



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.30/AC.2/94
15 July 2008

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

Forty-sixth session
Geneva, 9 October 2008

**ANNOTATED PROVISIONAL AGENDA
FOR THE FORTY-SIXTH SESSION**

To be held at the Palais des Nations, Geneva,
starting at 10 a.m. on Thursday, 9 October 2008 ^{1/}, ^{2/}, ^{3/}

^{1/} 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 official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website <<http://border.unece.org>>. During the meeting, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, 3rd floor, Palais des Nations). Documents mentioned in bold in the documentation overview under each agenda item of this agenda are documents issued for the present session.

^{2/} The full text of the TIR Convention, 1975, as well as a complete list of Contracting Parties to the Convention, is available on the UNECE website: <<http://www.unece.org/trans/conventn/legalinst.html#customs>>. Delegates are requested to complete the registration form available from the Internet website of the UNECE Transport Division <<http://www.unece.org/trans/registfr.html>> and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 73263). For a map of the Palais des Nations and other useful information, see website <<http://www.unece.org/meetings/practical.htm>>.

^{3/} Representatives of Contracting Parties to the TIR Convention, 1975, are also invited to participate in the 120th session of the UNECE Working Party on Customs Questions affecting Transport (WP.30) which will be held in conjunction with the present session of the Administrative Committee from 7 to 10 October 2008. The documentation for the WP.30 session may be obtained as indicated under footnote 1 above.

I. PROVISIONAL AGENDA

1. Adoption of the agenda
2. Status of the TIR Convention, 1975
3. Activities and administration of the TIR Executive Board (TIRExB)
 - (a) Activities of the TIRExB
 - (i) Report by the Chairperson of the TIRExB
 - (ii) International TIR Data Bank (ITDB)
 - (iii) On-line UNECE Register of Customs Sealing Devices and Customs Stamps
 - (iv) National and regional TIR workshops and seminars
 - (b) Administration of the TIRExB and the TIR secretariat
 - (i) Status report on the accounts for 2007 and 2008
 - (ii) Procedure for financing of the operation of the TIRExB and TIR secretariat in 2009
 - (iii) Audit by the UN Board of Auditors and OIOS
 - (c) Election of members of the TIRExB
 - (d) TIR Secretary
4. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system
5. Update of the agreement between the UNECE and IRU
6. Revision of the Convention
 - (a) Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet
 - (b) Other proposals for amendments to the Convention
 - (c) Phase III of the TIR revision process – computerization of the TIR procedure
7. Application of the Convention
 - (a) Recommendation on the introduction of HS code in the TIR Carnet
 - (b) Comments adopted by the TIR Executive Board
8. Best practices
 - (a) Application of Article 38 of the Convention
 - (b) Application of Articles 39 and 40 of the Convention
 - (c) Best practices with regard to the use of the TIR Carnet
9. Other business
 - (a) Date of next session
 - (b) Restriction on the distribution of documents
10. Adoption of the report

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 Adoption of the agenda

Documentation: ECE/TRANS/WP.30/AC.2/94

1. The Administrative Committee may wish to consider and adopt the agenda of its present session. The Committee will also be informed 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 20 April 2007, the number of Contracting Parties to the Convention was sixty-eight.

Item 2 Status of the TIR Convention, 1975

2. The Committee may wish to take note that the Secretary-General of the United Nations, acting in his capacity of depositary, has issued Depositary Notification C.N.364-2008.TREATIES-1 of 12 May 2008, informing of the submission of proposals to amend paragraphs 1 and 2 of Article 13 of Annex 8 of the TIR Convention, 1975 together with proposals to introduce new Explanatory Notes 8.13.1-3 and 8.13-2 to Annex 6 of the Convention. In accordance with Article 60, paragraph 1 of the Convention, these amendments shall enter into force on 1 January 2009, unless not later than by 1 October 2008 one-fifth or five of the States which are Contracting Parties, whichever number is less, have notified the Secretary-General of the United Nations of their objection to the amendments.

