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### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

149th session

Geneva, 12–14 June 2018

### Report of the Working Party on Customs Questions affecting Transport on its 149th session

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## **I. Attendance**

1. The Working Party (WP.30) held its 149th session from 12 to 14 June 2018 in Geneva. The session was attended by representatives of the following countries: Armenia, Azerbaijan, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kuwait, Latvia, Lithuania, Malta, Mongolia, Netherlands, Poland, Portugal, Republic of Moldova, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. A representative of the European Union was also present. The following intergovernmental organization was represented: Eurasian Economic Commission (EEC). The following non-governmental organization was represented: 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.30/297 and Corr.1). At the request of Uzbekistan, the Working Party agreed to discuss the issue of how to properly fill in box 10 of the TIR Carnet under agenda item 3 (c) (i) of the provisional agenda.

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

3. Under this agenda item, the Working Party was informed about the activities of the Inland Transport Committee (ITC) at its eightieth session (February 2018), and, in particular, the decisions taken by ITC related to issues in the field of border crossing facilitation, viz:

(a) to invite interested parties to participate in the ongoing work on drafting the new Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by Rail, and to urge the Working Party to finalize its considerations in the course of 2018, with the aim that a draft text of the new convention could be transmitted to ITC for consideration and possible endorsement at its eighty-first session and subsequent transmittal to the depositary;

(b) to prolong the mandate of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) to the year 2018;

(c) to urge contracting parties and relevant stakeholders to ensure continuation of the required financing for operationalizing the eTIR project;

(d) to urge contracting parties to expediently finalize considerations on a new Annex 11 to the TIR Convention, introducing the computerization of the TIR procedure into the legal text of the Convention;

(e) to encourage the Permanent Missions of Egypt and Jordan to attend future sessions of the Working Party in order to familiarize themselves with ongoing issues in the application of the Customs Convention on the Temporary Importation of Private Road Vehicles, of 1954, so as to report them accordingly to the respective customs administrations;

(f) to endorse the decision of the Working Party, at its 148th session, to convene in June 2019 the eleventh session of the Administrative Committee for the International Convention on the Harmonization of Frontier Controls of Goods, 1982 (AC.3), and to amend the programme of work of ITC accordingly to reflect this decision, including the preparation of pre-, in- and post-session documents related to the session (see also ECE/TRANS/274, paras. 70, 88, 90 91 and 92).

4. Under this agenda item, the Working Party also took note of the outcome of the eighth meeting of the Chairs of the subsidiary bodies of ITC and of the Administrative Committees of United Nations legal instruments, held on 21 February 2018, which was, inter alia, attended by the Chair and Vice-Chair of the Working Party, Mr. R. Kristiansson of Sweden and Mr. O. Fedorov of Ukraine, respectively. This year's session focused on further developing the strategy and the future directions of the Committee, as well as identifying the timeline for adoption of the strategy. In this context, the Chair had reconfirmed a statement by the Working Party at its 143rd session (June 2016), supporting any capacity-building activities of the UNECE secretariat related to the legal instruments under the purview of WP.30 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). He further had urged contracting parties to the TIR Convention to speed up efforts to introduce computerization of the TIR procedure into the legal text of the TIR Convention.

## **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**

5. The Working Party was informed that the various proposals to amend Annexes 6, 8 and 9 of the convention, as contained in depositary notification C.N.700.2017.TREATIES-XI.A.16 would enter into force on 1 July 2018, as stipulated by depositary notification C.N.201.2018.TREATIES-XI.A.16 of 9 April 2018. Furthermore, the Working Party took note of depositary notification C.N.248.2018.TREATIES-XI.A.16 of 17 May 2018, informing of the accession of Saudi Arabia to the TIR Convention. The TIR Convention will enter into force for Saudi Arabia on 17 November 2018. With the accession of Saudi Arabia, the TIR Convention now has 74 contracting parties. The TIR system, having recently become active in China and Pakistan, is now operational in 61 countries. More detailed information on this issue as well as on depositary notifications is available on the TIR website.

6. Under this agenda item, the delegation of the European Union informed the Working Party that the latest amendments to the TIR Convention, which enter into force on 1 July 2018, have been published in its Official Journal in the official languages of the European Union (OJ L 99/2018 of 19 April 2018, [eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2018:099:TO](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2018:099:TO)).

