



Economic and Social Council

Distr.: General
14 November 2017

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

148th session

Geneva, 6-9 February 2018

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 148th session^{*,**}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Tuesday, 6 February 2018, Room XII, Palais des Nations

I. Provisional agenda

1. Adoption of the agenda.

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

Delegates are requested to register online at:

www2.unece.org/uncdb/app/ext/meeting-registration?id=nc9VNT or to complete the registration form available from www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

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

GE.17-20190(E)



* 1 7 2 0 1 9 0 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



2. Election of officers.
3. Activities of United Nations Economic Commission for Europe (UNECE) bodies and other United Nations organizations of interest to the Working Party.
4. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):
 - (a) Status of the Convention;
 - (b) Revision of the Convention:
 - (i) Amendment proposals to the Convention;
 - (ii) Preparation of Phase III of the TIR revision process;
 - (iii) Financial aspects of computerization of the TIR procedure;
 - (iv) Draft Annex 11 to the TIR Convention.
 - (c) Application of the Convention:
 - (i) New developments in the application of the Convention;
 - (ii) Issues transmitted by the Administrative Committee:
 - a. The application of greater facilities in the Convention;
 - b. The use of subcontractors in the Convention.
 - (iii) TIR-related electronic data interchange systems;
 - (iv) Settlement of claims for payments;
 - (v) Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments;
 - (vi) IRU external audit report;
 - (vii) Other matters.
5. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention):
 - (a) Status of the Convention;
 - (b) Issues in the application of the 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):
 - (a) Status of the Convention;
 - (b) Issues in the application of the 1954 Convention in Egypt and Jordan.
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) List of decisions;
 - (b) Dates of the next sessions;
 - (c) Restriction on the distribution of documents.
10. Adoption of the report.

II. Annotations

1. Adoption of the agenda

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

Documentation

ECE/TRANS/WP.30/295

2. Election of officers

In accordance with the Commission's rules and procedures and established practice, the Working Party (WP.30) should elect a Chair and, possibly, a Vice-Chair for its sessions in 2018.

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

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

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

(a) Status of the Convention

The Working Party will be informed about any changes in the status of the Convention and the number of Contracting Parties. Since the accession of India to the Convention on 15 June 2017, the TIR Convention has seventy-one Contracting Parties. In particular, the Working Party may wish to be informed that, on 3 November 2017, the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (a) C.N.698.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend the body of the TIR Convention, 1975. In accordance with the provisions of Article 59 (3) of the Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; (b) C.N.699.2017.TREATIES-XI.A.16, informing of the submission of a proposal to amend Article 2 of the TIR Convention, 1975. In accordance with the provisions of Article 59 (3) of the Convention, the amendment shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; and (c) C.N.700.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend Annexes 6, 8 and 9 of the TIR

Convention, 1975. In accordance with the provisions of article 60 (1) of the Convention, the Administrative Committee decided, at its sixty-sixth session (12 October 2017) that the amendments shall enter into force on 1 July 2018. Therefore, the Secretary-General should be notified of objections to the proposed amendments no later than 30 March 2018. In the absence of a sufficient number of objections by 30 March 2018, the proposed amendments will enter into force on 1 July 2018. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

(b) Revision of the Convention

(i) Amendment proposals to the Convention

The Working Party may wish to recall that, at its previous session, it continued discussing various proposals to amend Article 20 to accommodate the use of the TIR system in a customs union as contained in document ECE/TRANS/WP.30/2017/21. WP.30 noted the assessment by the secretariat that, on account of Article 48, the current wording of Article 20 would not appear to place any restrictions on the right of Contracting Parties, that are part of a customs union which is not a Contracting Party to the TIR Convention, to fix time limits and prescribe routes for transport operations that commence, terminate, or pass through their customs territories. Furthermore, the Working Party noted that replacing the word “country” by “Contracting Party” would not have a material impact on the implementation of the provision by customs unions either. In ensuing discussions, the delegation of European Union agreed that the scope of Article 48 is broad enough, but still maintained the view that the term “Contracting Party” would be more fitting. The delegation of the Russian Federation was of the view that, in the first instance, the exact scope and applicability of Article 48 in this case had not been sufficiently analysed by the competent authorities of the Russian Federation and that, therefore, more time was needed to consider this approach. Against this background, the Working Party agreed to revert to the issue once more at its next session (see ECE/TRANS/WP.30/294, para. 13). The Working Party is invited to continue its discussions at the current session.

