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### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

137th session

Geneva, 10–13 June 2014

### Report of the Working Party on Customs Questions affecting Transport on its 137th session

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## **I. Attendance**

1. The Working Party (WP.30) held its 137th session from 10–13 June 2014 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey and Ukraine. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Economic Cooperation Organization (ECO) and Eurasian Economic Commission. The following non-governmental organizations were represented: the International Touring Alliance and the International Automobile Federation (AIT/FIA), the International Association of the Body and Trailer Building Industry (CLCCR) and the International Road Transport Union (IRU).

## **II. Adoption of the agenda (agenda item 1)**

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/273).

## **III. Opening statement**

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, underlined, as one important outcome of the last session of the Inland Transport Committee (ITC), its request to all its subsidiary bodies to put on their agenda the question of participation of non-ECE member countries in deliberations relevant for those international transport agreements and conventions to which these countries are Contracting Parties. This question is of particular importance for global agreements such as those related to vehicle regulations, transport of dangerous goods and conventions in the field of border crossing, such as the TIR Convention, 1975 and the Harmonization Convention, 1982. She urged the Working Party to devote attention to this issue as ITC is expecting a consolidated report from all its subsidiary bodies for discussion at its 2015 session, with a view to ensure equal rights and impact on modifying, updating and reviewing legal instruments serviced by UNECE. Furthermore, she expressed the hope that the territorial limitations in implementing the TIR Convention in the Russian Federation will be solved at the present meeting of the Working Party and the ensuing meeting of the TIR Administrative Committee (AC.2). She reiterated the plea for further improvement of and increased transparency in the application of the TIR system and the expected contribution of the fully fledged implementation of the eTIR system as a means to achieving these aims. She also reminded the Working Party that the secretariat had just obtained a set of proposals from the government of the Russian Federation to amend the TIR Convention, which merited further study at the national level with a view to be thoroughly discussed at the next session of the WP.30 in October 2014. To that end, the secretariat would convert the proposals into an official document in all three languages of the ECE. Finally, she urged participants to devote the necessary attention to the Harmonization Convention and preparations for the session of its Administrative Committee in October 2014, particularly bearing in mind the potential of the Harmonization Convention to contribute to implementing the Transit Framework

Agreement agreed upon by the ninth World Trade Ministerial Conference held in December 2013.

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

4. The Working Party took note of the on-going efforts by the secretariat to conduct capacity building activities. The Working Party noted the plans to organize, in cooperation with the Organization for Security and Co-operation in Europe (OSCE) Border Management Staff College in Dushanbe, a regional TIR seminar for customs officials from, in particular, Afghanistan, Pakistan and Tajikistan, in the course of 2015.

#### **V. Activities of other organizations and countries of interest to the Working Party (agenda item 3)**

5. The Working Party took note of activities by various regional economic or Customs Unions as well as by intergovernmental and non-governmental organizations and by countries, as far as they related to matters of interest to the Working Party.

##### **A. European Union**

6. The delegation of the EU informed the Working Party of its on-going activities towards the entry into force of the new Union Customs Code (UCC) in May 2016. Further to the Treaty of Lisbon of 2009, these activities are not limited to the establishment of an implementing act containing UCC's implementing provisions, but also require the establishment of a so-called "delegated act", elaborating the way in which the Commission is entrusted with and implements its executive powers. The preparations also require important activities in the field of current and future Information Technology (IT) projects, which will gradually be implemented between May 2016 and the end of 2020. The planning, budgeting and design of such complex projects require huge human and financial resources. The Working Party further took note of efforts to use electronic transport documents as transit declarations in the field of air-, rail- and sea-transport. Sometime in the future, transit declarations could be based on the use of electronic transport documents. Finally, the Working Party was informed of the on-going activities to extend the application of the Convention on a Common Transit Procedure, 1987, to other countries, in particular, countries of the Balkan region. The current expectation is that Serbia and the Former Yugoslav Republic of Macedonia would be ready to join the Convention by mid-2015.

