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Report of the Working Party on Customs Questions affecting Transport on its 142nd session

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I. Attendance

1. The Working Party (WP.30) held its 142nd session from 9–12 February 2016 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Serbia, Spain, Sweden, the former Yugoslav Republic of Macedonia, 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), Organization for Cooperation between Railways (OSJD) and World Customs Organization (WCO). The following non-governmental organizations were represented: Federal Passenger Company - Russian Railways, the International Road Transport Union (IRU), JSC Plaske.

II. Adoption of the agenda (agenda item 1)

2. WP.30 adopted the provisional agenda, prepared by the secretariat (ECE/TRANS/WP.30/283).

III. Opening statement

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Sustainable Transport Division, pointed out the outstanding proposals submitted by the Russian Federation and expressed trust that the Working Party would find sufficient compromise agreement on them so that they could be transferred to the TIR Administrative Committee (AC.2) for further consideration. She referred to progress in the eTIR Pilot Project between Iran (Islamic Republic of) and Turkey, where the first pilot projects were conducted successfully. This was a major achievement, but many further steps would still be needed to establish a fully fledged computerized TIR system. She, thus, looked forward to hearing about the results of the first meeting of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) and encouraged the Working Party to support its activities, as the outcome of the GE.2 activities would constitute a crucial stepping stone towards implementing eTIR. Furthermore, she pointed out the latest proposals to improve the competences of AC.2, on the one hand, and the requirements of IRU, on the other hand, when it comes to auditing the authorized international organization. She expressed the hope that the Working Party could reach agreement on these proposals at the present session, as they formed an important step in increasing transparency in the TIR system.

4. She expressed her satisfaction with the latest developments in the application of the TIR Convention on the territory of the Russian Federation: the announcement of forty-five border crossing points appointed to again serve for the purpose of TIR transports. At the same time, she expressed caution, as not all indicated border posts seemed well equipped for this task whereas other, main border points were still missing, also because of a lack of international consultation.

5. She asked for attention on the activities undertaken by the secretariat in promoting the TIR and Harmonization Conventions as precursors and supporters of the implementation of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA). She counted on the support of the Working Party so that the secretariat could

continue to increase the awareness of stakeholders on the relevance of both Conventions in this area, which, more often than not, seemed to be overlooked.¹

6. Finally, she invited all participants to attend the forthcoming session of the Inland Transport Committee (ITC) (23 to 26 February 2016).

IV. Election of officers (agenda item 2)

7. In accordance with the Commission's rules of procedure and established practice, the Working Party elected Ms. Helen Metaxa-Mariatou (Greece) as Chair and Ms. Elisaveta Takova (Bulgaria) as Vice-Chair for its sessions in 2016.

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

8. The Working Party was informed about activities of ITC, its Bureau, subsidiary bodies and other United Nations organizations on matters of interest to the Working Party. In particular, the Working Party took note that the seventy–eighth session of ITC would be from 23 to 26 February 2016 and that the policy oriented segment would be dedicated to “Innovations for Sustainable Inland Transport with Special Attention to Information and Communication Technologies”. As part of the session, the sixth meeting of the Chairs of subsidiary bodies (government delegates' only) would also be convened, to deal with the positioning of ITC in the fast-changing global environment.

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

9. The Working Party was informed about changes in the status of the Convention and the number of Contracting Parties. In particular, the Working Party took note that, on 21 January 2016, the Convention had entered into force for Pakistan (see also depositary notification C.N.420.2015.TREATIES-XIA.16, of 23 July 2015). Thus, the TIR Convention has, to date, 69 Contracting Parties (including the European Union) and is operational in 58 countries. More detailed information on these issues as well as on various depositary notifications is available on the TIR website.²

¹ More information, please visit the UNECE Border Crossing Facilitation website at: www.unece.org/trans/resources/publications/border-crossing-facilitations/2016/the-united-nations-transport-conventions-on-border-crossing-facilitations-benefits-for-governments/doc.html

² www.unece.org/tir/tir-depositary_notification.html

B. Revision of the Convention

1. Amendment proposals to the Convention

Documentation: ECE/TRANS/WP.30/2015/17/Rev.1, ECE/TRANS/WP.30/2015/19/Rev.1, ECE/TRANS/WP.30/2016/1, ECE/TRANS/WP.30/2016/2

10. The Working Party recalled that at its previous session it had decided to reconsider at the current session:

- Proposals of an editorial nature;
- Proposals to amend Article 18;
- Proposals to amend Annex 9, Part I, paragraph 7, line 2.

