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Economic Commission for Europe**Inland Transport Committee****Seventy-eighth session**

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Item 5 (h) of the provisional agenda

Strategic questions of a modal and thematic nature:**Strengthening border crossing facilitation (Harmonization Convention,
TIR Convention, eTIR Project and other Customs transit facilitation measures)****Strengthening border crossing facilitation (Harmonization
Convention, eTIR project and other customs transit
facilitation measures)****Note by the secretariat***Summary*

This document contains a summary of the activities of the Working Party on Customs Questions affecting Transport (WP.30) and its subsidiary expert groups, as well as of the secretariat towards enhancing border crossing facilitation and relevant legal instruments under the auspices of WP.30 (Harmonization Convention, TIR Convention, etc.). This includes the computerization of the TIR system in the framework of the eTIR project.

The document has been submitted to the Committee for information and endorsement of the above activities. The Committee is also invited to support the continuation of the eTIR project, and to this end to prolong the mandate of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (WP.30/GE.1) to the year 2016.

I. Background and mandate

1. At its previous session, the Committee noted and supported the activities of the Working Party on Customs Questions affecting Transport (WP.30) with a view, in particular, to strengthen the Harmonization Convention, 1982 and the TIR Convention, 1975 (ECE/TRANS/248 para. 97). Among other considerations, the Committee welcomed the progress made towards the completion and launching of the testing phase of the eTIR project; prolonged the mandate of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) until the end of year 2015; and approved the establishment of a Group of Experts on Legal Aspects of Computerization of the TIR Procedure (GE.2), whose main task is to provide a specialized and dedicated international platform with the objective of developing the eTIR legal framework.

2. This document has been prepared in accordance with the Programme of Work of the Inland Transport Committee (ITC) (ECE/TRANS/240, para. 100; and ECE/TRANS/2014/23, programme activity 02.7: Customs questions affecting transport). It reports on the progress made in 2015 by the Contracting Parties, WP.30 and the secretariat in the area of border crossing facilitation, including among others:

- Developments in the International Convention on the Harmonization of Frontier Controls of Goods, 1982 (Harmonization Convention), as well as monitoring and capacity-building initiatives to assist in the proper application of this Convention at the national level;
- Activities and developments regarding the TIR Convention and the functioning of the TIR system;
- Progress made in developing the technical aspects of the eTIR project, the developments in the efforts towards the development of the appropriate legal instrument to frame the operationalization of the computerized TIR procedure and the status of the UNECE-IRU Pilot project between Iran (Islamic Republic of) and Turkey;
- The United Nations Development Account (UNDA) project “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”.

II. Harmonization Convention

3. The status of the International Convention on the Harmonization of Frontier Controls of Goods (Harmonization Convention), 1982, did not change in the year 2015. The Harmonization Convention has, to date, 57 Contracting Parties.

A. Activities to facilitate the implementation of Annex 9 on rail border crossings

4. The Committee may wish to recall that the Working Party on Rail Transport (SC.2), in cooperation with WP.30, has been working towards the development of possible mechanisms for monitoring the implementation of Annex 9 on rail border crossings at the national level. At its previous session, the Committee was informed about the results of the survey (ECE/TRANS/SC.2/2013/6) on ways to monitor the implementation of the provisions in the new Annex 9. The analysis of the responses of twenty-seven Contracting

Parties to the Harmonization Convention were presented to WP.30 in 2015 and demonstrated that:

(a) in principle, the procedures of Annex 9 on the facilitation of border crossings had been implemented in member States;

(b) the measures taken included the technological reinforcement of railway border stations (installation of information technology systems and means of communication, devices, etc.) and improvement of infrastructure in order to ensure that capacity in stations corresponds to traffic volumes;

(c) bilateral negotiations and signing of bilateral agreements with the aim of minimizing delays of passenger and freight trains had increased; and,

(d) control of transit goods was conducted only when justified by prevailing circumstances.

5. On the basis of the above, SC.2 developed an action plan to follow-up on the results of the survey, which, among others focused on the possible steps and actions to be taken by Contracting Parties, the secretariat and other stakeholders such as the Organization of Cooperation between Railways (OSJD) and the Intergovernmental Organization for International Carriage by Rail (OTIF). These include actions to facilitate the issuance of visas for professionals in the railway industry; to develop cooperation mechanisms for border and other controls; to enhance risk assessment and evaluation procedures; and to set time limits for technical operations. The action plan was presented at the sixty-ninth session of SC.2 (23–25 November 2015) and can be found in document ECE/TRANS/SC.2/2015/6.

