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Report of the Administrative Committee for the TIR Convention 1975 on its fifty-sixth session

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I. Attendance

1. The Committee (AC.2) held its fifty-sixth session on 3 October 2013 in Geneva.
2. The session was attended by representatives of the following countries: Armenia; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Poland; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
4. The Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.
5. Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, delivered an opening statement in which she referred to the ongoing difficulties and uncertainty in the application of the TIR system in the Russian Federation. She reported on the actions by UNECE to prevent the crisis and invited AC.2, being the supreme TIR body, to contribute to solving the outstanding issues and expressed the hope that a solution would eventually be found.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/114

6. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/114.

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

7. The Committee took note that, by 10 July 2013, none of the Contracting Parties had communicated to the Secretary-General an objection to the proposals of amendments to Article 6.2 bis and Annex 9 to the TIR Convention. Consequently, these amendments will enter into force on 10 October 2013 for all Contracting Parties (C.N.433.2013.TREATIES-XI.A.16). The delegation of the European Union reported that these amendments had been already officially published on 14 September 2013 in the EU Official Journal L 245, page 3.
8. The Committee welcomed information that, on 4 September 2013, the TIR system had been reactivated in Afghanistan.

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

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2013/5, ECE/TRANS/WP.30/AC.2/2013/6, Informal document No. 6 (2013)

9. The Committee endorsed the reports of the TIR Executive Board (TIRExB) at its fifty-first (October 2012) and fifty-second (February 2013) sessions (ECE/TRANS/WP.30/AC.2/2013/5 and ECE/TRANS/WP.30/AC.2/2013/6, respectively) and was orally briefed by the Chair of TIRExB about the major decisions and considerations at the fifty-third (April 2013), fifty-fourth (August 2013) and fifty-fifth (September–October 2013) sessions.

10. In particular, at its fifty-third session, TIRExB decided to start working on establishing an example of best practice on the intermodal use of the TIR procedure and had a first round of discussions on introducing authorized consignors in the TIR Convention. The Board also approved the 2009–2012 Customs claims survey, which will soon be distributed to TIR Customs focal points. Finally, TIRExB discussed the submission of the prices of TIR Carnets, as required by amended Annex 9, Part I. Although TIRExB expressed its great satisfaction that almost all associations had complied with this new obligation, it was puzzled by the fact that some associations added a disclaimer that the information on the prices should not be disseminated beyond TIRExB and the TIR secretariat. In the view of TIRExB, information on prices belongs to the public domain and thus, TIRExB should be free to process and publish them.

11. The fifty-fourth extraordinary session was dedicated solely to the envisaged measure by the Federal Customs Service (FCS) of the Russian Federation (see paras. 12 and 13 below). This issue was also considered at the fifty-fifth session. In addition, the Board continued its discussions on the use of additional guarantees. While a majority of the Board remained of the full conviction that the TIR Convention, in accordance with Article 4, does not allow for any other guarantee than the TIR guarantee, others continued to argue that an additional guarantee should be a possibility for those cases where Article 23 applies. The Board also mandated the secretariat to further develop plans to establish a database on TIR approved Customs offices and to look further into the proposal to launch an electronic database on certificates of approval by means of sending a short questionnaire to Customs TIR focal points.

12. The Chair of TIRExB informed the Committee of the findings of TIRExB at its fifty-fourth extraordinary session (27 August 2013, Geneva) and presented the main conclusions of that session, as contained in Informal document No. 6 (2013). This meeting was devoted to the announced measure by the FCS of the Russian Federation to require (as of 14 September 2013) an additional guarantee for TIR transports in the Russian territory. According to the information available to TIRExB, two arguments were put forward by FCS to justify this measure: (a) the huge amount of debts due to TIR infringements, accumulated since 1994 and (b) the requirement for the Association of International Road Transport Carriers (ASMAR) to provide stricter financial coverage of its liabilities. With regard to both issues, TIRExB urged all parties involved to seek solutions within the framework of national law, the TIR Convention and international legal treaties, while fully respecting, in case of conflict, the priority of international law over national law. Furthermore, TIRExB was of the opinion that, as long as ASMAR remains the national guaranteeing association, authorized in accordance with Article 6 of the Convention, its

guarantee is valid and should be the only one required to perform TIR operations in the territory of the Russian Federation. Finally, TIRExB pointed at the far-reaching consequences of the announced measure, which would have repercussions for Customs and would affect national and international trade and transport alike.

