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Administrative Committee for the TIR Convention, 1975

Sixty-seventh session

Geneva, 8 February 2018

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixty-seventh session*,**

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday,
8 February 2018, Room XII

I. Provisional agenda

1. Adoption of the agenda.
2. Election of officers.

* 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 ECE Sustainable Transport Division (Fax: +41-22-917-0039; email: wp.30@unece.org). Documents may also be downloaded from the ECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

** The full text of the TIR Convention, 1975, as well as a complete list of Contracting Parties to the Convention, are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to register online at: www2.unece.org/uncdb/app/ext/meeting-registration?id=BtfvtD or to complete the registration form available from the Internet website of the ECE Sustainable Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE 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 ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.



3. Status of the TIR Convention, 1975.
4. Activities and administration of the TIR Executive Board:
 - (a) Activities of the TIR Executive Board:
 - (i) Report by the Chair of the TIR Executive Board;
 - (ii) Survey on customs claims;
 - (iii) International databases and electronic tools managed by the TIR secretariat;
 - (iv) National and regional TIR workshops and seminars.
 - (b) Administration of the TIR Executive Board and the TIR secretariat:
 - (i) Status report on the accounts for the year 2017;
 - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
5. Revision of the Convention:
 - (a) Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (b) Amendment proposals to the Convention transmitted by the Working Party;
 - (c) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (d) Accepted amendment proposals to the Convention pending formal adoption;
 - (e) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB).
6. Phase III of the TIR revision process - Computerization of the TIR procedure.
7. Other business:
 - (a) IRU external audit report and related matters;
 - (b) Exclusion of Romanian association ARTRI;
 - (c) Date of next session;
 - (d) Restriction on the distribution of documents;
 - (e) List of decisions.
8. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of the session (ECE/TRANS/WP.30/AC.2/136). The Committee will 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 purpose of taking decisions". The number of States which are Contracting Parties to the Convention is seventy.

Documentation

ECE/TRANS/WP.30/AC.2/136

2. Election of officers

In accordance with the Committee's rules of procedure and established practice, the Committee should elect a Chair and possibly a Vice-Chair for its sessions in 2018.

3. Status of the TIR Convention, 1975

The Committee will be informed about changes in the status of the Convention and in the number of Contracting Parties. In particular, the Committee may wish to be informed that, on 3 November 2017, the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (a) C.N.698.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend the body of the TIR Convention, 1975. In accordance with the provisions of Article 59, paragraph 3 of the Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; (b) C.N.699.2017.TREATIES-XI.A.16, informing of the submission of a proposal to amend Article 2 of the TIR Convention, 1975. In accordance with the provisions of Article 59, paragraph 3 of the Convention, the amendment shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; and (c) C.N.700.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend Annexes 6, 8 and 9 of the TIR Convention, 1975. In accordance with the provisions of article 60, paragraph 1 of the Convention, the Administrative Committee decided, at its sixty-sixth session (12 October 2017) that the amendments shall enter into force on 1 July 2018. Therefore, the Secretary-General should be notified of objections to the proposed amendments no later than 30 March 2018. In the absence of a sufficient number of objections by 30 March 2018, the proposed amendments will enter into force on 1 July 2018. More detailed information on these issues as well as on depositary notifications is available on the TIR website.¹

¹ www.unece.org/tir/tir-depositary_notification.html.

4. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of the TIR Executive Board

In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Committee (TRANS/WP.30/AC.2/55, paras. 14 and 15), the secretariat has reproduced the report of the TIR Executive Board (TIRExB) at its seventy-third (June 2017) and seventy-fourth (October 2017) sessions for information and endorsement by the Committee. More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its seventy-fifth (December 2017) and seventy-sixth (February 2018) sessions will be provided orally by the Chair of TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2018/1, ECE/TRANS/WP.30/2018/2

(ii) Survey on customs claims

Pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB, at regular intervals, conducts a survey on the status of customs claims in all TIR Contracting Parties. The Committee will be informed by the secretariat about the survey on customs claims for the years 2013-2016.