11. The Working Party considered document ECE/TRANS/WP.30/2015/17/Rev.1 on proposals of an editorial nature, in which the secretariat enumerated in extenso all types of inconsistencies in the text of the TIR Convention, highlighting those situations, where, in the view of the secretariat, a change in wording seemed warranted. The Working Party also considered document ECE/TRANS/WP.30/2016/1, containing comments and views from Belarus, Iran (Islamic Republic of) and Switzerland on some proposals.

12. After extensive discussions, the Working Party decided to adopt the following proposals:

(a) Align Article 6, paragraph 1, Explanatory Note 0.6.2. and Annex 9, Part I, paragraph 1 with the already adopted wording of Article 1 (q): *for* customs authorities *read* customs authorities or other competent authorities (see ECE/TRANS/WP.30/AC.2/127, para. 32);

(b) To systematically *replace* “approved” by “authorized” throughout the text of the Convention.

13. The Working Party requested the secretariat to prepare a consolidated document with the adopted amendments for final review at its next session.

14. The Working Party decided to revisit at its next session:

(a) Article 8, paragraph 3 and Explanatory Note 0.8.3: proposal to replace the words “shall determine” by “shall be entitled to determine” in Article 8, para. 3 (see ECE/TRANS/WP.30/AC.2/2014/14, under point 3) as well as a full review of the text of Explanatory Note 0.8.3, in particular against the background of the increase by IRU per 1 July 2016 of the guarantee amount per TIR Carnet to 100,000 €;

(b) Article 14, paragraph 1 and Article 15, paragraph 2; review the use of the term “Contracting Party” (see ECE/TRANS/WP.30/2015/17/Rev. 1, points 22 and 23);

(c) Article 20: proposal to replace “country” by “Contracting Party” (oral EU proposal at 142nd session of the Working Party);

(d) Article 22, paragraphs 1 and 2; review the use of the term “Contracting Party”;

(e) Annex 9, Part I, paragraph 7: proposal to replace “Contracting Parties” by “each Contracting Party (oral proposal by the Russian Federation at the 142nd session of the Working Party);

(f) Various proposals to replace “conditions and requirements” by “minimum conditions and requirements” (see ECE/TRANS/WP.30/2015/17/Rev.1, Part C).

15. To this end, the Working Party requested the secretariat to prepare a document outlining proposals under paragraph 14 (a) and to prepare a consolidated document with the outstanding proposals under (b)–(f) of paragraph 14 for consideration at its next session.

16. Finally, the Working Party took note of all other amendment proposals of an editorial nature as contained in document ECE/TRANS/WP.30/2015/17/Rev.1 and decided not to continue considerations, without excluding the possibility of revisiting them in the future, should the need arise.

17. The Working Party took note of proposals to amend Article 18, increasing the number of places of loading and unloading from four to eight, in particular (a) document ECE/TRANS/WP.30/2015/19/Rev.1 containing comments and views from Belarus, Iran (Islamic Republic of) and Switzerland, which expressed support for the proposals and (b) document ECE/TRANS/WP.30/2016/2 by IRU, providing additional clarification on the impact of increasing the number of places of loading and unloading from four to eight on the TIR guarantee, and also reporting on experiences with the use of more than one TIR Carnet to conduct a TIR transport, in accordance with a comment to Article 18 to that effect. Azerbaijan, Turkey and Ukraine reconfirmed their support for the proposal. The national associations of Lithuania and the Republic of Moldova stated also to be in favour. Due to the late availability of the document from IRU, the delegation of the Russian Federation felt that more time was needed for national consultation. The delegation of EU expressed the view that, as such, it was not against the proposals, but suggested to discuss them as part of a package, together with the proposals to amend Article 8, paragraph 3, Explanatory Note 0.8.3. and the so-called (o), (p) and (q) provisions of Annex 9, Part III. In that context, the delegations of Turkey and Ukraine stated that, although not opposed to discuss the aforementioned proposals as a package, there was, in their view, no link between them. The EU agreed to this statement, but clarified that the suggestion for a package was done because all proposals had been under discussion for a long time, without any considerable progress.