13. In summary, TIRExB was of the view that the announced measure would constitute, on various counts, a breach of the Convention and, thus, urged FCS to properly apply the TIR Convention and abandon, or, at least, postpone its introduction. Pending any such decision, all parties concerned were strongly encouraged to accelerate their negotiations so as to find satisfactory solutions for all outstanding concerns. TIRExB expressed its willingness to assist the Russian Federation in finding ways and means to ensure the smooth functioning of the TIR system in the Russian Federation, in line with modern customs and business requirements. The member of TIRExB from the Russian Federation expressed his reservations with regard to some of the Board's findings.

14. The Committee, except for the delegation of the Russian Federation, supported the conclusions of the fifty-fourth extraordinary session of TIRExB, as laid down in Informal document No. 6 (2013).

15. The delegation of the Russian Federation pointed out that the extraordinary session of TIRExB was convened at a moment when the competent Russian authorities had not yet developed their consolidated position. Therefore, according to the Russian delegation, the Board's conclusions did not take into account the position of the Russian side, or the complexity of various issues at stake. In addition, the conclusions were not adopted by consensus, as the TIRExB member from the Russian Federation reserved his position. For these reasons, the delegation of the Russian Federation was not in a position to agree to the TIRExB conclusions.

16. The delegation of the Russian Federation was also of the view that TIRExB did not have the right to make the conclusions of its session public before they are endorsed by the Committee. The secretariat clarified that the publication of these conclusions was fully in line with the Rules of Procedure of TIRExB.

17. The Chair of TIRExB also informed the Committee about new developments which had occurred after the fifty-fourth extraordinary TIRExB session (27 August 2013) and which had been considered by TIRExB at its fifty-fifth session (30 September – 1 October 2013). First, FCS introduced the envisaged measure in various areas of the Russian Federation: Siberia, Far East and the Ural. Second, FCS announced termination of the agreement between FCS and ASMAP as of 1 December 2013. While TIRExB reconfirmed its position of the fifty-fourth session on introducing the new measure, the Board, except for the member from the Russian Federation, expressed its concern about the situation which might arise as a consequence of terminating the agreement. While fully recognizing that it is a right of competent national authorities to terminate the agreement, countries should equally be aware of the responsibility to find an association which can issue TIR Carnets and can act as guarantor, for the sake of national and international transporters using the TIR system.

18. In her statement, the representative of FCS stressed that the Russian Federation is the biggest user of the TIR Convention and considers TIR to be an important tool to facilitate trade in the European region. Thus, the Russian Federation does not consider withdrawal from the TIR Convention. However, FCS and the TIR guarantee chain have different positions on the principles and procedures for compensation of revenue losses caused by non-discharged TIR operations. There are cases of delayed and incomplete payments of Customs claims by ASMAP. This situation necessitates the urgent need for modification of certain provisions of the TIR Convention, in particular its Article 11. For the Russian Federation, the most important problem is to minimize financial risks for the

budget. In this context, FCS will soon put forward concrete proposals to clarify and improve these provisions, with the aim to ensure the proper functioning of the TIR system in its entirety — namely, the smooth movement of goods while guaranteeing full and timely payment of duties and taxes. FCS decided to terminate, as of 1 December 2013, the agreement with ASMAP, due to the improper fulfilment of its functions. FCS looks forward to working with IRU and the business community with a view to promptly selecting and authorizing a new guaranteeing association to avoid any disruption in the functioning of the Convention. The representative of FCS also informed the Committee about the existence of alternative solutions for Customs transit in the Russian Federation and Customs Union.

19. In reply to a question why FCS and ASMAP were referring to different figures of Customs debts, the representative of FCS explained that there were numerous cases of non-discharge in 2002–2003. FCS brought suits against ASMAP, but lost all court cases for procedural reasons. Thus, there no legal grounds to claim payment from ASMAP. Nevertheless, all related Customs debts still remain outstanding, as FCS is not in a position to obtain payment from foreign transport companies who were the directly liable persons. According to the FCS representative, such situation indicates that the provisions of the TIR Convention are not adequate and need to be improved. In particular, she was of the view that Article 11, para. 2 (former Article 8, para.7) puts unjustified burden on Customs authorities who are obliged to claim payment from the person directly liable before lodging a claim against the national guaranteeing association.

