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Fifty-seventh session

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

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I. Attendance

1. The Administrative Committee for the TIR Convention (AC.2) held its fifty-seventh session on 6 February 2014 in Geneva.
2. The session was attended by representatives of the following countries: Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kyrgyzstan; 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. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organizations were present as observers: Economic Cooperation Organization (ECO), Eurasian Economic Commission (EEC).
4. The following non-governmental organizations were present as observers: Fédération Internationale de l'Automobile (FIA); Hellenic Federation of International Road Transports (OFAE); International Road Transport Union (IRU).
5. The Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States that are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.
6. 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 and reminded the Committee that it had several other important issues on its agenda, which required due consideration and decision.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/116

7. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/116, subject to the following change: agenda item 8 (a) will be discussed after agenda item 4. The rest of the agenda remained unchanged.

III Election of officers (agenda item 2)

8. The Committee elected by acclamation Mr. Guilhem Andrieu (France) as Chair for its sessions in 2014. Due to the absence of candidates, the Committee was not in a position to elect a Vice-Chair. Governments were encouraged to nominate a candidate for election as Vice-Chair at its October 2014 session.

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

9. The Committee recalled that the proposals to amend Article 6.2 bis and Annex 9 of the Convention entered into force on 10 October 2013 for all Contracting Parties (C.N.433.2013.TREATIES-XI.A.16). The Committee further noted that no changes in the status of neither the Convention nor the number of Contracting Parties had taken place. Thus, the TIR Convention has, to date, 68 Contracting Parties (including the European

Union) and is operational in 58 countries. More detailed information on these issues as well as on various Depositary Notifications is available on the TIR website.¹

10. The Committee noted that IRU had distributed 2,920,150 TIR Carnets to national associations in 2013, which is 238,150 or about 7 per cent less than in 2012 (Informal document WP.30/AC.2 No. 3 (2014)). The Committee further noted Informal document WP.30/AC.2 No. 5 (2014), submitted by IRU in accordance with the provisions of Annex 9, Part III, Article 2 (e) of the Convention, providing statistical data on the number of TIR Carnets distributed to each Contracting Party, broken down by type.

11. The Committee recalled that, at its fifty-fifth session (February 2013), it had provisionally adopted amendments to Annex 6, Explanatory Notes 9.II.4 and 9.II.5 (ECE/TRANS/WP.30/AC.2/113, paras. 30–31), as well as to Annex 1, page 11, point (5) and Annex 6, Explanatory Note 0.8.3, point (5) (ECE/TRANS/WP.30/AC.2/113, para. 35), but had decided to postpone determining the deadlines as set by Article 60 (See ECE/TRANS/WP.30/AC.2/113, paras. 31 and 35). Similarly, the Committee recalled that at its fifty-sixth session (October 2013), it had adopted a new Explanatory Note 0.38.2 but had 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 of amendments (ECE/TRANS/WP.30/AC.2/115, paras. 43–44).

V. Activities and administration of the TIR Executive Board (TIRExB) (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.2/2014/1, ECE/TRANS/WP.30/AC.2/2014/2, ECE/TRANS/WP.30/AC.2/2014/3

12. The Committee endorsed the report of the TIR Executive Board (TIRExB) at its fifty-third (June 2013), fifty-fourth (August 2013) and fifty-fifth (October 2013) sessions (ECE/TRANS/WP.30/AC.2/2014/1, ECE/TRANS/WP.30/AC.2/2014/2 and ECE/TRANS/WP.30/AC.2/2014/3, respectively) and was informed by the Chair of TIRExB about the major considerations and decisions taken at the fifty-sixth (December 2013) and fifty-seventh (February 2014) sessions.

13. At its fifty-sixth session (Rome, 3–4 December 2013), TIRExB, inter alia, discussed the situation in the Russian Federation after the announcement of 29 November 2013 by the Federal Customs Service (FCS) that the FCS–ASMAP (Association of International Road Transport Carriers) agreement had been extended until 1 July 2014. Although this would have assumed that the guarantees provided by ASMAP in the framework of the TIR Convention would continue to be valid in the Russian territory, it had transpired that the FCS measures remained in force and had even been extended, so that at that time only some customs offices in the north-west region still accepted TIR Carnets. In order to address the situation, TIRExB issued a statement on the functioning of the TIR Convention in the Russian Federation after 1 December 2013. The statement welcomed the decision by FCS to postpone the deadline for the termination of the existing FCS–ASMAP agreement, while, at the same time, appealed to the Russian government to lift the measures which restricted the use of TIR Carnets, and to ensure that the principles of international law are respected.

