



# Economic and Social Council

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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Fiftieth session

Geneva, 30 September 2010

Item 1 of the provisional agenda

#### Adoption of the agenda

### Annotated provisional agenda for the fiftieth session<sup>1, 2</sup>

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 30 September 2010

#### I. Provisional agenda

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

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<sup>1</sup> For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website <<http://border.unece.org>>. During the meeting, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, 3<sup>rd</sup> floor, Palais des Nations).

<sup>2</sup> The full text of the TIR Convention, 1975, as well as a complete list of Contracting Parties to the Convention, is available on the UNECE website: <<http://www.unece.org/trans/conventn/legalinst.html#customs>>. Delegates are requested to complete the registration form available from the Internet website of the UNECE Transport Division <<http://www.unece.org/trans/registfr.html>> and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

- (i) Report by the Chair of the TIR Executive Board;
  - (ii) International TIR Data Bank;
  - (iii) Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps;
  - (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 2009 and 2010;
    - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat;
    - (iii) Audit by the United Nations Office of Internal Oversight Services.
  - (c) Election of members of the TIR Executive Board.
4. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system.
5. Authorization for the conclusion of an agreement between United Nations Economic Commission for Europe and International Road Transport Union.
6. Revision of the Convention:
  - (a) Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet;
  - (b) Other proposals for amendments to the Convention;
  - (c) Phase III of the TIR revision process – computerization of the TIR procedure.
7. Application of the Convention:
  - (a) Recommendation on the introduction of HS code in the TIR Carnet;
  - (b) Comments adopted by the Working Party on Customs Questions affecting and TIR Executive Board Transport.
8. Best practices.
9. Other business:
  - (a) Date of next session;
  - (b) Restriction on the distribution of documents.
10. Adoption of the report.

## **II. Annotations**

### **1. Adoption of the agenda**

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/102). The Committee will also be informed that, according to Annex 8, Article 6 of the TIR Convention, 1975, "a quorum consisting of not less than one third of the States which are Contracting Parties is required for the purposes of taking decisions". As of 20 April 2007, the number of Contracting Parties to the Convention is sixty-eight.

**Documentation**

ECE/TRANS/WP.30/AC.2/102

**2. Status of the TIR Convention, 1975**

The Committee will be informed of any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.<sup>3</sup>

**3. Activities and administration of the TIR Executive Board****(a) Activities of the TIR Executive Board***(i) Report by the Chair of TIR Executive Board*

In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Committee (TRANS/WP.30/AC.2/55, paras. 14-15), the United Nations Economic Commission for Europe secretariat has reproduced the reports of the TIRExB on its forty-first (October 2009) and forty-second sessions (February 2010) for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2010/8 and ECE/TRANS/WP.30/AC.2/2010/9, respectively).

More information about the recent activities of TIR Executive Board (TIRExB) as well as about various considerations and decisions taken at its forty-third (May 2010) and forty-fourth (September 2010) sessions will be provided orally by the Chair of the TIRExB. In particular, the Committee will be informed about the Board's discussions aimed at the strict implementation of the provisions concerning approval of vehicles.

**Documentation**

ECE/TRANS/WP.30/AC.2/2010/8, ECE/TRANS/WP.30/AC.2/2010/9

*(ii) International TIR Data Bank*

The Committee is invited to take note of the status of transmission of documents and data to the International TIR Data Bank (ITDB). The Committee will also be informed of the progress made in the implementation of the ITDB online+ project aimed at enabling Customs authorities to update their countries' data online in the ITDB.

*(iii) Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps*

The Committee will be informed about the functioning of the online UNECE register of Customs sealing devices and Customs stamps.

*(iv) National and regional TIR workshops and seminars*

The Committee may wish to be informed about seminars conducted and/or planned.

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<sup>3</sup> <<http://tir.unece.org>>.

**(b) Administration of the TIR Executive Board and the TIR secretariat***(i) Status report on the accounts for 2009 and 2010*

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The report on the complete and final accounts for 2009 is transmitted for approval by the Committee (ECE/TRANS/WP.30/AC.2/2010/10). The Committee may also wish to take note of interim financial statements for 2010 as contained in document ECE/TRANS/WP.30/AC.2/2010/11.