20. The representative of FCS also clarified why TIR Carnets are already not accepted by FCS in several regions of the Russian Federation (Siberia, Far East, Ural) and confirmed that this measure had been extended to the Volga region as of 3 October 2013. According to her, FCS decided to prohibit the use of TIR Carnets in the country step-by-step, in order to give businesses enough time to adapt to the new conditions as well as to use TIR Carnets they may have in stock. This phasing out of the TIR procedure started in the regions where not so many TIR Carnets are used.

21. In this regard, the Committee, except for the delegation of the Russian Federation, considered that these steps by FCS are in breach of the TIR Convention and are contrary to the commitments of the Russian Federation under the TIR Convention.

22. The representative of ASMAP was of the view that official recognition of bad debts, according to the procedure foreseen by the national legislation, could be one of the solutions to the issue of outstanding Customs claims in the Russian Federation. He also pointed out that ASMAP is ready to review its guarantee agreement, to make it more favourable to FCS, on the condition that a new agreement would be in line with the provisions of the TIR Convention. In this context, IRU informed that counterproposals had been already sent to FCS.

23. The Chair of WP.30 informed the Committee about the considerations of the Working Party on this issue (ECE/TRANS/WP.30/270, paras. 19–29). The majority of delegations called for the withdrawal of the FCS measure, pointed out the negative impact of the TIR crisis in the Russian Federation on transport and trade and urged all stakeholders in the Russian Federation and IRU to find solutions that would ensure an uninterrupted application of the TIR procedure in the Russian Federation. Several delegations offered their good offices in finding a solution.

24. The delegation of EU expressed its concern about the economic impact which already had been recognized by several EU economic operators. EU also stated that the current situation is a clear breach of the TIR Convention and that EU will continue to analyse transit provisions stipulated in the General Agreement on Tariffs and Trade and

WTO. EU called upon all relevant stakeholders to show flexibility and good will to solve the current situation in the interest of all Contracting Parties.

25. The Chair of the Inland Transport Committee stressed that the TIR crisis could affect not only transport but also trade. He thanked TIRExB and WP.30 for having addressed this issue and called upon decision makers concerned to solve the problems as soon as possible, in order to avoid disruption of transport as of 1 December 2013.

26. Under this agenda item, the representative of Kazakhstan also raised concerns that 30 transport companies from his country had recently been excluded by FCS from the TIR procedure in the Russian Federation, with reference to Article 38 of the Convention. In spite of submitting all necessary documents to FCS, this decision had yet to be reviewed. In reply, the representative of FCS confirmed the receipt of these documents and stated that the excluded Kazakh operators would be informed of FCS considerations in due course. In any case, the affected operators always have the right to appeal against any decision they consider incorrect.

2. Programme of work of the TIR Executive Board for 2013–2014

Documentation: ECE/TRANS/WP.30/AC.2/2013/7

27. The Committee approved the Programme of Work of TIRExB for 2013–2014 (ECE/TRANS/WP.30/AC.2/2013/7) and noted: (1) a proposal to study the national agreements between the competent authorities and guaranteeing associations, and (2) a request by TIRExB to further clarify the function of TIRExB to monitor the prices of TIR Carnets, including the right to make such data publicly available to the Committee (see para. 10 above). The Committee invited delegations to study these two issues and decided to revert to them at the next session.

3. International TIR Data Bank and electronic tools of the TIR secretariat

28. The Committee took note that 26 Contracting Parties were transmitting their TIR Carnet holder's data to the International TIR Data Bank (ITDB) by using the ITDB online+ website and that, since the launch of this tool in March 2012, over 10 per cent of the TIR Carnet holder's data in ITDB had been amended either directly by Customs authorities or in collaboration with the national associations. Thus, the Committee noted that the ITDB online+ website is efficiently contributing to the electronic data transmission to TIRExB and the TIR secretariat as well as to the dissemination of the ITDB contents with more than 1,500 registered users. The Committee also recalled that Customs users of the ITDB online+ website may also access the UNECE Register of Customs Sealing Devices and Customs Stamps website. Finally, the Committee was informed about the successful tests on integrating ITDB with the Finnish Customs Authorities NCTS/TIR system to automatically query the TIR Carnet holder's status by using a secure web service provided by the TIR secretariat.