3. The Committee will also be informed about the number of Contracting Parties to the TIR Convention, 1975. More detailed information on the status of the Convention as well as on various Depositary Notifications is available at the TIR website.^{4/}

Item 3 Activities and administration of the TIR Executive Board (TIRExB)

(a) Activities of the TIRExB

(i) Report by the Chairperson of the TIRExB

Documentation: ECE/TRANS/WP.30/AC.2/2008/3, ECE/TRANS/WP.30/AC.2/2008/4

4. In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Administrative Committee (TRANS/WP.30/AC.2/55, paras. 14-15), the UNECE secretariat has reproduced the reports of the TIRExB on its thirty-fourth (November 2007) and thirty-fifth sessions (January 2008) for information and endorsement by the Administrative Committee (ECE/TRANS/WP.30/AC.2/2008/3 and ECE/TRANS/WP.30/AC.2/2008/4).

5. More information about the recent activities of the TIRExB as well as about various considerations and decisions taken at its thirty-sixth (May 2008) and thirty-seventh sessions (October 2008) will be provided orally by the Chairperson of the TIRExB. In particular, the

^{4/} <<http://tir.unece.org>>.

Committee will be informed of the consolidated results of the survey concerning Customs claims covering the period from 2004 to 2006.

(ii) International TIR Data Bank (ITDB)

6. The Administrative Committee will be informed about the current operation of the ITDB and of the status of transmission of documents and data to the ITDB.

7. At its previous session, the Committee took note of progress made in the implementation of the so-called ITDB online+ project aimed at enabling Customs authorities to update their countries' data online in ITDB (ECE/TRANS/WP.30/AC.2/93, para.12). In particular, the secretariat had completed the design phase of the project and prepared documentation on "User requirement and functional specifications". The Committee will be informed of further progress made in this area.

(iii) On-line UNECE Register of Customs Sealing Devices and Customs Stamps

8. At its previous session, the Administrative Committee took note of activities by the secretariat with the aim to establish an on-line version of the UNECE Register of Customs Sealing Devices and Customs Stamps and encouraged all Contracting Parties to transmit to the secretariat the latest information on their Customs seals and sealing devices (ECE/TRANS/WP.30/AC.2/93, para.13). The Committee will be informed of progress made to date.

(iv) National and regional TIR workshops and seminars

9. The Administrative Committee may wish to be informed about seminars conducted and/or planned.

(b) Administration of the TIRExB and the TIR secretariat

(i) Status report on the accounts for 2007 and 2008

Documentation: ECE/TRANS/WP.30/AC.2/2008/5; ECE/TRANS/WP.30/AC.2/2008/6

10. In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Administrative Committee at least once a year or at the request of the Administrative Committee. The report on the complete and final accounts for 2007 will be transmitted for approval by the Administrative Committee (ECE/TRANS/WP.30/AC.2/2008/5). The Committee may also wish to take note of interim financial statements for 2008 as contained in document ECE/TRANS/WP.30/AC.2/2008/6.

(ii) Procedure for financing of the operation of the TIRExB and TIR secretariat in 2009

Documentation: ECE/TRANS/WP.30/AC.2/89; ECE/TRANS/WP.30/AC.2/2008/7

11. The Committee wish to recall that, at its forty-third session, it approved 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) which has also been included into the revised UNECE-IRU Agreement. In particular, according to the above procedure,

- (a) The UNECE secretariat prepares a document comprising the budget proposal established by the TIRExB for approval by the Administrative Committee (September);
- (b) The UNECE secretariat informs the IRU of the budget proposal and the net amount to be transferred and requests the IRU to provide an operational forecast of the number of TIR Carnets it expects to distribute in the forthcoming year (September);
- (c) The IRU provides the Administrative Committee with its forecast of the number of TIR Carnets it expects to distribute in the forthcoming year and its internal calculation concerning the amount per TIR Carnet (September-October);
- (d) The Administrative Committee approves the budget and the net amount to be transferred by the IRU, and takes note of the forecast established by the IRU. The Committee also approves the amount per TIR Carnet, calculated by the secretariat on the basis of the forecast provided by the IRU (September-October);
- (e) The IRU transfers the net amount approved by the Administrative Committee to the UNECE named bank account (mid November).

