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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

Forty-ninth session
Geneva, 4 February 2010

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

To be held at the Palais des Nations, Geneva,
starting at 10 a.m. on Thursday, 4 February 2010 ^{1/}, ^{2/}

I. PROVISIONAL AGENDA

1. Adoption of the agenda.
2. Election of officers.
3. Status of the TIR Convention, 1975.

^{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).

^{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>>.

4. Activities and administration of the TIR Executive Board (TIRExB):
 - (a) Activities of the TIRExB:
 - (i) Report by the Chairperson of the TIRExB;
 - (ii) International TIR Data Bank (ITDB);
 - (iii) Online UNECE Register of Customs Sealing Devices and Customs Stamps;
 - (iv) National and regional TIR workshops and seminars.
 - (b) Administration of the TIRExB and the TIR secretariat:
 - (i) Status report on the accounts for 2009;
 - (ii) Procedure for financing of the operation of the TIRExB and TIR secretariat in 2010;
 - (iii) Audit by the United Nations Office of Internal Oversight Services (OIOS).
5. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system.
6. Authorization for the conclusion of an agreement between UNECE and IRU.
7. Revision of the Convention:
 - (a) Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (b) Other proposals for amendments to the Convention;
 - (c) Phase III of the TIR revision process – computerization of the TIR procedure.
8. Application of the Convention:
 - (a) Recommendation on the introduction of HS code in the TIR Carnet;
 - (b) Comments adopted by WP.30.
9. Best practices.
10. Other business:
 - (a) Date of next session;
 - (b) Restriction on the distribution of documents.
11. Adoption of the report.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Adoption of the agenda

Documentation: ECE/TRANS/WP.30/AC.2/100

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 has been 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 2010.

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 Depository Notifications is available on the TIR website.^{3/}

4. In particular, the Committee may wish to note that the amendment proposal introducing a new Explanatory Note to Article 3 (a) (Depository Notification C.N.48.2009.TREATIES-1 of 2 February 2009) entered into force on 1 October 2009 (Depository Notification C.N.387.2009.TREATIES-3 of 2 July 2009). With regard to the amendment proposal to Annex 6, Explanatory Note 0.8.3 concerning the maximum guarantee amount per TIR Carnet (Depository Notification C.N.198-2009.TREATIES-2 of 8 April 2009), by the deadline of 1 October 2009 more than five of the States which are Parties to the Convention (Armenia, Georgia, Kyrgyzstan, Iran (Islamic Republic of), Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia and Turkey) had notified the Secretary-General of their objection to the proposed amendment. Consequently, in accordance with the provisions of article 59 (4) of the Convention, the amendment is deemed not to have been accepted and has no effect. Details on the objections can be found in Depository Notifications C.N.722.2009.TREATIES-10 (reissued 13 November 2009), C.N.706.2009.TREATIES-3, C.N.714.2009.TREATIES-4, C.N.716.2009.TREATIES-5, C.N.717.2009.TREATIES-6, C.N.718.2009.TREATIES-7, C.N.720.2009.TREATIES-8 and C.N.721.2009.TREATIES-9, all dated 9 October 2009 and C.N.809.2009.TREATIES-11 of 13 November 2009).

Item 4. Activities and administration of the TIR Executive Board (TIRExB)

(a) Activities of the TIRExB

(i) Report by the Chairperson of TIRExB

Documentation: ECE/TRANS/WP.30/AC.2/2010/1

5. 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 report of the TIRExB on its fortieth session (June 2009) for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2010/1).

6. More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its forty-first (October 2009) and forty-second (February 2010) sessions will be provided orally by the Chairperson of the TIRExB.

^{3/} <<http://tir.unece.org>>.

(ii) International TIR Data Bank (ITDB)

7. 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 the progress made in the implementation of the ITDB online+ project aimed at enabling Customs authorities to update their countries' data online in ITDB.

(iii) Online UNECE Register of Customs Sealing Devices and Customs Stamps

8. The Committee will be informed of the functioning of the online UNECE register of Customs sealing devices and Customs stamps.

(iv) National and regional TIR workshops and seminars

9. 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 2009

10. 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 2009 by the time the Administrative Committee meets in February 2010, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in September 2010 for formal approval.

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

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

11. The Committee may wish to recall that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2010 was approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/99, para. 16). 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 2010 by IRU to the TIR Trust Fund. At its previous session, the Committee also approved the amount per TIR Carnet (US\$ 0.3333, see *ibid*). This amount is to 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.

12. 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."

13. In view of the above, the Administrative Committee may wish to be informed of the audit certificate for the year 2009 and, on the proposal of the IRU, to approve the appropriate action according to item 12 of the above procedure.

(iii) Audit by the United Nations Office of Internal Oversight Services

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

Item 5. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system

15. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system is granted subject to the provisions of Article 6.2**bis** and Article 10 (b) of Annex 8 and Explanatory Notes 0.6.2 **bis**-2 and 8.10 (b). The Committee may wish to recall its earlier decision to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 inclusive (TRANS/WP.30/AC.2/77, para. 37 and ECE/TRANS/WP.30/AC.2/91, para. 17) and that a decision for the next period should be taken at the present session.