##### **B. Economic Cooperation Organization**

7. The Working Party was informed about relevant activities and on-going projects carried out by the Economic Cooperation Organization (ECO). The Working Party took note that, further to the reactivation of the TIR system in Afghanistan in 2013, the Afghan Chamber of Commerce and Industry (ACCI) as authorized association for Afghanistan to issue TIR Carnets and act as guarantor, organized a TIR awareness workshop on 30 April 2014. Another workshop, in which ACCI as well as other national associations are invited to participate, will be conducted on 18-19 June 2014 in Dushanbe. The Working Party further noted that Pakistan had entered the final stage of accession to the TIR Convention and that, as a consequence, ECO is planning to organize capacity-building activities for

both competent authorities and potential TIR Carnet users. Planning is also underway for a third ECO regional conference on TIR, which will be held in 2014 in Tehran (date not yet confirmed), in co-operation with IRU.

8. The Working Party was informed that ECO is currently preparing pre-feasibility studies for the Islamabad-Tehran-Istanbul (ITI) and Kyrgyzstan-Tajikistan-Afghanistan-Iran (KTAI) road corridors, for which the Terms of Reference (ToR) have already been established. In view of increasing demand from the region and at the initiative of IRU, ECO further plans to organize a workshop on “Safety and Security of Transport” which will be held in Pakistan, sometime in the second part of 2014 and to which UNECE is kindly invited to participate.

9. The Working Party was further informed that, in the field of rail transport, a high level working group on ITI trains had managed to decrease the travel time between Islamabad and Istanbul by fifteen days, at the same time had achieved a further reduction and unification of tariffs. At its eighty-third session (December 2013, Paris), the International Union of Railways (UIC) ratified the application for membership of the Afghan Rail Authority (AfRA). In the view of ECO, this important step would further facilitate transportation of Afghan cargo and would allow AfRA to develop the required railway standards, rules and regulations. Finally, the Working Party noted that negotiations are under way with Turkey for the organization of a workshop dedicated to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), modernization of border points, the use of the digital tachograph and weight and dimension controls by Turkey.

### **C. EurAsEC**

10. The Working Party was informed about recent activities and projects carried out by the Eurasian Economic Commission (EEC). The Working Party noted that, in May 2014, the leaders of Belarus, Kazakhstan and the Russian Federation signed, in Astana, a treaty on the creation of a Eurasian Economic Union (EES) that will start to function from 1 January 2015. Armenia could join the Union before 1 July 2014, after having completed final preparations. Furthermore, Belarus, Kazakhstan and the Russian Federation, together with Kyrgyzstan, signed a road map for Kyrgyzstan to join the Customs Union of Belarus, Kazakhstan and the Russian Federation – a precursor to joining the EES. The Working Party further noted that an Expert Group had been created in the framework of the Customs Union in order to elaborate the Customs Code of the EES. The final draft of this Customs Code is planned to be finished in July 2014.

11. The Working Party was informed that the EEC is actively involved in international cooperation in order to promote the vision of the Eurasian community and attract key partners from the European and Asia-Pacific regions into the integration processes. In this context, the Working Party took note of a project to organize an international conference on the issue of: “Efficiency and security of supply chains from Lisbon to Vladivostok”, in the framework of the international exhibition “Interlogistika – 2014” (8-11 September 2014, Moscow).

12. Under this agenda item, the delegation of Ukraine informed the Working Party about the temporary suspension of Crimean customs activities, as well as the closure of eight border crossing points at the eastern border between Ukraine and the Russian Federation.

### **D. World Customs Organization**

13. In the absence of representation of the World Customs Organization (WCO) at the session, the Working Party was not informed of any of its recent activities.

## **VI. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 4)**

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

14. The Working Party took note that changes in the status of the Convention and the number of Contracting Parties had not taken place. Thus, the TIR Convention has, to date, 68 Contracting Parties (including the European Union) and is operational in 58 countries. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.<sup>1</sup>

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

#### **1. Preparation of Phase III of the TIR revision process**

##### **Use of new technologies**

15. The Working Party, at the request of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), extensively discussed document ECE/TRANS/WP.30/2014/5. In particular, it took note that the submission of diverging safety and security data to each country en route might represent an added complexity for transport operators conducting TIR (or eTIR) transports. The Working Party stressed that the principle of a single TIR declaration in the country of departure should be respected and decided that the declaration mechanisms designed in the eTIR Reference Model should not be amended. Considering that safety and security data requirements have their own legal basis and in view of the difficulty in agreeing on common requirements, the Working Party also decided that, even if they are related to TIR transports, those requirements should be left optional in the standard eTIR declaration. As a consequence, the Working Party instructed GE.1 to continue to work on the development of a standards eTIR declaration.