(iii) International databases and electronic tools managed by the TIR secretariat

The Committee will be informed about developments related to the International TIR Data Bank (ITDB) and other information technology projects managed by the TIR secretariat, if any.

(iv) National and regional TIR workshops and seminars

The Committee will be informed about TIR workshops and seminars conducted and/or planned.

(b) Administration of the TIR Executive Board and the TIR secretariat

(i) Status report on the accounts for the year 2017

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, 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 2017 by the time the Administrative Committee meets in February 2018, the report on the complete and final accounts will be transmitted, as in the past, to the next session of the Committee in 2018 for formal approval.

Under this agenda item, the Committee will also be informed by the secretariat about the follow-up to the decision of AC.2 at its sixty-fourth session to request the United Nations Office of Internal Oversight Services (OIOS), to audit the accounts of TIRExB and the TIR secretariat.

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

The Committee may wish to recall that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2018 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/135, para. 34). The Committee will be

informed about the transfer of the required funds for the year 2018 by the International Road Transport Union (IRU) to the TIR Trust Fund. At its previous session, the Committee also approved the amount per TIR Carnet (\$ 1.43 (rounded), see ECE/TRANS/WP.30/AC.2/135, para. 35).

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 II), according to which

"...

(8) IRU² maintains a separate account detailing the number of TIR Carnets distributed and the related amounts received;

(9) 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 IRU shall transfer the excess to the UNECE³ named bank account before 15 March. This amount will be reflected in the UNECE TIR accounts 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 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 IRU as endorsed by the Administrative Committee, be subsequently adjusted."

In view of the above, the Administrative Committee will be informed of the audit certificate for the year 2017 and will be invited to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/135, ECE/TRANS/WP.30/AC.2/89

5. Revision of the Convention

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

The Committee may wish to recall that, at its previous session, it agreed to amend Explanatory Note 0.8.3. to refer to 100,000 euros rather than 50,000 United States dollars. The Committee was also informed about ongoing considerations at the Working Party on the guarantee for carriage of tobacco and alcohol products. The delegation of the Russian

² International Road Transport Union

³ United Nations Economic Commission for Europe

Federation reiterated its earlier position that the guarantee system should be reconsidered as a whole, considering that the current level of guarantee leads to complex inspections and calculations. As such, the delegation of the Russian Federation was of the view that the possibility of full guarantee coverage for TIR transports should be revisited in discussions. Noting this position, the Committee decided to revert to further discussions on the level of guarantee at the next session, possibly taking into account the findings of the Working Party (see ECE/TRANS/WP.30/AC.2/135, para. 36).

(b) Amendment proposal to the Convention transmitted by the Working Party

The Committee may wish to recall that, at its previous session, it considered the consolidated comments by Contracting Parties to the proposal by the delegation of the Russian Federation as reflected in document ECE/TRANS/WP.30/AC.2/2017/18 and Informal document WP.30/AC.2 (2017) No. 8. The Committee noted that the received comments appear to indicate that the proposal as submitted would not solicit the support required for its adoption. Furthermore, the Committee noted that TIRExB had completed its work on an Explanatory Note to Article 18, to accompany the original proposal as submitted by the delegation of Turkey. The delegation of the Russian Federation was of the view that further consideration of its proposal would be warranted, and that, should consensus not be reached on the proposal, the Russian Federation would then be prepared to consider the Explanatory Note prepared by TIRExB. Against this background the Committee decided to consider both proposals in conjunction at the current session (see ECE/TRANS/WP.30/AC.2/135, paragraph 37 (b)). To this end, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2018/3, for consideration by the Committee.

Documentation

ECE/TRANS/WP.30/AC.2/2018/3

(c) Amendment proposals to the Convention prepared by the TIR Executive Board

The Committee may wish to note that, presently, no amendment proposal to the Convention has been transmitted by TIRExB for its consideration.

