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**Economic Commission for Europe**

Administrative Committee for the TIR Convention, 1975

**Sixty-fourth session**

Geneva, 12 and 13 October 2016

**Report of the Administrative Committee for the  
 TIR Convention 1975 on its sixty-fourth session**
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## **I. Attendance**

1. The Committee (AC.2) held its sixty-fourth session on 12 and 13 October 2016 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Netherlands, Poland; Republic of Moldova; Russian Federation; Serbia; Slovakia; Spain, Sweden; Switzerland; the former Yugoslav Republic of Macedonia; Turkey; Ukraine. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organizations were represented as observers: Economic Cooperation Organization (ECO), Eurasian Economic Commission (EEC).
4. The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
5. 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.
6. The secretariat read an opening statement on behalf of Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Sustainable Transport Division, in which she welcomed the accession of the People's Republic of China to the TIR Convention, following the deposit of its instrument of accession of 5 July 2016 and expressed the hope that the TIR Convention will continue to grow and benefit countries all over the world. Against this background she urged the Committee to expediently address administrative issues, so as to be able to dedicate sufficient time to pending amendment proposals that would make the TIR Convention a more reliable and more efficient tool for all actors involved. At the same time, she called on the Committee to focus on those proposals for which a decision can be taken, in order to relieve, to the extent possible, the AC.2 agenda from its increasing workload.

## **II. Adoption of the agenda (agenda item 1)**

*Documentation:* ECE/TRANS/WP.30/AC.2/130

7. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.2/130) and noted that information from IRU will be discussed under agenda item 9 (a).

## **III. Status of the TIR Convention, 1975 (agenda item 2)**

8. The Committee was informed that, on 15 July 2016, the Secretary-General of the United Nations, acting in his capacity as depositary, had issued depositary notification C.N.503.2016.TREATIES-XI.A.16, informing that on 5 July 2016 the Government of the People's Republic of China has deposited its instruments of accession to the TIR Convention, 1975. In accordance with Article 53, paragraph 2, the Convention will enter into force for the People's Republic of China on 5 January 2017. With the accession of the People's Republic of China, the TIR Convention has seventy Contracting Parties. Furthermore, the Committee noted that the Secretary-General of the United Nations, acting in his capacity as depositary, had also issued depositary notification C.N.742.2016.TREATIES-XI.A.16, informing of the forthcoming entry into force of

amendments to Annexes 2, 6 and 7, on 1 January 2017. More detailed information on this issue and on various depositary notifications is available on the TIR website.<sup>1</sup>

9. The Committee also took note that, further to the accession of Pakistan to the TIR Convention, the Pakistan National Committee of the International Chamber of Commerce (PNC-ICC) has been recognized as the national issuing and guaranteeing association and that the guaranteeing agreement between Pakistan customs and PNC-ICC has almost been finalized and ready for signature.

10. Finally, under this agenda item, the Committee was informed that, pursuant to its decision at its sixty-first session to adopt the 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 (see ECE/TRANS/WP.30/AC.2/125, para. 9), the Government of Turkey had informed the secretariat and Contracting Parties of the issuance of the TIR approval certificate in A4 format via the 'Electronic Approval Certificate System' as of 24 April 2016. The letter and model approval certificate are contained in Informal document WP.30/AC.2 (2016) No. 8.

## **IV. Activities and administration of the TIR Executive Board (agenda item 3)**

### **A. Activities of the TIR Executive Board**

#### **1. Report by the Chair of TIR Executive Board**

*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

11. Under this agenda item, the Committee noted that, in accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of TIRExB shall be two years. Since the present members of TIRExB had been elected at its session in February 2015, the Committee must, at its next session in February 2017, proceed with the election or re-election of the nine members of TIRExB.

12. The Committee decided to follow the established election procedure for the election at the next session in February 2017 on the basis of 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 decided, for the future, to continue applying 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" rather than reverting to the possibility to elect by acclamation, in case the number of nominated candidates equals the number of available posts.