12. In view of the above, the Administrative Committee may wish to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2009 as well as the net amount to be transferred by the IRU (ECE/TRANS/WP.30/AC.2/2008/7). The Committee may also wish to be informed by the IRU of its forecast of the number of TIR Carnets it expects to distribute in 2009 and of its internal calculation concerning the amount per TIR Carnet. The Committee may wish to approve the amount per TIR Carnet which will be expressed in Swiss francs following the transfer of the above net amount to the UNECE named bank according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer.

(iii) Audit by the UN Board of Auditors and OIOS

13. The Administrative Committee will be informed about new developments with regard to the recommendations by the UN Board of Auditors and Office of Internal Oversight Services. In particular, the Committee may wish to take note that, on 13 March 2008, in line with the provisions of the UNECE/IRU agreement (Annex 3), the IRU's independent external auditor had submitted to the UNECE its report of the accounts kept by the IRU for the transfer of the amount and the recovery of the sums required for the financing of the operation of the TIR Executive Board (TIRExB) and the TIR secretariat for the year 2007. The UNECE has forwarded the report

to the United Nations Office of Internal Oversight Services (OIOS) and is awaiting its comments.

14. The IRU auditor's engagement letter for the year 2008, requiring UNECE's prior approval, has been signed by the IRU and the external auditor on 12 March 2008. The 2008 engagement letter is fully compliant with OIOS recommendation 01, stipulating that the audit report shall include (i) detailed explanations of IRU internal controls over TIR Carnet distribution to national associations, including invoicing, defining financial terms applied in the TIR Carnet distribution such as the amount invoiced per TIR Carnet, total amount invoiced, the number of TIR Carnets distributed and financial year and (ii) an explanation of the audit tests applied.

15. The Committee may also wish to note that OIOS recommendation 03 pertaining to the introduction of a new part III to Annex 9 of the Convention on the conditions and requirements of the international organization to become authorized is still under discussion by WP.30. With regard to OIOS recommendation 06 on the submission of the eTIR Project to the competent UN ICT Management Group, the Committee may wish to note that the UNECE has informed OIOS that the eTIR Project should be considered as a project of Contracting Parties for which the UNECE secretariat mainly provides meeting support and that the recommendation should be closed. The secretariat will keep the Administrative Committee informed of OIOS reaction and any further development with regard to the implementation of OIOS recommendations.

(c) Election of members of the TIRExB

16. In accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of the TIRExB shall be two years. Since the present members of the TIRExB had been elected at its spring session in 2007, the Administrative Committee must, at its forthcoming session in February 2009, proceed with the election or re-election of the nine members of the TIRExB.

17. In order to ensure an efficient voting procedure at its forthcoming February 2009 session, the Administrative Committee may wish to confirm the decisions taken earlier in this respect, in particular:

- (i) the comment adopted on 26 June 1998 to the Rules of Procedure of the TIRExB on "representation", with the exception of paragraph (c) as its provisions relate only to the initial election of Board members and are thus no longer appropriate (TRANS/WP.30/AC.2/51, annex and Corr.1);
- (ii) the procedure for the election of members of the TIRExB adopted on 26 February 2000 by the Administrative Committee (TRANS/WP.30/AC.2/53, paras. 31 and 34).

18. In addition, the Administrative Committee may wish to authorize the UNECE secretariat to issue in November 2008 a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2009-2010. The deadline by which nominations would need to be received by the UNECE secretariat is 8 December 2008. No further candidates may be nominated following expiry of this deadline. On 11 December 2008, the UNECE secretariat will circulate a list of candidates who have been

nominated by their respective Governments or organizations being Contracting Parties to the Convention.

