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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee for the
TIR Convention

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION 1975
ON ITS TWENTY-SIXTH SESSION
(25-26 February 1999)**

ATTENDANCE

1. The Administrative Committee held its twenty-sixth session at Geneva on 25 and 26 February 1999. The following representatives of the Contracting Parties attended: Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Indonesia; Iran (Islamic Republic of); Ireland; Israel; Italy; Kazakhstan; Kuwait; Latvia; Lebanon; Luxembourg; Morocco; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Tunisia; Turkey; Ukraine; United Kingdom; European Community (EC).
2. The following international organization was represented as observer: International Road Transport Union (IRU).
3. The Administrative Committee noted that the required quorum according to annex 8, article 6 of the Convention has been attained.

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/AC.2/52.

4. The Administrative Committee adopted the provisional agenda prepared by the ECE secretariat (TRANS/WP.30/AC.2/52) with the addition of the following item:

Agenda item 2 bis: Reconsideration of the report of the Administrative Committee at its twenty-fifth session.

5. The Committee reiterated that, in accordance with annex 8, article 1 of the Convention, competent administrations of States referred to in article 52, paragraph 1 of the Convention which were not Contracting Parties to the Convention or representatives of international organizations could participate as observers in its sessions.

ELECTION OF OFFICERS

6. In accordance with annex 8, article 3 of the Convention and in line with established practice, the Administrative Committee elected Mr. M. Amelio (Italy) as Chairman and Mr. I. Parts (Estonia) as Vice-Chairman.

RECONSIDERATION OF THE REPORT OF THE ADMINISTRATIVE COMMITTEE AT ITS TWENTY-FIFTH SESSION

Documentation: TRANS/WP.30/AC.2/51 and Corr.1.

7. The Administrative Committee decided to amend the annex of the report adopted at its twenty-fifth session which would not affect the nomination of candidates for election to the TIR Executive Board (TIRExB). To this effect the ECE secretariat would issue an official corrigendum (TRANS/WP.30/AC.2/51/Corr.1).

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/52, annex.

8. The Administrative Committee was informed that the TIR Convention, 1975, had currently 63 Contracting Parties, including the European Economic Community. As of 11 July 1999 the Convention will also come into force in the Syrian Arab Republic.

9. The Administrative Committee requested the secretariat to annex to the final report of its session a list of Contracting Parties to the TIR Convention, 1975 and a list of countries with which TIR transit operations could be established (see the annex to this report).

REVISION OF THE CONVENTION: PHASE I OF THE TIR REVISION PROCESS

(a) Legal status

Documentation: C.N.800.1998.TREATIES-2; C.N.433.1997.TREATIES-1; TRANS/WP.30/AC.2/47, annex 2 and Corrs. 1 and 2.

10. The Administrative Committee recalled that on 17 November 1997 the Legal Office of the United Nations had issued depositary notification C.N.433.1997.TREATIES-1 containing the amendment proposals adopted by the Committee on 27 June 1997 under phase I of the TIR revision process (TRANS/WP.30/AC.2/47, annex 2 and Corrs. 1 and 2). Since no objections had been lodged by 17 November 1998 to these amendment proposals, they had come into force on 17 February 1999 as stipulated in depositary notification C.N.800.1998.TREATIES-2 issued on 21 January 1999 by the Legal Office of the United Nations.

11. The Administrative Committee noted that the ECE secretariat had requested the Legal Office of the United Nations to issue a corrigendum to depositary notification C.N.433.1997.TREATIES-1; incorporating the Corrigenda 1 and 2 issued to document TRANS/WP.30/AC.2/47.

(b) Implementation of the amendments: Report of the TIR Contact Group

Documentation: TRANS/WP.30/184; TRANS/WP.30/1999/3.

12. The Administrative Committee took note that the competent authorities of Contracting Parties, national associations and the IRU had taken all necessary legal and administrative measures to ensure that the new provisions, particularly those contained in annex 9, Part I and Part II of the revised Convention, had already become applicable or would soon become applicable in all countries utilizing the TIR regime.

