



Economic Commission for Europe
**Administrative Committee for the International Convention
 on the Harmonization of Frontier Controls of Goods, 1982**

 Eleventh session
 Geneva, 13 June 2019

**Report of the Administrative Committee for the
 International Convention on the Harmonization of Frontier
 Controls for Goods, 1982 on its eleventh session**
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I. Attendance

1. The Committee (AC.3) held its eleventh session on 13 June 2019 in Geneva.
2. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Latvia, Lithuania, Netherlands, Poland, Russian Federation, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Representatives of the European Union were also present.
3. The Committee noted that the required quorum for the purposes of taking decisions — of not less than one-third of the States which are contracting parties (according to Annex 7, Article 6 of the convention) — was attained.

II. Adoption of the agenda (agenda item 1)

4. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.3/21) as prepared by the secretariat without any addition.

III. Election of officers (agenda item 2)

5. In accordance with Annex 7, Article 5 of the convention, the Committee elected Mr. O. Fedorov (Ukraine) as Chair for the session.

IV. Status of the Harmonization Convention, 1982 (agenda item 3)

6. The Committee was informed that, since its tenth session in 2014, Turkmenistan had acceded to the convention in 2016, becoming the fifty-eighth contracting party to the convention. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

V. Proposals for amendments of the Convention (agenda item 4)

7. The Committee was informed about proposals to amend the convention. In particular, the Committee took note of the efforts to create an Annex 10 on seaports, which was stranded in 2017, as contained in document ECE/TRANS/WP.30/AC.3/2019/1.
8. The Committee recalled that in 2010, the Inland Transport Committee (ITC) approved the report “Hinterland Connections of Seaports” (ECE/TRANS/210) and invited various working parties, including Working Party on Customs Questions affecting Transport (WP.30), to consider whether and how the tasks outlined in the report could be implemented.
9. At its 127th session (February 2011), the Working Party noted that ports are crucial nodal points for modern supply chains, where various modes of transport are brought together and that the scope of the Harmonization Convention encompasses all modes of transport, including maritime and inland waterways. At the same time, the Working Party noted that ITC and its subsidiary bodies, including WP.30, deal with inland transport and might not have the necessary expertise in maritime transport. For this reason, the Working Party felt that, before taking any decision on the preparation of a new Annex, extensive consultations with other competent international organizations, both public and private, should be undertaken. In reply to these consultations, a majority of respondents indicated that they generally advocate the idea of preparing a new Annex on border procedures at seaports, while pointing out that their participation in this activity could only be limited, due to a lack of resources and, for some, expertise in the field.

¹ www.unece.org/tir/tir-depositary_notification.html.

10. At the 141st session of the Working Party (October 2015), the secretariat presented the first draft of Annex 10, contained in document ECE/TRANS/WP.30/2015/21. The Working Party was informed that various contributors proposed to insert, in Annex 10, a reference to the International Maritime Organization (IMO) Convention on Facilitation of International Maritime Traffic, 1965 (FAL-65) and its relevant provisions.

11. At its 143rd session (June 2016), the delegation of the European Union expressed its general concern on the necessity and purpose of developing an Annex dedicated to seaports, as customs procedures only account for a minor part of the wide range of controls and procedures that take place in ports.

12. At its 144th session (October 2016), the Working Party considered document ECE/TRANS/WP.30/2016/16, containing a new text for draft Annex 10. The delegation of Ukraine underlined, once more, the relevance of this new draft for the customs and border controls of transports at seaports and referred to the report of experts on hinterland connections from 2008 (see also ECE/TRANS/210), which had led ITC to request the Working Party to develop a specific Annex for inclusion in the Harmonization Convention. The Chair of AC.3 supported this position. The delegations of the Russian Federation and of European Union, on the other hand, challenged the legal and practical merits of the draft, in its current state, as well as in general, with particular reference to the IMO FAL-65 Convention which already covers some of the issues of controls at seaports. Recapitulating the discussion and recalling the great efforts that had been made to establishing consensus on the necessity and the text of draft Annex 10, the Chair of the Working Party stated that there seemed to be, as yet, insufficient support to continue this activity.