(d) TIR Secretary

19. The Committee may wish to be informed that, following the recent reorganization of the UNECE Transport Division, the Working Party on Customs Questions affecting Transport (WP.30) and the Administrative Committee will now be serviced by the newly created Section of Transport Facilitation and Economics and that Mr. Konstantin Glukhenkiy, a staff member of the TIR secretariat, has been appointed Secretary to WP.30 and the Administrative Committee. The functions of TIR Secretary have also been included into his job description.

Item 4 Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system

20. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system is granted subject to the provisions of Article 6.2**bis** and Article 10 (b) of Annex 8 and Explanatory Notes 0.6.2 **bis**-2 and 8.10 (b). The Committee may wish to recall its earlier decision to authorize the IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 inclusive (TRANS/WP.30/AC.2/77, para. 37 and ECE/TRANS/WP.30/AC.2/91, para. 17).

Item 5 Update of the Agreement between the UNECE and the IRU

21. The Committee may wish to recall that, according to para. 2 of the revised UNECE-IRU Agreement, Annexes 1 and 2 to the Agreement should be adjusted on an annual basis through an exchange of letters between the UNECE and the IRU, in accordance with the relevant decisions of the TIR Administrative Committee. Therefore, for the year 2009 these annexes will be modified on the basis of the Committee's decisions as referred to in para.12 of the present agenda.

Item 6 Revision of the Convention

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

22. The Committee may wish to take note that the Working Party on Customs Questions affecting Transport (WP.30), following in-depth discussions, decided on the following amendment proposal to Annex 6, Explanatory Note 0.8.3: for \$US 50,000 read 60,000 euros. The secretariat was mandated to transmit this proposal to the present session of the Administrative Committee for consideration and possible adoption. The Working Party also noted that the endorsed proposal would not prevent Contracting Parties from establishing a lower guarantee level, if they so wish (ECE/TRANS/WP.30/238, paras. 23-27). In this context, the Committee may wish to consider the underlying amendment proposal. Should this proposal be adopted, the Committee is also invited to decide on a time-scale according to paragraph 1 of Article 60 of the Convention.

(b) Other proposals for amendments to the Convention

Documentation: ECE/TRANS/WP.30/AC.2/93

23. The Committee may wish to recall that, pending a confirmation by the European Community, it approved in principle the following Explanatory Note to Article 3 (a):

"0.3 (a) (iii) The provisions of Article 3 (a) (iii) do not cover passenger cars (HS-code 8703) travelling by their own means. However, passenger cars may be carried under the TIR procedure if transported by means of other vehicles as referred to in subparagraphs (a) (i) and (a) (ii) of Article 3."

24. The Committee decided to revert to this issue at its present session allowing the Community to conclude its internal approval procedures (ECE/TRANS/WP.30/AC.2/91, paras. 22-23 and ECE/TRANS/WP.30/AC.2/93, paras. 25-26).

25. The Committee may wish to confirm the above decision and decide on a time-scale for entry into force in accordance with Article 60.

(c) Phase III of the TIR revision process – computerization of the TIR procedure

26. The Committee may wish to be informed about the latest developments with regard to the computerization of the TIR procedure.

Item 7 Application of the Convention

(a) Recommendation on the introduction of HS code in the TIR Carnet

Documentation: ECE/TRANS/WP.30/AC.2/93

27. At its previous session, the Committee adopted the Recommendation on the use of the HS Code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/93, para. 28 and Annex II) which came into force on 1 May 2008. According to the Recommendation, TIR Carnet holders are advised to indicate the HS code of the goods in box 10 of the yellow voucher not for Customs use, in addition to a plain language description of the goods. This measure pursues the double objective of improving risk management by Customs and of facilitating international transport of goods. The absence of the HS code in the TIR Carnet shall not lead to delays during the TIR transport and shall not be an obstacle to the acceptance of TIR Carnets. Nor shall the absence of the HS code be considered as an infringement. The TIR Administrative Committee will review the application of the recommendation in 12 months, i.e. as of 1 May 2009. Contracting Parties were requested to communicate to the secretariat any information related to the implementation of the Recommendation. In line with this request, the Committee may wish to hold a first exchanges of views about the experiences made so far in this area.