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<sup>1</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html).

13. The Committee authorized the UNECE secretariat to issue, in November 2016, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2017–2018. The secretariat informed the Committee that the call for candidates would be circulated, as in the past, via e-mail to all heads of customs administrations of Contracting Parties, delegates of the Committee, TIR focal points and to the permanent missions of Contracting Parties to the United Nations in Geneva. The deadline for nominations received by the UNECE secretariat was set at 15 December 2016 (24.00 hours Geneva time). No further candidates may be nominated following expiry of this deadline. On the next working day, 16 December 2016, 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.

14. The Committee endorsed the reports of the TIR Executive Board (TIRExB) at its sixty-fifth (October 2015), sixty-sixth (February 2016) and sixty-seventh (April 2016) sessions, as contained in documents ECE/TRANS/WP.30/AC.2/2016/11, ECE/TRANS/WP.30/AC.2/2016/12 and ECE/TRANS/WP.30/AC.2/2016/13, respectively. The Committee was, also, orally briefed by the Chair of TIRExB about the major considerations and decisions taken at its sixty-eighth (30 May 2016) and sixty-ninth (10 October 2016) session.

15. At its sixty-eighth session, TIRExB had, inter alia, continued its discussions on proposals to introduce more flexibility in the guarantee system. Because the Board could not reach consensus on the merit of the option to introduce full guarantee coverage for all Contracting Parties, or, alternatively, that each country is free to set its own maximum guarantee amount or could decide not to set a maximum at all (Russian proposal), it decided to invite insurance experts from AXA Winterthur and IRU to provide their expert opinion at the next session. The Board welcomed the efforts by the secretariat to introduce new features in the International TIR Database (ITDB), which are currently being tested by various volunteers from customs authorities and guaranteeing associations. The Board further decided to limit its efforts to prepare an example of an intermodal TIR transport to the transport of a container by sea. The Board had a first look at the returning survey on customs claims but had to note that, despite numerous reminders, important countries still had not responded. Finally, the Board took note of an incident with a vehicle with loose floorboards, which had been used for smuggling practices. As TIRExB had already in 2009 advised against the approval of such vehicle constructions, as not being customs secure, it decided to transmit the issue to AC.2 for consideration (see Informal document WP.30/AC.2 (2016) No. 7).

16. At its sixty-ninth session, the Board welcomed the insurance experts from AXA Winterthur and IRU and took note of their extensive presentation about pricing methodology. The Board considered that, for now, insufficient unequivocal justification can be found to support the Russian proposal not to set a maximum guarantee amount and decided to report to AC.2 that its assessment is inconclusive to the extent that it is not possible for TIRExB to judge the quality and the consequences of any change in the current practice, other than raising the recommended maximum guarantee amount from 60,000 to 100,000 euros. TIRExB further discussed an amended proposal for a new Explanatory Note and comment to Article 49, elaborating the possibility for national competent authorities to grant authorized TIR Carnet holders, subject to fulfilling a strict set of criteria set by national legislation, greater facilities, without prejudice to their liability as stipulated by Article 11, paragraph 2 of the Convention. The Board agreed that the current text proposal represents the maximum effort to allow greater facilitations as a national simplification under the current text of the TIR Convention, as is already practiced in several TIR Contracting Parties, and urged Contracting Parties in AC.2 to endorse such practice by supporting the text proposal, as it would not impede any Contracting Party, not interested in

introducing the concept on its own territory, to not apply it. TIRExB further endorsed its budget proposal and cost-plan for 2017. TIRExB confirmed the existing legal practice, where exclusions in accordance with Article 38 of the Convention should be applied for foreign transport operators, whereas withdrawals should be used to temporarily or permanently stop the activities of national TIR Carnet holders, in accordance with Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d). The Board considered the now finalized survey on customs claims, but decided to revert to it at its next session as well as to the 2016 report on TIR Carnet prices, because of the late submission of contributions. The Chair reiterated, once more, that TIRExB could only do its work if all Contracting Parties reply promptly to any request for information or voluntarily fulfil their legal obligations. In this context, the Committee was reminded that national associations should provide TIRExB annually and before 1 March with the price of each type of TIR Carnet it issues, even in case the prices had not changed as compared to the previous year(s).

