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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-seventh session

Geneva, 6 February 2014

Item 7 of the provisional agenda

Revision of the Convention

Amendment proposals to the Convention prepared by the TIR Executive Board

Note by the secretariat

A. Background

1. At its fifty-sixth session (Rome, December 2013), the TIR Executive Board (TIRExB), finalized proposals to amend Article 42 bis with an Explanatory Note to clarify the meaning of the term “immediately” in the text of the Article, together with guidelines for communicating and introducing new control measures. At the same session, TIRExB agreed on proposals to amend the text of Annex 9, Part I, paragraph 3 (vi) by replacing the existing wording on the deadline of 1 March by an improved text. TIRExB requested the secretariat to transmit the proposals to the TIR Administrative Committee (AC.2) for consideration and, possibly, adoption.

B. Proposals to amend Article 42 bis and to introduce guidelines for communicating and introducing new control measures

2. At its fifty-fifth and fifty-sixth session, TIRExB discussed the possible need for clarifying the meaning of Article 42 bis on the obligation to communicate national control measures that may affect the functioning of the TIR system to TIRExB. To this end, TIRExB agreed on the wording of a new Explanatory Note 0.42 bis. In addition, TIRExB prepared a set of guidelines for communicating and introducing new control measures. The proposals are as follows:

a. Annex 6, new Explanatory Note 0.42 bis

Add a new Explanatory Note to Article 42 bis to read as follows:

“0.42 bis The term “immediately” in Article 42 bis is understood to mean that national measures that may affect the application of the TIR Convention and/or functioning of the TIR system, ought to be communicated in writing to the TIRExB as soon as possible and in any case prior to its entry into force so as to allow the TIRExB to efficiently discharge its supervisory functions and fulfil its responsibility to examine the measure as to its conformity with the TIR Convention in accordance with Article 42 bis and its Terms of Reference as laid down in Annex 8 of the TIR Convention.”

b. Guidelines for communicating and introducing new control measures

Add new Guidelines to Chapter 6 of the TIR Handbook to read as follows:

Guidelines in accordance with the legal requirements of Article 42 bis of the TIR Convention for communicating and introducing new control measures

Step 1: An official written communication to the TIRExB and the UNECE secretariat, informing of the planned measure. The secretariat, upon receipt of the communication, shall circulate it to TIRExB members and place the issue on the agenda for the next planned session, in accordance with the rules of procedure of the TIRExB.

Step 2: The TIRExB shall start discussing the proposed measure at its next regular or, if deemed necessary, extraordinary session. As part of its assessment, the TIRExB may resort to:

- (a) Conducting surveys;
- (b) Inviting experts;
- (c) Requesting additional information from the Contracting Party(ies) and other stakeholders involved;
- (d) Conducting consultations on site;
- (e) Any further activity(ies) falling within its field of competence.

In accordance with Article 42 bis and Annex 8 of the TIR Convention, the TIRExB, shall finalize its assessment as to whether the proposed measure is in conformity with the provisions of the TIR Convention.

Step 3: On the basis of step 2, the TIRExB shall report its findings to the Administrative Committee (AC.2) in accordance with Annex 8, Article 11, paragraph 4 of the TIR Convention.

Step 4: AC.2, in accordance with Annex 8, Article 1 bis, para. 2 of the TIR Convention, shall consider the information provided by the country concerned

as well as the TIRExB and decide on the conformity of the proposed measure(s). It should be noted that the highest authority rests with the AC.2.”

C. Proposals to amend Annex 9, Part I, paragraph 3 (VI)

3. The entry into force, on 1 January 2012, of the amendments to Annex 9, Part I of the Convention, 1975, included a new obligation for national guaranteeing associations to provide TIRExB annually, as per 1 March, with the price of each type of TIR Carnet it issues. In the course of the last two years, it transpired that, unfortunately, the text of the obligation was neither consistent nor fully clear in the three official languages of the TIR Convention, nor in Arabic or Chinese and, thus, led to confusion about the deadline for transmission of the required information. Only the Spanish text seemed to be unambiguous. In order to establish clarity in all languages of the TIR Convention, including Arabic and Chinese, TIRExB, at its fifty-sixth session, agreed to submit the following proposal to AC.2:

Annex 9, Part I, paragraph 3 (vi)

For the existing text read

“(vi) provide the TIR Executive Board, annually, before 1 March with the price of each type of TIR Carnets is issues;”

D. Proposals to amend Annex 9, Part I, paragraph 3 (vi); other language versions

4. For the sake of information purposes, the secretariat transmits the following text proposals, which would apply to the other official languages of the Convention as well as to the Arabic and Chinese text. The Spanish wording will remain unchanged:

French

Annex 9, Part I, new paragraph 3 (vi)

For the existing text read

« (vi) communiquer à la Commission de contrôle TIR, avant le 1er mars de chaque année, le prix de chacun des types de carnets TIR qu'elle délivre; »

Russian

Annex 9, Part I, new paragraph 3 (vi)

for the existing text read

“(vi) ежегодно, до 1 марта, информировать Исполнительный совет МДП о цене на каждый тип выдаваемых книжек МДП;”

Other UN languages

Arabic

Annex 9, Part I, new paragraph 3 (vi)

For the existing text read

٦٠ 'إطلاع المجلس التنفيذي للنقل البري الدولي سنوياً، قبل 1 آذار/مارس،" إلى
سعر كل نوع من بطاقات النقل البري الدولي التي تصدرها؛

Chinese

Annex 9, Part I, new paragraph 3 (vi)

For the existing text read

“(vi) 每年 3 月 1 日之前向 TIR 执行理事会提供本协会所颁发的每一类TIR 证
的价格； ”

E. Considerations by the Committee

5. The Committee is invited to consider and possibly, adopt (in principle) the above proposals for amending the TIR Convention and the TIR Handbook, subject to the availability of text proposals in all three official languages of the TIR Convention for formal adoption at its October 2014 session.