16. The Working Party also considered document ECE/TRANS/WP.30/2014/6. While recognizing the usefulness to further clarify the roles and responsibilities of eTIR focal points, it questioned the formulation used for the third and fourth bullet points in paragraph five of the said document. In order to be in a position to endorse a revised version of the document at its next session (in all working languages), the Working Party requested delegations to submit not later than by 11 July 2014 their proposals for improving the current text to the secretariat. In the meantime, delegations considered the following alternative wording proposed by the secretariat:

- "Analyse the objectives and envisaged implementation of the eTIR project in the light of national strategies for the computerization of customs procedures, in particular transit."
- "Raise awareness of eTIR project nationally (across government agencies and the private sector) and strive for its consideration in mid- and long-term national information and communications technologies (ICT) development and maintenance plans."

17. Furthermore, the Working Party took note that the ToR of the Pilot Project between Italy and Turkey were nearing finalization and would be signed in July 2014 by the heads of both Customs administrations. The Working Party also took note that within the

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<sup>1</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html)

framework of 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”, three of the five Regional Commissions had, or were about to, finalize the "gap-analyses" and that the first interregional Expert Group meeting would be organized before the end of 2014.

18. Finally, the Working Party took note of the joint initiative by the UNECE secretariat and IRU to push the introduction of one part of the eTIR system. It took note of the so-called UNECE-IRU eTIR Pilot Project described in document ECE/TRANS/WP.30/2014/9 as well as the further steps envisaged for transition to a fully-fledged eTIR system. The Working Party took note that, while introducing a number of differences compared to the eTIR system as described in the eTIR Reference Model, this pilot project aims at testing a fully paper-less TIR procedure using, to the extent possible, existing ICT systems and procedures. A first version of the eTIR international system will also be developed at UNECE to ensure the integrity of data exchange via the IRU. Kazakhstan, Kyrgyzstan, Turkey and Ukraine indicated their willingness to take part in the pilot project as a step towards the full computerization of the TIR procedure. Iran (Islamic Republic of) also indicated that it is positively considering to contribute to this pilot. Other delegations, while informing the Working Party of not being in a position to volunteer taking part in the pilot, expressed the interest of being informed about progress in and results of the Pilot Project, re-confirming their full support for the eTIR final objectives and general concepts, as contained in the eTIR Reference Model.

19. The Working Party welcomed document ECE/TRANS/WP.30/2014/7, prepared by the secretariat at the request of the Working Party at its 136th session, and containing examples of the substantive legal framework that would enable the computerization of the TIR procedure (eTIR). These examples included draft amendments to the TIR Convention as well as, alternatively, a draft protocol. The Working Party thanked the secretariat for providing tangible examples for the way forward, although several pending questions, such as, but not limited to, the organizational, financial and administrative aspects for managing the eTIR international system, had prevented the presentation of a comprehensive package of draft provisions. The Working Party appreciated that IRU had kindly offered to provide an informal translation of the said document in Russian, which was distributed as Informal document WP.30 (2014), No. 8). At the same time, the Working Party noted that document ECE/TRANS/WP.30/2014/8 by the government of Ukraine had not been issued. Several delegations, including Azerbaijan, the European Union, Iran (Islamic Republic of), Turkey and Ukraine, were positively inclined towards further developing an additional legal framework to the TIR Convention. The European Union further added that as concerns, in particular, the administration of the eTIR international system, the EU and its member States are in favour of a United Nations or, in any case, an independent public body being in charge of administering the international system. In order to make progress in developing the content and structure of the eTIR legal framework, the Working Party was of the view that the creation of a formal Group of legal Experts seemed warranted. Such an Expert Group, once established, would be serviced by the secretariat and the UN conference services. The Working Party was reminded by the secretariat that the establishment of Expert Groups required prior approval by the Executive Committee (EXCOM) and, thus, could take up a considerable amount of time. In conclusion of the discussions, the Working Party requested the secretariat to prepare, for the next session, a further elaborated example of a Protocol and invited interested Parties to send their views on and contributions to the envisaged Protocol to the secretariat, in order to facilitate the drafting of provisions that would meet a high level of acceptance. Furthermore, the Working Party requested the secretariat to commence the process for establishing the Group of Experts by drafting its ToR and timeframe of activities, for discussion at its next session.

