same TIR Carnet (Tobacco/Alcohol TIR Carnet). Nor was it likely that even small quantities of, in particular, would be covered by the global insurers due to a restrictive underwriting policy, excluding any affairs linked to a tobacco conflict of interests. Such a restrictive policy had been notably adopted by the global insurers as a joint effort in the anti-tobacco fight, implemented by numerous governments of the world including the European Union, the Russian Federation, Switzerland, etc.

12. The Working Party noted that no further amendment proposals had been submitted for its consideration.

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

13. The Working Party was informed about the latest developments in the field of computerization of the TIR procedure and the eTIR pilot projects. The delegations of Azerbaijan and Iran (Islamic Republic of) reported that they were technically ready to start the first eTIR transport, which could be carried out in the coming days. The Working Party further noted that Azerbaijani customs and the Azerbaijani national association had signed an addendum to their national guarantee agreement to ensure the coverage of eGuarantees, and that twenty-nine Azerbaijani customs offices were ready to process eTIR transports. The delegation of Iran (Islamic Republic of) reported that Iranian customs and the Iranian national association should sign a similar addendum shortly and that all 140 Iranian customs offices were ready to process eTIR transports. The delegation of Turkey reported that, since the successful finalization of the eTIR pilot project between both countries, both sides were still working on a new Memorandum of Understanding (MoU) aimed at extending the pilot to all customs offices and to all TIR Carnet holders. The text of the MoU would be finalized once the results of the deliberations on Annex 11 were known. In the course of 2019, the transport companies selected in the past pilot project had used thirty-five eGuarantees. At the request of the delegation of Iran (Islamic Republic of), IRU

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

<sup>2</sup> [data.europa.eu/euodp/en/data/dataset/customs-office-list](http://data.europa.eu/euodp/en/data/dataset/customs-office-list)

informed that 6 eGuarantees had been used in 2015, 59 in 2016, 83 in 2017 and 81 in 2018, reaching a total of 264 eGuarantees used between 1 November 2015 and 31 May 2019.

14. The Working Party took note that the thirtieth session of WP.30/GE.1 would be held on 18 and 19 September 2019 in Budapest, at the kind invitation of the Hungarian customs authorities and encouraged active participation from all contracting parties.

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

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

15. The Working Party did not raise any new development in the application of the convention.

### **2. TIR-related electronic data interchange systems**

16. 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 (2019) No. 5). The Working Party noted that the document now provided information on the various types of termination (load, partial, final and exit) and invited IRU to continue this type of reporting for the future but requested a clearer definition of the various termination types.

### **3. Settlement of claims for payments**

17. 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 (2019) No. 6).

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

18. No information was provided.

### **5. Other matters**

19. The Working Party briefly touched upon the Office of Internal Oversight Services (OIOS) “audit of the Transport Routier Trust Fund at the Economic Commission for Europe” of 13 March 2019, that had been conducted at the request of AC.2. The secretariat informed the Working Party that the report would be tabled as an official document for the October 2019 session of AC.2 and that an advance copy (English only) would be issued as an informal document for the seventieth session of AC.2. The Working Party requested the secretariat to seek speedy translation of the document in the three official languages at the earliest possible opportunity.

## **V. Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail (agenda item 4)**

### **Status of the Convention**

20. The Working Party recalled (a) that, at its previous session, four countries (Azerbaijan, Russian Federation, Tajikistan and Turkey) voted in favour of the new Rail Passenger and Baggage Convention, with no countries objecting, whereas the remaining ECE member States either abstained or were not present during the vote. Thus, the Working Party adopted the text of the new convention and (b) that, at its eighty-first session (February 2019), ITC had considered the text of the new convention, as agreed by WP.30 at its 151st session, and had adopted it, with the abstention of European Union member States and had requested the secretariat to transmit the text to the depositary to be opened for signature (Informal document ITC (2019) No. 9/Rev.5, decision No. 46).

21. Against this background, the Working Party was informed that the Secretary-General of the United Nations, acting in his capacity as depositary, has issued depositary notifications [C.N.126.2019.TREATIES-XI.C.7](#) and [C.N.127.2019.TREATIES-XI.C.7](#) of 4 April 2019, informing of the opening for signature of the new convention at the United Nations Headquarters in New York and the issuance of certified true copies. More detailed information on this issue as well as on depositary notifications is available on the TIR website.<sup>3</sup>

22. The delegation of the Russian Federation informed the Working Party about the opportunity for all interested United Nations Member States to sign the new Rail and Baggage Convention at the 2019 Treaty Event, which would take place from 24 to 27 September 2019, at the United Nations Headquarters in New York, in conjunction with the General Debate of the seventy-fourth session of the United Nations General Assembly. The Rail and Baggage Convention figures on the list of multilateral treaties to be highlighted during this year's Treaty Event. In the meantime, the internal process in the Russian Federation continued for obtaining endorsement from allinvolved governmental agencies for accession.