B. Biennial survey on the implementation of Annex 8 on road border crossings

6. At its previous session, the Committee was informed that, in accordance with Annex 8, Article 7 of the Harmonization Convention, the secretariat is required to carry out a survey every second year, on the implementation of Annex 8 on road border crossings at the national level. The Committee may wish to recall that the latest survey was launched by the secretariat in November 2014 and Contracting Parties were invited to respond by 16 January 2015. The results of the survey were finalized in February 2015 and presented at the 140th session of WP.30. The Committee may wish to note the main conclusions of the survey, namely that:

(a) Seventeen countries replied to the online survey;

(b) The replies show good results in areas such 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;

(c) Rather few control procedures have been transferred to the places of departure and destination and further work in this direction is desirable;

(d) Insufficient progress can also be noted regarding the acceptance of the International Technical Inspection Certificate and the International Vehicle Weight Certificate (IVWC).

7. The Committee may recall that on 30 September 2014, the first IVWC under Annex 8, Article 5 to the Harmonization Convention was issued in the Republic of Moldova.

Georgia and Ukraine were the first countries to accept the IVWC. In light of the results of the latest survey on the implementation of Annex 8 to the Harmonization Convention, the Committee may wish to encourage the Contracting Parties to the Harmonization Convention to increase the use of the IVWC.

C. New Annex 10 to the Harmonization Convention on seaports

8. At its previous session, the Committee had supported the decision of the Administrative Committee of the Harmonization Convention (AC.3) to consider the possibility of developing a new annex to the Convention on border crossing procedures at seaports (ECE/TRANS/248, para.106). In light of the first positive reactions to this decision from business associations and national experts, WP.30 requested the secretariat to prepare a first draft of Annex 10, which was presented and discussed at the 141st session of WP.30 in October 2015. The Committee may wish to note that the draft had benefited from the substantive inputs of the International Maritime Organization (IMO), business associations such as the European Sea Ports Organization (ESPO), the International Port Community Systems Association (IPCSA), the Federation of National Associations of Ship Brokers and Agents (FINASBA), the International Association of Port and Harbours (IAPH) and the Federation of Terminal Operators (FEPORT). On the basis of this first draft, which can be found in document ECE/TRANS/WP.30/2015/21, WP.30 invited all Contracting Parties to liaise with the relevant agencies, port authorities and business operators about the ongoing efforts towards this new annex, with a view to providing further comments on the draft to assist in and expedite its finalization. WP.30 will continue developing the draft annex 10 and will report on further progress at the next session of the Inland Transport Committee.

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

9. The Committee may recall that at its session in 2013, several delegations had argued for the development of a new international agreement that they deem necessary for facilitating the crossing of national frontiers by rail transport, that would replace the 1952 Convention which was considered outdated. In this context, an informal group of experts on elaborating such a Convention commenced its work in September 2014 in Warsaw with representatives from twelve countries. The meetings were organized at the initiative of OSJD and under the aegis of UNECE. The main outcome of these meetings was the first draft of a new Convention, which was presented to WP.30 in October 2015 (see ECE/TRANS/WP.30/2015/22). The draft 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 that can be made by border control agencies, including border police. The Working Party noted the importance of avoiding duplication with other existing legal instruments and mandated the secretariat to prepare — in cooperation with OSJD, the informal group and interested delegations — a paper containing a comparative analysis of the new convention and other relevant legal instruments, in order to facilitate considerations of the draft text of the new convention in the course of 2016.

IV. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956)

10. At its previous session, the Committee was informed that, on 30 June 2014, the Secretary-General of the United Nations, acting in his capacity as depositary, had issued Depositary Notification C.N.315.2014.TREATIES-XI.A.8, communicating an amendment proposal to the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), transmitted by the Government of the United Arab Emirates. On 1 January 2015, the period for notification of objections to this amendment expired. Thus, as of 1 April 2015, the amendment entered into force for all Contracting Parties, allowing for Carnets de Passage en Douane (CPD) issued for operations within a specific region to be printed in combinations of two United Nations official languages, on the condition that one of the two languages is English or French (depositary notification C.N.26.2015.TREATIES-XI.A.8 of 13 January 2015). The Committee may also wish to note that the Administrative Committee of the Convention on Temporary Admission (Istanbul Convention, 1990), at its meeting in October 2015, agreed to amend Appendix II of Annex A, dealing with the model of the CPD, so as to align it with the latest amendment to the 1954 Convention on the Temporary Importation of Private Road Vehicles.