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

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

7. The Working Party continued its discussions on proposals to amend article 20 on the basis of document ECE/TRANS/WP.30/2018/9 and its Corr.1 by the Government of Ukraine, which contains a comparison between the TIR Convention, the Union Customs Code (UCC) of the European Union, the Customs code of the Eurasian Economic Union and the Revised Kyoto Convention, together with proposals to amend articles 20 and 48. In response to various interventions as to it contributing to solve the issue at stake, the delegation of Ukraine agreed to withdraw its proposal to amend article 48. Thus, the Working Party continued its discussions to amend article 20 based on the proposals by the

European Union and Ukraine, respectively. In the view of the delegation of the Russian Federation, the Working Party had exhausted its discussions on the proposal of the European Union without reaching consensus. On the other hand, it saw merits in further discussing the proposal by Ukraine. The delegation of the European Union reiterated that its proposal to replace, in article 20, “country” by “Contracting Party” would serve the application of article 20 within the single customs territory of the European Union, being a contracting party to the TIR Convention itself, without impeding its application in any other customs union constituting a single customs territory, however without being a contracting party itself. For that reason, it invited the Working Party to agree to transmit the proposal to the TIR Administrative Committee (AC.2) for final consideration and, possibly, adoption. The delegation of the Russian Federation could not agree with this proposal and, instead, proposed to continue working on the Ukrainian proposal. Unable to reach consensus, the Working Party decided to revert to this issue at its next session, based on a document by the secretariat with the proposal by the European Union and a (slightly) reformulated proposal by Ukraine.

8. At the request of the delegation of Ukraine, the delegation of the Russian Federation confirmed that it understood and applied the term “customs office en route” as defined in article 1 (m) of the TIR Convention.

9. The Working Party continued its discussions of a proposal by the delegation of the Russian Federation to align the text of article 8, paragraph 3 and Explanatory Note 0.8.3 to remove any ambiguity that could rise from using two different terms, viz “determine” in article 8, paragraph 3 versus “limit” in E.N. 0.8.3. The Working Party recalled an earlier assessment by the delegation of Ireland that the wording “shall determine” in article 8, paragraph 3 imposes an obligation for all governments to fix a finite maximum amount per TIR Carnet, whereas the words “limit to a sum equal to” in E.N. 0.8.3. provide the desired flexibility in setting the maximum amount for each country individually. Thus, it seemed that the drafters of the TIR Convention had deliberately selected two different terms when drafting the text of the provision and its accompanying Explanatory Note. The proposed amendment by the delegation of the Russian Federation would do away with this deliberate distinction. In conclusion, the Working Party decided not to revert to this proposal at its next session and requested the secretariat to remove the item from the agenda.

10. The Working Party continued its discussions on proposals to amend article 11 with a new paragraph 4 bis, on the basis of document ECE/TRANS/WP.30/2018/12, which outlines the rationale behind the original Russian proposal and contains the text of article 11, paragraph 4, its amended Explanatory Note 0.11.4 and new article 11, paragraph 4 bis. The delegation of the Russian Federation continued to advocate its original proposal as contained in document ECE/TRANS/WP.30/2018/8, stating that the proposal in its current form would not improve the situation in the Russian Federation for the reason that the applicable deadlines did not provide customs with sufficient time to successfully recover a claim from the national association. The delegations of Turkey and the European Union informed the Working Party that they could not support the Russian proposal, as it would require amending the national agreements between customs and national associations, but that they were ready to agree, as a compromise, with the proposals as contained in document ECE/TRANS/WP.30/2018/12. The representative of Italy pointed out that the purpose of the Russian proposal, viz. to bypass applicable provisions of national law by amending an international legal instrument, could create a precedent for addressing similar, or other, discrepancies in the future. In response, the delegation of the Russian Federation clarified that the purpose of its proposals was not to bypass national legislation, but rather to fill a legal vacuum created by the absence of applicable national law. Unable to reach consensus, the Working Party decided to revert to the issue at its next session, inviting delegations to provide comments or proposals to the secretariat no later than by 1 August 2018.

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

11. The Working Party took note that, further to the signature of a Memorandum of Understanding (MoU) between UNECE and IRU, on 6 October 2017, UNECE and IRU continued soliciting contracting parties to express their interest to take part in eTIR projects to be launched in the framework thereof. The customs administrations of Azerbaijan, Georgia and Kazakhstan had already confirmed their willingness to take part in an intermodal eTIR project and the customs authorities of Georgia had agreed to the standard conditions to be applied to any future eTIR project, as prepared jointly by UNECE and IRU. The Working Party also took note that, as a first step towards a possible eTIR project between Turkey and Ukraine, Turkish customs authorities had organized a study visit to showcase how the eTIR pilot project between Iran (Islamic Republic of) and Turkey functioned in practice.