13. The Administrative Committee took note of the report of the sixth session of the TIR Contact Group (TRANS/WP.30/1999/3) that had been convened in Istanbul on 2-4 December 1998 at the invitation of the Government of Turkey. A corrigendum to the report would be issued by the ECE secretariat reflecting the relevant discussions of the ECE Working Party on Customs Questions affecting Transport at its ninety-second session (TRANS/WP.30/184, paras. 20-22).

(i) National procedures

14. The Administrative Committee noted that no particular problems had arisen in the Contracting Parties with regard to the implementation of the amendments to the Convention under Phase I of the TIR revision process. It was informed, however, that in several countries the relevant modifications of national legislation had not yet come into force and that the required procedures for the authorization of persons wishing to have access to the TIR regime had not yet always been completed. Until such time, the previously used administrative rules and legal procedures remained in force in these countries.

Authorization for national associations to issue and guarantee TIR Carnets

Documentation: TRANS/WP.30/1999/3; TRANS/WP.30/182; TRANS/WP.30/AC.2/51; TRANS/WP.30/AC.2/49.

15. The Administrative Committee considered the situation in the Contracting Parties concerning authorization of national associations to issue and guarantee TIR Carnets in accordance with the new provisions contained in article 6, paragraph 1 and annex 9, Part I of the Convention (TRANS/WP.30/1999/3, paras. 10-11). It recalled that, with a view to clarifying the application of the new provisions in annex 9, part I, paragraph 1 (f)(v) of the Convention, a comment on the global insurance contract had been adopted (TRANS/WP.30/AC.2/51, paras. 17-19; TRANS/WP.30/AC.2/49, annex 4).

Authorization for persons to utilize TIR Carnets

Documentation: TRANS/WP.30/1999/3.

16. The Administrative Committee considered the situation in the Contracting Parties concerning authorization for natural and legal persons wishing to utilize TIR Carnets in accordance with the new provisions contained in article 6, paragraphs 3, 4 and 5 as well as annex 9, Part II of the Convention. It took note of a proposal made by the ECE secretariat at the sixth session of the TIR Contact Group (Istanbul, 2-4 December 1998) to facilitate the transmission of data on persons wishing to utilize TIR Carnets to competent national (Customs) authorities and to the TIRExB in accordance with annex 9, Part II and the Model Authorization Form (MAF) contained therein.

17. The proposed procedure is based on a data entry mask containing all data required in the MAF which has been distributed on CD-ROM by the ECE secretariat to all interested national associations in January 1999. This mask allowed simple data entry and the transfer of data from existing databases on TIR Carnet users that exist already in many national associations. These data could then be transmitted by diskette or similar support, together with a paper (hard) copy as required, to the competent national (Customs) authorities. Following approval by these authorities, the diskette or similar support would

then be transmitted to the TIRExB, together with the paper (hard) copy, for inclusion of the data into the TIR databank (TRANS/WP.30/1999/3, paras 13-16). Copies of the data entry mask on CD-ROM may be obtained from the ECE secretariat (Fax: +41-22-917-0039).

Harmonized and transparent application of the Convention

Documentation: TRANS/WP.30/1999/3.

18. The Administrative Committee stressed that it was very important, in line with the new provisions contained in article 38, paragraph 2 and article 42 bis of the Convention, to inform the TIRExB immediately of any exclusions from the operation of the Convention and of any national control measures planned to be taken by competent national authorities. It also noted that article 42 bis of the Convention provided a legal basis for the so-called electronic SAFETIR system operated by the IRU.

(ii) Authorization for printing and distribution of TIR Carnets in the year 2000

Documentation: TRANS/WP.30/AC.2/49.

19. The Administrative Committee recalled that the amendments to the Convention provide for the supervision by the TIRExB of the centralized printing and distribution to the associations of TIR Carnets. This function of the TIRExB could be performed by an agreed international organization as referred to in article 6 of the Convention (annex 8, article 10 (b)).

20. With a view to allowing for an efficient operation of the international organization and the TIRExB, the Administrative Committee decided that, at its annual spring sessions, it will authorize an international organization to centrally print and distribute TIR Carnets for the following year in accordance with annex 8, article 10 (b) of the Convention under the condition that:

(a) the concerned international organization declares in writing its acceptance of this authorization within 30 days following the decision of the Administrative Committee;

(b) on the basis of the relevant decisions of the Administrative Committee at its annual autumn session (see also TRANS/WP.30/AC.2/49, para. 30), the required transfer of funds, in accordance with annex 8, article 13 of the Convention, will have been effected by the authorized international organization by 15 November each year for the operation of the TIRExB and the TIR secretariat during the following year.