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

14. At the session, TIRExB also adopted a recommended procedure to follow in communicating measures that affect the functioning of the TIR system as well as proposals to amend the text of Annex 9, Part I, paragraph 3 (vi), which had been submitted to the Committee for consideration. Finally, TIRExB had resumed discussion on the use of authorized consignors in TIR. Fully aware of the complications and potential restrictions possibly imposed by the current text and practice of the TIR Convention, TIRExB decided to engage in the discussions with an open mind and focus fully on potential options rather than existing restrictions.

15. At its fifty-seventh session (Geneva, 3 February 2014), TIRExB revisited the situation in the Russian Federation based on an assessment prepared by the secretariat in cooperation with IRU. In order to clarify a number of issues with regard to the current situation and due to the absence of its member from the Russian Federation, TIRExB, formulated a set of nine questions. The secretariat was requested to transmit these questions to the representatives of FCS attending the fifty-seventh session of the Committee for their reply at the session, or in writing, at a later stage. The list of questions is contained in Annex II to the report.

16. Finally, TIRExB adopted a comment to Annex 4 of the Convention, dealing with the format of the certificate of approval, which will be submitted to the Committee for further consideration.

2. Monitoring the prices of TIR Carnets

17. The Committee noted the fact that many associations have submitted the prices of TIR Carnets to TIRExB, as required by the provision of Annex 9, Part I, Article 3 (vi). The Committee welcomed the proposals by TIRExB to clarify the deadline for submission, which it would discuss later on during the session.

18. In reply to a request by TIRExB to clarify further its function of monitoring the prices of TIR Carnets, including the right to make such data publicly available, the Committee established that one of the tasks of TIRExB was providing full transparency in applying the TIR Convention. As a consequence, any data such as but not limited to the prices of TIR Carnets should, as a rule, be made publicly available, unless arguments justified not doing so. Considering that the international organization and national associations are required within the context of an international legal instrument to submit information to TIRExB and/or the TIR Administrative Committee, this information belongs to the public domain. Consequently, any mention of a disclaimer or limitation in the distribution by national associations should be disregarded. IRU supported this clarification and informed the Committee that it would instruct its national associations not to include a disclaimer when submitting the requested information in the future. With regard to the function of TIRExB to monitor the prices of TIR Carnets, the Committee decided to revert to the issue at its next session.

3. International databases and electronic tools of the TIR secretariat

Documentation: ECE/TRANS/WP.30/AC.2/2014/4

19. The Committee took note of Informal document WP.30/AC.2 No. 1 (2014), providing information about the status of transmitting data to the International TIR Data Bank (ITDB). The Committee welcomed the successful integration of the Finnish NCTS/TIR with the ITDB Web Service (ITDBWS) and encouraged other Contracting Parties to follow this excellent example.

20. The Committee was informed about the progress made in implementing ITDB online+ and other IT projects managed by the TIR secretariat.

21. The Committee considered a proposal by TIRExB to launch an electronic database on customs offices approved for TIR operations, as contained in document ECE/TRANS/WP.30/AC.2/2014/4. It invited TIRExB to start working on this project, in line with TIRExB's Terms of Reference, item 8, sub-item (a), taking into account existing national and regional initiatives on the matter and on the assumption that the database could be developed and maintained by the TIR secretariat within the current resources of TIRExB. The Committee invited all interested Contracting Parties to provide their comments on the project to the secretariat and to indicate if they would like to be involved. Furthermore, while agreeing with the need for an international customs offices database, in particular for the implementation of eTIR, the delegation of the EU underlined that the maintenance of such an international database should not require additional resources for those Contracting Parties which have already implemented similar systems, nationally or regionally. In this respect, the Committee took note that the regular updating of the customs office database will have to be made possible both by means of an automatic exchange of information between systems and, manually, using a web interface. The Committee requested TIRExB to keep it informed of any further developments in this area.

