



# Economic and Social Council

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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Fifty-fourth session

Geneva, 11 October 2012

Item 1 of the provisional agenda

#### Adoption of the agenda

### Annotated provisional agenda for the fifty-fourth session<sup>1,2</sup>

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 11 October 2012

#### 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 [www.unece.org/trans/bcf/welcome.html](http://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).

<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: [www.unece.org/trans/conventn/legalinst.html#customs](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 [www.unece.org/meetings/practical\\_information/confpart.pdf](http://www.unece.org/meetings/practical_information/confpart.pdf) 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 [www.unece.org/meetings/practical.htm](http://www.unece.org/meetings/practical.htm).

- (i) Report by the Chair of the TIR Executive Board;
    - (ii) Survey on Customs claims;
    - (iii) International TIR Data Bank;
    - (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 2011;
    - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
  - (c) Election of members of the TIR Executive Board.
4. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
5. Authorization for concluding an agreement between UNECE and IRU.
6. Revision of the Convention:
- (a) Amendment to the Convention with regard to the authorization of an international organization;
  - (b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
  - (c) Amendment proposals to Annex 3;
  - (d) Phase III of the TIR revision process – computerization of the TIR procedure.
7. 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.
8. Best practices:
- (a) Inquiry and recovery procedures;
  - (b) Use of subcontractors;
  - (c) Application of Article 38;
  - (d) Communication between national competent authorities and national guaranteeing associations;
  - (e) Procedure prior to the suspension of the guarantee in the territory of a Contracting Party.
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.2/110). 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 purposes of taking decisions". As of 20 April 2007, the number of States which are Contracting Parties to the Convention is sixty-seven.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/110

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

The Committee may wish to note that the Secretary-General of the United Nations in his capacity as depositary issued depositary notification C.N.264.2012.TREATIES-XI.A.16, dated 30 May 2012, informing Contracting Parties of errors in the French text of proposals to amend Articles 1, 8, 11 and Annex 6 of the Convention. Any objections to these corrections should be communicated to the Secretary-General not later than 28 August 2012.

With regard to the noted amendment proposals to Articles 1, 8, 10, 11 and Annex 6 of the Convention, as contained in depositary notification C.N.326.2011.TREATIES-2 (re-issued) of 2 August 2011, the Secretary-General of the United Nations issued depositary notification C.N.324.2012.TREATIES-XI.A.16 of 18 June 2012, informing that by 13 June 2012 none of the Contracting Parties to the TIR Convention, 1975 had communicated an objection to the proposals of amendments to Articles 1, 8, 10 and 11 and to Annex 6 of the Convention. Therefore, in accordance with Article 59, paragraph 3 of the Convention, the said amendments will enter into force on 13 September 2012 for all Contracting Parties.

The Committee will also be informed about any further changes in the status of the Convention and in the number of Contracting Parties, if any. More detailed information on these issues as well as on various Depositary 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 (UNECE) secretariat has reproduced the reports of the TIR Executive Board (TIRExB) on its forty-eighth (October 2011) and forty-ninth (February 2012) sessions for information and endorsement by the Committee (documents ECE/TRANS/WP.30/AC.2/2012/5 and ECE/TRANS/WP.30/AC.2/2012/6, respectively).

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<sup>3</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html).

More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its fiftieth session (May 2012) will be provided orally by the Chair of the TIRExB.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/5, ECE/TRANS/WP.30/AC.2/2012/6

**(ii) Survey on Customs claims**

At its previous session, the Committee noted with satisfaction that 42 countries had replied to the TIRExB survey on the status of Customs claims and looked forward to the submission of the final results, together with an analytical assessment, for consideration at its present session (ECE/TRANS/WP.30/AC.2/109, para. 10). Following this request, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2012/7.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/7

**(iii) International TIR Data Bank**

The Committee will be informed about the status of transmitting data to the International TIR Data Bank (ITDB) as well as about the progress made in implementing the ITDB online+ project aimed at enabling Customs authorities to update their countries' data online in the ITDB. The Committee is also invited to consider if submitting data to ITDB online+ meets the formal transmission requirements, as laid down in Annex 9, Part II of the Convention.