**2. Amendment proposals to the Convention: Vehicles with sliding sheets**

20. WP.30 took note of document ECE/TRANS/WP.30/2012/6/Rev.5 containing amendment proposals for a new design of a vehicle and container to the TIR convention, jointly elaborated by Belarus, Germany, CLCCR and the secretariat. WP.30 decided that one drawing of sketch No 10. 3 – showing a patented system - should be deleted from the draft amendment proposals and that – for legal reasons – the images contained therein needed to be replaced by sketches. WP.30 requested the secretariat to prepare a final revision of document ECE/TRANS/WP.30/2012/6/Rev.5 for consideration at its next session, in order to be able to establish if these amendment proposals could be submitted to AC.2 for adoption.

**3. Amendment proposal to the Convention: Use of the TIR procedure in a Customs Union with a single Customs territory or in a single country**

21. The secretariat provided a brief summary of prior discussions and of the content of document ECE/TRANS/WP.30/2013/9. The delegation of the EEC provided clarifications on the status of the agreement on the use of the TIR procedure within the territory of the Customs Union of Belarus, Kazakhstan and the Russian Federation, informing that work on this issue has been temporarily suspended until issues pertaining to the functioning of the TIR Convention in the Russian Federation are resolved. The delegation of Ukraine raised a question related to the use of the TIR Convention in a single country and requested clarifications on the substantive content of the decision taken on this issue at the previous session. The Chair clarified that the view of the Working Party as reflected in the previous session's report was that the use of a national transit procedure designed on the basis of the TIR principles should be treated as a domestic matter, regulated at a national level and, thus, should remain outside the scope of activities of the Working Party. He also encouraged delegations to remain in attendance during the reading of the report so that all considerations are duly noted and reflected in the final report. In reply, the delegation of Ukraine stated that a decision on the applicability of international transit under application of the provisions of the TIR Convention within the territory of a single country should be taken by Contracting Parties on an independent basis within the context of national law, in line national legislation and administrative arrangements under their national jurisdiction, including the signing of treaties and agreements which are required for the application of international transit systems. The Working Party recalled its decision not to revert to the question of using the TIR procedure in a single country, but to continue considering the implementation of the TIR procedure in a Customs Union with a single customs territory.

22. The representative of the national guaranteeing association of Kazakhstan took the floor and stated the views of the operators vis-à-vis the question of application of the TIR Convention in a Customs Union; these included the belief that the TIR Convention is considered the most effective means of monitoring the flow of transit goods across the Customs Union territory and that the TIR Convention in general is an indispensable facilitation tool that benefits trade and transport alike. In the context of his intervention, he also mentioned the special agreement between Kazakhstan and the Russian Federation that allows, on an exceptional basis, Kazakh operators to use the TIR procedure at two predetermined border-crossing points, reflecting 10 per cent of the total volume of goods carried by Kazakh operators. The delegations of Azerbaijan, Ukraine and of the IRU questioned this agreement as being a form of preferential treatment. IRU also questioned the intentions of the Russian Federation as concerns the application of the TIR Convention in its territory in the foreseeable future. The representative of the Kazakh guaranteeing association cautioned against limiting the discussion to this point and reminded the Working Party that even this small concession towards Kazakh operators is only made possible because ASMAP continues to be authorized in the Russian Federation, and with the date of 1 July approaching, this should be the centre of discussions. The Chair reminded



the Working Party that the discussion under this agenda item should be restricted to the question of the use of the TIR Convention within a Customs Union. Despite lively discussion and diverging views, the Working Party did not reach a decision on whether it would wish to proceed with the amendments that would allow the use of the TIR Convention in a Customs Union and, due to time pressure, decided to revert to the issue at the next session for further discussion.

