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Inland Transport Committee

Working Party on Customs Questions affecting Transport

136th session

Geneva, 4–7 February 2014

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 136th session^{1,2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday, 4 February 2014

I. Provisional Agenda

1. Adoption of the agenda.
2. Election of officers.

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

² The full text of the Conventions, as well as complete lists of Contracting Parties to the Conventions referred to in this agenda are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to complete the registration form available from the Internet website of the UNECE Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

3. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party.
4. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) EurAsEC Customs Union;
 - (d) World Customs Organization.
5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”):
 - (a) Status of the Convention;
 - (b) Annex 8 on road transport:
 - (i) International Vehicle Weight Certificate;
 - (ii) Biennial survey of Annex 8;
 - (iii) X-ray scanning certificate.
 - (c) Annex 9 on rail border crossing;
 - (d) Border performance measurement and the Harmonization Convention.
6. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
7. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956).
8. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):
 - (a) Status of the Convention;
 - (b) Revision of the Convention:
 - (i) Preparation of Phase III of the TIR revision process;
 - (ii) Amendment proposals to the Convention: Vehicles with sliding sheets;
 - (iii) Amendment proposal to the TIR Convention: Use of the TIR procedure in a Customs Union with a single Customs territory or in a single country;
 - (iv) Amendment proposals to the Convention: Audit requirements for an authorized international organization.
 - (c) Application of the Convention:
 - (i) TIR-related electronic data interchange systems;
 - (ii) Settlement of claims for payments;
 - (iii) Increase in the number of loading and unloading places;
 - (iv) Application of the TIR Convention in the Russian Federation;
 - (v) Other matters.
9. Prevention of abuse of Customs transit systems by smugglers.

10. Programme of work and biennial evaluation.
11. Terms of Reference and Rules of Procedure of the Working Party.
12. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
13. Adoption of the report.

II. Annotations

1. Adoption of the agenda

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (ECE/TRANS/WP.30/271).

Documentation

ECE/TRANS/WP.30/271

2. Election of officers

In accordance with the Commission's rules of procedure and established practice, the Working Party (WP.30) should elect a Chair and, possibly, a Vice-Chair for its sessions in 2014.

3. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party

The Working Party will be informed about activities of the Inland Transport Committee (ITC), its Bureau, subsidiary bodies and other United Nations organizations on matters of interest to the Working Party.

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

The Working Party will take note of activities by various regional economic or Customs Unions as well as by other organizations, both intergovernmental and non-governmental, and countries as far as they relate to matters of interest to the Working Party.

(a) European Union

At its previous session, the Working Party noted that, on 1 July 2013, Croatia had joined the European Union and thus became part of the EU Customs territory. The Working Party was also informed about the recent adoption of the new EU Customs Code which would become applicable as of May 2016 and introduce, inter alia, Electronic Data Interchange (EDI) technologies and simplification of various Customs procedures, including transit (ECE/TRANS/WP.30/270, para.5). WP.30 may wish to be informed about further developments in the European Union.

(b) Economic Cooperation Organization

At its previous session, the Economic Cooperation Organization (ECO) reported that, in September 2013, the TIR system had been reactivated in Afghanistan. Cooperation on further enhancing the implementation of the TIR Convention in Afghanistan will be continued under the aegis of the ECO Project for establishment of a Road Corridor between the Kyrgyzstan-Tajikistan-Afghanistan-Iran (KTAI). WP.30 was also informed about the progress in implementing the TIR Pilot Project on the Islamabad – Tehran – Istanbul (ITI) road corridor, whose launch was foreseen before the end of February 2014. WP 30 also

took note of the activities of the ECO to interconnect the landlocked countries of Central Asia and to promote United Nations legal instruments in the areas of transport and transit among the ECO member States (ECE/TRANS/WP.30/270, para.6). Further information on this project and other activities by ECO will be presented at the current session.

(c) EurAsEC Customs Union

At the previous session, the Eurasian Economic Commission informed the Working Party about enhancing the legislation of the Customs Union, for example, by preparing amendment proposals for the Customs Code or by drafting trilateral agreements on various Customs related issues, including TIR and temporary importation. As of 1 October 2014, advance cargo information would be required for goods imported by rail transport. The priorities of the Customs Union include speeding up Customs formalities by introducing modern technologies, like EDI, single window, post clearance audits and the concept of Authorized Economic Operator (AEO). WP.30 also noted the ongoing process of integrating Armenia and Kyrgyzstan into the Customs Union (ECE/TRANS/WP.30/270, para.7). WP.30 may wish to be informed about further progress in these areas.

