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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Sixty-fourth session

Geneva, 12–13 October 2016

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixty-fourth session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 3.00 p.m. on Wednesday, 12 October 2016 and finishing on Thursday 13 October around 6:00 p.m, Room XI

I. Provisional agenda

1. Adoption of the agenda.
2. Status of the TIR Convention, 1975.
3. Activities and administration of the TIR Executive Board:
 - (a) Activities of the TIR Executive Board:

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the ECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the ECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

² The full text of the TIR Convention, 1975, as well as a complete list of Contracting Parties to the Convention, is available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to register online at <https://www2.unece.org/uncdb/app/ext/meeting-registration?id=VNnfSp> or to complete the registration form available from the Internet website of the ECE Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

- (i) Report by the Chair of the TIR Executive Board;
 - (ii) Survey on customs claims;
 - (iii) International databases and electronic tools managed by the TIR secretariat;
 - (iv) National and regional TIR workshops and seminars.
 - (b) Administration of the TIR Executive Board and the TIR secretariat:
 - (i) Status report on the accounts for the year 2015;
 - (ii) Interim financial statement for the year 2016;
 - (iii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat;
 - (iv) Budget proposal and cost plan for the year 2017.
4. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU).
5. Revision of the Convention:
 - (a) Accepted amendment proposals to the Convention pending formal adoption;
 - (b) Amendment proposals to the Convention transmitted by the Working Party;
 - (c) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (d) Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (e) Proposals transmitted by the Government of the Russian Federation;
 - (f) Proposal to amend Annex 9, Part I, paragraph 5;
 - (g) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB).
6. Phase III of the TIR revision process – Computerization of the TIR procedure.
7. Comments transmitted to the Committee for adoption.
8. Best practices.
9. Other business:
 - (a) Information by IRU;
 - (b) Audit requirements for an authorized international organization;
 - (c) Vehicles with loose floorboards;
 - (d) Date of next session;
 - (e) Restriction on the distribution of documents.
10. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of the session (ECE/TRANS/WP.30/AC.2/130). The Committee will be informed that, according to Annex 8, Article 6 of the TIR Convention, 1975, "a quorum consisting of not less than one-third of the States which are Contracting Parties is required for the purposes of taking decisions". The number of States which are Contracting Parties to the Convention is sixty-nine.

Documentation

ECE/TRANS/WP.30/AC.2/130

2. Status of the TIR Convention, 1975

The Committee will be informed about any changes in the status of the Convention and in the number of Contracting Parties, if any. More detailed information on these issues as well as on Depository Notifications is available on the TIR website.³

3. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of the TIR Executive Board

In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Committee (TRANS/WP.30/AC.2/55, paras. 14–15), the secretariat has reproduced the report of the TIR Executive Board (TIRExB) at its sixty-fifth (October 2015), sixty-sixth (February 2016) and sixty-seventh (April 2016) sessions for information and endorsement by the Committee. More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its sixty-eighth (May 2016) and sixty-ninth (October 2016) session will be provided orally by the Chair of TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2016/11, ECE/TRANS/WP.30/AC.2/2016/12,
ECE/TRANS/WP.30/AC.2/2016/13

(ii) Survey on customs claims

Pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB, at regular intervals, conducts a survey on the status of customs claims in all TIR Contracting Parties. As part of its activities, TIRExB launched the survey for the years 2011–2014. The consolidated results of the survey are in document ECE/TRANS/WP.30/AC.2/2016/14, for consideration by the Committee.

³ www.unece.org/tir/tir-depositary_notification.html.

Documentation

ECE/TRANS/WP.30/AC.2/2016/14

(iii) International databases and electronic tools managed by the TIR secretariat

The Committee will be informed about developments related to the International TIR data bank (ITDB) and other information technology projects managed by the TIR secretariat, if any.

(iv) National and regional TIR workshops and seminars

The Committee will be informed about TIR workshops and seminars conducted and/or planned.

(b) Administration of the TIR Executive Board and the TIR secretariat

(i) Status report on the accounts for the year 2015

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The TIR secretariat was informed by the competent financial services of the United Nations that, due to the migration to a new electronic financial administration system, efforts are made to close all project accounts for the year 2015 before November 2016. Against this background, the Committee will be informed on the availability of the report as at 12 October 2016.

(ii) Interim financial statement for the year 2016

In line with standing practice, the Committee at its current session may wish to take note of the provisional interim financial statement for 2016 as contained in document ECE/TRANS/WP.30/AC.2/2016/15.

