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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

137th session

Geneva, 10–13 June 2014

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the 137th session^{1,2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Tuesday, 10 June 2014

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 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 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.
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) Preparation of Phase III of the TIR revision process;
 - (ii) Amendment proposals to the Convention: Vehicles with sliding sheets;
 - (iii) Amendment proposal to the Convention: Use of the TIR procedure in a Customs Union with a single Customs territory;
 - (iv) Amendment proposals to the Convention: Audit requirements for an authorized international organization.
 - (c) Application of the Convention:
 - (i) Application of the Convention in the Russian Federation;
 - (ii) Increase in the number of loading and unloading places;
 - (iii) TIR-related electronic data interchange systems;
 - (iv) Settlement of claims for payments;
 - (v) Other matters.
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:
 - (i) International Vehicle Weight Certificate;
 - (ii) X-ray scanning certificate;
 - (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. Terms of Reference and Rules of Procedure of the Working Party.
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 (ECE/TRANS/WP.30/273).

Documentation

ECE/TRANS/WP.30/273

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. 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 the preparations of the implementing provisions for the Union Customs Code (UCC) which will become applicable as of May 2016, as well as about further developments in the European Union (EU).

(b) Economic Cooperation Organization

The Working Party may wish to be informed about relevant activities and on-going projects carried out by the Economic Cooperation Organization (ECO).

(c) EurAsEC Customs Union

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

(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 (WP.30).

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 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) Preparation of Phase III of the TIR revision process

Use of new technologies

The Working Party is invited to consider version 4.0a of the eTIR Reference Model, as presented in Informal document GE.1 No. 4 (2013) and take note that the secretariat, in collaboration with experts from the Dutch customs administration, is currently preparing version 4.1a, which, at the request of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), will contain further minor amendments to the messages, ensuring full compatibility with the WCO Data Model version 3.5, as well as new chapters. The Working Party may also wish to consider, at the request of GE.1, document ECE/TRANS/WP.30/2014/5, prepared by the secretariat on the basis of Informal document WP.30 (2014) No. 3, which was introduced at its previous session. This non-technical presentation of the various possible mechanisms allowing TIR Carnet holders to submit their eTIR declarations to national customs administrations aims at providing WP.30 with the required information to provide strategic recommendations to GE.1 and, possibly to amend some of the guiding principles of the work of GE.1.

As announced at the previous session, the Working Party is invited to consider document ECE/TRANS/WP.30/2014/6, prepared by the secretariat and aimed at clarifying the roles and responsibilities of eTIR focal points.

At the previous session, while considering document ECE/TRANS/WP.30/2013/8 on the legal aspects of computerizing the TIR procedure, some delegations were not yet in the position to discuss substantively the various legal options, nor other legal aspects related to the implementation of eTIR. WP.30 decided to postpone its discussions on the issue to the present session. At the same time, the Working Party requested the secretariat to prepare a document elaborating the substance that any of these envisaged legal options should contain to enable the establishment of the eTIR system. To this end, the secretariat prepared document ECE/TRANS/WP.30/2014/7. In this context, WP.30 may also wish to consider the proposed recommendations from Ukraine (ECE/TRANS/WP.30/2014/8) which also aim at providing further guidance for the preparation of the legal framework supporting the computerization of the TIR system.

Furthermore, WP.30 will be informed on progress made in other projects (including pilots) related to the eTIR project, in particular, the Pilot Project between Italy and Turkey and 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".

Finally, further to the ITC decision to urge Contracting Parties to accelerate efforts to complete and launch the eTIR project (Informal document ITC (2014) No. 11, para. 29),

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

the Working Party may also wish to consider a joint proposal by the United Nations Economic Commission for Europe (UNECE) secretariat and IRU on a possible strategy aimed at quickly advancing the introduction of the eTIR system by means of launching a paper-less pilot project. The proposal is described in document ECE/TRANS/WP.30/2014/9.

Documentation

ECE/TRANS/WP.30/2014/5; ECE/TRANS/WP.30/2014/6; ECE/TRANS/WP.30/2014/7;
ECE/TRANS/WP.30/2014/8; ECE/TRANS/WP.30/2014/9

(ii) Amendment proposals to the Convention: Vehicles with sliding sheets

At its previous session, WP.30 took note of document ECE/TRANS/WP.30/2012/6/Rev.4. The Working Party invited the International Association of the Body and Trailer Building Industry (CLCCR), Belarus, Germany and the secretariat to present a revised document on agreed terminology used in the amendment proposals to Annexes 2 and 7 of the Convention and introducing a new design for TIR approved vehicles and containers. The Working Party may wish to consider document ECE/TRANS/WP.30/2012/6/Rev.5 and, possibly, decide on the final text of proposals to amend Annexes 2 and 7.