4. National and regional TIR workshops and seminars

22. The Committee was informed that the TIR secretariat had been providing substantive contribution to the programme of the Border Management Staff College (Dushanbe) established by the Organization for Security and Co-operation in Europe (OSCE) and to workshops of the EuroMed Project in Algeria and Tunisia.

23. The secretariat repeated its offer to assist countries wishing to organize national or regional TIR workshops and seminars.

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

1. Status report on the accounts for 2013

24. The Committee noted that the Finance Services of the United Nations had not yet been in a position to finalize the accounts for 2013. Therefore, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2014 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.2/115, ECE/TRANS/WP.30/AC.2/89

25. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2014 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/115, para. 33). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat for the year 2014 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2013.

26. The Committee also recalled the amount per TIR Carnet (US\$ 0.46) approved at its previous session (ECE/TRANS/WP.30/AC.2/115, para. 34). 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 SwF 0.4217 and, thus, the amount to be invoiced per TIR Carnet distributed in 2013 would be SwF 0.42 (rounded).

27. The Committee noted 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 13 January 2014, 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 2013, there was an excess (i.e. more was received than initially transferred) of SwF 195,339 (rounded). The IRU will transfer this excess to the UNECE account before 15 March 2014. This amount will be reflected in the UNECE TIR account to be taken into consideration for the next budget year.

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, ECE/TRANS/WP.30/AC.2/2012/11/Rev.3

28. The Committee reconsidered the proposals by Iran (Islamic Republic of) to modify the number of members and the geographical representation of TIRExB (ECE/TRANS/WP.30/AC.2/2013/2). The delegation of the Russian Federation informed the Committee that the proposal deserved further study and requested the Committee to keep it on its agenda for further discussion. The delegation of the European Union reiterated that it did not support the proposals. After a further exchange of views, the delegation of Iran (Islamic Republic of) proposed that an informal group of interested countries convene to discuss in detail the various aspects of an increased number of members and a wider geographical representation of the TIRExB membership, and report back to the Committee at its next session. The Committee, except for the delegation of the EU which did not have a position on the issue, welcomed this proposal, invited all countries interested to take part in the work of the informal group and decided to revert to the issue at its next session.

29. The Committee considered revised proposals to introduce two new Explanatory Notes to Annex 8, Article 9 of the TIR Convention, as well as to include the text of the proposed Explanatory Notes in the Rules of Procedure of TIRExB, to ensure uniformity of the applicable rules (ECE/TRANS/WP.30/AC.2/2012/11/Rev.3). The Committee adopted the proposals below and requested the secretariat to transmit them, together with other recent amendment proposals (as mentioned in para. 11 and contained in Annex I of the report), to the Secretary-General of the United Nations for communication to the Contracting Parties for their acceptance. In accordance with the provisions of Article 60, paragraph 1, the Committee decided that the amendments shall enter into force on 1 January 2015, unless at least five objections had been raised before 1 October 2014.

Annex 6, New Explanatory Notes 8.9.1

Add new Explanatory Note to Annex 8, Article 9, paragraph 1 to read

8.9.1 The members of the TIR Executive Board shall be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels. Board members shall be nominated by their respective Governments or organizations being Contracting Parties to the Convention. They shall represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization.

Annex 6, New Explanatory Note 8.9.2

Add new Explanatory Note to Annex 8, Article 9, paragraph 2 to read

8.9.2 In case a member of the TIR Executive Board resigns before the completion of his/her mandated term of office, the TIR Administrative Committee may elect a replacement member. In that case the elected member shall only hold office for the unexpired portion of the term of office of his/her predecessor. In the event that a member of the TIR Executive Board is unable, for reasons other than resignation, to complete his or her term of office, this information should be transmitted in writing to the TIR Executive Board and the TIR secretariat by the national administration of the member concerned. In this case, the Administrative Committee may elect a replacement member for the unexpired portion of the term of office.

30. In reply to concerns raised by the delegation of Iran (Islamic Republic of) at the fifty-sixth session as to which body should be competent to assess the professional qualifications of TIRExB candidates and/or its members, the Committee repeated its view that the general obligation to assess this remains with the government which nominates a particular person and with AC.2 which cast its votes on the basis of the candidates' expertise/qualifications (ECE/TRANS/WP.30/AC.2/115, para. 37). The Committee endorsed the decision by TIRExB to amend its Rules of Procedure to align them with the newly adopted Explanatory Notes 8.9.1 and 8.9.2.

