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Report of the Working Party on Customs Questions affecting Transport on its 140th session

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I. Attendance

1. The Working Party (WP.30) held its 140th session from 9–12 June 2015 in Geneva. The session was attended by representatives of the following countries: Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Republic of Moldova, Netherlands, Poland, Russian Federation, Serbia, Slovakia, Spain, Sweden, Turkey, Ukraine, United States of America and Uzbekistan. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Economic Cooperation Organization (ECO), Eurasian Economic Union (EEU), Organization for Cooperation between Railways (OSJD), United Nations Conference on Trade and Development (UNCTAD). The following non-governmental organizations were represented: Alliance Internationale de Tourisme / Federation Internationale de l'Automobile (AIT/FIA), Bureau International des Containers et du Transport Intermodal (BIC), Union of Road Transport Associations in the Black Sea Economic Cooperation Region (BSEC-URTA), 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.30/279 and ECE/TRANS/WP.30/279/Add.1).

III. Opening statement

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) called upon the delegations to speed up the discussion of the various outstanding amendment proposals submitted by the Government of the Russian Federation. She congratulated the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) on finalizing its mandated tasks as well as all those customs authorities and national associations and IRU which, over the years, facilitated the meetings of GE.1 and contributed to the success of its work, in particular the eTIR Reference Model. She further informed the Working Party that The Inland Transport Committee (ITC) and the UNECE Executive Commission (EXCOM) had endorsed the establishment of the Group of Experts on Legal Aspects of Computerization of the TIR Procedure (GE.3), which will start developing the legal framework for the incorporation of eTIR in the TIR Convention. She further informed the Working Party that the seventy-eighth session of ITC would be held from 23–25 February 2016 and that delegations interested in organizing an exhibition at that occasion were invited to contact the secretariat. She announced that China had taken the final steps towards accession and that Pakistan had also finalized its internal accession process.

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 was informed about the outcome of the seventy-seventh session of ITC, which took place from 24–26 February 2015, in particular about those decisions that relate to the activities of the Working Party (For the full report of the session, reference is made to document ECE/TRANS/248). The Working Party further took note that the

sixty-sixth session of the Commission of UNECE took place from 14–16 April 2015. In the framework of the session, UNECE, in partnership with the International Road Transport Union (IRU), had organized a photo-exhibition with the title “50 years of TIR along the Silk Road, 1966–2014” which was met with great interest by participants.

V. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 3)

A. Status of the Convention

5. The Working Party took note that no changes in the status of the Convention and the number of Contracting Parties had 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.¹

B. Revision of the Convention

1. Amendment proposals to the Convention

6. The Working Party continued its discussions of the various outstanding proposals on the basis of documents ECE/TRANS/WP.30/2014/17, ECE/TRANS/WP.30/AC.2/2014/14 against the background of documents, ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/2015/8, ECE/TRANS/WP.30/2015/9, ECE/TRANS/WP.30/2015/10, ECE/TRANS/WP.30/2015/15 and ECE/TRANS/WP.30/2015/16. For the sake of consistency, the Working Party decided to address the proposals in the order mentioned in the draft agenda of the session:

(a) The Working Party was informed that the Administrative Committee (AC.2), at its sixtieth session (February 2015), had mandated TIR Executive Board (TIRExB) to include the proposal to amend Annex 9, Part I, paragraph 3(ii) as well as Article 8, paragraph 1 in its discussions on the introduction of various guarantee levels or the use of additional guarantees (see ECE/TRANS/WP.30/AC.2/123, para. 24). The Working Party further took note that discussions were currently ongoing and that TIRExB would report to AC.2 at its October 2015 session. The Working Party decided to postpone further deliberations on the issues at stake until the findings of TIRExB were known.

(b) The Working Party considered feedback from Contracting Parties on introducing further flexibility in the TIR Convention as contained in document ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1 and ECE/TRANS/WP.30/2015/15. The Working Party welcomed the comments provided by Contracting Parties as constituting a contribution to the ongoing discussions, but expressed concern that only a limited number had done so, encouraging Contracting Parties to become more actively involved in its activities for the future.