Documentation

ECE/TRANS/WP.30/2012/6/Rev.5

(iii) Amendment proposal to the Convention: Use of the TIR procedure in a Customs Union with a single Customs territory or in a single country

At the previous session, the secretariat introduced documents ECE/TRANS/WP.30/2013/9 and ECE/TRANS/WP.30/2014/3 elaborating possible ways to use TIR for transport operations within a Customs Union and within a single country, respectively. While the Working Party concluded its considerations of the use of TIR procedure in a single country and took the position not to revert to this issue in future, it decided to continue discussing the issue of use of TIR Convention in a Customs Union with a single customs territory. To this end, the Working Party is invited to continue discussing document ECE/TRANS/WP.30/2013/9.

Documentation

ECE/TRANS/WP.30/2013/9

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

At its 134th session, the secretariat, supported by EU, proposed to resume the considerations of audit requirements for an authorized international organization (the so-called provisions o, p and q) which were extensively discussed in 2010–2011 as part of a new Annex 9, Part III of the TIR Convention, but were not included at that time in the package of adopted amendment proposals. Several delegations and IRU were not in favour of this proposal and pointed out that they had not been made aware of developments which would justify reopening this debate and that any new argument put forward would require careful consideration at the national level prior to its discussion by the Working Party. At its 136th session, due to a lack of time, WP.30 did not have a chance to discuss this issue and decided to revert to it at the present session. The Working Party may wish to recall its earlier document ECE/TRANS/WP.30/2011/6 with a summary of various opinions expressed by delegations to see which new elements could be included into its discussions.

Documentation

ECE/TRANS/WP.30/2011/6

(c) Application of the Convention**(i) Application of the Convention in the Russian Federation**

The Working Party may wish to recall its extensive discussions, at previous sessions, on the measures introduced by the Russian customs 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).

At previous sessions, numerous delegations pointed out severe negative implications of the situation with TIR in the Russian Federation for trade and transport from/to/through the Russian Federation. The Working Party, except for the Russian delegation, called for withdrawal of the Federal Customs Service (FCS) measures and urged all stakeholders in the Russian Federation and IRU to find solutions that would ensure an uninterrupted application of the TIR procedure in the Russian Federation.

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

(ii) Increase in the number of loading and unloading places

At the 133rd session, a number of delegations spoke in favour of increasing the number of places of loading and unloading from four to eight and highlighted the advantages of this proposal for the road transport industry, in particular in view of the continuously increasing amounts of consolidated cargo (so-called groupage) transported under the TIR procedure and the competition with other transit systems, like the New Computerized Transit System (NCTS), which do not contain such restrictions. The delegation of EU stated that it would be ready to reconsider its position, provided that the TIR guarantee level was increased and/or the HS codes of goods were indicated on the TIR Carnet. The delegation of Belarus was prepared to support increasing the number of loading and unloading places on the condition that the full guarantee coverage of the Customs duties and taxes at stake is ensured in cases where the maximum guarantee level per TIR Carnet is exceeded. Due to lack of time at its 136th session, the Working Party was unable to discuss this issue and decided to revert to it at the current session.

(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.

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.

(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) **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.

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

(a) **Status of the Convention**

The Working Party will be informed about any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications are available on the UNECE website.⁴

(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.

(i) **International Vehicle Weight Certificate**

The Working Party will be informed about the progress in the BSEC pilot project on the introduction of the IVWC, as well as about the outcome of research on the definition and application of the weight of empty vehicles at national level.

(c) **Annex 9 on rail border crossing**

The Working Party, at its previous session, took note of the activities of the UNECE Working Party on Rail Transport (SC.2), the Intergovernmental Organisation for International Carriage by Rail (OTIF) and the Organization for Cooperation between Railways (OSJD) aimed at facilitating the implementation of Annex 9 at the national level. WP.30 will be informed about progress made by SC.2, in collecting the information on the national application of Annex 9.

(d) **Border performance measurement and the Harmonization Convention**

At its 136th session, the Working Party considered different options for introducing performance indicators into the Harmonization Convention as a tool for monitoring its implementation and benchmarking (ECE/TRANS/WP.30/2013/4). The delegation of the European Union underlined the benefits of benchmarking in the form of best practice, but preferred it as a non-binding recommendation. Some other delegations questioned the need of introducing this concept in the Harmonization Convention. The Working Party decided to transmit the issue to AC.3, planned for June 2014. The Working Party also requested the secretariat to provide information on the AC.3 deliberations on this question at its October 2014 session. The Working Party also considered the issue in light of the new World Trade Organization (WTO) Trade Facilitation agreement and its possible relevance for the Harmonization Convention in this context. In view of the fact that the tenth meeting of AC.3 has been rescheduled to be organized in October 2014, to be organized in conjunction with the 138th session of the Working Party, the Working Party may wish to consider

⁵ www.unece.org/oes/nutshell/mandate_role.html

Informal document WP.30 (2014) No. 7 by the secretariat, providing a first comparison between the WTO Trade Facilitation Agreement and the Harmonization Convention.

