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Fifty-first session

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

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I. Attendance

1. The Committee held its fifty-first session on 3 February 2011 in Geneva.
2. The session was attended by representatives of the following countries: Afghanistan; Albania; Algeria; Armenia; Austria; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Canada; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Israel; Italy; Jordan; Kazakhstan; Kuwait; Kyrgyzstan; Latvia; Lebanon; Lithuania; Luxembourg; Malta; Mongolia; Montenegro; Netherlands; Norway; Poland; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; The former Yugoslav Republic of Macedonia; Tunisia; Turkey; Ukraine; United States of America; United Arab Emirates; Uruguay; Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organization was represented as observer: Economic Cooperation Organization (ECO). The following non-governmental organization was represented as observer: International Road Transport Union (IRU).
4. The Administrative 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)

Documentation: ECE/TRANS/WP.30/AC.2/104

5. The Administrative Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/104.

III. Election of officers (agenda item 2)

6. The Committee elected by acclamation Ms. L. Harantova (Czech Republic) and Mr. G-H. Bauer (Switzerland) as Chair and as Vice-Chair for its sessions in 2011.

IV. Status of the TIR Convention, 1975 (agenda item 3)

7. The Committee was informed that there had been no changes in the status of the Convention and in the number of Contracting Parties. It also noted the number of TIR Carnets distributed by IRU to various national associations in 2010, as contained in Informal document No. 5 (2011), which is 27 per cent higher than the figure for 2009.

V. Activities and administration of the TIR Executive Board (agenda item 4)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2011/1

8. The Committee endorsed document ECE/TRANS/WP.30/AC.2/2011/1, containing the report of TIRExB at its 43rd session, which took place in May 2010 in Istanbul, at the kind invitation of the Turkish Customs authorities.

9. The Chair of the TIRExB informed the Committee of the results of the forty-fifth session of the Board, which took place on 31 January 2011:

(a) TIRExB adopted the text of a draft recommendation on filling in of the TIR Carnet and the treatment of those vouchers which have not been filled in previously by the TIR Carnet holder or by Customs, as contained in document ECE/TRANS/WP.30/AC.2/2011/5.

(b) TIRExB was briefed on the latest developments with regard to the eTIR project and expressed its wish to contribute more to these activities.

(c) TIRExB continued its discussions on the procedure prior to the suspension of the TIR guarantee in the territory of a Contracting Party, on the basis of a contribution submitted by IRU. The Board deplored the quality of the document, which did not shed any light on the activities of the guarantee chain prior to the decision by the global insurer to suspend the guarantee in the territory of a Contracting Party. Nor did the document sufficiently clarify the role of the national insurer or the fact that the TIR Carnet holder, although having to pay an insurance premium twice (once for the national insurance layer and once for the global insurance layer) at no time seems to benefit from the insurance. TIRExB will continue its discussions at the next session.

(d) TIRExB was informed by IRU of the change of the global insurer as of 1 January 2011 and of the signature of the new global insurance contract in November 2010. The Board regretted that IRU had not notified the other parties involved in the TIR system of these forthcoming changes well in advance, although already at the beginning of 2010 the former global insurer, Zurich, had expressed its intention not to continue the global insurance contract with IRU. In the view of the Board, this lack of transparency could have jeopardized the continuity of the international guarantee chain. Although the new insurance contract with AXA seems almost identical to the previous one with Zurich, TIRExB pointed at some important changes, which IRU was invited to explain.

(e) TIRExB reiterated its willingness to cooperate with the guarantee chain on the issue of invalid and invalidated TIR Carnets issued to authorized TIR Carnet holders, but repeated that, as long as there is no internationally recognized mechanism, the guarantee chain will have to accept that, as a rule, all TIR Carnets, issued by national associations and presented for acceptance at the Customs office of departure before or on the final date of validity, are valid. In conclusion of this topic, TIRExB established that there seems to be a divergence between the legal provisions of Articles 3, 6 and 9 which clearly stipulate that TIR Carnets issued by national associations bear a valid guarantee provided they are accepted by Customs before or on the final date of validity set by the association and the practice, where Customs agree to take account of information distributed by IRU through the CuteWise system on invalid and invalidated TIR Carnets in

as far as such information has been duly transmitted to the Customs authorities and been properly disseminated at the national level.

