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Inland Transport Committee

Working Party on Customs Questions affecting Transport

146th session

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Item 8 of the provisional agenda

Work Plan 2018-2019 and Programme of Work and Biennial Evaluation 2018-2019 for the Working Party

Biennial evaluation of the Working Party's programme

Programme performance assessment for 2016-2017

Note by the secretariat

I. Background and mandate

1. At its seventy-eighth session (February 2016), the Inland Transport Committee (ITC) considered and adopted the biennial evaluation plan (2016-2017) for the Transport subprogramme contained in document ECE/TRANS/2016/29 (see ECE/TRANS/254, para. 157).
2. Reaching the end of the current biennium, the Working Party is invited to consider and adopt the draft evaluation for the years 2016-2017, pending finalization by the secretariat towards the end of the year 2017 and subsequent inclusion in the biennial evaluation of the Transport Subprogramme for consideration by ITC at its 2018 session.

II. Cluster 7. Customs questions affecting transport

A. Expected accomplishment (EA 7.)

New accessions to and more effective implementation of international legal instruments in the area of border crossing facilitation.

B. Indicators of achievement

1. Number of countries and participants in the Working Party on Customs Questions affecting Transport (WP.30) and the Administrative Committee for the TIR Convention (AC.2) and expert group meetings (IA 7 (a))

Performance measures:

Baseline 2014-2015: 410 delegations, 1,100 participants

Target 2016-2017: 400 delegations, 1,000 participants

Actual performance 2016-2017: 303 delegations¹, 667 participants²

2. Number of new amendments adopted and/or discussed, and number of new Contracting Parties (IA 7 (b))

Performance measures:

Baseline 2014-2015: 10 amendments adopted and/or discussed, 1 new Contracting Party

Target 2016-2017: 3 amendments, 2 new Contracting Parties

Actual performance 2016-2017: 13 amendments adopted/and or discussed, 1 new Contracting Party³

3. Number of surveys on the implementation of border crossing legal instruments (IA 7 (c))

Performance measures

Baseline 2014-2015: 2

Target 2016-2017: 2

Actual performance 2016-2017: 4⁴

¹ Note by the secretariat: WP.30/AC.2: 172 (2016); 97 (February 2017); GE.1:11; GE.2: 23.

² Note by the secretariat: WP.30/AC.2: 397 (2016); 198 (February 2017); GE.1:20; GE.2: 52.

³ Note by the secretariat: China.

⁴ Note by the secretariat: Annex 8 survey, GE.2 survey, survey on customs claims and TIR Carnet prices.

C. Performance assessment

3. United Nations Economic Commission for Europe (UNECE) legal instruments in the area of border crossing facilitation assist Contracting Parties to strike a delicate balance between transport and trade facilitation on the one hand, and security and revenue protection on the other hand. Their relevance has been confirmed by the active participation of a growing number of countries, intergovernmental organizations (IGO's) and non-governmental organizations (NGO's) in both WP.30 and AC.2 meetings. The interest of countries can also be judged by the number of new Contracting Parties to the various conventions. In 2016, China joined the TIR Convention, becoming its seventieth Contracting Party, whereas Argentina, India and Saudi Arabia have indicated their intention to join in the near future. 13 new amendments to the TIR Convention entered into force or were discussed, with as main purpose improving good governance and revenue protection. For example, proposals to further elaborate the audit requirements of the authorized international organization and the role and tasks of the TIR Administrative Committee in that process and proposals to amend the international guarantee system so as to provide government with better revenue protection in case of infringements against the provisions of the TIR Convention.

4. Further to a decision of WP.30 at its 142nd session, the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held its twenty-fifth session in September 2016 to review the technical results of the various eTIR pilot projects and to assess the first findings of GE.2. GE.1 particularly welcomed the positive outcomes of the eTIR pilot project between Georgia and Turkey and the eTIR pilot project between Iran and Turkey.