**Documentation**

ECE/TRANS/WP.30/AC.2/2010/10; ECE/TRANS/WP.30/AC.2/2010/11

*(ii) 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 2) and, in particular, its following steps:

(a) The UNECE secretariat prepares a document comprising the budget proposal established by the TIRExB for approval by the Committee (September);

(b) The UNECE secretariat informs the International Road Transport Union (IRU) of the budget proposal and the net amount to be transferred and requests the 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 of activities by the UNECE secretariat and IRU under items (a) – (c). With regard to (d), the Committee is invited to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2011 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2010/12). The Committee may also wish to be informed by IRU of its forecast of the number of TIR Carnets it expects to distribute in 2011 and of its internal calculation concerning the amount per TIR Carnet. The Committee may wish to approve the amount per TIR Carnet which will be expressed in Swiss francs following the transfer of the above net amount to the UNECE named bank according to the prevailing US dollar – Swiss franc exchange rate on the day of the transfer.

**Documentation**

ECE/TRANS/WP.30/AC.2/89; ECE/TRANS/WP.30/AC.2/2010/12

*(iii) Audit by the United Nations Office of Internal Oversight Services*

The Committee will be informed about the status of implementation of the outstanding recommendation of the United Nations Office of Internal Oversight Services (OIOS).

**(c) Election of members of the TIR Executive Board**

In accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of the TIRExB shall be two years. Since the present members of the TIRExB were elected at its session in February 2009, the Committee must, at its forthcoming session in February 2011, proceed with the election or re-election of the nine members of the TIRExB.

In order to ensure an efficient voting procedure at its forthcoming session in February 2011, the Committee may wish to confirm the decisions taken earlier in this respect, namely

(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).

In addition, the Committee may wish to authorize the UNECE secretariat to issue in November 2010, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2011–2013. The deadline by which nominations would need to be received by the UNECE secretariat is 10 December 2010. No further candidates may be nominated following expiry of this deadline. On the next working day, 13 December 2010, 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.

**4. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system**

The Committee may wish to recall that, at its previous session, it authorized the IRU to centrally print and distribute TIR Carnets and to organize the effective functioning of the guarantee system for the period 2011-2013 (ECE/TRANS/WP.30/AC.2/101, para. 19).

**5. Authorization for the conclusion of an agreement between United Nations Economic Commission for Europe and International Road Transport Union**

At its previous session, the Committee was informed of ongoing consultations between UNECE and IRU with regard to a new UNECE-IRU agreement which should be concluded pursuant to the authorization granted under para. 19 above. The Committee requested the secretariat and IRU to speed up this activity with a view to presenting a draft new agreement for approval at the present session (ECE/TRANS/WP.30/AC.2/101, para. 20). In this context, the Committee may wish to consider the draft agreement, as contained in document ECE/TRANS/WP.30/AC.2/2010/2, 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 in 2011–2013.

**Documentation**

ECE/TRANS/WP.30/AC.2/2010/2

## **6. Revision of the Convention**

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

At its previous session, the Committee reverted to the rejected amendment proposal to increase to EUR 60,000 the recommended maximum level of guarantee per TIR Carnet and identified the following measures in order to facilitate the negotiation of any amendments to the Convention (ECE/TRANS/WP.30/AC.2/101, paras. 21 and 22):

(a) As early as possible, the representatives of Contracting Parties in the Committee should carefully review the amendment proposal, undertake the necessary consultations at the national level and inform the Committee of their comments or possible disagreement;

(b) Prior to the adoption of an amendment proposal by the Committee, efforts should be undertaken to solicit the views of countries which do not regularly participate in the Committee's sessions;

(c) Each amendment proposal, when officially circulated by the Depository to the Contracting Parties, should be accompanied with an executive summary to explain the motivation behind the proposed amendment and its possible implications.

At the previous session of the Committee, the delegations of the Republic of Belarus and Ukraine stressed the need of the EUR 60,000 TIR guarantee for further transport facilitation and wondered whether the underlying amendment proposal, possibly in a modified form, could be reconsidered by the Committee at a later stage. The secretariat explained that the TIR Convention contained no provisions that would prevent any amendment proposal, once rejected, from being resubmitted (ECE/TRANS/WP.30/AC.2/101, para. 23).

The Committee may also take notice that, since its previous session, the TIR guarantee chain has agreed to raise to EUR 60,000 the maximum level of guarantee per TIR Carnet in several non-EU countries. In view of these latest developments, the Committee may wish to consider whether the underlying amendment proposal remains topical and should be further pursued by the Committee.

