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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-third session

Geneva, 9 February 2012

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the fifty-third session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 9 February 2012

I. Provisional agenda

1. Adoption of the agenda.
2. Election of officers.
3. Status of the TIR Convention, 1975.
4. Activities and administration of the TIR Executive Board:

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 <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).

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 <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>.

- (a) Activities of the TIR Executive Board:
 - (i) Report by the Chair of the TIR Executive Board;
 - (ii) International TIR Data Bank;
 - (iii) Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps;
 - (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 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.
5. Revision of the Convention:
- (a) Amendment to the Convention with regard to the authorization of an international organization;
 - (b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (c) Amendment proposals to Annex 3;
 - (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.2/108). 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.2/108

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 2012.

3. Status of the TIR Convention, 1975

The Committee may wish to note that, on 3 October 2011, the Secretary General of the United Nations issued Depositary Notification C.N.659.2011.TREATIES-3, communicating that, by 1 October 2011, none of the Contracting Parties had communicated to the Secretary-General an objection to the proposals of amendments to Annex 6 and Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1 and Corr. 1 and 2 thereto. Consequently, in accordance with the provisions of article 60 (1) of the Convention, the amendments entered into force on 1 January 2012 for all Contracting Parties. The Committee will also be informed of any further 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 Depositary Notifications is available on the TIR website.³

4. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of 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 report of the TIR Executive Board (TIRExB) on its forty-seventh (June 2011) session for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2012/1).

More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its forty-eighth (October 2011) and forty-ninth

³ <www.unece.org/tir/tir-depositary_notification.html>.

(February 2012) sessions will be provided orally by the Chair of the TIRExB. In particular, the Committee will be informed of preliminary results of the survey on Customs claims over the years 2007–2010, which was conducted by TIRExB in 2011.

Documentation

ECE/TRANS/WP.30/AC.2/2012/1

(ii) 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.

(iii) 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 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 2011

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 2011 by the time the Administrative Committee meets in February 2012, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2012 for formal approval.

(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 2012 was approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/107, para. 17). The Committee will be informed about the transfer of the required funds for the year 2012 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 (US\$ 0.405, see ECE/TRANS/WP.30/AC.2/107, para. 18). 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.

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."

In view of the above, the Administrative Committee may wish to be informed of the audit certificate for the year 2011 and, on the proposal of IRU, to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/107

(c) Election of members of the TIR Executive Board

At its previous session, the Committee was informed by the delegation of Ukraine that Mr. V. Luhovets, who was elected as TIRExB member for the 2011–2012 term of office (ECE/TRANS/WP.30/AC.2/105, paras. 19–22), was assigned new duties and, as a result, would no longer be in a position to continue as TIRExB member. The Committee noted that, although not having been used so far, the TIRExB Rules of Procedure contain a provision stipulating that "in case one of the members of the TIRExB resigns before the completion of his/her mandated term of office, a replacement member shall be elected by the TIR Administrative Committee as soon as possible". Following an extensive discussion, the Committee agreed that, in order to invoke the above provision, a formal letter of resignation would be required from Mr. Luhovets. Once this pre-condition has been fulfilled, the established procedure for election of TIRExB members should be followed, as described in Informal document WP.30/AC.2 No. 1 (2011), with a view to soliciting candidates and organizing by-election of one TIRExB member at the next session of the Committee on 9 February 2012. On the condition that a resignation letter had been received from Mr. Luhovets, the secretariat was mandated to undertake the necessary steps, including setting up a deadline for the nomination of candidates and the publication of a list of all nominated candidates well in advance before the election. The Committee also agreed that the term of office of the by-elected member would expire simultaneously with the term of office of the other eight TIRExB members (i.e. at the beginning of 2013) (ECE/TRANS/WP.30/AC.2/107, paras. 21–23).

At the moment of the finalization of the present provisional agenda (i.e. 17 November 2011), the secretariat has not yet received a resignation letter from Mr. V. Luhovets and, therefore, has not been able to proceed with the above arrangement for the elections.