The Working Party may wish to recall its previous discussions of considerations by the Government of the Russian Federation, which develop a proposal to replace the word “limit” in Explanatory Note 0.8.3 by “determine”, although, in the document, the term “establish” was used. The Working Party took note of Informal document WP.30 No. 16 (2017) by the Government of Ireland which states that the word “establish” is not as appropriate as the word “limit” in the text of Explanatory Note 0.8.3. In case, according to the assessment, the Russian Federation would continue to favour a change in wording, the Irish delegation would submit a more elaborate rephrasing of the Explanatory Note concerned. In reply, the delegation of the Russian Federation stated that, in its view, the use of the term “limit” in Explanatory Note 0.8.3 contradicts the provision of Article 8, paragraph 3, which speaks about the authority of Contracting Parties to “determine” the maximum sum per TIR Carnet. In reaction, the delegation of Azerbaijan stated that, in its view, the competence of Contracting Parties to “determine” the maximum amount per TIR Carnet was delineated by the text of Explanatory Note 0.8.3 which recommends Contracting Parties to limit the maximum amount per TIR Carnet which may be claimed from the guaranteeing association to a sum equal to \$50,000 / 60,000 euros per TIR Carnet. Unable to make progress, the Working Party decided to revert to this issue at its next session and requested the secretariat to submit a document, recapitulating the original Russian proposals, together with comments thereto (see ECE/TRANS/WP.30/294, para.

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

14). The Working Party is invited to continue its discussions on the basis of document ECE/TRANS/WP.30/2018/1.

In the context of this agenda item, the Working Party may wish to take note that the TIR Administrative Committee, at its sixty-sixth session, considered, inter alia, a proposal by the delegation of the Russian Federation, to amend Article 11 with a new paragraph 4 bis. At the session, the delegation of the Russian Federation confirmed its previous position that the amendment would enable customs authorities in the Russian Federation to establish, in their agreement with the national guaranteeing association, timeframes based on the internationally binding text of the Convention, which enjoys a higher legal value compared to national civil legislation. The delegations of Switzerland and of European Union maintained their previously stated positions on this amendment, namely that they would not be in a position to support the proposal, and that the matter could be addressed differently, considering that it refers to a complication encountered only in one Contracting Party. The delegation of Belarus was of the view that a compromise wording could be found and, therefore, discussions on the formulation of the text of the proposal should continue. The delegation of Azerbaijan was of the view that, in the interest of avoiding legal duplication, the first sentence of the Explanatory Note should be deleted if a new article 4-bis was added to Article 11. In conclusion, recognizing that there was little scope for progress on the proposal in its current form, the Committee decided to transmit the item to the Working Party for further consideration (see ECE/TRANS/WP.30/135, paras. 42-43).

The Working Party may wish to consider document ECE/TRANS/WP.30/2018/8, which provides a succinct summary of the discussions so far on the issue in AC.2 as well as further clarifications by the delegation of the Russian Federation.

Documentation

ECE/TRANS/WP.30/2017/21, ECE/TRANS/WP.30/2018/1, ECE/TRANS/WP.30/2018/8

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

The Working Party will be informed about the latest developments in the field of computerization of the TIR procedure, as well as with regard to the eTIR pilot projects.

The Working Party will be invited to take note of the outcome of the twenty-seventh session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), which took place on 4 and 5 December 2017, in Geneva.