Item 6. Authorization for the conclusion of an agreement between UNECE and IRU

Documentation: ECE/TRANS/WP.30/AC.2/2010/2

16. At its previous session, the Committee recalled that the present UNECE-IRU Agreement would expire at the end of 2010 and that a new draft agreement would be submitted to the Committee for approval at its present session (ECE/TRANS/WP.30/AC.2/99, para. 20). In the context of its discussions under agenda item 5, the Committee may wish to consider a draft agreement, as contained in document ECE/TRANS/WP.30/AC.2/2010/2, and provide the secretariat with the mandate to conclude the new agreement with a view to continuing to finance the operation of the TIRExB and the TIR secretariat as of the year 2011.

Item 7. Revision of the Convention

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

17. At the previous session, the Committee noted that the underlying amendment proposal had been rejected, because more than five objections had been lodged before the deadline of 1 October 2009 (for details refer to para. 4 of the present agenda). The majority of the delegations expressed concerns that it was the first time in many years that an amendment proposal had been rejected. While fully respecting the inherent right of any Contracting Party to raise an objection, those delegations regretted that the Committee had not been in a position to reach a consensus and take into account the views of the countries which had lodged objections, because those countries had either not participated in the Committee's work or had not indicated that they would oppose the proposed amendment, except for one country. The Committee felt that, in the future, such a situation might have a negative impact on the TIR revision process and wished to revert to this issue at the present session (ECE/TRANS/WP.30/AC.2/99, para. 7). Against this background, the Committee may wish to continue its discussions on the above amendment proposal.

(b) Other proposals for amendments to the Convention

Documentation: ECE/TRANS/WP.30/AC.2/2010/3, ECE/TRANS/WP.30/AC.2/2010/4

18. At its previous session, the Committee considered amendment proposals, as contained in document ECE/TRANS/WP.30/2009/4 - ECE/TRANS/WP.30/AC.2/2009/3, Corr. 1-3, and noted that the European Community had finalized its internal approval procedures for their formal acceptance. The Committee decided to delete the proposals with regard to Article 6, paragraph 2bis and Annex 6, Explanatory Note 0.8.3, line 1-2 and requested the secretariat to issue a revised document for the present session (ECE/TRANS/WP.30/AC.2/99, para. 21). In this context, the Committee may wish to consider the updated amendment proposals as contained in document ECE/TRANS/WP.30/AC.2/2010/3.

19. The Committee may wish to recall that, at its previous session, it had invited all Contracting Parties to carefully review the amendment proposals, undertake the necessary consultations at the national level and inform the Committee of their comments or possible disagreement. The secretariat was requested to contact countries that do not regularly participate

in the Committee's sessions (ECE/TRANS/WP.30/AC.2/99, para. 22). The Committee will be informed of follow-up activities in this respect.

20. The Committee will also be informed of the outcome of discussions by the Working Party on Customs Questions affecting Transport with regard to the amendment proposals to Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3-ECE/TRANS/WP.30/AC.2/2010/4.

21. Should the Committee decide to adopt the amendment proposals, it may also wish to decide, where appropriate, on a time-scale in accordance with Article 60.

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

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

Item 8. Application of the Convention

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

Documentation: ECE/TRANS/WP.30/AC.2/93, Annex II

23. At its previous session, the Committee was informed that, so far, the implementation of the Recommendation on the use of the Harmonized Commodity Description and Coding System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/93, para. 28 and Annex II) had not led to major problems for TIR Carnet holders. The Committee recalled that, according to the International Convention on the Harmonized Commodity Description and Coding System, any HS code should consist of 6 digits. However, some Customs authorities required to indicate 4, 8 or even 10 digits on the TIR Carnet. The Committee decided to continue monitoring the implementation of the Recommendation. To this end, the secretariat was mandated to conduct a survey among Contracting Parties to identify best practices (ECE/TRANS/WP.30/AC.2/99, para. 24). Against this background, the Committee may wish to further review the application of the Recommendation.

(b) Comments endorsed by WP.30 and TIRExB

24. The Committee will be informed of new comments endorsed by WP.30 and TIRExB.

Item 9. Best practices

Documentation: ECE/TRANS/WP.30/AC.2/2010/6, ECE/TRANS/WP.30/AC.2/2010/7

25. The Committee is invited to consider a new example of best practice prepared by TIRExB concerning the implementation of Annex 10 to the Convention at the national level (ECE/TRANS/WP.30/AC.2/2010/6).

26. At its previous session, the Committee decided to separately consider a recommendation of TIRExB concerning the use of subcontractors in the framework of the TIR procedure, as laid

down in para. 9 of document ECE/TRANS/WP.30/AC.2/2009/4 (ECE/TRANS/WP.30/AC.2/99, para. 9). In this context, the Committee may wish to take note of document ECE/TRANS/WP.30/AC.2/2010/7 which contains background information on the issue.

Item 10. Other business

(a) Date of next session

27. The UNECE secretariat has made the necessary arrangements to hold the fiftieth session of the Administrative Committee on 30 September 2010. The Administrative Committee may wish to confirm this date.

(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 11. Adoption of the report

29. In accordance with Annex 8, Article 7 of the Convention, the Administrative Committee will adopt the report on its forty-ninth 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.
