



# Economic and Social Council

Distr.: General  
3 November 2014

Original: English

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

138th session

Geneva, 7–10 October 2014

### Report of the Working Party on Customs Questions affecting Transport on its 138th session

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## **I. Attendance**

1. The Working Party (WP.30) held its 138th session from 7–10 October 2014 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine. Representatives of the European Union (EU) were also present. The following intergovernmental organizations were represented: Economic Cooperation Organization (ECO) and Eurasian Economic Commission. The following non-governmental organizations were represented: the International Touring Alliance and the International Automobile Federation (AIT/FIA) and the International Road Transport Union (IRU).

## **II. Adoption of the agenda (agenda item 1)**

2. WP.30 adopted the provisional agenda prepared by the secretariat (ECE/TRANS/WP.30/275), but decided, at the proposal of the Russian Federation, to rephrase the title of Agenda item 4 (c) (i) to read as follows: New developments in the application of the Convention in the European Union, Russian Federation and Ukraine. In addition, the Working Party decided, at the request of the Eurasian Economic Commission to refer, in the future, to the “Customs Union and Common Economic Space of the Republic of Belarus, Republic of Kazakhstan and the Russian Federation” when discussing the agenda item dedicated to activities of other organizations and countries of interest to the Working Party.

## **III. Opening statement**

3. In her opening statement, Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division reminded the Working Party about the ongoing and worrying situation in the Russian Federation where the Federal Customs Service continues to apply measures, which contradict the provisions of the TIR Convention. At the same time, countries have already taken or are preparing actions against Russian TIR Carnet holders. These developments undermine the functioning of the TIR system as a global customs transit system. She further informed the Working Party that Turkey and Iran (Islamic Republic of) had volunteered to participate in the joint UNECE/IRU eTIR Pilot Project. On the subject of computerization of the TIR procedure, she further referred to the draft Protocol as well as the Terms of Reference of a Group of Legal Experts, which the secretariat submitted for the consideration of the Working Party.

## **IV. Activities of United Nations Economic Commission for Europe bodies and other United Nations organizations of interest to the Working Party (agenda item 2)**

4. The Working Party was informed about activities of the Inland Transport Committee (ITC), its Bureau, subsidiary bodies and other United Nations organizations on matters of interest to the Working Party. In particular, the Working Party took note that on 9 July 2014, the Secretary-General had appointed Mr. Christian Friis Bach of Denmark as

Executive Secretary of UNECE. The Working Party took note that the secretariat had participated in the High Level International Conference on the Role of Transport and Transit Corridors in Ensuring International Cooperation, Stability and Sustainable Development (3–4 September 2014, Tbilisi). At that occasion, the TIR secretariat also organized a national TIR seminar for customs officials (5 September 2014). Furthermore, the TIR secretariat participated in a workshop (17–18 September 2014, Rabat) organized in the framework of the Euro-Mediterranean Partnership (EUROMED) project. Funded by the EU, the main goal of EUROMED is to facilitate the promotion of United Nations conventions in the field of transport, in particular — but not limited to — the TIR Convention, 1975 and the Harmonization Convention, 1982. The Working Party noted that the tenth revised edition of the Chinese version of the TIR Handbook was currently under review by the competent United Nations translation services and that the Arabic and Spanish version would soon follow.

## **V. Activities of other organizations and countries of interest to the Working Party (agenda item 3)**

5. The Working Party took note of the activities of regional economic or Customs Unions as well as of other intergovernmental and non-governmental organizations, and countries as far as they related to matters of interest to the Working Party.

### **A. European Union**

6. The delegation of the European Union informed the Working Party about the progress made on the Union Customs Code (UCC), which becomes applicable as of 1 May 2016 and which is available in all official EU languages. The European Commission and its member States, in consultation with the trade community, are in the process of preparing provisions for the UCC. These will consist of two sections: implementing acts and delegated acts. The Working Party took note that not all acts will enter into force simultaneously, but that some, such as, for example, those related to the Information Technology (IT) systems will be implemented in phases until 2020. Finally, the Working Party took note that the next extensions of the Common Transit Convention are expected to take place in the course of 2015, with the accession of Serbia and the former Yugoslav Republic of Macedonia to the Convention.

