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Fifty-fifth session

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Report of the Administrative Committee for the TIR Convention 1975 on its fifty-fifth session

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I. Attendance

1. The Committee (AC.2) held its fifty-fifth session on 7 February 2013 in Geneva.
2. The session was attended by representatives of the following countries: Afghanistan; Albania; Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Israel; Italy; Jordan; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Luxembourg; Malta; Montenegro; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; The former Yugoslav Republic of Macedonia; Turkey; Turkmenistan; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uruguay and Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organization was represented as an observer: Eurasian Economic Commission. The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
4. The Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/112

5. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/112.

III. Election of officers (agenda item 2)

6. The Committee elected by acclamation Mr. Shahin Bagirov (Azerbaijan) as Chair and Ms. Raluca Mocanescu (Romania) as Vice-Chair for its sessions in 2013.

IV. Status of the TIR Convention, 1975 (agenda item 3)

Documentation: Informal document No. 4 (2013)

7. The Committee recalled that, on 10 July 2012, the Secretary-General of the United Nations had issued depositary notification C.N.358.2012.TREATIES-XI.A.16, on the submission of proposals to amend Article 6.2 bis and Annex 9 of the Convention. With regard to these amendments, Articles 59 and 60 apply. In accordance with the Article 59, paragraph 3 of the Convention, the amendments will enter into force on 10 October 2013, unless the Secretary-General has received any objection to the proposed amendments not later than by 10 July 2013.
8. The Committee also noted the number of TIR Carnets distributed by IRU to national associations in 2012 (Informal document No. 4 (2013)), which is about 84,000 higher than the figure for 2011.

V. Activities and administration of the TIR Executive Board (TIRExB) (agenda item 4)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2013/1, Informal document No. 3 (2013)

9. The Committee endorsed the report of TIRExB at its fiftieth session (May 2012) (ECE/TRANS/WP.30/AC.2/2013/1) and took note of the oral briefing by the Chair of TIRExB (Mrs. H. Metaxa Mariatou, Greece) on the main considerations of TIRExB at its fifty-second (February 2013) session, in particular, about the online survey on intermodal aspects of the TIR procedure.¹ AC.2 delegations were invited to recommend transport and logistics companies in their countries to reply to the survey.

10. The Committee noted that, at its fifty-first session, TIRExB requested the secretariat to remind Customs administrations about the new obligations for national associations to provide TIRExB with the price of each type of TIR Carnets they issue. The Board decided that in the future such reminders would be sent after the official transmission deadline (1 March), first to guaranteeing associations, possibly via IRU, and, only then and in cases of non-compliance, to Customs administrations.

11. AC.2 also took note of Informal document No.3 (2013) that overviews the main accomplishments of TIRExB during its 2011–2012 term of office, together with a self-evaluation and a list of recommendations for the next term of TIRExB: specifically studying the feasibility of establishing databases on a) the Customs offices authorized to accomplish the TIR operations and on b) the certificates of approval; as well as increasing its contribution to the computerization of the TIR procedure. TIRExB also urged WP.30 to start work on the legal aspects of computerization of the TIR procedure and offered its support for this challenging task. Finally, the Committee thanked TIRExB for its extensive work during the 2011–2012 term of office.

2. International TIR Data Bank and electronic tools of the TIR secretariat

Documentation: Informal document No. 5 (2013)

12. The Committee was informed about the status of transmission of the legally required documentation and data to the International TIR Data Bank (ITDB) (Informal document No. 5 (2013)). The secretariat reported on the ITDB online+ website which allows Customs authorities to amend data on TIR Carnet holders in ITDB online. At present, 23 Contracting Parties were using the ITDB online+ website and 13 national associations were collaborating with Customs authorities to directly amend ITDB. The Committee also took note of the development of a web service allowing Customs authorities to query ITDB. Contracting Parties were encouraged to contact the secretariat with any questions regarding ITDB online+ or the web service.

3. National and regional TIR workshops and seminars

13. The Committee was informed about the national TIR seminar in Armenia (Yerevan, October 2012) and the EuroMed workshop (Brussels, December 2012), where inter alia the

¹ The survey is available in English, French and Russian at <http://www.research.net/s/5DLN9M2>. The deadline to reply to the survey is 1 March 2013.