(c) The Working Party, recalling that the proposal to amend Annex 8, Article 1 bis was closely linked to the discussions on the provisions (o), (p) and (q) which would be

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

conducted under a separate agenda item 3 (b) (iii), decided not to pursue discussions under this agenda item.

(d) The Working Party considered the proposal to amend Article 1, paragraph (q), lines 1–2 on the basis of documents ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/2015/8 and ECE/TRANS/WP.30/2015/15. Several delegations stressed that, due to requirements of national or international legislation, it would be necessary to maintain the term “customs authorities” in the provision under discussion. At the same time, however, they acknowledged the necessity to sufficiently broaden the provision in order to accommodate legal requirements of other Contracting Parties. As such, the Working Party decided to transmit to the Administrative Committee for final decision, the amendment proposal as follows:

“The term “guaranteeing association” shall mean an association authorized by the customs authorities or other competent authorities of a Contracting Party, to act as guarantor for persons using the TIR procedure”

(e) The Working Party considered document ECE/TRANS/WP.30/2015/9, containing an assessment by the secretariat on the use of the terms “approved” and “authorized” throughout the text of the Convention. While some delegations questioned the urgency of discussing amendment proposals of a linguistic or procedural nature, the Working Party provisionally agreed that the proposal to replace the term “approved” in Article 3 (b) and Article 6, paragraph 2, for the sake of creating consistency in terminology applied throughout the Convention, merits closer examination and requested the secretariat to prepare a new document with concrete proposals to this effect for consideration at the next session.

(f) The Working Party recalled that, at its previous session, it had considered that a further review of the proposal to amend Annex 9, Part I, Article 3 (vii), line 2 was warranted before reaching a decision. Delegations had been invited to send their proposals to the secretariat on terms to be defined in Article 1 of the Convention, before 1 April 2015. The secretariat had consolidated, inter alia, these proposals in document ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, point (c) (iii), paras. 34–38. The Working Party noted that Belarus and Turkey seemed to be in favour of replacing the wording “administration of the TIR procedure” by “application of the Convention,” whereas, in particular, the EU wished to obtain more information. In document ECE/TRANS/WP.30/2015/15, the Government of Ukraine pointed to differences between the current and the proposed wording, viz.: whereas “administration of the TIR procedure” points at tasks limited to the area of administration and the conduct of the TIR procedure to be performed by an authorized association, “the application of the Convention” refers to all aspects of the Convention, including, but not limited to, the institutional aspects, which, by nature, fall under the sole sovereignty and responsibility of governments. Unable to fully comprehend the scope of the Russian Federation proposals, the Working Party invited the delegation of the Russian Federation to provide further written clarifications. In the absence thereof, the Working Party decided that it would not further discuss this proposal.

(g) The Working Party recalled that, at its previous session, it had agreed in principle with the proposal to amend Annex 9, Part I, paragraph 5, first sentence, subject to a modified formulation, to be prepared by the secretariat for the current session and contained in document ECE/TRANS/WP.30/2015/10. The Working Party considered the document and several delegations were of the opinion that, at a second glance, there was limited added value to supporting either the original amendment proposal or the modified wording by the secretariat. However, the Russian Federation was of the view that this proposal should be further considered and requested the issue to be considered by TIRExB.

Pursuant to this request, the Working Party agreed to transmit to AC.2 the recommendation to consider providing a mandate to TIRExB to examine this proposal, if deemed necessary. Consequently, the Working Party decided that it would not further discuss this proposal at future sessions.

(h) The Working Party reverted to its discussions on the proposal to amend Annex 9, Part I, para. 7, line 2, replacing “Contracting Parties” by “Contracting Party”. The Working Party considered that such amendment was of a purely editorial nature, as it would not make any change to the meaning or scope of the current text of paragraph 7. To achieve full editorial alignment of the text of the TIR Convention in the three languages, Contracting Parties were invited to submit proposals for editorial amendments to the secretariat, not later than by 15 July 2015, for separate consideration by the Working Party at its next session.

(j) The Working Party reverted to the proposal to amend Annex 8, Article 9, expanding the membership in the TIR Executive Board and changing the principles of the formation of the Board in order to give a more prevalent position to Contracting Parties, which actively implement the Convention. From the comments in ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1 and ECE/TRANS/WP.30/2015/15, the Working Party concluded that, whereas some countries supported such a proposal, others did not see the need to do so. Considering that the issue was also under discussion of the informal group which would report to AC.2, the Working Party decided not to further discuss this issue, unless any concrete proposal emanating from the activities of the informal group or a Contracting Party, would be submitted to it for consideration.