## **2. Survey on customs claims**

*Documentation:* ECE/TRANS/WP.30/AC.2/2016/14

17. The Committee recalled that, pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB, every two years, conducts a survey on the status of customs claims and the guarantee level in all TIR Contracting Parties. Against this background, the Committee took note of the consolidated results of the survey, covering the period 2011–2014 and contained in Informal document WP.30/AC.2 (2016) No. 9, which was issued in lieu of document ECE/TRANS/WP.30/AC.2/2016/14, due to an additional reply to the survey received in September 2016. The secretariat informed the Committee that Informal document WP.30/AC.2 (2016) No. 9 would be issued for the next session as ECE/TRANS/WP.30/AC.2/2016/14/Rev.1. The Committee welcomed the fact that 46 countries had finally responded to the survey and noted that, overall, the results are very comparable to those gathered with the 2011 survey for the period 2007–2010. The Committee noted that the ratio of claims withdrawn by customs fell to 24 per cent and that approximately fifty per cent of claims are paid by the guaranteeing association after the 3-month deadline defined in the TIR Convention. The Committee also reiterated the importance of the survey results as a basis for the TIRExB discussions on the guarantee level. The Committee agreed with the considerations of the secretariat and TIRExB and requested TIRExB to further consider the reasons for the relatively high share of pending claims. It also urged all Contracting Parties to timely respond to future surveys.

## **3. International databases and electronic tools managed by the TIR secretariat**

18. The Committee was informed about the progress in implementing ITDB online+ and other Information Technology (IT) projects managed by the TIR secretariat. The Committee noted that all IT tools provided by the TIR secretariat were functioning well and that the first prototype of the new application was released to a group of focal points in September 2016 for testing. The Committee thanked customs authorities and national associations who had volunteered to test the new application and looked forward to the introduction of the new ITDB for all Contracting Parties, which was expected to take place in the beginning of 2017. The Committee further took note that the secretariat was developing, as part of the new ITDB, a database for TIR approved customs offices, which should be launched by mid-2017.

## **4. National and regional TIR workshops and seminars**

19. The Committee noted that since its previous session in February 2016, the TIR secretariat had participated in the ninth Joint African Union Commission (AUC)–Economic

Commission for Africa (ECA) Annual Meeting of the AU Conference of Ministers of the Economy and Finance and ECA Conference of African Ministers of Finance, Planning and Economic Development (Addis Ababa, 3 April 2016) and the National Workshop on the Mainstreaming of the Vienna Programme of Action for landlocked developing countries (LLDCs) (Ulaanbaatar, 27 and 28 April 2016). The Committee was also informed that UNECE and the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island States (UN-OHRLS) had organized a global seminar on the importance of key Trade and Transport Conventions (New York, 9 May 2016) and a second one on the same topic in Geneva, back to back with the meeting of Trade Ministers of LLDCs at the World Trade Organization (WTO) (24 June 2016). The TIR secretariat also participated in the Grails European Conference (Copenhagen, 1–3 June 2016); the third Global World Customs Organization (WCO)-Authorized Economic Operator (AEO) Conference (Cancun (Mexico), 11–13 May 2016); the WCO IT Conference (Dakar, 1–3 June 2016); the WCO transit workshop (Abidjan, 27 June–1 July); the Informal Group of Experts on the development of a new Convention on facilitation of border crossing procedures for passengers and baggage by rail (Warsaw, 26 and 27 July 2016); the twenty-fourth OSCE Economic and Environmental Forum (Prague, 15 September 2016); and in the OSCE-WCO Workshop on Enhancing Trade Facilitation through the Improvement of Regional Transit in Central Asia (Astana, 27–29 September 2016).