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

The Committee will be informed about 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 2011**

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the report on the complete and final accounts for 2011 is transmitted for approval by the Committee (ECE/TRANS/WP.30/AC.2/2012/8). The Committee may also wish to take note of interim financial statements for 2012 as contained in document ECE/TRANS/WP.30/AC.2/2012/9.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/8, ECE/TRANS/WP.30/AC.2/2012/9

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

At its previous session, the Committee took note that, in line 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), on 10 January 2012 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 the TIR Carnets. According to the certificate, there was an excess (i.e. more was received than initially transferred) in 2011 of CHF 92,027 (ECE/TRANS/WP.30/AC.2/109, para. 17). The Committee will be informed that IRU transferred this excess to the UNECE named bank account before the deadline of 15 March 2012. This amount will be reflected in the UNECE TIR account for the next budget year.

The Committee may also wish to recall the procedure for collecting and transferring 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, the following steps:

- (a) The UNECE secretariat prepares a document comprising 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 of activities by the UNECE secretariat and IRU under items (a) – (c). Under item (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 2013 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2012/10). The Committee may also wish to be informed by IRU of the forecast of the number of TIR Carnets it expects to distribute in 2013 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.

The Committee may also recall that, at its previous session, various delegations spoke in favour of including the operation of the TIRExB and the TIR secretariat into the regular United Nations budget. The Committee called upon Contracting Parties to support this proposal in the course of the ongoing review of the UNECE reform as well as at the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ) (ECE/TRANS/WP.30/AC.2/109, para. 18). Delegations are invited to inform the Committee about further activities in this respect.

The secretariat will also brief the Committee about the UNECE Transport Division internal considerations on how to raise the quality and efficiency of its work (ECE/TRANS/WP.30/AC.2/109, para. 19).

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2012/10

#### **(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 had been elected at its session in February 2011, the Committee must, at its next session in February 2013, proceed with the election or re-election of the nine members of the TIRExB.

To ensure efficient voting at its session in February 2013, the Committee may wish to take a decision regarding the election procedure which so far has been based on the following provisions:

- (i) 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);
- (ii) 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).

At its previous session, the Committee considered if the principle of equitable geographical distribution should apply to the election of members of TIRExB. Several delegations pointed out that the composition of TIRExB does not properly reflect the global coverage of the TIR Convention and argued in favour of this principle. The Committee noted that this principle had applied to the members of TIRExB only once to facilitate the initial election of TIRExB in 1999, when Contracting Parties had been divided into six geographical groups (TRANS/WP.30/AC.2/51 and Corr.1) on the basis of a "gentlemen's agreement". Several delegations pointed out the serious political problems encountered by the Committee at that time, both when defining the composition of various country groups as well as selecting candidates within each group, and feared that the same difficulties may occur, should similar arrangements be restored. The secretariat also recalled that members of TIRExB are elected in their personal capacity and on the basis of their professional competence and should represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization. Finally, the Committee felt that this issue deserved further analysis and invited delegations, in particular those in favour of equitable geographical distribution, to submit their written proposals to the present session for consideration (ECE/TRANS/WP.30/AC.2/109, paras. 22-24).

Apart from the principle of equitable geographical distribution, the Committee is invited to consider proposals by TIRExB for a new Explanatory Note and amendment to the TIRExB Rules of Procedure with regard to the election of a replacement member, as contained in document ECE/TRANS/WP.30/AC.2/2012/11.

Once a decision on the election procedure is taken, the Committee may wish to authorize the UNECE secretariat to issue, in November 2012, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2013-2014. The deadline by which nominations would need to be received by the UNECE secretariat is 14 December 2012. No further candidates may be nominated following expiry of this deadline. On the next working day, 17 December 2012, 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.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2012/11

#### **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 and Article 10 (b) of Annex 8 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 2011-2013 inclusive

(ECE/TRANS/WP.30/AC.2/101, para. 19) and that a decision for the next period should be taken at the session of the Committee in February 2013.

## **5. Authorization for concluding an agreement between UNECE and IRU**

The Committee may wish to recall that the present UNECE-IRU Agreement (ECE/TRANS/WP.30/AC.2/2007/14/Rev.1) expires at the end of 2013 and should be renewed. As in the past, at its session in February 2013 the Committee will be invited to approve a new draft agreement and to 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 2014. In this regard, already at the present session, the Committee may wish to provide guidance if the new agreement should be aligned with the amendment proposals to Article 6.2 bis and Annex 9 which were adopted at the previous session (see agenda item 7 for details).