V. The TIR Convention

11. The Committee should note that, on 23 July 2015, the Secretary-General of the United Nations, acting in his capacity as depositary, issued depositary notification C.N.420.2015.TREATIES-XIA.16 informing that on 21 July 2015 the Government of Pakistan has deposited its instruments of accession to the TIR Convention, 1975. In accordance with its Article 53, paragraph 2, the Convention entered into force for Pakistan on 21 January 2016. With the accession of Pakistan, the TIR Convention has sixty-nine Contracting Parties.

12. In 2015, the TIR Convention celebrated its fortieth anniversary. WP.30 and the TIR Administrative Committee (AC.2) sustained their efforts towards considering and finalizing a comprehensive set of amendment proposals to the TIR Convention. In the course of 2015, both bodies reached provisional agreement on a number of proposed amendments that are currently pending formal adoption. The Committee may wish to note some of the main issues of discussion:

(a) Amendment of the maximum guarantee level per TIR Carnet. The TIR Executive Board (TIRExB) was mandated to examine this issue in detail, and finalized its assessment in October 2015. The considerations of the Board will be discussed by AC.2 in the course of 2016. On the basis of oral information provided to AC.2 by the Chair of TIRExB, the Committee may wish to note that the Board has identified five main scenarios/options on the guarantee level per TIR Carnet, none of which appear, in the view of TIRExB, to provide a basis sufficient for amending the TIR Convention. Nonetheless, in light of the information provided by IRU in October 2015, whereby pursuant to deliberations with the relevant institutions, the guarantee chain will be able to raise the maximum guarantee coverage to 100,000 euros per TIR Carnet as of 1 July 2016, AC.2 will continue and conclude its discussions on this issue, conceivably in 2016.

(b) Elaboration of new provisions for Annex 9, Part III of the TIR Convention aimed at strengthening the accountability and transparency of TIR operations carried out by the international organization authorized to manage the international guarantee system and to print and distribute TIR Carnets. In 2015, the TIR Contracting Parties considered the so-

called draft “o, p and q” provisions, in conjunction with related proposals to amend Annex 8 of the TIR Convention, with additional provisions that would provide the necessary scope to AC.2 to mandate or conduct additional examinations and audits of the authorized international organization. In this context, WP.30 is expected to consider a revised package of proposals in 2016.

(c) Undertaking a comprehensive editorial review of the TIR Convention for the sake of consistency and clarity throughout the text. In 2015, WP.30 came to the conclusion that, over the years, various terms have been used inconsistently or, at least without, seemingly, proper research. WP.30 has requested the secretariat to prepare a list of editorial alignments that seem appropriate or warranted, for discussion and eventual decision in the course of 2016.

(d) Proposal to amend article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators. This proposal was developed by TIRExB in the course of 2015, and submitted to AC.2 for consideration in June 2015. While, by and large, there is agreement on the need for greater facilities under the TIR Convention, AC.2 was of the view that there are several elements that remain for further analysis and clarification. As such, AC.2 has requested the secretariat to provide a detailed assessment of outstanding questions, to form the basis of its discussions and subsequent decisions in 2016.

13. The Committee may wish to note that, due to the exceptionally heavy workload of AC.2 in 2015, an additional session was convened in June 2015, pursuant to the request of at least five Contracting Parties as required under Annex 8, article 4 of the TIR Convention.

A. International TIR Data Bank and electronic tools of the TIR secretariat

14. The Committee may recall that, in 2014, the secretariat was mandated to establish a new database on TIR approved customs offices (ECE/TRANS/WP.30/AC.2/117, para 21). In 2015, the secretariat began work on developing a new International TIR Data Bank (ITDB) project, envisaged to consolidate all electronic applications currently managed by the TIR secretariat. The project would be delivered in phases, the first one of which will serve to replace the current applications (ITDBonline+ and UNECE Register on Customs Seals and Stamps). In later stages, possibly at the end of 2016, new applications, such as the database of customs offices would be introduced. The Committee may wish to note that external factors, such as the security audit for the application and the readiness of the infrastructure, would have to be considered prior to making the application operational.

