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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

133rd session

Geneva, 5–8 February 2013

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 133rd session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 3.00 p.m. on Tuesday, 5 February 2012

I. Provisional Agenda

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

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

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

3. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party.
4. Activities of other organizations and countries of interest to the Working Party:
 - (a) European Union;
 - (b) Economic Cooperation Organization;
 - (c) EurAsEC Customs Union;
 - (d) World Customs Organization.
5. Terms of Reference and Rules of Procedure of the Working Party.
6. 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.
7. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952.
8. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956).
9. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):
 - (a) Status of the Convention;
 - (b) Revision of the Convention:
 - (i) Preparation of Phase III of the TIR revision process;
 - (ii) Amendment proposals for the Convention.
 - (c) Application of the Convention:
 - (i) TIR-related electronic data interchange systems;
 - (ii) Settlement of claims for payments;
 - (iii) Application of the TIR Convention in the Customs Union of Belarus, Kazakhstan and the Russian Federation;
 - (iv) Increase in the number of loading and unloading places;
 - (v) Vehicles with sliding sheets;
 - (vi) Other matters.
10. Prevention of abuse of Customs transit systems by smugglers.
11. Other business:
 - (a) Dates of the next sessions;
 - (b) Restriction on the distribution of documents.
12. Adoption of the report.

II. Annotations

1. Adoption of the agenda

In accordance with the Commission's rules of procedure, the first item to be considered is the adoption of the agenda (ECE/TRANS/WP.30/265).

Documentation

ECE/TRANS/WP.30/265

2. Election of officers

In accordance with the Commission's rules of procedure and established practice, the Working Party (WP.30) should elect a Chair and, possibly, a Vice-Chair for its sessions in 2013.

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

The Working Party will be informed about the forthcoming session of the Inland Transport Committee (ITC) in February 2013 and its high-level policy segment that will be devoted to Euro-Asian transport links and unified railway law. WP.30 will also be briefed on progress in the ongoing review of the United Nations Economic Commission for Europe (UNECE) 2005 reform.

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

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

(a) European Union

At its previous session, the Working Party took note that, as of 1 July 2012, the Common Transit Conventions had been extended to Croatia while the accession of Turkey was expected on 1 December 2012 (ECE/TRANS/WP.30/264, para. 7). WP.30 will be informed about further developments in this respect.

(b) Economic Cooperation Organization

At the 130th session, the representative of ECO³ reported on the activities of his organization concerning road and rail corridors in the ECO region which are undertaken at the national, regional and global levels. In particular, at the national level, he referred to the efforts to revitalize the TIR system in Afghanistan and the accession of Pakistan to the TIR Convention. At the regional level, the activities of the ECO Road, Rail, Transit and Insurance Committees were introduced. At the global level, ECO seeks further cooperation

³ Economic Cooperation Organization

with the Working Party, UNECE, Islamic Development Bank (IDB), UNCTAD, International Road Transport Union (IRU), World Bank (WB), Asian Development Bank (ADB) and World Customs Organization (WCO). The Working Party also noted that ECO would report on progress in the above areas (ECE/TRANS/WP.30/262, para. 6).

(c) EurAsEC Customs Union

At the previous session, the Working Party welcomed a presentation by the Eurasian Economic Commission (EEC) which outlined the mandate, structure and activities of this executive body of the EurAsEC Customs Union. The presentation was made available on the WP.30 website (www.unece.org/trans/bcf/wp30/wp30-presentations.html). WP.30 also recalled the obligation to lodge advance electronic information with Customs at least two hours prior to crossing the border which became effective on 17 June 2012 (ECE/TRANS/WP.30/2012/8). EEC reported that, so far, no major problems had been identified in implementing this measure. Transport operators could submit electronic information in a number of ways, including Customs administration's portals, TIR-EPD, dedicated channels and Customs brokers. According to first estimations, border crossing times had been reduced by 10–15 per cent on average (ECE/TRANS/WP.30/264, paras. 9 and 10).

Documentation

ECE/TRANS/WP.30/2012/8

(d) World Customs Organization

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

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

At its previous session, the Working Party considered document ECE/TRANS/WP.30/2012/5/Rev.1 by Iran (Islamic Republic of), containing revised proposals for modifying the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10). WP.30 noted that, due to the late submission, document ECE/TRANS/WP.30/2012/5/Rev.1 was available in English only and requested the secretariat to ensure its translation into Russian and French for consideration at the next session. Meanwhile, the Working Party delivered preliminary remarks, also of a linguistic nature, and suggested that these remarks be incorporated into the document. Delegations were invited, once translations would become available, to study the proposals and submit their comments to the secretariat for consolidation (ECE/TRANS/WP.30/264, para. 4). In line with the above request, the secretariat has issued the proposals by Iran (Islamic Republic of) as document ECE/TRANS/WP.30/2012/5/Rev.2 in all working languages. WP.30 is invited to consider this document, as well as comments to it which may be transmitted by delegations.

