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Sixtieth session

Geneva, 5 February 2015

Report of the Administrative Committee for the TIR Convention 1975 on its sixtieth session

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I. Attendance

1. The Committee (AC.2) held its sixtieth session on 5 February 2015 in Geneva.
2. The session was attended by representatives of the following countries: Afghanistan, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Liberia, Lithuania, Luxembourg, Malta, Mongolia, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine and the United States of America. Representatives of the European Union (EU) were also present.
3. The following non-governmental organizations were represented as observers: Economic Cooperation Organization (ECO) and 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.
5. Mrs. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, delivered an opening statement in which she referred to the significance of the TIR Convention as an important facilitation tool, particularly in view of current estimates that international trade and related over-land transport are likely to triple in the forthcoming years. Thus, she emphasized, that an effective facilitation system can minimize hindrances at border crossings. She also underscored that the TIR Convention is a tangible tool towards the effective implementation of the World Trade Organization (WTO) Trade Facilitation Agreement. Against this background, she called on the Committee to proceed expediently with procedural matters so as to allow sufficient time for substantive and fruitful discussions.
6. Mrs. Molnar also welcomed His Excellency Mr. Masud Karbasian, Deputy Minister of Economic Affairs and Finance of Iran (Islamic Republic of). In his statement, His Excellency referred to the geographical location of Iran (Islamic Republic of), as an important crossroad between west, east, south and north — and, thus, a land bridge between Asia and Europe. As such, his country is making pro-active efforts to play a constructive role in facilitating transport in the region. In this context he underlined the importance that Iran (Islamic Republic of), attaches to the TIR Convention, especially in view of the significant increase of about 68 per cent in the use of TIR Carnets from 2005 to 2014.
7. He also referred to the Memorandum of Understanding signed between the Customs of Iran (Islamic Republic of), the national guaranteeing association (ICCIMA) and the IRU on the implementation of the TIR Electronic Pre-Declaration (TIR-EPD), Real Time SafeTIR and TIR+. He mentioned the participation of his country in the UNECE-IRU joint eTIR pilot project with Turkey. Furthermore, reference was made to several TIR awareness-raising and training events held in 2014, not only in Iran (Islamic Republic of) but also in neighbouring countries. As a final note, His Excellency expressed his hopes and expectations that all Contracting Parties would ensure the implementation of their international obligations under the Convention, that the recent and ongoing challenges in implementing the Convention would be swiftly resolved and that regional concerns would be taken duly into account in the work of the TIR intergovernmental bodies, particularly the TIR Executive Board and advocated for the expansion of its membership and geographical composition.

II. Adoption of the agenda (agenda item 1)

8. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/122 and decided to address the items of the agenda in the following order: items 1, 2, 3, 4(c), 6 (a) and then the remaining items in their original order. The delegation of the Russian Federation proposed that item 6(a) (i) be addressed in advance of item 4(c). The Committee disagreed and decided to hold the elections for the TIR Executive Board (TIRExB) at the opening of the session. The secretariat explained that this would accommodate a number of delegates, in particular those from diplomatic missions in Geneva, that had to leave the meeting due to other commitments.

III Election of officers (agenda item 2)

9. In accordance with the Committee's rules of procedure and established practice, the Committee elected, by acclamation, Mr. Henrik Lindström (Finland) as Chair and Mr. Shahin Bagirov (Azerbaijan) as Vice-Chair for its sessions in 2015.