20. The Committee was also informed that the secretariat had contributed substantive content to various publications such as the UNESCAP-UNECE and IRU publication “eTIR: Towards paperless cross-border trade” and to the Asian Journal of transport and infrastructure, promoting, inter-alia, the TIR Convention in South Asia.

21. Finally, the Committee noted that the TIR secretariat had submitted an application and related concept note for the organization of a side event to promote border crossing facilitation and the TIR Convention, in the context of the Global Sustainable Transport Conference, convened by the United Nations Secretary-General and planned to be held on 26 and 27 November 2016 in Ashgabat.

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

### **1. Status report on the accounts for the year 2015**

22. The Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, TIRExB shall submit its accounts to the Committee at least once a year or at the request of the Committee. The Committee was informed that the competent Finance Services of the United Nations have formally finalized the accounts for 2015 and that the status report on the accounts is contained in document ECE/TRANS/WP.30/AC.2/2016/23. The Committee approved the status report on the accounts for 2015 as contained in document ECE/TRANS/WP.30/AC.2/2016/23. The Committee, further, agreed with the proposal by the delegation of the Russian Federation, to request the competent United Nations services to conduct an audit of the accounts of TIRExB and the TIR secretariat.

### **2. Interim financial statement for the year 2016**

23. The Committee took note of the interim financial statement for 2016, as contained in document ECE/TRANS/WP.30/AC.2/2016/15.

### **3. Procedure for financing the operation of the TIR Executive Board and TIR secretariat**

24. The Committee recalled 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.

25. Against this background, the Committee took note of document ECE/TRANS/WP.30/AC.2/2016/16, prepared by the secretariat and containing 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.

26. 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 agreed with the recommendation of IRU to take account of the deficit of the year 2015 in the calculation of the amount per TIR Carnet to be invoiced in 2017.

### **4. Budget proposal and cost plan for the year 2017**

*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

27. The Committee considered the budget proposal and cost plan for the operation of TIRExB and the TIR secretariat for the year 2017 (ECE/TRANS/WP.30/AC.2/2016/17). The proposed cost plan for 2017 (estimated at US\$ 1,598,950 inclusive of programme support costs), reflects a decrease of US\$ 33,900 over the approved budget and cost plan for the TIRExB and the TIR secretariat for 2016 (US\$ 1,632,850 inclusive of programme support costs).

28. Having recalled the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex 2), the Administrative Committee approved the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2017 as well as the net amount to be transferred by IRU to the TIR Trust Fund, as contained in document ECE/TRANS/WP.30/AC.2/2016/17.

29. The Committee noted that IRU expects to distribute 1,480,000 million TIR Carnets in 2017 (Informal document WP.30/AC.2 No. 5 (2016)). On the basis of this forecast and taking into account the recommendation of IRU on addressing the accrued deficit of the year 2015 in the calculation of the amount per TIR Carnet for the year 2017, the Committee approved the amount of SwF 0.88 per TIR Carnet.

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

30. The Committee was informed that, following its approval of the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2017, UNECE and IRU would proceed with the signing of the new agreement, based on the mandate given by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/129, para. 22).



## **VI. Revision of the Convention (agenda item 5)**

### **A. Accepted amendment proposals to the Convention pending formal adoption**

*Documentation:* ECE/TRANS/WP.30/AC.2/2016/4/Rev.1

31. The Committee took note of document ECE/TRANS/WP.30/AC.2/2016/4/Rev.1 containing a list of accepted proposals, including the proposal to amend Article 38, which was accepted at the previous session (see ECE/TRANS/WP.30/AC.2/129, para. 36 (c)). With regard to these proposals, the Committee was also informed that the delegation of Kazakhstan had transmitted a letter, contained in Informal document WP.30/AC.2 (2016) No. 6, reserving its position against the proposal to amend Article 2 to specify that the word 'frontier' refers to a customs frontier.