5. The Group of Experts on Legal Aspects of Computerization of the TIR procedure commenced its work at the end of the 2014-2015 biennium, namely in November 2015. In 2016-2017 the Group has held 3 sessions and has one more scheduled at the end of 2017. Despite its short mandate, GE.2 has made significant progress in developing the draft legal framework for the computerization of the TIR procedure, against the background of the well-developed conceptual, functional and technical framework as reflected in the relevant GE.1 documentation. A major step forward was the decision to incorporate the eTIR legal framework within the TIR Convention in the form of an optional Annex, as well as the decision on the status and amendment process for the conceptual, functional and technical documentation. However, problematic elements persist, such as lack of consensus on the issue of electronic authentication as well as the financing mechanisms. In the course of its sessions in 2016-2017, GE.2 has moved towards considerations reflecting some measure of compromise on these issues, however any significant progress can only be made once these issues are agreed on. Another challenge is that GE.2 would benefit from broader participation from Contracting Parties. Computerization as such is a common objective, as demonstrated by the Joint Statement on the Computerization of the TIR procedure adopted by AC.2 in June 2015. Regardless of the level of readiness of various Contracting Parties to move forward with computerization, engagement in the preparatory processes of GE.1 and GE.2 would play a pivotal role in the future success of the endeavour. Currently on-going and future pilot projects can also significantly assist in expediting computerization. Finally, the legal framework developed by GE.2 is evolving at every session and is expected to reach a level of maturity for consideration by WP.30 within the 2018-2019 biennium. However, it is likely that a prolongation of mandate for one year (2018), may be necessary.

6. Regular monitoring is indispensable to ensure the proper application of legal instruments at the national level. To the end, the major UNECE conventions on border crossing facilitation, namely the Harmonization Convention and TIR Convention, have monitoring mechanisms included. In particular, in 2016-2017, a biennial survey of Contracting Parties was conducted on the implementation at the national level of Annex 8

to the Harmonization Convention. The results of the survey demonstrate that all surveyed countries either implemented or are actively working on implementation of the provisions of Annex 8. One more survey of TIR Contracting Parties regarding customs claims that were raised between 2013 and 2016 and the TIR guarantee level is now being conducted online. The results will be submitted to TIRExB and AC.2 in 2018. At the request of TIRExB, the secretariat undertakes a yearly returning survey to collect information on the prices of TIR Carnets by national associations, in accordance with the provisions of Annex 9, Part I, Article 3 (vi) of the Convention. Finally, in 2017, GE.2 conducted a survey on electronic identifications methods

D. Lessons learned/areas needing improvement

7. Landlocked developing countries are the biggest potential beneficiaries of the facilities provided by the UNECE legal instruments for border crossing facilitation. However, for financial reasons, representatives of those countries often cannot afford to participate in UNECE meetings in Geneva. Possible solutions could include the establishment of a trust fund with the assistance of the private sector and/or conducting some official meetings in these countries rather than in Geneva, as is already being done now.

8. Experience has shown that full computerization of the TIR procedure will not be achieved overnight. Not only Contracting Parties have not yet agreed on a funding mechanism for the development and maintenance of the eTIR international system, but it is also unrealistic to expect that all Contracting Parties would be politically and technically ready at the same time. Therefore, in parallel to the maintenance and improvement of the eTIR conceptual, functional and technical specifications, UNECE continue to promote bilateral or multilateral projects which help Contracting parties move towards the full computerization of the TIR procedure.

9. Future challenges will include making substantial progress in preparing a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail to replace the outdated 1952 Convention. A consolidated draft was submitted by the end of 2016 to both WP.30 and SC.2 for their consideration. In 2016 and 2017, WP.30 also continued considering proposals to amend the Harmonization Convention with a new Annex 10 on sea ports. Last but not least, in particular now that GE.2 started its activities, the way to best utilize and legally frame the use of new technologies and electronic data interchange will be pivotal for the continued significance of the TIR system in the future.

10. UNECE is expected to monitor the progress in the application of the Harmonization Convention every two years. The replies to the latest survey show good results in areas such as: (a) the official publication of Annex 8 in countries, (b) improving infrastructure at border crossing points, (c) information exchange on visa issues, (d) informing parties involved in international transport, (e) facilitating controls of urgent consignments, infrastructure arrangements (facilities for joint controls, separation of traffic, appropriate parking, etc.) at border crossing points etc. However, still too few control procedures have been transferred to the places of departure and destination; there is limited progress in the facilitation of granting visas to professional drivers, and there is no significant implementation of the International Technical Inspection Certificate and the International Vehicle Weight Certificate (IVWC). These areas of work require continued monitoring, possibly by means of conducting analytical work on identifying the bottlenecks in implementation, organizing dedicated workshops or by convening a session of the Administrative Committee of the Harmonization Convention (AC.3).