(d) Accepted amendment proposals to the Convention pending formal adoption

Under this agenda item, the Committee may wish to recall that, at its previous session, it had accepted proposals to amend Article 6, paragraph 1, Explanatory Note 0.6.2 and Annex 9, Part I, paragraph 1, adjusting the existing wording to include the term “customs authorities or other competent authorities”, but had also agreed to only transmit these accepted amendments to the depositary at a later stage when a new package of amendments was formed (see ECE/TRANS/WP.30/AC.2/135, paragraph 37 (a)).

(e) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)

The Committee may wish to recall that, at its previous session, it considered proposals submitted by Iran (Islamic Republic of), as contained in document ECE/TRANS/WP.30/AC.2/2016/22, on increasing TIRExB from nine to fifteen members, and to apply a new criteria of geographical representation in the composition of the Board, which would combine the principles of equitable geographical distribution among various regions and the degree of participation of countries in the TIR Convention. The delegation of Iran (Islamic Republic of), supported by the delegation of the Russian Federation, reiterated the importance of equitable geographical representation in TIRExB and proposed to submit a revised and more comprehensive proposal for consideration at the next session. The Committee decided that the proposal would be reconsidered on the basis of a revised

official submission by the delegation of Iran (Islamic Republic of) at a future session (see ECE/TRANS/WP.30/AC.2/135, paras. 46-47).

The Committee is invited to revert to this issue, subject to the availability of an official document outlining revised and more comprehensive proposals by the delegation of Iran (Islamic Republic of).

6. Phase III of the TIR revision process - Computerization of the TIR procedure

The Committee will be informed about the latest developments in the field of computerization of the TIR procedure. In particular:

- (a) the outcome of the twenty-seventh session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR procedure (GE.1), in Geneva (4 and 5 December 2017);
- (b) the outcome of the fifth session of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) in Geneva (30 and 31 October 2017); and
- (c) the latest developments in the eTIR pilot projects and other developments towards the full computerization of the TIR procedure.

7. Other business

(a) IRU external audit report and related matters

The Committee may wish to refer to the relevant discussions of the Working Party on the IRU external audit report and access thereto. Furthermore, the Committee may wish to invite IRU to provide information on any other related matter of interest for AC.2.

(b) Exclusion of Romanian national association ARTRI

The Committee may wish to recall that, at its previous session, it considered, at the request of the delegation of Romania, the issue of the initiation of the process of exclusion and termination, by IRU, of its contractual relationship with the Asociația Română Pentru Transporturi Rutiere Internaționale (ARTRI) from Romania. The delegation of the European Union warned about the consequences of the possible exclusion of ARTRI from IRU membership, as such exclusion would affect the guarantee coverage for the territory of the European Union and could lead to the termination of the use of the TIR system in all European Union member States. Against this background, it would be in the interest of all stakeholders to avoid such outcome and make best use of the appeal procedure where both parties could make an effort. In conclusion, the Committee called on IRU, in due consideration of the mandate entrusted to it by the Contracting Parties and of the fact that IRU is responsible for the sole TIR guarantee chain, to take all necessary steps in cooperation with the Romanian customs authorities and ARTRI, to come to a mutually acceptable solution as to prevent a possible breakdown in the international guarantee chain (see ECE/TRANS/WP.30/AC.2/135, paras. 60-62).

On 9 November 2017, IRU informed the UNECE secretariat that, further to an appeal hearing on 8 November 2017, the General Assembly of IRU had decided to exclude ARTRI from its membership.

The Committee may wish to continue its considerations of the matter, based on this latest development.

(c) **Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the sixty-eighth session of the Committee on 18 October 2018. The Committee may wish to confirm this date.

(d) **Restriction on the distribution of documents**

The Committee may wish to decide whether there should be any restriction on the distribution of documents issued in connection with its current session.

(e) **List of decisions**

Following a decision by the Committee, a list of decisions will be attached to the final report.

8. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report of its sixty-seventh session on the basis of a draft prepared by the 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.
