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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

140th session

Geneva, 9–12 June 2015

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 140th session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday,
9 June 2015, Room V

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 register online at: www2.unece.org/uncdb/app/ext/meeting-registration/ or to complete the registration form available from 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. 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;
 - (iii) Amendment proposals to the Convention: Audit requirements for an authorized international organization.
 - (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) Other matters.
4. Terms of Reference and Rules of Procedure of the Working Party.
5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”):
 - (a) Status of the Convention;
 - (b) Annex 8 on road transport;
 - (c) Annex 9 on rail border crossing;
 - (d) Border performance measurement and the Harmonization Convention.
6. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
7. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956).
8. 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.
9. Other business:
 - (a) Dates of the next sessions;
 - (b) 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.30/279

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. 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. 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) Amendment proposals to the Convention

The Working Party may wish to recall that at its previous session it had considered document ECE/TRANS/WP.30/2014/17, transmitted by the Government of the Russian Federation and containing various proposals to amend the TIR Convention, in combination with document ECE/TRANS/WP.30/2015/1 and its Add.1, consolidating comments by various Contracting Parties on the proposals made by the Russian Federation in documents ECE/TRANS/WP.30/2014/17 and ECE/TRANS/WP.30/2014/14.

The Working Party held extensive discussions on the proposals and decided, in summary:

(a) to request the Administrative Committee to mandate the TIRExB to include the proposal to amend Annex 9, Part I, paragraph 3 (ii) in its considerations and to provide its expert opinion, while, at the same time WP.30 would continue its deliberations at subsequent sessions;

(b) that further feedback from Contracting Parties on introducing further flexibility in the TIR Convention would be warranted to facilitate discussions and an eventual decision;

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

(c) with regard to the proposal to amend Annex 8, Article 1 bis, that it would be beneficial to consider this proposal in conjunction with the considerations on the “o, p and q” provisions;

(d) to revert to the proposal to amend Article 1, paragraph (q), lines 1–2 at its current session and requested the secretariat to prepare a draft proposal with background information on other provisions of the Convention that also may be affected or that may need to be amended;

(e) that a closer examination of the use of the terms “approval” and “authorization” in various provisions of the Convention was warranted, to ensure consistency and accuracy. The Working Party requested the secretariat to review the overall consistency in the use of these two terms and to develop proposals for new definitions if necessary;

(f) that further review of the proposal to amend Annex 9, Part I, Article 3 (vii), line 2 was warranted before reaching a decision. Delegations were invited to send their proposals to the secretariat on terms to be defined in Article 1 of the Convention, before 1 April 2015. The secretariat was requested to consolidate these proposals for the next session;

(g) to agree, in principle, with the proposal to amend Annex 9, Part I, para. 5, first sentence, subject to a modified formulation, to be prepared by the secretariat for the current session for the consideration of the Working Party;

(h) to revert to its discussions on the proposal to amend Annex 9, Part I, para. 7, line 2 at the current session;

(j) to revert to the proposal to amend Annex 8, Article 9, expanding the membership in the TIR Executive Board and changing the principles of the formation of the Board in order to give a more prevalent position to Contracting Parties which actively implement the Convention, due to a lack of consensus on how to proceed with the issue;

(k) to continue addressing the outstanding proposals, contained in ECE/TRANS/WP.30/2015/2, including proposals from the Government of Turkey to increase the number of places of loading and unloading, bearing in mind the advantages for the road transport industry (See also ECE/TRANS/WP.30/278, para. 28);

(l) to invite delegations to transmit any further comments to all above proposals to the secretariat by 1 April 2015 (See ECE/TRANS/WP.30/278, paras. 7–15).

