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Seventieth session

Geneva, 13 June 2019

Report of the Administrative Committee for the TIR Convention 1975 on its seventieth session

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I. Attendance

1. The Committee (AC.2) held its seventieth session on 13 June 2019 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; China; Czech Republic; Denmark; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Latvia; Lithuania; Netherlands; 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 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.

II. Adoption of the agenda (agenda item 1)

5. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.2/140) and noted the corrigendum ECE/TRANS/WP.30/AC.2/142/Corr.1.

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

6. The Working Party was informed about changes in the status of the TIR Convention (1975) and the number of contracting parties. In particular, the Working Party took note that, since its previous session, the convention has entered into force for Argentina and Oman, and now has seventy-six contracting parties, whereas TIR operations can be established with sixty-two countries. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹

IV. Revision of the Convention (agenda item 3)

A. Phase III of the TIR revision process – Computerization of the TIR procedure – Annex 11 of the Convention

7. The Committee recalled that, at its previous session, further to the progress made by the Working Party on Customs Questions affecting Transport (WP.30) in finalizing and adopting the text of draft Annex 11 of the convention, it had started considerations of document ECE/TRANS/WP.30/2019/3-ECE/TRANS/WP.30/AC.2/2019/7, containing the required amendments to introduce eTIR in the legal text of the TIR Convention, 1975. It also took note of Informal document WP.30/AC.2 (2019) No. 8, containing editorial amendments made to the text of Annex 11 by the Working Party.

8. The Committee also recalled that, at its previous session, in conclusion of its first considerations, it had agreed that, before organizing an extraordinary session of AC.2 in June 2019, the experts from the Russian Federation and the secretariat should hold (Friends of the Chair) consultations to mainly provide clarifications and explanations on the concerns of the Russian Federation. If, after those consultations, the delegation of the Russian Federation would still believe that the text of Annex 11 should be amended to reflect its concerns, it agreed to provide, by 10 April 2019, in Russian and English, concrete amendment proposals to Annex 11 with appropriate explanations. The Federal Customs Service (FCS) of the Russian Federation provided the secretariat with its concrete comments and alternative text proposals, in Russian and English. In total, FCS proposed fifteen amendments.

¹ www.unece.org/tir/tir-depositary_notification.html

9. The Committee was also informed that due to the fact that, at the time of the submission of the agenda, the outcome of the consultations process was, as yet, unknown, the secretariat had prepared and tabled document ECE/TRANS/WP.30/AC.2/2019/8, containing the consolidated text of Annex 11 as transmitted by WP.30 to the Committee for its consideration.

10. The secretariat informed the Committee that two “Friends of the Chair” meetings had been organized. The first one took place in Moscow on 16 and 17 April 2019 and the second one in Geneva on 15 and 16 May 2019. The minutes of both sessions were contained in Informal document WP.30/AC.2 (2019) No. 9 and Informal document WP.30/AC.2 (2019) No. 10).

11. During the first Friends of the Chair meeting in Moscow and while considering the importance of the speedy implementation of eTIR for the future of the TIR Convention, it was proposed that, as an alternative to Annex 11, an eTIR protocol based on the text of Annex 11 should be tabled at the June 2019 session of the Committee (see ECE/TRANS/WP.30/AC.2/2019/10), as an alternative solution.

12. The Committee was informed by the secretariat that the experts during those meetings held very fruitful discussions and that they had been able to identify and agree on alternative wordings for all amendment proposals submitted by FCS. The alternative text aimed at, at least, clarifying as well as, in most of the cases, improving the text of Annex 11. Document ECE/TRANS/WP.30/AC.2/2019/9 included these new amendment proposals to the body of the Convention and Annex 11 as a result of the consultations. The secretariat informed the Committee that document ECE/TRANS/WP.30/AC.2/2019/9 replaced documents ECE/TRANS/WP.30/AC.2/2019/8 and ECE/TRANS/WP.30/AC.2/2019/10 and that it would be the only document for discussion during the session.

13. The delegation of the Russian Federation stated that the Russian Federation could accept all amendment proposals that were included in ECE/TRANS/WP.30/AC.2/2019/9 and expressed its readiness to adopt Annex 11. The delegation of Turkey welcomed the fruitful results obtained in the course of the Friends of the Chair meetings and the compromise text of Annex 11. The delegation of Turkey also expressed full support for document ECE/TRANS/WP.30/AC.2/2019/9 and stated its readiness to adopt it, pending minor amendments to be introduced in the course of the discussions. The delegation of the Netherlands stated that, in line with the position of the European Union, the Netherlands could not yet accept the proposals because document ECE/TRANS/WP.30/AC.2/2019/9 had been received very late and that more time was needed to study the document, since many changes had been introduced. The delegation of the Netherlands also stated that it was happy with the progress made with Annex 11 and welcomed the work of the secretariat in that respect. The delegation of the European Union informed the Committee that the European Union did not yet have a final position on the text of Annex 11, but that excellent use had been made of the time of the intersession and that it had come to the meeting with the aim to reach a text as close as possible to a final text.