21. In line with the above decision, the Administrative Committee authorized the International Road Transport Union (IRU) to centrally print and distribute TIR Carnets in the year 2000.

(iii) Establishment of the TIR Executive Board (TIRExB) and the TIR secretariat

Terms of Reference and Rules of Procedure

Documentation: TRANS/WP.30/AC.2/51; TRANS/WP.30/AC.2/49; TRANS/WP.30/AC.2/1998/1.

22. The Administrative Committee recalled that, at its twenty-fourth session, it had already adopted provisionally, i.e. until annex 8, article 9, paragraph 2 of the Convention had come into force, the Terms of Reference of the TIRExB (TRANS/WP.30/AC.2/49, paras. 23 and 24 and annex 3). In accordance with annex 8, article 9, paragraph 2 of the Convention, the Administrative Committee adopted formally the Terms of Reference of the TIRExB as contained in document TRANS/WP.30/AC.2/49, annex 3.

23. The Administrative Committee recalled that, at its twenty-fourth session, it had also endorsed the Rules of Procedure of the TIRExB on the understanding that the Convention leaves it up to the TIRExB to adopt its own Rules of Procedure as long as they are not provided in the Convention (TRANS/WP.30/AC.2/49, annex 4). The Administrative Committee had felt that it would be useful, however, to provide the TIRExB with a set of basic rules in order to facilitate its proceedings as of its establishment. These rules could then be adopted by the TIRExB at its first session (TRANS/WP.30/AC.2/1998/1, para. 9).

Cost plan and size of the TIR secretariat

Documentation: TRANS/WP.30/AC.2/1999/2; TRANS/WP.30/AC.2/1999/1; TRANS/WP.30/AC.2/49; TRANS/WP.30/AC.2/R.30.

24. At its twenty-fourth session, the Administrative Committee, in accordance with the provisions of annex 8, article 12 and article 13, paragraph 1 of the Convention, had requested the ECE secretariat to establish a budget proposal and a cost plan for the operation of the TIRExB and the TIR secretariat for final adoption at the February 1999 session of the Administrative Committee (TRANS/WP.30/AC.2/49, paras. 15 and 29).

25. Furthermore, reviewing possible administrative arrangements for the collection of a levy on TIR Carnets as described in document TRANS/WP.30/AC.2/R.30, paras. 8-18, the Administrative Committee had endorsed the proposals therein relating to the establishment of a Trust Fund, the procedures envisaged for the adoption of the budget of the TIRExB and the provisions on the transfer of funds by the international organization. With a view to allowing for a timely start of the operation of the

TIRExB and the TIR secretariat, the Administrative Committee had authorized inter alia the ECE secretariat, on its behalf, to negotiate and arrange with the IRU the required arrangements for the transfer of funds, in accordance with annex 8, article 13 of the Convention, on the basis of a budget proposal to be prepared by the ECE secretariat for the operation of the TIRExB in 1999 (TRANS/WP.30/AC.2/49, paras. 30 and 31).

26. The Administrative Committee adopted the budget proposal and cost plan prepared by the ECE secretariat for the operation of TIRExB and the TIR secretariat for the year 1999 as contained in document TRANS/WP.30/AC.2/1999/1.

27. The Administrative Committee endorsed the establishment of the United Nations Trust Fund entitled "TIR" in line with the regulations, rules and procedures of the United Nations allowing for the transfer of the required resources for the operation of the TIRExB and the TIR secretariat. Furthermore, it endorsed the ECE/IRU Agreement reproduced in document TRANS/WP.30/AC.2/1999/2 containing arrangements for the transfer of funds, in accordance with annex 8, article 13 of the Convention, for the establishment and operation of the TIRExB and the TIR secretariat in the year 1999.

28. In this context, the Administrative Committee noted that the ECE secretariat, in line with annex 6, explanatory note 8.13.1-1 of the Convention, has included the financing of the TIRExB, starting with the year 2001, into its regular budget proposal for the biennium 2000-2001 which has been submitted for approval by the General Assembly of the United Nations.