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

10. This item was not discussed due to lack of time.

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

A. Activities of the TIR Executive Board

1. Report by the Chair of TIR Executive Board

11. This item was not discussed due to lack of time.

2. Survey on customs claims

12. This item was not discussed due to lack of time.

3. Monitoring the prices of TIR Carnets

13. This item was not discussed due to lack of time.

4. International databases and electronic tools of the TIR secretariat

14. This item was not discussed due to lack of time.

5. National and regional TIR workshops and seminars

15. This item was not discussed due to lack of time.

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

1. Status report on the accounts for 2014

16. This item was not discussed due to lack of time.

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

17. This item was not discussed due to lack of time.

C. Election of members of the TIR Executive Board

18. The Committee recalled that, at its previous session, it had mandated the UNECE secretariat to solicit candidates for TIRExB membership for the term 2015–2016, to close the list of candidates on 15 December 2014 and, on the next working day (16 December 2014) to issue the official list of candidates for distribution to all Contracting Parties (see ECE/TRANS/WP.30/AC.2/121, para. 26). The procedures for the nomination and election were contained in Informal document No. 2 (2015). The Committee noted that the secretariat had proceeded accordingly and that the names of the candidates had been circulated by the secretariat on 16 December 2014 (Informal document No. 3 (2015)). Furthermore, the Committee noted that, in addition to the nominations received within the deadline mentioned above, one nomination also received before the deadline, for technical reasons had only been circulated by the secretariat on 7 January 2015 (Informal document No. 3/Corr. 1 (2015)). One more nomination, dated 5 January 2015 – which had only been received by the secretariat on 12 January 2015 –, had been circulated on 13 January 2015.

19. The Committee decided that, in line with past practice, only the nominations received by the secretariat before the end of the deadline of 15 December 2014, including the one circulated on 7 January 2015, should be included in the list of candidates for the elections.

20. In accordance with the approved election procedure and on the basis of the list of nominated candidates, the Committee proceeded with a secret ballot. The following results were obtained and confirmed by the TIR Secretary:

Registered votes:

Valid votes: 51

Invalid votes: 0

Blank votes: 0

21. 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):

AMELYANOVICH, Sergey (Russian Federation)

ANDRIEU, Guilhem (France)

CIAMPI, Marco (Italy)

DIRLIK, Didem (Turkey)

FEDOROV, Sergei (Republic of Belarus)

GAJDA, Beata (Poland)

JELINKOVA, Lenka (European Commission)

MILOSEVIC, Veselin (Serbia)

SOMKA, Sergii (Ukraine)

22. The Committee recalled that the members of TIRExB were elected in their personal capacity, with the mandate of working 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.

VI. Revision of the Convention (agenda item 5)

A. Amendment proposals to the Convention prepared by the TIRExB

23. This item was not discussed due to lack of time.

B. Proposals transmitted by the Government of the Russian Federation

24. The Committee was informed about the proposal of the Working Party on Customs Questions Affecting Transport (WP.30) which invited the Committee to mandate the TIRExB to consider the proposal to amend Annex 9, Part I, paragraph 3(ii) as well as Annex 8, Article 1bis. The Committee was of the view that these amendment proposals were closely related to questions currently under discussion by the TIRExB and that its expert opinion would substantively assist Contracting Parties in their deliberations. Thus, the Committee decided to mandate the TIRExB to consider these proposals.

C. Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet

25. This item was not discussed due to lack of time.

D. Amendment proposals to the Convention: Annex 3

26. This item was not discussed due to lack of time.

E. Amendment proposals to the Convention: Vehicles with sliding sheets

27. This item was not discussed due to lack of time.

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

28. This item was not discussed due to lack of time.

G. Report of the third 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

29. This item was not discussed due to lack of time.

VII. Application of the Convention (agenda item 6)

A. Situation concerning the application of the TIR Convention in Contracting Parties

1. Ukraine

30. The Committee recalled that at its previous session, the representative of Ukraine informed the Committee 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, temporarily no longer accepted TIR Carnets issued by the Association of International Road Carriers (ASMAR) of the Russian Federation.