18. The Working Party took note that the proposal by the Government of the Russian Federation to amend Annex 9, Part I, paragraph 7, line 2, replacing “Contracting Parties” by “Contracting Party” had been included in document ECE/TRANS/WP.30/2015/17, Rev. 1. After discussions, the Working Party agreed that replacing “Contracting Parties” by “each Contracting Party” seemed a possible way forward and requested that it be revisited at its next session. (see also paragraph 14, point (e)).

2. Preparation of Phase III of the TIR revision process

19. The Working Party took note of the latest developments of the various eTIR pilot projects, in particular:

(a) Progress in the UNECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey, in particular:

(i) on 26 October 2015, all stakeholders had signed the Terms of Reference (ToR) for the project;

(ii) by 12 November 2015, two test transports had been conducted. All actors followed, in parallel, the paper-based procedure and exchanged electronic information and proved the well-functioning of all IT systems involved;

(iii) in November and December 2015, four pilot transports had been successfully conducted between Izmir and Tehran;

(iv) pilot transports continue to take place, a report of the first step of the pilot project is under preparation and step two, which would involve more transport

operators and more customs offices, should start towards the end of February or in early March 2016.

(b) the 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:

(i) the extension of the project until June 2016 (30 September 2016 for the evaluation) by the United Nations Department of Economic and Social Affairs (DESA) to allow completion of the remaining activities;

(ii) the successful conduct of the Customs-to-Customs data exchange workshop organized in partnership between the United Nations Regional Commission for Western Asia (ESCWA) and the United Nations Regional Commission for Africa (ECA) on 2–4 December 2015 in Casablanca (Morocco);

(iii) the continuation of the work on developing the data exchange platform and on providing technical assistance to Georgian customs authorities;

(iv) the signature, on 26 January 2016, of the Protocol on electronic data exchange in the framework of a joint eTIR Pilot Project by Mr. Nodar Khaduri, Minister of Finance of Georgia, and Mr. Bülent Tüfenkci, Minister of Customs and Trade of Turkey;

(v) the organization of the second inter-regional expert group meeting (20 June 2016, Geneva); followed by

(vi) a seminar on Customs-to-Customs electronic exchange of transit data and the adoption of standard electronic messages (21 June 2016, Geneva). Developing countries and countries with economies in transition, interested in participating in the seminar, were invited to request funding from UNECE.

(c) the status quo in the eTIR Pilot Project between Italy and Turkey.

(d) the signature by the Republic of Moldova and by Ukraine, in November 2015, of an agreement (including both customs administrations and guaranteeing associations) and a first meeting to be organized on 16 February 2016 to kick-start the work on their eTIR pilot project, with the assistance of IRU.

20. Under this agenda item the Working Party was also informed about the results of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2). At its first session (16–17 November 2015, Geneva), GE.2 adopted its work plan and its Rules of Procedure. GE.2, inter alia, discussed issues such as (a) the compatibility of the eTIR legal framework with national legal requirements, and specifically any elements where national legislation could create obstacles in implementing eTIR; (b) the administration and financing of the eTIR international system; (c) data confidentiality; (d) identification of the holder and verification of the integrity of electronic data interchange messages; (e) the legal status of the eTIR Reference Model and the procedure to amend it; and (f) the administrative structure of the Protocol or any other alternative format. The complete report of the session, contained in ECE/TRANS/WP.30/GE.2/2, would be submitted to the Working Party for endorsement at its next session. Contracting Parties were invited to submit their comments, if any, before 10 March 2016 in writing to the secretariat. Finally, the Working Party took note that the next session of the Group would be held on 4 and 5 April 2016 and that all TIR Contracting Parties are encouraged to attend and participate.