32. The delegation of Kazakhstan reiterated its position that this proposal does not take into account prior considerations and concerns with regard to the application of the TIR Convention on the territory of a Customs Union, as it had also repeatedly stated at various sessions of WP.30, and as such was of the view that this proposal should be removed from the package of accepted amendment proposals pending formal adoption and be re-considered by Contracting Parties. Following an exchange of information on this issue, some delegations expressed the view that since this proposal had been agreed upon by the Committee in the context of the consideration of the proposals contained in document ECE/TRANS/WP.30/AC.2/2014/14, submitted by the Russian Federation, the objection raised by Kazakhstan would not be, in itself, sufficient grounds for re-opening the discussions. In this context, the secretariat proposed to either remove the proposal from this package for re-consideration or to, at least, transmit it separately from the remaining proposals to the Secretary-General, in light of the possibility to raise an objection under Article 59 of the Convention.

33. Following extensive discussions, the Committee decided that these proposals, along with any other proposals that would, possibly, be agreed upon at the current session, would not be transmitted as a package to the Secretary-General until after its next session in February 2017. Furthermore, the Committee agreed that the proposal on Article 2 would be transmitted in a separate document from the rest of the package, providing the opportunity to any Contracting Party to exercise its right to object under Article 59 without, at the same time, jeopardizing the entry into force of the other amendments that have met consensus. Finally, the delegation of Kazakhstan requested that its objection be reflected in the final report and noted that, in its view, the considerations raised by the delegation of Kazakhstan had not been duly taken into account in the decision making processes of the Committee.

34. Under this agenda item, the Committee agreed with the proposal to include, as Annex to each report, a list of the discussed amendment proposals and their status, as well as to prepare, for the next session a document providing information that would allow the Committee to keep track of the decision making process of all proposals under discussion or accepted, pending formal adoption.

### **B. Amendment proposals to the Convention transmitted by the Working Party**

*Documentation:* ECE/TRANS/WP.30/AC.2/2016/18

35. The Committee considered document ECE/TRANS/WP.30/AC.2/2016/18, prepared by the secretariat on amendment proposals transmitted by the Working Party to the

Committee for further consideration and approval. The Committee commenced its considerations on this document with the proposal to amend Article 18, as to increase the number of places of loading and unloading from four to eight. The Russian Federation reiterated its view that further assessment would be warranted, particularly with regard to associated risks. In this context, the Committee took note of Informal document WP.30/AC.2 (2016) No. 10, transmitted by IRU and containing an analysis of a large number of TIR Carnets, which had proved that the availability of additional customs offices of departure or destination would be useful for almost 24,000 transports per year; that such amendment would impact the majority of guaranteeing associations and that, last but not least, many countries (of departure or destination) would benefit thereof. The delegations of Turkey and Ukraine pointed to the advantages of increasing the places of loading and unloading for the road transport industry and urged the Committee to take a decision in support of this proposal.

36. The delegation of Iran (Islamic Republic of) reiterated its position that the increased number of places of loading and unloading should be formulated as optional, and particularly referred to the necessity to have access to a clear list of Customs offices that are authorized for processing TIR Carnets in each Contracting Party, in order to facilitate such optional implementation. Against this background, the delegation of IRU pointed to the fact that, for example, in the territory of the Russian Federation, only one customs office of destination is allowed, thus, limiting the application of the current scope of Article 18. The delegation of the Russian Federation noted that current practice on its territory allows for three offices of destination. On this point, the secretariat made an observation that, under the current text of article 18, less than four places of loading and unloading could be designated, as long as the maximum would not exceed four. In addition, the Committee was reminded that, in accordance with Article 45 of the Convention, Contracting Parties should publish a list of customs offices, authorized to treat TIR Carnets. Further to extensive discussions, the Committee agreed to consider a revised proposal to the text of Article 18, to be submitted by the delegation of the Russian Federation, at the next session.

37. The Committee continued its consideration of the remaining proposals contained in document ECE/TRANS/WP.30/AC.2/2016/18, while noting the statements of the delegations of Turkey and Ukraine that, due to ongoing consultations at the national level, neither delegation would be in a position to express a view or to support the proposals for the time being.

