



**Economic and Social
Council**

Distr.

RESTRICTED

TRANS/WP.30/AC.2/43
13 December 1996

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee
for the TIR Convention

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION 1975 ON ITS TWENTY-FIRST SESSION
(2-3 December 1996)**

ATTENDANCE

1. The Administrative Committee held its twenty-first session at Geneva on 2 and 3 December 1996. The following representatives of the Contracting Parties attended: Austria; Belgium; Bosnia and Herzegovina; Bulgaria, Croatia; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Ireland; Lithuania; Kazakhstan; Netherlands; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; United Kingdom; European Economic Community.
2. The following international organization was represented as an observer: International Road Transport Union (IRU).
3. The Committee noted that the required quorum according to Annex 8, Article 6 of the Convention had been attained.

ADOPTION OF THE AGENDA

4. The Committee adopted the provisional agenda (TRANS/WP.30/AC.2/42) prepared by the secretariat of the Economic Commission for Europe (ECE).

ELECTION OF OFFICERS

5. In accordance with Annex 8, Article 3 of the Convention and in line with established practice, the Committee elected Mr. J. Elizalde of Spain as Chairman and Mrs. R. Birza as Vice-Chairperson of its twenty-first session.

6. The Committee reiterated that, in accordance with Annex 8, Article 1 of the Convention, competent administrations of States referred to in Article 52, paragraph 1 of the Convention, which were not Contracting Parties to the Convention or representatives of international organizations, could participate as observers in its sessions.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/42, annex.

7. The Committee was informed that the TIR Convention, 1975, currently had 58 Contracting Parties, including the European Economic Community. The Committee noted that the following countries would become Contracting Parties to the Convention: Azerbaijan on 12 December 1996; Tajikistan on 11 March 1997 and Turkmenistan on 18 March 1997.

8. This would bring the number of Contracting Parties to 61.

ADOPTION OF THE REPORT OF THE ADMINISTRATIVE COMMITTEE AT ITS TWENTIETH SESSION

Documentation: TRANS/WP.30/AC.2/41 and Corr.1.

9. The Committee adopted the report of its twentieth session as prepared by the ECE secretariat (TRANS/WP.30/AC.2/41) subject to some minor modifications (TRANS/WP.30/AC.2/41/Corr.1).

REVISION OF THE TIR CONVENTION, 1975

(a) Proposals for amendments to the Convention

Documentation: TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170); informal documents transmitted by the Governments of Kazakstan and Uzbekistan.

10. The Committee continued the examination of amendment proposals to the Convention as prepared by the ECE groups of experts and circulated in document TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170). The Committee recalled that the ECE Working Party on Customs Questions affecting Transport, at its eighty-fourth, eighty-fifth (special) and eighty-sixth sessions, had already considered all of the amendment proposals contained in document TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170) except for the newly proposed articles 10 (e) to 12 in annex 8 to the Convention.

11. The Committee decided on the following modifications to the newly proposed articles 10 (e) to 12 in annex 8 to the Convention:

Annex 8, new article 10

Add the following new paragraphs (f) and (g) to be placed in square brackets:

[(f) agree to the price of TIR Carnets;]

[(g) supervise the operation of the TIR guarantee system.]

Annex 8, new article 11 (a)

Article 11 (a) is to be **divided** into two paragraphs and its text should be **modified** to read as follows:

(a) A session of the Board shall be convened by the TIR Secretary at the request of the Administrative Committee or by at least three members of the Board.

(b) The Board shall strive to take decisions by consensus. If no consensus can be reached, decisions shall be put to vote and shall be taken by a majority of those present and voting. A quorum of **[five]** members is required for the purposes of taking decisions. The TIR secretary shall have no vote.

Annex 8, new article 11 (b)

Article 11 (b) **becomes** article 11 (c) and should **read** as follows:

(c) The Board shall elect a Chairman and shall adopt its own rules of procedures.

Annex 8, new article 11 (c)

Article 11 (c) **becomes** article 11 (d) and the word "Committee" should be **replaced** three times by the wording "Administrative Committee".

Annex 8, new article 11 (d)

Article 11 (d) **becomes** article 11 (e) and the last phrase in this paragraph is to be **replaced** by the following text:

"These international organizations shall have the right to attend the sessions of the TIR Executive Board as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer

at the invitation of the Chairman."