21. Taking note of the progress in the various eTIR pilot projects and in the work of GE.2, the Working Party decided that it would be timely to organize a session of the

Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) in the autumn of 2016, to review the technical results of the various pilot projects and to assess the first findings of GE.2.

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

Documentation: ECE/TRANS/WP.30/2016/3

22. The Working Party recalled that, at its previous session, it had reviewed document ECE/TRANS/WP.30/2015/11/Rev.1 and, in particular, the proposals to amend Annex 8, Art. 1 bis with new paragraphs 4–6 and to amend Annex 9, Part III, paragraph 2 with new items (o), (p) and (q). The Working Party considered document ECE/TRANS/WP.30/2016/3, in which the secretariat had redrafted the text of the proposals to amend Annex 8, Art. 1 bis, and had added a new draft Explanatory Note 8.1 bis. The Working Party agreed, in principle, with the proposed text, subject to minor modifications in the wording of paragraphs 4 and 5, and accepted the proposal for items (o), (p) and (q) without further modifications. In conclusion, the Working Party requested the secretariat to attach the text of the combined proposals, as agreed in the session, as Annex I to the final report and decided to transmit it to AC.2 for further consideration, which could then also address the procedural aspects of the examinations by AC.2 and the financing of any additional examinations.

C. Application of the Convention

1. New developments in the application of the Convention

Documentation: Informal document WP.30 (2016) No. 3/Informal document WP.30/AC.2 (2016) No. 2

23. The Working Party recalled that, at its previous session, it had been informed by the representative of the Federal Customs Service (FCS) of the Russian Federation about a draft decree, containing a list of approved border crossing offices for the acceptance of TIR Carnets and that it had taken note, that, pending finalization of the list, TIR Carnets would be generally accepted by the customs offices concerned (see ECE/TRANS/WP.30/282, para. 21).

24. The Working Party took note of Informal document WP.30 (2016) No. 3, in which the Government of the Russian Federation transmitted, inter alia, a list of 45 border-crossing offices that, as of 22 January 2016, accepted TIR Carnets. The Working Party welcomed the list as a first positive step, after more than two years since the Russian Federation had decided to no longer accept TIR Carnets at most border crossings. The delegation of the Russian Federation presented a detailed oral report about the present situation regarding the application of the TIR Convention on the territory of the Russian Federation. The Working Party took note of statements from various Contracting Parties about not being or being insufficiently consulted on the composition of the list, as stipulated by Article 45 of the Convention and on the absence of important border crossing points from the list.

25. In its intervention, the delegation of Ukraine informed the Working Party that, pending the entry into force of the decree, no transports under cover of TIR Carnets had been accepted at the indicated Ukrainian-Russian border crossing points. It further stated that one border-crossing point (Tetkino (Ryjovka) – Shebekino) is closed pursuant to a Decree of the Government of Ukraine, as has been communicated by the Ministry of Foreign Affairs to its Russian counterparts and that three other border-crossing points (Kolotilovka – Pokrovka, Logachevka – Peski and Lomakovka – Nikolaevka) are

considered as interstate and, thus, cannot be used by the foreign hauliers for transports under cover of a TIR Carnet. In fact, only two border points (Novie Yurkovichi – Senkovka and Pogar – Gremyach) are functioning as international border-crossing points. The delegation of Kazakhstan confirmed that, in the period until 22 January 2016, more than 700 TIR transports had been refused entry to the territory of the Russian Federation and that, after that date, TIR transports from Kazakhstan were all checked by Russian customs directly after entering the territory of the Russian Federation. In this context, the delegation of Ukraine reported that all transports (including TIR transports) from Ukraine, transiting the territory of the Russian Federation and destined for Kazakhstan were subjected to customs escort. The delegation from Finland stated that, particularly in the current economic situation, which concerns all economic operators regardless their nationality, customs administrations should offer all possible support that could facilitate the working conditions of enterprises and facilitate their international trade. Thus, the role of customs enforcement was becoming even more important, especially in ensuring simplified customs procedures as well as simple and coherent border crossing processes. The delegation of Georgia strongly complained about the mentioning of the so-called “Russian-Abkhazian border” in the list of border posts, which it considers not to be officially recognized and, thus, constitutes a violation of the norms and principles of international law and the State border of Georgia. The delegation of EU welcomed the list as a positive development, but expressed concerns over the insufficient consultations with EU and its member States, which had resulted in the fact that some important border crossing offices were missing from the list. The EU expressed the wish that the Federal Customs Service of the Russian Federation would review and, possibly, amend the list in the near future.

