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Sixty-second session

Geneva, 8 October 2015

Item 6(d) of the provisional agenda

Revision of the Convention:

Audit requirements for an authorized international organization

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Note by the secretariat

I. Mandate

1. At its sixty-first session, the Committee considered document ECE/TRANS/WP.30/AC.2/2015/12, transmitted by the Working Party and containing the checklist of all documents submitted by the International Road Transport Union (IRU) to fulfil its obligations under Annex 9, Part III. Although the Committee welcomed the document and thanked IRU for making such a comprehensive list of documents available, it was of the view that the discussions on this issue would be difficult to conclude without having first studied the substance of the submitted documents. Several delegations were of the view that the fact that, at present, the submitted documentation is kept by the TIR secretariat, where it is available for consultation by Contracting Parties; this situation appears to be impractical, particularly in view of the clarification of the secretariat that the current mandate does not allow the secretariat to distribute these documents upon request. Against this background, the Committee requested the secretariat and IRU to identify ways to make it possible for these documents to be distributed to interested Contracting Parties, while at the same time, safeguarding the applicable confidentiality requirements. The Committee also requested that these proposals be reflected in a working document for discussion at its current session. In line with this request, the secretariat has prepared the present document, in consultation with IRU (see ECE/TRANS/WP.30/AC.2/125, para. 15).

II. Background

2. On 10 October 2013, a new Part III to Annex 9 of the TIR Convention entered into force. It requires the international organization, as referred to in Article 6 of the

Convention, to submit various types of information to either the TIR Administrative Committee (AC.2) or the TIR Executive Board (TIRExB), for the sake of providing transparency in the management and organization of the international guarantee system.

3. IRU submitted documents to the UNECE secretariat in application of Annex 9, Part III of the TIR Convention. On 2 October 2014, the Executive Secretary of UNECE, Mr. Christian Friis Bach, met with the Secretary-General of IRU, Mr. Umberto de Pretto who officially handed over, as the last outstanding document, a copy of the 2013 accounts of IRU, approved by its General Assembly and duly audited by its external auditor. With this, IRU considered that it had fulfilled all requirements under the new provisions of Annex 9, Part III of the TIR Convention, subject to the approval by AC.2.

4. TIRExB, at its sixtieth session (September 2014) was of the view that that the submitted documentation should be kept by the TIR secretariat, where they would be available, upon appointment, for consultation by Contracting Parties (ECE/TRANS/WP.30/AC.2/2015/2, para. 27). The Administrative Committee endorsed the recommendation of TIRExB as reflected in its report at its sixty-first session (ECE/TRANS/WP.30/AC.2/125, para. 30).

5. Upon reflection, the Committee has decided to revisit its mandate as concerns dissemination of the above-mentioned documents.

III. Considerations of confidentiality

6. At the previous session of the Committee, IRU provided clarifications that, because some of the documents required under Annex 9, Part III, have been acquired by IRU from third parties (such as the global insurer), IRU would not be in a position to publish these documents in the public domain (such as the UNECE or IRU websites). At the same time, IRU was of the view that some of the information contained in the list of submitted documents is of a sensitive financial or commercial nature and its dissemination may require, in some cases, prior coordination with respective partners. As such, IRU stated, that it would be willing to allow the dissemination of such documents in the spirit of transparency and cooperation with TIR Contracting Parties, following respective coordination with persons concerned and upon receipt of assurances that these documents will not be made public either by intent or by omission, by the recipients.

IV. Proposals by the secretariat

7. Having taken into account the considerations of the Committee and of IRU, the secretariat has prepared three possible dissemination procedures, based on the discussions of the Committee at its previous session. In all three scenarios, as it is the case today, copies of the documents will be made available for consultation by interested Contracting Parties at the secretariat premises.

A. Distribution of paper copies by the secretariat upon request via the permanent mission

8. The secretariat could act as a focal point for distributing paper copies of the documents via the permanent missions to the United Nations in Geneva. The procedure could be as follows:

(a) An official letter is sent by the requesting governmental authority of the Contracting Party to the Executive Secretary of UNECE, transmitted via the permanent

mission in Geneva. The letter should indicate that it refers to a request for copies of the documents (or selection thereof, based on the checklist of documents contained in the relevant AC.2 document) submitted by IRU under the provisions of Annex 9, Part III, pursuant to the decision of the Administrative Committee at its sixty-second session. The letter should indicate the grounds for the request, the full name, the official job title and the mailing address of the recipient as well as specify that the requesting authority will treat these documents confidentially and for no other purpose than that which the TIR Convention itself entitles the Contracting Party to.

(b) The secretariat would, in response to that request, prepare watermarked¹ copies of the requested documents and transmit them to the requesting governmental authority, via the permanent mission in Geneva, with parallel notification to IRU.

B. Distribution of paper copies by IRU upon request via the permanent mission

9. The IRU could act as a focal point for distributing paper copies of the documents via the permanent missions to the United Nations in Geneva. The procedure could be as follows:

(a) An official letter is sent by the requesting governmental authority of the Contracting Party, to the Secretary-General of IRU, transmitted via the permanent mission in Geneva. The letter should indicate that it refers to a request for copies of the documents (or selection thereof based on the checklist of documents contained in the relevant AC.2 document) submitted by IRU under the provisions of Annex 9 Part III, pursuant to the decision of the Administrative Committee at its sixty-second session. The letter should indicate the grounds for the request, the full name, the official job title and the mailing address of the recipient as well as specify that the requesting authority will treat these documents confidentially and for no other purpose than that which the TIR Convention itself entitles the Contracting Party to.

(b) IRU would, in response to that request, prepare copies (possibly watermarked) of the requested documents and transmit them to the requesting governmental authority, via the permanent mission in Geneva, with parallel notification to UNECE.

C. Distribution of electronic watermarked copies by the secretariat upon request via the permanent mission

10. The secretariat could act as a focal point for distributing electronic copies of the documents requested via the permanent missions to the United Nations in Geneva. The procedure could be as follows:

(a) An official letter is sent by the requesting governmental authority of the Contracting Party to the Executive Secretary of UNECE, transmitted via the permanent mission in Geneva. The letter should indicate that it refers to a request for electronic copies of the documents (or selection thereof based on the checklist of documents contained in the relevant AC.2 document) submitted by IRU under the provisions of Annex 9, Part III, pursuant to the decision of the Administrative Committee at its sixty-second session. The

¹ The watermark will indicate that the name of recipient, the name of their Contracting Party and the date at which the copies have been sent.

letter should indicate the grounds of the request, the full name, the official job title and the e-mail address of the recipient as well as specify that the requesting governmental authority will treat these documents confidentially and for no other purpose than that which the TIR Convention itself entitles the Contracting Party to.

(b) The secretariat would, in response to that request, prepare watermarked² electronic copies of the requested documents and transmit them by e-mail to the recipient with copy to the permanent mission in Geneva and the IRU.

V. Considerations by the Committee

11. The Committee is invited to consider the proposed methods for distributing the documents under discussion, or combinations or variations thereof, and to instruct the secretariat accordingly.

² The watermark will indicate that the name of recipient, the name of his Contracting Party and the date at which the copies have been sent.