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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

138th session

Geneva, 7–10 October 2014

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 138th session ^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday,
7 October 2014, Room VII

I. Provisional Agenda

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

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the 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 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.
4. 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 Convention: Use of the TIR procedure in a Customs Union with a single Customs territory;
 - (iv) Amendment proposals to the Convention: Audit requirements for an authorized international organization;
 - (v) Amendment proposals to the Convention: Proposals transmitted by the Government of the Russian Federation.
 - (c) Application of the Convention:
 - (i) Application of the Convention in the Russian Federation;
 - (ii) Increase in the number of loading and unloading places;
 - (iii) TIR-related electronic data interchange systems;
 - (iv) Settlement of claims for payments;
 - (v) Other matters.
5. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
6. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956).
7. Terms of Reference and Rules of Procedure of the Working Party.
8. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
9. Adoption of the report.

II. Annotations

1. Adoption of the agenda

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda.

Documentation

ECE/TRANS/WP.30/275

2. 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.

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

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

(a) European Union

The Working Party may wish to be informed about the preparations on the implementing provisions for the Union Customs Code (UCC) which will become applicable as of May 2016, as well as about further developments in the European Union (EU).

(b) Economic Cooperation Organization

The Working Party may wish to be informed about relevant activities and ongoing projects carried out by the Economic Cooperation Organization (ECO).

(c) EurAsEC Customs Union

The Working Party may wish to be informed about further progress in relevant activities and projects carried out by the Eurasian Economic Commission (EurAsEC) Customs Union.

(d) World Customs Organization

The Working Party may wish to be informed about recent activities of the World Customs Organization (WCO) as far as they relate to matters of interest to the Working Party on Customs Questions affecting Transport (WP.30).

4. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)

(a) Status of the Convention

The Working Party will be informed about any further changes in the status of the Convention and in the number of Contracting Parties. In particular, the Working Party may wish to take note of depositary notification CN.426.2014.TREATIES-XI.A.16 of 24 June 2014, on the submission of proposals to amend Annex 1, Annex 6, as well as Annex 9, Part I, paragraph 3 (vi) to the TIR Convention, 1975. In the absence of a sufficient number of objections by 1 October 2014, the proposed amendments will enter into force on 1 January 2015. More detailed information on these issues as well as on various depositary notifications is available on the TIR website.³

(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-fourth 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 Antalya (Turkey) on 25 and 26 September 2014, at the kind invitation of the Ministry of Customs and Trade of Turkey.

The Working Party is invited to consider Informal document GE.1 Nos. 4 and 5 (2014), containing respectively version 4.1a of the eTIR Reference Model and a preliminary summary of GE.1 activities and results as well as recommendations on how to pursue the computerization process from a technical perspective.

At the previous session, the Working Party also considered document ECE/TRANS/WP.30/2014/6, prepared by the secretariat and aimed at clarifying the roles and responsibilities of eTIR focal points. While recognizing the usefulness to further clarify the roles and responsibilities of eTIR focal points, the Working Party questioned the formulation used for the third and fourth bullet points in paragraph five of the said document. It requested the secretariat to prepare a revised version of the document taking into account proposals submitted by delegations by 11 July 2014 and the alternative wording proposed by the secretariat at the session (see ECE/TRANS/WP.30/274, para. 16). The Working Party may wish to consider and, possibly, endorse document ECE/TRANS/WP.30/2014/6/Rev.1.

Furthermore, WP.30 will be informed on progress made in other projects (including pilots) related to the eTIR project, in particular, the Pilot Project between Italy and Turkey, the UNECE/IRU eTIR Pilot Project and 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".

At its previous session, the Working Party welcomed document ECE/TRANS/WP.30/2014/7, prepared by the secretariat at the request of the Working Party at its 136th session, and containing examples of the substantive legal framework that would enable the computerization of the TIR procedure (eTIR). These examples included draft amendments to the TIR Convention as well as, alternatively, a draft protocol. Several delegations, including Azerbaijan, the European Union, Iran (Islamic Republic of), Turkey