Approval of the TIR Secretary

29. The Administrative Committee noted that, in line with annex 8, article 12 of the Convention, the secretariat of the United Nations Economic Commission for Europe (ECE) has included the function of TIR Secretary into the job description for the post of Chief, Border Crossing Facilitation Section, Transport Division. The present incumbent of this post was Mr. Martin M. Magold, Secretary of the ECE Working Party on Customs Questions affecting Transport (WP.30) and Secretary of the TIR Administrative Committee. The Administrative Committee endorsed this decision of the ECE secretariat as well as the appointment of Mr. Magold as TIR Secretary.

Election of members of the TIR Executive Board (TIRExB)

Documentation: TRANS/WP.30/AC.2/51.

30. The Administrative Committee recalled that, in accordance with annex 8, article 9 of the Convention, the TIRExB shall be composed of nine members, each from different Contracting Parties to the Convention. They shall be elected by the Administrative Committee by a majority of Contracting

States present and voting. Board members should be competent and experienced in the application of the TIR procedure both at the national and international levels. They should represent the interests of all Contracting Parties to the Convention and not the specific interests of any one individual Government or organization (TRANS/WP.30/AC.2/51, annex).

31. The Administrative Committee decided on the following procedure for the election of members of the TIRExB:

(a) If the number of nominated candidates equalled the number of available posts in the TIRExB, these candidates would be elected by acclamation by the Contracting States present and voting. If the number of candidates was higher than the number of available posts, all candidates would be elected by secret ballot. In such a case, each Contracting State would have as many votes as there were available posts. A cumulation of votes on any one candidate would not be permissible.

(b) Candidates who have obtained a majority of votes were elected. In case the majority of votes had been obtained by more candidates than were posts available, the candidates with the highest number of votes were elected.

(c) The TIR Secretary and his staff would arrange for the election procedure and the counting of votes.

32. Since at the initial election of members of the TIRExB more candidates had been nominated than were posts available in the TIRExB, the Administrative Committee proceeded on 25 February 1999 with a secret ballot. The following results were obtained and confirmed by the TIR Secretary: Registered votes: 42. Valid votes: 41. Invalid votes: 1.

33. The following nominated nine persons who obtained a majority of votes of the Contracting States present and voting and have received the highest number of votes were elected as members of the TIRExB: Mr. G.H. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mr. O. Fedorov (Ukraine); Mrs. Y. Kasikçi (Turkey); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia).

34. The Administrative Committee decided not to disclose the number of votes obtained by the nominated candidates during the election.

First session of the TIR Executive Board (TIRExB)

35. The Administrative Committee was informed that, in accordance with paragraph 9 of the

Terms of Reference of the TIRExB, the first session of the TIRExB would be convened by the TIR Secretary immediately following its establishment, i.e. before the end of March 1999.

REVISION OF THE CONVENTION: PHASES II and III OF THE TIR REVISION PROCESS

Documentation: TRANS/WP.30/184; TRANS/WP.30/1999/1; TRANS/WP.30/1999/2; TRANS/WP.30/AC.2/49.

36. The Chairman of the ECE Working Party on Customs Questions affecting Transport (WP.30), Mr. F. Paroissin, informed the Administrative Committee of progress made in the revision of the Convention. He referred in particular to the current work relating to:

- (a) provisions on the status and functions of the international organization(s) under article 6 of the Convention;
- (b) definitions for termination and discharge procedures;
- (c) recommended termination, discharge and inquiry procedures;
- (d) alternative forms of evidence as proof for the termination of a TIR operation and
- (e) the definition of the holder of a TIR Carnet.

37. It was planned that this work would be completed by the end of 1999 as part of phase II of the TIR revision process. The Working Party had also decided to consider the inclusion of additional information into the TIR Carnet under Phase II.

38. Phase III of the TIR revision process, to be commenced in 1999, would focus on the revision of the TIR Carnet and the possible computerization of the TIR procedure.

39. The Administrative Committee endorsed these views.

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

40. The Administrative Committee noted that no other proposals for amendments to the Convention have been submitted.

APPLICATION OF THE CONVENTION

EDI control system for TIR Carnets: Implementation of the Recommendation adopted on 20 October 1995

Documentation: TRANS/WP.30/180; TRANS/WP.30/AC.2/37, annex 4; ECE/IRU Handbook on the "CUTE-WISE" procedure.