(k) The Working Party reverting to the outstanding proposals, contained in ECE/TRANS/WP.30/2015/2, established that, apart from those already discussed under other agenda headings, the following two proposals remained to be discussed:

(i) proposal to amend Article 2 of the Convention on the application of the Convention in a customs union with a single customs territory. Considering that this issue was also on the agenda of AC.2, the Working Party decided not to pursue this matter.

(ii) proposal to amend Article 18, increasing the number of loading and unloading places from four to eight. As diverging opinions on this issue continued to exist, the Working Party, in an effort to find a workable compromise, requested IRU to submit a document for consideration at the next session, providing its risk assessment of the increase in the number of places of loading and unloading from four to eight, together with the position of the international guarantee chain. In addition, Contracting Parties were invited to submit their views on the matter to the secretariat, not later than 15 July 2015, for consideration at the next session of the Working Party.

7. Finally, the Working Party established that the proposal by the Government of Ukraine to amend Article 6 with a new paragraph ter remained outstanding (ECE/TRANS/WP.30/2015/15) and decided to revert to it at its next session.

8. The Working Party requested to submit the accepted proposals under (d) to the Administrative Committee for further consideration and, possibly, adoption. The Working Party also decided to continue discussing proposals under (e) and (k) (ii), at its next session and decided not to further pursue issues under (c), (f), (g), (j) and (k) (i). The Working Party decided to discuss item (h) in combination with other proposals of an editorial nature.

2. Preparation of Phase III of the TIR revision process

9. The Working Party considered and supported document ECE/TRANS/WP.30/2011/4/Rev.1, containing version 4.1 of the eTIR Reference Model, as a basis for future work of GE.3 as well as for pilot projects. The Working Party recalled that the eTIR Reference Model is not “carved in stone”. Some Contracting Parties indicated they are still analysing the technical details of the document. The Working Party thanked the United Nations Office at Geneva (UNOG) documentation services for having provided a translation into French and Russian of such technically complex and extensive document. The Working Party also took note of the comments provided by various countries, as reproduced in Informal document WP.30 (2015) No. 10 and agreed that the eTIR Reference Model might require further improvements, in particular, as a follow-up to pilot projects and the outcome of the work of the legal Expert Group.

10. The Working Party endorsed document ECE/TRANS/WP.30/2015/4, containing an overview of the activities of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) and, in particular, the recommendations of GE.1. It requested the secretariat to reflect some of those recommendations in the Work Plan and the Programme of Work of the Working Party (see also agenda-item 4bis) The Working Party thanked all those who had, over the years, participated in the work of GE.1 for their dedication and tenacity to bring the mandated tasks to a good end. For the future, the Working Party requested the secretariat to reconvene GE.1 whenever issues related to maintaining or amending the eTIR Reference Model would so require.

11. The Working Party was informed about:

(a) progress in developing the Terms of Reference (ToR) of the eTIR Pilot Project between Italy and Turkey which has yet to be signed, although both countries have agreed to continue the project;

(b) progress with the UNECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey, in particular, the signature on 24 March 2015 of a Memorandum of Understanding between UNECE and IRU² as well as the efforts by all parties to finalize the Terms of Reference for the project and develop the necessary technical infrastructure;

(c) progress in implementing 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”, in particular the Customs-to-Customs data exchange workshop organized in Tbilisi (Georgia) on 22–23 June 2015³.