14. The delegations of Azerbaijan, the Russian Federation, Turkey and Uzbekistan stated that they were ready to adopt the compromise wording of Annex 11 which constituted the result of the Friends of the Chair meetings, pending minor adjustments.

15. The Committee decided to discuss the new amendment proposals one by one, soliciting comments, proposals or provisional acceptance from delegations.

16. The additional text of Article 1, new paragraph (s) was provisionally accepted by the Committee including the word “Convention” after TIR in the last sentence which was missing only in the English text.

17. The Committee also provisionally accepted the additional wording of Article 3 paragraph (b) without any further comments.

18. Furthermore, the additional wording under new Article 60 *bis* which was pending advice from the United Nations Office of Legal Affairs–Treaty Section was provisionally accepted by the Committee following clarifications provided by the secretariat.

19. The additional sub-paragraph (xi) under Annex 9, Part 1, paragraph 3 was amended in order to limit the possible request from customs to information related to the TIR transport. The addition of the adjective “[available]” or “[available to them]” could accommodate the concerns of the associations on being requested data that they would not have (e.g. data about the goods or the TIR Carnet holder). The delegation of the Czech Republic stated not yet being in a position to accept this proposal until having consulted its national guaranteeing association.

20. New Article 1, paragraph 2 was amended in order to clarify that this paragraph refers to a contracting party not bound by Annex 11 rather than a customs or economic union not bound by Annex 11. The Committee provisionally accepted the amendment.

21. The definition “advance TIR data” was slightly amended in order to be aligned with the terminology of Article 6. No consensus could be found on whether or not the text in square brackets “[of the country of departure]” should be kept or deleted.

22. The definition of “declaration” was slightly amended² in order to be aligned with the wording of Article 7, paragraph 4.

23. Article 6, paragraph 1 was slightly amended³ in order to be aligned with the wording of Article 7, paragraph 4.

24. A new Explanatory Note 11.6.1 was tentatively added to Article 6⁴, aimed at clarifying that advance TIR data also needed to be submitted when the holder intends to make amendments to the declaration data.

25. The second sentence of the rationale of Article 6 was deleted.

26. The Committee did not have time to go through all amendment proposals of document ECE/TRANS/WP.30/AC.2/2019/9. The secretariat raised the possibility of organizing an intersession Friends of the Chair meeting in September 2019 with the participation of all interested contracting parties as well as the observer and the dissemination of the revised version of document ECE/TRANS/WP.30/AC.2/2019/9 through diplomatic channels to all contracting parties in order to accelerate the decision-making process. Some delegations were of the view that the use of diplomatic channels would rather slow down the process and that there was not sufficient time for internal consultations prior to the organization of a Friends of the Chair meeting. Finally, the Committee asked the secretariat to prepare a revised version of document ECE/TRANS/WP.30/AC.2/2019/9, based on the discussions held during the session with the request to disseminate it by electronic mail to all contracting parties for their consideration and comments at their earliest convenience but no later than 1 August 2019.

27. The Committee requested the secretariat to consolidate all comments received and submit them as a formal document for consideration at its next session with the prospect of finalizing the text of the amendments to the body of the Convention and Annex 11.

B. Accepted amendment proposals to the Convention pending formal adoption

28. This issue was not considered due to a lack of time.

² “declaration” was replaced by “declaration data”

³ “declaration” was replaced by “declaration data”

⁴ “When the holder intends to change the declaration data accepted by the competent authorities of the country of departure, advance TIR data shall also be submitted to the competent authorities of the country in which the holder will request an amendment to the declaration data. The competent authorities shall forward the amendment to the declaration data to the eTIR international system after they have been accepted it in line with national law.”

V. Other business (agenda item 4)

A. Date of next session

29. The secretariat informed the Committee that, due to the heavy workload of AC.2, WP.30 had exceptionally agreed that it would only meet on 15 and 18 October 2019, allowing for a two-day meeting of AC.2 on 16 and 17 October 2019. The Committee decided that its seventy-first session would take place on 16 and 17 October 2019.

B. Restriction on the distribution of documents

30. The Committee decided that there would be no restriction on the distribution of documents issued in connection with its current session.

C. List of decisions

31. Following a decision by the Committee, a list of decisions was attached to the final report.

VI. Adoption of the report (agenda item 5)

32. In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report of its seventieth session on the basis of a draft prepared by the secretariat. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages and underscored the importance of ensuring that the report be made available in all three working languages well in advance of its next session.

Annex**List of decisions taken at the seventieth session of the
Administrative Committee**

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
25	Prepare a revised version of document ECE/TRANS/WP.30/AC.2/2019/9 based on the discussions held during the session and disseminate it by electronic mail to all contracting parties for their comments	Secretariat	
25	Provide comments to the revised version of document ECE/TRANS/WP.30/AC.2/2019/9	Committee	1 August 2019
26	Consolidate all comments received and submit a formal document for the next session of the Committee in October	Secretariat	8 August 2019
