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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Fifty-eighth session

Geneva, 12 June 2014

Item 3 (a) of the provisional agenda

#### Revision of the Convention:

**Amendment proposals to the Convention prepared by the TIR Executive Board**

## Amendment proposals to the Convention prepared by the TIR Executive Board

### Note by the secretariat

#### I. Background

1. At its fifty-sixth session (3–4 December 2013, Rome), the TIR Executive Board (TIRExB) finalized proposals 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. At the same session, TIRExB agreed on proposals 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. Finally, at its fifty-seventh session, TIRExB adopted a proposal 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 Board requested the secretariat to transmit the proposal to AC.2 for further consideration (Informal document TIRExB/REP/2013/5/draft, para. 15).

#### II. Considerations by the Committee

2. On that basis, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/5 for consideration and, possibly, adoption by the Committee. If the legal proposals are available in the three languages of the Convention, the Committee is invited to consider, time permitting, if the proposals contained in Annex I to this document can still be included in the package of amendment proposals adopted at its February 2014 session (see ECE/TRANS/WP.30/AC.2/117, paras. 29, 38, 41, Annex I and ECE/TRANS/WP.30/AC.2/117/Corr.1), meaning that, in accordance with the provisions of Article 60, paragraph 1, these proposals will enter into force on 1 January 2015, unless at

least five objections have been raised before 1 October 2014. The Committee is invited to endorse the proposed amendments contained in Annex II.

## Annex I

### Legal amendments to the text of the Convention

#### Annex 6, new Explanatory Note 0.42 bis

Add a new Explanatory Note to Article 42 bis to read as follows:

“0.42 bis The term “immediately” in Article 42 bis is understood to mean that national measures that may affect the application of the TIR Convention and/or functioning of the TIR system, ought to be communicated in writing to the TIRExB as soon as possible and in any case prior to its entry into force so as to allow the TIRExB to efficiently discharge its supervisory functions and fulfil its responsibility to examine the measure as to its conformity with the TIR Convention in accordance with Article 42 bis and its Terms of Reference as laid down in Annex 8 of the TIR Convention.”

#### Annex 9, Part I, paragraph 3 (vi)

For the existing text read

“(vi) provide the TIR Executive Board, annually, before 1 March with the price of each type of TIR Carnet it issues;”

## Annex II

### **Comments and examples of best practices adopted by the TIRExB**

#### **I. Amended comment to Annex 4**

*Replace the existing comment to Annex 4 comment “Approval Certificate” to Annex 4 to read as follows:*

*Approval Certificate*

*The Certificate of Approval shall be printed either on a single sheet of paper of format A3, folded in two, or on multiple A4 pages. In the latter case, all pages shall be stamped by the competent authorities or, alternatively, bound together in such a way that no page can be replaced without leaving obvious traces.*

#### **II. Guidelines for communicating and introducing new control measures**

*Add new Guidelines to Chapter 6 of the TIR Handbook to read as follows:*

##### **Guidelines in accordance with the legal requirements of Article 42 bis of the TIR Convention for communicating and introducing new control measures**

Step 1: An official written communication to the TIRExB and the UNECE secretariat, informing of the planned measure. The secretariat, upon receipt of the communication, shall circulate it to TIRExB members and place the issue on the agenda for the next planned session, in accordance with the rules of procedure of the TIRExB.

Step 2: The TIRExB shall start discussing the proposed measure at its next regular or, if deemed necessary, extraordinary session. As part of its assessment, the TIRExB may resort to:

- (a) Conducting surveys;
- (b) Inviting experts;
- (c) Requesting additional information from the Contracting Party(ies) and other stakeholders involved;
- (d) Conducting consultations on site;
- (e) Any further activity(ies) falling within its field of competence.

In accordance with Article 42 bis and Annex 8 of the TIR Convention, the TIRExB, shall finalize its assessment as to whether the proposed measure is in conformity with the provisions of the TIR Convention.

Step 3: On the basis of step 2, the TIRExB shall report its findings to the Administrative Committee (AC.2) in accordance with Annex 8, Article 11, paragraph 4 of the TIR Convention.

Step 4: AC.2, in accordance with Annex 8, Article 1 bis, para. 2 of the TIR Convention, shall consider the information provided by the country concerned as well as the TIRExB and decide on the conformity of the proposed measure(s). It should be noted that the highest authority rests with the AC.2.”

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