31. Under this agenda item, the Committee also took note of Informal document WP.30/AC.2 No. 2 (2014), containing an exchange of letters between the government of Poland and the UNECE secretariat on the resignation of Mrs. A. Dubielak (Poland) as a member of TIRExB. The Committee took the opportunity to thank Mrs. Dubielak for her longstanding participation in meetings of the Working Party and the Committee, as well as her membership in TIRExB, including her activities as Chair of the Board in 2013.

32. The Committee also took note of Informal document WP.30/AC.2 No. 6 (2014) with the official information by the Russian Federation on the resignation of Mr. Syaskov from TIRExB, the proposal of Mr. Amelyanovich (Russian Federation) as a replacement member and the invitation to the Committee to conduct his election at the present session, or as soon as possible. This proposal by the Russian Federation was supported by the delegation of Belarus.

33. The Committee recalled its earlier statement that TIRExB members are elected in their personal capacity and, thus, cannot be automatically replaced by a representative of the same country. In case of by-election, the Committee was of the opinion that other countries should also be given the opportunity to nominate their candidates. The Committee had, furthermore, to elect the replacement of Mrs. Dubielak, for which governments had not yet been invited to nominate a candidate.

34. In order to give Contracting Parties sufficient time to nominate candidates and/or to coordinate the election process at the national level, the Committee mandated the secretariat to undertake the necessary steps to organize the by-election of two replacement members, including a deadline for the nomination of candidates and the publication of a list of all nominated candidates well in advance of the election. At the request of more than five States being Contracting Parties and in accordance with the provisions of Annex 8, Article 4 of the Convention, the Committee mandated the secretariat to organize the fifty-eighth session of the Committee to take place well in advance of the planned October 2014 session, possibly, in conjunction with the 137th session of WP.30 in June 2014.

35. The Committee agreed that the term of office of any by-elected member would expire simultaneously with the term of office of the other TIRExB members (i.e. at the beginning of 2015).

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

36. The Committee decided to revert to this issue at its next session, due to a lack of time.

VII. Authorization for concluding an agreement between UNECE and IRU (agenda item 6)

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

37. The Committee decided to revert to this issue at its next session, due to a lack of time.

VIII. Revision of the Convention (agenda item 7)

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

38. With reference to paras. 11 and 29 of the report, the Committee decided that, in accordance with the provisions of Article 60, paragraph 1, the previously adopted new Explanatory Notes to Annex 9, Part II as well as paragraph 2 of Article 38 on the transmission of data to TIRExB, as contained in Annex I to the report, shall enter into force on 1 January 2015, unless at least five objections had been raised before 1 October 2014 (See ECE/TRANS/WP.30.AC.2/115, paras. 43 and 44).

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

39. The Committee decided to revert to this issue at its next session, due to a lack of time.

C. Amendment proposals to Annex 3

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

40. The Committee decided to revert to this issue at its next session, due to a lack of time.

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

41. With reference to paras. 11 and 29 of the report, the Committee decided that, in accordance with the provisions of Article 60, paragraph 1, the previously adopted

amendment proposals to Annexes 1 and 6, as contained in Annex I to the report, shall enter into force on 1 January 2015, unless at least five objections had been raised before 1 October 2014 (See ECE/TRANS/WP.30.AC.2/113, paragraph 35).

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

42. The Committee decided to revert to this issue at its next session, due to a lack of time.

IX. Application of the Convention (agenda item 8)

A. Application of the TIR Convention in the Russian Federation

Documentation: ECE/TRANS/WP.30/AC.2/115

43. The Committee recalled its extensive discussions, at its previous session on the measures introduced by the Russian Customs that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/AC.2/115, paras. 11–26).

44. The Chair of TIRExB informed the Committee of the findings of the Board on the issue at its fifty-sixth (December 2013) session. In particular, he referred to the statement by the Board, in which it, inter alia, reiterated that, despite the prolongation of the agreement between the Federal Customs Service (FCS) of the Russian Federation and the Association of International Road Transport Carriers (ASMAP), FCS continued to impose severe restrictions on the use of TIR Carnets in all regions and almost all customs offices of the Russian Federation. In its statement, TIRExB recalled that all intergovernmental bodies of the TIR Convention, including the TIR Administrative Committee, had come to the conclusion that the FCS measures contradict the provisions of the TIR Convention and called for their immediate withdrawal. TIRExB further appealed to the Russian government to ensure that these restrictions are abolished and the principles of international law are respected and called for the immediate restoration of the proper functioning of the TIR system on the whole territory of the Russian Federation, as it was before 14 September 2013. Mr. Syaskov (Russian Federation) was unable to attend the session.