Annex 8, new article 12 (a)

Add at the end of the first phrase the following wording: "... within the Terms of Reference of the Board."

Annex 8, new article 12 (b)

The paragraph is to be placed into square brackets pending further considerations.

12. The Committee recognized the urgency of establishing a TIR Executive Board and agreed in principle on its functions as laid down in documents TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170), TRANS/WP.30/R.179, TRANS/WP.30/172, para. 11 and in this report.

13. Noting various options of financing the operation of the TIR Executive Board and its secretariat, the Committee recommended to exhaust, first of all, all possibilities to obtain the necessary resources, in the order of US\$ 500,000 per annum, through the United Nations regular budget either by increasing the resource allocation to the United Nations Economic Commission for Europe (ECE) or by a reallocation of the required resources within the ECE. The Committee was of the view that in case this approach failed or would lead to a postponement of the establishment of the TIR Executive Board beyond 1997, the TIR Executive Board should be financed through a levy on TIR Carnets issued by authorized associations. The Committee was also of the view that such a levy should be regarded as a temporary measure until other financing arrangements had been secured.

14. The ECE secretariat was requested to prepare a short document on these issues, providing some more details on the cost structure of the proposed TIR Executive Board. This document should be transmitted to the Inland Transport Committee at its forthcoming session (13-17 January 1997) with a view to obtaining guidance on this matter.

15. The ECE secretariat was also requested to prepare, for the February meeting of the Committee, a consolidated document containing all amendment proposals discussed and provisionally adopted.

16. Finally, the Committee decided to include in the agenda of its future meetings an item on the prices for the various TIR Carnets issued by the IRU. The IRU was requested to provide the necessary information to the ECE secretariat.

(b) Revision procedure

Documentation: TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170); TRANS/WP.30/R.179.

17. The Committee considered whether to proceed in accordance with the amendment procedure foreseen in the Convention or to endeavour to speed up this procedure with

a view to implementing at least some of the amendments at an earlier date than provided for in the Convention as has been described in secretariat document TRANS/WP.30/R.179 and has been discussed already at the twentieth session of the Committee (TRANS/WP.30/AC.2/41 and Corr.1, paras. 12-15).

18. The Committee reiterated the view that, even if the amendments agreed upon to the Convention would be adopted in the form of a Resolution, each Contracting Party would have to adopt legislative procedures at the national level which would make an early entry into force of the provisions as envisaged ineffectual. Furthermore, the Committee felt that the objective of entry into force of the provisions contemplated at the same time for all Contracting Parties could not be achieved by means of a Resolution.

19. The Committee decided therefore not to consider the preparation of a Resolution on this matter for the time being.

OTHER BUSINESS

(a) Statement by the representative of the IRU

20. The representative of the IRU made a statement in which he underlined the gravity of the crisis that the TIR system is going through and the importance of certain key factors with a view to resolving these problems. In the view of the IRU these key factors were the following: (a) Improved Customs control over all goods under the TIR procedure; (b) Faster information by Customs authorities on non-discharged TIR Carnets; (c) Provision of up-to-date information by Customs authorities on the status of claims regarding non-discharged TIR Carnets; and (d) Suspension of payment claims against national guaranteeing associations by Customs authorities.

(b) Difficulties in the application of the TIR Convention in the Federal Republic of Yugoslavia (Serbia and Montenegro)

21. The representative of Austria informed the Committee that, as of the week commencing 25 November 1996, the competent authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) no longer accepted TIR Carnets and applied national Customs transit procedures. This had caused considerable difficulties for Austrian transport operators.

22. The Committee took note of this statement.

(c) Dates of next session

23. The Committee confirmed its decision taken earlier to convene the twenty-second session on 27 and 28 February 1997, i.e. during the same week in which the

spring session of the ECE Working Party on Customs Questions affecting Transport (WP.30) would be held (24-28 February 1997).

(d) Restriction on the distribution of documents

24. The Committee decided that no restriction should be placed on the distribution of documents for the current session, with the exception of the written information provided by the IRU on the implementation of the SAFETIR system.

ADOPTION OF THE REPORT

25. The Committee agreed to adopt the report on its twenty-first session at the forthcoming twenty-second session (27 and 28 February 1997) on the basis of a draft to be prepared by the ECE secretariat.
