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Item 5 of the provisional agenda

Terms of Reference and Rules of Procedure of the Working Party

Draft Rules of Procedure of the Working Party

Transmitted by the Government of Iran (Islamic Republic of)

1. Following the request of the Working Party on Customs Questions affecting Transport (WP.30) at its 132nd session (ECE/TRANS/WP.30/264, para. 5), the secretariat reproduces below proposals of the Government of Iran (Islamic Republic of) to modify the draft Rules of Procedure of WP.30, as laid down in document ECE/TRANS/WP.30/2012/2. Deletions to the original text of the Rules of Procedure (ECE/TRANS/WP.30/2012/2) are given in ~~strike through~~ while additions are shown in **bold**.

2. The most important proposals include giving full membership to non-ECE member States which are Contracting Parties to international conventions dealt with by WP.30, highlighting the role of member States, taking decisions by consensus, preparing balanced and factual reports and introducing a rotation mechanism for the position of Chair.

Annex

Rules of Procedure of the Working Party on Customs Questions affecting Transport (WP.30)

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Chapter I

Participation

Rule 1

(a) Member countries of ECE **and Contracting Parties to Conventions listed in Appendix** shall be considered full participants of WP.30.

~~(b) Non-member countries of ECE as defined in paragraph 11¹ of the Terms of Reference of ECE may participate in a consultative capacity in WP.30 on any matter of particular concern to them. These countries may however participate as full participants at sessions of WP.30 or parts thereof devoted to matters relating to legal instruments, listed in Appendix, to which they are Contracting Parties.~~

(c) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 12² and 13³ of the Terms of Reference of ECE, participate in a consultative capacity in WP.30 in discussions that WP.30 may hold on any matter of particular concern to those agencies or organizations.

(d) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of WP.30 and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that WP.30 may hold on any matter of interest to these organizations.

(e) Consultations with specialized agencies and the International Atomic Energy Agency (IAEA) shall be conducted in accordance with Rule 51 of the Rules of Procedure of ECE.

(f) Consultations with non-governmental organizations shall be conducted in accordance with Rules 52 and 53 of the Rules of Procedure of ECE. Non-governmental organizations with consultative status under paragraph (d) shall be treated as non-governmental organizations included on the list.

¹ ~~Paragraph 11: "The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non member."~~

² Paragraph 12: "The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council."

³ Paragraph 13: "The Commission shall make arrangements for consultation with non-governmental organizations which have been granted consultative status by the Economic and Social Council, in accordance with the principles approved by the Council for this purpose and contained in Council resolution 1996/31, parts I and II."

Chapter II

Sessions

Rule 2

Sessions shall be held on dates fixed by WP.30, after consultation with the ECE secretariat, at previous meetings.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva. WP.30 may, with the concurrence of the Inland Transport Committee, hold a particular session elsewhere. In that case, the relevant United Nations rules and regulations shall apply.

Rule 4

(a) The provisional agenda and the basic documents relating to each item on the agenda of a session shall be **distributed to all members and shall also be** available on the relevant ECE website⁴ in all official languages of ECE at the latest forty-two days before the opening of the session; however, in exceptional cases, translated texts may be made available on this site twenty-one days before the opening of the session.

(b) In exceptional cases **and upon request of the Working Party**, the secretariat may distribute basic documents at the session, but in this case such documents may be used only for **information and** preliminary consideration **without taking any decision on them.** ~~unless WP.30 decides otherwise.~~

(c) Any participant, as well as the secretariat, may also submit informal documents. Such informal documents shall relate to items on the provisional agenda of the respective session. To the extent possible, these documents shall be made available on the above mentioned website.

Chapter III

Agenda

Rule 5

The provisional agenda for each session shall be **prepared by the Working Party** ~~drawn up by the secretariat in coordination with the Chair or Vice Chair (acting as Chair).~~

Rule 6

The provisional agenda for any session shall include:

- (a) Items arising from previous sessions;
- (b) Items stipulated in the agreed upon programme of work ~~agreed~~;
- (c) Items proposed by the Economic Commission for Europe, the Executive Committee or the Inland Transport Committee;

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

(c) bis. Items proposed by Administrative Committees of the Conventions listed in Appendix,

(d) Items proposed by a participant, insofar as it relates to the Terms of Reference of the Working Party;

(e) Any other items which the Chair ~~or the secretariat~~ may see fit to include.