#### **4. Amendment proposals to the Convention: Audit requirements for an authorized international organization**

23. WP.30 resumed its considerations of the audit requirements for an authorized international organization (the so-called provisions (o), (p) and (q)). EU, the Russian Federation, Turkey and Ukraine indicated that more transparency in the guarantee chain is needed. Several countries indicated that the current wording of the provisions of (o), (p), and (q) is not appropriate. Turkey and Ukraine referred to their proposals made in 2011 (see ECE/TRANS/WP.30/2011/6).

24. IRU stated that it was not opposing to the idea of including more transparency requirements in the Convention and that it is fully prepared to comply with the requirements of the Convention.

25. From an informal meeting of some of the main stakeholders, comprising the EU, Turkey and IRU, it transpired that there were reasonable grounds to believe that a compromise could be found by agreeing on a more appropriate wording for the provisions of (o), (p) and (q). WP.30 invited the secretariat to prepare a working document for consideration at its next session, which would elaborate new amendment proposal to Annex 9, Part III of the Convention on additional requirements for the authorized international organization, aimed at providing more transparency in the effective organization and functioning of the international guarantee system.

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

#### **1. Application of the Convention in the Russian Federation**

26. Some delegations reiterated their positions and concerns expressed in previous meetings of the Working Party and other TIR governing bodies. And although appreciative of the answers provided by the Federal Customs Service (FCS) of the Russian Federation to questions raised by TIRExB and AC.2 during their February 2014 sessions, the main problems at stake remained unchanged and the situation still seemed far from being resolved. They expressed their lack of understanding of how, on the one hand, the Russian Federation continued to declare that it wishes to continue being a Contracting Party to the TIR Convention, whereas, on the other hand, no visible steps seemed to be made to restoring the functioning of the TIR system on its territory.

27. The delegate of Turkey, with reference to previous statements, reiterated that the measures undertaken by FCS are in breach of the TIR Convention and are contrary to the commitments of the Russian Federation under the TIR Convention (see ECE/TRANS/WP.30/AC.2/117, para. 55) She also challenged the information from FCS that the costs for carriers to secure payment under the customs legislation of the Russian Federation did not exceed the costs for a transport under cover of a TIR Carnet and informed the Working Party that, according to figures obtained from Turkish operators, the costs for a national transit transport in the territory of the Russian Federation easily exceeded, at least, three times the costs of a TIR Carnet. The delegate of Ukraine pointed at the negative effect of the measures imposed by FCS on the Russian economy, leading to higher consumer prices for all imported goods.

28. The delegation of the EU referred to its statements made at previous sessions of the TIR governing bodies, expressing the view that the measures taken by FCS were in

violation of the TIR Convention. In addition, the European Commission took the view that the measures also conflicted with provisions of the WTO General Agreement on Tariffs and Trade (GATT) agreement. Moreover, the provisions of the Vienna Convention on the Law of Treaties would allow the EU as one of the most affected parties to take the necessary steps.

29. In a first reaction, the representative of the Russian Federation underlined that his country had no intention to terminate the TIR Convention. On the contrary, proposals to reinforce the TIR Convention, as contained in Informal document WP.30 No. 9 (2014) had been drafted with the aim to resume the functioning of the TIR system on the territory of the Russian Federation. In addition, it was expected that by mid June 2014 a second package of amendments to the TIR Convention would be finalized. He further referred to instructions formulated by heads of state in the framework of activities of the G8 and G20 countries aimed at reducing the risk of loss of state revenue. In his view, a return to the previous situation, which had led to the current problems in the first place, would not solve the issues at stake. Finally, he informed the Working Party that a representative of FCS would attend the ensuing meeting of AC.2, where he expected further clarifications would be provided.

30. The representative of Ukraine informed the Working Party that, further to a legal assessment made at national level, Ukrainian competent authorities had come to the conclusion that the Russian national association, no longer being able to fulfil the conditions and requirements of Annex 9, Part I, had de facto ceased to exist and that his country was preparing appropriate measures to that effect against Russian TIR Carnet holders.