### **(b) Other proposals for amendments to the Convention**

At its previous session, the Committee considered the updated amendment proposals as contained in document ECE/TRANS/WP.30/AC.2/2010/3 and delivered some remarks, both substantial and linguistic, on its content. The Committee noted that some delegations had not yet completed their national approval procedures and were not in a position to formally adopt the proposals. Therefore, the Committee decided to revert to this issue at its next session upon understanding that those countries would complete their national coordination by that time. Meanwhile, the secretariat was requested to take on board the suggested modifications (ECE/TRANS/WP.30/AC.2/101, para. 24). Following this request, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2010/3/Rev.1 which contains not only the said modifications but also a summary of the proposals to clarify the background and motivation of the proposed amendments, according to the decision of the Committee quoted in subparagraph 17 (c) above.

The Committee may also wish to recall that, at its previous session, it generally supported the amendment proposals to Annex 9, Part I, as prepared by the UNECE Working Party on Customs Questions affecting Transport (WP.30) and contained in document ECE/TRANS/WP.30/2010/3-ECE/TRANS/WP.30/AC.2/2010/4, but decided to postpone a final decision to this session, thus allowing countries to complete their domestic approval procedures (ECE/TRANS/WP.30/AC.2/101, para. 25). In the interim, the secretariat has

revised the document to include the minor modifications by WP.30 (ECE/TRANS/WP.30/248, para. 24) as well as the rationale behind the proposed amendments (ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1).

Should the Committee decide to adopt the underlying amendments, it may also wish to decide, where appropriate, on a timescale in accordance with Article 60.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2010/3, ECE/TRANS/WP.30/AC.2/2010/4

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

The Committee will be informed of the latest developments with regard to the computerization of the TIR procedure.

### **7. Application of the Convention**

#### **(a) Recommendation on the introduction of HS code in the TIR Carnet**

At its previous session, the Committee considered and approved a draft survey concerning the implementation of the underlying Recommendation, as prepared by the secretariat (Informal document No. 2 (2010)). The survey included two different questionnaires, one for Customs administrations and one for national guaranteeing associations. The Committee agreed that the respondents should be given three months to reply to the questionnaire (ECE/TRANS/WP.30/AC.2/101, para. 27). Against this background, the Committee will be informed of preliminary results of the survey (Informal document No. 5 (2010)).

#### **Documentation**

ECE/TRANS/WP.30/AC.2/93, Annex II

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

The Committee will be informed of new comments endorsed by the Working Party on Customs Questions affecting Transport (WP.30) and TIRExB, if any.

### **8. Best practices**

The Committee, at its previous session, extensively discussed document ECE/TRANS/WP.30/AC.2/2010/7, containing a proposal by the secretariat for the introduction of a new comment to Article 1 (o) of the Convention and addressing the use of the TIR Carnet by other persons than the TIR Carnet holder, the so-called "subcontractors". Several delegations felt that it was premature to agree on the wording of a comment or any other format as long as the aspect of liability of the TIR Carnet holder or the subcontractor had not been duly addressed and settled. Other delegations pointed out that for many years TIR Carnet holders had made use of subcontractors to fulfil their commercial obligations with the full knowledge that this does not affect the liability of the TIR Carnet holder as set out in the provisions of the TIR Convention. In the absence of consensus, the Committee decided to revert to the issue at its next session. In the meantime, Contracting Parties were requested to carefully consider the proposal at national level and to submit any concerns in writing to the secretariat which would take care of their dissemination among all Contracting Parties. In order to facilitate future discussions, the Committee also requested the secretariat to reproduce Informal document No. 4 (2009) from its forty-seventh session,

containing the summary outcome of a TIRExB survey on the use of subcontractors at the national level, as an official document for consideration at the present session (ECE/TRANS/WP.30/AC.2/101, para. 30). In line with this request, the secretariat has issued document ECE/TRANS/WP.30/AC.2/2010/13 which the Committee may wish to discuss. In addition, the Committee may wish to consider document ECE/TRANS/WP.30/AC.2/2010/14 transmitted by the Customs Administration of the Republic of Belarus.

**Documentation**

ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2010/13,  
ECE/TRANS/WP.30/AC.2/2010/14.

**9. Other business**

**(a) Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the fifty-first session of the Committee on 3 February 2011. The Committee may wish to confirm this date.

**(b) Restriction on the distribution of documents**

The Committee may wish to decide whether there should be any restriction with respect to the distribution of documents issued in connection with its current session.

**10. Adoption of the report**

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report on its forty-ninth session on the basis of a draft prepared by the UNECE secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available at the end of the session for adoption in all working languages.

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