31. The Committee at its current session was informed that Ukraine had provided information on this decision and implementing procedure to TIRExB for examination at its sixty-first session in December 2014. The delegation of Ukraine also delivered a presentation to the Committee, explaining further the reasoning and legal basis for the decision taken by the competent authorities of Ukraine. The delegation of Ukraine stated that the competent authorities of Ukraine had introduced this measure as a reaction to the restrictions imposed by the Federal Customs Service of the Russian Federation that were gradually implemented as of September 2013 and which have been found to be in violation of certain provisions of the TIR Convention by the Committee, in October 2013. In the view of the delegation of Ukraine, the decision of the competent authorities of Ukraine was based on their assessment of the application of Articles 60 and 62 of the Vienna Convention on the Law of Treaties, 1969.

32. The Committee discussed the situation of the application of the TIR Convention in Ukraine. It endorsed the excerpt of the report of the TIRExB, as contained in Informal document AC.2 (2015) No. 6, which states that the measure introduced by the Fiscal Service of Ukraine is in contradiction with the Convention and, in particular, Articles 3, para. (b), 4 and 6 of the TIR Convention. The Committee took note that the TIRExB report on this issue used different language compared to its previous consideration of a similar case. Furthermore, it agreed that there is a need for an updated glossary containing definitions used in the Convention.

33. The Russian Federation called upon the government of Ukraine to withdraw the measure which is qualified by the Russian Federation as a discriminatory action and a breach of WTO and general international law. The delegation of Ukraine reaffirmed that its measure would be withdrawn as soon as the Russian Federation fully restores the application of the TIR Convention without any exception and limitations.

2. Russian Federation

34. The Committee recalled that, at its previous session, the delegation of the Russian Federation informed the Committee that ASMAR continues to function as approved national association, in full compliance with the provisions of the TIR Convention. Various delegations asked the delegation of the Russian Federation for clarification of the situation concerning the application of the TIR Convention on its territory, in particular with regard to 28 February 2015, the deadline for the expiration of the current guarantee agreement between the Federal Customs Service of the Russian Federation and ASMAR.

35. The Russian Federation informed the Committee that the draft government decree on the procedure for determining the guaranteeing association had been up for public consultations and that upon completion of this process, the competent authorities would act swiftly towards completing the tender and identifying a guaranteeing association.¹ The delegation of the Russian Federation also informed the Committee that, although the date of 28 February 2015 remains the deadline for the expiration of the current guarantee agreement between the Federal Customs Service of the Russian Federation and ASMAP, the application of the TIR procedure is expected to continue without interruption in the future. The delegation of the Russian Federation further added that the competent authorities had consulted with the IRU and the current national association (ASMAP) in order to identify common ground on the way forward, particularly methods and means of ensuring guarantee coverage and payment of claims, and that the Russian Federation remains committed to the objective of improving the Convention and ensuring the effective and transparent functioning of the guarantee chain.

36. The Committee thanked the Russian Federation for its clarifications and recalled its previous statements that the geographical restrictions imposed by the Federal Customs Service (FCS) constitute a violation of the TIR Convention and called on the competent authorities of the Russian Federation to expediently take steps to reinstate the use of TIR Carnets in all the directions of movement of goods, in accordance with the provisions of the TIR Convention.

B. Possible new developments in other Contracting Parties

37. This item was not discussed due to lack of time.

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

38. This item was not discussed due to lack of time.

VIII. Best practices (agenda item 7)

Use of subcontractors

39. This item was not discussed due to lack of time.

IX. Other business (agenda item 8)

A. Date of next session

40. In accordance with Annex 8, Article 4 of the TIR Convention, the Committee decided to convene an extraordinary session, possibly, in conjunction with the one-hundred-and-fortieth session of WP.30 in June 2015, depending on the availability of rooms and interpretation services. The Committee decided, in this respect, that the extraordinary session would be dedicated to the discussion of outstanding amendment

¹ <http://regulation.gov.ru/project/13431.html>

proposals. The Committee noted that its sixty-second session is tentatively scheduled to be held on 8 October 2015.

B. Restriction on the distribution of documents

41. The Committee decided that the distribution of Informal document No. 3 (2015) would remain restricted.

X. Adoption of the report (agenda item 9)

42. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its sixtieth 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.