(iii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat

The Committee may wish to recall that, on 14 January 2016, the external auditor of IRU had produced an audit certificate reflecting the amount transferred by IRU and the total amount actually invoiced by IRU when distributing TIR Carnets. According to the certificate, in 2015, there was a deficit (i.e. less was received than initially transferred) of SwF 231,662 (rounded), due to the lower number of TIR Carnets distributed in 2015 than had originally been forecasted.

In accordance with the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of the TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and Annex 2), the Committee, at its previous session, had been asked to approve a recalculation of the amount per TIR Carnet to be invoiced in 2016, as contained in Informal document WP.30/AC.2 (2016) No. 3, amounting to SwF 1,03, effective retroactively from 1 January 2016. The Committee was not in a position to approve a recalculation of the amount per TIR Carnet at its previous session and requested that more information on the nature of the deficit and the ways to address it in accordance with the relevant provisions of the UNECE—IRU agreement currently in force be provided for decision at the current session.

In line with this request, the secretariat will introduce document ECE/TRANS/WP.30/AC.2/2016/16, for consideration by the Committee. The Committee will be invited to take a decision on how to address the issue at its current session.

(iv) Budget proposal and cost plan for the year 2017

The Committee may wish to recall the procedure for collecting and transferring the amount per TIR Carnet to finance the operation of the TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex II) and, in particular, the following steps:

(a) The UNECE secretariat prepares a document comprised of the budget proposal established by TIRExB for approval by the Committee (September);

(b) The UNECE secretariat informs IRU of the budget proposal and the net amount to be transferred and requests IRU to provide an operational forecast of the number of TIR Carnets it expects to distribute in the forthcoming year (September);

(c) IRU provides the Committee with its forecast of the number of TIR Carnets it expects to distribute in the forthcoming year and its internal calculation concerning the amount per TIR Carnet (September–October);

(d) The Committee approves the budget and the net amount to be transferred by IRU, and takes note of the forecast established by IRU. The Committee also approves the amount per TIR Carnet, calculated by the secretariat on the basis of the forecast provided by IRU (September–October);

(e) IRU transfers the net amount approved by the Committee to the UNECE named bank account (mid-November).

The Committee will be informed about the activities of the UNECE secretariat and IRU under items (a) – (c). Under item (d), the Committee is invited to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2017 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2016/17). The Committee may also wish to be informed by IRU about the forecast of the number of TIR Carnets it expects to distribute in 2017 and of its internal calculation concerning the amount per TIR Carnet (Informal Document WP.30/AC.2 (2016) No. 5). The Committee may wish to approve the amount per TIR Carnet, which will be expressed in Swiss francs following the transfer of the above net amount to the UNECE named bank according to the prevailing United States dollar – Swiss franc exchange rate on the day of the transfer.

Documentation

ECE/TRANS/WP.30/AC.2/2016/15, ECE/TRANS/WP.30/AC.2/2016/16, ECE/TRANS/WP.30/AC.2/2016/17, ECE/TRANS/WP.30/AC.2/89, Informal document WP.30/AC.2 (2016) No. 3, Informal document WP.30/AC.2 (2016) No. 5

4. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU)

The Committee may wish to recall that, at the previous session, it decided to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2017–2019 inclusive (ECE/TRANS/WP.30/AC.2/129, para. 21). At its previous session, the Committee also approved a new draft agreement and mandated the secretariat to conclude the new agreement with a view to continuing to finance the operation of the TIRExB and the TIR secretariat as of the year 2017 (ECE/TRANS/WP.30/AC.2/129, para. 22). The Committee will be informed of the secretariat and IRU follow-up actions.

5. Revision of the Convention

(a) Accepted amendment proposals to the Convention pending formal adoption

At its previous session, the Committee took note of document ECE/TRANS/WP.30/AC.2/2016/4 containing a list of accepted proposals and decided to postpone the formal adoption of these proposals until a larger package is formed. The Committee also instructed the secretariat to, periodically, issue revised versions of this document every time there are new proposals to be added. Against this background, the secretariat has issued a revised document, adding the proposal to amend Article 38, which was accepted at the previous session (see ECE/TRANS/WP.30/AC.2/129, para. 36(c)). The Committee may wish to take note of the revised document.