26. In reply to questions raised, the delegation of the Russian Federation informed the Working Party that, since 22 January 2016, TIR Carnets were accepted at all indicated border crossing points. It further stated that international consultation had been properly conducted but that, for various reasons, requests for inclusion of other or more border crossing posts could not always be honoured. He further replied that the list might be reviewed in the future, subject to the formal legal processes required for amending such decree. The delegation of the Russian Federation reiterated its availability to interact with border authorities of neighbouring countries to discuss the list of border crossing points used for transports under cover of a TIR Carnet. Finally, in reply to the intervention by the delegation of Georgia, the delegation of the Russian Federation stated that, in its view, due to the recognition of the sovereignty of Abkhazia, the indicated post is located at the interstate borders between two independent countries. The Working Party took note of both statements, but, being a technical and not a political forum, decided to refrain further from this matter.

27. In reply to a question from the delegation of the Russian Federation on the ongoing application by Ukraine of measures against Russian carriers, by not accepting their TIR Carnets, the Ukrainian delegation informed the Working Party that internal procedures to withdraw the measures were ongoing and that any information to that extent would be provided once the decision was signed. The Working Party thanked both delegations for their constructive approach.

2. TIR-related electronic data interchange systems

Documentation: Informal document WP.30 (2016) No. 2

28. The Working Party took note of Informal document WP.30 (2016) No. 2 by IRU containing the latest statistical data on the performance of Contracting Parties in the control system for TIR Carnets – SafeTIR system.

3. Settlement of claims for payments

Documentation: Informal document WP.30 (2016) No. 4

29. 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, contained in Informal document WP.30 (2016) No. 4. The Working Party thanked IRU for the improved presentation of the statistics, including country-by-country details of the claims that were pending at 31 December 2015.

4. Relation between the World Trade Organization Trade Facilitation Agreement, the TIR Convention and other legal instruments

Documentation: ECE/TRANS/WP.30/2016/4

30. The Working Party considered document ECE/TRANS/WP.30/2016/4, in which the secretariat provided a comparison between the World Trade Organization WTO Trade Facilitation Agreement (TFA) and, respectively, the TIR Convention, the Harmonization Convention and the WCO Revised Kyoto Convention. The secretariat gave a presentation, highlighting the main outcomes of the document and possible ways forward. In this context, the Working Party also took note of a leaflet, prepared by the secretariat, in cooperation with IRU, highlighting the importance and potential benefits of the TIR Convention and Harmonization Convention for countries. The Working Party mandated the secretariat to promote the linkages between transport, customs and trade facilitation within the framework of WTO TFA.

5. Other matters

Documentation: Informal document WP.30 (2016) No. 1

31. The Working Party took note of Informal document WP.30 (2016) No. 1, in combination with a presentation, by IRU on the benefits of the TIR Convention for countries of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) region. The Working Party expressed its support for all efforts undertaken to facilitate the accession of those countries to the main United Nations legal instruments in the field of transport in general, and to the TIR Convention in particular and encouraged IRU to do as much as possible in cooperation or, at least, consultation with the UNECE and TIR secretariats.

32. Under this agenda item, the Working Party also took note of a proposal to request the secretariat to track its decisions on follow-up actions in recent years by concerned parties. The Working Party could not reach consensus on the necessity of this proposal, but requested the secretariat, as a first step forward, to attach a list of decisions as Annex II to the final report of the current session. With continued practice over time, the Working Party would gain experience and could revert to the issue of adopting a more elaborate method of tracking its past decisions.

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

A. Status of the Convention

33. The Working Party was informed that no changes in the status of the Convention or the number of Contracting Parties had taken place.