38. In the first instance, it appeared that the proposal to replace the term “approved” by “authorized” in Article 3 paragraph (b), Article 6, paragraph 2 and in Annex 9, Part II, as well as the proposal to amend Annex 9, Part I, paragraph 7 to replace “Contracting Parties” by “each Contracting Party”, met a high level of general consensus among Contracting Parties. Bearing in mind the position of the delegations of Turkey and Ukraine, the Committee was of the view that these proposals could be adopted at the next session and considered it unlikely that any further discussion on substance would take place. Therefore, these proposals could be provisionally included in the package of accepted amendment proposals pending formal adoption.

39. Concerning the proposal to amend Article 6, paragraph 1, Explanatory Note 0.6.2 and Annex 9, Part I, paragraph 1 with the wording “customs authorities or other competent authorities”, the delegations of EU, the Russian Federation and Switzerland indicated their readiness to accept this proposal, as well as their preference for the alternative wording provided for Explanatory Note 0.6.2. At the same time, the Committee noted that, in addition to the delegations of Turkey and Ukraine, the delegations of Iran (Islamic Republic of) and Kazakhstan would also not be in a position to, currently, support or further discuss this particular proposal, pending the finalization of internal consultations.

40. The Committee considered the proposals to amend Annex 8, Article 1bis with new paragraphs 4–6. While the possibility for AC.2 to examine the annual audited financial statements and audit report submitted by the authorized international organization was generally viewed positively, questions arose on the practical ways in which such additional examinations and audits would be covered financially. Against this background, the delegation of IRU expressed the view that, although IRU would be ready and willing to comply with any requirement pursuant to the TIR Convention, additional examinations should not, ideally, lead to any additional costs for transport operators. Several delegations felt that that, in the absence of any other form of funding, this task could be absorbed by the budget of TIRExB and that, since it would not refer to an annual or regular audit, an amount could be put aside in the TIRExB budget for this purpose. On this point, various delegations stressed that it would be important to have some additional information on the costs associated with such audits and examinations, in order to make a more realistic assessment. Furthermore, various delegations expressed the view that, in case TIRExB would not feel sufficiently competent to conduct risk assessments or to draft terms of reference for conducting additional examinations, it had the possibility to invite external experts for assistance. Finally, there was general agreement among delegations that the comment proposed to Explanatory Note 8.1 bis.6 appeared redundant and could be deleted from the proposal. Excluding those delegations that were unable to comment due to ongoing internal consultations, the Committee decided to revert to this proposal at its next session, in order to conclude its considerations.

41. Finally, there were no discussions or objections raised with regard to the proposals to amend Annex 9, Part III, paragraph 2 with new items (o), (p) and (q). However, bearing in mind that some delegations were not in a position to support or comment on any of these proposals, the Committee decided to finalize its considerations on items (o), (p) and (q) at the next session, by which time, hopefully, all delegations would be ready to express their final position. Against this background, the Committee urged Contracting Parties to transmit to the secretariat written contributions or comments to all the proposals as contained in document ECE/TRANS/WP.30/AC.2/2016/18, so as to enable finalization of discussions at the next session.

42. The delegation of France requested the secretariat to ensure the correction of linguistic mistakes in the French version of document ECE/TRANS/WP.30/AC.2/2016/18.

### **C. Amendment proposals to the Convention prepared by the TIR Executive Board**

43. The Committee was informed that TIRExB had not concluded its considerations on 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, at its sixty-ninth session (10 October 2016) and would, therefore, transmit its findings for consideration by the Committee at a future session.

### **D. Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet**

44. The Committee recalled that TIRExB had been requested 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. The Committee recalled that TIRExB, at its sixty-ninth session, had concluded its assessment by considering that, for now, insufficient unequivocal justification can be found to support the Russian proposal not to set a maximum guarantee amount and had decided to

report to AC.2 that its assessment is inconclusive to the extent that it is not possible for TIRExB to judge the quality and the consequences of any change in the current practice, other than raising the recommended maximum guarantee amount from 60,000 to 100,000 euros.