(d) World Customs Organization

The Working Party will be informed about recent activities of the World Customs Organization (WCO) as far as they relate to matters of interest to WP.30.

5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”)

(a) Status of the Convention

The Working Party will be informed about any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depositary Notifications are available on the UNECE website.³

(b) Annex 8 on road transport

Under this agenda item, delegations are invited to inform the Working Party about various activities conducted at the national level with the aim to facilitate road transport and, in particular, to transmit country reports outlining major achievements and setbacks in border crossing facilitation.

(i) International Vehicle Weight Certificate

At the previous session, WP.30 continued its discussion of the proposal by Ukraine to introduce a new box "Weight of empty vehicle" into the International Vehicle Weight Certificate (IVWC) (ECE/TRANS/WP.30/2013/3). While some delegations did not see the value added of this proposal, some others pointed out that such a box could speed up Customs and other border formalities, thus facilitating international transport. At the same time, a clear-cut definition of the term "Weight of empty vehicle", together with a mechanism on how to measure or calculate it would need to be developed. Finally, WP.30 decided to keep this issue on the agenda (ECE/TRANS/WP.30/270, para.11). Under this agenda item, the Working Party will also be informed about the activities of the Organization of the Black Sea Economic Cooperation (BSEC) to launch a pilot project on introducing the IVWC in the BSEC region (Informal document No. 1 (2014)).

³ www.unece.org/trans/bcf/welcome.html

Documentation

ECE/TRANS/WP.30/2013/3, Informal document No.1 (2014)

(ii) Biennial survey of Annex 8

The Working Party, at its previous session, recalled the outcome of the UNECE survey to monitor the progress in implementing Annex 8 (ECE/TRANS/WP.30/2013/7) and noted that the next survey would be undertaken in 2014, in line with Annex 8 to the Convention (ECE/TRANS/WP.30/270, para.12).

Documentation

ECE/TRANS/WP.30/2013/7

(iii) X-ray scanning certificate

WP.30, at its previous session, WP.30 took note of the opinion of the Customs administration of Azerbaijan that X-ray scanners are produced by various manufacturers and differ in technical parameters, thus making it impossible for other countries to analyse the attached X-ray image. In addition, the issuance of an X-ray certificate could lead to delays and queues at borders. The delegation of EU supported this conclusion and felt that there was no need for such a certificate (ECE/TRANS/WP.30/270, para.13). Against this background, the Working Party may wish to decide if it should continue considering the proposals to introduce the so-called "International Vehicle/Container X-ray Scanning Certificate discussion, as laid down in document (ECE/TRANS/WP.30/2013/6).

Documentation

ECE/TRANS/WP.30/2013/6

(c) Annex 9 on rail border crossing

The Working Party, at its previous session, took note that the secretariat of the Working Party on Rail Transport (SC.2) had drafted a questionnaire on the national application of Annex 9 which was discussed at the SC.2 session (23-25 October 2013). Following the approval of SC.2, it would be distributed to Contracting Parties (ECE/TRANS/WP.30/270, para.14). WP.30 will be informed about further activities UNECE, SC.2, Intergovernmental Organization for International Carriage by Rail (OTIF) and the Organization for Cooperation between Railways (OSJD) aimed at facilitating the implementation of Annex 9 at the national level.

(d) Border performance measurement and the Harmonization Convention

At its previous session, the Working Party continued its consideration of different options for introducing performance indicators into the Harmonization Convention as a tool for monitoring its implementation and benchmarking (ECE/TRANS/WP.30/2013/4). Various delegations spoke in favour of a flexible solution which would cater to the needs of countries with different economic situations, would cover different modes of transport and would give Contracting Parties a set of tools for optional use. It was pointed out that not only indicators, but also methods for obtaining them should be developed for interested countries. Some delegations highlighted the importance of WCO tools and the need to cooperate with WCO on this issue. As a further step, WP.30 invited delegations to study Chapter 9 of the OSCE-UNECE Handbook of Best Practices at Border Crossings to see which indicators mentioned could be selected for the purposes of the Harmonization Convention and if there was a need to develop new indicators. Finally, the Working Party decided to revert to this issue at its present session (ECE/TRANS/WP.30/270, para.15).