### **B. Economic Cooperation Organization**

7. The Working Party was informed by ECO about its recent activities. It took note that in August 2014, ECO (in collaboration with IRU) had organized three one-day national capacity-building workshops in Pakistan and that, at the session held in Islamabad, the Deputy Minister of Pakistan had stated that his country's accession to the TIR Convention would likely to happen before the end of 2014. The Working Party was further informed that the third ECO/IRU Regional Conference on Facilitation of Transit by Road and the TIR Convention would be organized on 26 October 2014 in Tehran. UNECE would participate. The Working Party noted that field studies and test runs are currently underway for the Road Corridors between Kyrgyzstan–Tajikistan–Afghanistan–Iran (KTAI) and Islamabad–Tehran–Istanbul (ITI). The Working Party was informed that the railway between Kazakhstan, Turkmenistan and Iran (Islamic Republic of) was complete and that it provides the best and most economical way of connecting Central Asia with Europe in trade and transport.

## **C. Customs Union and Single Economic Space of the Republic of Belarus, Kazakhstan and the Russian Federation**

8. The Working Party was informed about further progress in relevant activities and projects carried out by the Eurasian Economic Commission to improve the quality of legislation and administration in the field of customs. In particular, the Working Party took note of the information that Armenia would assist in the next high level meeting of the EurAsEC Council on 10 October 2014, that work on the accession of Kyrgyzstan to the Eurasian Customs Union continues as planned and that the Single Economic Space would commence on 1 January 2015.

## **D. World Customs Organization**

9. In the absence of a representative from the World Customs Organization (WCO), the Working Party was not informed of any of its recent activities.

## **V. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (agenda item 4)**

### **A. Status of the Convention**

10. The Working Party was informed that, further to the issuance of depositary notification CN.426.2014.TREATIES-XI.A.16, of 24 June 2014, on the submission of proposals to amend Annex 1, Annex 6, as well as Annex 9, Part I, paragraph 3 (vi) to the TIR Convention, 1975, the Secretary-General of the United Nations had issued depositary notification C.N.661.2014.TREATIES-XI.A.16, of 7 October 2014 informing that Contracting Parties had not raised any objection. Thus, the proposed amendments would enter into force on 1 January 2015. The corresponding depositary notification is available on the TIR website.<sup>1</sup>

### **B. Revision of the Convention**

#### **1. Preparation of Phase III of the TIR revision process**

##### **Use of new technologies**

11. The Working Party was orally informed about the outcome of the twenty-fourth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) (25 and 26 September 2014, Antalya, Turkey), at the kind invitation of the Ministry of Customs and Trade of Turkey. The Working Party took note that thirty-one experts had attended the session and welcomed the first participation of Georgia and Iran (Islamic Republic of). It also noted that GE.1, inter alia, provisionally had endorsed version 4.1a of the eTIR Reference Model and had requested the secretariat to circulate it among eTIR focal points. Furthermore, the Working Party noted that GE.1 had held first technical considerations on proposals by Turkey to slightly amend the standard eTIR declaration message, including a proposal to make the HS

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<sup>1</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html)

code mandatory. The secretariat informed the Working Party that the final report of the GE.1 session would be submitted for endorsement at its next session.

12. The Working Party took note of Informal document GE.1 Nos. 4 and 5 (2014) on, respectively, version 4.1a of the eTIR Reference Model and a preliminary summary of GE.1 activities and results as well as recommendations on how to pursue the computerization process from a technical perspective. It noted that the eTIR Reference model and the summary of GE.1 activities would be submitted for consideration and possible endorsement at its next session.

13. The Working Party endorsed document ECE/TRANS/WP.30/2014/6/Rev.1 on clarifying the roles and responsibilities of eTIR focal points.

14. Furthermore, WP.30 took note of the progress in: (a) the Terms of Reference of the Pilot Project between Italy and Turkey which had yet to be signed, though both countries had agreed to continue the project; (b) the UNECE/IRU eTIR Pilot Project in which Iran (Islamic Republic of) and Turkey as pilot countries had met for the first time (26 September 2014, Antalya) to discuss the preliminary steps of the project and a tentative time-schedule; and (c) the framework of the United Nations Development Account project: "Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration" for which, further to the finalization of the "gap analysis" for Georgia, Turkey had expressed its willingness to take part in an exchange of TIR related data with Georgia. The first interregional Expert Group meeting for this project would take place in Geneva on 8 December 2014. Finally, WP.30 also expressed its support for all pilot projects that tested principles contained in the eTIR Reference Model and that demonstrated that the TIR Convention could be implemented entirely electronically.

