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Administrative Committee for the TIR Convention, 1975

Fifty-ninth session

Geneva, 8 October 2014

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the fifty-ninth session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Wednesday,
8 October 2014, Room VII

I. Provisional agenda

1. Adoption of the agenda.
2. Election of officers.
3. Status of the TIR Convention, 1975.
4. Activities and administration 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 UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE 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, and the complete list of Contracting Parties are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to complete the registration form available from the Internet website of the UNECE Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the UNECE 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 UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.



- (a) Activities of the TIR Executive Board:
 - (i) Report by the Chair of the TIR Executive Board;
 - (ii) Monitoring the prices of TIR Carnets;
 - (iii) International TIR Data Bank and electronic tools of 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 2013;
 - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat in 2015.
 - (c) Election of members of the TIR Executive Board.
5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
6. Authorization for concluding an agreement between UNECE and IRU.
7. Revision of the Convention:
- (a) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (c) Amendment proposals to Annex 3;
 - (d) Phase III of the TIR revision process – computerization of the TIR procedure;
 - (i) Status of the computerization process;
 - (ii) Draft joint statement on the computerization of the TIR procedure.
 - (e) Report of the second meeting of an informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of TIRExB.
8. Application of the Convention:
- (a) Application of the TIR Convention in the Russian Federation;
 - (b) Recommendation on the introduction of the Harmonized System code in the TIR Carnet;
 - (c) Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board.
9. Best practices.
10. Other business:
- (a) Date of next session;
 - (b) Restriction on the distribution of documents.
11. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/120). 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". As of 20 April 2007, the number of States which are Contracting Parties to the Convention is sixty-seven.

Documentation

ECE/TRANS/WP.30/AC.2/120

2. Election of officers

The Committee may wish to recall that at its fifty-seventh session (Geneva, February 2014), due to the absence of candidates, it was not in a position to elect a Vice-Chair. Having encouraged the nomination of candidates, the Committee is invited to elect a Vice-Chair for its sessions in 2014 (see ECE/TRANS/WP.30/AC.2/117, para. 8).

3. Status of the TIR Convention, 1975

The Committee will be informed about any further changes in the status of the Convention and in the number of Contracting Parties. In particular, the Committee may wish to take note 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. In the absence of a sufficient number of objections by 1 October 2014, the proposed amendments will enter into force on 1 January 2015. More detailed information on these issues as well as on various depositary notifications is available on the TIR website.³

4. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of 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 United Nations Economic Commission for Europe (UNECE) secretariat has reproduced the report of the TIR Executive Board (TIRExB) at its fifty-sixth (October 2013), fifty-seventh (February 2014), and fifty-eighth (April 2014) for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2014/7, ECE/TRANS/WP.30/AC.2/2014/8 and ECE/TRANS/WP.30/2014/9, respectively).

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

More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its fifty-ninth (June 2014) and sixtieth (September 2014) sessions will be provided orally by the Chair of TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2014/7, ECE/TRANS/WP.30/AC.2/2014/8,
ECE/TRANS/WP.30/AC.2/2014/9

(ii) Monitoring the prices of TIR Carnets

The Committee, at its fifty-seventh session, established, inter alia, that one of the tasks of TIRExB is to provide full transparency in applying the TIR Convention. As a consequence any data such as, but not limited to, the prices of TIR Carnets should, as a rule, be made publicly available, unless there were justified arguments for not doing so. Considering that the international organization and the national associations are required within the context of an international legal instrument to submit information to TIRExB or the TIR Administrative Committee, this information belongs to the public domain. Consequently, any mention of a disclaimer or limitation in the distribution by national associations should be disregarded. This position was supported by IRU.

At the request of TIRExB, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/10, containing the prices of each type of TIR Carnets issued by national associations, for information of the Committee.

The Committee is invited to revert to the issue of the function of TIRExB to monitor the price of TIR Carnets at the current session.

Documentation

ECE/TRANS/WP.30/AC.2/2014/10

(iii) International TIR Data Bank and electronic tools of the TIR secretariat

The Committee will be informed about the status of transmitting data to the International TIR Data Bank (ITDB) as well as about the progress made in implementing ITDB online+ and other Information Technology (IT) projects managed by the TIR secretariat.

(iii) National and regional TIR workshops and seminars

The Committee will be informed about workshops and seminars conducted and/or planned by TIRExB and the TIR secretariat.

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

(i) Status report on the accounts for 2013

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the report on the complete and final accounts for 2013 is transmitted for approval by the Committee (ECE/TRANS/WP.30/AC.2/2014/11). The Committee may also wish to take note of interim financial statements for 2014 as contained in document ECE/TRANS/WP.30/AC.2/2014/12.

Documentation

ECE/TRANS/WP.30/AC.2/2014/11, ECE/TRANS/WP.30/AC.2/2014/12

(ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat in 2015

At its fifty-seventh session, 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 II), on 13 January 2014, 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 2013 there was an excess (i.e. more was received than initially transferred) of SwF 195,339 (rounded) (ECE/TRANS/WP.30/AC.2/117, para. 27). The Committee will take note that IRU transferred this excess to the UNECE named bank account before 15 March 2014. This amount will be reflected in the UNECE TIR account to be taken into consideration for the next budget year.