(f) TIRExB finalized its in-depth review of the WCO e-learning course on TIR. Apart from an extensive list of specific comments, TIRExB expressed the view that:

- The course seems to be mainly aimed at the private sector and requires numerous amendments before it can become really useful for Customs officials. For example, a number of TIR Customs issues, such as approval of vehicles, are not addressed by the course.

- The course does not always follow the provisions, principles and terminology of the TIR Convention;

- Certain parts seem to be more aimed at promoting IRU and its IT tools, such as SafeTIR or TIR-EPD, rather than reflecting the official WCO position (as in the case, for example, of the module on the WCO Safe Framework of Standards).

(g) Finally, the TIRExB adopted the review of its activities during the 2009–2010 term of office.

10. The Committee took note of the overview of the main accomplishments of TIRExB during its 2009–2010 term of office, as contained in Informal document No. 4 (2011), together with a list of recommendations for the next composition of TIRExB, which the Committee was invited to take into account when adopting the programme of work of TIRExB during its 2011–2012 term of office. In particular, it was recommended that AC.2 provide a mandate to TIRExB which would allow it to reinforce its role in the process of computerization of the TIR procedure and to dedicate more time and resources towards the establishment of the eTIR international system. The Committee noted these recommendations and thanked TIRExB for its extensive work during the 2009–2010 term.

2. International TIR Data Bank

11. The Committee was informed of the status of transmission of documents and data to the International TIR Data Bank (ITDB) (Informal document No. 6 (2011)). The Committee also took note of progress made in the implementation of the ITDBonline+ project. The ITDBonline+ website was awaiting a security audit and would soon become operational.

3. Online United Nations Economic Commission for Europe register of Customs Sealing Devices and Customs Stamps

12. The Committee was reminded that the online UNECE Register of Customs Sealing Devices and Customs Stamps is an important tool for Customs officials who could receive access to it upon request of the TIR Customs Focal Points.

4. National and regional TIR workshops and seminars

13. The Committee was informed about the forthcoming regional TIR seminar in Bosnia and Herzegovina (Sarajevo, 29 and 30 March 2011). IRU welcomed this event, as Bosnia and Herzegovina had only recently started implementing the TIR procedure, and informed the Committee about its plans to organize a number of training and capacity building events in various countries. The Committee also noted the intention of ECO to organize a conference on TIR in the near future and to invite partner organizations to take part in this event.

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

1. Status report on the accounts for 2010

14. The Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. As the competent Finance Services of the United Nations had not yet been in a position to formally finalize the accounts for 2010, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2011 for formal approval.

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

Documentation: ECE/TRANS/WP.30/AC.2/89

15. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2011 had been approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/103, para. 14). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat in 2011 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2010.

16. The Committee also recalled the amount per TIR Carnet (US\$ 0.3425) approved at its previous session (ECE/TRANS/WP.30/AC.2/103, para. 14). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to CHF 0.3294 and, thus, the individual amount to invoice per TIR Carnet distributed in 2011 would be CHF 0.33 (rounded).

17. 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 2011 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, in 2010 there was an excess (i.e. more was received than initially transferred) of CHF 342,384.60. The IRU will transfer this excess to the UNECE named bank account before 15 March 2011. This amount will be reflected in the UNECE TIR account to be taken into account for the next budget year.

3. Audit by the United Nations Office of Internal Oversight Services

18. The Committee noted that the last outstanding recommendation by the Office of Internal Oversight Services (OIOS) concerning the introduction of a new part III to Annex 9 of the Convention on the conditions and requirements for the authorization of an international organization had been closed by OIOS.

C. Election of members of the TIR Executive Board

Documentation: Informal document Nos. 1 and 2 (2011)

19. The Committee recalled that, at its previous session, it had authorized the UNECE secretariat to solicit candidates in October – November 2010, to close the list of candidates on 10 December 2010 and, on the next working day, on 13 December 2010 to issue the official list of candidates for distribution to all Contracting Parties (ECE/TRANS/WP.30/AC.2/103, para. 18). The procedures for the nomination and election were contained in Informal document No. 1 (2011). The Committee noted that the

secretariat had proceeded accordingly and that the names of the candidates had been circulated by the secretariat on 13 December 2010.