12. The Working Party also took note of the readiness of Ukraine to take part in future pilot projects.

13. The Working Party took note that, at its seventy-seventh session, ITC had approved the establishment of GE.3, whose main task would be to provide a specialized and dedicated international platform with the objective of developing the eTIR legal framework (See Informal document ITC (2015) No. 14, decision 61). Finally, the Executive Committee of UNECE had endorsed the establishment of GE.3 at its seventy-sixth session (31 March 2015). A first session of GE.3 will be convened on 16–17 November 2015. Further to its ToR, the Working Party mandated UNECE to provide secretariat services for

² http://www.unece.org/fileadmin/DAM/MOU/60_MoU_between_UNECE_and_IRU_International_Road_Transport_Union_24-03-2015.pdf

³ http://www.unece.org/trans/themes/unda_customs-to-customs.html

the activities of GE.3 within its existing staff capacity and requested that the translation of required documents for and simultaneous interpretation of sessions into English, French and Russian be ensured by the secretariat with the support of the services provided by UNOG. The Working Party took note that the secretariat had amended the ToR of GE.3 accordingly (ECE/TRANS/WP.30/2014/14/Corr.1)

14. In the context of the discussion on the eTIR Reference Model and the establishment of GE.3, the Working Party noted the importance of maintaining synergies and cooperation between the technical and the legal work, and placed particular emphasis on the issue of the cross-border verification of the identity of the sender of eTIR electronic messages (such as, but not limited to, electronic signatures). The delegation of Ukraine reminded the Working Party of a survey that had taken place in 2007 and recommended that such a survey be undertaken again. The secretariat informed the Working Party that the eTIR Reference Model currently proposes a solution based on the results of that survey, and that it would be prudent that GE.3 first assesses the legal feasibility of this solution before a new survey be conducted. The Working Party, thus, requested that GE.3 includes this task in its work plan that will be adopted at its first session on 16–17 November 2015.

3. Amendment proposals to the Convention: Audit requirements for an authorized international organization

15. The Working Party recalled that, at its previous session, it had requested the secretariat to prepare a document, together with the IRU, a document on relevant aspects of an auditing procedure by a United Nations competent body or, in particular, persons duly authorized by the United Nations or other competent bodies (such as TIRExB or AC.2) to carry out inspections and audits of records and accounts relevant to the TIR Convention, of an authorized international organization (See ECE/TRANS/WP.30/278, paras. 21–22). The Working Party took note of document ECE/TRANS/WP.30/2015/11 and, in particular, the proposals in paras. 25–26 to amend Annex 8, Article 1 bis with new paragraphs 4 and 5 and Annex 9, Part III, paragraph 2 with new items (o), (p) and (q). Further to substantial discussions, the Working Party requested the secretariat to revise the document based on the comments received from Contracting Parties (see Annex I) and decided to revisit this issue again at its next session.

C. Application of the Convention

1. New developments in the application of the Convention

16. The Working Party recalled its extensive discussions, at previous sessions, on the measures introduced by national competent 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, ECE/TRANS/WP.30/274, paras. 26–30, ECE/TRANS/WP.30/276, paras. 13–19, ECE/TRANS/WP.30/278, paras. 23–27).

17. The representative of the Federal Customs Service of the Russian Federation (FCS) informed the Working Party that measures are undertaken to ensure the implementation of the TIR Convention on the territory of the Russian Federation, including the uninterrupted functioning of the current agreement between FCS and the Association of International Road Carriers (ASMAP) of the Russian Federation. He also informed the Working Party that negotiations to conclude a new agreement, which will include provisions of increased liabilities for the national association in order to reduce risks for the interests of the Russian Federation, are ongoing. In the meantime, the application of the Convention remains ensured on the basis of the existing guarantee agreement. Against this background, he stressed again the importance of continuing to discuss the proposals of the Russian

Federation to better address the aspects of the TIR Convention, which are aimed at reducing financial and other risks.

18. The Working Party took note of the information from Ukraine that, at present, at the Ukrainian-Russian border there were no border crossing posts where Russian customs accept TIR Carnets. In addition, until the day of the meeting, the list of the border crossing posts had not been published. In the view of Ukraine this constituted a violation of Article 45 of the Convention.

19. The representative of the Russian Federation stressed that the uninterrupted functioning application of the TIR Convention was ensured and that, at present, the Ukrainian side continued to apply discriminatory measures against Russian carriers and did not accept their TIR Carnets, which was in violation of the TIR Convention.

20. The delegation of Ukraine informed the Working Party that, as soon as the Russian Federation lifts its discriminatory measures, Ukraine would immediately withdraw its measures.

