



# Economic and Social Council

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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Fifty-second session

Geneva, 6 October 2011

Item 1 of the provisional agenda

#### Adoption of the agenda

### Annotated provisional agenda for the fifty-second session<sup>1, 2</sup>

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 6 October 2011

## I. Provisional agenda

1. Adoption of the agenda.
2. Status of the TIR Convention, 1975.
3. Activities and administration of the TIR Executive Board:
  - (a) Activities of the TIR Executive Board:

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<sup>1</sup> 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 <[www.unece.org/trans/bcf/welcome.html](http://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).

<sup>2</sup> 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 <[www.unece.org/meetings/practical\\_information/confpart.pdf](http://www.unece.org/meetings/practical_information/confpart.pdf)> 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 75975). For a map of the Palais des Nations and other useful information, see website <[www.unece.org/meetings/practical.htm](http://www.unece.org/meetings/practical.htm)>.

- (i) Report by the Chair of the TIR Executive Board;
  - (ii) TIRExB programme of work for the years 2011–2012
  - (iii) International TIR Data Bank;
  - (iv) Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps;
  - (v) 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 2010 and 2011;
    - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat;
  - (c) Election of members of the TIR Executive Board.
4. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system.
5. Revision of the Convention:
  - (a) Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet;
  - (b) Amendment proposals to Annex 3;
  - (c) Other proposals for amendments to the Convention;
  - (d) Phase III of the TIR revision process – computerization of the TIR procedure.
6. Application of the Convention:
  - (a) Recommendation on the introduction of Harmonized System code in the TIR Carnet;
  - (b) Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board.
7. Best practices.
8. Other business:
  - (a) Date of next session;
  - (b) Restriction on the distribution of documents.
9. Adoption of the report.

## II. Annotations

### 1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/106). 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 is sixty-eight.

#### Documentation

ECE/TRANS/WP.30/AC.2/106

### 2. Status of the TIR Convention, 1975

The Committee will be informed of any changes in the status of the Convention and in the number of Contracting Parties. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.<sup>3</sup> As in the past, the complete list of Contracting Parties, countries with which a TIR operation can be established and national associations issuing TIR Carnets will be attached to the report of the present session.

### 3. 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. 14–15), the United Nations Economic Commission for Europe (UNECE) secretariat has reproduced the reports of the TIR Executive Board (TIRExB) on its forty-fourth (September 2010), forty-fifth (January 2011) and forty-sixth sessions (April 2011) for information and endorsement by the Committee (documents ECE/TRANS/WP.30/AC.2/2011/6, ECE/TRANS/WP.30/AC.2/2011/7 and ECE/TRANS/WP.30/AC.2/2011/8, respectively).

More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its forty-seventh (June 2011) will be provided orally by the Chair of the TIRExB.

#### Documentation

ECE/TRANS/WP.30/AC.2/2011/6, ECE/TRANS/WP.30/AC.2/2011/7,  
ECE/TRANS/WP.30/AC.2/2011/8

<sup>3</sup> <[www.unece.org/tir/tir-depository\\_notification.html](http://www.unece.org/tir/tir-depository_notification.html)>.

(ii) **TIRExB programme of work for the years 2011–2012**

The Committee is invited to approve the Programme of Work of the TIRExB for the years 2011–2012 (ECE/TRANS/WP.30/AC.2/2011/9) and provide guidance on future activities and priorities of work of the TIRExB.

**Documentation**

ECE/TRANS/WP.30/AC.2/2011/9

(iii) **International TIR Data Bank**

The Committee is invited to take note of the status of transmission of documents and data to the International TIR Data Bank (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 the ITDB.

(iv) **Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps**

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

(v) **National and regional TIR workshops and seminars**

The Committee may wish to be informed about seminars conducted and/or planned.

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

(i) **Status report on the accounts for 2010 and 2011**

In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The report on the complete and final accounts for 2010 is transmitted for approval by the Committee (ECE/TRANS/WP.30/AC.2/2011/10). The Committee may also wish to take note of interim financial statements for 2011 as contained in document ECE/TRANS/WP.30/AC.2/2011/11.

**Documentation**

ECE/TRANS/WP.30/AC.2/2011/10, ECE/TRANS/WP.30/AC.2/2011/11

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

At its previous session, the Committee took note that, on 10 January 2011, the external auditor of the International Road Transport Union (IRU) had produced an audit certificate reflecting the amount transferred by IRU and the total amount actually invoiced by IRU when distributing the TIR Carnets. According to the certificate, in 2010 there was an excess (i.e. more was received than initially transferred) of CHF 342,384.60 (ECE/TRANS/WP.30/AC.2/105, para. 17). The Committee will be informed that IRU transferred this excess to the UNECE named bank account before 15 March 2011. This amount will be reflected in the UNECE TIR account to be taken into account for the next budget year.