12. The Working Party noted that eTIR transports continued to be carried out between Iran (Islamic Republic of) and Turkey (to date, 144 eTIR transports have been conducted successfully) and that data on TIR transports between Turkey and Georgia were now exchanged via the Central Exchange Platform. The Working Party welcomed the success of both pilot projects and welcomed the interest of other contracting parties to engage in future eTIR projects. Furthermore, the Working Party noted that the recruitment process for the information system officer (P3) under the MoU had been finalized and that, as a result, Mr. S. Ghanmi from Tunisia had been selected for that position.

13. The Working Party endorsed the report of the twenty-seventh session of GE.1, contained in document ECE/TRANS/WP.30/2018/10 and, further to the to the prolongation of the GE.1 mandate by ITC, encouraged all contracting parties to take part in the twenty-eighth session, which would take place in Geneva on 28 and 29 June 2018.

14. The Working Party took note of the International TIR Data Bank (ITDB) web service customs guide, contained in document ECE/TRANS/WP.30/2018/13 and was informed about the necessity of coordination between the relevant departments of customs administrations in order to set up a web service connection with the ITDB for automated queries on TIR Carnet holder information. The Working Party also welcomed the release of the new ITDB module on customs offices approved for accomplishing TIR operations and took note of ongoing discussions at the TIRExB on the issue. As announced at the 148th session of the Working Party, delegations were invited to take part in a half-day seminar on practical issues related to the use of the ITDB that would be held on Thursday, 14 June 2018 between 10 a.m. and 1 p.m. under the auspices of TIRExB.

## 3. Draft Annex 11 to the TIR Convention

### (a) *Financial aspects of the computerization of the TIR procedure and the financial legal provisions*

15. The Working Party recalled its prior discussions about the financial aspects of the computerization of the TIR procedure and the financial legal provisions contained in Annex 11 (see ECE/TRANS/WP.30/296, paras. 18, 26 and 27). The Working Party took note of document ECE/TRANS/WP.30/2018/14, containing additional information on the MoU between UNECE and IRU in the field of computerization of the TIR procedure, its accompanying Contribution Agreement (CA), the applicable United Nations financial rules and regulations mentioned in Annex 11, article 10, paragraph 3 and the timeline to be applied for the financing of the operational costs of the eTIR international system.

### (b) *Other legal provisions*

16. The Working Party continued its discussions of new Annex 11 on the basis of document ECE/TRANS/WP.30/2018/16. In particular, the Working Party took note of newly formulated article 60 bis, which, at the proposal of the Office of Legal Affairs –

Treaty Section (OLA-TS), now stipulates that Annex 11 will enter into force for all contracting parties except those that notify the depositary in writing of their non-acceptance of the annex. Further, the Working Party took note that, as proposed by the delegation of the European Union, the text of article 3 of Annex 11 had been amended to introduce a distinction between contracting parties having accepted Annex 11 and those connecting their national customs systems to the eTIR international system.

17. In a first round of questions, the delegation of the Russian Federation raised the following issues:

- (a) absence of any specific provision in Annex 11 for its application on the territory of contracting parties constituting a customs or economic union;
- (b) application of the concept of advance cargo information;
- (c) applicable methods of authentication of the electronic signature;
- (d) absence of any specific information on composition and format of the data set;
- (e) proposed fallback procedure;
- (f) funding options;
- (g) absence of pertinent information on the exchange of information between national customs and the eTIR international system.

18. In its preliminary replies, the secretariat:

(a) stated that provisions regarding the application of the TIR Convention in customs or economic unions are dealt with by the applicable provisions in the body of the Convention, in particular, articles 48 and 49, but agreed to further look into this matter;

(b) explained the difference between the term “advance cargo information”, as information submitted by holders to the customs office of departure prior to arrival, and the acceptance by customs of the “customs declaration” when holders would present themselves and the cargo at the customs office of departure, as adopted by GE.1;

(c) pointed out that, in the absence of any agreed international mechanism of mutual recognition of electronic signatures, GE.1 had agreed that the task of recognition of the electronic signature would lie with the customs authorities of the customs office of departure, which would then be recognized by ensuing customs authorities in the context of the principle of mutual recognition as one of the reigning pillars of the TIR Convention;

(d) referred to the functional and technical specifications of the eTIR system, which addressed such issues. In this context, the secretariat specified that GE.1 with the support of the Working Party, had agreed that eTIR would only cover TIR related data, as well as data further to the Safe Framework of Standards developed by the World Customs Organization. Any further (nationally required) data fell outside the scope of the eTIR project;

(e) clarified that, as agreed by GE.1, the fallback procedure should rely on the data available in the accompanying document as well as on the data received by the national customs systems, prior to the arrival of the vehicle;

(f) explained that various funding options for the operational eTIR system were still under discussion and were, ultimately, a matter for contracting parties to decide on. In this context, the secretariat referred to an intervention by the delegation of Turkey at one of the previous sessions of the Working Party, stating that, in view of the fact that, in the end, a fully functional eTIR system would be beneficial to the overall transport industry, it seemed appropriate to assume that its costs would be shared by all, rather than only by transporters who benefit from their government’s decision to implement the eTIR

international system. This statement was supported by the delegation of the European Union;

(g) recalling that the data to be exchanged between customs administrations and the eTIR international system are presented in great detail in the eTIR specifications (as referred to in Annex 11), explained that in a fully electronic environment any information exchange would be conducted through queries between systems, without human intervention, rather than through requests from customs and replies (or absence thereof) from the eTIR international system.