B. National and regional TIR workshops and seminars

15. In 2015, the TIR secretariat provided substantive contributions to an array of conferences, seminars and events, as well as organized or co-organized seminars and events relating to TIR and border crossing facilitation at large. Non-exhaustively, the Committee may wish to note the participation of UNECE in:

(a) The regional TIR seminar, which was organized by TIRExB and the TIR secretariat and held in Dushanbe from 19–22 May 2015, in cooperation with the OSCE Border Management Staff College and the Customs Service under the Government of the Republic of Tajikistan;

(b) A border crossing facilitation event held in Cairo (Egypt, 12 May 2015), in the framework of the EUROMED Project, where the TIR Convention was presented and promoted;

(c) A Customs to Customs (C2C) data exchange workshop organized by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) in Issyk-Kul (Kyrgyz Republic, 7–8 September 2015), by presenting and discussing the TIR Convention and the eTIR Project;

(d) A meeting of Heads of Customs administrations organized by the secretariat of Central-American Economic Integration (SIECA) in El Salvador on 28 August 2015, where, by means of video conferencing equipment, the TIR Convention was presented;

(e) The World Customs Organization (WCO) Working Group on the World Trade Organization Trade Facilitation Agreement (Brussels, 12–13 October 2015) and the joint UNECE-IRU event held at the end of the Working Group session with the objective of promoting accession to the TIR Convention by African countries.

(f) The fifth WCO Technology and Innovation Forum (Rotterdam, Netherlands, 26–29 October 2015), promoting the UNECE-IRU eTIR Pilot Project;

(g) The Asia-Pacific Trade Facilitation Forum in Wuhan (China, 20–21 October 2015) and contributions to the panel discussion on “Enhancing regional connectivity through trade and transport corridor facilitation” by showcasing the potential benefits of TIR in the Asia-Pacific region.

16. Finally, the Committee should note that the UNECE Executive Secretary participated as a keynote speaker in the Connectivity and Win-Win Development Forum for Heads of Customs Administrations along One Belt & One Road, which took place in Xi’an (China, 27–28 May 2015).

VI. Developments in the implementation of the TIR Convention

17. The year 2015 continued to be marked by the so-called ‘TIR crisis’, which began in 2013 when the Federal Customs Service (FCS) of the Russian Federation decided that an increasing number of customs offices would no longer accept TIR Carnets issued by foreign national associations and that it would require, instead, that operators obtain a national guarantee. Despite ongoing efforts from the TIR governing bodies as well as at the national level, FCS continued not to accept TIR Carnets.

18. On 25 February 2015, FCS informed the secretariat that the existing agreement with the Association of International Road Carriers (ASMAP) had been extended until 30 June 2015. That same day, the President of the Russian Federation issued an Order, instructing the Government of the Russian Federation to undertake various steps aimed at ensuring the uninterrupted functioning of the TIR Convention on the territory of the Russian Federation.

19. On 29 May 2015, members of the Eurasian Intergovernmental Council signed Order No. 12, which, *inter alia*, stipulated that the member States of the Eurasian Economic Union (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.

20. In June 2015, FCS announced that its cooperation with the TIR national guaranteeing association, ASMAP, had been restored in line with the 2004 TIR guarantee agreement. In addition, a list of border crossing points open to the TIR procedure had been defined, which was attached to a draft decree which would enter into force after conclusion of the legally required consultations. Further to the circulation of this list of thirty-four customs offices at various border crossings, some of these customs offices already started to clear TIR transports. However, at the time of submission of this document, no

information on the finalization of the consultations, or the possible date of entry into force of the draft decree, has been communicated to the secretariat.

VII. The eTIR project

21. The Committee may wish to recall that in 2003, the Contracting Parties to the TIR Convention launched the so-called “eTIR Project” with the aim of replacing the paper TIR Carnet with an exchange of electronic messages between the actors involved in the TIR regime. A computerized TIR system will offer significant additional security and risk management opportunities, thus reducing the risk of fraud. Furthermore, advanced international cooperation will allow all actors to significantly reduce their administrative burden and to maximize the benefits of integrated supply chain management. Finally, the provision of advance cargo information and the exchange of information in real time will speed up the TIR procedure.

