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Administrative Committee for the TIR Convention, 1975

Sixty-eighth session

Geneva, 18 October 2018

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixty-eighth session*, **

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday,
18 October 2018, Room VII

I. Provisional agenda

1. Adoption of the agenda.
2. Status of the TIR Convention, 1975.
3. Activities and administration of the TIR Executive Board:

* 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 ECE Sustainable Transport Division (Fax: +41-22-917-0039; email: wp.30@un.org). Documents may also be downloaded from the ECE 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).

** The full text of the TIR Convention, 1975, as well as a complete list of contracting parties to the TIR Convention, are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to register online at: uncdb.unece.org/app/ext/meeting-registration?id=J2fOPE or to complete the registration form available from the Internet website of the ECE Sustainable Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@un.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 ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

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- (a) Activities of the TIR Executive Board:
 - (i) Report by the Chair of the TIR Executive Board;
 - (ii) Election of members of the TIR Executive Board;
 - (iii) International databases and electronic tools managed by 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 the year 2017;
 - (ii) Interim financial statement for the year 2018;
 - (iii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat;
 - (iv) Budget proposal and cost plan for the year 2019.
4. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
5. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU).
6. Revision of the Convention:
 - (a) Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (b) Amendment proposals to the Convention transmitted by the Working Party;
 - (c) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (d) Accepted amendment proposals to the Convention pending formal adoption;
 - (e) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB);
 - (f) Recommendation to Annex 3 on a code system to report defect remarks in the certificate of approval.
7. Phase III of the TIR revision process - Computerization of the TIR procedure.
8. Best practices:

Example agreement
9. Other business:
 - (a) IRU external audit report and related matters;
 - (b) Exclusion of Romanian national association ARTRI;
 - (c) Inland Transport Committee strategy until 2030;
 - (d) Date of next session;
 - (e) Restriction on the distribution of documents;
 - (f) List of decisions.
10. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of the session (ECE/TRANS/WP.30/AC.2/138). 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 purpose of taking decisions". The number of States which are contracting parties to the Convention is seventy-three.

Documentation

ECE/TRANS/WP.30/AC.2/138

2. Status of the TIR Convention, 1975

The Committee will be informed about changes in the status of the Convention and in the number of contracting parties. In particular, the Committee may wish to be informed that the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (a) C.N.698.2017.TREATIES-XI.A.16 of 3 November 2017, informing of the submission of various proposals to amend the body of the TIR Convention, 1975; (b) C.N.699.2017.TREATIES-XI.A.16 of 3 November 2017, informing of the submission of a proposal to amend Article 2 of the TIR Convention, 1975 (in accordance with the provisions of Article 59, paragraph 3 of the Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018); (c) C.N.201.2018.TREATIES-XI.A.16 of 9 April 2018, informing that various proposals to amend Annexes 6, 8 and 9 of the Convention enter into force on 1 July 2018; (d) C.N.248.2018.TREATIES-XI.A.16 of 17 May 2018, informing of the accession of Saudi Arabia to the TIR Convention. The TIR Convention will enter into force for Saudi Arabia on 17 November 2018. With the accession of Saudi Arabia, the TIR Convention now has 74 contracting parties. The TIR system, having recently become active in China and Pakistan, is now operational in 61 countries. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

3. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of the 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 and 15), the secretariat has reproduced the reports of the TIR Executive Board (TIRExB) at its seventy-fifth (December 2017) and seventy-sixth (February 2018) sessions, for information and endorsement by the Committee (ECE/TRANS/WP.30/2018/4; ECE/TRANS/WP.30/AC.2/2018/5). More information about the recent activities of

¹ www.unece.org/tir/tir-depositary_notification.html.

TIRExB as well as about various considerations and decisions taken at its seventy-seventh (June 2018) and seventy-eighth (October 2018) sessions will be provided orally by the Chair of TIRExB.

Under this agenda item, the Committee may also wish to take note of the prices of TIR Carnets for the years 2012 to 2017, as communicated to TIRExB per the requirements of Annex 9, Part I, paragraph 3 (vi) of the TIR Convention, and the analysis of the 2017 prices, as contained in document ECE/TRANS/WP.30/AC.2/2018/6.