WP.30, at its previous session, also had a brief exchange of views on the draft Rules of Procedure, as prepared by the secretariat in document ECE/TRANS/WP.30/2012/2, as well as modifications proposed by Iran (Islamic Republic of) in Informal document No. 14 (2012). The delegation of Iran (Islamic Republic of) highlighted its most important proposals: giving the full membership to non-ECE member States which are Contracting Parties to international conventions dealt with by WP.30, highlighting the role of member States, taking decisions by consensus, preparing balanced and factual reports and introducing a rotation mechanism for the position of Chair. The Working Party decided to continue its discussions at the next session and requested the secretariat to re-issue Informal

document No. 14 (2012) as an official document in all languages. (ECE/TRANS/WP.30/264, para. 5). Following this request, the secretariat has re-issued the proposals by Iran (Islamic Republic of) as document ECE/TRANS/WP.30/2013/1 for consideration at the present session.

The Working Party may also wish to continue its discussion of the proposal by Iran (Islamic Republic of) to abolish the June session of WP.30 and to leave only WP.30 meetings held in conjunction with the TIR Administrative Committee in February and October (ECE/TRANS/WP.30/264, para. 6).

Documentation

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

6. 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 is available on the UNECE website.⁴ In particular, WP.30 may wish to recall that the Secretary-General of the United Nations, acting in his capacity as depositary, communicated that Morocco had acceded to the International Convention on the Harmonization of Frontier Controls of Goods, 1982 ("Harmonization Convention") on 25 September 2012 (Depositary Notification C.N.520.2012.TREATIES-XI.A.17). The Convention would enter into force for Morocco on 25 December 2012 in accordance with its Article 17 (2).

(b) Annex 8 on road transport

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

At the previous session of WP.30, the delegation of Belarus provided detailed information on the use of the International Vehicle Weight Certificate (IVWC) in their country (ECE/TRANS/WP.30/264, para. 14). Subject to the consent of the delegation of Belarus, the secretariat plans to publish this information as document ECE/TRANS/WP.30/2013/2.

The delegation of Ukraine also pointed out the complexity of IVWC, as laid down in Annex 8, and felt that it was designed more for road transport purposes, than for Customs. Ukraine would prepare and submit to WP.30, proposals for modifications of the certificate, in order to also address Customs needs (ECE/TRANS/WP.30/264, para. 15). The submission by Ukraine will be published as document ECE/TRANS/WP.30/2013/3.

At its previous session, WP.30 took note that, in September 2012, the Executive Secretary of UNECE transmitted to the Ministers of Foreign Affairs of the Contracting Parties, a questionnaire to monitor the progress in implementing Annex 8 on road transport at the national level. The deadline for replies was set on 1 December 2012, but the secretariat would process replies received even after this date, provided that countries warned the

⁴ www.unece.org/trans/bcf/welcome.html

secretariat in advance that they could not meet the deadline (ECE/TRANS/WP.30/264, para. 13). The Working Party will be informed about preliminary results of the survey.

Documentation

ECE/TRANS/WP.30/2013/2, ECE/TRANS/WP.30/2013/3

(c) Annex 9 on rail border crossing

At its previous session, the Working Party took note of the outcome of the Seventh Interdepartmental Meeting of the Organization for Cooperation between Railways (OSJD) member States (25–28 June 2012), including a list of measures to implement new Annex 9 on rail border crossing (Informal document No.12 (2012)). WP.30 also noted that another ITC body, the Working Party on Rail Transport (SC.2), at its forthcoming session on 8 and 9 November 2012 would consider an implementation mechanism for Annex 9 (ECE/TRANS/SC.2/2012/6), and requested the secretariat to ensure close cooperation between WP.30 and SC.2 activities in this area (ECE/TRANS/WP.30/264, para. 16). Against this background, the Working Party will be informed of the SC.2 considerations.

Documentation

Informal document No.12 (2012), ECE/TRANS/SC.2/2012/6

(d) Border performance measurement and the Harmonization Convention

At its previous session, the Working Party took note of the outcome of the Round table on the role of best practices at border crossings in implementing the Harmonization Convention, which took place on 14 June 2012 in the framework of the 131st session of WP.30 (ECE/TRANS/WP.30/2012/9). One of the Round table's conclusions was that monitoring is a crucial element to ensure the proper implementation of the provisions of the Harmonization Convention. In particular, harmonized border performance indicators and/or benchmarking are required to further improve the efficiency of border crossing points. In this context, the secretariat has analysed various options on how border performance measurement could be reflected in the provisions of the Harmonization Convention (ECE/TRANS/WP.30/2013/4). WP.30 is invited to consider this document and provide guidance to the secretariat on how to pursue the issue.

Documentation

ECE/TRANS/WP.30/2012/9, ECE/TRANS/WP.30/2013/4

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

The Working Party, at its previous session, took note that OSJD member States were considering both, the possible accession to the Convention, as well as drafting a new Convention in this field (ECE/TRANS/WP.30/264, para. 20). WP.30 will be informed about new developments, if any.

8. 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.