21. The representative of the EU expressed thanks for the information that FCS would continue its current agreement with ASMAP of the Russian Federation until the conclusion of a new agreement. He briefly stated that the EU and the competent UNECE TIR bodies viewed the Russian measures as not being in line with the TIR Convention. He requested FCS to keep the competent TIR bodies informed of any progress made on this issue. Finally, he expressed the trust that the Russian Federation recognizes the efforts undertaken by the EU in the Working Party to constructively and speedily consider the various proposals made by the Russian Federation.

22. The representative of Kazakhstan informed the Working Party that Kazakh carriers had faced problems entering the territory of the Russian Federation with a TIR Carnet. On 29 May 2015, members of the Eurasian Intergovernmental Council had signed an order which, inter alia, stipulated that the member States of the EEU should ensure uninterrupted application of the TIR Convention on the territory of the EEU and that the order would enter into force ten days after the date of its official publication.

23. In addition to this information, the representative of the Russian Federation informed the Working Party that the order also stipulated that member States should closely cooperate to promote the proposals by the Russian Federation to amend the provisions of the TIR Convention for the sake of improving customs transit procedures and reducing damages for States, incurred by infringements against customs legislation. In this context, however, he proposed that the Working Party should exercise caution when quoting the text of this, or any other order, in isolation, as all decisions taken in the field of the application of the TIR Convention were of a complex nature and involved a number of interconnected measures and should, therefore, be read and understood as a package of decisions.

24. In reply to a request from IRU to obtain more information on the actual risks and concerns regarding the financial liabilities of the national guaranteeing association, the representative of the Russian Federation was of the opinion that this was an internal matter of the Russian Federation and applies to the relationship between FCS and ASMAP, but that IRU could contact FCS for more details.

2. TIR-related electronic data interchange systems

25. 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 (Informal document WP.30 (2015) No. 9). The representative of Uzbekistan informed the Working Party that the customs administration of his country is successfully using the IRU Real Time SafeTIR (RTS) and the IRU TIR Electronic Pre-Declaration

(EPD) system since 2012 and that, on 1 April 2015, a new electronic tool had been implemented for the collection of TIR termination data on the territory of Uzbekistan.

3. Settlement of claims for payments

26. 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 (Informal document WP.30 (2015) No. 8). Further to requests from the Russian Federation on the presentation of the figures, IRU was invited to study whether it would be possible to improve the statistics so that it would be possible for the Working Party to better draw conclusions from them. IRU accepted to look into this matter and agreed to make all efforts to improve the presentation and understanding of the statistics.

VI. Terms of Reference and Rules of Procedure of the Working Party (agenda item 4)

27. The Working Party continued discussions of document ECE/TRANS/WP.30/2015/7, containing draft Terms of Reference (ToR) and Rules of Procedure (RoP). The Working Party was informed that ITC, in its discussions on the status of participation of non-ECE countries that are Contracting Parties to conventions and agreements administered by ITC subsidiary bodies in the various Working Parties, had decided that working parties should, within the applicable framework of rules and procedures, opt for tailor-made solutions that should increase the capacity of all United Nations member States to accede to and implement transport conventions. ITC also requested to be informed of progress in this area in 2017 or 2018. The Working Party took note of this information and was of the view that the ‘hybrid’ solution fully reflected ongoing practice and is also in line with the UNECE rules and procedures. Recalling its previous discussions on the issue, the Working Party endorsed its ToR and RoP as contained in document ECE/TRANS/WP.30/2015/7, while noting that the RoP could be revisited and amended at a later stage should the need arise. In this context, particular reference was made to, possibly, including instructions to ensure the timely ending of meetings. Finally, the Working Party requested the secretariat to forward the ToR and RoP to ITC for information, as well as to post them on the transport and border crossing facilitation websites.

VII. Work Plan 2016–2020 and Programme of Work and Biennial Evaluation 2016–2017 for the Working Party (agenda item 4bis)

28. In accordance with the decision of the ITC to review its programme of work every two years, the next review being in 2016 (ECE/TRANS/200, para. 120), the Working Party examined its draft Work Plan for 2016–2020 and, in particular, the continued relevance of priorities assigned to individual work elements and the expected outputs identified for this period, as contained in document ECE/TRANS/WP.30/2015/13. The Working Party adopted the Work Plan for 2016–2020, subject to the following changes (a) to point 3: for Draft a set of legal provisions to address computerization of the TIR procedure (eTIR Project), maintain the eTIR Reference Model and identify possible funding mechanisms read Draft a set of legal provisions to address computerization of the TIR procedure (eTIR Project), consider attributing legal status to the eTIR Reference Model, host the eTIR international system under the auspices of the United Nations while making use, to the

extent possible, of off the shelf solutions for its establishment, maintain and regularly update the eTIR Reference Model and identify possible funding mechanisms for the eTIR Project; (b) to point 6, third line: *between* ‘at’ and ‘introducing’ *insert* ,inter alia, transparency.