19. The representative of IRU stated that the provisions of Annex 11 might, perhaps, not be perfect, but, in order to make progress, contracting parties needed to agree on its content as soon as possible. Because Annex 11 does not contain a reference to the equivalence between the electronic exchange of messages and the paper TIR Carnet when used as evidence in claims handling, IRU, as mandated by virtue of Article 6.2 *bis* would like to have the following text included in Annex 11: The data stored in the eTIR international system with regard to the start and termination of a TIR operation shall be considered as evidence that such TIR operation, carried out under the eTIR procedure, has been started and terminated on the territory of a contracting party. Access to such information should be given to all stakeholders concerned, including authorized TIR Carnet holders, national associations and the international organization as per Article 6.2 *bis*, which is responsible for the effective organization and functioning of the international guarantee system.”

20. The delegation of the European Union, while appreciating the additional information provided by the secretariat in response to the pertinent issues raised by the delegation of the Russian Federation, informed the Working Party that more time was needed for an in-depth assessment of the provisions of Annex 11.

21. In concluding the discussions at the current session, the Working Party decided to revert to the issue at its next session and invited delegations to provide comments to, as well as proposals for improvement of, the text of Annex 11 to the secretariat no later than by 1 August 2018.

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

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

22. Under this agenda item, the representative of the national association of the Republic of Moldova reported on recent problems faced by Moldovan transporters when trying to enter the territory of Romania because their authorization had apparently not been entered in the ITDB. According to the Moldovan authorities this was a consequence of the absence of a legal basis for the ITDB. In reply, the secretariat clarified that, whereas the use of the ITDB is still optional, the legal obligation for customs authorities to inform, within one week, TIRExB of any new authorization, or withdrawal thereof, was stipulated by Annex 9, Part II, paragraph 4 of the TIR Convention and should be fulfilled by sending in the duly filled-in Model Authorization Form. IRU, from its side, confirmed problems in various countries for operators, due to the fact that their status was not correctly or timely displayed in the ITDB. The delegation of the European Union informed the Working Party that, as of 1 June 2018, all registrations from its member States should be made through the ITDB. Various other delegations called for the need to provide a legal basis for the ITDB in the TIR Convention. IRU added that, in its view, it seemed prudent, prior to making use of the ITDB mandatory, to (a) ensure that there would be a legal basis in the TIR Convention for the use of the ITDB; (b) to foresee a transitional period to smoothly introduce all the necessary data pertaining to TIR Carnet holders in the ITDB and (c) last but not least to have TIR customs focal points ready to make the necessary corrections to data entries to



ensure that legitimately authorized TIR Carnet holders were not blocked as a consequence of errors or omissions beyond their control. The secretariat recalled that the ITDB has been functional since 1999 and that any discrepancy in or absence of data was related to problems in the obligatory submission of the Model Authorization Form (MAF), which was submitted either not in time or not at all. In conclusion, the Working Party requested the secretariat to bring the raised problems to the attention of AC.2.

23. The Working Party also considered Informal document WP.30 (2018). No. 9 by the Government of Uzbekistan, in which it reported on problems in the correct filling-in of box 10 of the TIR Carnet, in combination with Informal document WP.30 (2018) No. 12 by IRU, also on the matter at hand. With reference to Part 7 of the TIR Handbook, the Working Party confirmed that in Box 10 of Voucher No. 1 of the TIR Carnet (number and type of packages or articles; description of goods) the goods' description shall include their trade name (televisions, video, CD players, etc.) and must enable their clear identification for customs purposes. Generic descriptions, such as electronics, household appliances, clothes, interior supplies, shall not be accepted as goods description. In addition, the number of packages related to each description of goods must be shown in the goods manifest. In respect to bulky goods, the quantity of the goods must be declared. The same applies to liquids. In accordance with the provisions of Article 19 of the Convention and its accompanying Explanatory Note 0.19, customs authorities of the customs office of departure shall take measures to verify, inter alia, the accuracy of the goods manifest. From its side, IRU confirmed having provided similar information to the Uzbek authorities, with the request to be provided with the reference numbers of any TIR Carnet completed in a way that did not satisfy the authorities of Uzbekistan and that it had recommended Uzbek customs to start using the IRU TIR Electronic Pre-Declaration (EPD) application. The Working Party requested governments to remind their customs officials at customs offices of departure of the requirements on the proper filling in of box 10, as its inadequate application could hamper the due conduct of TIR transports en route. The Working Party requested the secretariat to transmit its findings to the customs authorities of Uzbekistan.

