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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 alignment of the work of the Working Party with the Inland Transport Committee Strategy until 2030 – Revision of the terms of reference of the Working Party**

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, for consideration at its next session, 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. When preparing this document, the secretariat realized that a straightforward comparison between the ToR of ITC and WP.30 is not possible, due to differences in structure and approach. Therefore, the secretariat reproduces, in Annex I, the new ToR of ITC, in Annex II, the current ToR of WP.30, while providing, in Annex III, suggestions for alignment of the WP.30 ToR (in **bold underlined** and ~~strike through~~) with the text of the ToR of ITC.

#### **II. Considerations by the Working Party**

3. The Working Party is invited to consider and, possibly, approve the amended ToR of WP.30, as contained in Annex III to this document.

## Annex I

### **Revised terms of reference of the Inland Transport Committee of the Economic Commission for Europe<sup>1</sup>**

(a) The Inland Transport Committee is a United Nations centre providing a comprehensive platform for consideration of all aspects of inland transport development and cooperation, with special attention to interregional and intraregional regulatory governance through the United Nations transport conventions and other means;

(b) States members of the Economic Commission for Europe participate in the Committee sessions as full members with voting rights. Non-member States have the right to participate as full members in the segments of the Committee session that deal with legal instruments to which they are contracting parties and remain in a consultative capacity in other parts;

(c) The Committee provides a forum for its members and contracting parties for (i) cooperation and consultation based on the exchange of information and experiences, (ii) the analysis of transport trends and economics and transport policy trends and (iii) coordinated action designed to achieve an efficient, coherent, balanced and flexible transport system which is based on principles of market economy, pursues the objectives of safety, environmental protection and energy efficiency in transport and takes into account transport developments and policy of Committee members;

(d) The Committee promotes the harmonization and improvement of technical and operational regulations, standards and recommendations in the various fields of inland transport across its members and contracting parties, particularly in road safety, road vehicles, the transport of dangerous goods, border crossing facilitation, infrastructures and combined transport;

(e) It promotes the facilitation of international road, rail and inland waterway transport, particularly through the simplification and harmonization of administrative border crossing procedures and physical and electronic documentation;

(f) It promotes the coordinated development of infrastructures for road, rail and inland waterway transport as well as for combined transport across its members and contracting parties with a view to achieving coherent international transport connectivity;

(g) The Committee pursues the objective of sustainable transport development by means of promoting both the reduction of the negative impact of transport on the environment and the utilization of environmentally sound modes of transport, including the development of combined transport;

(h) With a view to achieving the above objectives and ensuring the above functions, the Inland Transport Committee elaborates, administers and, where appropriate, revises agreements, conventions and other international legally binding instruments in the various fields of inland transport;

(i) It acts as a centre for supporting new technologies and innovations in inland transport, by providing a platform for digitalization, automated driving and intelligent transport systems;

(j) It develops appropriate methodologies and definitions for the collection, compilation and harmonization of transport statistics for the purposes of comparability and consistency. It also evaluates the need for the collection and coordination of statistics at the international level and reviews ways to improve their collection, presentation and quality;

(k) Upon request, the Committee advises and assists its member countries, particularly those facing major economic changes, through workshops, training and other appropriate means on transport matters of specific interest, in particular in developing

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<sup>1</sup> See E/2022/L.4, Annex

sustainable transport systems and infrastructures that are compatible with those of their neighbouring countries;

(l) The Committee undertakes the study of problems at the interface of inland transport with maritime and air transport, within its members and contracting parties;

(m) In line with the Committee Strategy, in carrying out its mandate, the Committee cooperates closely with relevant subsidiary bodies of United Nations regional commissions, regional and international organizations, especially organizations and bodies in the Commission region;

(n) The Bureau of the Committee will be composed of Commission member States. The Committee shall adopt the terms of reference and rules of procedure of its Bureau and may amend these as necessary. The Committee shall adopt the terms of reference and rules of procedure of its subsidiary bodies;

(o) The Committee may establish subsidiary bodies or convene meetings as it deems necessary to assist it in carrying out the above mandate, in line with existing Commission rules.

## **Rules of Procedure of ITC on participation<sup>2</sup>**

### **Rule 1**

(a) ECE member States participate at the ITC sessions as full members with voting rights.