(b) Comments adopted by the TIR Executive Board

28. The Committee may wish to endorse a new comment on the application of the TIR procedure to postal items adopted by the TIRExB. The Board analysed the Universal Postal Convention and the Revised Kyoto Convention with regard to postal items in transit. According

to the above Conventions, Customs clearance of postal items should benefit from maximum simplification. In particular, Customs formalities for transit should be waived, including the application of the TIR procedure. To stress this fact, the TIRExB decided to submit to the Administrative Committee, for consideration and possible adoption, a new draft comment to Article 3 and, possibly, Article 47 of the TIR Convention to read as follows:

“TIR procedure and postal items

According to the specific Annex J to the revised Kyoto Convention, postal items are not subject to Customs formalities whilst they are being conveyed in transit. Therefore, the TIR procedure should not apply to postal items which are defined as letter-post and parcels, as described in the Acts of the Universal Postal Union currently in force, when carried by or for postal services.”

Item 8 Best practices

(a) Application of Article 38 of the Convention

Documentation: ECE/TRANS/WP.30/AC.2/93

29. At its previous session, the Committee pointed out the urgent need for harmonization in the application of Article 38 and adopted the example of best practice concerning the application of Article 38 (ECE/TRANS/WP.30/AC.2/93, annex III). The Committee also took note of and commented on modifications proposed by Turkey in Informal document No. 2 (2008). The Committee invited Turkey to further elaborate on its proposals and submit them as an official document for consideration at the present session of the Committee. Should the Committee decide on modifications, they can still be introduced into the example before it is published in the 2009 edition of the TIR Handbook (ECE/TRANS/WP.30/AC.2/93, paras. 29-30).

(b) Application of Articles 39 and 40 of the Convention

Documentation: ECE/TRANS/WP.30/AC.2/2008/3

30. At its previous session, the Committee took note of Informal document No. 1 (2008), transmitted by the European Community, containing comments on the example of best practice with regard to discrepancies between the particulars on the goods manifest of the TIR Carnet and the actual content of the load compartment (ECE/TRANS/WP.30/AC.2/2007/9). The TIRExB was requested to reconsider the example of best practice and to report back to the Committee (ECE/TRANS/WP.30/AC.2/93, para. 31). The Committee may wish to be informed about the outcome of TIRExB considerations.

(c) Best practices with regard to the use of the TIR Carnet

Documentation: ECE/TRANS/WP.30/AC.2/2008/8

31. As part of its programme, the TIRExB has drafted an example of best practices with regard to the use of the TIR Carnet (ECE/TRANS/WP.30/AC.2/2008/8). This example covers the following issues:

- (i) a step-by-step instruction how to fill-in the TIR Carnet;

- (ii) best practices with regard to handling the vouchers of the TIR Carnet by various Customs offices (departure, destination and en route) in the course of a TIR transport, in particular, in the case of several Customs offices of departure and/or destination;
 - (iii) recommendations how to use the TIR Carnet in a number of specific situations which rarely occur in practice (simultaneous or consecutive use of several TIR Carnets, accidents and force majeure, physical examination en route, Customs escorts, etc.).
32. The Committee may wish to consider the underlying example of best practice with a view to including it into the next edition of the TIR Handbook.

Item 9 Other business

(a) Date of next session

33. The UNECE secretariat has made the necessary arrangements to hold the forty-seventh session of the Administrative Committee on 5 February 2009. The Administrative Committee may wish to confirm the date of the forty-seventh session.

(b) Restriction on the distribution of documents

34. 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.

Item 10 Adoption of the report ^{5/}

35. In accordance with Annex 8, Article 7 of the Convention, the Administrative Committee will adopt the report on its forty-sixth session on the basis of a draft prepared by the UNECE secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available at the end of the session for adoption in all working languages.

— — — — —

^{5/} The reading of the report will take place on 10 October 2008.