## **E. Proposals transmitted by the Government of the Russian Federation**

*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

45. The Committee continued its consideration of the proposals submitted by the Government of the Russian Federation, to amend various provisions of the body of the Convention as well as of Annex 9 as contained in document ECE/TRANS/WP.30/AC.2/2014/14. The Committee recalled that comments to these proposals from Contracting Parties had 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 had 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 noted that two proposals remained to be discussed and, thus, addressed them 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 considered document ECE/TRANS/WP.30/AC.2/2016/19, prepared by the secretariat and containing various ways to amend Article 11 and Explanatory Note 0.11.4 based on the original proposal of the Russian Federation. The delegation of the Russian Federation reiterated its justification for this proposal, namely that according to some national civil codes, the specific timeframe for the customs authorities to resort to the national judicial system is limited to a rather short period of time, which is not enough for customs authorities to complete the investigation in due course. In this case the provisions of law are superior to the terms and conditions agreed between the customs authorities and the national guarantee association. To overcome this restriction, a provision within the text of the Convention is needed, that would enable customs authorities to establish, in their contract with the national guaranteeing association, timeframes based on the internationally binding text of the Convention, which enjoys a higher legal value compared to the national civil legislation. Against this background, the delegation of the Russian Federation urged the Committee to support the original version of this proposal and expressed the view that the alternative formulations provided in document ECE/TRANS/WP.30/AC.2/2016/19 were not suitable for the purposes as explained. The Committee thanked the delegation of the Russian Federation for its extensive explanations and decided to revert to this proposal at its next session, after having the opportunity to reflect on the information as well as to carefully examine Chapter 5.4 of the TIR Handbook on inquiry and recovery procedures and 5.7 on the communication between national competent authorities and national guaranteeing associations.

(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: various delegations referred to their comments submitted on this proposal as contained in document ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, and indicated that their positions had not changed thus far. The delegate of IRU informed the Committee that the transport industry was of the view that adopting this amendment would go against current practice in many countries and would limit the application of the Convention in

countries that accept the use of subcontractors. The delegation of Azerbaijan reminded the Committee that in case of acceptance of this amendment to Article 21, the decision by the Committee not to amend Article 1 (o) and Article 19 would have to be revisited. Due to a lack of time for further discussion, the Committee decided to revert to this proposal at its next session.

#### **F. Proposal to amend Annex 9, Part I, paragraph 5**

46. This item was not discussed due to a lack of time.

#### **G. Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)**

47. This item was not discussed due to a lack of time.

### **VII. Phase III of the TIR revision process – Computerization of the TIR procedure (agenda item 6)**

48. Due to a lack of time, the Committee decided to refer to the information provided in the WP.30 report (see ECE/TRANS/WP.30/288, paras. 14–19) on the latest developments in the computerization of the TIR procedure and related projects. Under this agenda item, the delegation of Kazakhstan expressed its support for the UNECE-IRU eTIR pilot project between Iran (Islamic Republic of) and Turkey.

### **VIII. Comments transmitted to the Committee for adoption (agenda item 7)**

*Documentation:* ECE/TRANS/WP.30/AC.2/2016/21

49. The Committee considered document ECE/TRANS/WP.30/AC.2/2016/21 with a revised proposal by TIRExB to amend Article 23 of the Convention with a comment, recommending customs authorities to consider the use of alternative technologies such as tracking systems or e-seals, before prescribing escorts. Further to prior discussions on this issue, the Committee maintained its view that the proposed comment is not warranted. As such, the Committee decided not to adopt this comment.

