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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

Forty-seventh session
Geneva, 5 February 2009

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

To be held at the Palais des Nations, Geneva,
starting at 10 a.m. on Thursday, 5 February 2009 ^{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 121st 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 2 to 6 February 2009. The documentation for the WP.30 session may be obtained as indicated under footnote 1 above.

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 Adoption of the agenda

Documentation: ECE/TRANS/WP.30/AC.2/96

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 Election of officers

2. In accordance with the Committee's rules of procedure and established practice, the Committee should elect a Chairperson and possibly a Vice-Chairperson for its sessions in 2009.

Item 3 Status of the TIR Convention, 1975

3. The Committee will 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/}

4. The Committee may wish to take note that the amendments to paragraphs 1 and 2 of Article 13 of Annex 8 of the Convention, together with the introduction of new Explanatory Notes 8.13.1-3 and 8.13-2 to Annex 6, came into force on 1 January 2009. Background information can be found in Depositary Notifications C.N.364-2008.TREATIES-1 of 12 May 2008, C.N.734.2008.TREATIES-2 of 2 October 2008 and C.N.736.2008-TREATIES-3 of 2 October 2008.

5. The Committee will also be informed of the status of the amendment proposal introducing a new Explanatory Note to Article 3 (a) (ECE/TRANS/WP.30/AC.2/95, paras. 24 and 25).

Item 4 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.2/2009/1, ECE/TRANS/WP.30/AC.2/2009/2

6. 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-sixth (May 2008) and thirty-seventh sessions (October 2008) for information and endorsement by the Administrative Committee (ECE/TRANS/WP.30/AC.2/2009/1 and ECE/TRANS/WP.30/AC.2/2009/2).

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

7. More information about the recent activities of the TIRExB as well as about various considerations and decisions taken at its thirty-eighth session (December 2008) will be provided orally by the Chairperson of the TIRExB. In particular, the Committee will be informed of the results of the survey concerning the use of so-called subcontractors at the national level.

(ii) International TIR Data Bank (ITDB)

8. The Committee is invited to take note of the status of transmission of documents and data to the ITDB. The Committee will also be informed of progress made in the implementation of the ITDB online+ project aimed at enabling Customs authorities to update their countries' data online in ITDB (ECE/TRANS/WP.30/AC.2/95, para.8).

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

9. At its previous session, the 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 (ECE/TRANS/WP.30/AC.2/95, para. 9). The Committee will be informed of progress made to date.

(iv) National and regional TIR workshops and seminars

10. The 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 2008

11. 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 will not be able to formally finalize the accounts for 2008 by the time the Administrative Committee meets in February 2009, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2009 for formal approval.

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

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

12. The Committee may wish to recall that the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2009 was approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/95, para. 12). The Committee may wish to be informed about the transfer of the required funds for the operation of the TIRExB and the TIR secretariat for the year 2008 by the IRU to the TIR Trust Fund. At its previous session, the Committee also approved the amount per TIR Carnet (US\$ 0.4246, see *ibid*). This amount will be expressed in Swiss francs following the transfer of the funds according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer. The Committee may wish to take note of the amount per TIR Carnet in Swiss francs.

13. In addition, the Committee may wish to recall 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), according to which

"(8) The IRU maintains a separate account detailing the number of TIR Carnets distributed and the related amounts received;

(9) The IRU auditor produces an audit certificate providing an opinion of the above-mentioned account for the year in question showing the amount transferred and the total amount actually invoiced (15 January);

(10) The difference between the two amounts will need to be adjusted a posteriori;

(11) On the basis of the above-mentioned audit certificate, if there is an excess (i.e. more was received than initially transferred), the Administrative Committee, at its spring session, will be informed and the IRU shall transfer the excess to the UNECE named bank account before 15 March. This amount will be reflected in the UNECE TIR account to be taken into account for the next budget year;

(12) On the basis of the above-mentioned audit certificate, if there is a deficit (i.e. less was received than initially transferred), the Administrative Committee, at its spring session, and on the proposal of the IRU, shall approve the appropriate action, which shall be either:

- (a) a recalculation of the amount per TIR Carnet referred to in Annex 8, Article 13.1, or
- (b) the deficit will be recorded in the IRU account referred to above and shall, on the basis of a proposal from the IRU as endorsed by the Administrative Committee, be subsequently adjusted."

14. In view of the above, the Administrative Committee may wish to be informed of the audit certificate for the year 2008 and, on the proposal of the IRU, to approve the appropriate action according to item 12 of the above procedure.

(iii) Audit by OIOS

15. The Administrative Committee will be informed about the status of implementation of the recommendations by the United Nations Office of Internal Oversight Services (OIOS).

(c) Election of members of the TIRExB

Documentation: Informal documents No. 1 and 2 (2009)

16. The Committee may wish to recall that, 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 were elected at the Committee's spring session in 2007, it must, at its present session, proceed with the election or re-election of the nine members of the TIRExB.

17. The Committee, at its previous session, confirmed that the criteria for the nomination of candidates and the procedure for the election of TIRExB members at the present session would be the same as for the previous election in 2007 (TRANS/WP.30/AC.2/95, para. 16). The Committee, therefore, authorized the UNECE secretariat to solicit candidates in October - November 2008, to close the list of candidates on 8 December 2008 and, after two working days, on 11 December 2008 to issue the official list of candidates for distribution to all Contracting Parties. The procedures for the nomination and election are contained in Informal document No. 1 (2009).