## **2. Increase in the number of loading and unloading places**

31. The Working Party reverted to the issue of increasing the number of places of loading and unloading. Turkey informed the Working Party that it continued to advocate an increase in the number of places of loading and unloading on its territory because of the advantages this provides to the road transport industry. By increasing the level of guarantee to safeguard customs revenues and by ensuring that the Harmonized System (HS) codes of goods are indicated on the TIR Carnet, the implemented increase of places of loading and unloading could prove to be manageable and well-functioning. While some delegations expressed their support for the introduction of an increased number of places for loading and unloading and a more flexible application of the TIR Convention, there was no consensus on whether the increase of number of places of loading and unloading should be explicitly linked to the level of guarantee and the application of the HS code. IRU informed WP.30 of its considerations to re-examine the issue of the guarantee level. The Working Party supported the call for a more flexible use of the guarantee system within the framework of a broader “package” of measures to modernize the TIR Convention, so that it can continue to facilitate transport operations while responding to the changing realities for the transport industry and customs authorities alike. The Working Party decided to return to this issue at its next session to further discuss the options to address this question in the framework of the TIR Convention.

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

32. The Working Party was informed by IRU about the latest statistical data on the performance of Contracting Parties in the control system for TIR Carnets — SafeTIR system. Detailed information is available in Informal document WP.30 (2014) No 10.

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

33. The Working Party was informed by IRU about the current situation on the settlement of claims for payments made by customs authorities against national

guaranteeing associations. Detailed information is available in Informal document WP.30 (2014) No. 10.

#### **5. Other matters**

34. The Working Party did not consider any other issues and difficulties in the application of the Convention faced by customs authorities, national associations, the international insurers or the IRU.

## **VII. International Convention on the Harmonization of Frontier Controls of Goods, 1982 (“Harmonization Convention”) (agenda item 5)**

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

35. The secretariat informed the Working Party that the number of Contracting Parties to the Harmonization Convention had remained unchanged (57) and that there were no unattended issues. More detailed information on the Convention as well as on various Depository Notifications are available on the UNECE website.

### **B. Annex 8 on road transport**

36. The Working Party invited delegations to report, at future sessions, on national activities on facilitating road transport and related challenges. Transport and business operators were also invited to share their experiences on typical problems and obstacles to transport and trade with the Working Party, for the purpose of identifying possible good practices to address these issues (such debate might also contribute to identifying priority areas where border performance management indicators are required).

#### **International Vehicle Weight Certificate**

37. The Working Party recalled that, at its previous session, the secretariat of the Organization of the Black Sea Cooperation (BSEC) had informed WP.30 about their pilot project on the use of the International Vehicle Weight Certificate (IVWC). According to the latest information from the BSEC secretariat, the pilot project would now be launched in September 2014 and preliminary information on its implementation would be reported by BSEC at the October 2014 session of the Working Party.

### **C. Annex 9 on rail border crossing**

38. The Working Party was informed that a questionnaire by the UNECE Working Party on Rail Transport (SC.2) on the national implementation of Annex 9 had been sent out to countries. The Working Party urged delegations to ensure that the questionnaire be replied to by the end of July 2014, so that the results could be compiled and presented at the October 2014 session of WP.30.

### **D. Border performance measurement and the Harmonization Convention**

39. The Working Party recalled that, at its 136th session, it had considered different options to introduce performance indicators into the Harmonization Convention, as a tool for monitoring its implementation and benchmarking (ECE/TRANS/WP.30/2013/4). These discussions were expected to continue at the forthcoming session of the Administrative Committee for the Harmonization Convention (AC.3), postponed from June to October 2014. The secretariat also informed the Working Party about its contacts with the European Commission with a view to identifying possible experiences with performance indicators

by EU member States, which might be used for further discussions at WP.30. The Working Party decided to transmit this issue to AC.3 for discussion at its October 2014 session and invited delegations to prepare their position for further debate.