29. In accordance with the above-mentioned decision of the ITC to review its programme of work every two years, the Working Party also reviewed and adopted its programme of work for 2016–2017 as well as the relevant parameters allowing for its biennial evaluation, as contained in document ECE/TRANS/WP.30/2015/14, subject to the following change to the expected accomplishments from cluster 7: for Draft a set of legal provisions to address computerization of the TIR procedure (eTIR Project), maintain the eTIR Reference Model and identify possible funding mechanisms read Draft a set of legal provisions to address computerization of the TIR procedure (eTIR Project), consider attributing legal status to the eTIR Reference Model, host the eTIR international system under the auspices of the United Nations while making use, to the extent possible, of off the shelf solutions for its establishment, maintain and regularly update the eTIR Reference Model and identify possible funding mechanisms for the eTIR Project.

30. The representative of the Russian Federation requested the secretariat to review the Russian wording of both documents for linguistic inaccuracies.

31. Under this agenda item, the delegations of the Russian Federation and Ukraine Party pointed out that some documents of the February session were not yet available in all working languages on the UNECE website. The Working Party requested the secretariat to ensure that translated documents be posted on the UNECE Border Crossing Facilitation website as soon as available and to facilitate, to the extent possible, that the UNOG documentation services distributes documents in the three working languages sufficiently in advance of each session for delegations to take them into due consideration. Furthermore, the secretariat was requested to regularly check the status of documents on the UNECE website and, in case documents remain untranslated, request their urgent translation.

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

A. Status of the Convention

32. The Working Party was informed that no changes in the status of neither the Convention nor the number of Contracting Parties had taken place.

B. Annex 8 on road transport

33. The Working Party recalled that (as mandated by the Administrative Committee of the Harmonization Convention, 1982 (AC.3) at its tenth session (ECE/TRANS/WP.30/AC.3/20, para. 21)) the secretariat, between November 2014 and January 2015, had conducted a biennial survey on the national application of Annex 8 of the Convention. The replies to this survey are summarized in document ECE/TRANS/WP.30/2015/12. The results of the survey demonstrate that all surveyed countries either implemented or are actively working on implementation of the provisions of Annex 8.

34. The Working Party took note that, in total, the secretariat had received replies from the following seventeen countries: Bulgaria, Denmark, Germany, Greece, Hungary, Latvia,

Lithuania, Netherlands, Poland, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. Most replies had been prepared by national customs administrations, whereas some replies had been prepared by the Ministries of Transport.

35. The replies show good results in such areas as (a) the official publication of Annex 8 in countries, (b) granting visas to professional drivers, (c) information exchange on visa issues, (d) informing parties involved in international transport, (e) facilitating controls of urgent consignments, etc. The majority of respondents have introduced various infrastructure arrangements (facilities for joint controls, separation of traffic, appropriate parking, etc.) at border crossing points to accelerate international goods traffic.

36. At the same time (as reported by countries) rather few control procedures have been transferred to the places of departure and destination and further work into this direction is desirable. Insufficient progress can also be noted regarding the acceptance of the International Technical Inspection Certificate and the International Vehicle Weight Certificate (IVWC).

37. The representative of BSEC-URTA informed the Working Party about the project on the IVWC in the BSEC region, in particular that a first IVWC had been issued in Moldova and, thereafter, accepted by Ukraine and Georgia, in September 2014. He requested the assistance of the UNECE secretariat to clarify the acceptance of the IVWC by those countries that had responded to the UNECE survey on Annex 8 that they did accept IVWCs.

39. The Working Part thanked the participants in the survey and requested delegations to use the results of the survey as a means to identify areas on a national level where further progress is desirable.