15. The Working Party considered document ECE/TRANS/WP.30/2014/13 on an elaborated example of a Protocol, as well as document ECE/TRANS/WP.30/2014/14, containing the draft Terms of Reference (ToR) and tentative timeframe of the Group of Experts on Legal Aspects of the Computerization of the TIR Procedure. The delegations of both the EU and Turkey expressed that, in their view, the documents provide a good basis for further analysis and assessment. The delegation of the EU offered to share with the secretariat, its experiences on how to establish a link between technical documentation, on the one hand, and the legal requirement for amending a legal instrument, on the other hand.

16. In the context of its discussions on the eTIR legal framework, the Working Party took note of document ECE/TRANS/WP.30/2014/15, transmitted by the government of Ukraine and containing recommendations on the computerization of the TIR procedure. The Working Party expressed its appreciation for the efforts undertaken by the government of Ukraine, but was of the view that the recommendations made had been adequately addressed in the "Joint Statement on the Computerization of the TIR Procedure". The Joint Statement and the ToR of the Group of Experts on Legal Aspects of the Computerization of the TIR Procedure are currently under consideration by the TIR Administrative Committee (AC.2).

## **2. Amendment proposals to the Convention: Vehicles with sliding sheets**

17. The Working Party approved document ECE/TRANS/WP.30/2012/6/Rev.6, prepared by the secretariat in close collaboration with the International Association of the Body and Trailer Building Industry (CLCCR). These amendment proposals for a new design of a vehicle and container to the TIR Convention are subject to improvement of the reference made in Sketch 9 to Sketch 9.4 and the secretariat has been requested to transmit the proposal to AC.2 in the three working languages for consideration and, possibly, adoption.

**3. Amendment proposal to the Convention: Use of the TIR procedure in a Customs Union with a single Customs territory**

18. The Working Party reconsidered document ECE/TRANS/WP.30/2013/9 by the secretariat, which analysed the relevant provisions of the TIR Convention in the context of international law (Articles 2, 48 and 49). The current wording of the articles does not seem to allow for a clear-cut application of the TIR procedure in the case of Customs Unions with no internal Customs borders. To give new Customs Unions the necessary flexibility to adapt the TIR procedure to their economic and political needs, the secretariat proposed several options on how to amend Articles 2 and 48 (see ECE/TRANS/WP.30/270, para. 37).

19. The delegation of Kazakhstan reconfirmed its support for the proposals to amend Articles 2 and 48. The delegation of the EU, on the other hand, referred to statements made at prior sessions that the Convention is clear enough on the issue and does not require any amendment. The delegation of the Russian Federation informed the Working Party that work on this topic within the Eurasian Economic Commission (EEC) is still ongoing and proposed to revert to this issue only if it could not agree on a common approach.

20. At the request of the delegations of Kazakhstan and Ukraine, the Working Party decided that the issue should be on the agenda of its next session.

**4. Amendment proposals to the Convention: Audit requirements for an authorized international organization**

21. In the absence of document ECE/TRANS/WP.30/2014/16, the Working Party took note of Informal document WP.30 (2014) No. 13 by the secretariat on the consultations between UNECE and IRU secretariats on the wording of the possible new provisions (o), (p) and (q) to Annex 9, Part III of the Convention. Informal document WP.30 (2014) No. 13 also lists the documents which were submitted by IRU to fulfil its obligations under Annex 9, Part III. The Working Party was informed about the TIRExB request to UNECE to seek advice from the United Nations Office for Internal Oversight Services (IOS) or other United Nations competent bodies to establish if the documents (i.e. the list), regularly to be submitted by IRU, fully reflects the legal requirements of the Convention and if it provides a sufficient basis to ensure an appropriate and adequate level of audit of the authorized international organization.

22. The Working Party decided to revert to this issue at its next session and requested the secretariat to resubmit Informal document WP.30 (2014) No. 13 as an official document in the three working languages.