Documentation

Informal document WP.30 (2014) No. 7

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

The Working Party, at its previous sessions, was informed that the secretariat had prepared an official document (ECE/TRANS/2014/15) for the seventy-sixth session of ITC which provides a historical overview of the ongoing discussion to draft a new convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail, together with draft Terms of Reference (ToR) for a new Group of Experts. At its seventy-sixth session (February 2014), ITC welcomed the setting up of an Informal Group of Experts to facilitate further work in this area and thanked the Committee of the Organization for Cooperation between Railways (OSJD) for offering to host the first meeting of the Informal Group in Poland. It further thanked the Russian Federation for offering to host the second meeting of the Informal Group, and requested that the informal group inform WP.30 and the Working Party on Rail Transport (SC.2) on its progress. WP.30 will be informed about the results of the Informal Group meetings.

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

The Working Party, at its 136th meeting, requested the International Touring Alliance and the International Automobile Federation (AIT/FIA), to provide more information about the two conventions which are administered by AIT/FIA. In addition, the Working Party requested the secretariat to prepare a document, outlining the legal interaction between the UNECE Customs Conventions on the Temporary Importation of Private (1954) Road Vehicles and the Istanbul Convention of WCO. The Working Party is invited to take note of information by AIT/FIA on the two conventions it administers, as well as consider document ECE/TRANS/WP.30/2014/11.

Documentation

ECE/TRANS/WP.30/2014/11

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

At its 136th session, the Working Party decided to postpone consideration of proposals by Iran (Islamic Republic of) for modifying the draft ToR of WP.30 (ECE/TRANS/WP.30/2012/5/Rev.2) and to revert to the issue at its current session, pending discussions by ITC at its February 2014 session on participation of non-ECE countries, Contracting Parties to UNECE conventions, in the activities of ITC and its subsidiary bodies.

In earlier sessions, the secretariat drew the attention of WP.30 to the proposed footnote in the draft ToR, which would give non-ECE countries full membership at sessions of WP.30. The secretariat was of the view that, for efficient consideration of the draft ToR and Rules of Procedure (RoP) as well as of the modifications proposed by Iran (Islamic Republic of), the Working Party needed to decide first on the status of non-ECE countries which are Contracting Parties to the legal instruments under the auspices of WP.30.

Given the lack of a common approach among ITC Working Parties and different views expressed by delegations as well as in order not to set a precedent, the delegation of Germany, supported by EU member States, proposed to ask ITC for guidance on how to tackle this issue in a coordinated way in view of the ECE decision on the outcome of the review of the 2005 reform of ECE (E/ECE/1468, Annex III). In the interim, delegations were invited to study the RoP of UNECE (E/ECE/778/Rev.5)⁵ and its subsidiary bodies, so as to be prepared for this session's discussions.

The EU and its member States also requested the secretariat to ensure that any discussion on mandates, ToR, RoP and membership rights be brought to the attention of the UNECE Executive Committee (EXCOM) before coming to any final conclusions about the respective subsidiary bodies (ECE/TRANS/WP.30/268, paras. 15–18 and 44).

During the seventy-sixth session of ITC, a closed session (for government delegates only) of the Chairs of ITC's subsidiary bodies was organized. The session was dedicated to discussing the participation of non-ECE countries that are also Contracting Parties to the UNECE transport conventions and agreements in the Working Parties and other intergovernmental bodies of UNECE. The Committee decided, inter alia, to request the secretariat to transmit the issues at stake to the Working Parties for discussion and to collect and consolidate their views and current practices for the consideration of the ITC at its seventy-seventh session. Against this background, the Working Party is invited to continue its discussions on the issue and to provide guidance to the secretariat. To facilitate this task, the secretariat prepared document ECE/TRANS/WP.30/2014/11, outlining the various applicable ToR's and RoP's and their relevance for the current discussion.

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, ECE/TRANS/WP.30/2014/11, E/ECE/1468, E/ECE/778/Rev.5

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 138th session to be held in the week of 7–10 October 2014.

(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 137th 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.

⁵ www.unece.org/oes/nutshell/mandate_role.html