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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-first session

Geneva, 3 February 2011

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the fifty-first session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 3 February 2011

I. Provisional agenda

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

¹ 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, third floor, Palais des Nations).

² 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>>.

- (a) Activities of the TIR Executive Board:
 - (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 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.
5. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system.
 6. Authorization for the conclusion of an agreement between United Nations Economic Commission for Europe and International Road Transport Union.
 7. 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.
 8. Application of the Convention:
 - (a) Recommendation on the introduction of Harmonized System code in the TIR Carnet;
 - (b) Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board.
 9. Best practices.
 10. Other business:
 - (a) Date of next session;
 - (b) Restriction on the distribution of documents.
 11. 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.2/104). 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.2/104

2. Election of officers

In accordance with the Committee's rules of procedure and established practice, the Committee should elect a Chair and possibly a Vice-Chair for its sessions in 2011.

3. 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.³

4. 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 report of the TIR Executive Board (TIRExB) on its forty-third session (May 2010) for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2011/1).

More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its forty-fifth session (January 2011) will be provided orally by the Chair of the TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2011/1

(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 United Nations Economic Commission for Europe (UNECE) register of Customs sealing devices and Customs stamps.

³ <<http://tir.unece.org>>.

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

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

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

(i) **Status report on the accounts for 2010**

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. As the competent Finance Services of the United Nations will not be able to formally finalize the accounts for 2010 by the time the Administrative Committee meets in February 2011, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2011 for formal approval.

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

The Committee may wish to recall that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2011 was approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/103, para. 14). The Committee will be informed about the transfer of the required funds for the operation of the TIRExB and the TIR secretariat for the year 2011 by International Road Transport Union (IRU) to the TIR Trust Fund. At its previous session, the Committee also approved the amount per TIR Carnet (US\$ 0.3425, see *ibid*). This amount is to be expressed in Swiss francs following the transfer of the funds according to the prevailing US dollar–Swiss franc exchange rate on the day of the transfer. The Committee may wish to take note of the amount per TIR Carnet in Swiss francs.

In addition, 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), according to which

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

(9) The IRU auditor produces an audit certificate providing an opinion of the above-mentioned 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 the IRU shall transfer the excess to the UNECE named bank account before 15 March. This amount will be reflected in the UNECE TIR account 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 the 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 the IRU as endorsed by the Administrative Committee, be subsequently adjusted."

In view of the above, the Administrative Committee may wish to be informed of the audit certificate for the year 2010 and, on the proposal of IRU, to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/89

(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

The Committee may wish to recall that, 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 the Committee's spring session in 2009, it must, at its present session, proceed with the election or re-election of the nine members of the TIRExB.

The Committee, at its previous session, confirmed that the criteria for the nomination of candidates and the procedure for the election of TIRExB members at the present session would be the same as for the previous election in 2009 (ECE/TRANS/WP.30/AC.2/103, para. 18). The Committee, therefore, authorized the UNECE secretariat to solicit candidates in October – November 2010, to close the list of candidates on 10 December 2010 and, on the next working day, on 13 December 2010 to issue the official list of candidates for distribution to all Contracting Parties. The procedures for the nomination and election are contained in Informal document No. 1 (2011).

In accordance with the approved election procedure and on the basis of the list of nominated candidates which will be circulated by the secretariat to all Contracting Parties on 13 December 2010 (Informal document No. 2 (2011)), the Committee may wish to proceed with the election or re-election of the nine members of the TIRExB in accordance with established practice.

Documentation

Informal document Nos. 1 and 2 (2011)

5. 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 forty-ninth session, it authorized 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). At the previous session, the Committee recalled that, according to Explanatory Note 0.6.2 bis-2, the above authorization shall be reflected in an agreement between UNECE and IRU. By signing the agreement, the International Organization confirms that it accepts the responsibilities imposed by the authorization (ECE/TRANS/WP.30/AC.2/103, para. 25). In this context, the Committee may wish to consider document ECE/TRANS/WP.30/AC.2/2011/2 by the secretariat, containing considerations regarding the relationship between the authorization of an international organization and the written agreement between this organization and UNECE.

Documentation

ECE/TRANS/WP.30/AC.2/2011/2

6. 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 approved the text of the draft agreement as contained in document ECE/TRANS/WP.30/AC.2/2007/14/Rev.1 for signature between UNECE and IRU (ECE/TRANS/WP.30/AC.2/103, para. 26). The Committee will be informed of follow-up activities by UNECE and IRU undertaken in this regard.