45. At its fifty-seventh session (February 2014), the Board, with the aim to facilitate the proper functioning of the TIR Convention in the Russian Federation, had further decided to raise a set of nine questions, to which FCS was invited to reply (See Annex II). Mr. Syaskov (Russian Federation) was unable to attend the session. The replacement member proposed by the Russian Federation was not admitted to the session for procedural reasons.

46. In a first, comprehensive statement and partial reply, the representative of FCS informed the Committee that FCS had pursued negotiations with ASMAP and IRU to settle the payment of outstanding customs claims, but that, since the end of November 2013, due mainly to opposing positions, no further progress had been achieved. FCS provided information about the preparations for a new agreement, covering effective measures to ensure the payment of customs duties and taxes of goods during transit. This agreement had been sent to ASMAP, which had made its objections of principle and had informed FCS of its impossibility to sign the agreement in its current form. FCS informed the Committee about the fact that it considers it necessary to select a national guaranteeing association on the basis of competition.

47. The representative of FCS further informed the Committee that, over the years 2011–2013, FCS had identified more than 6,000 cases – and had confiscated goods with a

value of about 500 million Russian roubles in relation to infringements of customs law committed in the course of transports under cover of TIR Carnets. In his view, the considerable increase in cases of customs violations warrants a thorough review of various provisions of the TIR Convention in order to increase safety and security of the TIR system and to avoid that customs authorities increasingly have to resort to cumbersome and lengthy judicial procedures to ensure payment of outstanding customs duties and taxes. Such review should also include the requirement for IRU and national associations to engage an independent external auditor to conduct annual audits and to make the results publicly available. Proposals for amendments are in a later stage of preparation and would soon be sent to the secretariat for transmission to the competent TIR bodies.

48. In reply to the specific question of how to qualify the required guarantee for transports on the territory of the Russian Federation, the representative of FCS informed the Committee that it does not complement but replaces the existing TIR guarantee. He then continued to explain that this guarantee serves as surety rather than as insurance and that, whereas the IRU global insurance contract, covering the TIR system worldwide, provides an annual cap of SwF 300 million, at least one of the five current Russian guarantors individually provides a bank guarantee of up to 300 million United States dollars.

49. On the decrease in number of customs offices on the territory of the Russian Federation where TIR system functions properly, the representative of FCS stated that, first of all, it was his country's sovereign right in accordance with the provisions of Article 45 to approve, or not, customs offices for accomplishing TIR operations and that, secondly, this was part of a long-term plan to gradually move to the application of a national transit facilitation system.

50. The representative of FCS reconfirmed that the Russian Federation continues its intention to remain a Contracting Party to the TIR Convention. The postponement of the termination of the agreement between FCS and ASMAP should be considered as a sign of this intention. However, at the same time, he could not positively confirm that the TIR system will still function on the territory of the Russian Federation after 1 July 2014, due to various uncertain factors, among which, but not limited to, the absence of an agreement between FCS and ASMAP and the pending tender procedure to seek alternative guarantors.

51. The representative of IRU stated that he was compelled to inform the competent IRU bodies of the failure of the representative of FCS to confirm whether FCS intends to reinstate the TIR procedure in all customs offices of entry into the Russian Federation before 1 July 2014 and that, possibly, IRU will have to decide whether the TIR guarantee coverage can be maintained on the territory of the Russian Federation, as well as for Russian TIR Carnet holders. He further informed the Committee that, in the coming weeks, IRU would make all information on the status of claims (received, paid or settled via a court decision) in the Russian Federation publicly available together with all supporting official documentation, as well as the various agreements concluded between IRU and the Russian customs authorities over the past years.

52. In the view of the delegation of the European Union, the issues at stake in the Russian Federation were linked to the level of the TIR guarantee, which had, since its inception, remained unchanged at 50,000 US\$. He requested the Committee to take note of this when discussing the level of the TIR guarantee under the relevant agenda item in the future.