On the basis of the above, the Working Party is invited to continue its considerations on the various outstanding amendment proposals, supported by documents ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/Rev.1, containing a revised consolidation of comments from Contracting Parties, received up and until 1 April 2015; document ECE/TRANS/WP.30/2015/8 by the secretariat, containing a draft proposal to amend Article 1, paragraph (q), lines 1–2, together with background information on other provisions of the Convention that also may be affected or that may need to be amended; document ECE/TRANS/WP.30/2015/9 by the secretariat, on the overall consistency in the use of the terms “approval” and “authorization” in the text of the Convention and containing proposals for new definitions, if necessary; document ECE/TRANS/WP.30/2015/10 by the secretariat, containing a modified proposal to amend Annex 9, Part I, para. 5, first sentence.

Documentation

ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1,
ECE/TRANS/WP.30/2015/8, ECE/TRANS/WP.30/2015/9, ECE/TRANS/WP.30/2015/10

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

At its previous session, the Working Party took note that, for technical reasons, document ECE/TRANS/WP.30/2011/4/Rev.1 containing version 4.1 of the eTIR Reference Model was not available in all working languages and decided to postpone the discussion and possible endorsement of this document to the current session. The Working Party also took note that the summary of GE.1 activities in document ECE/TRANS/WP.30/2015/4 was prepared to facilitate the consideration of the eTIR Reference Model and decided to consider this document together with the eTIR Reference Model at its current session (See ECE/TRANS/WP.30/278, para. 17).

The Working Party is now invited to consider and, possibly, endorse document ECE/TRANS/WP.30/2011/4/Rev.1, in combination with comments from Contracting Parties to the TIR Convention, if any. The Working Party is also invited to consider and endorse document ECE/TRANS/WP.30/2015/4.

The Working Party will also be informed about:

(a) progress in developing the Terms of Reference (ToR) of the Pilot Project between Italy and Turkey which has yet to be signed, though both countries have agreed to continue the project;

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

(c) progress in implementing 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”.

The Working Party may wish to recall that, at its previous session, it approved the Terms of Reference (ToR) and tentative timeframe of the Group of Experts on Legal Aspects of the Computerization of the TIR Procedure as outlined in document ECE/TRANS/WP.30/2014/14 and requested the secretariat to submit the request for the establishment of the Group of Experts to ITC for approval and, subsequently, to the Executive Committee of UNECE (EXCOM) (See ECE/TRANS/WP.30/278, para. 19).

At its seventy-seventh session, ITC approved, subject to endorsement by EXCOM, the establishment of the Group of Experts, whose main task would be to provide a specialized and dedicated international platform with the objective of developing the eTIR legal framework (See Informal document ITC (2015) No. 14, decision 61).

The Working Party will be informed about progress on this issue.

Documentation

ECE/TRANS/WP.30/2011/4/Rev.1, ECE/TRANS/WP.30/2015/4

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

At its previous session, the Working Party took note of document ECE/TRANS/WP.30/2015/5, containing the result of consultations between IRU and UNECE secretariats on the wording of the possible new provisions (o), (p) and (q) to Annex 9, Part III of the Convention. The document also included the checklist of all documents submitted by IRU to fulfil its obligations under Annex 9, Part III. The Working Party, noting that the voluminous documentation submitted by IRU needed expert examination, reiterated the need for maximum transparency in the functioning of an authorized international organization and welcomed the significant progress achieved thus far. The Working Party, accordingly, agreed to submit the documents to the Administrative

Committee (AC.2) for consideration. In addition, the Working Party decided that the secretariat should prepare, together with the IRU, a new document on other relevant aspects of an auditing procedure by a United Nations competent body or, in particular, persons duly authorized by the United Nations or other competent bodies (such as TIRExB or AC.2) to carry out inspections and audits of records and accounts relevant to the TIR Convention, of an authorized international organization (See ECE/TRANS/WP.30/278, paras. 21–22).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/2015/11 for consideration by the Working Party.

Documentation

ECE/TRANS/WP.30/2015/11

(c) Application of the Convention

(i) New developments in the application of the Convention

The Working Party may wish to recall its extensive discussions, at previous sessions, on the measures introduced by the national competent 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, ECE/TRANS/WP.30/276, paras. 13–19, ECE/TRANS/WP.30/278, paras. 23–27).

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

(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) 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.