Rule 7

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

WP.30 may **decide to change** ~~amend the agenda or~~ the order of agenda items at any time during the session.

Chapter IV

Representation

Rule 9

Each participant as defined in Rule 1 shall be represented at sessions of WP.30 by an accredited representative.

Rule 10

The representative may be accompanied by alternate representatives, advisers or experts. If absent, a representative may be replaced by an alternate representative.

Rule 11

(a) Each participant shall submit the names of representatives, alternate representatives, advisers and experts to the ECE secretariat **without delay**. ~~at the latest one week before the opening of the session.~~

(b) The secretariat shall prepare a provisional list of persons scheduled to attend the session and make it available to the permanent missions of participating countries to the Office of the United Nations in Geneva two working days before the opening of the session.

(c) The secretariat shall prepare a list of the names of all persons attending the session and make it available to them at the end of the session.

Chapter V

Officers

Rule 12

WP.30 shall, at its first meeting each year, elect from among **its members**, ~~the representatives of full participants, as defined in Rule 1,~~ a Chair who shall hold office **for one year** ~~until its successor is elected~~. ~~WP.30 may, however, decide to elect a Chair for its~~

sessions of the following year at the last meeting of the year. **The Chairmanship should be based on a rotation principle, however, if there is no other candidate the terms of chairmanship could be extended for one year.** WP.30 may also elect a Vice-Chair from its members. ~~among the representatives of full participants as defined in Rule 1. The officers may be re-elected.~~

Rule 13

If the Chair is absent from a session, or part thereof, or if the Chair so requests, the Vice Chair shall preside.

Rule 14

If the Chair ceases to represent a participating country or can no longer hold office, the Vice Chair designated in accordance with Rule 12 shall become Chair for the unexpired portion of the term. In that case, WP.30 may elect another Vice Chair for the unexpired portion of the term.

Rule 15

The Vice Chair acting as Chair shall have the same powers and carry out the same duties as the Chair.

Rule 16

The Chair shall participate in WP.30 in this capacity and not as the representative of his/her country. WP.30 shall admit an alternate representative to represent that participant and to exercise its right to vote. However, if there is no alternate representative or if the alternate representative is absent, the Chair may exercise his/her right to vote as the representative of his/her country.

Chapter VI

Secretariat

Rule 17

The Executive Secretary of ECE shall act in that capacity at all sessions of WP.30. He/she may appoint another member of the secretariat of ECE to take his/her place.

Rule 18

The secretariat shall make all necessary arrangements for the organization and holding of sessions.

Rule 19

During sessions, the secretariat shall assist WP.30 in complying with these Rules of Procedure.

Rule 20

The secretariat may, **at any meeting, make either submit** written or oral statements **concerning any question under consideration** ~~on any item considered.~~

Chapter VII

Conduct of business

Rule 21

Unless otherwise decided, WP.30 shall meet in private sessions.

Rule 22

The Chair shall announce the opening and the closing of each session, direct the discussion, ensure the application of these Rules of Procedure, give the floor to speakers, ~~put questions to the vote~~ and announce the decisions taken. The Chair may also call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chair may limit the time allowed to each speaker.

Rule 23

The Chair may decide, in consultation with the secretariat, to reduce the length of a session or to postpone it in the event of force majeure.

Rule 24

During the discussion of any matter a representative may raise a point of order. In this case the Chair shall immediately state his/her ruling. If it is challenged, the Chair shall put it to a vote immediately. The ruling shall stand unless opposed by the majority.