B. Proposal on a new Annex 10 on sea ports

Documentation: ECE/TRANS/WP.30/2015/21/Rev.1

34. The Working Party recalled that, further to a decision of the Administrative Committee of the Harmonization Convention (AC.3), at its tenth session (see ECE/TRANS/WP.30/AC.3/20, para. 14) a first draft of Annex 10 on sea ports had been prepared and submitted for consideration at its previous session (document ECE/TRANS/WP.30/2015/21). One of the major comments made at that session addressed the issue that the draft does not take account of the Convention on Facilitation of International Maritime Traffic, 1965 (FAL-65) and its relevant provisions, and the introduction of a reporting mechanism (for details, see Informal document WP.30 (2015) No. 13).

35. Comments received for consideration at the current session of the Working Party (see document ECE/TRANS/WP.30/2015/21/Rev.1) included: (a) detailed changes to the text from the Eurasian Economic Commission (EEC); (b) comments on the text from Ukraine; and (c) a general proposal on referencing the IMO FAL-65 Convention from the Federation of National Associations of Ship Brokers and Agents (FONASBA). EEC further pointed out that the new Annex 10, in certain cases, stipulates commitments that go beyond the scope of the Convention itself and, therefore, proposed a review of the text of the Harmonization Convention to increase coherence between the body of the Convention and its Annexes (see also ECE/TRANS/WP.30/2015/21/Rev.1, Annex 3).

36. The Working Party: (a) took note of these comments and considerations; (b) decided to continue working on Annex 10; and (c) and requested delegations to submit views on the changes and corrections proposed by EEC and Ukraine or any additional comments on the text in writing to the secretariat not later than by 10 March 2016.

C. Border performance measurement and the Harmonization Convention

37. The Working Party recalled a decision of AC.3, at its tenth session (October 2014), to organize a workshop on best practices and performance measurement of national border authorities (see ECE/TRANS/WP.30/AC.3/20, para. 31 and ECE/TRANS/WP.30/280, para. 41) and also recalled the interest in this issue expressed by some delegations at its previous sessions.

38. The Working Party decided, for now, not to pursue its discussions but to revert when a potential host for such workshop had been identified and requested the secretariat to continue such consultations.

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

Documentation: ECE/TRANS/WP.30/2016/5, ECE/TRANS/WP.30/2016/6

39. The Working Party recalled its previous discussions on the drafting of a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail and that, at the previous session, a first draft of such a convention, prepared by an informal group of experts, had been submitted for its consideration. (document (ECE/TRANS/WP.30/2015/22).

40. The representative of OSJD stressed the importance of the new convention and recalled a number of meetings where significant decisions had been made (see document ECE/TRANS/WP.30/2016/6, Annex 3). He also stated that the new convention does not duplicate provisions of other major international legal instruments, as a comparative analysis, conducted at the request of the Working Party, had shown (see ECE/TRANS/WP.30/2016/6, Annex 1). He stated that the facilitation of railway passenger traffic is important for European and for Asian countries, and that OSJD closely cooperated with ESCAP in this area of work. He further informed the Working Party that the draft text of the new convention had been significantly revised after the October 2015 session of WP.30 and had been considered at the November 2015 session of the Working Party on Rail Transport (SC.2). The list of informal documents containing comments made before that session of SC.2 is available in document ECE/TRANS/WP.30/2016/6. SC.2 had positively evaluated the convention and requested it to be also analysed in the context of existing bilateral railway agreements (the analysis is available in document ECE/TRANS/WP.30/2016/6, Annex 2). A representative of the informal group mentioned that, as a result of the active discussions in WP.30 and SC.2, comments from various delegations had been received. However, with regard to the analysis of bilateral agreements, only the Russian Federation had submitted the requested information. He invited all other interested delegations to join the work on this new legal instrument which would have positive cross-regional implications.

41. The Working Party took note of a new revised draft of the convention in document ECE/TRANS/WP.30/2016/5. The delegations of Belarus, Kazakhstan and Ukraine expressed their support for the new convention. The secretariat pointed out the important work and the high quality of the draft by the informal group, as mandated by the Working Party. He also stressed the importance for delegations to hold internal consultations to take stock of the views of all major stakeholders and, at the same time, he recalled the tight deadline for submitting official documents for the June session (10 March 2016). The EU representative underlined the problem of submitting consolidated comments in such short period.

