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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

##### 164th session

Geneva, 10 and 13 (a.m.) October 2023

Item 2 of the provisional agenda

**Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party:**

**Alignment of the work of the Working Party with the Inland Transport Committee strategy**

### **Revised terms of reference and rules of procedure (rule 1) of the Working Party – alignment of the work of the Working Party with the Inland Transport Committee Strategy until 2030**

#### **Revision**

**Note by the secretariat**

## **I. Background and mandate**

1. At its 161st session, the Working Party recalled the new Terms of Reference (ToR) of the Inland Transport Committee (ITC) (E/2022/L.4 (see ECE/TRANS/316)) and, in particular, that ITC now adopts the so-called hybrid approach for membership, meaning that non-ECE member States can participate as full members in segments of ITC sessions that deal with legal instruments to which they are contracting parties and remain in a consultative capacity in other parts (see ECE/TRANS/WP.30/320, para. 10). The Working Party requested the secretariat to prepare, a document comparing the new ITC ToR with the existing ToR of the Working Party, in order to assess whether any adjustment seemed appropriate (ECE/TRANS/WP.30/322, para. 6).

2. At its 164<sup>th</sup> session, the Working Party adopted its revised ToR / RoP (rule 1 on participation) ensuring the alignment of the work of the Working Party with the Inland Transport Committee Strategy until 2030. Annex 1 to this document includes the revised rule 1 of Working Party Rules of Procedure on participation. Annex II to this document includes the revised terms of reference of the working party and Appendix to Annex II includes the legal instruments under the auspices of the Working Party.

## **Annex I**

### **Rules of Procedure of WP.30 on participation**

#### **Rule 1**

- (a) Member countries of ECE shall be considered full participants of WP.30.
- (b) Non-member countries 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 12 and 13 of the Terms of Reference of ECE, participate in a consultative capacity in WP.30 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.

## Annex II

### Revised terms of reference of the Working Party

1. The Global Forum on Customs questions affecting transport including border crossings facilitation (hereinafter referred to as WP.30), will act 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) and in conformity with the new Terms of Reference of ITC (E/RES/2022/2 and ECE/TRANS/316/Add.2) and consistent with the legal instruments listed in Appendix:

(a) Initiate and pursue actions aimed at promoting the harmonization, improvement and simplification of technical and operational regulations, standards, rules and documentation for customs and border crossing procedures for the various modes of inland transport and multimodal connections, with particular focus, where possible, on contributing to the advancement of the United Nations 2030 Sustainable Development Agenda (General Assembly Resolution A/RES/70/1.) and related Sustainable Development Goals; ;

(b) Analyse difficulties encountered at border crossings with a view to devising administrative procedures, operational processes, customs infrastructure design and physical and electronic documentation, to facilitate eliminating such difficulties;

(c) Administer and monitor the implementation of the conventions, agreements and other international legally binding instruments on customs and border crossing facilitation under the auspices of the WP.30 (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 and, where appropriate, elaborate new international legally binding instruments in the field of border crossing facilitation taking also account of the need to combat customs fraud effectively ;

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

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

(g) Study customs and control questions with a view to streamlining customs and other administrative procedures and documentation in the field of the facilitation of border crossing and transport, in particular by promoting new technologies and innovations, including a platform for digitalization;

(h) Study specific legal and other measures to combat customs and 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 them by organizing seminars and workshops as well as advocacy campaigns;

(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 to address horizontal issues relevant to the facilitation of customs issues and other border crossing matters of international transport, with other relevant ECE working parties and other inter-governmental and non-governmental organizations in particular with the World Customs Organization (WCO);

(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)**

1. Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954
2. 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
3. Customs Convention on the Temporary Importation of Private Road Vehicles, signed in New York on 4 June 1954
4. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959
5. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975
6. Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, of 18 May 1956
7. Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956
8. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952
9. International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952
10. Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958
11. Customs Convention on Containers, of 18 May 1956
12. Customs Convention on Containers, of 2 December 1972
13. European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960
14. International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982
15. Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994
16. Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006
17. Convention on the Facilitation of Border Crossing Procedures for Passengers, Luggage and Load-Luggage carried in International Traffic by rail, 22 February 2019