13. At its 146th session (June 2017), the Working Party established that, while fully respecting the clear request from ITC and with due respect to all the efforts undertaken so far in preparing a suitable draft, the declaratory and repetitive nature of the text led to the conclusion that there was insufficient support among the participants of WP.30 to continue this exercise. Thus, the Working Party requested the secretariat to remove this item from its agenda and report accordingly to ITC at its 2018 session. Finally, the Working Party requested the secretariat to convene, at the first opportunity, a session of the Administrative Committee of the Harmonization Convention (AC.3) to confirm its decision (see ECE/TRANS/WP.30/AC.3/2019/1).

14. The Committee took note that the Working Party on Customs Questions affecting Transport (WP.30), at its 151st session (February 2019), requested the secretariat to prepare an amendment proposal to Annex 8, Article 7 on the frequency of the reporting mechanism which would be extended from two to five years, as contained in document ECE/TRANS/WP.30/AC.3/2019/2. The Committee took note that the European Union and its member States could agree to the proposal, pending confirmation by means of a formal Council decision and, therefore, could only tentatively adopt the proposal.

15. No further proposals to amend the convention were raised under this agenda item.

VI. Application of the Convention (agenda item 5)

A. Annex 8 on facilitation of border crossing procedures for international road transport

16. The Committee recalled that Annex 8 to the convention entered into force on 20 May 2008. Surveys on the implementation of Annex 8 have since been held every two years (2010, 2012, 2014, 2016 and 2018). The Committee was informed about the results of the 2018 survey, contained in document ECE/TRANS/WP.30/AC.3/2019/3.

17. In particular, the Committee took note that 25 countries had replied to the survey, though some were incomplete. The Committee took note of specific parts of the survey:

(a) Official publication of Annex 8: Whereas most respondents mentioned having published Annex 8, there are still four countries which stated that the Annex has neither been published nor is it scheduled to be published. One contracting party reported not having

accepted Annex 8. It should be pointed out, once more, that regardless of domestic approval/publication procedures, Annex 8 has become legally binding for all contracting parties as of 20 May 2008.

(b) Facilitation of visa procedures: Most respondents indicated that measures have been taken in their countries in order to facilitate the granting of visas for professional drivers. What is noticeable about these measures is that they are provided mostly on a basis of reciprocity or within the framework of the Schengen Agreement.

(c) Providing information to all parties: Only about half of the countries that responded, share information with other parties involved in transport about border control requirements in force or planned and the actual situation at borders. They utilize several different instruments, including websites, the publication of official communications and announcements at borders, to send information as soon as possible.

(d) Transfer of control procedures: The progress is rather limited on this topic. Particularly, the transfers of inspection and weighing of vehicles, to the places of departure and destination are rarely realized.

(e) Priority for urgent consignments: The great majority of respondents indicated that they have taken measures to give priority to urgent consignments and to conduct required controls as quickly as possible. However, among these measures, cooperation with other contracting parties regarding sanitary inspections seems to be the least applied.

(f) Technical inspection of vehicles: There is very limited application of the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, 1997. Most of the respondents are not a contracting party to this agreement nor do they accept the International Technical Inspection Certificate as provided for in the agreement (also reproduced in Appendix 1 to Annex 8).

(g) Carriage of perishable foodstuffs: Almost all respondents indicated that they are contracting party to the Agreement on the International Carriage of Perishable Foodstuffs and the Special Equipment to be used for such Carriage, 1970 (ATP).

(h) Use of the International Vehicle Weight Certificate (IVWC): About half of the respondents state that they accept IVWCs issued in other contracting parties, whereas the other half does not. Five countries reported having approved weighing stations authorized to issue such certificates. Three out of them reported having published a list of weighing stations, whereas two reported having transmitted this list to ECE. At present, no such lists are known to be archived with ECE.