41. The Administrative Committee was informed about the implementation of its recommendation adopted on 20 October 1995 on the introduction of an EDI control system for TIR Carnets (TRANS/WP.30/AC.2/37, annex 4). The various components of the system, which are being implemented by the IRU in the framework of its SAFETIR system, aim at achieving the following main objectives: (a) confirmation of the termination of a TIR operation at Customs offices of final destination before new Carnets are issued to transport operators by national associations; and (b) creation of a data bank on finally terminated TIR operations allowing Customs authorities to identify quickly relevant Customs offices with a view to obtaining evidence on the final discharge of TIR Carnets.

42. Recently, the IRU had made available on-line information on terminated TIR operations as well as on stolen or otherwise "invalid" TIR Carnets to interested Customs authorities by means of telephone lines using a PC and a modem, the Internet or e-mail systems (for registration details the TIR Department of the IRU or the TIR secretariat may be contacted). These facilities improve inquiry procedures by Customs authorities to obtain precise information about the place and the time of termination of TIR operations. A handbook on the so-called "CUTE-WISE" procedure allowing access by Customs authorities to the IRU data bank has been published jointly by the ECE and the IRU and is available for interested users (English only). Access forms may be obtained from the TIR Department of the IRU or from the ECE secretariat.

43. Recognizing the need to add to the already existing seven data elements, prescribed in the recommendation of 20 October 1995, information on the page number of the vouchers in the TIR Carnet, mainly to reduce the amount of erroneous information and the ensuing reconciliation work, the Administrative Committee decided to add this type of information as a further obligatory data element to be provided by Customs authorities.

OTHER BUSINESS

(a) Date of next session

44. The Administrative Committee decided, in principle, to hold two sessions each year, if possible, in conjunction with the spring and autumn sessions of the ECE Working Party on Customs Questions affecting Transport (WP.30). It decided to hold its forthcoming autumn session on 21 and 22 October 1999. The forthcoming spring session of Administrative Committee could be held in the week of 21 to 25 February 2000.

(b) Restriction on the distribution of documents

45. The Administrative Committee decided that there should be no formal restriction with respect to the distribution of documents issued in connection with its current session.

ADOPTION OF THE REPORT

46. In accordance with annex 8, article 7 of the Convention, the Administrative Committee adopted the report on its twenty-sixth session on the basis of a draft prepared by the ECE secretariat.

AnnexContracting PartiesCountries with which a TIR transit
operation can be established

Afghanistan	-
Albania	Albania
Algeria	-
Armenia	-
Austria	Austria
Azerbaijan	Azerbaijan
Belarus	Belarus
Belgium	Belgium
Bosnia and Herzegovina	-
Bulgaria	Bulgaria
Canada	-
Chile	-
Croatia	Croatia
Cyprus	Cyprus
Czech Republic	Czech Republic
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Georgia	Georgia
Germany	Germany
Greece	Greece
Hungary	Hungary
Indonesia	-
Iran (Islamic Republic of)	Iran (Islamic Republic of)
Ireland	Ireland
Israel	Israel
Italy	Italy
Jordan	Jordan
Kazakhstan	Kazakhstan
Kuwait	Kuwait
Kyrgyzstan	-

Contracting Parties

(continued)

Countries with which a TIR transitoperation can be established (continued)

Latvia	Latvia
Lebanon	-
Lithuania	Lithuania
Luxembourg	Luxembourg
Malta	-
Morocco	Morocco
Netherlands	Netherlands
Norway	Norway
Poland	Poland
Portugal	Portugal
Republic of Korea	-
Republic of Moldova	Republic of Moldova
Romania	Romania
Russian Federation	Russian Federation
Slovakia	Slovakia
Slovenia	Slovenia
Spain	Spain
Sweden	Sweden
Switzerland	Switzerland
Syrian Arab Republic (as of 11 July 1999)	-
Tajikistan	-
The former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia
Tunisia	Tunisia
Turkey	Turkey
Turkmenistan	-
Ukraine	Ukraine
United Kingdom	United Kingdom
United States of America	-
Uruguay	-
Uzbekistan	Uzbekistan
Yugoslavia	-
European Community	