42. In conclusion, the Working Party decided:

- to express its support for the draft of the convention, and to thank OSJD and the informal group for the work done;
- to request delegations to inform their national regulatory authorities, railways and business operators about this project and to invite delegations to submit their preliminary comments by 15 May 2016. This would enable the informal group to continue elaborating an informal draft for further discussions and aim for a final consolidated version for discussion at the October 2016 session of the Working Party.

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

43. No new information about the status or implementation of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles was provided at the session.

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

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

A. European Union

45. The Working Party was informed about recent developments in the EU related to the activities of the Working Party. In particular, the Working Party took note of a presentation of the forthcoming entry into force (on 1 May 2016) of the Union Customs Code (UCC) of the European Union and its delegated and implementing acts.³ The Working Party took note that, on 1 February 2016, Serbia had acceded to the Common Transit Convention.

B. Economic Cooperation Organization

46. The Working Party was informed about relevant activities and ongoing projects carried out by the Economic Cooperation Organization (ECO).

47. ECO reported working closely together with its member States to activate the TIR Convention, especially in Afghanistan and Pakistan. In this context, ECO in close collaboration with IRU had planned various capacity development and awareness activities for ECO member States. In the field of road safety and the main legal instruments to improve transport and transit such as: the Convention on the Contract for the International Carriage of Goods by Road (CMR), the European Agreement on the International Carriage of Dangerous Goods by Road (ADR), International Convention on the Harmonization of Frontier controls of Goods (Harmonization Convention) and the WCO Revised Kyoto Convention.

48. ECO, in collaboration with the Islamic Development Bank, had undertaken a field study on the “Harmonization of customs procedures across the region and development of border crossing points” which would be finalized in April 2016.

49. ECO was further finalizing a project for to operate the Kazakhstan–Turkmenistan–Iran (KTI) rail corridor, through an exclusive corridor management model, detailing all processes and dedicated management units, for operating the corridor. ECO had started first preliminary talks with several funding agencies to get the project financed.

50. ECO would also start a field study on the ‘Islamabad–Tehran–Istanbul (ITI)’ and ‘Kyrgyzstan–Tajikistan–Afghanistan–Iran (Islamic Republic of) (KTAI)’ road corridors. A test run of a truck caravan along the ITI corridor was planned after the activation of the TIR Convention in Pakistan. Finally, ECO continued to coordinate efforts with member States to accede to important United Nation legal instruments, such as ADR, CMR and the Harmonization Convention as well as to monitor the national implementation of the Transit Transport Framework Agreement.

³ For the presentation, please refer to www.unece.org/trans/bcf/wp30/wp30-presentations_2016.html

C. World Customs Organization

51. WCO presented its recent activities as far as they relate to matters of interest to the Working Party.

52. The Working Party took note that the Administrative Committee of the Istanbul Convention (ATA) had amended the Convention with a new provision on electronic data-processing techniques as well with a new provision on the marking of containers, in support of the eATA project. Both amendments entered into force in November 2014. At its most recent session, the Committee also decided that the Model Carnet de Passage en Douane (CPD) Carnet can also be printed in Russian and Arabic. And, at its most recent session, the Administrative Committee of the ATA Convention had also agreed to change the quorum rule from half of the Contracting Parties to one-third. WCO is currently developing the business case for the eATA Project by defining the benefits, roles, data content and the business processes of the so-called eATA Globally Networked Customs (GNC) Utility Block. Upon finalization thereof, an eATA pilot project will be initiated.

53. In March 2016, WCO will introduce a new e-learning module on transit. At the request of some of its members, transit guidelines would also be developed.

54. Finally, in the framework of transit, WCO has planned a series of capacity-building workshops, in March and April 2016, inter alia for the Greater Mekong area and South Asia.

XI. Other business (agenda item 9)

A. Dates of the next sessions

55. The Working Party decided to hold its 143rd session in the week of 30 May to 3 June 2016.

B. Restriction on the distribution of documents

56. The Working Party decided that there would not be any restrictions on the distribution of documents issued in connection with its current session.