The Committee may also wish to recall that the delegation of Kazakhstan reserved its position against the proposal to amend Article 2 to specify that the word “frontier” refers to a customs frontier, as well as reserved its right to raise this issue again at a later stage. The Committee will be informed that the delegation of Kazakhstan had transmitted a letter for the consideration of WP.30 at its June 2016 session. In light of the fact that this amendment proposal is on the agenda of the Committee, WP.30 decided to transmit this letter to AC.2 for further consideration, as contained in Informal Document WP.30/AC.2 (2016) No. 6. In the context of its discussions, the Committee may wish to take note of arguments put forward by the delegation of Kazakhstan against this proposal, if any.

Documentation

ECE/TRANS/WP.30/AC.2/2016/4/Rev.1, Informal Document WP.30/AC.2 (2016) No. 6

(b) Amendment proposals to the Convention transmitted by the Working Party

The Working Party at its 142nd and 143rd session, adopted a series of amendment proposals and requested their transmittal to the Committee for further consideration and approval. These are consolidated, together with information on their background and discussions at the Working Party, in document ECE/TRANS/WP.30/AC.2/2016/18 and refer to:

(a) The alignment of Article 6, paragraph 1, Explanatory Note 0.6.2. and Annex 9, Part I, paragraph 1 with the already adopted wording of Article 1 (q): for “customs authorities” read “customs authorities or other competent authorities” (see ECE/TRANS/WP.30/AC.2/127, para. 32);

(b) The replacement of the term “approved” by “authorized” throughout the text of the Convention;

(c) The amendment of Annex 9, Part I, paragraph 7 in accordance with the proposal to replace “Contracting Parties” by “each Contracting Party”;

(d) The amendment of Article 18, to increase the number of places of loading and unloading from four to eight;

(e) Proposals to amend Annex 8, Article 1 bis with new paragraphs 4–6 and to amend Annex 9, Part III, paragraph 2 with new items (o), (p) and (q).

The Committee may wish to consider and, possibly, decide on these proposals.

Documentation

ECE/TRANS/WP.30/AC.2/2016/18

(c) **Amendment proposals to the Convention prepared by the TIR Executive Board**

The Committee may wish to recall that the considerations under this agenda item with regard to the possible introduction of a new Explanatory Note and accompanying comment to Article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators, have been referred to TIRExB for further assessment. In line with this request, TIRExB will transmit its findings at a future session.

(d) **Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet**

The Committee may wish to recall that TIRExB completed its assessment of various options to amend the level of the guarantee at its sixty-fifth session and had transmitted its final observations for the consideration of the Committee at its previous session. The Committee has requested TIRExB to conduct a further assessment of the implications of either having an unlimited guarantee amount or of providing the possibility for countries to either set a maximum amount or not to set one. For ease of reference, the latter refers to the proposal submitted by the Russian Federation with regard to amending Article 8, paragraphs 1 and 3. In line with this request, TIRExB is conducting its assessment and, in due course, will transmit its findings to AC.2. In accordance with the decision of the Committee at its previous session, AC.2 may wish to continue its discussions on possible ways to increase or modify the guarantee level, bearing in mind that TIRExB is still analysing the above-mentioned possibilities and WP.30 is reviewing Explanatory Note 0.8.3 on the maximum recommended guarantee amount. Under this agenda item, the Committee may also wish to invite IRU to provide information on the implementation of the higher guarantee amount per TIR Carnet as of 1 July 2016.

(e) **Proposals transmitted by the Government of the Russian Federation**

The Government of the Russian Federation submitted proposals to amend various provisions of the body of the Convention as well as of Annex 9. The proposals are in document ECE/TRANS/WP.30/AC.2/2014/14 for consideration by the Committee. The Committee may wish to recall that comments to these proposals from Contracting Parties have been consolidated in ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, and that additional justifications have been submitted by the Russian Federation, contained in document ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16.

The Committee is invited to continue its consideration of the remaining amendment proposals as contained in ECE/TRANS/WP.30/AC.2/2014/14 and comments thereto in ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, as follows:

(a) Amendment of Article 11 with a new paragraph 4 bis, stipulating that claims for payment can be sought through court proceedings within deadlines prescribed in the national guarantee agreement. The Committee may wish to recall that, after extensive discussions, it had requested the secretariat to prepare a document, based on the views expressed during the discussion, as a basis for further consideration on this amendment proposal at the current session. In line with this request, the secretariat will introduce document ECE/TRANS/WP.30/AC.2/2016/19.