53. In the ensuing discussion, some countries indicated that the selective application of the measures, i.e. allowing TIR transports to enter the territory of the Russian Federation only through the Finnish and Norwegian borders or via other countries of the Eurasian Customs Union, created unequal conditions for countries and transport operators using the TIR procedure. The representatives of Turkey and other delegations illustrated serious

problems faced by their economic and transport operators when conducting TIR transport operations with the Russian Federation. These problems were caused by the introduction of replacement guarantees which increase the transport costs considerably. The Turkish delegation also questioned whether FCS had carried out assessments of the economic impact of the introduced measures and how the replacement guarantees, introduced by FCS, could be justified against the background of the proper implementation of the TIR Convention.

54. The Russian delegation informed the Committee that the customs legislation of the Customs Union contains many alternative mechanisms for transport operators to conduct customs transit, such as surety, pre-declaration, use of bank guarantees, cash collateral or as authorized economic operator. Both transport operators and interested parties have an opportunity to choose the least expensive and most convenient method. According to the information available to FCS, the costs for transport operators and other interested parties in applying national procedures do not exceed the costs of transporting goods under the TIR procedure.

55. In conclusion, the delegations present at the meeting, except for the delegation of the Russian Federation, reiterated that the steps undertaken by FCS are in breach of the TIR Convention and are contrary to the commitments of the Russian Federation under the TIR Convention (ECE/TRANS/WP.30/AC.2/115, para. 21). The Committee requested the Russian Federation to abandon the measures put in place since 14 September 2013 and ensure the uninterrupted TIR guarantee coverage until and after 1 July 2014. Finally, the Committee urged the authorities of the Russian Federation to timely inform all stakeholders of any future steps.

56. The representative of FCS requested TIRExB, through the UNECE secretariat, to officially transmit its questions to FCS for full replies.

57. The Chair of TIRExB informed the Committee that the Board would conduct its next session on 8 and 9 April 2014 in Geneva and that, in accordance with Annex 8, Article 11, paragraph 5, Mr. Amelyanovich (Russian Federation) was kindly invited to attend the session.

B. 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

58. The Committee decided to revert to this issue at its next session, due to a lack of time.

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

59. The Committee decided to revert to this issue at its next session, due to a lack of time.

X. Best practices (agenda item 9)

Use of subcontractors

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

60. The Committee decided to revert to this issue at its next session, due to a lack of time.

XI. Other business (agenda item 10)

A. Date of next session

61. Further to a request by more than five States being Contracting Parties to the Convention and in accordance with the provisions of Annex 8, Article 4, the Committee decided to advance the date of its fifty-eighth session, subject to the availability of meeting facilities in the Palais des Nations. To that end, the secretariat was mandated to take the appropriate measures and inform Contracting Parties, at the earliest convenience, of the date and venue. Finally, the Committee provisionally decided to hold its fifty-ninth session on 9 October 2014.

B. Restriction on the distribution of documents

62. The Committee decided that no restrictions were placed on the distribution of documents issued in connection with its current session.

XII. Adoption of the report (agenda item 11)

63. In accordance with Annex 8, Article 7 of the Convention, the Committee adopted the report of its fifty-seventh 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.

Annex I

Amendment proposals adopted by the Administrative Committee for the TIR Convention at its fifty-seventh session (6 October 2013)

In accordance with the provisions of Article 60 of the Convention, the below amendment proposals shall enter into force on 1 January 2015, unless, by 1 October 2014, at least five states which are Contracting Parties notify the Secretary-General of the United Nations of their objection to the amendments.

Annex 1, page 11, point (5)

For HS code: 24.03.10 *read* HS code: 24.03.11 and 24.03.19 (ECE/TRANS/WP.30/AC.2/113, para. 35)

Annex 6, Explanatory Note 0.8.3, point (5)

For HS code: 24.03.10 *read* HS code: 24.03.11 and 24.03.19 (ECE/TRANS/WP.30/AC.2/113, para. 35)

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. (ECE/TRANS/WP.30/AC.2/115, para. 43)

Annex 6, New Explanatory Notes 8.9.1

Add new Explanatory Note to Annex 8, Article 9, paragraph 1 to *read*

8.9.1 The members of the TIR Executive Board shall be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels. Board members shall be nominated by their respective Governments or organizations being Contracting Parties to the Convention. They shall represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization. (ECE/TRANS/WP.30/AC.2/117, para. 29)