Documentation

ECE/TRANS/WP.30/2013/4

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

The Working Party, at its previous session, was informed by OSJD that authorities of Belarus, Bulgaria, Kazakhstan, Latvia, Poland, Republic of Moldova and the Russian Federation support this idea, particularly in view of the rapid development of the international high-speed train network which requires the introduction of new EDI technologies and other innovative solutions to ensure fast border crossing procedures. WP.30 felt that there seemed to be a demand for a new Convention and invited SC.2, at its session on 23-25 October 2013, to express its position on this matter as well (ECE/TRANS/WP.30/270, para.16). WP.30 will be informed about the considerations by SC.2 and its request to the secretariat to prepare an official document for the next ITC session with all justification needed for guidance.

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

The Working Party, at its 134th meeting, took note of Informal document No. 9 (2013) by the International Touring Alliance and the International Automobile Federation (AIT/FIA), endorsed the AIT/FIA's proposal to include a barcode in CPD (Carnets de Passages en Douane) and confirmed that the barcode would conform to the standard contained in Annex 1 of the Conventions. WP.30 also supported the AIT/FIA pilot project for an electronic CPD database system and urged the concerned Contracting Parties to take part in it. Finally, the Working Party called upon Contracting Parties to transmit to the Secretary-General of the United Nations a proposal for amending the Convention, in order to allow the CPD used within a specific region to be printed in combinations of United Nations official languages other than English and French (ECE/TRANS/WP.30/268, para. 27). WP.30 will be informed about follow-up activities in this regard.

8. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)**(a) Status of the Convention**

The Working Party may wish to recall that the proposals to amend Article 6.2 bis and Annex 9 of the Convention entered into force on 10 October for all Contracting Parties (C.N.433.2013.TREATIES-XI.A.16). The Working Party will also be informed about any further changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.⁴

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

(b) Revision of the Convention

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

Use of new technologies

The Working Party will be informed about the outcome of the twenty-third session of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) which is scheduled to take place in Brussels on 20 and 21 November 2013, at the kind invitation of the European Commission.

At its previous session, WP.30 took note of document ECE/TRANS/WP.30/2013/8 in all official languages, containing an analysis of various legal options for providing the legal basis allowing the implementation of eTIR. Considering that some delegations were not yet in the position to discuss substantively the various legal options, nor other legal aspects related to the implementation of eTIR, WP.30 decided to postpone its discussions on the issue to the present session (ECE/TRANS/WP.30/270, para.34).

Finally, WP.30 will be briefed on further developments in the Pilot Project between Italy and Turkey as well as on the progress within the United Nations Development Account project: “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”.

Documentation

ECE/TRANS/WP.30/2013/8

(ii) Amendment proposals to the Convention: Vehicles with sliding sheets

At its 134th session, the Working Party considered document ECE/TRANS/WP.30/2012/6/Rev.3 as well as Informal document No. 13 (2013) in which International Association of the Body and Trailer Building Industry (CLCCR) proposed to delete, due to technical difficulties, several additional requirements introduced by the secretariat in document ECE/TRANS/WP.30/2012/6/Rev.3. The delegation of Belarus pointed out some linguistic errors in the Russian text of this document and also felt that additional photographs and/or sketches of some key elements of a vehicle with a sliding roof would need to be included in the amendment proposals. WP.30 invited Belarus to contact CLCCR directly with a view to indicating which places and units of construction would require additional description, photographs and/or sketches (ECE/TRANS/WP.30/268, para. 33).

At its previous session, WP.30 took note of a revised document ECE/TRANS/WP.30/2012/6/Rev.4 which had incorporated the comments made by CLCCR in Informal document No. 13 (2013). The delegation of Belarus reiterated the concerns expressed at the previous session (ECE/TRANS/WP.30/268, para. 33) and informed WP.30 about its internal considerations of additional photographs and sketches that it had received, before taking a decision on the proposed amendments. Awaiting the outcome of these considerations, WP.30 decided to revert to this issue at the current session (ECE/TRANS/WP.30/270, para. 36).