4. National and regional TIR workshops and seminars

Documentation: ECE/TRANS/WP.30/AC.2/2013/8

29. The Committee was informed of the proceedings of a technical TIR seminar on the construction of Customs secure vehicles (18–19 June 2013, Helsinki) that was organized by the Finnish Customs administration in cooperation with TIRExB and the European Commission (ECE/TRANS/WP.30/AC.2/2013/8). The secretariat brought to the attention of the Committee a number of outstanding issues, as identified by the participants at the seminar (para. 69 of the above document). The IRU also informed the Committee about the strong interest of China in acceding to the TIR Convention and the possibility of organizing workshops in this country in the near future.

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

1. Status report on the accounts for 2012

Documentation: ECE/TRANS/WP.30/AC.2/2013/9, ECE/TRANS/WP.30/AC.2/2013/10, Informal document No. 7 (2013)

30. The Committee approved the report on the complete and final accounts for 2012 (ECE/TRANS/WP.30/AC.2/2013/9) and took note of interim financial statements for 2013 (ECE/TRANS/WP.30/AC.2/2013/10).

2. Procedure for the financing of the operation of the TIR Executive Board and TIR secretariat

Documentation: ECE/TRANS/WP.30/AC.2/2013/11

31. The Committee was informed that IRU transferred the excess of SwF 147,971 (ECE/TRANS/WP.30/AC.2/113, para.17) to the UNECE named bank account before 15 March 2013. This amount will be taken into account for the 2014 budget year.

32. The Committee considered the budget proposal and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2014 (ECE/TRANS/WP.30/AC.2/2013/11). The proposed cost plan for 2014 (estimated at US\$ 1,589,910 inclusive of programme support cost) is equal to the approved budget and cost plan for 2013.

33. Having recalled the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex 2), the Committee approved the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2014 as well as the net amount to be transferred by IRU to the TIR Trust Fund, as contained in document ECE/TRANS/WP.30/AC.2/2013/11.

34. The Committee noted that IRU expects to distribute 1.9 million TIR Carnets in 2014 (Informal document No. 7 (2013)). On the basis of this forecast and calculations by the secretariat, the Committee approved the amount of US\$ 0.46 per TIR Carnet that will be required to generate the income necessary to cover the additional funds of US\$ 878,534 needed for the operation of TIRExB and TIR secretariat in 2014. This amount will be expressed in Swiss francs following the transfer of the above net amount to a UNECE named bank according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer.

C. Proposals to modify the format, representation and election procedure of the TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2013/2, ECE/TRANS/WP.30/AC.2/2012/11/Rev.2

35. The delegation of Iran (Islamic Republic of) reintroduced its proposal, as reflected in document ECE/TRANS/WP.30/AC.2/2013/2, to modify the number of members and geographical representation of TIRExB. Several delegations raised questions and expressed reservations as to the necessity for such modification. In reply, the Iranian delegation provided explanations that their proposals would have no financial implications. The secretariat proposed to limit the number of successive terms of office for TIRExB members, e.g. a maximum of two terms, in order to ensure relative rotation of membership. No conclusion on this proposal was reached and the Committee agreed that issue should be discussed again in future sessions.

36. The secretariat introduced document ECE/TRANS/WP.30/AC.2/2012/11/Rev.2, which summarized the discussions that have taken place thus far concerning the election of a TIRExB replacement member, as well as the professional qualifications required for a candidate to be eligible for election or nomination by their government. The document also proposed two new explanatory notes to Annex 8, article 9 of the TIR Convention, as well as the inclusion of the text of the proposed explanatory notes in the rules of procedure of the TIRExB so as to ensure uniformity of the applicable rules.

37. The delegation of Iran (Islamic Republic of), expressed concerns as to which body (if any) would be competent to assess the professional qualifications of TIRExB candidates and/or members. The Committee was of the view that the general obligation to assess this rests with the government which nominates a particular person or with AC.2 which would cast its votes on the basis of the candidates' expertise/qualifications.