The Committee may also 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) and, in particular, its following steps:

(a) The UNECE secretariat prepares a document comprising the budget proposal established by the TIRExB for approval by the Committee (September);

(b) The UNECE secretariat informs the IRU of the budget proposal and the net amount to be transferred and requests the IRU to provide an operational forecast of the number of TIR Carnets it expects to distribute in the forthcoming year (September);

(c) IRU provides the Committee with its forecast of the number of TIR Carnets it expects to distribute in the forthcoming year and its internal calculation concerning the amount per TIR Carnet (September – October);

(d) The Committee approves the budget and the net amount to be transferred by IRU, and takes note of the forecast established by IRU. The Committee also approves the amount per TIR Carnet, calculated by the secretariat on the basis of the forecast provided by IRU (September – October);

(e) IRU transfers the net amount approved by the Committee to the UNECE named bank account (mid-November).

The Committee will be informed of activities by the UNECE secretariat and IRU under items (a) – (c). With regard to (d), the Committee is invited to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2011 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2011/12). The Committee may also wish to be informed by IRU of its forecast of the number of TIR Carnets it expects to distribute in 2012 and of its internal calculation concerning the amount per TIR Carnet. The Committee may wish to approve the amount per TIR Carnet which will be expressed in Swiss francs following the transfer of the above net amount to the UNECE named bank according to the prevailing US dollar – Swiss franc exchange rate on the day of the transfer.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2011/12

#### **(c) Election of members of the TIR Executive Board**

The Committee may wish to recall that, at its previous session, it had elected nine members of the TIRExB for the 2011-2012 term of office (ECE/TRANS/WP.30/AC.2/105, paras. 19 –22). In May 2011, one Customs Administration, whose representative had been elected, informed the secretariat that, following a reorganization of the Administration, this person was assigned new duties and would no longer be in a position to continue as TIRExB member. This is the first time since the establishment of the TIRExB in 1999 that a TIRExB member has been withdrawn by his or her administration. Thus, the Committee is invited to consider this situation and take a decision on the possible by-election of a new member to replace the outgoing person and on the modalities for such by-elections.

#### **4. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system**

At its previous session, the Committee considered document ECE/TRANS/WP.30/AC.2/2011/2 by the secretariat, containing an analysis of Article 6.2 bis and its Explanatory Note 0.6.2 bis-2 with regard to the relationship between the authorization of an international organization and the written agreement between this organization and UNECE. According to the document, (i) the authorization granted by AC.2 remains without effect until the international organization has accepted its responsibilities and (ii) the Convention stipulates that the only legally acceptable form of

acceptance for the international organization is by signing the agreement with UNECE, leaving any other form of acceptance (orally or in writing) without legal consequence. The majority of delegations supported the conclusions of document ECE/TRANS/WP.30/AC.2/2011/2. A few delegations reserved their position on the document, due to its late availability in all official languages and the need for further consultations at the national level. For this reason, the Committee decided to postpone a final decision until the present session (ECE/TRANS/WP.30/AC.2/105, paras. 23–25).

The Committee, at its previous meeting, was also informed that IRU had changed the TIR global insurer and had signed a new global insurance contract. A copy of the global insurance contract was reproduced in Informal document No. 3 (2011), which was distributed by the secretariat upon request. Following a brief exchange of views, the Committee recalled that the content of the contract was under discussion by TIRExB (see para. 9 (d) above) and requested this body to report back to the Committee with its findings (ECE/TRANS/WP.30/AC.2/105, paras. 26). In line with this request, the Committee will be informed about considerations of the Board.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2011/2

### **5. Revision of the Convention**

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

At the previous meeting, the Committee noted that no progress had been made on this issue, due to the fact that, so far, none of the eight countries which had raised objections to the underlying amendment proposal had informed AC.2 of changes in their position. The Committee encouraged countries, that had not yet clarified the rationale behind their objections, to do so. Pending such information, the delegations of the Republic of Belarus, Russian Federation and Ukraine requested that this issue be kept on the agenda (ECE/TRANS/WP.30/AC.2/105, para. 30). Against this background, the Committee may wish to continue its considerations of the matter.