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

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

24. The Working Party took note of the confirmation of positions from various delegations on how to reflect the application of greater facilities in the text of the TIR Convention. It had transpired not to be possible to reach consensus among contracting parties. Taking into account the fact that discussions on the subject had been ongoing for many years without having made significant progress on the draft proposals, the Working Party encouraged contracting parties to submit concrete proposals that could help move the discussions forward to the secretariat no later than by 1 August 2018 and decided to revert to the issue at its next session.

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

25. The Working Party considered document ECE/TRANS/WP.30/2018/18 by IRU which contained an extensive description of the contractual relationship in place in a number of countries between associations and TIR Carnet holders on the use of subcontractors. The Working Party also took note of the examples of transport operations that require the use of subcontractors, especially in the context of intermodal transport. The representatives of Turkey and the European Union underlined their support for concepts that facilitate trade and promote the use of intermodal transport. The delegation of Turkey drew attention to the need for a clear definition of the term "subcontractor" in the TIR Convention. The delegation of Ukraine recalled having informed the Working Party, at its previous session, about the fact that it had started permitting the use of authorized TIR

Carnet holders as subcontractors. Further to a comment from the delegation of the Russian Federation on possible negative effects of this application on the enforcement of minimum conditions and requirements set in Annex 9, Part II of the Convention, the representatives of national associations pointed out the extensive screening mechanisms put in place to ensure that subcontractors fulfil the criteria as stipulated by Annex 9, Part II. IRU further reported that, so far, no incidents in the application had been noted, although the practice existed already for a number of years. IRU also clarified that the use of subcontractors leaves the liability of the TIR Carnet holder in accordance with Article 11 of the Convention fully untouched. Having noted the widespread implementation and the security measures taken by the guarantee chain, the Working Party decided to continue its work on the matter at the next session. The secretariat was requested to prepare a document, recapitulating amendment proposals that had been prepared so far.

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

26. The Working Party was informed by IRU about the latest statistical data on the performance of contracting parties in the control system for TIR Carnets — SafeTIR system (Informal document WP.30 (2018) No. 11).

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

27. The Working Party was informed by IRU about the current situation on the settlement of claims for payments made by customs authorities against national guaranteeing associations (Informal document WP.30 (2018) No. 10).

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

28. Under this agenda item, the secretariat briefed the Working Party on developments in 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. In particular, the secretariat reported having presented, on 17 May 2018, the benefits of the TIR and Harmonization conventions at a meeting of the WTO Informal Group of Developing Countries and that it had participated in an empowerment workshop for national transit coordinators in respect of the WTO Trade Facilitation Agreement, organized by the United Nations Conference on Trade and Development from 23 to 27 April 2018 in Geneva.

### **6. IRU external audit report and related matters**

29. In the absence of any developments, the Working Party requested the secretariat to remove this item from its future agendas.

### **7. Other matters**

30. Under this agenda item, the delegation of Ukraine informed the Working Party that the issue of mutually agreed border crossing points between his country and the Russian Federation remained unsettled. Thus, for example, out of 17 checkpoints on the Russian-Ukrainian border, listed in the annex to Order No. 159n of 24 October 2017 from the Ministry of Finance of the Russian Federation, “on the movement of goods in accordance with the Customs Convention on the International Transport of Goods under TIR Carnets”, four border crossing points: (a) Novoshaktinsk-Dolzhanysky, (b) Donetsk-Izvarino, (c) Matveyev Kurgan-Uspenka and (d) Veselo-Novoazovsk were located on the territory where the state authorities of Ukraine temporarily did not exercise their powers (Government Order No. 1085-r of 7 November 2014); one checkpoint (Tetkino-Ryzhovka) had been closed in accordance with Decree No. 106-r of 18 February 2015 of the Government of

Ukraine and that the Ministry of Foreign Affairs of Ukraine had informed the Russian authorities accordingly. Three border crossing points: (a) Kolotilovka-Pokrovka, (b) Logachevska-Peski and (c) Lomakovka-Mykolaivka had the status of interstate, and foreign carriers could not use the border crossing points for the transport of goods under cover of TIR Carnets.