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

and Ukraine, were positively inclined towards further developing an additional legal framework to the TIR Convention. The European Union further added that as concerns, in particular, the administration of the eTIR international system, the EU and its member States are in favour of a United Nations or, in any case, an independent public body being in charge of administering the international system. In order to progress in developing the content and structure of the eTIR legal framework, the Working Party was of the view that the creation of a formal Group of legal Experts seemed warranted. Such an Expert Group, once established, would be serviced by the secretariat and the UN conference services. The Working Party was reminded by the secretariat that the establishment of Expert Groups required prior approval by the Executive Committee (EXCOM) and, thus, could take up a considerable amount of time. In conclusion of the discussions, the Working Party requested the secretariat to prepare, for the next session, a further elaborated example of a Protocol and invited interested Parties to send their views on and contributions to the envisaged Protocol to the secretariat, in order to facilitate the drafting of provisions that would meet a high level of acceptance. Furthermore, the Working Party requested the secretariat to commence the process for establishing the Group of Experts by drafting its Terms of Reference (ToR) and timeframe of activities, for discussion at its next session (see ECE/TRANS/WP.30/274, para. 19).

Further to these requests, the secretariat prepared document ECE/TRANS/WP.30/2014/13, containing an elaborated example of a Protocol, as well as document ECE/TRANS/WP.30/2014/14, containing the draft ToR and tentative timeframe of the Group of Experts on Legal Aspects of the Computerization of the TIR Procedure.

In the context of its discussions on the eTIR legal framework, the Working Party is finally invited to consider document ECE/TRANS/WP.30/2014/15, transmitted by the government of Ukraine and containing recommendations on the computerization of the TIR procedure.

Documentation

ECE/TRANS/WP.30/2014/6/Rev.1; ECE/TRANS/WP.30/2014/13;
ECE/TRANS/WP.30/2014/14; ECE/TRANS/WP.30/2014/15; Informal document GE.1
No.4 (2014); Informal document GE.1 No. 5 (2014)

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

At its previous session, the Working Party took note of document ECE/TRANS/WP.30/2012/6/Rev.5 containing amendment proposals for a new design of a vehicle and container to the TIR convention, jointly elaborated by Belarus, Germany, the International Association of the Body and Trailer Building Industry (CLCCR) and the secretariat. WP.30 decided that one drawing of sketch No 10. 3 – showing a patented system – should be deleted from the draft amendment proposals and that – for legal reasons – the images contained therein needed to be replaced by sketches. WP.30 requested the secretariat to prepare a final revision of document ECE/TRANS/WP.30/2012/6/Rev.5 for consideration at its next session, in order to be able to establish if these amendment proposals could be submitted to AC.2 for adoption (see EC/TRANS/WP.30/274, para. 20).

Further to this request, the secretariat, in collaboration with CLCCR, prepared document ECE/TRANS/WP.30/2012/6/Rev.6 for consideration and, possibly, approval of the Working Party.

Documentation

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

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

At its previous session, after extensive discussions, the Working Party recalled its decision not to further consider the question of using the TIR procedure in a single country, but to continue considering the implementation of the TIR procedure in a Customs Union with a single customs territory (see ECE/TRANS/WP.30/274, para. 21). Thus, the Working Party is invited to reconsider document ECE/TRANS/WP.30/2013/9.

Documentation

ECE/TRANS/WP.30/2013/9

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

At its previous session, WP.30 resumed its considerations of the audit requirements for an authorized international organization (the so-called provisions (o), (p) and (q)). The International Road Transport Union (IRU) stated that it was not opposing to the idea of including more transparency requirements in the Convention and that it was fully prepared to comply with the requirements of the Convention. In the course of the discussion, it transpired that there were reasonable grounds to believe that a compromise could be found by agreeing on a more appropriate wording for the provisions of (o), (p) and (q). WP.30 invited the secretariat to prepare a working document for consideration at its next session, which would elaborate new amendment proposal to Annex 9, Part III of the Convention on additional requirements for the authorized international organization, aimed at providing more transparency in the effective organization and functioning of the international guarantee system (see ECE/TRANS/WP.30/274, paras. 23–25)

Further to this request, the secretariat, in collaboration with IRU, prepared document ECE/TRANS/WP.30/2014/16 for consideration by the Working Party.

Documentation

ECE/TRANS/WP.30/2014/16

(v) Amendment proposals to the Convention: Proposals transmitted by the Government of the Russian Federation

At its previous session, the Working Party was informed by the representative of the Russian Federation about proposals to reinforce the TIR Convention, as contained in Informal document WP.30 No. 9 (2014), with the aim to resume the functioning of the TIR system in the territory of the Russian Federation.

The Working Party is invited to consider document ECE/TRANS/WP.30/2014/17, transmitted by the Government of the Russian Federation.

