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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee for the

TIR Convention, 1975

(26 June 1998)

**PROVISIONAL AGENDA FOR THE TWENTY-FIFTH
SESSION OF THE ADMINISTRATIVE COMMITTEE ^{*/}**

**to be held at the Palais des Nations, Geneva,
starting at 10 a.m. on Friday, 26 June 1998**

^{*/} 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 documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the ECE secretariat (ECE Transport Division, Fax: + 41-22-917-0039; E-mail: martin.magold@unece.org). Missing documents may also be printed or downloaded from the home page of the ECE Transport Division (www.unece.org.trans) in English and French only. During the meeting, missing documents may be obtained from the United Nations Documents Distribution Section (room C.111, 1st floor, Palais des Nations, Geneva).

PLEASE NOTE: The distribution of documents of the Inland Transport Committee and its subsidiary bodies is no longer "restricted". Accordingly, the secretariat has adopted a new numbering system whereby all documents other than reports and agendas of Working Parties will be numbered as follows: TRANS/WP.30/year/serial number. Reports and agendas of Working Parties will retain their previous numbering system (e.g., TRANS/WP.30/177).

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EXPLANATORY NOTES

The ECE ad hoc Group of Experts on Phase II of the TIR revision process will hold its second session in conjunction with the session of the Administrative Committee, from 24 to 26 June 1998, starting at 10.00 a.m. on Wednesday, 24 June 1998 (Palais des Nations, Geneva). Representatives of Contracting Parties to the TIR Convention, 1975 are also invited to participate in the session of the group of experts. The agenda as well as relevant documents may be obtained from the ECE secretariat.

* * *

It is recalled 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 1 June 1998 the number of States, Contracting Parties to the Convention will be sixty-two.

1. ADOPTION OF THE AGENDA

The Committee may wish to consider and adopt the agenda of its present session as prepared by the ECE secretariat (TRANS/WP.30/AC.2/50).

2. STATUS OF THE TIR CONVENTION, 1975

The Committee will be informed of the situation concerning the scope and the number of Contracting Parties to the TIR Convention, 1975. A list of Contracting Parties to the Convention is contained in annex 1 to the report of the Committee at its twenty-fourth session (TRANS/WP.30/AC.2/49).

On 2 April 1998 the Government of Kyrgyzstan has deposited an instrument of accession to the Convention.

3. REVISION OF THE CONVENTION

(a) Status of the revision process

The Administrative Committee may wish to note that on 17 November 1997 the Legal Office of the United Nations in New York has issued depositary notification C.N.433.TREATIES-1 containing the amendment proposals adopted by the Committee on 27 June 1997 under phase I of the TIR revision process. Copies of this depositary notification may also be obtained from the ECE secretariat.

As the Administrative Committee had decided that the amendment procedure in line with article 59 of the Convention should apply, all amendment proposals could, if no objections were raised, come into force 15 months following the date of communication of the proposed amendments by the Secretary-General of the United Nations through the above-mentioned depositary notification, i.e on 17 February 1999.

In this context, the Administrative Committee may wish to recall that the ECE secretariat has issued a corrigendum to the report of its twenty-third session (26 and 27 June 1997) containing in annex 2 the adopted amendment proposals (TRANS/WP.30/AC.2/47 and Corr.1). This corrigendum, the content of which has not been reflected in the above Depositary Notification, rectifies two typing errors in the adopted amendment proposals.

(b) National procedures for the implementation of the amendment proposals under phase I of the TIR revision process

The Administrative Committee, at its twenty-fourth session, expecting that by 17 November 1998 no objection would have been raised to the amendment proposals adopted under phase I of the TIR revision process, had requested all competent authorities of Contracting Parties, national associations and the IRU to implement in a cooperative spirit, at the latest as of 17 November 1998, all required new provisions, particularly those contained in new annex 9, Part I and Part II of the revised Convention (as contained in document TRANS/WP.30/AC.2/47, annex 2). The ECE secretariat should be informed of progress made in the implementation of these provisions at the national and international levels (TRANS/WP.30/AC.2/49, paras. 16 and 17).

The Administrative Committee may wish to reiterate this position and may be informed of progress made in the implementation of the amendment proposals adopted under phase I of the TIR revision process.

(c) Implementation of phase I of the TIR revision process

- Implementation of new annex 9, Part I, paragraph 1 (f)(v) of the Convention

At its twenty-fourth session, the Administrative Committee, on being informed of the results of the deliberations of the ECE Working Party on Customs Questions on this matter (TRANS/WP.30/180, paras. 19-23), endorsed in principle a comment prepared by the Working Party on the application of annex 9, Part I, paragraph 1 (f)(v) of the Convention as contained in annex 2 to the report of its twenty-fourth session (TRANS/WP.30/AC.2/49, annex 2). This comment should ensure a harmonized approach by Customs authorities in the application of the new provisions in Annex 9, Part I, paragraph (f)(v) of the Convention on coverage of liability by national associations which was indispensable in order to ensure a stable and efficient international guarantee system under the TIR regime.