38. The delegations of the Russian Federation, Switzerland and Ukraine pointed out linguistic inaccuracies in the French and Russian versions of the document. Although no other major objections were raised to the proposals, the Committee decided to refer the issue for further discussion to the next session and requested the secretariat to prepare a revised document, addressing the concerns raised by Iran (Islamic Republic of) and correcting the French and Russian text.

V. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system (agenda item 4)

39. The Committee recalled that it had decided to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2014–2016 inclusive.

VI. Authorization for concluding an agreement between UNECE and IRU (agenda item 5)

Documentation: ECE/TRANS/WP.30/AC.2/2013/3

40. The Committee was informed that, following its approval of the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2014, UNECE and IRU would proceed to signing, before 1 November 2013, a new agreement, based on the mandate given by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/113, para. 29).

41. Under this agenda item, the delegation of EU recalled the entry into force, on 10 October 2013, of new part III of Annex 9 stipulating the conditions and requirements for the authorized international organization, in particular, annual submissions of consolidated financial statements duly audited by internationally recognized independent auditors. EU considered this provision to be a first step towards achieving full transparency of the financial aspects of the functioning of the TIR system that should be followed by extended audits of the authorized international organization which are now under consideration by WP.30 (the so-called provisions (o), (p) and (q)). EU recalled that IRU had recently fallen victim of a defamation campaign (ECE/TRANS/WP.30/268, para. 10) and was of the view that full transparency is required to avoid such incidents in the future.

42. In reply, IRU pointed out that it would duly fulfil all requirements of the new part III of Annex 9 and is ready to cooperate with UNECE and Contracting Parties with a view to finding a consensus on the wording for the extended audit provisions.

VII. Revision of the Convention (agenda item 6)

A. Amendments to the Convention with regard to transmitting data to the International TIR Data Bank

Documentation: ECE/TRANS/WP.30/AC.2/2013/12

43. Having recalled its previous considerations (ECE/TRANS/WP.30/AC.2/113, para. 31) and taking into account document ECE/TRANS/WP.30/AC.2/2013/12, the Committee provisionally adopted the following amendment proposal to Annex 6:

Annex 6, new Explanatory Note 0.38.2

Add a new Explanatory Note to Article 38, paragraph 2 to read

Explanatory Note to paragraph 2

0.38.2 The legal provision to notify the TIR Executive Board that a person has been temporarily or permanently excluded from the operation of the Convention is deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.

44. At this stage, the Committee decided not to set the two deadlines, as provided for in Article 60, and await other amendment proposals in order to consolidate a larger package, determine the deadlines for the whole package and send it to the depositary for processing and issuing a depositary notification. In the meantime, however, the Committee, decided that the above procedure shall apply provisionally, pending the entry into force of the provisions of Explanatory Note 0.38.2.

B. Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet

45. The Committee recalled a number of developments in this area reported at the previous meeting (ECE/TRANS/WP.30/AC.2/113, para. 32) and noted that the delegation of Kyrgyzstan would soon inform the Committee about its position on this issue. The Committee decided to revert to this matter at the next session.

C. Amendment proposals to Annex 3

Documentation: ECE/TRANS/WP.30/AC.2/2012/12/Rev.1

46. The Committee welcomed a revised document ECE/TRANS/WP.30/AC.2/2012/Rev.1 on an improved and logically structured code system to report defects in the certificate of approval. The Committee took note that the Turkish Customs administration had forwarded, to the secretariat, a set of photos of defects which can be used to illustrate the code system. Delegations were invited to liaise with their national technical experts in order to assess the validity and completeness of the proposed code system. The delegation of Belarus expressed its concerns on the added value of codes which refer to "other issues not mentioned". In view of the absence of the Russian and

French translations of the document, the Committee decided to postpone this issue to the next session.

D. Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1

Documentation: ECE/TRANS/WP.30/2012/10/Rev.1 –
ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

47. The Committee recalled that, at the previous meeting, it had provisionally adopted amendment proposals to Annexes 1 and 6 and decided to include these in a larger package of amendment proposals to be sent to the Depository at a later stage (ECE/TRANS/WP.30/AC.2/113, para. 35).