#### **(b) Amendment proposals to Annex 3**

The Committee may wish to note that the UNECE Working Party on Customs Questions affecting Transport (WP.30) considered proposals by the European Union to amend the TIR Convention, 1975 with a code system to report defects in load compartments of vehicles used for the TIR procedure (ECE/TRANS/WP.30/2010/12). As a result, the secretariat was requested to prepare an example of best practice for consideration to AC.2, together with proposals how to amend the legal text of the Convention (ECE/TRANS/WP.30/256, para. 28). The Committee will be informed about progress made on this issue.

#### **(c) Other proposals for amendments to the Convention**

The Committee may wish to recall that, at its previous session, it adopted two packages of amendment proposals, as contained in documents ECE/TRANS/WP.30/AC.2/2010/3/Rev.1 and ECE/TRANS/WP.30/AC.2/2010/4/Rev.1 (ECE/TRANS/WP.30/AC.2/105, paras. 31 and 32). The Committee will be informed about follow-up actions to the above decision.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2010/3/Rev.1, ECE/TRANS/WP.30/AC.2/2010/4/Rev.1

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

The Committee will be informed of the latest developments with regard to the computerization of the TIR procedure.

## **6. Application of the Convention**

(a) **Recommendation on the introduction of Harmonized System code in the TIR Carnet**

At its previous session, the Committee welcomed the presentation of the results of the survey concerning the implementation of the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet, as contained in document ECE/TRANS/WP.30/AC.2/2011/3. It noted that some discrepancies between the answers from associations and those from Customs administrations were possibly due to confusion between the requirements of national transit and those for the TIR procedure. The Committee recognized the need to further discuss the results of the survey at its next session and acknowledged that the large majority of respondents were, in principle, in favour of amending the TIR Convention to include the mandatory indication of the HS code (ECE/TRANS/WP.30/AC.2/105, para. 34). The delegation of Turkey recalled its view that, at this stage, should the use of the HS code on the TIR Carnet become mandatory, it would insist on the introduction of an Explanatory Note to the Convention, stipulating that the holder shall not be liable in cases of inconsistencies between the goods and HS code and/or between the plain language description of the goods and the HS code that is written on the TIR Carnet (ECE/TRANS/WP.30/234, paras. 28–30). Against this background, the Committee may wish to continue its considerations on the issue.

### **Documentation**

ECE/TRANS/WP.30/AC.2/2011/3

(b) **Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board**

The Committee will be informed of new comments endorsed by WP.30 and TIRExB, if any.

## **7. Best practices**

The Committee, at its forty-ninth session, extensively discussed document ECE/TRANS/WP.30/AC.2/2010/7, containing a proposal by the secretariat for the introduction of a new comment to Article 1 (o) of the Convention and addressing the use of the TIR Carnet by other persons than the TIR Carnet holder, the so-called "subcontractors". Several delegations felt that it was premature to agree on the wording of a comment or any other format as long as the aspect of liability of the TIR Carnet holder or the subcontractor had not been duly addressed and settled. Other delegations pointed out that for many years TIR Carnet holders had made use of subcontractors to fulfil their commercial obligations with the full knowledge that this does not affect the liability of the TIR Carnet holder as set out in the provisions of the TIR Convention. In the absence of consensus, the Committee decided to revert to the issue at its next session. In the meantime, Contracting Parties were requested to carefully consider the proposal at the national level and to submit any concerns in writing to the secretariat for dissemination among all Contracting Parties. In order to facilitate future discussions, the Committee also requested the secretariat to reproduce Informal document No. 4 (2009) from its forty-seventh session, containing the summary outcome of a TIRExB survey on the use of subcontractors at the national level, as an

official document for consideration at the present session (ECE/TRANS/WP.30/AC.2/101, para. 30). In line with this request, the secretariat issued document ECE/TRANS/WP.30/AC.2/2010/13. Another contribution (Informal document No. 9 (2010)) was transmitted by the Customs Administration of the Republic of Belarus.

At its previous meeting, the Committee recalled the above discussion and, given its complexity, decided to revert to this issue at its present session (ECE/TRANS/WP.30/AC.2/105, para. 36). Therefore, the Committee is invited to resume its considerations.

**Documentation**

ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2010/13, Informal document No. 9 (2010), ECE/TRANS/WP.30/AC.2/2011/5

**8. Other business**

**(a) Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the fifty-third session of the Committee on 9 February 2012. The Committee may wish to confirm this date.

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

The 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.

**9. Adoption of the report**

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report on its fifty-second 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.

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