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

(a) Status of the Convention

At its previous session, the Working Party was informed that, on 10 July 2012, the Secretary-General of the United Nations had issued depositary notification C.N.358.2012.TREATIES-XI.A.16, informing of the submission of proposals to amend Article 6.2 bis and Annex 9 of the Convention. With regard to the said amendments, Articles 59 and 60 apply. In accordance with the Article 59, paragraph 3 of the Convention, the amendments would enter into force on 10 October 2013, unless the Secretary-General has received any objection to the proposed amendments not later than by 10 July 2013 (ECE/TRANS/WP.30/264, para. 24).

The Working Party will also be informed about any further changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depositary Notifications is available on the TIR website.⁵

(b) Revision of the Convention

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

Use of new technologies

At its previous session, the Working Party was informed about the outcome of the twenty-first session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) held in Bratislava on 25 and 26 September 2012, at the kind invitation of the Slovak Customs authorities (ECE/TRANS/WP.30/264, para. 25). The full report of this session (ECE/TRANS/WP.30/2013/5) is now submitted to the Working Party for endorsement.

WP.30 will also be informed about further developments in eTIR, including its Cost Benefit Analysis (CBA), as well as about progress in the Pilot Project between Italy and Turkey.

Documentation

ECE/TRANS/WP.30/2013/5

(ii) Amendment proposals for the Convention

At its previous session, the Working Party noted that, following the recent amendments to the International Convention on the Harmonized Commodity Description and Coding System, including, inter alia, amendments to HS code 24.03.10, it was deemed necessary to amend the lists of HS codes as appear in Explanatory Note 0.8.3 and Annex 1 of the TIR Convention. WP.30 delivered a number of remarks and suggestions concerning the secretariat's proposals in document ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17 and requested the secretariat to issue a revised document for the next session (ECE/TRANS/WP.30/264, para. 29). In line with this request, the secretariat has issued document ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1.

Documentation

ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

⁵ www.unece.org/tir/tir-depositary_notification.html.

(c) **Application of the Convention**

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

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

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

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

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

(iii) **Application of the TIR Convention in the Customs Union of Belarus, Kazakhstan and the Russian Federation**

At its previous session, the Working Party was informed about the progress in preparing a draft intergovernmental agreement on the functioning of the TIR procedure in the Customs Union. The main outstanding issue was to decide whether or not the TIR procedure can apply to domestic transports of foreign goods under Customs control between two Customs offices located in different member States of the Customs Union without crossing the territory of third countries and under the condition that the Customs Union is a single Customs territory without Customs controls effected at the internal borders. In this regard, the Eurasian Economic Commission also asked WP.30 to reply to several questions, raised in Informal document No. 17 (2012). The Working Party invited delegations to study Informal document No. 17 (2012) and to provide their views for consideration at the present session. WP.30 also noted that a reply to the above remaining question depends on the interpretation of the term "frontier" from Article 2 of the Convention. The Working Party felt that the current wording of Article 2 does not seem to allow for a clear-cut interpretation in case of Customs Unions. To remove this ambiguity, an amendment, for example, a new Explanatory Note might be required. However, given the existing different interpretations and the economic conditions, a consensus is unlikely to be reached. Therefore, a flexible solution should be found which, on one hand, would not question the long-standing practices in the European Union (EU), but, on the other hand, would give newly emerging Customs Unions the necessary freedom to apply the TIR procedure according to their specific needs without being accused of non-compliance with the text and spirit of the TIR Convention (ECE/TRANS/WP.30/264, paras. 34 and 35).

The secretariat will publish all received contributions as Informal document No. 1 (2013).

Documentation

Informal document No. 17 (2012), Informal document No. 1 (2013)

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

At its previous session, the Working Party noted that the countries concerned had retained their diverging positions on this issue. The delegation of Turkey reiterated the advantages for the road transport industry from increasing the number of places of loading and unloading from four to eight and called upon other countries to check if their domestic transport operators would be in favour of such an increase. To make progress, the Chair suggested that delegations conduct bilateral consultations to discuss this matter in conjunction with other issues where their positions do not coincide

(ECE/TRANS/WP.30/264, para. 36). The delegations concerned are kindly invited to report to WP.30 on the progress made.

(v) Vehicles with sliding sheets

At its previous session, the Working Party continued its considerations of amendment proposals by the International Association of the Body and Trailer Building Industry (CLCCR) regarding a new design of vehicles with sliding sheets ECE/TRANS/WP.30/2012/6/Rev.1. WP.30 decided to revert to this issue at the present session and invited delegations to further study the underlying amendment proposals (ECE/TRANS/WP.30/264, para. 37). In the interim, the secretariat has received from CLCCR updated amendment proposals, which are reproduced in document ECE/TRANS/WP.30/2012/6/Rev.2.

Documentation

ECE/TRANS/WP.30/2012/6/Rev.2

(vi) 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. WP.30 will also be informed about any follow-up to issues raised at its previous sessions under “Other matters”.

10. Prevention of abuse of Customs transit systems by smugglers

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

11. 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 134th session to be held in the week of 10–14 June 2013.

(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.

12. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 133rd 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.