C. Annex 9 on rail border crossing

40. The Working Party recalled that the Working Party on Rail Transport (SC.2) and the secretariat had organized a survey in 2013-2014 on the national applications of Annex 9 (ECE/TRANS/SC.2/2013/6) that was presented to the Working Party at its February 2015 session. Twenty-seven countries had replied to the survey and the replies show that all surveyed countries either implement or are working on implementing the provisions of Annex 9. The Working Party took note that SC.2 is currently working on an action plan to follow-up on the results of the survey (further information on the action plan will be presented at the October 2015 session of the Working Party). The representative of OSJD informed the Working Party that his organization is also working with the results of the above survey.

D. Border performance measurement and the Harmonization Convention

41. The Working Party recalled that at its tenth session (October 2014) AC.3, had decided to organize in 2015, a workshop on best practice and performance measurement of national border authorities (ECE/TRANS/WP.30/AC.3/20, para. 31). The Working Party also recalled that, at its February 2015 session, a number of delegations (EU, Belarus, Russian Federation and Ukraine) had expressed their interest in such an event and their willingness to contribute to it. The Working Party took note that the secretariat, in collaboration with interested delegations, is currently working on a possible format for such an event and is considering (as it was proposed) involving other working parties under the transport programme.

42. The Working Party recalled that further to a recommendation from AC.3 at its tenth session, the secretariat had initiated consultations with stakeholders regarding proposals to

elaborate a new Annex 10 to the Harmonization Convention on border crossing procedures at seaports. A number of business associations and national experts had noted that such an Annex would contribute to improving cooperation of border control agencies among themselves and with private operators at sea ports. The Ukrainian delegate noted that their experts and companies are ready to take part in this project.

43. The Working Party requested the secretariat to proceed with elaborating a first draft of Annex 10 and with the preparations for a workshop on border performance management.

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

44. The representative of OSJD informed the Working Party that the informal group of experts established to elaborate a draft of a new Convention had met in Warsaw on 27–28 April 2015. The UNECE secretariat also participated in the meeting. The Working Party asked OSJD to submit a first conceptual draft of the new Convention to the secretariat by 20 August 2015, so that the Working Party could consider it at its October 2015 session.

45. The delegate from the Russian Federation proposed that the draft of the new Convention should be submitted to the seventy-eight session of the ITC (February 2016). Further to questions about the nature and the scope of the new Convention, the representative of OSJD explained that the new Convention is not exclusively a customs convention but a comprehensive legal instrument that should accommodate all types of border controls related to the international movement of passengers and their baggage, which can be made by border control agencies, including border police.

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

46. The Working Party was informed about the status of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles and welcomed a short presentation by the International Touring Alliance and the International Automobile Federation (AIT/FIA) on the number of Carnets de Passage en Douane (CDP) issued globally. In particular, the Working Party took note newly introduced security features of the CPD.

47. The Working Party was also informed that, at its seventy-seventh session, ITC had “requested the secretariat to ensure the translation of the Customs Convention on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956), subject to availability of resources, in the Arabic language in order to further promote the accession to and implementation of the Convention” (See Informal document ITC (2015) No. 14, Decision 63) and that the secretariat had transmitted the text of both conventions to the competent UNOG services for translation. The Working Party was also informed that, further to the entry into force of an amendment to Annex 1 of the 1954 Convention on 1 April 2015, the consolidated versions of the English and French text were available on the UNECE Border Crossing Facilitation website.

XI. Activities of other organizations and countries of interest to the Working Party (agenda item 8)

48. The Working Party took 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

49. The Working Party was informed about recent developments in the European Union (EU) related to the activities of the Working Party. In particular, the Working Party was informed about the timeline for the implementation of the Union Customs Code (UCC) and its implementing and delegating acts and about the preparation of additional legislation necessary for a transitional period until the underlying Information Technology systems are in place. Furthermore, Working Party was informed about the extension of the Common Transit Convention with the former Yugoslav Republic of Macedonia per 1 July 2015 and, possibly, Serbia, at a later point in time this year.