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

### **(a) Amendments to the Convention with regard to the authorization of an international organization**

At its previous session, the Committee adopted amendment proposals to Article 6.2 bis and Annex 9 introducing conditions and requirements for an international organization which is authorized to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets (ECE/TRANS/WP.30/AC.2/109, para. 25 and Annex). The Committee will be informed about follow-up activities of the secretariat to ensure the full alignment of the amendment proposals in all working languages and to transmit them to the United Nations Office of Legal Affairs for undertaking the required depository functions.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/109 and Corrs.2-4

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

At the previous meeting, the following information was reported to the Committee (ECE/TRANS/WP.30/AC.2/109, para. 26):

- the delegation of Iran (Islamic Republic of) had conducted informal consultations with some delegations and would inform AC.2 about the outcome in due course;
- the TIRExB survey on the status of Customs claims (see agenda item 3 (ii) above) also contains a section on the TIR guarantee level;
- Turkey was reconsidering, both at the national level and in bilateral discussions, the issue of the maximum level of guarantee per TIR Carnet and would report about the outcome at the present session.

Against this background, the Committee may wish to continue its considerations of the issue.

### **(c) Amendment proposals to Annex 3**

At its previous session, the Committee welcomed Informal document WP.30/AC.2 No. 1 (2012), containing amended proposals for introducing a code system to report defects in

load compartments of vehicles approved for the TIR procedure. Various delegations regretted not yet having been in a position to consult with national technical experts, due to the late availability of the document and the absence of its translation into Russian and French. For that reason, the Committee requested the secretariat to submit the proposals as an official document for consideration at its next session, with the instruction to draft the text in the form of a recommendation. Delegations were invited to liaise with national technical experts and submit, in writing, proposals for further amendment of the code list, if any. Against this background, the Committee is invited to continue its discussion on the basis of a new document ECE/TRANS/WP.30/AC.2/2012/12, drafted by the secretariat.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2012/12

#### **(d) 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, in particular about the outcome of the twentieth and twenty-first sessions of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) (19 - 20 April 2012 and 25 - 26 September 2012, respectively).

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

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

At its previous session, the Committee recalled the findings of the survey on implementing the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/2011/3) and had an extensive exchange of views on whether the TIR Convention should be amended to include the mandatory indication of the HS code. As a result, the Committee was of the view that, at this stage, amending the Convention seemed premature and that such indication should remain optional, as provided for in the existing Recommendation. At the same time, AC.2 decided to continue its discussions on this matter and, in particular, to consider additional national data and documentary requirements in the course of a TIR transport (ECE/TRANS/WP.30/AC.2/109, paras. 29 and 30).

#### **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 will be informed of new comments endorsed by WP.30 and TIRExB, if any.

### **8. Best practices**

#### **(a) Inquiry and recovery procedures**

At its previous session, the Committee generally supported document ECE/TRANS/WP.30/AC.2/2012/4, containing an updated version of Chapter 5.4. of the TIR Handbook on the inquiry and recovery procedure in the European Union and the Russian Federation, prepared by TIRExB. Due to the absence of the French version of the



document, the Committee decided to postpone its formal endorsement until the present session (ECE/TRANS/WP.30/AC.2/109, para. 32).

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/4

**(b) Use of subcontractors**

The Committee, at its previous session, had a preliminary exchange of views on the issue of subcontractors, based on documents ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2012/3 and Informal document WP.30/AC.2 No.5 (2012). In order to get a clear picture of all issues at stake, the Committee requested the secretariat to prepare, for consideration at its next session, a consolidated document, containing background information together with all outstanding proposals for comments to the Convention, introducing the concept of subcontractor in the framework of the Convention. Delegations were invited to discuss the various proposals and provide the secretariat with written comments, if any (ECE/TRANS/WP.30/AC.2/109, para. 33). Following this request, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2012/13 for consideration by the Committee.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/13

**(c) Application of Article 38**

The Committee is invited to consider and possibly approve an updated example of best practice with regard to the application of Article 38 (Chapter 5.8 of the TIR Handbook), as prepared by TIRExB (ECE/TRANS/WP.30/AC.2/2012/14).

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/14

**(d) Communication between national competent authorities and national guaranteeing associations**

The Committee is invited to consider and possibly approve an amendment to the recommendations for improving communications between national competent authorities and national guaranteeing associations (Chapter 5.7 of the Handbook), as prepared by TIRExB (ECE/TRANS/WP.30/AC.2/2012/15).

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/15

**(e) Procedure prior to the suspension of the guarantee in the territory of a Contracting Party**

The Committee is invited to consider a procedure prior to the suspension of the guarantee in the territory of a Contracting Party (ECE/TRANS/WP.30/AC.2/2012/16), developed by TIRExB in line with its programme of work. Once approved, this procedure will be included in the TIR Handbook as a new example of best practice.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/16

**9. Other business**

**(a) Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the fifty-fifth session of the Committee on 7 February 2013. 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 fifty-fourth 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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