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Inland Transport Committee

Working Party on Customs Questions affecting Transport

145th session

Geneva, 14-17 February 2017

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 145th session* **

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday, 14 February 2017, finishing at 1.00 p.m. on Wednesday, 15 February 2017 and resuming on Friday, 17 February 2017 at 10.00 a.m., Room XII, Palais des Nations

I. Provisional agenda

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

* For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the ECE Sustainable Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the ECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations). Delegates are requested to register online at: www2.unece.org/uncdb/app/ext/meeting-registration?id=VW2gic or to complete the registration form available from www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

** The full text of the Conventions, as well as complete lists of Contracting Parties to the Conventions referred to in this agenda are available on the ECE website: www.unece.org/trans/conventn/legalinst.html#customs.

3. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party.
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) Amendment proposals to the Convention;
 - (ii) Preparation of Phase III of the TIR revision process.
 - (c) Application of the Convention:
 - (i) New developments in the application of the Convention;
 - (ii) TIR-related electronic data interchange systems;
 - (iii) Settlement of claims for payments;
 - (iv) Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments;
 - (v) Other matters.
5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention):
 - (a) Status of the Convention;
 - (b) Proposals for a new Annex 10 on sea ports.
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. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) Eurasian Economic Union;
 - (d) World Customs Organization;
 - (e) Bureau International des Containers et du Transport Intermodal.
9. Other business:
 - (a) List of decisions
 - (b) Dates of the next sessions;
 - (c) Restriction on the distribution of documents.
10. 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.30/289

2. Election of officers

In accordance with the Commission's rules and procedures and established practice, the Working Party (WP.30) should elect a Chair and, possibly, a Vice-Chair for its sessions in 2017.

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

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

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 changes in the status of the Convention and the number of Contracting Parties. In this context, the Working Party may wish to recall that, on 15 July 2016, the Secretary-General of the United Nations, acting in his capacity as depositary, had issued depositary notification C.N.503.2016.TREATIES-XI.A.16, informing that on 5 July 2016 the Government of the People's Republic of China has deposited its instruments of accession to the TIR Convention, 1975. In accordance with its Article 53, paragraph 2, the date of entry into force of the Convention for China is 5 January 2017. With the accession of China, the TIR Convention has seventy Contracting Parties. More detailed information on these issues as well as on depositary notifications is available on the TIR website.¹

(b) Revision of the Convention

(i) Amendment proposals to the Convention

The Working Party may wish to recall that, at its previous session, it had accepted a request from IRU to hold a survey among Contracting Parties on the national levels of customs duties and taxes of tobacco and alcohol products; and invited IRU to submit, at its earliest

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

convenience, such a draft to the secretariat for circulation and encouraged Contracting Parties to contribute to the survey. The results of the survey should be available for consideration by the Working Party at its next session (see ECE/TRANS/WP.30/288, para. 10).

Further to this request, the IRU prepared document ECE/TRANS/WP.30/2017/1, containing the results of the survey, which should be conducted in the course of December 2016.

Under this agenda item, the Working Party may wish to recall that, at its previous session, it had recommended Contracting Parties to already start preparing amendment of their national agreements between customs and national associations to reflect the recommended maximum amount of 100,000 euros (see ECE/TRANS/WP.30/288, para 10). The Working Party may wish to be briefed orally by Contracting Parties or IRU about recent developments in this field.

Under this agenda item, the Working Party may also wish to be informed by IRU about the status of a pilot of a fixed number of 100 transports of specific alcohol products with the HS codes 22.07.10 and 22.08, with carefully selected transporters, as well as drivers and under separate Memoranda of Understanding between competent authorities, national associations and IRU, in addition to the existing agreements. The insurance chain had agreed to provide backing for the pilot up to SwF 2,500,000 (see ECE/TRANS/WP.30/288, para. 11).

Finally, the Working Party may wish to recall its discussions about a proposal to amend Article 20 and its tentative agreement on an alternative wording, which seemed to best fit its implementation in Customs Unions, to read “Customs authorities may fix a time-limit and require the road vehicle, the combination of vehicles or the container to follow a prescribed route from a customs office of departure or entry (en route) to a customs office of destination or exit (en route)” (see ECE/TRANS/WP.30/2016/15). However, the Working Party was of the opinion that the proposed text needed further consideration on its drafting, to avoid ambiguous interpretation (see ECE/TRANS/WP.30/288, para. 13). To this end, the secretariat prepared document ECE/TRANS/WP.30/2017/2.

The Working Party is invited to continue its discussions.