22. Since the beginning of the eTIR Project, various initiatives had been launched by customs administrations and the private sector to overcome some of the limitations of the paper-based TIR system. In most TIR Contracting Parties, the management of TIR operations is currently ensured by Information Technology (IT) customs systems that in some countries allow, or even require, transport operators to provide TIR related data in advance and in electronic format. The private sector, in particular IRU, in its efforts to better manage the risks of providing guarantees covering international transit, also computerized the management of most of its TIR related activities.

23. The eTIR Project certainly leverages from these initiatives, however, it should be highlighted that it is unique in providing all TIR Contracting Parties with a single platform to exchange Customs-to-Customs information, as well as provide customs with the opportunity to manage data on guarantees issued by guarantors to authorized TIR Carnet holders. Various pilot projects (paras. 38 to 45 below) are ongoing to demonstrate that the TIR Convention can be implemented entirely electronically and validate the concepts laid down in the eTIR Reference Model (latest version: ECE/TRANS/WP.30/2011/4/Rev.1).

A. Developments in the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1)

24. Although the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) did not meet in 2015, its activities were extensively discussed at the 140th session of WP.30 (June 2015), when GE.1 submitted version 4.1 of the eTIR Reference Model (ECE/TRANS/WP.30/2011/4/Rev.1) and a summary of its activities (ECE/TRANS/WP.30/2015/4) for consideration by the Working Party. The main recommendations of GE.1 to WP.30 were:

- to endorse the eTIR Reference Model (version 4.1a), including the technical chapters 3 (Analysis) and 4 (Design) as well as all annexes, as contained in ECE/TRANS/WP.30/2011/4/Rev.1;
- to consider how – or to which extent – to attribute legal status to the eTIR Reference Model;
- to endorse the recommendations from the Cost-Benefit Analysis, conducted by GE.1, including, but not limited to, the financing of the eTIR system through a contributory system and its hosting under the auspices of the United Nations Office Geneva;

- to consider the establishment of a formal group of technical experts to provide binding advice on technical amendments;
- to support all pilot projects that test the principles contained in the eTIR Reference Model.

25. WP.30 supported the eTIR Reference Model, endorsed the activities of GE.1, including its recommendations, and requested the secretariat to reflect the relevant ones in the Work Plan and the Programme of Work of the Working Party or include them in the activities of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2). 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 (see ECE/TRANS/WP.30/280, paras. 9–10). Further to this request, ITC is invited to prolong the mandate of GE.1 for the year 2016.

B. Developments in the Group of Experts on the Legal aspects of Computerization of the TIR Procedure

26. The Committee may recall that, in 2015, it had approved the establishment of GE.2. The secretariat then completed the administrative requirements for the establishment of this group, which held its first session on 16 and 17 November 2015. At its first session, the group adopted its workplan and identified priority areas for consideration such as but not limited to: the compatibility of the eTIR system with national legal requirements; the administration and financing of the eTIR international system; data confidentiality considerations; identification of the holder and verification of the integrity of electronic data interchange messages; and the legal status of the eTIR Reference Model and the related amendment procedure. The Group of Experts is expected to complete its work on the development of the appropriate eTIR legal framework in 2017. The Committee will be kept informed of the progress in the work of this group, at its annual sessions.

C. UNECE-IRU eTIR pilot project

27. The Committee should recall that, at its seventy–sixth session, it urged Contracting Parties to accelerate efforts to complete and launch the eTIR Project (ECE/TRANS/240, para. 69). With this in mind, and taking into account that investments have already been made by both customs administrations and the private sector in the framework of the computerization of the TIR procedure, the UNECE secretariat and IRU, with the support of Contracting Parties, launched, in 2014, the so-called UNECE-IRU eTIR Pilot Project. Details may be found in documents ECE/TRANS/WP.30/2014/9 and Informal document GE.1 No.6 (2014).

28. The objective of this Pilot Project is to allow a rapid launch of a paperless TIR procedure between two pilot countries at minimal costs, building on the existing investments and electronic tools. The Pilot Project, like other pilot projects, constitutes a first concrete step towards implementing the fully-fledged eTIR system, as designed by Contracting Parties and described in the eTIR Reference Model. To accelerate its implementation within a limited geographical area and timeframe, the Pilot Project does not encompass all eTIR concepts.

29. The Pilot Project is being implemented between Iran (Islamic Republic of) and Turkey, both Contracting Parties to the TIR Convention that have already computerized the management of TIR operations at the national level and already connected to the Real-Time SafeTIR (RTS) and TIR-EPD (electronic pre-declaration) systems of IRU.