E. Phase III of the TIR revision process – computerization of the TIR procedure

48. The Committee took note that the twenty-third session of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) will take place in Brussels on 20 and 21 November 2013, at the kind invitation of the European Commission. It also took note that the fourth meeting related to the eTIR pilot project between Italy and Turkey will, tentatively, take place in conjunction with the twenty-third session of GE.1 or the fifty-sixth session of TIRExB. Finally, AC.2 took note of the progress made in the United Nations Development Account (UNDA) project: “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”, in particular, that a consultant was in the process of being hired to undertake a gap-analysis for Georgia and that the provisional arrangement had been made to hold the first interregional Expert Group meeting in Geneva on 18 December 2013. For further information on issues related to the computerisation of the TIR procedure, the Committee was invited to refer to paras. 30–34 of the report of the 135th session of WP.30 (ECE/TRANS/WP.30/270).

VIII. Application of the Convention (agenda item 7)

A. Recommendation on the introduction of Harmonized System code in the TIR Carnet

Documentation: ECE/TRANS/WP.30/AC.2/2011/3, TRANS/WP.30/2002/15

49. The representative of the Russian Federation pointed out the need to indicate the HS code on the TIR Carnet, in particular, for also raising transparency in the relations between the competent authorities and national guaranteeing association. He stressed that such a requirement had already been introduced for the advance electronic declaration in the Russian Federation and other member States of the Customs Union and did not seem to lead to any difficulties for transport operators. Nevertheless, the Committee maintained its position that indication of the HS code should remain optional, as provided for in the existing Recommendation.

B. Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board

50. The Committee noted that no new comments had been endorsed by WP.30 or TIRExB.

IX. Best practices (agenda item 8)

Use of subcontractors

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

51. The Committee considered document ECE/TRANS/WP.30/AC.2/2013/13, in which the secretariat had provided an overview of all considerations by TIRExB and the Committee on the issue of subcontractors since 2005. The secretariat recalled that, in 2008, after lengthy discussions and including an extensive survey among customs administrations and national associations, TIRExB had established that many Contracting Parties permit the use of subcontractors within the context of the current Convention, under the condition that, in case of an infringement, the TIR Carnet holder will be held liable, often together with the subcontractor. Various national associations, with the approval of IRU, supported this approach by offering special arrangements between interested TIR Carnet holders and (a selection of) subcontractors. However, at the same time, there are countries which do not accept the concept of subcontractors. At the request of TIRExB, the secretariat had formulated a comment which would, at least, allow those countries which accept subcontractors to continue this practice. This proposed comment was contained in Part III of the said document. At the same time, the Committee took note of an alternative proposal to address the concept of subcontractors, submitted by the Republic of Belarus and contained in Part IV of the said document. Whereas a majority of countries was willing to support the comment by the secretariat, arguing that the Belarus proposal would mean the end to the current practice, various delegations expressed their concerns about the concept of subcontractor in the TIR Convention in general and the liability of the TIR Carnet holder in particular as well as the application of Article 38 in case a subcontractor is involved. They were also interested to know more about the role of the guarantee chain as to accepting liability for TIR Carnets used by subcontractors. In particular, the question was raised if a national association would assume liability for a TIR Carnet issued to one of its holders but used by a subcontractor from another country. Due to lack of time, the Committee decided to continue its discussions at the next session.

52. The delegation of Belarus clarified that the main differences between its proposal and the one of the secretariat were the approach to the use of TIR carnets by a subcontractor who has no access to the TIR procedure as well as the application of Article 38 and of other provisions concerning the liability. According to the delegation of Belarus, granting the right to use TIR Carnets to a transport operator who has no access to the TIR procedure would not conform to one of the pillars of the TIR Convention, namely the controlled access of carriers to the TIR procedure (Annex 9, part II). The delegation also raised the issue if the TIR guarantee chain would cover TIR operations performed by a subcontractor who has not been authorized to use TIR. Due to lack of time, no reply was given to this question.

X. Other business (agenda item 9)**A. Date of next session**

53. The Committee decided to hold its fifty-seventh session on 6 February 2014.

B. Restriction on the distribution of documents

54. The Committee decided that there is no restriction on the distribution of documents issues in connection with the present session.

XI. Adoption of the report (agenda item 10)

55. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its fifty-fifth session. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages.