(i) Infrastructure requirements: Most countries meet several of the infrastructure requirements, in particular off-lane control areas for random cargo and vehicle checks.

18. The conclusions from the analysis indicate that contracting parties are successfully implementing several provisions of Annex 8. However, the need remains for improvement on topics such as: use of IVWC; facilitation of visa procedures; transfer of control procedures from the border crossing points to places of departure and destination; accession to the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1957) and acceptance of the International Technical Inspection Certificate, etc. (ECE/TRANS/WP.30/AC.3/2019/3, paras. 7–8).

19. The Committee established that, so far, the surveys only constituted a limited source of comparable data on progress in the application of Annex 8. Therefore, the Committee requested the secretariat for the next survey (to be conducted in 2023) to establish a list of dedicated focal points who should coordinate national replies. The Committee also agreed that the results of future surveys would no longer be anonymous, in order to be in a better position to assess and, where possible, act on them, on a country by country basis.

20. Delegations did not raise any issues in the implementation of Annex 8 provisions in their countries.

B. Annex 9 on facilitation of border crossing procedures

21. The Committee recalled that Annex 9 to the Harmonization Convention entered into force on 30 November 2011. This is a second annex to the Harmonization Convention dealing with a particular mode of transport. Annex 9 provides, inter alia, requirements for border (interchange) stations and for cooperation between adjacent countries. It foresees also a mechanism for reciprocal recognition of controls of rolling stock, containers, etc., a need to comply with time limits for reception and transfer of trains, means of documentation facilitation (through the use of the CIM²/SMGS³ railway consignment note, instead of other shipping documents, and also as a customs document).

22. The Committee recalled that, in 2013–2014, the Working Party on Rail Transport (SC.2) conducted a survey on national applications of Annex 9. The survey is contained in document ECE/TRANS/SC.2/2013/6 and its results in Informal document SC.2 No. 2 (2014). The Committee invited SC.2 to assess whether it would be worthwhile to relaunch the survey.

23. The delegation of Ukraine reported on the good results of implementing the provisions of Annex 9 in its seaports and in collaboration with neighbouring countries, in particular, the use of the CIM/SMGS consignment note.

C. Implementation of the Harmonization Convention and the use of best practices in this context

24. The Committee recalled the joint ECE and OSCE “Handbook on Best Practices at Border Crossings: A Trade and Transport Facilitation Perspective”, of 2012 which is available in various languages.⁴

VII. Other business (agenda item 6)

A. Promotion of the Harmonization Convention

25. The Committee took note of the ongoing efforts by the secretariat to promote awareness and capacity-building of the Harmonization Convention in ECE and other regions.

26. The delegation of Azerbaijan reported on the important function of the Harmonization Convention as framework for concerted activities by customs authorities and governmental agencies, such as, but not limited to, in the field of joint border controls. It requested the secretariat to assess the possibility to engage in the organization of a regional capacity-building activity, which would focus, inter alia, on this topic.

B. Date of next session

27. The Committee decided to await the finalization of the internal adoption procedure at the European Union for the proposal to increase the interval for the organization of surveys on the implementation of Annex 8 from two to five years, before fixing its next session, possibly in conjunction with or in the framework of a future session of WP.30.

C. Restriction on the distribution of documents

28. The Committee decided not to introduce any restriction on the distribution of documents from its current session.

² CIM stands for: Uniform Rules Concerning the Contract of International Carriage of Goods by Rail.

³ SMGS stands for: Agreement on International Goods Transport by Rail.

⁴ Available at: www.unece.org/fileadmin/DAM/trans/bcf/publications/OSCE-UNECE_Handbook.pdf

VIII. Adoption of the report (agenda item 7)

29. In accordance with Annex 7, Article 8 of the convention, the Administrative Committee adopted the report of its eleventh session on the basis of a draft prepared by the ECE secretariat. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages and underscored the importance of ensuring that the report be made available in all three working languages in advance of its next session.