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

At its previous session, the Working Party considered document ECE/TRANS/WP.30/2015/7 containing its draft ToR and Rules of Procedure (RoP). The Working Party was informed about ongoing discussions in ITC on the status of participation of non-ECE countries that are Contracting Parties to conventions and agreements administered by ITC subsidiary bodies. WP.30 noted that some working parties had implemented the so-called “hybrid solution” (e.g. the Working Party on the Transport of Dangerous Goods) while other working parties had granted full member status to non-

ECE Contracting Parties (e.g. the World Forum for the Harmonization of Vehicle Regulations). The Working Party was of the view that, although it was not opposed to the ‘hybrid’ solution, it would reconsider and, possibly, endorse its ToR and RoP at its current session, subsequent to the discussions and decisions of ITC at its seventy-seventh session on 24–26 February 2015. Furthermore, some delegations noted that this approach would ensure the avoidance of setting any precedent (See ECE/TRANS/WP.30/27, paras 32–34).

The secretariat will inform the Working Party about the decisions of ITC on this matter and may wish to continue its discussions accordingly and, possibly, endorse its ToR and RoP as contained in document ECE/TRANS/WP.30/2015/7.

Documentation

ECE/TRANS/WP.30/2015/7

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

(a) Status of the Convention

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

(b) Annex 8 on road transport

Under this agenda item, delegations will be informed about the results of the biennial survey on the national application of Annex 8, conducted by the secretariat (mandated by the Administrative Committee of the Harmonization Convention, 1982 (AC.3) at its tenth session (ECE/TRANS/WP.30/AC.3/20, para. 21) and contained in document ECE/TRANS/WP.30/2015/12.

Documentation

ECE/TRANS/WP.30/2015/12

(c) Annex 9 on rail border crossing

At its previous session, the Working Party was, inter alia, informed about the preliminary results of a survey by UNECE and the Working Party on Rail Transport (SC.2) on the national application of Annex 9 (See ECE/TRANS/WP.30/278, paras. 37–38).

The Working Party may wish to be informed about the final results of the survey as well as any further development in this area.

(d) Border performance measurement and the Harmonization Convention

At its previous session, the Working Party was informed about a decision of the Administrative Committee of the Harmonization Convention (AC.3), at its tenth session, to organize, in 2015, a workshop on best practices and performance measurement of national border authorities (ECE/TRANS/WP.30/AC.3/20, para. 31). At the request of the Working Party, the secretariat will provide further information on the organization of the workshop (See ECE/TRANS/WP.30/278, para. 39).

At the previous session, the delegation of Ukraine also provided information on the discussions that had taken place at the same session of AC.3 on the proposal to develop a new Annex 10 to the Harmonization Convention on sea ports. The Working Party may wish

to be informed of recent developments in this area, if any (See ECE/TRANS/WP.30/278, para. 40).

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 its previous discussions on the drafting of a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail. The Organization for Cooperation between Railways (OSJD) will inform the Working Party about the progress in work of an informal group of experts established to elaborate a draft of such convention, which met on 27–28 April 2015 in Warsaw.

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. In addition, the International Touring Alliance and the International Automobile Federation (AIT/FIA) may report on several issues in the implementation of these Conventions.

The Working Party may wish to recall that, at its previous session, it decided to mandate the secretariat to have the text of the two Conventions issued in Arabic, as well as update/consolidate the legal text in the other available languages and requested the secretariat to transmit its request to ITC for endorsement (See ECE/TRANS/WP.30/278, para. 44). The secretariat will inform the Working Party about progress in this area.

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 (EU) related to the activities of the Working Party.

In particular, the Working Party may wish to recall that, at its previous session, the EU had offered to provide a more detailed presentation on the progress towards the implementation of the Uniform Customs Code (UCC) at an upcoming session (See ECE/TRANS/WP.30/278, para. 46). The Working Party may wish to be attentive to such presentation.

(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) 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 (EEU).

(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.

9. 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 141st session to be held from 6 to 9 October 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.

10. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 139th 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.