Documentation

ECE/TRANS/WP.30/2017/1, ECE/TRANS/WP.30/2017/2

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

The Working Party will be informed about the latest developments in the field of computerization of the TIR procedure. In particular:

(a) the ECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey as pilot countries; and

(b) progress in the implementation of 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”.

Under this agenda item the Working Party will be invited to endorse document ECE/TRANS/WP.30/2017/3, containing the report of the twenty-sixth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), which was held on 19-20 September 2016, in Geneva.

Under this agenda item the Working Party will be orally briefed about the outcome of the third session of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2), which took place on 12-13 December 2016 in Geneva.

Documentation

ECE/TRANS/WP.30/2017/3

(c) Application of the Convention

(i) New developments in the application of the Convention

The Working Party may wish to recall that, at its previous session, the Chair, referring to official information she had received, requested clarification from the delegation of Belarus on incidents in which the customs authorities of Belarus refuse to open a TIR procedure for transit operations where the customs duties and taxes at risk exceed 60,000 euros. In reply, the delegation of Belarus informed the Working Party that nothing has changed and that it was common practice in Belarus, as in other countries, to assess the customs duties and taxes at risk of goods transported under cover of a TIR Carnet. In case the customs duties and taxes at risk exceed 60,000 euros, the transport cannot continue with a TIR Carnet, but another transit procedure would need to be applied. The Working Party invited TIRExB to further assess this situation (see ECE/TRANS/WP.30/288, para. 20).

The secretariat will inform the Working Party about the first findings of TIRExB.

(ii) TIR-related electronic data interchange systems

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

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

(iii) Settlement of claims for payments

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

(iv) Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments

Under this agenda item, the secretariat will brief the Working Party on developments in the field of the World Trade Organization Trade Facilitation Agreement (WTO TFA) and activities of the secretariat to promote the linkages between transport, customs and trade facilitation within the framework of WTO TFA.

(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 IRU. Under this agenda item, the Working Party may wish to be briefed by IRU on the latest developments in the recent allegations against IRU and its management, including, but not limited, to the report by the independent external auditor, contained in document ECE/TRANS/WP.30/2017/4, if available.

Documentation

ECE/TRANS/WP.30/2017/4

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 Depository Notifications are available on the ECE website.

(b) Proposal on a new Annex 10 on sea ports

The Working Party may wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/2016/16. The delegation of Ukraine underlined, once more, the relevance of this new draft for the customs and border controls of transports at seaports and referred back to the report of experts on hinterland connections from 2008 (see also ECE/TRANS/210), which had led ITC to request the Working Party to develop a specific Annex for inclusion in the Harmonization Convention. The Chair of the Administrative Committee for the Harmonization Convention (AC.3) supported this position. The delegations of the Russian Federation and of EU, on the other hand, challenged the legal and practical merits of the draft, in its current state as well as in general, with particular reference to the IMO-FAL 65 Convention which already covers some of the issues of controls at seaports. Recapitulating the discussion and recalling the great efforts that had been made to establishing consensus on the necessity and the text of draft Annex 10, the Chair of the Working Party stated that there seemed to be, as yet, insufficient support to continue this activity. The delegations of Azerbaijan and Ukraine expressed that they could not agree with this assessment and requested that the issue be further discussed at the next session. In conclusion, the Working Party decided to revisit document ECE/TRANS/WP.30/2016/16 at its next session. In order to have sufficient input for discussions, all delegations, that had not yet done so, were invited to submit written comments or considerations to the secretariat not later than by 15 November 2016. In the absence thereof, further discussions seemed not be of any use. At the request of the delegation of Azerbaijan, the secretariat was requested to review the relevance of the IMO-FAL 65 Convention in the context of the current discussions. Finally, at the request of the delegation of Ukraine, the secretariat was requested to revisit the letter by Ms. Molnar of 2010, addressed at stakeholders, to seek their support for the initiative to start considering a new Annex 10 on seaports and their replies as well as to reproduce excerpts from a speech by Ms. Molnar at the 2016 International Transport Forum on the issue (see ECE/TRANS/WP.30/288, para. 31).

Further to these requests, the secretariat prepared document ECE/TRANS/WP.30/2017/5, elaborating on the relevance of the IMO-FAL 65 Convention. The letter by Ms. Molnar (from, actually, 2011) is contained in Informal document WP.30 (2011) No. 7. Excerpts of the speech of Ms. Molnar at the 2016 International Transport Forum will be reproduced as an informal document for the session.