40. Under this agenda item, the Working Party took note of the secretariat's activities on promoting the Harmonization Convention in the context of a new WTO agreement on trade facilitation, further to discussions at its 136th session and a decision of the Inland Transport Committee (ITC) of February 2014 supporting this initiative. The Working Party took note of Informal document WP.30 (2014) No. 7 which compares the texts of the Harmonization Convention and the WTO agreement on trade facilitation. The purpose of this document was not to provide a legal analysis of the two legal instruments but to show that trade facilitation provisions are spread all over the provisions of both legal instruments and that countries which implement the Harmonization Convention also implement relevant commitments set by WTO. In this context, the secretariat informed the Working Party about a national seminar on implementation of the WTO agreement on trade facilitation that was held in Ukraine (Kiev, April 2014), where the Harmonization Convention had also been presented as a trade facilitation instrument. The Working Party encouraged delegations to promote the Harmonization Convention in the context of on-going discussions on trade facilitation at WTO and in other fora.

### **VIII. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 (agenda item 6)**

41. The Working Party recalled its previous discussions on a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail and that, at its 136th session, it had welcomed the establishment of an informal group of experts to work on elaborating such convention. The Working Party took note that the Organization for Cooperation between Railways (OSJD) had conducted a meeting in preparation of the possible drafting of a new convention, where the following countries had already tentatively agreed to participate in future work: Bulgaria, Lithuania, Poland, Russian Federation, Ukraine. At that meeting, it also agreed that the Russian Federation would prepare a first draft of such a convention by the end of June 2014, which would be shared with UNECE for further dissemination. According to information received from the secretariat of the Intergovernmental Organization for International Carriage by Rail (OTIF), it is ready, in principle, to contribute to working on a new convention. A meeting to discuss this draft would be organized by OSJD in September 2014 in Poland. The Working Party took note of this information and requested interested delegations to communicate, in due course, to the secretariat the names of their experts who would like to participate in the work on a new convention.

### **IX. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 7)**

42. The Working Party recalled that, at its 136th session, some delegations had requested AIT/FIA, to provide more information about the two conventions, which are administered by AIT/FIA. Further to this request, representatives of AIT/FIA delivered a comprehensive presentation on their activities under the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles. The Working Party thanked AIT/FIA for their clarifications. Under this agenda item, the

Working Party also considered document ECE/TRANS/WP.30/2014/10, prepared by the secretariat to provide a comparative legal analysis of the relationship between the UNECE Customs Conventions on the Temporary Importation of Private (1954) Road Vehicles and the Istanbul Convention of WCO. The Working Party took note of the information and concluded that the relationship between the legal instruments, although complex, is now sufficiently clear.

## **X. Terms of Reference and Rules of Procedure of the Working Party (agenda item 8)**

43. The secretariat informed the Working Party that ITC at its 76th session had considered the question of participation of non-ECE countries that are Contracting Parties to UNECE conventions in the activities of ITC and its subsidiary bodies. The Committee decided, among others, to request the secretariat to transmit the issues at stake to its subsidiary bodies for discussion and to collect and consolidate their views and current practices for the consideration at its seventy-seventh session in February 2015. Pursuant to this request, the Working Party considered document ECE/TRANS/WP.30/2014/11, reflecting the views expressed so far within the ITC and the Working Party and drawing parallels to the questions currently under discussion.

44. The Working Party welcomed document ECE/TRANS/WP.30/2014/11 as being a useful contribution to on-going discussions. Nonetheless, different opinions were expressed on granting full participation rights to non-ECE countries that are Contracting Parties to the Conventions under the purview of WP.30. The Working Party decided to revert to this issue at its next session.

## **XI. Other business (agenda item 9)**

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

45. The Working Party decided to conduct its 138th session in the week of 7–10 October 2014.

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

46. The Working Party decided that there would be no restrictions on the distribution of documents issued in connection with its current session.

## **XII. Adoption of the report (agenda item 10)**

47. The Working Party was informed of the retirement of Mrs. Judit Somlo from the Association of Hungarian Road Hauliers (MKFE) and Mr. Alex Schindler of the Bundesverband Güterkraftverkehr Logistik und Entsorgung (BGL). The Working Party thanked both for their longstanding participation in and contribution to its activities and wished them all the best in the pursuit of their personal lives.

48. In accordance with established practice, the Working Party adopted the report on its 137th session on the basis of a draft prepared by the secretariat.