B. Economic Cooperation Organization

50. The Working Party was informed about relevant activities and ongoing projects carried out by the Economic Cooperation Organization (ECO). In particular, the Working Party took note of progress in the ECO–Islamic Development Bank (IDB) joint project to implement the Transit Transport Framework Agreement (TTFA) and the launch of a study on customs-related provisions. In the field of capacity building, ECO will organize two national workshops, dealing with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the Convention on the Contract for the International Carriage of Goods by Road (CMR) and the TIR Convention, on 23-26 August 2015. Furthermore, the Government of Turkey will host a workshop on ADR, the digital tachograph and the modernization of border crossing points, on 10–12 November 2015. UNECE and IRU were kindly invited to contribute to these events. The representative of ECO further presented the recently approved ECO Railway Map. Finally, she announced the upcoming start of a field study on two road corridors: (1) between Islamabad-Tehran-Istanbul and (2) between Kyrgyzstan-Tajikistan-Afghanistan-Iran (Islamic Republic of).

C. Eurasian Economic Union

51. The Working Party was informed about further progress in relevant activities and projects carried out by the EEU. The Working Party took note that, on 1 January 2015, the Agreement on the EEU had entered into force and that, on 2 January 2015, it had also entered into force in the Republic of Armenia. On 8 May 2015, a document on the accession of the Kyrgyz Republic to the Agreement on the Eurasian Economic Union was signed. That same day, the Supreme Eurasian Economic Council (at the level of heads of states), had also adopted a decision on the development of a “Single Window” mechanism, which would be introduced over a period of six years, from 2015 to 2020.

52. The Working Party further took note that, on 29 May 2015, the Eurasian Intergovernmental Council had adopted Order No. 12 on the conditions of uninterrupted transit using the TIR Convention on the territory of the EEU. The order stipulated that (1) the governments of the member States of the EEU ensure the uninterrupted functioning of the TIR Convention on the territory of the Union and (2) the establishment of close

cooperation and collaboration among the member States of the Union to promote the Russian package of amendment proposals in the TIR governing bodies. That same day, the Council had also adopted Order No. 13 on the improvement of a single transit system and a common guarantee mechanism for customs transit within its territory.

D. World Customs Organization

53. Due to the absence of the World Customs Organization (WCO) at the session, no information was provided under this agenda item.

E. Bureau International des Containers et du Transport Intermodal

54. The Working Party took note of a presentation by the Bureau International des Containers et du Transport Intermodal (BIC) and, in particular, about the BIC Code Registry, which allows for the instant identification of the owner of any container and is available for customs administrations, and the global Approved Continuous Examination Program (ACEP) database, hosted by BIC.

XII. Other business (agenda item 9)

A. Dates of the next sessions

55. The Working Party decided to conduct its 141st session from 6 to 9 October 2015.

B. Restriction on the distribution of documents

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

XIII. Adoption of the report (agenda item 10)

57. In accordance with established practice, the Working Party adopted the report of its 140th session on the basis of a draft prepared by the secretariat.

Annex

Audit requirements for an authorized international organization

Current practice

- The authorized international organization (at present IRU) is annually audited by an independent external auditor;
- The annually consolidated audited accounts are made available for AC.2 and the TIR Contracting Parties, in compliance with the provisions of Annex 9, Part III;
- The costs of the yearly audits are covered by IRU.

Considerations for the future

- AC.2 should have the power to provide concrete guidance and ask for further examinations from the independent external auditor, focused on TIR related activities;
- AC.2 should receive the annual audited financial statements and audit report from the authorized international organization as well as any other additional report on the extra examinations requested by AC.2 (see first bullet point);
- AC.2 will be informed annually by the secretariat about all documents submitted by IRU in the framework of Annex 9, Part III, including the audited financial statements and reports of the auditors;
- AC.2 will examine the submitted documents in detail;
- In case the examination of all submitted documents results in any problem or doubt with regard to any particular aspect of the audit or, AC.2 shall at least, once every three years, request that specific additional audits be carried out by the competent United Nations bodies or an independent audit company (costs of such additional audit should be covered by [to be determined by the Working Party]);
- Audits of national guaranteeing associations should be regulated in the agreement between the Contracting Party and a national guaranteeing association, pursuant to the provisions of Annex 9, Part I;
- The Russian Federation intends to introduce amendment proposals to include mandatory annual audits for national associations by an independent auditor in Annex 9, Part I.