Documentation

ECE/TRANS/210, ECE/TRANS/WP.30/2016/16, ECE/TRANS/WP.30/2017/5, Informal document WP.30 (2011) No. 7

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

The Working Party may wish to recall that, at its previous session, OSJD provided the secretariat with a consolidated draft in Russian so that it could now be made available as official document in the three official UNECE languages, for consideration of the Working Party at its next session. In addition, the Working Party requested the secretariat to submit the informal draft (in English and Russian only) to the Working Party on Rail Transport (SC.2), for consideration at its November 2016 session. Finally, the Working Party acknowledged that the finalized draft will require reviewing by OLA in order to establish whether or not the Secretary-General of the United Nations could act as its depositary. The text of the draft in the three official UNECE languages is available as document ECE/TRANS/SC.2/2016/3.

The Working Party may further wish to recall that, at its seventy-eighth session, ITC, *inter alia*, had invited WP.30 and SC.2 to organize an ad hoc meeting in 2016 in cooperation with all interested ITC participants and relevant stakeholders to finalize the draft of the Convention and, eventually consider the development of a compendium of good practices for future adoption by ITC and opening for signature by interested countries and to report to the ITC session of 2017 on the progress achieved (see also ECE/TRANS/254, para. 95). However, the Working Party, at its 143rd session, had considered that its internal discussions were not yet developed to an extent that warranted the organization of such joint ad hoc session with SC.2. The Working Party, at its previous session, confirmed this decision and mandated the secretariat to report this to the annual session of SC.2 in November 2016 and, eventually to ITC (see also ECE/TRANS/WP.30/288, paras. 32–37).

Against this background, the Working Party may wish to take note that, at the initiative of SC.2, the secretariat had invited WP.30 delegates to attend (part of) the session of SC.2 to discuss the next steps regarding the development of the draft Convention. The Working Party will be orally briefed about the outcome of the discussions.

Documentation

ECE/TRANS/SC.2/2016/3

7. 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. Further to a request from the Working Party, the secretariat, in consultation with the Fédération Internationale de l'Automobile (AIT/FIA), prepared document ECE/TRANS/WP.30/2017/6 providing an overview of the functions of the Carnet de Passage en Douane (CPD) system.

Documentation

ECE/TRANS/WP.30/2017/6

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

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

(a) European Union

The Working Party may wish to be informed about recent developments in the European Union related to the activities of the Working Party.

(b) Economic Cooperation Organization

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

(c) Eurasian Economic Union

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

(d) World Customs Organization

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

(e) Bureau International des Containers et du Transport Intermodal

Due to the absence of a representative of the Bureau International des Containers et du Transport Intermodal (BIC) at its previous session, the Working Party may wish to take note of a presentation² by BIC on recent developments, such as the International Maritime Organization (IMO) SOLAS mandatory container weight verification requirements, which entered into force on 1 July 2016, and the launch of a BIC Technical Characteristics Database (TCD), which, once populated, will offer shippers, forwarders and other intermediaries a platform to easily exchange container fleet technical details, such as, in particular, the verified gross mass (VGM) of a container in order to be loaded on a ship (see ECE/TRANS/WP.30/288, para. 45).

9. Other business

(a) List of decisions

Under this agenda item, the Working Party may wish to recall that, as requested at the 142nd session, the secretariat includes a list of decisions as Annexes to the final reports of sessions. At its previous session, the Working Party requested the secretariat to continue this practice, thus keeping track of the status of previously taken decisions and to include the issue of the list of decisions as a separate agenda item for the current session, in order to review the results of this exercise (see ECE/TRANS/WP.30/288, para. 27).

The Working Party is invited to review the list of decisions and provide guidance to the secretariat for the future.

(b) Dates of the next sessions

The Working Party may wish to decide on the dates of its next sessions. The secretariat has made arrangements for the 146th session to be held from 13 to 16 June 2017 and the 147th session from 10 to 13 October 2017.

² See: www.unece.org/trans/bcf/wp30/wp30-presentations_2016.html

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

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

10. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 145th 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.

In this context, the Working Party may wish to recall that, at its previous session, when reading the report, it had requested the secretariat to make the final report of its session available as a pre-session document well in advance of the current, so that French and Russian speaking delegations could also take the findings of the report into due consideration when preparing for the session. The Working Party further noted that, despite its clear request at its 143rd session (and as followed up by UNECE), this had not been the case for the 144th session, considering that the French and Russian versions of the report of the 143th session had only been made available by the competent UNOG services one day prior to the session. The Working Party requested UNECE to complain about this ongoing situation, which it considered detrimental to the due conduct of its business (see ECE/TRANS/WP.30/288, para 48).

The ITC, at its forthcoming session, will consider this matter, against the background of various complaints from the Sustainable Transport Division.