The ECE secretariat has now been informed by insurance experts, that national legislation in a number of Central and Eastern European countries did not allow national associations to become parties to an international insurance contract. Furthermore, national legislation in a number of Contracting Parties to the Convention prohibited insurance cover against intentional damages. For these reasons, it would be virtually impossible for certain national associations to sign the global insurance contract concluded between the international global insurers and each of the member associations of the IRU as beneficiaries as is foreseen in the above comment.

The Administrative Committee may wish to consider these issues and may decide whether the comment already adopted in principle should be amended in this respect.

The Administrative Committee may also wish to consider and possibly decide on a specific time period to give notice for the termination of the global insurance contract. Such a specific time period is to be included into paragraph (d) of the above comment (see also TRANS/WP.30/180, para. 22).

- Procedures for the initial election of members of the TIR Executive Board

The Administrative Committee may wish to recall that, at its twenty-fourth session, it had adopted provisionally, i.e until annex 8, article 9, paragraph 2 of the revised Convention would come into force, the Terms of Reference of the TIR Executive Board (TIRExB) which were contained in annex 3 to its report (TRANS/WP.30/AC.2/49, annex 3).

The Administrative Committee had also endorsed Rules of Procedure of the TIRExB as contained in annex 4 to its report (TRANS/WP.30/AC.2/49, annex 4).

With regard to the proposed comment or “gentleman’s agreement” on the procedures to be followed for the initial election of members of the TIRExB as had been prepared by a special meeting (TRANS/WP.30/AC.2/1998/1), the Administrative Committee could only agree to replace the headings of the proposed country groups by consecutive numbers, i.e. Group 1, Group 2, etc. No consensus could be reached on the number of groups and the composition of the groups. As the Administrative Committee had been of the view that an agreement on these procedures would be extremely useful for the initial elections of the members of the TIRExB before the Administrative Committee proceeded, possibly at its February 1999 session, with their election, it decided to re-convene the Administrative Committee on 26 June 1998 to consider this matter. The comment as prepared by the special meeting should serve as a basis for discussion (TRANS/WP.30/AC.2/49, paras. 27 and 28).

The Administrative Committee may wish to re-consider this comment as contained in document TRANS/WP.30/AC.2/1998/1 with a view to taking a consensus decision on the procedures to be followed for the initial election of members of the TIRExB.

4. OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

To date the ECE secretariat has not received any other proposals for amendments to the Convention. Any amendment that may be submitted in due time before the session will be circulated.

5. APPLICATION OF THE CONVENTION

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

The Administrative Committee may wish to be 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 all Contracting Parties utilizing the TIR procedure, aims at achieving the following main objectives: (a) confirmation of the final discharge of TIR Carnets 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 discharged TIR Carnets allowing Customs authorities to identify quickly relevant Customs offices with a view to obtaining evidence on the final discharge of TIR Carnets.

In order to be effective, the EDI control system has to cover all finally discharged TIR Carnets, requires a high frequency in the transmission of data from Customs authorities and demands a very low error rate. To assist in the efficient implementation and application of the system, the ECE secretariat will convene, whenever required as mandated by the ECE Working Party, an informal expert group, including Customs experts, to fine-tune the system and to prepare corollary measures, if necessary, to further improve the effectiveness of the system (TRANS/WP.30/166, para. 25).

At the eighty-ninth session of the ECE Working Party on Customs Questions affecting Transport, the representatives of the IRU had announced that in due course the IRU would make available on-line information on discharged TIR Carnets as well as on stolen or otherwise "invalid" TIR Carnets to interested Customs authorities by means of either (a) telephone lines using a PC and a modem; (b) the Internet or by (c) e-mail systems. These facilities would improve inquiry procedures by Customs authorities to obtain precise information about the place and the time of discharge of TIR Carnets (TRANS/WP.30/178, paras. 41-45).

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 voucher in the TIR Carnet, mainly to reduce the amount of erroneous information and the ensuing reconciliation work, the ECE Working Party recommended to the Administrative Committee to add this type of information as a further obligatory data element to be provided by Customs authorities. The ECE

secretariat was requested to transmit this recommendation to the Administrative Committee together with suggestions on an agreed procedure for the reconciliation of incompatible data. The IRU was invited to make appropriate proposals in this respect (TRANS/WP.30/178, para. 46).

Due to lack of time, the Administrative Committee, at its twenty-fourth session, was not in a position to consider this item and decided to take it up at its present session (TRANS/WP.30/AC.2/49, para. 36).

6. OTHER BUSINESS

(a) Date of next session

The Administrative Committee may wish to decide on the date for its next session.

In line with the programme of work of the ECE Working Party on Customs Questions affecting Transport relating to phase II of the TIR revision process (TRANS/WP.30/178, paras. 95-101) and taking account of a decision taken by the Administrative Committee at its twenty-fourth session, the ECE secretariat has already scheduled the twenty-sixth session of the Administrative Committee to be held on 25 and 26 February 1999.

(b) Restriction on the distribution of documents

The Administrative 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.

7. ADOPTION OF THE REPORT

In accordance with annex 8, article 7 of the TIR Convention, 1975, the Administrative Committee will adopt the report on its twenty-fifth session on the basis of a draft prepared by the ECE secretariat.