31. IRU informed the Working Party that, on 4 May 2018, the IRU General Assembly had decided to uphold the decision of the IRU Presidential Executive of 8 November 2017 to exclude Asociatia Română Pentru Transporturi Rutiere Internationale (ARTRI) from its membership. Consequently, ARTRI was no longer an IRU member and had no contractual affiliation via the Deeds of Engagement, which terminated on 31 January 2018. At the request of the delegation of the Russian Federation, IRU confirmed that the exclusion of ARTRI had no consequences for the application of the TIR system on the territory of Romania.

32. The secretariat informed the Working Party that the 2018 update of the TIR Handbook was ready and would soon be available in hard copy in English, French and Russian. At the same time, the secretariat reported of problems in getting the text of the TIR Handbook translated in Arabic, Chinese and Spanish, due to restrictions for translations in these languages. The Working Party requested the secretariat to seek support from ITC in view of the increasing interest for the TIR Convention by countries from outside the ECE region and in line with Resolution 1984/79 of 27 July 1984, in which the Economic and Social Council “invited the Secretary-General of the United Nations to reallocate available resources in order to make possible appropriate action with a view to promoting the world-wide application of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets of 14 November 1975” the TIR Handbook would continue to be made available in all official languages of the United Nations.

33. The Working Party informally discussed, at the request of AC.2, Informal document WP.30 (2018) No. 7 containing proposals to amend Article 18 to increase the number of places of loading or unloading to a maximum of eight and its accompanying Explanatory Note 0.18.3. obliging Contracting Parties to make any limitation in the application of the said article publicly available, and to TIRExB. Subject to a small correction in the Russian text, delegations could agree with the text proposal and requested the secretariat to table the proposals for final consideration at the next session of AC.2.

34. The secretariat informed the Working Party that ITC, at its eightieth session, had adopted the changes to the terms of reference of WP.30, as reflected in the Annex to document ECE/TRANS/WP.30/2017/19.

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

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

35. The Working Party was informed that no changes in the status of the Convention or the number of contracting parties had taken place. The Harmonization Convention has 58 contracting parties. More detailed information on these issues as well as on various depositary notifications is available on the ECE website.<sup>1</sup> The Working Party took note of

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<sup>1</sup> [www.unece.org/trans/bcf/welcome.html](http://www.unece.org/trans/bcf/welcome.html)

the information that Oman was interested to join the Harmonization Convention in due course, but that it would like to obtain its text in Arabic, although that was not an official language of the Convention.

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

36. The Working Party was informed that the eleventh session of the Administrative Committee of the Harmonization Convention (AC.3) would be convened in conjunction with its 2019 June session.

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

37. The Working Party continued its discussions on the draft convention on the basis of document ECE/TRANS/WP.30/2018/6/Rev.1, containing its full text in English, French and Russian. In this context, the Working Party also took note of Informal document WP.30 (2018) No. 8 from the Ministry of Transport of the Russian Federation in support of the draft convention. The Working Party took note that the secretariat had made arrangements for SC.2 delegates to attend the session as well as that invitations to the railway ministries of China and Mongolia had been sent. The Working Party further recalled that ITC had urged the Working Party to finalize its considerations in the course of 2018, with the aim that a draft text of the new convention could be transmitted to ITC for consideration and possible endorsement at its eighty-first session and, subsequent transmittal to the depositary. Finally, the Working Party took note of comments by the Government of Turkey, as contained in document ECE/TRANS/WP.30/2018/19.

38. On behalf of the Deputy Chairman of the Organization for Cooperation between Railways (OSJD), Mr. V. Zhukov, the delegation of the Russian Federation delivered a statement on the extensive work undertaken by the informal group of experts that had prepared the text of the draft convention. The statement referred, once more, to the background of and the need for developing a new convention, mainly because the existing 1952 convention was outdated and did not fulfil modern railway requirements. The recent decrease in railway traffic of passengers and luggage from East to West was noted, mainly due to administrative barriers when crossing borders. The draft convention aimed to improve the situation, not only for the present but, in particular, for the future when high-speed railway links would replace the current railway connections. The full text of the statement is attached as annex I to the final report of the session.

39. The delegation of Azerbaijan reiterated its support to continue discussing the draft convention but reported that interagency consultations on a final position were still ongoing. The delegation of Iran (Islamic Republic of) stated that due to ongoing legal issues a final position was still under consideration. The delegation of Armenia expressed its support for the draft convention. The delegation of the European Union stated that internal procedures on a common position had not yet been finalized. The delegation of Switzerland informed the Working Party that interagency consultations were taking place but that the Federal Transport Ministry had challenge the advocated advantages of the draft convention. The delegation of the EEU stated that the drafter had taken all comments by EEU into account and that, therefore, the Eurasian Economic Commission and the EEU member States were ready to adopt the draft Convention.