XII. Adoption of the report (agenda item 10)

57. In accordance with established practice, the Working Party adopted the report of its 142nd session on the basis of a draft prepared by the secretariat. When reading the report, the Working Party requested the secretariat that the final report of its session be made available as a pre-session document well in advance of its next session (30 May–2 June 2016), so that French and Russian speaking delegations could also take the findings of the report duly into consideration when preparing for the 143rd session.

Annex I

Proposals to amend Annexes 8 and 9 of the Convention

Annex 8, Article 1 bis

After the existing text insert

“4. The Administrative Committee shall receive and examine the annual audited financial statements and audit report(s) submitted by the international organization pursuant to the obligations under Annex 9, Part III. In the course and within the scope of its examination, the Administrative Committee may request that additional information, clarifications or documents be provided by the international organization or the independent external auditor.

5. Without prejudice to the examination mentioned in paragraph 4, the Administrative Committee shall, on the basis of a risk assessment, have the right to request additional examinations to be carried out. The Administrative Committee shall mandate the TIR Executive Board or request the competent United Nations services to carry out the risk assessment.

The scope of additional examinations shall be determined by the Administrative Committee, taking into account the risk assessment of the TIR Executive Board or of the competent United Nations services.

The results of all examinations referred to in this article shall be kept by the TIR Executive Board and provided to all Contracting Parties for due consideration.

6. The procedure for undertaking the additional examinations shall be approved by the Committee.

Explanatory Note to Annex 8, Article 1 bis, paragraph 6

- 8.1 bis.6 The Administrative Committee may ask the competent United Nations services to perform the additional examination. The Administrative Committee may, alternatively, decide to engage an independent external auditor and mandate the TIR Executive Board to prepare the terms of reference of the audit, based on the object and purpose of the audit as determined by the Administrative Committee. The terms of reference shall be approved by the Administrative Committee. The additional examination by an external independent auditor shall result in a report and a management letter that shall be submitted to the Administrative Committee. In such a case, the financial cost of engaging an independent external auditor, including the related procurement procedure, shall be incurred by [the budget of the TIR Executive Board].

Comment to the Explanatory Note 8.1 bis.6

The competent United Nations services will independently decide, based on resource availability and on the results of their own risk assessment, whether they would perform such additional examination.

Annex 9, Part III, paragraph 2

After subparagraph (n) insert

“(o) maintain separate records and accounts containing information and documentation which pertain to the organization and functioning of an international guarantee system and the printing and distribution of TIR Carnets;

(p) provide its full and timely cooperation, including, but not limited to, allowing access to the above records and accounts to the competent United Nations services or to any other duly authorized competent entity, and at all times facilitating additional inspections and audits performed by them on behalf of Contracting Parties, pursuant to Annex 8, Article 1 bis, paragraphs 5 and 6.

(q) engage an independent external auditor to conduct annual audits of the records and accounts mentioned under paragraph (o). The external audit shall be performed in accordance with International Standards on Auditing (ISA) and shall result in an annual audit report and a management letter which shall be submitted to the Administrative Committee.”

Annex II

List of decisions taken at the 142nd session of the Working Party

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
13	Prepare consolidated document with adopted proposals	secretariat	22/3/2016
15	Prepared document on para.14, point (a)	secretariat	22/3/2016
	Prepare consolidated document on para. 14., points (b)–(f)	secretariat	22/3/2016
16	Decision not to pursue other editorial proposals	WP.30	10/2/2016
17	Decision to revert to Art. 18 at next session	WP.30	8/3/2016
20	Comments to doc ECE/TRANS/WP.30/GE.2/2	delegations	10/3/2016
21	Organize next session of GE.1	secretariat	autumn
22	Transmit proposals to AC.2	secretariat	4/8/2016
	Include them in Annex I of the report	secretariat	done
30	Promote linkages between transport, customs and trade facilitation (WTO-TFA)	WP.30	ongoing
32	Prepare track-list of decisions	secretariat	done
36	Continue work on Annex 10	WP.30	
	Submit comments	delegations	10/3/2016
38	Not pursue border performance measurement	WP.30	10/2/2016
42	Comments to doc ECE/TRANS/WP.30/2016/5	delegations	15/5/2016