



Economic and Social Council

Distr.: General
27 September 2012

English only

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

132rd session

Geneva, 9–12 October 2012

Item 3 of the provisional agenda

Terms of Reference and Rules of Procedure of the Working Party

Amendment to the draft Terms of Reference of the Working Party

Transmitted by the Government of Iran (Islamic Republic of)

1. At its 130th session, the Working Party adopted, as a basis for further consideration, the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10), subject to a few modifications. The delegation of Iran (Islamic Republic of) was of the view that the draft ToR did not properly distinguish between the competencies of the Working Party and those of the various Administrative Committees, mentioned under item 1 (n) of ToR, and submitted to the secretariat modifications to this effect. The Working Party requested the secretariat to issue this contribution as an official document for discussion at the present session (ECE/TRANS/WP.30/260, paras. 42 and 43). Following this request, the secretariat has issued document ECE/TRANS/WP.30/2012/5.

2. At its previous session, the Working Party considered document ECE/TRANS/WP.30/2012/5 by Iran (Islamic Republic of), proposing modifications to the draft Terms of Reference (ToR) of WP.30 (ECE/TRANS/WP.30/2011/10) adopted at the 130th session as a basis for further consideration. The delegation of Iran (Islamic Republic of) pointed out that the aim of its proposal was to provide a distinction between the competencies of the Working Party and those of the Administrative Committees under item 1 (n) of the ToR, in particular the TIR Administrative Committee, as well as to introduce a certain hierarchy where the above Administrative Committees would take the lead. Several delegations raised concerns on the proposed amendments, in particular paragraphs (f), (g) and (h), and were of the view that, if accepted, such modifications could undermine the important role of WP.30 as an intergovernmental forum for negotiations and could leave aside some of its major activities. The secretariat clarified that WP.30, being a UNECE Working Party under the umbrella of ITC, and the Administrative Committees, being treaty bodies, are functioning on different legal bases and are completely independent from each other. The delegation of the Islamic Republic of Iran underlined that this is the first time

that the draft Terms of Reference for WP.30 were prepared and that the purpose of the proposed amendments was not to limit the mandate of Working Party but to make more clear the different roles of the Administrative Committees of the Conventions and WP.30. As a result of the discussion, the Working Party was not in a position to support the changes as currently proposed in document ECE/TRANS/WP.30/2012/5 and took note that the delegation of Iran (Islamic Republic of) would submit a revised proposal for consideration at the present session of WP.30 (ECE/TRANS/WP.30/262, para. 40).

3. The present document contains revised proposals by the delegation of Iran (Islamic Republic of). The deletions to the original text of ToR (ECE/TRANS/WP.30/2011/10) are given in ~~strike through~~ while additions are shown in **bold**.

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.4)¹ and ~~consistent~~ **in accordance** with the legal instruments listed in Annex II:

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

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

(c) ~~Administers and monitors~~ **Support** the implementation of the Conventions and Agreements on border crossing facilitation under the auspices of the Working Party (Annex II);

(d) Reviews the above legal instruments ~~to ensure their relevance as well as coherence and their relation~~ with other international or subregional treaties concerned with Customs and border crossing facilitation issues **and as appropriate submits its views to the relevant Administrative bodies for their consideration, 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 Annex II ~~and~~, where appropriate, **and** submit them to the relevant Administrative Committees (see point (n) below) for consideration and formal adoption;

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

(h) Studies specific legal and other measures to combat fiscal fraud resulting from simplified Customs and other border crossing procedures and foster the exchange of ~~intelligence~~ **information** 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) Promotes the possible extension of the Agreements and Conventions from Annex II to other regions and encourages the accession of new countries to those;

¹ Non-member countries of ECE as defined in paragraph 111 of the Terms of Reference of ECE would participate as full participants at sessions of WP.30.

(j) Encourages 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) Creates a working environment that facilitates fulfilment by the Contracting Parties of the obligations set forth in the legal instruments listed in Annex II, and **taking into account the different status of the working party and the Administrative committees**, exchange of views on the interpretation of ~~these~~ **the provisions of** instruments or the resolution of problems connected with their enforcement;

(l) Ensures openness and transparency during its meetings;

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

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

(o) Collaborates 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) Draws up and implements 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.

Annex II

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