40. The delegation of Turkey expressed its support for the draft convention, while pointing out that document ECE/TRANS/WP.30/2018/19, contained, inter alia, alternative

proposals for Article 27, introducing a distinction between contracting parties having accepted amendments and those that considered themselves not being bound by them. The delegation of the Russian Federation stated that, at a first glance, a number of proposals seemed of an editorial nature or were already covered by other provisions of the draft convention. The proposals for Article 27 merited further study in order to come to a mutually satisfactory wording.

41. In conclusion, the Working Party decided to revert to this issue at its next session, inviting delegations, once more, to submit comments or proposals to the secretariat no later than by 1 August 2018.

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

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

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

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

43. The Working Party was informed that the secretariat had extended official invitations to the Permanent Missions of Egypt and Jordan to attend further discussions of the matter at the current session.

44. Due to the absence of representatives from Egypt or Jordan, the Working Party could not discuss the matter. The Working Party took note that, on 12 June 2018, the secretariat had received, through its permanent mission, a written statement from Egypt customs. However, the letter was in Arabic. The Working Party requested the secretariat to seek official translation of this letter from the UNECE translation services and decided to revert to this issue at its next session. At the proposal of the delegation of the European Union, the Working Party agreed that, based on the outcome of that session, it would decide if the matter needed to be raised to the level of ITC.

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

### **A. European Union**

45. The delegation of the European Union provided no further information under this agenda item for the attention of the Working Party (please also refer to para. 6 of the report of the current session).

## **B. Economic Cooperation Organization**

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

## **C. Eurasian Economic Union**

47. The Working Party was informed about further progress in relevant activities and projects carried out by the Eurasian Economic Union. In particular, the Working Party noted that:

(a) the EEU Customs Code had entered into force on 1 January 2018 and that large-scale outreach and awareness raising of member States was ongoing;

(b) in 2018 a decision related to the EEU Customs Code had entered into force, containing provisions related to the application of customs procedures for customs transit and international transport;

(c) an analysis to improve procedures for multimodal transports was ongoing.

48. In reply to a question from the delegation of Ukraine on how the use of the TIR Convention was addressed in the new Customs Code, the delegate of the EEU clarified that no changes with regard to previous practice applied, viz. that no additional guarantee was required in case it was provided in application of existing international legal instruments. The Working Party accepted his kind offer to give a presentation on the new Customs Code at its next session.

## **D. World Customs Organization**

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

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

## **A. List of decisions**

50. 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 II to the final report.

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

51. The Working Party decided to conduct its 150th session in the week of 15–19 October 2018 and the 151st session in the week of 4–8 February 2019, subject to confirmation.

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

52. The Working Party decided that there would not be any restrictions on the distribution of documents issued in connection with its current session.

**D. Tributes to Mr. V. Zhukov, Ms. M. Martinez and Ms. L. Jelinkova**

53. The Working Party was informed about the retirement of Mr. V. Zhukov as Deputy Chairman of OSJD. The Working Party thanked Mr. Zhukov for his proactive and constructive activities during the last fifteen years, contributing to the development of international rail transport. The Working Party acknowledged that it was largely due to the enduring efforts of Mr. Zhukov that discussions on the new draft rail convention were now in its final stages. The Working Party wished Mr. Zhukov full enjoyment of his retirement, in prosperity and good health.

54. The Working Party also took note that Ms. M. Martinez, Head of Tourism Services of the Fédération Internationale de l'Automobile (FIA) had left the organization in pursuit of new professional challenges. The Working Party thanked her for her active participation in its sessions during the last six years and keeping the Working Party informed of development in the 1954 and 1956 Temporary Importation Conventions, their relevance as well as issues of interest to the Working Party, and wished her all the best for the future, both professionally and privately.

55. Finally, delegations of the European Union informed the Working Party that, most likely, this was the last attendance for Ms. L. Jelinkova as staff member of the European Commission. The Working Party thanked Ms. Jelinkova for her outstanding contributions to its work and wished her every success upon her return to the Czech customs administration, trusting that also for the future the Working Party could continue to count on Ms. Jelinkova's expertise.

**X. Adoption of the report (agenda item 10)**

56. In accordance with established practice, the Working Party adopted the report on its 149th session on the basis of a draft prepared by the secretariat.

## Annex I

### **Statement on behalf of the Deputy Chairman of the OSJD Committee, Mr. V. Zhukov, as Head of the informal working group on developing the new convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail**

#### **149th session of WP.30 (12–14 June 2018)**

Let me greet the participants of the 149th session of WP.30!

