



Economic and Social Council

Distr.: General
25 November 2014

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

139th session

Geneva, 3–6 February 2015

Item 5 of the provisional agenda

Terms of Reference and Rules of Procedure of the Working Party

Terms of Reference and Rules of Procedure of the Working Party

Note by the secretariat

1. At its previous session, the Working Party considered document ECE/TRANS/WP.30/2014/11 on the status of non-United Nations European Commission for Europe (UNECE) Contracting Parties in Inland Transport Committee (ITC) subsidiary bodies. The document reflected the views expressed so far within ITC and the Working Party and drew parallels to the questions currently under discussion with regard to the establishment of Terms of Reference and Rules of Procedure of the Working Party (see the relevant documentation: ECE/TRANS/WP.30/2011/10, ECE/TRANS/WP.30/2012/2, ECE/TRANS/WP.30/2013/1 and ECE/TRANS/WP.30/2012/5/Rev.2).

2. The Working Party was of the opinion that, although legally important, the status of non-UNECE Contracting Parties was not relevant given its longstanding practice to fully include observers into its discussions. Thus, the Working Party decided to continue discussions on the so-called “hybrid approach”, implying that non-UNECE countries continue to participate as observers in the corresponding Working Parties on any matter of particular concern to them, but obtain full member rights during discussions on matters relating to the legal instruments to which they are Contracting Parties (see ECE/TRANS/WP.30/276, para. 44)

2. The Working Party decided to revert to this issue at the current session and requested the secretariat to prepare a document with proposals on its Terms of Reference and Rules of Procedure, in line with its decision to pursue the “hybrid approach”. Further to this request, the secretariat prepared the present document ECE/TRANS/WP.30/2015/7. The Working Party is invited to consider and, possibly, endorse the draft Terms of Reference and Rules of Procedure as laid down in Annexes 1 and 2, respectively. Once endorsed, they will be transmitted to the ITC for approval.

GE.14-22868 (E)



* 1 4 2 2 8 6 8 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Annex I

Terms of Reference of the Working Party on Customs Questions Affecting Transport (WP.30)

1. The Working Party on Customs Questions affecting Transport (hereinafter referred to as WP.30), acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE) and subject to the general supervision of the Inland Transport Committee (hereinafter ITC) shall, provided such actions are in conformity with the Terms of Reference of ECE (document E/ECE/778/Rev.5) and consistent with the legal instruments listed in Appendix:

(a) Initiate and pursues actions to aimed at the harmonization and simplification of regulations, rules and documentation for border crossing procedures for the various modes of inland transport;

(b) Analyse difficulties encountered at border crossings with a view to devising administrative procedures eliminating such difficulties;

(c) Administer and monitor the implementation of the Conventions and Agreements on border crossing facilitation under the auspices of the Working Party (Appendix);

(d) Review the above legal instruments to ensure their relevance as well as their coherence with other international or subregional treaties concerned with Customs and border crossing facilitation issues and to keep them in line with modern transport and border control requirements;

(e) Consider and endorse amendment proposals to the legal instruments listed in Appendix and, where appropriate, submit them to the relevant Administrative Committees (see point (n) below) for consideration and formal adoption;

(f) Consider and adopt recommendations, resolutions, comments and examples of best practices with regard to the implementation of these legal instruments and, where appropriate, submit them to the relevant Administrative Committees (see point (n) below) or ITC for consideration and formal approval;

(g) Study Customs questions with a view to streamlining Customs and other administrative procedures and documentation in the field of transport, in particular by promoting electronic data interchange solutions;

(h) Study specific legal and other measures to combat fiscal fraud resulting from simplified Customs and other border crossing procedures and foster the exchange of intelligence among the competent authorities of Contracting Parties to the relevant legal instruments on border crossing facilitation on abuses with a view to identifying measures to combat such occurrences;

(i) Promote the possible extension of the Agreements and Conventions from Appendix to other regions and encourages the accession of new countries to those;

(j) Encourage wider public and private participation in its activities by fostering cooperation and collaboration with countries, the European Commission, World Customs Organization, other international governmental and non-governmental organizations concerned with transport and border crossing facilitation and the other United Nations regional commissions and other organizations or bodies of the United Nations system with a view, among other things, to discussing and resolving problems relating to the interpretation or enforcement of the provisions of the relevant legal instruments;

(k) Create a working environment that facilitates fulfilment by the Contracting Parties of the obligations set forth in the legal instruments listed in Appendix, and an exchange of views on the interpretation of these instruments or the resolution of problems connected with their enforcement;

(l) Ensure openness and transparency during its meetings;

(m) Support training and capacity-building activities aimed at the proper implementation of the above legal instruments;

(n) Ensure close cooperation with and support for the activities of the Administrative Committees for the TIR Convention (AC.2), for the Harmonization Convention (AC.3), for the Convention on Customs Treatment of Pool Containers Used in International Transport (AC.4) and for the TIR Executive Board (TIRExB);

(o) Collaborate closely with other subsidiary bodies of ITC, particularly the Working Party on Road Transport (SC.1), the Working Party on Rail Transport (SC.2) and any other relevant ECE body on matters of common interest relating to Customs questions affecting transport;

(p) Draw up and implement a programme of work relating to its activities and reports on its accomplishment to ITC.