20. In accordance with the approved election procedure and on the basis of the list of nominated candidates (Informal document No. 2 (2011)), the Committee proceeded with secret ballot. The following results were obtained and confirmed by the TIR Secretary:

Registered votes: 59

Valid votes: 59

Invalid votes: 0

Blank votes: 0

21. The following nine persons, who obtained a majority of votes of the Contracting States present and voting, were elected as members of TIRExB for a term of office of two years (in English alphabetical order of their last names):

DUBIELAK, Anna (Poland)

KORSHUNOVA, Larisa (Russian Federation)

KÖSEOĞLU, Hasan (Turkey)

LINDSTRÖM, Henrik (Finland)

LUHOVETS, Valeriy (Ukraine)

MAKHOVIKOV, Igor (Belarus)

MANTA, Manuela (European Commission)

METAXA-MARIATOU, Helen (Greece)

MILOŠEVIĆ, Veselin (Serbia)

22. The Committee stressed that the members of the TIRExB were elected in their personal capacity, with the mandate to work towards the sustainability of the TIR procedure. The Committee also recalled that, in accordance with Explanatory Note 8.13.1–2 of the Convention, the work of the members of the TIRExB is financed by their respective Governments.

VI. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system (agenda item 5)

Documentation: ECE/TRANS/WP.30/AC.2/2011/2

23. The Committee considered document ECE/TRANS/WP.30/AC.2/2011/2 by the secretariat, containing an analysis of Article 6.2 bis and its Explanatory Note 0.6.2 bis-2 with regard to the relationship between the authorization of an international organization and the written agreement between this organization and UNECE. According to the document, (i) the authorization granted by AC.2 remains without effect until the international organization has accepted its responsibilities and (ii) the Convention stipulates that the only legally acceptable form of acceptance for the international organization is by signing the agreement with UNECE, leaving any other form of acceptance (orally or in writing) without legal consequence.

24. In reply to a question why this document had been prepared without a specific mandate by AC.2, the secretariat clarified that the underlying document related to the

fulfilment of the general mandate entrusted to the secretariat and had been prepared as a result of observations made at the previous session (ECE/TRANS/WP.30/AC.2/103, para. 25), thus sparing the need for a specific mandate. This issue had been included in the provisional agenda in accordance with Rule 6 (a) of the Rules of procedure of UNECE as an item arising from the previous session. In addition, Rules 6 (e) and 23 give the secretariat the freedom to include in the provisional agenda any item that the secretariat sees fit to include as well as to make written statements concerning any question under consideration at any meeting. The Committee also noted that, according to Article 8 of Annex 8 to the TIR Convention, in case of absence of specific provisions in this Annex, the Rules of procedure of UNECE should apply. The delegation of Iran (Islamic Republic of) was of the view that the legal aspects of the secretariat's view on the preparation of documents on the basis of the UNECE Rules of Procedure, without mandate by the Committee, should be studied in more detail in accordance with the provisions of the Committee's Rules of Procedure.

25. The majority of delegations supported the conclusions of document ECE/TRANS/WP.30/AC.2/2011/2. A few delegations reserved their position on the document, due to its late availability in all official languages and the need for further consultations at the national level. For this reason, the Committee decided to postpone a final decision until the next session.

26. The Committee was informed that IRU had changed the TIR global insurer and had signed a new global insurance contract. A copy of the global insurance contract was reproduced in Informal document No. 3 (2011), which was distributed by the secretariat upon request. Following a brief exchange of views, the Committee recalled that the content of the contract was under discussion by TIRExB (see para. 9 (d) above) and requested this body to report back to the Committee with its findings.

VII. Authorization for the conclusion of an agreement between United Nations Economic Commission for Europe and International Road Transport Union (agenda item 6)

Documentation: ECE/TRANS/WP.30/AC.2/2007/14/Rev.1, Informal document No. 7 (2010)

27. The Committee was informed that, on 19 November 2010, a new agreement for 2011–2013 had been signed between UNECE and IRU. The text of the agreement was identical to the draft approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/2007/14/Rev.1).

28. The Committee reverted to the two outstanding proposals of IRU (Informal document No. 7 (2010)) and noted that no delegations were in favour of those.

29. IRU recalled that Articles 6.1 and 7.1 of the agreement provide for the opportunity to amend it in case of change of circumstances and, respectively, to settle any dispute by negotiation between the parties and declared its readiness to work further with UNECE. In reply, the secretariat pointed out that, if need be, it would be prepared for discussions on the basis of mandates by AC.2. Upon proposal by the Chair, the Committee invited the secretariat and IRU to discuss such issues on a bilateral basis and to report back to AC.2 at its next session.