At the previous session of AC.2, some delegations also felt that the established TIRExB Rules of Procedure and election procedure of TIRExB members might need to be adjusted to take into account the underlying or similar contingencies, in particular, to avoid as far as possible by-elections for the sake of efficiency. One delegation expressed its concern on the composition of TIRExB and requested that the principle of equitable geographical distribution be applied to this body. The Committee decided to discuss these issues in detail at its present session (ECE/TRANS/WP.30/AC.2/107, para. 24).

5. Revision of the Convention

(a) Amendments to the Convention with regard to the authorization of an international organization

The Committee will be informed that the Working Party on Customs Questions affecting Transport (WP.30) has approved and submitted to AC.2 for consideration amendment proposals to Article 6.2bis and Annex 9 introducing conditions and requirements for an international organization which is authorized to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets (ECE/TRANS/WP.30/AC.2/2012/2). The Committee may wish to consider and, possibly, adopt these amendment proposals.

Documentation

ECE/TRANS/WP.30/AC.2/2012/2

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

At the previous meeting, the Committee noted that no changes had taken place in the positions of various countries on the underlying amendment proposal. The Committee was of the view that, for the sake of making progress on the issue, informal bilateral consultations among the delegations concerned might be more productive than public discussions at AC.2 sessions, and expressed the hope such consultations would be conducted before the present meeting (ECE/TRANS/WP.30/AC.2/107, paras. 27 and 28). In this regard, the Committee may wish to be informed of the suggested bilateral consultations, if any, and their outcome.

(c) Amendment proposals to Annex 3

At its previous session, the Committee took 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 by AC.2, together with proposals how on to amend the legal text of the Convention (ECE/TRANS/WP.30/256, para. 28). The secretariat reported that, due to resource constraints, it had not been in a position to liaise with the European Commission or technical experts in order to prepare a complete code list to report defects in load compartments of vehicles used for the TIR procedure but that it would prepare the requested example of best practice at the earliest opportunity (ECE/TRANS/WP.30/AC.2/107, para. 29). The Committee will be informed about any progress on this matter.

Documentation

ECE/TRANS/WP.30/2010/12

(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 recalled the findings of the survey concerning the implementation of the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/2011/3). Several delegations were of the view that the TIR Convention could be amended to include the mandatory indication of the HS code, but, before doing so, the concerns raised by the delegation of Turkey (ECE/TRANS/WP.30/234, paras. 28–30) should be considered. The Committee noted that the position of Turkey had remained the same and decided to study this issue in detail at its present session (ECE/TRANS/WP.30/AC.2/107, para. 32).

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 previous session, considered document ECE/TRANS/WP.30/AC.2/2010/7, prepared by the secretariat and containing the findings of TIRExB on the issue of subcontractors, formulated after extensive discussions, together with a proposal for a new comment to Article 1 (o). The Committee also took note of Informal document No. 9 (2010), transmitted by the State Customs Committee of the Republic of Belarus, introducing various reservations on introducing the draft comment. Due to time constraints, the Committee decided to revert to this issue at its current session. In order to facilitate due preparation by delegations, the Committee requested the secretariat to submit Informal document No. 9 (2010) as an official document for consideration (ECE/TRANS/WP.30/AC.2/107, para. 34). In line with this request, the secretariat has reproduced the contribution by the State Customs Committee of the Republic of Belarus as document ECE/TRANS/WP.30/AC.2/2012/3. On this basis, AC.2 may wish to continue its considerations on the matter.

In addition, the Committee will be informed that TIRExB has prepared updated versions of the inquiry procedures in the European Union and the Russian Federation, as contained in Chapter 5.4 of the TIR Handbook. These modifications are submitted to AC.2 for consideration and endorsement (ECE/TRANS/WP.30/AC.2/2012/4).

Documentation

ECE/TRANS/WP.30/AC.2/2012/3, ECE/TRANS/WP.30/AC.2/2010/7,
ECE/TRANS/WP.30/AC.2/2012/4

8. Other business

(a) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the fifty-fourth session of the Committee on 11 October 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.