The Committee may also 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 2015 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2014/13). The Committee may also wish to be informed by IRU about the forecast of the number of TIR Carnets it expects to distribute in 2015 and of its internal calculation concerning the amount per TIR Carnet. 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.2/2014/13

(c) Election of members of the TIR Executive Board

In accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of the TIRExB shall be two years. Since the present members of the TIRExB had been elected at its session in February 2013, the Committee must, at its next session on

5 February 2015, proceed with the election or re-election of the nine members of the TIRExB.

To ensure efficient voting at its session in February 2015, the Committee may wish to take a decision regarding the election procedure which so far has been based on the following provisions:

(a) the comment adopted on 26 June 1998 to the Rules of Procedure of the TIRExB on “representation”, with the exception of paragraph (c) as its provisions relate only to the initial election of Board members and are thus no longer appropriate (TRANS/WP.30/AC.2/51, annex and Corr.1);

(b) the procedure for the election of members of the TIRExB adopted on 26 February 2000 by the Committee (TRANS/WP.30/AC.2/53, paras. 31 and 34). However, the Committee may wish to dispense, for the future, with the practice to proceed to election by acclamation, in case the number of nominated candidates equals the number of available post and rather apply, for the sake of transparency, Rule 42 of the Rules of Procedure of ECE, which stipulate that “all elections shall be decided by secret ballot, unless, in the absence of any objection, the Commission decides to proceed without taking a ballot on an agreed candidate or slate”.

Once a decision on the election procedure is taken, the Committee may wish to authorize the UNECE secretariat to issue, in November 2014, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2015–2016. The deadline by which nominations would need to be received by the UNECE secretariat is 15 December 2014. No further candidates may be nominated following expiry of this deadline. On the next working day, 16 December 2014, the UNECE secretariat will circulate a list of candidates who have been nominated by their respective Governments or organizations being Contracting Parties to the Convention.

5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system

The Committee may wish to recall that, at its fifty-fifth session (February 2013), it had 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 (ECE/TRANS/WP.30/AC.2/113, para. 28).

6. Authorization for concluding an agreement between UNECE and IRU

The Committee may wish to recall that, at its fifty-fifth session (February 2013), it had 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. The Committee 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 (ECE/TRANS/WP.30/AC.2/113, para. 29). This agreement was signed on 28 October 2013 and covers the years 2014–2016. The Committee will be informed of the secretariat and IRU follow-up actions in this field, if any.

Documentation

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

7. Revision of the Convention

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

At its previous session, the Committee considered document ECE/TRANS/WP.30/AC.2/2014/5, transmitting proposals by TIRExB: (a) to amend Article 42 bis with an Explanatory Note to clarify the meaning of the term “immediately” in the text of the Article, together with guidelines for communicating and introducing new control measures; (b) to amend the text of Annex 9, Part I, paragraph 3 (vi) by replacing the existing wording on the deadline of 1 March by an improved text and (c) to amend the first comment to Annex 4 on the approval certificate so that it would not only allow for the use of A3 format, but also A4, under the condition that the pages would be secured by means of stamps on every page or secure bindings. The Committee adopted the proposal to amend the text of Annex 9, Part I, paragraph 3 (vi) and decided to continue discussing the other proposals in document ECE/TRANS/WP.30/AC.2/2014/5 and, to that end, requested the secretariat to prepare a document for consideration at its next session (see ECE/TRANS/WP.30/AC.2/119, para. 18).

The Committee is invited to consider and, possibly, adopt the proposals contained in document ECE/TRANS/WP.30/AC.2/2014/5/Rev.1

Documentation

ECE/TRANS/WP.30/AC.2/2014/5/Rev.1

(b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet

At its fifty-fifth meeting (February 2013), the Committee recalled a number of developments in this area (ECE/TRANS/WP.30/AC.2/113, para. 32) and noted that the delegation of Kyrgyzstan would soon inform the Committee about its position on this issue. The Committee decided to revert to this matter at its next session (ECE/TRANS/WP.30/AC.2/115, para. 45). Due to a lack of time this did not happen. The Committee is invited to proceed with its discussion of these issues at the current session.

(c) Amendment proposals to Annex 3

At its fifty-sixth session (October 2013), the Committee welcomed a revised document ECE/TRANS/WP.30/AC.2/2012/Rev.1 on an improved and logically structured code system to report defects in the certificate of approval. The Committee took note that the Turkish Customs administration had forwarded, to the secretariat, a set of photos of defects which can be used to illustrate the code system. Delegations were invited to liaise with their national technical experts in order to assess the validity and completeness of the proposed code system. The delegation of Belarus expressed its concerns on the added value of codes which refer to “other issues not mentioned”. In view of the absence of the Russian and French translations of the document, the Committee decided to postpone its discussions (ECE/TRANS/WP.30/AC.2/115, para. 46). Following the session, the secretariat, with assistance of the Turkish Customs, made some improvements in the list of defects and issued a revised document ECE/TRANS/WP.30/AC.2/2012/12/Rev.2 which the Committee is invited to consider.