TIR Convention was promoted to countries of the Mediterranean which are not yet Contracting Parties.

B. Administration of the TIR Executive Board and the TIR secretariat

1. Status report on the accounts for 2012

14. The Committee noted that the competent Finance Services of the United Nations had not yet been in a position to formally finalize the accounts for 2012. Therefore, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2013 for formal approval.

2. Procedure for the financing of the operation of the TIR Executive Board and TIR secretariat

Documentation: ECE/TRANS/WP.30/AC.2/111

15. The Committee recalled that that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2013 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/111, para. 21). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat for the year 2013 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2012.

16. The Committee also recalled the amount per TIR Carnet (US\$ 0.39) approved at its previous session (ECE/TRANS/WP.30/AC.2/107, para. 18). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to SwF 0.3695 and, thus, the individual amount to invoice per TIR Carnet distributed in 2013 would be SwF 0.37 (rounded).

17. The Committee took note that, in line 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), on 9 January 2013, 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 the TIR Carnets. According to the certificate, in 2012 there was an excess (i.e. more was received than initially transferred) of SwF 147,971. The IRU will transfer this excess to the UNECE named bank account before 15 March 2013. This amount will be reflected in the UNECE TIR account to be taken into consideration for the next budget year.

C. Election of members of the TIR Executive Board

Documentation: Informal document Nos. 1 and 2 (2013)

18. The Committee recalled that, at its previous session, it had authorized the UNECE secretariat to solicit candidates for TIRExB membership for the term 2013–2014, to close the list of candidates on 14 December 2012 and, on the next working day, on 17 December 2012 to issue the official list of candidates for distribution to all Contracting Parties. The procedures for the nomination and election were contained in Informal document No. 1 (2013). The Committee noted that the secretariat had proceeded accordingly and that the names of the candidates had been circulated by the secretariat on 17 December 2012 (Informal document No. 2 (2013)).

19. In accordance with the approved election procedure and on the basis of the list of nominated candidates (Informal document No. 2 (2013)), the Committee proceeded with secret ballot. The following results were obtained and confirmed by the TIR Secretary:

Registered votes: 52

Valid votes: 52

Invalid votes: 0

Blank votes: 0

20. The following nine persons, who obtained a majority of votes of the Contracting States present and voting, were elected as members of TIRExB for a term of office of two years (in English alphabetical order of their last names):

CIAMPI, Marco (Italy)

DIRLIK, Didem (Turkey)

DUBIELAK, Anna (Poland)

JELINKOVA, Lenka (European Commission)

LINDSTRÖM, Henrik (Finland)

MAKHOVIKOV, Igor (Belarus)

MILOŠEVIĆ, Veselin (Serbia)

SYASKOV, Konstantin (Russian Federation)

SYOMKA, Serhiy (Ukraine)

21. The Committee recalled that the members of TIRExB were elected in their personal capacity, with the mandate to work towards the sustainability of the TIR procedure. The Committee also stressed that the respective Governments should finance the work of their members of TIRExB (Explanatory Note 8.13.1–2 of the Convention) and should ensure their participation in all sessions of the Board.

D. Proposals to modify the format, representation and election procedure of the TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2013/2,
ECE/TRANS/WP.30/AC.2/2012/11/Rev.1

22. The Committee continued considering the proposals by the Government of Iran (Islamic Republic of) (ECE/TRANS/WP.30/AC.2/2013/2), in order to better reflect the global nature of the Convention, to increase the size of TIRExB from 9 to 15 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 number of issued TIR Carnets per country.

23. The Committee noted that the present system of election of TIRExB members is solely based on the professional knowledge and experience of candidates, irrespective of their country or region. Although Board members are nominated by their Governments, they represent the interests of all Contracting Parties to the Convention and not the specific interests of any individual Contracting Party. Therefore, TIRExB is expected to assist all regions and to address any regional problem reported to the Board. In this context, the delegation of Iran (Islamic Republic of) pointed out that its proposals aim to ensure not the

representation of a particular country, but of a particular region whose representatives may have specific knowledge necessary to effectively address regional issues.