VIII. Revision of the Convention (agenda item 7)

A. Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet

30. The Committee noted that no progress had been made on this issue, due to the fact that, so far, none of the eight countries which had raised objections to the underlying amendment proposal had informed AC.2 of changes in their position. The Committee encouraged countries, that had not yet clarified the rationale behind their objections, to do so. Pending such information, the delegations of the Republic of Belarus, Russian Federation and Ukraine, requested that this issue be kept on the agenda.

B. Other proposals for amendments to the Convention

Documentation: ECE/TRANS/WP.30/AC.2/2010/3/Rev.1, ECE/TRANS/WP.30/AC.2/2010/4/Rev.1

31. Having highlighted the significant efforts made by various Contracting Parties in the preparation of the amendment proposals to Articles 1, 8, 10, 11 and Annex 6, as contained in document ECE/TRANS/WP.30/AC.2/2010/3/Rev.1, the Committee adopted these amendment proposals.

32. The Committee also adopted the amendment proposals to Annex 9, Part I, laid down in document ECE/TRANS/WP.30/AC.2/2010/4/Rev.1, and, according to Article 60, decided that they would come into force on 1 January 2012 unless five objections had been raised by 1 October 2011.

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

33. The Committee took note of the WP.30 considerations on this issue (ECE/TRANS/WP.30/254, paras. 24–26), in particular, information on the forthcoming session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) that would take place in Geneva on 9 and 10 March 2011. It also urged Contracting Parties to actively participate in the GE.1 meetings.

IX. Application of the Convention (agenda item 8)

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

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

34. The Committee welcomed the presentation of the results of the survey concerning the implementation of the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet, as contained in document ECE/TRANS/WP.30/AC.2/2011/3. It noted that some discrepancies between the answers from associations and those from Customs administrations were possibly due to confusion between the requirements of national transit and those for the TIR procedure. The Committee recognized the need to further discuss the results of the survey at its next session and acknowledged that the large majority of respondents were, in principle, in favour of amending the TIR Convention to

include the mandatory indication of the HS code. The delegation of Turkey recalled its view that, at this stage, should the use of the HS code on the TIR Carnet become mandatory, it would insist on the introduction of an Explanatory Note to the Convention, stipulating that the holder shall not be liable in cases of inconsistencies between the goods and HS code and/or between the plain language description of the goods and the HS code that is written on the TIR Carnet (ECE/TRANS/WP.30/234, paras. 28-30).

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

Documentation: ECE/TRANS/WP.30/AC.2/2011/4

35. The Committee endorsed the introduction of a new comment to Annex 1 of the Convention dealing with the issue how Customs authorities should treat a TIR Carnet in case a TIR transport is refused entry into the territory of a country, together with a corresponding example of best practice (ECE/TRANS/WP.30/2011/4). The secretariat informed the Committee that the comment and best practice would be published on the TIR website and included in the next update of the TIR Handbook.

X. Best practices (agenda item 9)

Documentation: ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2010/13, Informal document No. 9 (2010), ECE/TRANS/WP.30/AC.2/2011/5.

36. The Committee recalled its previous discussion regarding the use of the TIR Carnet by sub-contractors (ECE/TRANS/WP.30/AC.2/101, para. 30). In view of its complexity, the Committee decided to revert to this issue at its next session.

37. The Committee endorsed the introduction of a new example of best practice laid down in document ECE/TRANS/WP.30/2011/5, dealing with the treatment of additional pages in the TIR Carnet which are left empty by TIR operators or Customs because they exceed the number of pages required for a particular TIR transport, subject to the following changes: (i) after the title *add* a footnote *to read* "In case of consecutive use of two TIR Carnets, please refer to paragraph 25 of this Chapter"; (ii) in points (a), (b) and (c) *for agents read* representatives; (iii) in point (d) *for agent read* representative. The Committee requested that the example of best practice be published on the TIR website and included in Chapter 7 of the TIR Handbook.

XI. Other business (agenda item 10)

A. Date of next session

38. The Committee decided to hold its fifty-second session on 6 October 2011, in conjunction with the 129th session of WP.30.

B. Restriction on the distribution of documents

39. The Committee decided that the distribution of Informal documents No.2 (2011) and No. 3 (2011) would be restricted.

XII. Adoption of the report (agenda item 11)

40. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its fifty-first 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.