(b) Non-ECE Member States have the right to participate as full members to the segments of the ITC session that deal with legal instruments<sup>1</sup> to which they are contracting parties and remain in a consultative capacity in other parts.

(c) States that do not fall under subparagraphs (a) and (b) may participate in the ITC sessions in a consultative capacity.

(d) 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 the Economic Commission for Europe (“ECE” or “the Commission”), participate in a consultative capacity in the Committee in discussions that the Committee may hold on any matter of particular concern to those agencies or organizations.

(e) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of the Committee 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 the Committee may hold on any matter of interest to these organizations.

(f) 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.

(g) 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 nongovernmental organizations included on the list.

<sup>2</sup> ECE/TRANS/294, Annex III

## Annex II

### **The Terms of Reference of the Working Party on Customs Questions affecting Transport (WP.30)<sup>1</sup>**

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 pursue actions aimed at the harmonization and simplification of regulations, rules and documentation for border crossing procedures for the various modes of inland transport, 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 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

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<sup>1</sup> The current ToR of WP.30 were adopted at its 147th session (October 2017) (see ECE/TRANS/WP.30/294, para. 10) and are contained in Annex to document ECE/TRANS/WP.30/2017/19.

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.

## **For information: 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 ~~as defined in paragraph 11<sup>2</sup> of the Terms of Reference of ECE~~<sup>3</sup> 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<sup>4</sup> and 13<sup>5</sup> 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.

<sup>2</sup> 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.”

<sup>3</sup> The reference to the ECE ToR is suggested to be deleted. If deleted, any non-ECE member State would be able to participate as full member to WP.30 sessions independently if it is UN or non-UN member State according always to United Nations rules and resolutions.

<sup>4</sup> 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.”

<sup>5</sup> 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.”

(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 III

### Suggestions for alignment of the WP.30 ToR with the text of the ToR of ITC<sup>1</sup>

1. ~~The Working Party on Customs Questions affecting Transport~~ **Global Forum on Customs questions affecting transport including border crossings facilitation**<sup>2</sup> (hereinafter referred to as WP.30), ~~will~~ **will** ~~act~~ **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 ~~of ECE (E/ECE/778/Rev.5)~~<sup>3</sup> **and 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; (ToR ITC (d));

(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; (ToR ITC (e))

(c) Administer and monitor the implementation of the conventions, ~~and~~ **agreements and other international legally binding instruments** on **customs and** border crossing facilitation under the auspices of the WP.30 (Appendix); (ToR ITC (h))

(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** (ToR ITC (h));

(e) Consider and ~~endorse~~ **adopt** 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 good** practices with regard to the implementation of these legal instruments and, where

<sup>1</sup> New text is in **bold underlined**, whereas deletions are in ~~strike through~~.

<sup>2</sup> It is proposed that the term “border crossings facilitation” is included in the title of the Working Party because it is a widely recognised and used term comparing to the “customs questions affecting transport”. Such inclusion in the title would further facilitate the acceptance and acknowledge of the Working Party as the global forum that deals with those aspects. Substance wise, the difference between the two terms is rather small. The Working Party already deals, mainly through the work on the harmonization convention, on topics not directly related to customs such as professional drivers VISA. Most probably, activities such as capacity building / good practices sharing could be further strengthen following mandates always provided by the Governments.

<sup>3</sup> The reference to the ECE ToR is suggested to be deleted. As it is explained in footnotes 2 and 3 in annex II, the paragraph 11 of ECE ToR refers to: “... any Member of the United Nations not a member of the Commission.....”. On the other hand, reference to ITC ToR should be included. The new ITC ToR (page 4 of this document) make reference to “.....Non-ECE Member States have the right to participate as full members....”. If reference to the new ITC ToR is included in the text then all contracting parties to the border crossing facilitation conventions and agreements could participate as full members to WP.30 sessions when the convention on which are contracting parties to is being discussed following always the United Nations rules and resolutions.

appropriate, submit them to the relevant Administrative Committees (see point (o) below) ~~of ITC~~ 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 ~~electronic data interchange solutions~~ **new technologies and innovations, including a platform for digitalization;** (ToR ITC (i))

(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** ~~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; (ToR ITC (k))

(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.



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## Appendix I to Annex III

### **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