**5. Amendment proposals to the Convention: Proposals transmitted by the Government of the Russian Federation**

23. The Working Party held first considerations of document ECE/TRANS/WP.30/2014/17, transmitted by the Government of the Russian Federation, on proposals to amend the TIR Convention. In the view of the Russian Federation, the main aim of these proposals is to (a) strengthen the control function of AC.2; (b) provide more transparency in the functioning of the international guarantee system; (c) offer immediate and full compensation in case of losses to the state budget; and (d) reform the TIR Executive Board. The Working Party also took note of Informal document WP.30 (2014) No. 11 by IRU in support of these proposals. The Working Party was invited to submit written comments on the various amendment proposals to the secretariat, not later than 15 November 2014.

## C. Application of the Convention

### 1. New developments in the application of the Convention in the European Union, Russian Federation and Ukraine

24. The Working Party, recalling the extensive discussions at its previous sessions on the measures introduced by the Russian customs authorities that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/270, paras. 19–30, ECE/TRANS/WP.30/272, paras. 37–43, ECE/TRANS/WP.30/274, paras. 26–30), was informed by the delegations of the EU, Russian Federation and Ukraine about the latest developments in the application of the Convention taking place on their respective territories.

25. EU informed the Working Party about the correct application of the provisions of the TIR Convention on its territory. The TIR Carnet still functioned as both customs declaration and international guarantee document and the EU fully respected the provisions of the Convention, including the roles and responsibilities of the international guarantee chain. The Working Party was also informed about recent situations, in particular at the external borders between Finland and the Russian Federation, where there had been confusion about the acceptance of the TIR Carnet by Russian customs authorities. The Russian Federation stated that it had received information from reliable sources on the possible suspension of TIR between EU and the Russian Federation. Responding to a question posed by the Russian Federation, the EU representative explained that, indeed, the European Commission had consulted economic operators on such a possibility and its effects. It could be a legal action to an illegal application of the Convention and, therefore, be justified. Furthermore, the European Commission had the right of initiative for such a proposal, and if it made this proposal to the Council of Ministers, the Council would have the final word in this matter. Suspension of TIR between EU and the Russian Federation is possible and could be warranted due to continued illegal measures by the Russian Federal Customs Service to gradually, as of 13 September 2013, no longer accept TIR Carnets presented by TIR Carnet holders from, inter alia, EU member States. The delegation of the EU stressed that the EU Council of Ministers has not yet taken such decision. The EU would notify all competent TIR bodies as well as other stakeholders in a timely way in case of any decision on this matter.

26. The Russian delegation emphasized that it had undertaken all the necessary actions at the national and the international level in order to ensure an uninterrupted and improved functioning of the TIR Convention on the Russian territory. Full restoration of the functioning of the TIR Convention was subject to the progress in its modification so as to prevent State losses in cases of non-delivery of goods or other breaches of the Convention. At the request of the EU, FCS committed itself to providing more information to the secretariat, on the actual situation on 15 November 2014, for distribution to Contracting Parties to the TIR Convention.

27. The representative of Ukraine informed the Working Party that, Ukrainian competent authorities had completed a national legal assessment and had concluded that currently the Russian national association was no longer able to fulfil the minimum conditions and requirements of Article 6 and Annex 9, Part I of the Convention and had de facto ceased to exist. As a consequence, the State Fiscal Service of Ukraine pursuant to the instructions of the Cabinet of Ministers of Ukraine and a decision of the Interdepartmental Commission under the Ministry of Economic Development and Trade of Ukraine, no longer accepted TIR Carnets issued by the Association of International Road Carriers (ASMAP) of the Russian Federation. Ukraine would transmit additional information on this decision and implementing procedure to TIRExB for examination. He further referred to a



legal assessment, based, in part, on the replies by FCS to questions raised by TIRExB at its fifty-seventh session (see document ECE/TRANS/WP.30/2014/18).

28. Several delegations spoke about difficulties that transport operators face because of the non-acceptance of TIR Carnets by FCS at all border crossings of the Russian Federation.

29. the delegation of the Russian Federation qualified the decision of Ukraine to ban Russian carriers from use of the TIR procedure on the territory of Ukraine as a breach of the Convention and as, clearly, a one-sided discriminatory measure that is also strikingly at odds with the basic principles of international law and World Trade Organization (WTO) regulations.. It further invited Contracting Parties to denounce the mentioned decision. The Working Party could not support this idea on the grounds that Ukraine had not yet officially communicated its decision to TIRExB and its full contents are unknown.