Documentation

ECE/TRANS/WP.30/2012/6/Rev.4

(iii) **Amendment proposal to the TIR Convention: Use of the TIR procedure in a Customs Union with a single Customs territory or in a single country**

At the previous session, the secretariat introduced document ECE/TRANS/WP.30/2013/9 which analysed the relevant provisions of the TIR Convention and came to the conclusion that their current wording does not seem to allow for a clear-cut application of the TIR procedure in the case of Customs Unions with no internal Customs borders. To give new Customs Unions the necessary flexibility to adapt the use of the TIR procedure to their economic and political needs, the secretariat proposed several options on how to amend Article 2. One option, if adopted, would also allow for the use of the TIR procedure in a single country. The delegation of EU was of the view that the present text of the Convention gives enough freedom to Customs Unions with a single Customs territory for any decision on the use of the TIR procedure. Thus, EU was not in favour of amending the Convention. The Russian Federation shared this position. On the other hand, the delegation of Kazakhstan supported the amendments.

The delegations of EU, Belarus and the Russian Federation were of the opinion that the TIR Convention, being an international agreement, should not be used for transport operations in a single country. The delegations of Ukraine and Uzbekistan supported the use of the TIR procedure in a single country for the transport of foreign goods and pointed out its important facilitation aspect. IRU reiterated that it is prepared to support such domestic operations, either within the framework of the TIR Convention or under a separate, yet similar, regime. WP.30 concluded that further analysis and discussion was required to reach a decision on whether or not an amendment is warranted and thus requested the secretariat to prepare, for the current session, further analysis on the possibility to use the TIR procedure within a single country (ECE/TRANS/WP.30/270, paras. 37-39). Following this request, the secretariat has drafted document ECE/TRANS/WP.30/2014/3 which WP.30 is invited consider.

Documentation

ECE/TRANS/WP.30/2013/9, ECE/TRANS/WP.30/2014/3

(iv) **Amendment proposals to the Convention: Audit requirements for an authorized international organization**

At its 134th session, the secretariat, supported by EU, proposed to resume the considerations of audit requirements for an authorized international organization (the so-called provisions o, p and q) which were extensively discussed in 2010–2011 as part of a new Annex 9, part III of the TIR Convention, but were not included at that time in the package of adopted amendment proposals. Several delegations and IRU were not in favour of this proposal and pointed out that they had not been made aware of developments which would justify reopening this debate and that any new argument put forward would require careful consideration at the national level prior to its discussion by the Working Party. WP.30 agreed to have a preliminary exchange of views on this issue under "Other business", but did not have a chance to do that due to lack of time (ECE/TRANS/WP.30/268, para. 3). Against this background, the Working Party may wish to recall its earlier document ECE/TRANS/WP.30/2011/6 with a summary of various opinions expressed by delegations to see which new elements could be brought into the discussion.

Documentation

ECE/TRANS/WP.30/2011/6

(c) **Application of the Convention**

(i) **TIR-related electronic data interchange systems**

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

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

(ii) **Settlement of claims for payments**

The Working Party may wish to be informed by Customs authorities and IRU about the current situation on the settlement of claims for payments made by Customs authorities against national guaranteeing associations.

(iii) **Increase in the number of loading and unloading places**

At the 133rd session, a number of delegations spoke in favour of increasing the number of places of loading and unloading from four to eight and highlighted the advantages of this proposal for the road transport industry, in particular, in view of continuously increasing amounts of consolidated cargo (so-called groupage) transported under the TIR procedure and the competition with other transit systems, like the New Computerized Transit System (NCTS), which do not contain such restrictions. The delegation of EU stated that it would be ready to reconsider its position, provided that the TIR guarantee level was increased and/or the HS codes of goods were indicated on the TIR Carnet. The delegation of Belarus was prepared to support increasing the number of loading and unloading places on the condition that the full guarantee coverage of the Customs duties and taxes at stake is ensured in cases where the maximum guarantee level per TIR Carnet is exceeded (ECE/TRANS/WP.30/266, para. 34). Against this background, WP.30 may wish to continue its discussion.

(iv) **Application of the TIR Convention in the Russian Federation**

The Working Party may wish to recall its extensive discussions, at the previous session, regarding the measures introduced by the Russian Customs that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/270, paras. 19-30).