In accordance with its earlier decision (ECE/TRANS/WP.30/AC.2/103, para. 26), the Committee may also wish to continue its considerations of the proposals of IRU (Informal document No. 7 (2010)) for the inclusion into the UNECE–IRU agreement.

Documentation

ECE/TRANS/WP.30/AC.2/2007/14/Rev.1, Informal document No. 7 (2010)

7. Revision of the Convention

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

At the previous session of the Committee, the delegations of the Republic of Belarus, Russian Federation and Ukraine were of the view that the rejected amendment proposal to increase the recommended maximum guarantee level per TIR Carnet to € 60,000 remains topical, as it aims at a harmonized implementation of the Convention in all Contracting Parties. Delegations of some countries which had raised objection to the underlying amendment explained the reasons behind their decision, including the financial implications that the proposed increase might lead to and non-compliance with internal procedures and regulations. Some other countries were not in a position to clarify their objections at that point in time. Finally, the Committee decided to revert to this issue at one of its future sessions (ECE/TRANS/WP.30/AC.2/103, paras. 30 and 31). Against this background, the Committee may wish to continue its considerations of the matter.

(b) Other proposals for amendments to the Convention

At its previous session, the Committee welcomed document ECE/TRANS/WP.30/AC.2/2010/3/Rev.1, which contained not only the updated amendment proposals but also a summary to clarify the background and motivation of the proposed amendments to Articles 1, 8, 10 and 11. As some delegations needed more time to study these amendments, the Committee decided to postpone its considerations until the present session (ECE/TRANS/WP.30/AC.2/103, para. 32).

At the previous session, the Committee also discussed document ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1, containing the amendment proposals to Annex 9, Part I and the rationale behind the proposed amendments. The delegation of Belarus generally supported the proposals, but pointed at two amendment which were still under discussion at the national level. Following a short exchange of views on these items, the Committee decided to revert to this document at the present session (ECE/TRANS/WP.30/AC.2/103, para. 33). Should the Committee decide to adopt the underlying amendments, it may also wish to decide on a timescale in accordance with Article 60.

Documentation

ECE/TRANS/WP.30/AC.2/2010/3/Rev.1, ECE/TRANS/WP.30/AC.2/2010/4/Rev.1

(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.

8. Application of the Convention**(a) Recommendation on the introduction of Harmonized System code in the TIR Carnet**

At its previous session, the Committee took note of the preliminary results of the survey concerning the implementation of the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (Informal document No. 8 (2010)). It urged those countries and associations that had not yet replied to do so and suggested that the secretariat send a reminder. The Committee looked forward to discussing the final results of the survey at the present session (ECE/TRANS/WP.30/AC.2/103, para. 35). The Committee will be informed of the follow-up activities by the secretariat and may wish to discuss the final results of the survey as contained in document ECE/TRANS/WP.30/AC.2/2011/3.

Documentation

ECE/TRANS/WP.30/AC.2/2011/3

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

The Committee, at its previous session, took note of Informal document No. 6 (2010), containing a comment to Annex 1 to the Convention together with the text of an example of best practice on the use of the TIR Carnet in case of refusal of a TIR transport to enter the territory of a country. Given the availability of this document in English only, the Committee decided to revert this issue to the present session on the basis of an official document to be prepared by the secretariat (ECE/TRANS/WP.30/AC.2/103, para. 36). Following the above request, the secretariat has issued document ECE/TRANS/WP.30/AC.2/2011/4 for consideration and endorsement.

Documentation

ECE/TRANS/WP.30/AC.2/2011/4

9. Best practices

The Committee, at its forty-ninth 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 the national level and to submit any concerns in writing to the secretariat for 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 Informal document No. 9 (2010) transmitted by the Customs Administration of the Republic of Belarus.

Apart from the above issue, the Committee is also invited to consider and possibly endorse document ECE/TRANS/WP.30/AC.2/2011/5 which contains an example of best practice on the application of the “Rules regarding the use of the TIR Carnet” prepared by the TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2010/13, Informal document No. 9 (2010), ECE/TRANS/WP.30/AC.2/2011/5.

10. Other business

(a) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the fifty-second session of the Committee on 6 October 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.

11. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report on its fifty-first 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.