Documentation

ECE/TRANS/WP.30/AC.2/2012/Rev.1, ECE/TRANS/WP.30/AC.2/2012/12/Rev.2

(d) **Phase III of the TIR revision process – computerization of the TIR procedure**

(i) **Status of the computerization process**

As in the past, the Committee will be informed about the latest developments with regard to the computerization of the TIR procedure and related projects.

(ii) **Draft joint statement on the computerization of the TIR procedure**

At its previous session, the Committee considered the draft joint statement on the computerization of the TIR procedure, contained in document ECE/TRANS/WP.30/AC.2/2014/6/Rev.1, prepared by the secretariat for endorsement by Contracting Parties. Although not principally opposed, the Committee could not reach consensus regarding certain parts of the statement and requested the secretariat to prepare a new draft for endorsement at the October 2014 session (see ECE/TRANS/WP.30/AC.2/119, paras. 20–25). Further to this request, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/6/Rev.1 for consideration and, possibly, endorsement by the Committee.

Documentation

ECE/TRANS/WP.30/AC.2/2014/6/Rev.1

(e) **Report of the second meeting of an informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of TIRExB**

The Committee may wish to be informed by the Chair of the informal group about the results of its second meeting. This informal meeting is scheduled to take place during the forthcoming session of WP.30 (7 October 2014) and prior to the session of the Committee on 8 October 2014.

8. Application of the Convention

(a) **Application of the Convention in the Russian Federation**

The Committee may wish to recall its extensive discussions, at previous sessions, on the measures introduced by the Russian customs authorities that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/AC.2/115, paras. 12–26, ECE/TRANS/WP.30/AC.2/117, paras. 43–57, ECE/TRANS/WP.30/AC.2/119, 26–31).

On 30 June 2014, the Federal Customs Service (FCS) of the Russian Federation officially notified the Russian TIR guaranteeing association, ASMAP, about the extension of its agreement until 30 November 2014.

The Committee will be informed about new developments and, on this basis, may wish to continue its considerations of this issue.

(b) **Recommendation on the introduction of the Harmonized System code in the TIR Carnet**

The Committee may wish to recall that, at its fifty–sixth session (October 2013), the representative of the Russian Federation pointed out the need to indicate the HS code on the TIR Carnet, in particular, for also raising transparency in the relations between the competent authorities and national guaranteeing association. He stressed that such a requirement had already been introduced for the advance electronic declaration in the Russian Federation and other member States of the Customs Union and did not seem to

lead to any difficulties for transport operators. Nevertheless, the Committee maintained its position that indication of the HS code should remain optional, as provided for in the existing Recommendation (ECE/TRANS/WP.30/AC.2/115, para. 49).

As the Committee was not in a position to continue its discussions at the fifty-seventh session, the Committee is invited to revert to these issues at the current session.

(c) Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board

The Committee will be informed about new comments endorsed by WP.30 and TIRExB, if any.

9. Best practices

Use of subcontractors

The Committee may wish to recall that, at its fifty-sixth session (October 2013), it had considered document ECE/TRANS/WP.30/AC.2/2013/13 which provides an overview of all considerations by TIRExB and the Committee on the issue of subcontractors since 2005 as well as two alternative proposals on the issue: one prepared by the secretariat and the other drafted by the Republic of Belarus. Whereas a majority of countries were willing to support the comment by the secretariat, various delegations expressed their concerns about the concept of subcontractor in the TIR Convention in general and the liability of the TIR Carnet holder, in particular, as well as the application of Article 38 in case a subcontractor is involved. They were also interested in the role of the guarantee chain in accepting liability for TIR Carnets used by subcontractors. In particular, the question was raised if a national association would assume liability for a TIR Carnet issued to one of its holders but used by a subcontractor from another country. The delegation of Belarus clarified that the main differences between its proposal and the one of the secretariat were the approach to the use of TIR carnets by a subcontractor who has no access to the TIR procedure as well as the application of Article 38 and of other provisions concerning the liability. According to the delegation of Belarus, granting the right to use TIR Carnets to a transport operator who does not have access to the TIR procedure would not conform to one of the pillars of the TIR Convention, namely the controlled access of carriers to the TIR procedure (Annex 9, part II). The delegation also raised the issue if the TIR guarantee chain would cover TIR operations performed by a subcontractor who has not been authorized to use TIR. Due to lack of time, no reply was given to this question (see ECE/TRANS/WP.30/AC.2/115, paras. 51 and 52).

Due to lack of time, the Committee has not been in a position to discuss the issue since. Therefore, the Committee is invited to continue its discussions at the present session.

Documentation

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

10. Other business

(a) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the fifty-ninth session of the Committee on 5 February 2015. The Committee may wish to confirm this date.

(b) 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.

11. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report on its fifty-sixth session on the basis of a draft prepared by the UNECE 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.