Documentation

ECE/TRANS/WP.30/AC.2/2018/4, ECE/TRANS/WP.30/AC.2/2018/5,
ECE/TRANS/WP.30/AC.2/2018/6

(ii) Election of members of TIR Executive Board

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 2017, the Committee must, at its next session on 7 February 2019, proceed with the election or re-election of the nine members of TIRExB. To ensure efficient voting at its session in February 2019, 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 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 TIRExB adopted on 26 February 2000 by the Committee (TRANS/WP.30/AC.2/53, paras. 31 and 34). In addition, for the sake of transparency, the Committee decided at its seventy-fourth session (October 2016), to apply Rule 42 of the Rules of Procedure of ECE, which stipulates 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” even in case the number of nominated candidates equals the number of available posts (see ECE/TRANS/WP.30/AC.2/131, para. 12).

Once a decision on the election procedure is taken, the Committee may wish to authorize the UNECE secretariat to issue, in November 2018, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of TIRExB for the term 2019–2020. The deadline by which nominations would need to be received by the UNECE secretariat is 14 December 2018. No further candidates may be nominated following expiry of this deadline. On the next working day, 17 December 2018, 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.

(iii) International databases and electronic tools managed by the TIR secretariat

The Committee will be informed about developments related to the International TIR Data Bank (ITDB) and other information technology projects managed by the TIR secretariat, if any. In this context, the Committee may wish to take note that, at the 149th session of the Working Party on Customs Questions affecting Transport (WP.30), the representative of the national association of the Republic of Moldova reported on recent problems faced by Moldovan transporters when trying to enter the territory of Romania because their authorization had apparently not been entered in the ITDB. According to the Moldovan authorities this was a consequence of the absence of a legal basis for the ITDB. In reply, the

secretariat clarified that, whereas the use of the ITDB is still optional, the legal obligation for customs authorities to inform, within one week, TIRExB of any new authorization, or withdrawal thereof, was stipulated by Annex 9, Part II, paragraph 4 of the TIR Convention and should be fulfilled by sending in the duly filled in Model Authorization Form. IRU, from its side, confirmed problems in various countries for operators, due to the fact that their status was not correctly or timely displayed in the ITDB. The delegation of the European Union informed the Working Party that, as of 1 June 2018, all registrations from its member States should be made through the ITDB. Various other delegations called for the need to provide a legal basis for the ITDB in the TIR Convention. IRU added that, in its view, it seemed prudent, prior to making the use of the ITDB mandatory, to (a) ensure that there would be a legal basis in the TIR Convention for the use of the ITDB; (b) to foresee a transitional period to smoothly introduce all the necessary data pertaining to TIR Carnet holders in the ITDB; and (c) last but not least to have TIR customs focal points ready to make the necessary corrections to data entries to ensure that legitimately authorized TIR Carnet holders were not blocked as a consequence of errors or omissions beyond their control. The secretariat recalled that the ITDB has been functional since 1999 and that any discrepancy in or absence of data was related to problems in the obligatory submission of the Model Authorization Form (MAF), which was submitted either not on time or not at all. In conclusion, the Working Party requested the secretariat to bring the raised problems to the attention of AC.2 (see ECE/TRANS/WP.30/298, para. 22).

In this context, the Committee may wish to take note that TIRExB, at its seventy-seventh session (June 2018) finalized proposals on the mandatory submission of data to the ITDB and transmitted them to the Committee for consideration (see agenda item 6 (c)).

(iv) National and regional TIR workshops and seminars

The Committee will be informed about TIR workshops and seminars conducted and/or planned.

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

(i) Status report on the accounts for the year 2017

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The Committee may wish to note that the competent Finance Services of the United Nations have formally finalized the accounts for 2017. The Committee will be invited to formally approve the status report on the accounts for 2017 as contained in document ECE/TRANS/WP.30/AC.2/2018/7.

Under this agenda item, the Committee will also be informed by the secretariat about the follow-up to the decision of AC.2 at its sixty-fourth session to request the United Nations Office of Internal Oversight Services (OIOS), to carry out an audit of the accounts of TIRExB and the TIR secretariat.

Documentation

ECE/TRANS/WP.30/AC.2/2018/7

(ii) Interim financial statement for the year 2018

In line with standing practice, the Committee may wish to take note of the provisional interim financial statement for 2018 as contained in document ECE/TRANS/WP.30/AC.2/2018/8.

Documentation

ECE/TRANS/WP.30/AC.2/2018/8

(iii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat

The Committee may wish to recall 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), according to which

"...