~~Rule 25~~

~~During the discussion of any matter a representative may request the adjournment of the debate. Any such motion shall have priority. In addition to the proposal of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.~~

~~Rule 26~~

~~A representative may at any time request the closure of the debate whether or not any other representative has signified his/her wish to speak. Two other representatives may be authorized to speak in order to oppose the closure.~~

~~Rule 27~~

~~The Chair shall take the sense of WP.30 on a motion for closure. If WP.30 is in favour of the closure, the Chair shall declare the debate closed.~~

~~Rule 28~~

~~Principal motions and resolutions shall be put to the vote in the order of their submission unless WP.30 decides otherwise.~~

~~Rule 29~~

~~When an amendment revises, adds to or deletes from a proposal the amendment shall be put to the vote first, and if it is adopted, the amended proposal shall then be put to the vote.~~

Rule 30

~~If two or more amendments are proposed, WP.30 shall vote first on the amendment furthest removed in substance from the original proposal, then, if necessary, on the amendment next furthest removed and so on, until all the amendments have been put to the vote.~~

Rule 31

~~WP.30 may, at the request of a representative, decide to put a motion or resolution to the vote in parts. If this is done, the text resulting from the series of votes shall be put to the vote as a whole.]~~

Rule 32

Every representative has the right to declare his or her position and may request that it be reflected, in a summarized form, in the report of the session.

Rule 33

At the end of each session, WP.30 shall adopt a report based on a draft prepared by the secretariat. **The draft report should be balanced and factual and based on the Working Party's deliberations.**

Chapter VIII

Voting

Rule 34

~~Full participants~~ **Each member of the Working Party** shall have one vote in WP.30.

Rule 35

Decisions of WP.30 shall ~~normally~~ be taken by consensus. In the absence of consensus **on procedural matters**, decisions shall be taken by a majority of the full participants present and voting. ~~Decisions regarding a legal instrument in force shall be taken only in the presence of at least one third of the Contracting Parties, and on condition that the number of affirmative votes is equal to at least one third of the full participants represented during the vote.~~

Rule 36

WP.30 shall normally vote by show of hands. If any representative requests a roll call, a roll call shall be taken in the English alphabetical order of the names of the full participants.

Rule 37

All elections shall be decided by secret ballot, unless, in the absence of any objection, WP.30 decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 38

If a vote is equally divided upon matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

Chapter IX

Languages

Rule 39

English, French and Russian are the working languages of WP.30. Statements made in one of these languages shall be interpreted into the other two languages.

Chapter X

Ad hoc groups

Rule 40

Between sessions, WP.30 may be assisted in carrying out its tasks by ad hoc groups. The creation and mandate of these groups shall be approved by the Inland Transport Committee and the Executive Committee of ECE.

The above rules of procedure shall apply, mutatis mutandis, to the conduct of any such group except for rules 3, 4, 9 to 11, 23 to 34. The following particular rules shall apply:

- (a) The provisional agenda shall be drawn up by the secretariat taking into account guidelines or the mandate given by WP.30 to the ad hoc group;
- (c) The provisional agenda and basic documents shall be distributed at least three weeks before the meeting;
- (f) Decisions of the ad hoc group shall be made on the basis of consensus. In the absence of consensus, the question shall be submitted to WP.30 for consideration;
- (g) The report of the meeting shall be prepared by ~~the secretariat~~ **the ad hoc group** and then submitted in all official languages of ECE for the endorsement of WP.30.

Chapter XI

Amendments

Rule 41

Any of these Rules of Procedure may be amended in accordance with Rule 35. However, any proposed amendment shall require the approval of the Inland Transport Committee and the endorsement of the Executive Committee of ECE.

Appendix

Legal instruments under the auspices of the Working Party on Customs Questions affecting Transport (WP.30)

- Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954
- Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, signed in New York on 4 June 1954
- Customs Convention on the Temporary Importation of Private Road Vehicles, signed in New York on 4 June 1954
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975
- Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, of 18 May 1956
- Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956
- International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952
- International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952
- Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958
- Customs Convention on Containers, of 18 May 1956
- Customs Convention on Containers, of 2 December 1972
- European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960
- International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982
- Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994
- Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006