### **IX. Best practices (agenda item 8)**

50. This item was not discussed due to a lack of time.

### **X. Other business (agenda item 9)**

#### **A. Information by IRU**

51. The Committee recalled that an independent external audit of IRU was being carried out in response to allegations raised against IRU and its management as discussed at the previous session of the Working Party (see ECE/TRANS/WP.30/286, paras. 7–11) and decided to refer to the relevant paragraphs of the report of WP.30 at its 144th session for

information provided with regard to the preliminary results of the audit. At the same time, the Committee noted that this audit would be finalized at the beginning of November and that IRU would publish the conclusions of the audit after it has been presented to the IRU General Assembly. The Committee also recalled the statement of Mr. Labrot, IRU President, in which he informed Contracting Parties that, in the interest of the continued good cooperation with UNECE and the TIR governing bodies, IRU would be willing to share more extensive information on the final results of the audit, on the condition that this information would be treated confidentially and restricted, in its circulation, to the TIR Contracting Parties (see ECE/TRANS/WP.30/2016/289, Annex).

52. Against this background, the Committee agreed that the final results of this audit should be presented to and discussed by the Committee at its next session. At the same time, the Committee requested IRU to provide the secretariat with the full results of the audit in advance of the next session.

53. Under this agenda item, the delegation of Ukraine informed the Committee that, on 11 October 2016, the Governments of Turkey and Ukraine had concluded an agreement on customs issues, including, *inter alia*, the launch of an eTIR pilot project between the two countries. Finally, under this agenda item the delegation of Ukraine took the opportunity to raise its concerns with regard to the application of the TIR Convention on the Belarus-Ukraine border crossing points and requested that an item be dedicated to this discussion at the next session.

## **B. Audit requirements for an authorized international organization**

54. This item was not discussed due to a lack of time.

## **C. Vehicles with loose floorboards**

55. The Committee considered information, transmitted by TIRExB in Informal document WP.30/AC.2 (2016) No. 7 on a specific type of vehicle, whose floors are equipped with troughs to facilitate and secure the transport of sheet metal coils. The Committee noted 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. The Committee invited delegations to share the document with the competent technical services in their countries, in charge of delivering certificates of approval.

## **D. Date of next session**

56. The Committee decided to hold its sixty-fifth session on 15 (p.m.) and 16 February 2017. This is due to the large amount of amendment proposals and urgent procedural issues currently on the agenda of AC.2.

## **E. Restriction on the distribution of documents**

57. The Committee decided that there would be no restriction on the distribution of documents issued in connection with its current session.

## **XI. Adoption of the report (agenda item 10)**

58. In accordance with Annex 8, Article 7 of the Convention, the Committee adopted the report of its sixty-fourth 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 and underscored the importance of ensuring that the report be made available in all three working languages well in advance of the next session in February 2017, so that they could take its findings into due consideration when preparing for that session.

## Annex

### List of decisions taken at the sixty-fourth session of the Administrative Committee

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
12–13	Call for candidates willing to stand for election at TIRExB	secretariat	November 2016
17	Consideration of reasons for high number of pending claims	TIRExB	To be considered as of next TIRExB session
22	Request competent United Nations services to conduct an audit of the TIR accounts	secretariat	As soon as possible
30	Conclusion of new UNECE–IRU agreement	secretariat/IRU	Before 15 November 2016
33	Issue amendment to Art. 2 as separate document (for eventual transmittal)	secretariat	Next session
34	Annex table of decisions to final report	secretariat	Done
34	Consolidated document on list of amendments and their status	secretariat	Next session
35	Consideration of revised proposal to article 18, transmitted by the Russian Federation	Russian Federation	Before next session
38	Proposals to amend Art. 3(b), Art. 6(2), Annex 9, Part I, paragraph 7 and Annex 9, Part II to be provisionally included in package of accepted proposals pending formal adoption	secretariat	Next session
35–41	Revert to further discussions at next session	Committee	Next session
42	Linguistic corrections to French version of document ECE/TRANS/WP.30/AC.2/2016/18	secretariat	As soon as possible
49	Decision not to adopt comment to Art. 23	Committee	13 October 2016
52	Decision to invite IRU to provide audit results for next session	IRU	November 2016
53	Decision to include item on Ukraine-Belarus issues in next agenda	secretariat	Next session