(b) Proposal to amend Article 21 to make the presentation of the vehicle, the load and the TIR Carnet by the TIR Carnet holder a mandatory requirement en route: the Committee, although unable to accept this proposal, agreed to resume discussions at the current session upon the request of the Russian Federation. The Committee is invited to continue its considerations of this amendment proposal.

Documentation

ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16, ECE/TRANS/WP.30/AC.2/2016/19

(f) Proposal to amend Annex 9, Part I, paragraph 5

The Committee may wish to recall that it had referred this amendment proposal for further assessment to TIRExB. The Committee will be informed about the findings of TIRExB on this amendment proposal as contained in document ECE/TRANS/WP.30/AC.2/2016/20 and will be invited to resume its discussions in light of these findings.

Documentation

ECE/TRANS/WP.30/AC.2/2016/20

(g) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)

The Committee may wish to recall the information provided by the delegation of Iran (Islamic Republic of) on its intention to submit proposals to amend the TIR Convention so as to increase the TIRExB from nine to twelve members as well as to apply, to the composition of the Board, new criteria of geographical representation which would combine the principles of equitable geographical distribution among various regions and the degree of participation of countries in the TIR Convention. In this context, the Committee is invited to consider the proposals submitted by Iran (Islamic Republic of), as contained in document ECE/TRANS/WP.30/AC.2/2016/22.

Documentation

ECE/TRANS/WP.30/AC.2/2016/22

6. Phase III of the TIR revision process – Computerization of the TIR procedure

The Committee will be informed about the latest developments in the field of computerization of the TIR procedure. In particular:

(a) the ECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey as pilot countries; and

(b) the outcome of the twenty-sixth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1), which was held on 19–20 September 2016, in Geneva;

(c) the outcome of the second session of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2), which took place on 4–5 April 2016 in Geneva.

7. Comments transmitted to the Committee for adoption

At its previous session, the Committee considered the proposal for a new comment to Article 23 of the Convention, recommending customs authorities to consider the use of modern facilities before prescribing escorts. The Committee was of the view that the proposed comment should take due account of additional elements (see ECE/TRANS/WP.30/AC.2/129, para. 40), and therefore referred the issue back to TIRExB for further assessment and elaboration. In line with this request, TIRExB has

transmitted a revised comment for the consideration of the Committee. AC.2 is invited to resume its discussions on the basis of document ECE/TRANS/WP.30/AC.2/2016/21, transmitted by TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2016/21

7. Best practices

Use of subcontractors

At its previous session, the Committee considered document ECE/TRANS/WP.30/AC.2/2012/13 on the issue of subcontractors and decided to revert to this issue at its current session. The Committee is invited to resume its discussions under this agenda item.

Documentation

ECE/TRANS/WP.30/AC.2/2012/13

8. Other business

(a) Information by IRU

The Committee may wish to invite IRU to provide information on various matters of interest for AC.2.

(b) Audit requirements for an authorized international organization

The Committee may wish to recall that, at its previous session, it had adopted the procedure for the distribution of the documents transmitted by IRU under Annex 9, Part III, to the Contracting Parties of the TIR Convention (ECE/TRANS/WP.30/AC.2/129, Annex). Under this agenda item, the Committee will be informed on any follow-up actions pursuant to the adoption of this procedure.

(c) Vehicles with loose floorboards

TIRExB, at its sixty-eighth session, considered information on a specific type of vehicle, whose floors are equipped with troughs to facilitate and secure the transport of sheet metal coils. The information pertained as to whether the use of such vehicle to transport other goods under cover of TIR Carnets would meet the requirements of the TIR Convention, in particular the provisions of Annex 2, Article 1 (c) and (d). As it had transpired that, this particular type of vehicle, when used to transport goods other than sheet metal coils, could – due to its design – facilitate the smuggling of illicit goods or narcotics, TIRExB was of the opinion that it was important to bring the matter to the attention of Contracting Parties and requested the secretariat to transmit the information to AC.2.

Documentation

Informal document WP.30/AC.2 (2016) No. 7

(d) Date of next session

The ECE secretariat has made the necessary arrangements to hold the sixty-fourth session of the Committee on 15 February 2017. The Committee may wish to confirm this date.

(d) Restriction on the distribution of documents

The Committee may wish to decide whether there should be any restriction on the distribution of documents issued in connection with its current session.

9. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report of its sixty-third session on the basis of a draft prepared by the ECE secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available at the end of the session for adoption in all working languages.