Annex 6, New Explanatory Note 8.9.2

Add new Explanatory Note to Annex 8, Article 9, paragraph 2 to *read*

8.9.2 In case a member of the TIR Executive Board resigns before the completion of his/her mandated term of office, the TIR Administrative Committee may elect a replacement member. In that case the elected member shall only hold office for the unexpired portion of the term of office of his/her predecessor. In the event that a member of the TIR Executive Board is unable, for reasons other than resignation, to complete his or her term of office, this information should be transmitted in writing to the TIR Executive Board and the TIR secretariat by the national administration of the member concerned. In this case, the Administrative Committee may elect a

replacement member for the unexpired portion of the term of office.
(ECE/TRANS/WP.30/AC.2/117, para. 29)

Annex 6, New Explanatory Note 9.II.4

Add a new Explanatory Note to Annex 9, Part II, paragraph 4 to read

Explanatory Note to paragraph 4

9.II.4 The legal provisions for data submission, as set out in paragraph 4 are 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.
(ECE/TRANS/WP.30/AC.2/113, para. 30)

Annex 6, New Explanatory Note 9.II.5

Add a new Explanatory Note to Annex 9, Part II, paragraph 5 to read

Explanatory Note to paragraph 5

9.II.5 Explanatory Note 9.II.4 applies *mutatis mutandis* to paragraph 5.
(ECE/TRANS/WP.30/AC.2/113, para. 30)

Annex II

At its fifty-seventh session (Geneva, 3 February 2014), the TIR Executive Board (TIRExB) discussed, inter alia, the ongoing crisis in the Russian Federation, which, since the first announcement in July 2013, continues to disrupt the proper functioning of the TIR system in the Russian territory and negatively impacts international trade and transport to, through and from the Russian Federation.

Since August 2013 TIRExB, as well as AC.2, have consistently established that the measure by the Federal Customs Service (FCS) does not comply with the various provisions of the TIR Convention, in particular its Articles 3, 4, 6, 42 bis and 49 and, consequently, results in a breach of the TIR Convention. In addition, FCS was requested to abandon the measure. In August and December 2013, TIRExB issued statements on this, which had been forwarded to the competent Russian authorities.

Despite these and similar actions by various stakeholders, including the European Union and the International Road Transport Union, FCS persists in requiring an additional guarantee for transports under cover of a valid TIR Carnet. In addition, an increased number of Russian customs offices of entry refuse that TIR Carnet holders continue TIR transports on the territory of the Russian Federation.

In order to restore the proper functioning of the TIR Convention in the Russian Federation, TIRExB would like to raise the following questions, to which FCS is invited to reply:

1. Could you clarify if the required guarantee for transports on the territory of the Russian Federation functions in addition to the existing TIR guarantee or does it replace the TIR guarantee?
2. In case the required guarantee is considered to be used in addition to a TIR Carnet, how do you divide the liability between the various guarantors in case of an infringement?
3. Does the Russian Federation maintain its intention to continue being a Contracting Party to the TIR Convention, 1975, and to adhere, without exception, to all obligations stemming from such status, including the application of all its provisions?
4. Does the Russian Federation maintain its intention to have uninterrupted coverage of the TIR guarantee on its territory, by means of ensuring that, at any time, there is, at least, one authorized TIR national association, in accordance with the provisions of Article 6?
5. Is it correct that efforts are under way to find an authorized association to fulfill the obligations under the TIR Convention by means of a public tender? If yes, then at which stage is the process and is it foreseen that the process be terminated before 1 July 2014?
6. What is the reason why only a limited number of customs offices still accept TIR Carnets as valid customs and guarantee documents, whereas the large majority no longer do so? Is there an intention to re-establish the functioning of the TIR Convention on the complete territory of the Russian Federation before 1 July 2014?
7. What was decided at the governmental meeting that took place on 26 November 2013? Were all decisions taken at that meeting implemented?
8. What are FCS plans for international transit after 1 July 2014?
9. Considering that the Russian Federation stated its willingness to stay within the TIR system but seems unsatisfied about certain provisions of the Convention, when will you submit proposals for amendments?