Documentation

ECE/TRANS/WP.30/2014/17

(c) Application of the Convention

(i) Application of the Convention in the Russian Federation

The Working Party may wish to recall its extensive discussions, at previous sessions, on the measures introduced by the Russian customs authorities that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/270, paras. 19–30, ECE/TRANS/WP.30/272, paras. 37–43, ECE/TRANS/WP.30/274, paras. 26–30).

On 30 June 2014, the Federal Customs Service (FCS) of the Russian Federation officially notified the Russian TIR guaranteeing association, ASMAP, about the extension of its agreement until 30 November 2014.

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

In the context of these discussions, the Working Party may wish to recall that, at its previous session, the representative of Ukraine had informed the Working Party that, further to a legal assessment made at the national level, Ukrainian competent authorities had come to the conclusion that the Russian national association, no longer being able to fulfil the conditions and requirements of Annex 9, Part I, had de facto ceased to exist and that his country was preparing appropriate measures to that effect against Russian TIR Carnet holders (see ECE/TRANS/WP.30/274, para. 30). Further thereto, Ukrainian authorities undertook a further legal assessment, based, in part, on the replies provided by FCS in reply to questions raised by TIRExB at its fifty-seventh session. The assessment is contained in document ECE/TRANS/WP.30/2014/18.

Documentation

ECE/TRANS/WP.30/2014/18

(ii) Increase in the number of loading and unloading places

At its previous session, the Working Party reverted to the issue of increasing the number of places of loading and unloading. Turkey informed the Working Party that it continued to advocate an increase in the number of places of loading and unloading on its territory because of the advantages this provides to the road transport industry. By increasing the level of guarantee to safeguard customs revenues and by ensuring that the Harmonized System (HS) codes of goods are indicated on the TIR Carnet, the implemented increase of places of loading and unloading could prove to be manageable and well-functioning. While some delegations expressed their support for the introduction of an increased number of places for loading and unloading and a more flexible application of the TIR Convention, there was no consensus on whether the increase of number of places of loading and unloading should be explicitly linked to the level of guarantee and the application of the HS code. IRU informed WP.30 of its considerations to re-examine the issue of the guarantee level. The Working Party supported the call for a more flexible use of the guarantee system within the framework of a broader “package” of measures to modernize the TIR Convention, so that it can continue to facilitate transport operations while responding to the changing realities for the transport industry and customs authorities alike. The Working Party decided to return to this issue at its next session to further discuss the options to address this question in the framework of the TIR Convention (see ECE/TRANS/WP.30/274, para. 31).

The Working Party is invited to resume its discussions on the issues at stake.

(iii) TIR-related electronic data interchange systems

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

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

(iv) **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.

(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.

Under this agenda item, the Working Party may also wish to consider document ECE/TRANS/WP.30/2014/19, transmitted by the Government of Ukraine and containing proposals for a recommendation on the use of the TIR procedure in a single country.

Documentation

ECE/TRANS/WP.30/2014/19

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

The Working Party may wish to recall its previous discussions on a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail and that, at its 136th session, it had welcomed the establishment of an informal group of experts to work on elaborating such convention. The secretariat will inform the Working Party about the outcome of a meeting organized by the Organization for Cooperation between Railways (OSJD) in September 2014 in Poland in which a first draft for a new convention will have been discussed. Finally, the Working Party may wish to take which of names of countries which would like to participate in the work on a new convention (see ECE/TRANS/WP.30/274, para. 41).

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

The Working Party will be informed about the status of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles. In addition, the International Touring Alliance and the International Automobile Federation (AIT/FIA) may report on several issues in the implementation of these Conventions.

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

At its previous session the Working Party considered document ECE/TRANS/WP.30/2014/11 on the status of non-ECE Contracting Parties in ITC subsidiary bodies, reflecting the views expressed so far within ITC and the Working Party and drawing parallels to the questions currently under discussion with regard to the establishment of Terms of Reference and Rules of Procedure of the Working Party. Considering that different opinions were expressed on granting full participation rights to non-ECE countries that are Contracting Parties to the Conventions under the purview of WP.30, the Working Party decided to revert to this issue at the current session (see ECE/TRANS/WP.30/274, paras. 43–44).

Documentation

ECE/TRANS/WP.30/2014/11

8. Other business**(a) Dates of the next sessions**

The Working Party may wish to decide on the dates of its next sessions. The secretariat has made arrangements for the 139th session to be held from 3–6 February 2015.

(b) Restriction on the distribution of documents

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

9. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 138th 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.