(8) IRU maintains a separate account detailing the number of TIR Carnets distributed and the related amounts received;

(9) IRU auditor produces an audit certificate providing an opinion of the abovementioned account for the year in question showing the amount transferred and the total amount actually invoiced (15 January);

(10) The difference between the two amounts will need to be adjusted a posteriori;

(11) On the basis of the above-mentioned audit certificate, if there is an excess (i.e. more was received than initially transferred), the Administrative Committee, at its spring session, will be informed and IRU shall transfer the excess to the UNECE's named bank account before 15 March. This amount will be reflected in the UNECE TIR accounts to be taken into account for the next budget year;

(12) On the basis of the above-mentioned audit certificate, if there is a deficit (i.e. less was received than initially transferred), the Administrative Committee, at its spring session, and on the proposal of IRU, shall approve the appropriate action, which shall be either:

(a) a recalculation of the amount per TIR Carnet referred to in Annex 8, Article 13.1, or

(b) the deficit will be recorded in the IRU account referred to above and shall, on the basis of a proposal from IRU as endorsed by the Administrative Committee, be

subsequently adjusted."

The Administrative Committee may wish to recall that the audit certificate for the year 2017 recorded a deficit (i.e. less was received than initially transferred) of SwF 260,256.79, and that, at its previous session, it had decided to consider the appropriate action according to item 12 of the above procedure at its current session. In this context, the Committee will be invited to take note of document ECE/TRANS/WP.30/AC.2/2018/9 prepared by the secretariat and outlining the main considerations on the accumulated deficit

Documentation

ECE/TRANS/WP.30/AC.2/2018/9

(iv) Budget proposal and cost plan for the year 2019

The Committee may wish to recall 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) 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 will be invited to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2019 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2018/10). The Committee may also wish to be informed by IRU about the forecast of the number of TIR Carnets it expects to distribute in 2019 and of its internal calculation concerning the amount per TIR Carnet (Informal Document WP.30/AC.2 (2018) No. 6). 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.2/2018/10, Informal Document WP.30/AC.2 (2018) No. 6

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

Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system is granted subject to the provisions of Article 6.2 bis, Annex 8, Article 10 (b) and Explanatory Notes 0.6.2 bis-2 and 8.10 (b). The Committee may wish to recall its previous decision to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2017–2019 inclusive (ECE/TRANS/WP.30/AC.2/129, para. 21) and that a decision for the next period should be taken at the session of the Committee in February 2019. Against this background, the Committee is invited to start discussing the renewal of the authorization as well as the period of validity of such a renewal of authorization.

5. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU).

The Committee may wish to recall that the present UNECE-IRU Agreement (ECE/TRANS/WP.30/AC.2/2016/3) expires at the end of 2019 and should be renewed. As in the past, the Committee should approve, at its session in February 2019, a new draft agreement and provide the secretariat with the mandate 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 2020. The Committee is requested to mandate the secretariat to prepare, in

consultation with IRU and the competent United Nations services, a new draft agreement covering, preferably, the same period of time as the authorization.

6. Revision of the Convention

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

The Committee may wish to recall that, on 1 July 2018, a proposal to amend Explanatory Note 0.8.3. to refer to 100,000 euros rather than 50,000 United States dollars, entered into force (see C.N.201.2018.TREATIES-XI.A.16 of 9 April 2018). The Committee may also wish to recall that discussions at WP.30 on the guarantee for tobacco and alcohol products had come to a standstill. The delegation of the Russian Federation reconfirmed the view that the possibility of full guarantee coverage for TIR transports should be discussed again. Noting this position, the Committee decided to revert to the issue at a future session, once the findings of the Working Party were available (see ECE/TRANS/WP.30/AC.2/137, para. 29).

The Committee is invited to confirm that it will only revert to the issue once the findings of the Working Party are available.

(b) Amendment proposals to the Convention transmitted by the Working Party

The Committee may wish to recall that, at its previous session, it considered document ECE/TRANS/WP.30/AC.2/2018/3, containing both the Russian and TIRExB proposals to amend Article 18, together with the considerations of the Board. In a constructive attempt to find a compromise, the Committee finally agreed that the provisional text of the new Article 18 should be amended with the first paragraph of the intended E.N. 0.18-3 slightly reworded, including the text in the square brackets. Paragraph 2 of draft E.N. 0.18-3 would be renumbered to become paragraph 1, whereas the term “contracting parties” would be replaced by “customs authorities”. At the request of the Committee, the secretariat agreed to prepare an informal document for the forthcoming session of WP.30 in the three languages, where contracting parties would have an opportunity to informally discuss the proposal, which could then subsequently be put forward to the October 2018 session of the Committee.

Against this background, the Committee may wish to note that the Working Party, at the request of AC.2, informally discussed Informal document WP.30 (2018) No. 7, containing proposals to amend Article 18 to increase the number of places of loading or unloading to maximally eight and its accompanying Explanatory Note 0.18.3. obliging contracting parties to make any limitation in the application of the said article publicly available, as well as to TIRExB. Subject to a small correction in the Russian text, delegations could agree with the text proposal and requested the secretariat to table the proposals for final consideration at the next session of AC.2.