The Working Party will also be invited to take note of and endorse the report of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) at its fifth and final session, which was held on 30 and 31 October 2017 in Geneva and contained in document ECE/TRANS/WP.30/GE.2/10. In that context, the Working Party may wish to endorse document ECE/TRANS/WP.30/2018/2, containing a consolidated summary of the outputs of GE.2 and demonstrating that GE.2 has met all the requirements of its Terms of Reference.

Finally, the Working Party will be briefed about the latest developments in the International TIR Databank (ITDB).

Documentation

ECE/TRANS/WP.30/GE.2/10, ECE/TRANS/WP.30/2018/2

(iii) Financial aspects of computerization of the TIR procedure

The Working Party may wish to recall that, at its previous session it had been informed about a Memorandum of Understanding and Contribution Agreement (CA), stipulating the

readiness of IRU to finance the development, maintenance and implementation costs of the eTIR international system that would be hosted at UNOG. The Working Party also noted that Contracting Parties that are interested in joining future eTIR projects would have to make the required amendments to their customs Information and Communication Technology (ICT) systems and, where necessary, finance those amendments. In response to questions from various delegations, the secretariat clarified that the funds made available by means of the CA were mainly dedicated to the development of new functionalities, upon request by Contracting Parties, following an agile methodology. IRU confirmed its readiness to amend the CA if more funds would be required to ensure the rapid development and deployment of new functions that had been requested by Contracting Parties participating in eTIR projects (see ECE/TRANS/WP.30/295, paras. 22-25). Against this background, the Working Party may wish to revert to the issue of financing the computerization of the TIR procedure. Alternatively, the Working Party may wish to decide to include the financial aspects in its discussions of Annex 11.

(iv) Draft Annex 11 to the TIR Convention

The Working Party may wish to recall that, at its previous session, it had considered document ECE/TRANS/WP.30/2017/24, containing extensive proposals by GE.2 for a new draft Annex 11 to the Convention, which establishes the eTIR legal framework. The Working Party noted that the draft Annex 11 would, as a starting point, require four amendments to existing articles in the main body of the TIR Convention and the addition of two new articles, namely 58 quarter and 60 bis. These amendments would be needed to (a) create a definition of the eTIR procedure so as to allow for the derogation from the standard provisions which refer to the use of the paper TIR Carnet; (b) introduce the possibility for Contracting Parties to “opt-out” by means of a reservation; (c) develop an amendment procedure that would be separate from the procedure followed for the other non-optional Annexes; (d) establish a new treaty body; and (e) introduce Explanatory Notes for Annex 11 which are separate to Annex 6.

Various delegations raised detailed questions about the draft provisions: (a) whether draft Article 11, paragraph 3, could be modified to include the possibility to provide information also to the private sector; (b) whether all the actors involved in the exchange of information should be expressly mentioned in the definition of the eTIR international system; and (c) whether any details on or differences in the procedure for handling claims should be included in Annex 11. The Working Party may wish to take note that GE.2 discussed the above questions at its fifth session.

In general, WP.30 concluded that GE.2 had successfully fulfilled its mandate by developing a mature draft legal framework for eTIR, and that further work would, more appropriately, continue within the framework of the Working Party. Thus, no extension of the mandate of GE.2 was required. Against this background, delegations were invited to transmit their views, positions or proposals on the draft to the secretariat no later than 25 November 2017, for inclusion in a working document to be considered by WP.30 at its next session in February 2018. (see ECE/TRANS/WP.30/294, paras. 28-30).

In the context of its discussions, the Working Party may wish to take note that GE.2, at its fifth session, had, inter alia, considered the detailed outcome of a survey on electronic authentication mechanisms in TIR Contracting Parties that it had conducted in 2016-2017 and a summary of which is contained in document ECE/TRANS/WP.30/2018/3. The survey results had demonstrated that, in a number of countries, the only applicable authentication method is the Public Key Infrastructure (PKI) electronic signature, issued by a domestic certification authority and, exclusively, to the residents of those countries, which raised a concern about the methods of authentication to be used in the eTIR system. GE.2

was of the view that the Working Party should include the authentication methods in its discussions of Annex 11.