30. The secretariat reminded all Contracting Parties of their obligation, in accordance with the provisions of Article 42 bis of the Convention, to inform TIRExB, in a timely way and at a moment when its considerations could still be of relevance, of any control measure it intended to take. TIRExB could then examine the measure for its conformity with the provisions of the Convention. In this context, the secretariat recalled the proposals to amend Article 42 bis as well as to introduce guidelines for its implementation submitted by TIRExB to the TIR Administrative Committee for its consideration.

31. Various delegations expressed their concerns about the ongoing situation in the Russian Federation, that had a negative impact on transport the transport sector and trade as a whole, and pleaded for a quick resolution for the benefit of all Contracting Parties.

## **2. Increase in the number of loading and unloading places**

32. The delegation of Turkey recalled its continued efforts to seek a decision from the Working Party about an increase in the number of places of loading and unloading because of the advantages of these proposals for the road transport industry.

33. The Working Party took note that increasing the level of the guarantee to safeguard customs revenues and ensure that the Harmonized System (HS) codes of goods are indicated on the TIR Carnet, could make the proposed increase in the number of places of loading and unloading manageable and well-functioning.

34. This question led to substantive discussions about the approach that the Working Party should take towards consideration of all proposals for amendments to the Convention. It was generally felt that many important and relevant proposals for amendments to the Convention had been discussed over the past several years in a piecemeal manner without final decision. Several delegations requested, in future, to apply a more comprehensive, holistic and systematic approach to considering amendment proposals within the framework of a broader “package” of measures to modernize the TIR Convention. The Working Party, thus, requested the secretariat to prepare, for its next session, a comprehensive document on all outstanding proposals for amendments to the Convention, including issues that have been discussed but on which decisions have not yet been taken. It was agreed that this document should not contain amendment proposals which have already been submitted to the Administrative Committee for consideration and approval. Furthermore, this document should also prioritize proposals with a tentative timeline for completion of their consideration. However, such approach should not exclude the Working Party from directly transmitting finalized proposals to the Administrative Committee in order to avoid delays in further processing.

35. With the reference to the proposal to increase the number of loading and unloading places, some delegations expressed their support for the optional introduction of an

increased number of places for loading and unloading and a more flexible application of the TIR Convention. The delegation of the EU reiterated that it does not see the immediate need to introduce such an option into the Convention. Consensus was not attained on this question and the Working Party decided to return to this issue at its next session, where it would consider a broader package of measures to modernize the TIR Convention.

### **3. TIR-related electronic data interchange systems**

36. The Working Party was informed by IRU about the latest statistical data on the performance of Contracting Parties in SafeTIR — a control system for TIR Carnets. The data are available in Informal document (2014) WP.30 No. 14 by IRU.

### **4. Settlement of claims for payments**

37. The Working Party was also informed by IRU about the current situation on the settlement of claims for payments made by customs authorities against national guaranteeing associations. See Informal document (2014) WP.30 No. 14 by IRU. For the first time, the data distinguishes between claims per TIR issuing country and per TIR guaranteeing country.

### **5. Other matters**

38. Under this agenda item, the Working Party took note of document ECE/TRANS/WP.30/2014/19, transmitted by the Government of Ukraine on proposals for a recommendation on the use of the TIR procedure in a single country. The Working Party referred to the reports at its 137th and 138th session, stating, *inter alia*, that this issue was outside the purview of the intergovernmental structures dealing with these international legal instruments and that interested Contracting Parties and/or other countries should seek the appropriate contractual and administrative arrangements within their national jurisdiction. Thus, it had been decided not to revert to this issue at future sessions (see ECE/TRANS/WP.30/272, para. 31 and ECE/TRANS/WP.30/274, para. 21).

39. Under this agenda item, the Ukrainian delegation provided information on the operation of a free economic (customs) zone on the territory of the Autonomous Republic of Crimea, as of 27 September 2014. The operation of the zone as well as the placement of goods under customs control on the territory of Ukraine is defined by the relevant Ukrainian laws and regulations. The representative of Ukraine emphasized that goods can be moved into the territory of the free economic (customs) zone only through the entry and exit checkpoints located at the administrative border of the regions of Kherson and Zaporizhye and the Autonomous Republic of Crimea, as administrative and territorial parts of Ukraine. This was crucial for international carriers to understand, as currently all checkpoints located on the territory of the Autonomous Republic of Crimea (for sea, air and ferry traffic) are closed and are not operational, in accordance with a decision by the Cabinet of Ministers of Ukraine.