In summary, in July 2013, the Federal Customs Service of the Russian Federation (FCS) announced that TIR operators transporting goods in the territory of the Russian Federation would be required to provide other guarantees prescribed by the Customs Code of the EurAsEC Customs Union. The introduction of this measure, originally scheduled for 14 August, had been postponed until 14 September 2013. As of that date, FCS started a step-by-step implementation of the envisaged measure with the objective to completely phase out the implementation of TIR by 1 December 2013 – the date when the TIR guarantee agreement signed between FCS and the national guaranteeing association ASMAP would be terminated, at the FCS's initiative.

At the previous session, numerous delegations pointed out severe negative implications of the situation with TIR in the Russian Federation for trade and transport from/to/through the Russian Federation. The Working Party, except for the Russian delegation, called for withdrawal of the FCS measures and urged all stakeholders in the Russian Federation and IRU to find solutions that would ensure an uninterrupted application of the TIR procedure in the Russian Federation.

The Working Party will be informed about new developments and, on this basis, may wish to continue its considerations of this issue.

(v) **Other matters**

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

9. Prevention of abuse of Customs transit systems by smugglers

Under this agenda item, the Working Party may wish, on a restricted basis, to exchange views concerning any special cases, devices and facilities used to abuse the TIR transit system.

10. Programme of work and biennial evaluation

At its 129th session, the Working Party approved the programme of work for the years 2012-2016 as well as its programme of work and parameters for its biennial evaluation for the 2012-2013 biennium, prepared in line with the new template established by the UNECE Executive Committee (ECE/TRANS/WP.30/258, para. 38). At its previous session, WP.30 took note that, for consideration and approval at the present session, the secretariat would prepare updated documents which would then be submitted to the February 2014 meeting of the Inland Transport Committee for endorsement (ECE/TRANS/WP.30/270, para. 4). Against this background, WP.30 is invited to consider and possibly endorse documents ECE/TRANS/WP.30/2014/1 and ECE/TRANS/WP.30/2014/2 containing the draft programme of work of WP.30 for the years 2014-2018 as well as the programme of work and the parameters for its biennial evaluation for the 2014-2015 biennium.

Documentation

ECE/TRANS/WP.30/2014/1, ECE/TRANS/WP.30/2014/2

11. Terms of Reference and Rules of Procedure of the Working Party

At its 134th session, the Working Party considered proposals by Iran (Islamic Republic of) for modifying the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2012/5/Rev.2) and decided to continue the discussion at its next sessions.

The secretariat drew the attention of WP.30 to the proposed footnote in the draft ToR, which would give non-member countries of ECE full membership at sessions of WP.30, and was of the view that, for efficient consideration of the draft ToR and Rules of Procedure as well as of the modifications proposed by Iran (Islamic Republic of), the Working Party needed to decide first on the status of non-ECE member States which are Contracting Parties to the legal instruments under the auspices of WP.30.

Given the lack of a harmonized approach among various ITC Working Parties and different views expressed by delegations as well as in order not to set a precedent, the delegation of Germany, supported by EU member States, proposed to ask ITC for guidance on how to tackle this issue in a coordinated way in view of the ECE decision on the outcome of the

review of the 2005 reform of ECE (E/ECE/1468, Annex III). In the interim, delegations were invited to study the Rules of Procedure of UNECE (E/ECE/778/Rev.5)⁵ and its subsidiary bodies, so as to be prepared this session's discussions.

The European Union and its member States also requested the secretariat to ensure that any discussion on mandates, ToR, rules of procedure and membership rights be brought to the attention of the UNECE Executive Committee before coming to any final conclusions about the respective subsidiary bodies (ECE/TRANS/WP.30/266, paras. 15–18 and 44).

Against this background, the Working Party is invited to continue its discussions on the issue.

Documentation

ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2, ECE/TRANS/WP.30/2013/1, ECE/TRANS/WP.30/2012/5/Rev.2, E/ECE/1468, E/ECE/778/Rev.5

12. Other business

(a) Dates of the next sessions

The Working Party may wish to decide on the dates of its next sessions. The secretariat has made arrangements for the 137th session to be held in the week of 10–13 June 2014.

(b) Restriction on the distribution of documents

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

13. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 136th session on the basis of a draft prepared by the secretariat. Given the present translation resource restrictions, parts of the final report may not be available at the session for adoption in all working languages.

⁵ www.unece.org/oes/nutshell/mandate_role.html