It is a known fact that international passenger links in the Eurasian environment encompass multiple countries of Europe and Asia and feature the longest distances. When crossing the state borders between the countries, a lot of barriers arise which might be removed if all countries had uniform legal regulations. With this purpose on its 76th session in 2014 the ITC decided to create an informal working group under its auspices dedicated to develop a new convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail in replacement of the obsolete Convention of 1952.

Over the past time, a huge work has been done on preparing the text of the new Convention, its discussion, consideration, analysis, comparing to similar conventions adopted in other areas of transport industry, introducing 13 novelties.

The text of the new Convention has been modified several times according to the remarks and proposals of the states, the European Union represented by DG MOVE and DG TAXUD, Eurasian Economic Commission, OTIF and other associations. And we are thankful to all of them. In our opinion, after all the improvements we have got a full-fledged legal document.

I would like to recall that the appropriateness of preparation of the new Convention was univocally supported at the XLV Ministerial session of OSJD (June 5–8, 2017 in Sochi, Russia) and by the decision of the seventy-ninth session of the ITC who adopted the Resolution No. 264.

I see no need to reiterate all the arguments regarding the advantages of this Convention. The interested member states: Russia, Belarus, Ukraine, Azerbaijan, Mongolia, China, Tajikistan – firmly expressed their willingness to support the preparation of the new Convention.

I wish to recall that at the previous session of WP.30 a final text of the draft Convention with 2 corrigenda was considered. Along with that, the information has been exposed on the discussion which took place at the seventy-first session of the SC.2 asking the WP.30 to take further steps to finalize the development of the draft Convention before its transmitting to ITC for approval. The Working Party invited the representatives of interested countries to conclude their internal approval procedures and inform the secretariat about any eventual comments no later than 1 April, 2018 so that a final text of the draft Convention could be considered as official document at the 149th session of the Working Party.

As far as we know, as of 1 April no comments were submitted to WP.30 nor to the OSJD Committee.

Along with that I would like to recall that the ITC at its eightieth session considered the ongoing work on the draft Convention and acknowledged it as an important element of



achieving the Sustainable Development Goals and urged the Working Party to finalize its considerations in the course of 2018, with the aim that a draft text of the new convention could be transmitted to the Committee for consideration and possible endorsement at its eighty-first session and, subsequent transmittal to the depositary.

I address to the delegates of the 149th session of the WP.30 with an appeal to take into account all the immense work performed by the informal group of experts for preparation of the text of the new convention, for its reaction to all remarks obtained in the process. We are thankful to all the countries, international organizations, the European Union and EAEU for their contribution to the development of the draft convention.

In conclusion I would like to stress that the new finalized text of the convention represents a full-fledged capstone legal document on the facilitation of border crossing procedures for passengers, luggage and load-luggage which might be applied on the huge Eurasian area and focusing not only at the present but especially at the future when the high-speed international rail traffic will completely replace the existing system of the international passenger links, when the achievement of science and technology will radically change the very approach to the crossing of state borders.

From this perspective I would like to ask the delegates of the 149th session of the WP.30 to approve and support the finalized text of the new convention so that the process of its adoption could move further.

Thank you for the attention!

## Annex II

### List of decisions taken at the 149th session of the Working Party

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
7	Prepare document on article 20	secretariat	6 August 2018
9	Remove discussion on E.N. 0.8.3. from the agenda	secretariat	23 July 2018
10	Provide feedback to secretariat on proposals to amend art. 11	delegations	1 August 2018
21	Provide comments/proposals for Annex 11	delegations	1 August 2018
22	Inform AC.2 of issues regarding the ITDB	secretariat	25 July 2018
23	Transmit findings to Uzbek authorities	secretariat	a.s.a.p.
23	Instruct customs officials on proper filling in box 11	delegations	a.s.a.p.
24	Submit proposals on introduction greater facilities	delegations	1 August 2018
25	Prepare document on subcontractors, recapitulating various amendment proposals	secretariat	6 August 2018
29	Remove issue from the agenda	secretariat	23 July 2018
32	Bring problems in getting the TIR Handbook translated in Arabic, Chinese and Spanish to the attention of ITC	secretariat	February 2019
33	Submit Informal document WP.30 (2018) No. 7 as an official document for AC.2	secretariat	8 August 2018
36	Convene the eleventh session of AC.3 in conjunction with the 152nd session of WP.30 (June 2019)	secretariat	March 2019
40.	Study Turkish proposals to amend Article 27 of draft Rail Convention	secretariat/ delegations	1 August 2018
41	Submit comments on draft Rail Convention	delegations	1 August 2018
44	Seek translation of letter Egypt customs	secretariat	a.s.a.p.
48	Presentation on new Customs Code EEU0	EEU delegation	150th session.