## **VI. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 5)**

### **A. Status of the Conventions**

23. The Working Party was informed that the status and the number of contracting parties to the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles had not changed and that the conventions had 80 and 26 contracting parties respectively. More detailed information on this issue as well as on depositary notifications is available on the TIR website.<sup>4</sup>

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

24. The Working Party recalled that, at its previous session, it took note of Informal document WP.30 (2019) No. 3 by the International Touring Alliance / International Automobile Federation (AIT/FIA), which reported on the latest state of play in the ongoing issues which remained unresolved. The Working Party was informed that on 30 January 2019, as requested by the Customs Council of AIT/FIA, the Executive Secretary of ECE had, once more, addressed the competent authorities of Jordan through diplomatic channels, soliciting a reply to a letter from 2017 in which the problems in applying the 1954 convention in the Hashemite Kingdom of Jordan had been detailed. The Working Party requested the secretariat to also inform ITC (ECE/TRANS/WP.30/302, para. 40).

25. The secretariat informed the Working Party that, at its February 2019 session, ITC had urged all stakeholders in the 1954 Customs Convention on the Temporary Importation of Private Vehicles to respect the provisions of the convention, and so, ensure that the Carnet de Passage en Douane (CPD) could continue to exist for Egypt and Jordan. The secretariat further informed the Working Party of two letters received from the Jordanian mission in Geneva, in which three questions were raised, as well as of a reply letter on behalf of ECE, as contained in Informal document WP.30 (2019). No. 7. In its letters, the mission, at the request of the customs authorities of Jordan, requested (a) the termination of the authorization the Royal Automobile Club of Jordan, (b) information about new bodies to authorize for the territory of Jordan and (c) information about the Arab International Association of Automobile Clubs (AIA). In its letter of reply, ECE explained that, in

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

accordance with Article 6 of the 1954 convention, it is up to competent national authorities to authorize national associations or to revoke their authorization and that they were free to authorize any new association, as long as this association is affiliated to FIA. Furthermore, ECE informed the mission that it does not dispose of information about AIA and referred the authorities to the Economic and Social Council (ECOSOC) to see if AIA has been registered in its database of non-governmental associations with consultative status. Finally, ECE requested the mission to remind Jordanian customs authorities that a reply to a letter from ECE of 14 July 2017, that sought clarifications on a number of claims due to the alleged non-observance of the 1954 convention by Jordanian customs, was still outstanding.

26. The observer from AIT/FIA informed the Working Party that the authorization of the Royal Automobile Club of Jordan had been revoked and AIT/FIA was in the process of admitting another association (but not AIA) to become issuing association for Jordan.

## **VII. Activities of other organizations and countries of interest to the Working Party (agenda item 6)**

27. 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**

28. No information was provided.

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

29. Due to the absence of a delegation at the session, no information was provided.

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

30. Due to the absence of a delegation at the session, no information was provided.

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

31. The Working Party was informed about recent activities of the World Customs Organization (WCO) as far as they relate to matters of interest to the Working Party. In particular, the Working Party took note that on 25 and 26 February 2019, the secretariat had attended the seventeenth session of the Administrative Committee for the Customs Convention on Containers (1972). At the session, the secretariat brought the attention of the Committee to its sixteenth session (2017), at which the Committee had adopted a set of amendments to Annex IV of the Container Convention to bring the text in line with Annex 7 of the TIR Convention, but that these adopted amendments still had not been transmitted to the Secretary-General of the United Nations for circulation and, ultimately, acceptance by its contracting parties. The WCO secretariat explained that this delay was due to other adopted proposals (to Annex I of the Container Convention) which had yet to be translated in all languages of the convention. The Working Party invited WCO to transmit the amendments to Annex IV as soon as possible to the Secretary-General of the United Nations, as these were available in all six United Nations languages, in order to speed up the alignment process between the two annexes.

## **VIII. Other business (agenda item 7)**

### **A. List of decisions**

32. The Working Party recalled that, as requested at the 145th session, the secretariat includes a list of decisions as Annexes to the final reports of sessions. 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 to the final report.

### **B. Dates of the next sessions**

33. The Working Party decided to conduct its 153rd session in the week of 14–18 October 2019, and its 154th session in the week of 3–7 February 2020. Due to the heavy workload of AC.2, the Working Party agreed that, exceptionally, it would only meet on 15 and 18 October 2019, allowing for a two-day meeting of AC.2 on 16 and 17 October 2019.

### **C. Restriction on the distribution of documents**

34. The Working Party decided that Informal document WP.30 (2019) No. 4 would remain restricted.

## **IX. Adoption of the report (agenda item 8)**

35. In accordance with established practice, the Working Party adopted the report on its 152nd session on the basis of a draft prepared by the secretariat.

**Annex****List of decisions taken at the 152nd session of the Working Party**

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
6	Conduct survey on ITC recommendations	secretariat	a.s.a.p.
9	Make list of TIR customs offices publicly available	delegations	ongoing
16	Provide definitions for load, partial, final and exit	IRU	15 October 2019.
19	Publish OIOS report as Informal document for AC.2 and submit report for official translation	secretariat	Done a.s.a.p
35	Prepare 153rd session on 15 October 2019	secretariat	23 July 2019 – agenda 6 August 2019 – documents