2. These Terms of Reference do not modify the provisions of the relevant legal instruments.

Appendix

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

Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954

Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, signed in New York on 4 June 1954

Customs Convention on the Temporary Importation of Private Road Vehicles, signed in New York on 4 June 1954

Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959

Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975

Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, of 18 May 1956

Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956

International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952

International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952

Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958

Customs Convention on Containers, of 18 May 1956

Customs Convention on Containers, of 2 December 1972

European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960

International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982

Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994

Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006

Annex II

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

Contents

<i>Chapter</i>	<i>Page</i>
I. Participation	6
II. Sessions	7
III. Agenda	7
IV. Representation.....	8
V. Officers.....	8
VI. Secretariat.....	9
VII. Conduct of business	9
VIII. Voting.....	11
IX. Languages	12
X. Ad hoc groups	12
XI. Amendments	12

Chapter I

Participation

Rule 1

- (a) Member countries of ECE shall be considered full participants of WP.30.
- (b) Non-member countries of ECE as defined in paragraph 11¹ of the Terms of Reference of ECE may participate as full participants at sessions of WP.30 or parts thereof devoted to matters relating to legal instruments, listed in Appendix, to which they are Contracting Parties. They may also participate in WP.30 on any other matter of particular concern to them in a consultative capacity.
- (c) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 12² and 13³ of the Terms of Reference of ECE, participate in a consultative capacity in WP.30 in discussions that WP.30 may hold on any matter of particular concern to those agencies or organizations.
- (d) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of WP.30 and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that WP.30 may hold on any matter of interest to these organizations.
- (e) Consultations with specialized agencies and the International Atomic Energy Agency (IAEA) shall be conducted in accordance with Rule 51 of the Rules of Procedure of ECE.
- (f) Consultations with non-governmental organizations shall be conducted in accordance with Rules 52 and 53 of the Rules of Procedure of ECE. Non-governmental organizations with consultative status under paragraph (d) shall be treated as non-governmental organizations included on the list.

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

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

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

Chapter II

Sessions

Rule 2

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

Rule 3

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

Rule 4

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

(b) In exceptional cases, the secretariat may distribute basic documents at the session, but in this case such documents may be used only for preliminary consideration unless WP.30 decides otherwise.

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

Chapter III

Agenda

Rule 5

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

Rule 6

The provisional agenda for any session shall include:

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

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

- (d) Items proposed by a participant, insofar as it relates to the Terms of Reference of the Working Party;
- (e) Any other items which the Chair or the secretariat may see fit to include.

Rule 7

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

Rule 8

WP.30 may amend the agenda or the order of agenda items at any time during the session.

Chapter IV

Representation

Rule 9

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

Rule 10

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

Rule 11

(a) Each participant shall submit the names of representatives, alternate representatives, advisers and experts to the ECE secretariat at the latest one week before the opening of the session.

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

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

Chapter V

Officers

Rule 12

WP.30 shall, at its first meeting each year, elect from among the representatives of full participants, as defined in Rule 1, a Chair who shall hold office until its successor is elected. WP.30 may, however, decide to elect a Chair for its sessions of the following year at the last meeting of the year. WP.30 may also elect a Vice-Chair from among the representatives of full participants as defined in Rule 1. The officers may be re-elected.

Rule 13

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

Rule 14

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

Rule 15

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

Rule 16

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

Chapter VI**Secretariat****Rule 17**

The Executive Secretary of ECE shall act in that capacity at all sessions of WP.30. They may appoint another member of the secretariat of ECE to take their place.

Rule 18

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

Rule 19

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

Rule 20

The secretariat may submit written or oral statements on any item considered.

Chapter VII**Conduct of business****Rule 21**

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

Rule 22

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

Rule 23

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

Rule 24

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

Rule 25

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

Rule 26

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

Rule 27

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

Rule 28

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

Rule 29

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

Rule 30

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

Rule 31

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

Rule 32

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

Rule 33

At the end of each session, WP.30 shall adopt a report based on a draft prepared by the secretariat.

Chapter VIII**Voting****Rule 34**

Full participants shall have one vote in WP.30.

Rule 35

Decisions of WP.30 shall normally be taken by consensus. In the absence of consensus, decisions shall be taken by a majority of the full participants present and voting. Decisions regarding a legal instrument in force shall be taken only in the presence of at least one-third of the Contracting Parties.

Rule 36

WP.30 shall normally vote by show of hands. If any representative requests a roll call, a roll call shall be taken in the English alphabetical order of the names of the participants that are eligible to vote in accordance with the present Rules of Procedure.

Rule 37

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

Rule 38

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

Chapter IX**Languages****Rule 39**

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

Chapter X

Ad hoc groups

Rule 40

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

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

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

Chapter XI

Amendments

Rule 41

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