18. In accordance with the approved election procedure and on the basis of the list of nominated candidates contained in Informal document No. 2 (2009), which has been circulated by the secretariat to all Contracting Parties on 11 December 2008, the Committee may wish to proceed with the election or re-election of the nine members of the TIRExB in accordance with established practice.

Item 5 Revision of the Convention

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

19. The Committee, at its previous session, approved in principle the following amendment proposal to Annex 6, Explanatory Note 0.8.3:

Replace \$US 50,000 by EUR 60,000.

As the European Community was not in a position to formally accept the proposal, the Committee decided to revert to this issue at its next session, thus allowing the Community to conclude its internal approval procedures (ECE/TRANS/WP.30/AC.2/95, para.21). Should this proposal be adopted, the Committee is 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.30/2009/4 - ECE/TRANS/WP.30/AC.2/2009/3

20. The Committee may wish to be informed that the Working Party on Customs Questions affecting Transport (WP.30) has finalized its deliberations on an extensive package of amendment proposals and has requested the secretariat to submit to both WP.30 and AC.2 sessions in February 2009 a document containing all amendment proposals endorsed so far by WP.30 (ECE/TRANS/WP.30/240, para. 30). Against this background, the Committee may wish to consider and possibly adopt document ECE/TRANS/WP.30/2009/4 - ECE/TRANS/WP.30/AC.2/2009/3 which includes the precise wording of the legal amendment proposals (Annex 1) as well as proposals involving comments (Annex 2).

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

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

Item 6 Application of the Convention

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

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

22. At its forty-fifth 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, the Committee should review its application 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 exchange of views about the experiences made so far in this area.

(b) Comments adopted by WP.30

23. The Committee may wish to endorse the following comment to Article 23, clarifying that Customs authorities should only impose escorts on the basis of risk assessment procedures (ECE/TRANS/WP.30/240, para. 26):

“Escort of road vehicles

Article 23 implies that escort may be prescribed under exceptional circumstances only, when compliance with Customs law cannot be ensured by other means. A decision regarding escort should be based on risk analysis. In particular, Customs authorities should analyze the risk that the transport operator will not present the road vehicle(s) together with the goods to the Customs office of destination or exit (en route) and that the goods may illegally be put into free circulation. When doing so, the Customs authorities are recommended to assess, among others, the following factors (in no particular order):

- information on Customs infringements committed by the TIR Carnet holder as well as on his previous withdrawals or exclusions from the TIR procedure;
- information on the reputation of the transport operator;
- the amount of import or export duties and taxes at risk;
- the origin of the goods and their itinerary.

In the case of escorts and in particular if no other written proof is provided to the carrier, Customs authorities are recommended, at the request of the carrier, to insert into the counterfoil No. 1 of the TIR Carnet under item 5 “Miscellaneous” the word “Escort”, followed by a short indication of the reasons which have led to the requirement for the escort.

According to Explanatory Note 0.1 (f), escort fees should be limited in amount to the approximate cost of the services rendered and should not represent an indirect protection to domestic products or a tax on imports or exports for fiscal purposes.”

24. The Committee may also wish to endorse the following comment to Article 4 of the Convention (ECE/TRANS/WP.30/240, para. 28):

“Relief from the payment or additional security of import or export duties and taxes

The basic principle of Customs transit is relief from the payment of import or export duties and taxes for goods in transit, provided that any security required has been furnished. As the goods carried under the TIR procedure are at any moment covered by the guarantee, as referred to in Article 3 (b), in the course of a TIR transport neither payment of import or export duties and taxes nor security in any other form shall be required in any Contracting Party involved in the TIR transport.”

Item 7 Best practices

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

Documentation: ECE/TRANS/WP.30/AC.2/2008/3/Rev.1

25. At its previous session, the Committee was informed that a revised example of best practice with regard to the application of Articles 39 and 40 would be submitted by the TIRExB to the present session of the Committee. In this context, the Committee may wish to consider document ECE/TRANS/WP.30/AC.2/2008/3/Rev.1.

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

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

26. At its previous session, the Committee welcomed an example of best practices with regard to the use of the TIR Carnet (ECE/TRANS/WP.30/AC.2/2008/8), prepared by the TIRExB in line with its mandate, and stressed the importance of this document for both Customs authorities and TIR Carnet holders. Following a short exchange of views, the Committee invited Contracting Parties to study the example in detail and to send to the secretariat their comments, if any, prior to the next session (ECE/TRANS/WP.30/AC.2/95, para.31). The Committee may wish to be informed of the comments received and to reconsider the underlying example of best practice with a view to including it into the next edition of the TIR Handbook.

Item 8 Other business

(a) Date of next session

27. The UNECE secretariat has made the necessary arrangements to hold the forty-eighth session of the Administrative Committee on 1 October 2009. The Administrative Committee may wish to confirm the date of the forty-seventh session.

(b) Restriction on the distribution of documents

28. 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 9 Adoption of the report ^{5/}

29. 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.

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^{5/} The reading of the report will take place on 6 February 2009.