24. Some delegations felt that a considerable increase in the size of TIRExB from 9 to 15 members might lead to the need of raising the TIRExB budget which is now paid by the road transport industry through an amount per TIR Carnet. In this regard, the delegation of Iran (Islamic Republic of) was of the view that, because the costs of participation of TIRExB members are covered by their respective Governments, there is no direct link between the size of TIRExB and its budget.

25. Several delegations were sympathetic to the objectives of the underlying proposals, but were not in a position to support them in their current form. For example, it was pointed out that using the number of issued TIR Carnets as a criteria could lead to the possible discrimination of small countries that do not issue many TIR Carnets, but nevertheless may have outstanding professionals from whose expertise TIRExB can benefit.

26. Finally, the Committee was of the view that the proposals of Iran (Islamic Republic of) deserve further consideration and decided to revert to this issue at the future sessions.

27. Under this agenda item, the Committee also considered ECE/TRANS/WP.30/AC.2/2012/11/Rev.1 — a revised proposal for new Explanatory Notes and amendment to the TIRExB Rules of Procedure with regard to the election of a replacement member and representation. The Committee pointed out that mentioning resignation in draft Explanatory Note 8.9.2 as the only case that may necessitate by-elections does not cover all circumstances under which a member of TIRExB might not be in a position to continue his/her activities before the completion of his/her term of office. The secretariat was requested to revise the proposals and submit a new version for the next session. AC.2 also noted that the French text of draft Explanatory Note 8.9.1 needs improvement.

VI. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system (agenda item 5)

28. The Committee decided to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2014–2016 inclusive. In the course of discussions, some delegations, the secretariat and IRU felt that granting this authorization for five years could provide a better opportunity for mid-term business planning. EU pointed out that a three-year period gives enough flexibility for IRU and Contracting Parties and is sufficient for planning purposes.

VII. Authorization for concluding an agreement between UNECE and IRU (agenda item 6)

Documentation: ECE/TRANS/WP.30/AC.2/2013/3

29. Having recalled its view that the new UNECE–IRU Agreement should be aligned with the recent amendment proposals to Article 6.2 bis and Annex 9 (ECE/TRANS/WP.30/AC.2/111, para. 31), the Committee approved a new draft agreement, as contained in document ECE/TRANS/WP.30/AC.2/2013/3, subject to modification of the period of the Agreement to 2014–2016. AC.2 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 2014.

VIII. Revision of the Convention (agenda item 7)

A. Amendments to the Convention with regard to transmitting data to the International TIR Data Bank

Documentation: ECE/TRANS/WP.30/AC.2/2013/4

30. Having recalled its previous considerations (ECE/TRANS/WP.30/AC.2/111, para. 15) and taking into account document ECE/TRANS/WP.30/AC.2/2013/4, the Committee provisionally adopted the following amendment proposals to Annex 6:

Annex 6, New Explanatory Note 9.II.4

Add a new Explanatory Note to Annex 9, Part II, paragraph 4 to read

Explanatory Note to paragraph 4

9.II.4 The legal provisions for data submission, as set out in paragraph 4 are deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.

Annex 6, New Explanatory Note 9.II.5

Add a new Explanatory Note to Annex 9, Part II, paragraph 5 to read

Explanatory Note to paragraph 5

9.II.5 Explanatory Note 9.II.4 applies *mutatis mutandis* to paragraph 5.

31. At this stage, the Committee decided not to fix the two deadlines, as provided for in Article 60, and await other amendment proposals in order to consolidate a larger package, determine the deadlines for the whole package and send it to the Depository for processing and issuing a Depository Notification. In this context, the representative of EU pointed out that this approach would also help the European Union more efficiently complete its internal approval procedures. Finally, the Committee mandated the secretariat to prepare a similar Explanatory Note to paragraph 2 of Article 38 regarding transmission of data on exclusions to TIRExB.

B. Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet

32. The Committee noted the following developments and views:

- Turkey reported that it does not object to raising the TIR guarantee level to Euro 60,000;
- A study conducted in December 2012 in Belarus identified a wide nomenclature of goods for which the import Customs duties and taxes exceed the established guarantee level of Euro 60,000. The Customs authorities of Belarus, in close cooperation with IRU and the national guaranteeing association, considered the possibility of launching a new project, so-called TIR+, aimed at introducing a voucher with an additional guarantee for the amount of Euro 100,000;
- TIRExB was studying whether or not additional guarantees comply with the provisions of the TIR Convention, in particular, its Article 4;
- Highlighting the importance of sufficient guarantees in times of austerity and financial scrutiny, EU felt that the TIR guarantee level of Euro 60,000 per TIR

Carnet had remained the same for many years and needs to be changed in a flexible manner, to provide higher or lower guarantees depending on the circumstances. EU also pointed out that Customs escorts can be very costly and are not an option for the European Union.

33. The Committee looked forward to receiving information on the above and other related developments and decided to keep this issue on the agenda.

C. Amendment proposals to Annex 3

Documentation: ECE/TRANS/WP.30/AC.2/2012/12

34. The Committee was informed about the activities of the secretariat, EU and Turkey with a view to improving the list of codes in part C of the annex to document ECE/TRANS/WP.30/AC.2/2012/12, and noted that the secretariat, assisted by experts, would produce a rectified list for the next session. Other delegations were invited to contribute to this work. In this context, the representative of EU pointed out that the use of code list should start as soon as possible.

D. Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1

Documentation: ECE/TRANS/WP.30/2012/10/Rev.1 –
ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

35. Having recalled its discussion at the previous session (ECE/TRANS/WP.30/AC.2/111, para. 32) and taking into account the endorsement by the Working Party on Customs Questions affecting Transport (WP.30) of document ECE/TRANS/WP.30/AC.2/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1, the Committee provisionally adopted the following amendment proposals to Annex 1 and Annex 6:

Annex 1, page 11, point (5)

For HS code: 24.03.10 *read* HS code: 24.03.11 and 24.03.19

Annex 6, Explanatory Note 0.8.3, point (5)

For HS code: 24.03.10 *read* HS code: 24.03.11 and 24.03.19

With regard to the amendment procedure, the Committee decided to include the above proposals into a larger package, as mentioned in para. 31 above.

E. Phase III of the TIR revision process – computerization of the TIR procedure

36. The Committee was informed that WP.30, at its 133rd session, endorsed the report of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) on its twenty-first session, which was held in Bratislava on 25 and 26 September 2012 (ECE/TRANS/WP.30/2013/5). With regard to the developments of the Cost Benefit Analysis, the eTIR pilot project between Italy and Turkey and the UNDA project on Customs to Customs information exchange, the Committee made reference to the information provided to WP.30 at its 133rd session (ECE/TRANS/WP.30/266, paras. 24–26).

IX. Application of the Convention (agenda item 8)

A. Recommendation on the introduction of Harmonized System code in the TIR Carnet

Documentation: ECE/TRANS/WP.30/AC.2/2011/3

37. The Committee recalled that, at its fifty-third session, it decided to consider additional national data and documentary requirements in the course of a TIR transport (ECE/TRANS/WP.30/AC.2/109, para. 30). In this regard, the secretariat drew the attention of AC.2 to a survey on this subject which was conducted at the end of 2001, whose results might still be relevant (TRANS/WP.30/2002/15).

B. Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board

38. The Committee noted that no new comments had been endorsed by WP.30 or TIRExB.

X. Best practices (agenda item 9)

Use of subcontractors

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

39. Consideration of this issue was postponed until the next session. Meanwhile, delegations were invited to carefully study the consolidated document by the secretariat (ECE/TRANS/WP.30/AC.2/2012/13), in particular the alternatives proposals from Chapters III and IV of this document.

XI. Other business (agenda item 10)

A. Date of next session

40. The Committee decided to hold its fifty-sixth session on 3 October 2013.

B. Restriction on the distribution of documents

41. The Committee decided that the distribution of Informal document No.2 (2013) will be restricted.

XII. Adoption of the report (agenda item 11)

42. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its fifty-fifth session. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages.