



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Twenty-fourth session, 7-8 October 2004,
agenda item 3)

BY-ELECTIONS IN CASE OF RESIGNATION OF A TIRExB MEMBER

Submitted by the secretariat

A. INTRODUCTION

1. At its twenty-third session, the TIRExB discussed Informal Document 15 (2004), prepared by the secretariat. The Board came to the conclusion that it had reached fundamental agreement on the introduction of a procedure for by-elections. As of the next election for new TIRExB members (spring 2005), the AC.2 will be requested to equally elect, at the same time but in a separate election round, two replacement members, who will be elected from those candidates who have postulated to become member of the TIRExB, but who have not been elected. The secretariat will announce the order in which the replacement members have been elected.

2. In case the TIRExB is informed that a member resigns or can no longer hold office, the highest ranking replacement member shall become member of the Board. In case a member is regularly absent from the sessions, the Board shall ask the body that nominated him/her for clarification. If no clarification is given or in case the clarification does not satisfy the Board, it shall remove the respective member and the highest ranking replacement member shall become member of the Board. The replacement member shall only hold office for the unexpired portion of the term of office of his/her predecessor. To ensure a smooth application, the AC.2 will be requested to endorse the replacement of a member. In case no replacement member is available, the AC.2 shall elect a new member as soon as possible.

3. The Board was not sure whether this new procedure would require a change in the legal text of the Convention (amendment of the existing text of Annex 8, Article 9 and/or the introduction of Explanatory Notes). It requested the secretariat to submit the proposal to the Office of Legal Affairs

in New York to seek its opinion. Pending additional information, the TIRExB decided to adopt the amended Rules of Procedure, possibly by means of a written procedure, so that the decision could be submitted for endorsement by AC.2 at its forthcoming session. Thus, the amended election procedure could apply as of the next elections (TIRExB/REP/2004/23 draft, paras. 7-9)

4. Underlying document contains a proposal for amended Rules of Procedure for adoption by the TIRExB.

B. AMENDED RULES OF PROCEDURE

5. To replace the existing rule of Procedure of the TIRExB on representation by the following^{*/}:

“Representation

The TIRExB shall be composed of nine members, each of different Contracting Parties to the Convention. The TIR Secretary will attend the sessions of the Board (Annex 8, Article 9, paragraph 1).

The members of the TIRExB shall be elected by the Administrative Committee by a majority of those present and voting (Annex 8, Article 9, paragraph 2).

When electing the members of the TIRExB, the TIR Administrative Committee shall, at the same time but in a separate election, elect two replacement members, establishing the order in which they shall be called upon in case a vacancy arises.

The term of office of each member of the TIRExB shall be two years. The members of the TIRExB may be re-elected (Annex 8, Article 9, paragraph 2).

In case a member of the TIRExB resigns before the completion of his/her mandated term office or in case the TIRExB is informed by his/her respective Government or organization being Contracting Party to the Convention that he/she no longer holds office, the highest ranking replacement member shall become member of the Board.

In case a member does not participate regularly in sessions of the Board, the TIRExB shall request clarification from his/her respective Government or organization being Contracting Party to the Convention. In case the Board does not receive any reaction to this request or in case it considers the reason(s) provided not valid, the TIRExB shall remove the respective member from the Board. Consequently, the highest ranking replacement member shall become member of the Board.

^{*/} Proposed new text in bold italics

The replacement of a member shall be endorsed by the TIR Administrative Committee as soon as possible.

In case a vacancy arises, the replacement member shall only hold office for the unexpired portion of the term of office of his/her predecessor.

In case no elected replacement member is available, a replacement member shall be elected by the TIR Administrative Committee as soon as possible.”

C. FURTHER CONSIDERATIONS

6. As requested by the TIRExB, the secretariat shall forward the proposed amendment to the Rules of Procedure to Office of Legal Affairs in New York for consultation, together with the question whether the amended Rules of Procedure require the introduction of a new Explanatory Note to Annex 8, Article 9, para. 2 of the text of the TIR Convention along the following lines:

7. To amend Annex 8, Article 9, para. 2 of the TIR Convention with the following Explanatory Note, stipulating:

“Explanatory Note to Annex 8, Article 9, para. 2

8.9.2. 1. When electing the members of the TIR Executive Board, the TIR Administrative Committee shall, at the same time, but in a separate election, elect two replacement members.

2. In case a vacancy arises, the replacement member shall only hold office for the unexpired portion of the term of office of his/her predecessor.”

8. Pending the outcome of this consultation, the Administrative Committee is requested to apply the amended Rules of Procedure on a voluntary, non-binding basis, at the next election of members of the TIRExB (spring 2005).