The Committee will have before it document ECE/TRANS/WP.30/AC.2/2018/11 for final consideration and, possibly, adoption.

Documentation

ECE/TRANS/WP.30/AC.2/2018/11

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

The Committee may wish to be informed that TIRExB, at its seventy-sixth session (June 2018) finalized a set of proposals introducing the mandatory submission of data to the

ITDB. The Committee is invited to consider these proposals, contained in document ECE/TRANS/WP.30/AC.2/2018/12.

Documentation

ECE/TRANS/WP/30/AC.2/2018/12

(d) Accepted amendment proposals to the Convention pending formal adoption

Under this agenda item, the Committee may wish to recall that, so far, it had accepted proposals to amend Article 6, paragraph 1, Explanatory Note 0.6.2 and Annex 9, Part I, paragraph 1, adjusting the existing wording to include the term “customs authorities or other competent authorities”, but had also agreed to only transmit these accepted amendments to the depositary at a later stage when a new package of amendments was formed (see ECE/TRANS/WP.30/AC.2/137, para. 33).

(e) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)

The Committee may wish to recall proposals, submitted by Iran (Islamic Republic of) on increasing membership of TIRExB from nine to fifteen, and to apply new criteria of geographical representation in its composition (see ECE/TRANS/WP.30/AC.2/2016/22). After first discussions, the Committee invited the delegation of Iran (Islamic Republic of) to submit a revised and more comprehensive proposal for consideration at a future session (see ECE/TRANS/WP.30/AC.2/135, paras. 46 and 47).

The Committee is invited to revert to this issue, subject to the availability of revised and more comprehensive proposals by the delegation of Iran (Islamic Republic of).

(f) Recommendation to Annex 3 on a code system to report defect remarks in the certificate of approval

The Committee may wish to recall that, at its sixty-first session (June 2015), it had decided to adopt a Recommendation on a code system to report defect remarks in the certificate of approval. The Committee decided that the Recommendation would come into effect on 1 October 2015 and would be reviewed two years following that date, together with the possibility of converting the Recommendation into amendment proposals to Annex 3 (see ECE/TRANS/WP.30/AC.2/125, para. 13). Although after the intended deadline for review, the Committee may wish to have a first exchange of view of the Recommendation, contained in Annex III to the said report.

Documentation

ECE/TRANS/WP.30/AC.2/125

7. Phase III of the TIR revision process - Computerization of the TIR procedure

The Committee will be informed about the latest developments in the field of computerization of the TIR procedure. In particular:

(a) the outcome of the twenty-eighth session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR procedure (GE.1), in Geneva (28 and 29 June 2018);

(b) the latest developments in the eTIR pilot projects and other developments towards the full computerization of the TIR procedure.

8. Best practices

Example agreement

At its seventy-sixth session (June 2018), TIRExB finalized its discussions to update the text of the example agreement, as contained in Chapter 6.2. of the TIR Handbook. The Committee is invited to endorse the updated text, contained in document ECE/TRANS/WP.30/AC.2/2018/13 and request the secretariat to replace the current text of Chapter 6.2. with the updated text when next revising the TIR Handbook.

Documentation

ECE/TRANS/WP.30/AC.2/2018/13

9. Other business

(a) IRU external audit report and related matters

The Committee may wish to refer to the relevant discussions of the Working Party on the IRU external audit report and access thereto. Furthermore, the Committee may wish to invite IRU to provide information on any other related matter of interest for AC.2.

(b) Exclusion of Romanian national association ARTRI

Under this agenda item, the Committee may wish to take note that, on 4 May 2018, the IRU General Assembly decided to uphold the decision of the IRU Presidential Executive of 8 November 2017 to exclude Asociația Română Pentru Transporturi Rutiere Internaționale (ARTRI) from its membership. Consequently, ARTRI is no longer an IRU member and has no contractual affiliation via the Deeds of Engagement, which terminated on 31 January 2018.

(c) Inland Transport Committee strategy until 2030

Under this agenda item, the Chair will brief the Committee about the latest developments in the preparations of a strategy for the Inland Transport Committee (ITC) until 2030, in which the Chairs of Working Parties and Administrative Committees under the purview of ITC are involved.

(d) Date of next session

The UNECE secretariat has made tentative arrangements to hold the sixty-ninth session of the Committee on 7 February 2019. The Committee may wish to confirm this date.

(e) 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.

(f) List of decisions

Following a decision by the Committee, a list of decisions will be attached to the final report.

10. Adoption of the report

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