30. The main benefits of this Pilot Project are:
- To demonstrate that the TIR procedure can function without the paper TIR Carnet within a short timeframe;
 - To use the IRU and customs infrastructure and connections already developed (TIR-EPD and RTS);
 - To have pre-declarations include country specific requirements, such as safety and security requirements;
 - To implement and test some standard eTIR messages and procedures;
 - To provide feedback on possible issues and to correct them before the launch of the fully functional eTIR international system.
31. On 24 March 2015, UNECE and IRU signed a Memorandum of Understanding whereby additional financial support is provided to UNECE to cover for the additional costs of the Pilot Project, including an additional IT expert. On 26 October 2015, Iran (Islamic Republic of) and Turkey (both customs and guaranteeing associations) as well as UNECE and IRU finalized the signature process of the Terms of Reference (ToR) of the Project, thus signalling the official start of the Pilot Project.
32. Thanks to the preparatory technical work undertaken by all stakeholders in 2015, and further to the signature of the ToR, the first two test TIR transports started on 5 November 2015, from Izmir and Teheran. Those tests were aimed at ensuring that, in parallel to the regular processing of TIR Carnets, all stakeholders could successfully and securely exchange electronically all the information contained in a TIR Carnet. On 12 November 2016, both transports had reached their destination and all stakeholders had sent and received information as planned.
33. Further to the successful outcome of the tests, the first pilot eTIR transports, i.e. with electronic guarantees replacing paper TIR Carnets, were carried out before the end of 2015.

D. UNDA project: “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”

34. The Committee should recall that, under the eighth tranche of the United Nations Development Account Project, a global project closely related to eTIR was implemented. The objective of the project is to strengthen the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing through an increased secure electronic exchange of transit related information between customs administrations and an increased use of internationally standard electronic messages. All Regional Commissions are engaged in this project and all information relative to the project is available on the project website (www.unece.org/trans/themes/unda_customs-to-customs.html).
35. The Committee may wish to note that, to date, the following activities have successfully been carried out:
- A first interregional Expert Group meeting took place in Geneva (8 December 2014). Experts from each Regional Commission selected the pilot countries, on the basis of the results of the gap analyses, and assessed whether it was possible to achieve, within the framework of the project, an actual C2C electronic exchange of transit related information or if the development of an Action Plan,

setting out the steps required to introduce such a system, would be the best way to proceed.

- On 16–17 June 2015, ECLAC organized a workshop in San Jose (Costa Rica) for customs officials of all six countries in Central America on Business Intelligence applied to customs' risks and valuation and the WCO Data Model.
- On 22–23 June 2015, UNECE organized a Customs-to-Customs (C2C) data exchange workshop in Tbilisi (Georgia).
- On 7–8 September 2015, ESCAP organized a C2C data exchange workshop in Issyk-Kul (Kyrgyz Republic).
- Various technical assistance contracts have already been awarded by UNECE and ECLAC to consultants that will help pilot countries to advance the C2C electronica data exchange agenda.
- UNECE hired a company to develop and deploy a C2C exchange platform.

36. The Committee may wish to note that, in view of delays caused by unforeseen circumstances (political changes in pilot countries and administrative delays in the Regional Commissions due to the implementation of the new Enterprise Resource Planning (ERP) system 'Umoja'), the Department of Economic and Social Affairs extended the operational period of this project for an additional six months until 30 June 2016.

37. Finally, the Committee may wish to note that: (a) a C2C data exchange workshop, organized jointly by UNECA and UNESCWA, took place on 2–4 December 2015 in Casablanca (Morocco); (b) the second interregional Expert Group meeting and the seminar to promote the electronic exchange of customs information and the adoption of standard electronic messages will take place in Geneva (20–21 June 2016) and (c) the external evaluation of the project will be carried out from July to September 2016.

VIII. Adoption of new Terms of Reference and Rules of Procedure of WP.30

38. In June 2015, WP.30 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. WP.30 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 Terms of Reference and Rules of Procedure as contained in document ECE/TRANS/WP.30/2015/7 and attached in the Annex to the present document for ease of reference.

IX. Considerations by the Committee

39. The Committee may wish to take note of and support the above activities of Contracting Parties, WP.30 and the secretariat. It is also invited to support the continuation of the eTIR project and to prolong the mandate of WP.30/GE.1 to the year 2016.

Annex

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

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

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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.