In addition, the secretariat prepared document ECE/TRANS/WP.30/2018/4, which, in addition to comments from delegations and considerations by GE.2 of the above, contains an amended draft of Annex 11. On this basis, the Working Party may wish to continue its discussions of Annex 11.

Documentation

ECE/TRANS/WP.30/GE.2/10, ECE/TRANS/WP.30/2018/3, ECE/TRANS/WP.30/2018/4

(c) Application of the Convention

(i) New developments in the application of the Convention

The Working Party is invited to raise new developments in the application of the Convention, if any.

(ii) Issues transmitted by the Administrative Committee

a. The application of greater facilities in the Convention

At its sixty-sixth session (October 2017), the TIR Administrative Committee (AC.2) discussed, inter alia, a revised proposal by TIRExB for a new Explanatory Note to Article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators, in particular, but not limited to, authorized consignors and consignees. Unable to make any progress, the Committee decided to request the Working Party to assess the proposal and see if further improvements could be made. To support the assessment, the secretariat offered to reproduce as official document a TIRExB Informal document with a number of practical examples of the use of the concepts of authorized consignor /consignee in various Contracting Parties, including examples from the European Union, as information for the Working Party (see ECE/TRANS/WP.30/AC.2/135, paras. 38-40).

To trigger discussions, the secretariat has prepared document ECE/TRANS/WP.30/2018/5, containing background information on the issue as well as various examples of best practice of the use of the concept of authorized consignor/consignee.

b. The use of subcontractors in the Convention

At its sixty-sixth session, AC.2 also revisited document ECE/TRANS/WP.30/AC.2/2012/13, which contains proposals to amend Article 1 (o) with a comment that would provide a procedure for customs to allow the use of a TIR Carnet by other persons than the TIR Carnet holder, and which had been on the table of the Committee for several years without any substantial progress towards reaching a consensus opinion. As it had become obvious that progress could not be achieved without further review and, possibly, considerable redrafting of the proposal, the Committee decided to request the Working Party to reconsider the matter and to resubmit a new proposal to the Committee only after tangible consensus would have been achieved (see ECE/TRANS/WP.30/AC.2/135, para. 49).

To recommence discussions, the Working Party is invited to review document ECE/TRANS/WP.30/AC.2/2012/13 and provide guidelines to the secretariat on how to improve the wording of the proposed comment to Article 1 (o).

Documentation

ECE/TRANS/WP.30/AC.2/2012/13

(iii) TIR-related electronic data interchange systems

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

(iv) Settlement of claims for payments

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

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

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

(vi) IRU external audit report

Further to a request of the delegation of the Russian Federation to leave this issue on the agenda, the Working Party is invited to revisit the IRU external audit report, pending further developments (see ECE/TRANS/WP.30/294, paras. 35 and 36).

(vii) Other matters

The Working Party may wish to recall that, at its previous session, at the request of the delegation of Romania, it considered the issue of the initiation of the process of exclusion and termination by IRU of its contractual relationship with the International Association of Road Hauliers of Romania (ARTRI). In particular, the Romanian customs authorities were interested in the legal grounds upon which IRU based this decision.

At the session, the secretariat informed the Working Party that the matter was currently under consideration by TIRExB and that TIRExB had offered all parties its good offices to facilitate the settlement of the ongoing dispute(s). TIRExB informed parties that it would bring the matter to the attention of AC.2, since it considered it beyond its mandate. In conclusion, the Working Party urged IRU and the concerned national association(s) to undertake every effort to ensure the uninterrupted and effective management of the international guarantee system, while providing the national associations with full access to all internal appeal procedures, trusting that a satisfactory solution could be reached and prevent a possible breakdown in the international guarantee chain (see ECE/TRANS/WP.30/294, paras. 37-44). AC.2 had issued a similar statement (see ECE/TRANS/WP.30/AC.2/135, para. 62).

On 9 November 2017, IRU informed the UNECE secretariat that, further to an appeal hearing on 8 November 2017, the General Assembly of IRU had decided to exclude ARTRI from its membership.