40. The Russian delegation underlined the legal status of Crimea as an administrative unit and as an integral part of the Russian Federation. It further stated that Crimea rejoined the Russian Federation in response to the openly expressed will of the Crimean people to recognize the legal and factual reality and irrelevance of any claims over the Crimean territory.

41. The delegation of the European Union stated that the EU remains committed to uphold the sovereignty and territorial integrity of Ukraine. It does not recognize the illegal annexation of Crimea and Sebastopol by the Russian Federation and will not recognize it. With this clear position in mind, the EU continues working with its Russian partners in important areas of common interest (such as, but not limited to, TIR) but on the

understanding that non-recognition by the EU of Crimea as part of the Russian Federation is implied.

## **VII. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 (agenda item 5)**

42. The Working Party recalled its previous discussions on the drafting of a new convention to facilitate the crossing of frontiers for passengers and baggage carried by rail. It took note that, at the initiative of the Organization for Cooperation between Railways (OSJD), an informal group of experts on elaborating such convention met for the first time on 8–9 September 2014 in Warsaw and representatives from twelve countries participated. The information, as provided by OSJD, on the outcome of this meeting, together with suggestions on the structure and contents of a new convention, is contained in Informal document WP.30 (2014) No. 12. In a first reaction, the representative of the EU noted that it would be useful to have more information on the necessity to draft a new convention and its relation to the existing legal instruments as well as their current applicability. The Working Party took note of the information, requested delegations to inform their relevant railway agencies and operators about this project and invite them to join. The Working Party decided to monitor further developments in this area at its future sessions.

## **VIII. Customs Conventions on the Temporary Importation of Private Road Vehicles (1954) and Commercial Road Vehicles (1956) (agenda item 6)**

43. The Working Party was informed by the representative of the International Touring Alliance and the International Automobile Federation (AIT/FIA) that the status of the Customs Conventions on the Temporary Importation of Private (1954) and Commercial (1956) Road Vehicles had remained unchanged.

## **IX. Terms of Reference and Rules of Procedure of the Working Party (agenda item 7)**

44. The Working Party continued its considerations of document ECE/TRANS/WP.30/2014/11 on the status of non-UNECE Contracting Parties in ITC subsidiary bodies. The document summarizes the views expressed so far within ITC and the Working Party and drawing parallels to the questions currently under discussion on the establishment of Terms of Reference (ToR) and Rules of Procedure (RoP) of the Working Party. The Working Party was of the opinion that, although legally important, the status of non-ECE Contracting Parties was not relevant given its longstanding practice to fully include observers into its discussions. Thus, the Working Party decided to continue discussions on the so-called “hybrid approach”, implying that non-UNECE countries continue to participate as observers in the corresponding working parties on any matter of particular concern to them, but obtain full member rights during discussions on matters relating to the legal instruments to which they are Contracting Parties. At the same time, the Working Party welcomed the advice of the New York Office of Legal Affairs that, despite the apparent discrepancy between the UNECE ToR and RoP and the EXCOM guidelines, the Working Party’s practice reflects established practice and that, consequently, it is possible for non-UNECE countries to become full members in working parties on the basis

of the hybrid approach. The delegation of Germany reiterated the importance of agreeing on a harmonized approach for all ITC subsidiary bodies.

45. The Working Party decided to revert to this issue at its next session and requested the secretariat to prepare a document with proposals to amend its ToR and, possibly, its RoP.

## **X. Other business (agenda item 8)**

### **A. Dates of the next sessions**

46. The Working Party decided to conduct its 139th session from 3–6 February 2015.

### **B. Restriction on the distribution of documents**

47. The Working Party decided that there would be no restrictions on the distribution of documents issued in connection with its current session.

## **XI. Adoption of the report (agenda item 9)**

48. In accordance with established practice, the Working Party adopted the report on its 138th session on the basis of a draft prepared by the secretariat. During the adoption of the report, the French and Russian speaking delegations deplored that parts of the report were not available in all three official languages.

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