The Working Party may wish to continue its considerations of the matter, based on this latest development.

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 is available on the ECE website.²

(b) Issues in the application of the Convention

The Working Party may wish to consider issues or difficulties in the application of the Convention, if any. In particular, the Working Party may wish to consider convening the eleventh session of the Administrative Committee (AC.3) in conjunction with its 149th session, taking into account that, according to the provisions of Annex 6, Article 4 (ii), sessions of the Committee should be convened, at least, every five years and that the last session dates back to October 2014.

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

The Working Party may wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/2017/26, containing the draft Convention, as merged from previous drafts and that it took note of Informal document WP.30 (2017) No. 17, in which the secretariat had provided a non-binding set of final clauses for consideration by the drafters. The Working Party was of the opinion that the draft Convention would benefit from further elaboration, taking into account a number of legal issues raised by the secretariat on the legal significance of some of its provisions. In conclusion, the Working Party requested the drafters of the Convention to transmit a fully-fledged text of the Convention to the secretariat before 25 November 2017, so that it could be included in the agenda of the 148th session. In addition, the Working Party requested the secretariat to issue Informal document WP.30 (2017) No. 17 as an official document, so that it could be taken into due account by the Working Party at its next session. The Working Party asked the secretariat to report its findings to the Working Party on Rail Transport (SC.2) at its next session (Geneva, 27-29 November 2017) (see ECE/TRANS/WP.30/294, paras. 47-50).

Further to these requests, the secretariat issued document ECE/TRANS/WP.30/2018/6, containing the full text of the Convention and document ECE/TRANS/WP.30/2018/7, with final clauses, for consideration by the Working Party. The secretariat will also brief the Working Party about the outcome of the considerations by SC.2.

Documentation

ECE/TRANS/WP.30/2018/6, ECE/TRANS/WP.30/2018/7

² www.unece.org/trans/bcf/welcome.html

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

(a) Status of the Convention

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.

(b) Issues in the application of the 1954 Convention in Egypt and Jordan

The Working Party may wish to recall that, at its previous session, it took note of document ECE/TRANS/WP.30/2017/27, about the ongoing problems in Egypt and Jordan in the application of the 1954 Convention, particularly due to the fact that customs authorities did not seem to respect the deadlines and procedures laid down in the Convention and that the secretariat had sent official letters on 27 July 2017 to the Governments of Egypt and Jordan through their permanent missions in Geneva and had sent reminder letters on 27 September 2017. The secretariat offered, in consultation with AIT/FIA, to see if contact could be established with the related missions to facilitate any feedback from their respective customs authorities or, ultimately, invite them to participate in the next session of WP.30. In the absence of further information, the Working Party decided to revert to this issue at its next session.

The Working Party will be briefed about the latest developments in this issue, if any.

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 commissions or Customs Unions as well as by other organizations, both intergovernmental and non-governmental, and countries as far as they relate to matters of interest to the Working Party.

(a) European Union

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

(b) Economic Cooperation Organization

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

(c) Eurasian Economic Union

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

(d) World Customs Organization

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

9. Other business

(a) List of decisions

Under this agenda item, the Working Party may wish to recall that, as requested at the 145th session, the secretariat includes a list of decisions as Annexes to the final reports of sessions. At its previous session, the Working Party requested the secretariat to continue this practice, thus keeping track of the status of decisions and include the issue as a separate agenda item for its future sessions. The secretariat agreed to this, adding that the list would also be attached to future draft agendas (ECE/TRANS/WP.30/290, para. 51) (see Annex 1).

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

(b) Dates of the next sessions

The Working Party may wish to decide on the dates of its next sessions. The secretariat has made arrangements for the 149th session in the week of 11-14 (Thursday!) June 2018 and the 150th session in the week of 15-19 October 2018.

(c) Restriction on the distribution of documents

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

10. Adoption of the report

In accordance with established practice, the Working Party will adopt the report on its 148th 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.
