



Economic and Social Council

Distr.: General
20 February 2012

Original: English

Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-third session

Geneva, 9 February 2012

Report of the Administrative Committee for the TIR Convention 1975 on its fifty-third session

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Attendance	1–4	3
II. Adoption of the agenda (agenda item 1)	5	3
III. Election of officers (agenda item 2)	6	3
IV. Status of the TIR Convention, 1975 (agenda item 3)	7–9	3
V. Activities and administration of the TIR Executive Board (agenda item 4)	10–24	3
A. Activities of the TIR Executive Board	10–13	4
1. Report by the Chair of the TIR Executive Board	10	4
2. International TIR Data Bank	11	4
3. Online United Nations Economic Commission for Europe register of Customs Sealing Devices and Customs Stamps	12	4
4. National and regional TIR workshops and seminars	13	4
B. Administration of the TIR Executive Board and the TIR secretariat	14–19	5
1. Status report of the accounts for 2011	14	5
2. Procedure for the financing of the operation of the TIR Executive Board and TIR secretariat	15–19	5
C. Election of members of the TIR Executive Board	20–24	5
VI. Revision of the Convention (agenda item 5)	25–28	6
A. Amendments to the Convention with regard to the authorization of an international organization	25	6

B.	Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet.....	26	6
C.	Amendment proposals to Annex 3.....	27	7
D.	Phase III of the TIR revision process – computerization of the TIR procedure.....	28	7
VII.	Application of the Convention (agenda item 6)	29–31	7
A.	Recommendation on the introduction of the Harmonized System code in the TIR Carnet	29–30	7
B.	Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board	31	8
VIII.	Best practices (agenda item 7)	32–33	8
IX.	Other business (agenda item 8)	34–35	8
A.	Date of next session	34	8
B.	Restriction on the distribution of documents	35	9
X.	Adoption of the report (agenda item 9)	36	9
Annex			
	Amendment proposals for adoption by the Administrative Committee for the TIR Convention		10

I. Attendance

1. The Committee held its fifty-third session on 9 February 2012 in Geneva.
2. The session was attended by representatives of the following countries: Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Iran (Islamic Republic of); Ireland; Italy; Kazakhstan; Kyrgyzstan; Latvia; Netherlands; Poland; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Tajikistan; Turkey; Ukraine; Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organization was represented as an observer: Economic Cooperation Organization (ECO). The following non-governmental organizations were represented as observers: International Road Transport Union (IRU), Bureau International des Conteneurs et du Transport Intermodal (BIC).
4. The Administrative Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/108

5. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/108.

III. Election of officers (agenda item 2)

6. The Committee elected by acclamation Mr. G.-H. Bauer (Switzerland) as Chair and Ms. T. Krivolevich (Russian Federation) as Vice-Chair for its sessions in 2012.

IV. Status of the TIR Convention, 1975 (agenda item 3)

7. The Committee was informed 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 secretariat reminded Contracting Parties that, as a consequence of the entry into force of these amendments, national associations are obliged, per 31 March each year, to report the price of each type of TIR Carnet they issue to TIRExB. Contracting Parties were requested to monitor that this obligation be met.
8. The Committee took note that, as of 1 January 2012, the guarantee sum per TIR Carnet in the Republic of Moldova and Serbia had increased to EUR 60,000. This amount had been agreed upon between the Customs administrations, national guaranteeing associations, IRU and the international insurer.

9. The Committee noted the number of TIR Carnets distributed by IRU to various national associations in 2011, as contained in Informal document No. 2 (2012), which is 250,000 higher than the figure in 2010.

V. Activities and administration of the TIR Executive Board (agenda item 4)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

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

10. The Administrative Committee endorsed the report of the TIR Executive Board (TIRExB) at its forty-seventh session (ECE/TRANS/WP.30/AC.2/2012/1) and took note of the oral briefing by the Chair on the main findings of TIRExB at its forty-eighth (October 2011) and forty-ninth (February 2012) sessions. The Committee took note of the fact that TIRExB was in the process of updating or finalizing various examples of best practice, including one on the suspension of the guarantee in the territory of a Contracting Party, which had been drafted at the specific request of the Committee. The Committee also noted with satisfaction that 42 countries had replied to the TIRExB survey on the status of Customs claims and looked forward to the submission of the final results, together with an analytical assessment, for consideration at its next session. Furthermore, the Committee was informed that TIRExB was in the process of conducting a survey among stakeholders on the intermodal use of the TIR Carnet and that TIRExB was re-examining its own Rules of Procedure with the aim to clarify the procedure to elect a temporary replacement in case a TIRExB member resigned prior to the expiry of his/her mandated term of office. In addition, as an ongoing activity, TIRExB is studying several incidents submitted by national associations or IRU, reporting problems faced in certain TIR countries. The Committee took note that TIRExB will hold its fiftieth session in Greece in May 2012.

2. International TIR Data Bank

11. The Committee was informed about the status of transmission of the legally required documentations and data to the International TIR Data Bank (ITDB). The Committee also took note of the fact that the ITDBonline+ website had been successfully launched. The Contracting Parties that had not yet sent a list of Customs officers authorized to access the ITDBonline+, were encouraged to contact the secretariat and to provide their lists. One module of the ITDBonline+ enables Customs authorities to interact with their national associations. Contracting Parties wishing to profit from this module were encouraged to contact the secretariat in order to request access for their associations.

3. Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps

12. The Committee was informed that, further to a request for updates, if any, sent by the secretariat at the end of 2011, five countries had made improvements to their Customs Sealing Devices and Customs Stamps, as contained in the Register.

4. National and regional TIR workshops and seminars

13. The Committee was informed about the plans of Kyrgyzstan and the secretariat to organize a regional TIR seminar in June 2012. The secretariat also offered its support to other countries that wish to organize national TIR workshops or seminars.

B. Administration of the TIR Executive Board and the TIR secretariat

1. Status report on the accounts for 2011

14. The Committee noted that the competent Finance Services of the United Nations had not yet been in a position to formally finalize the accounts for 2011. Therefore, 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.

2. Procedure for the financing of the operation of the TIRExB and TIR secretariat

15. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2012 had been approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/107, para. 17). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat for the year 2012 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2011.

16. The Committee also recalled the amount per TIR Carnet (US\$ 0.405) approved at its previous session (ECE/TRANS/WP.30/AC.2/107, para. 18). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to CHF 0.3645 and, thus, the individual amount to invoice per TIR Carnet distributed in 2012 would be CHF 0.37 (rounded).

17. The Committee took note that, in line with 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), on 10 January 2012 the external auditor of 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 2011 there was an excess (i.e. more was received than initially transferred) of CHF 92,027. The IRU will transfer this excess to the UNECE named bank account before 15 March 2012. This amount will be reflected in the UNECE TIR account to be taken into account for the next budget year.

18. Various delegations supported the inclusion of the operation of the TIRExB and the TIR secretariat into the regular UN budget. The Committee called upon Contracting Parties to support this proposal in the course of the ongoing review of the UNECE reform as well as at the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ). In this context, the Committee welcomed information that the Russian Federation had already started the necessary internal coordination procedures in order to submit a request through diplomatic channels.

19. The secretariat informed the Committee about the current UNECE Transport Division internal considerations on how to raise the quality and efficiency of its work, the outcome of which will be reported in due course.

C. Election of members of the TIR Executive Board

20. With reference to the discussion at its previous session (ECE/TRANS/WP.30/AC.2/107, paras. 21–23), the Committee was informed that, on 28 November 2011, the secretariat had received a resignation letter from Mr. V. Luhovets and, in line with the mandate received, had solicited candidates for one vacant seat in TIRExB. As a result, only one candidate, Mr. V. Bondar (Ukraine) had been nominated (Informal document No. 4 (2012)).

21. In line with the established procedure for election of TIRExB (Informal document No. 1 (2011)), Mr. V. Bondar was elected by acclamation as a replacement member for the term of office expiring at the beginning of 2013, simultaneously with the term of office of other TIRExB members.

22. As was planned at the previous session (ECE/TRANS/WP.30/AC.2/107, para. 24), the Committee considered if the principle of equitable geographical distribution should apply to the election of members of TIRExB. Several delegations pointed out that the composition of TIRExB does not properly reflect the global coverage of the TIR Convention and argued in favour of this principle.

23. The Committee noted that this principle had applied to the members of TIRExB only once to facilitate the initial election of TIRExB in 1999, when Contracting Parties had been divided into six geographical groups (TRANS/WP.30/AC.2/51 and Corr.1) on the basis of a "gentlemen's agreement". Several delegations pointed out the serious political problems encountered by the Committee at that time, both when defining the composition of various country groups as well as selecting candidates within each group, and feared that the same difficulties may occur, should similar arrangements be restored. The secretariat also recalled that members of TIRExB are elected in their personal capacity and on the basis of their professional competence and should represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization.

24. The Committee felt that this issue deserves further analysis and invited delegations, in particular those which are in favour of equitable geographical distribution, to submit their written proposals to the next session for consideration. The Committee noted that the deadlines for submission would be mid-July for documents to be translated and mid-September for documents in the original language only.

VI. Revision of the Convention (agenda item 5)

A. Amendments to the Convention with regard to the authorization of an international organization

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

25. Subject to two minor modifications, the Committee adopted amendment proposals to Article 6.2 bis 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 final text of the amendment proposals is reproduced in the annex. Pursuant to the provisions of Article 60 of the Convention, the Committee decided that the amendment proposals to Annex 9 shall enter into force by the same procedure and on the same date as the amendment proposals to Article 6.2 bis, i.e. in accordance with Article 59 of the Convention.

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

26. Under this item, the following information was reported to the Committee:

- the delegation of Iran (Islamic Republic of) had conducted informal consultations with some delegations and would inform AC.2 about the outcome in due course;

- the TIRExB survey on the status of Customs claims (see para. 10 above), the results of which would be submitted for consideration at the next session, also contained a section on the TIR guarantee level;
- Turkey was reconsidering, both at the national level and in bilateral discussions, the issue of the maximum level of guarantee per TIR Carnet and would report about the outcome at the next session.

C. Amendment proposals to Annex 3

27. The Committee welcomed Informal document WP.30/AC.2 No. 1 (2012), containing amended proposals for introducing a code system to report defects in load compartments of vehicles approved for the TIR procedure. Various delegations regretted not yet having been in a position to consult with national technical experts, due to the late availability of the document and the absence of its translation into Russian and French. For that reason, the Committee requested the secretariat to submit the proposals as an official document for consideration at its next session, with the instruction to draft the text in the form of a recommendation. Delegations were invited to liaise with national technical experts and submit, in writing, proposals for further amendment of the code list, if any.

D. Phase III of the TIR revision process – computerization of the TIR procedure

28. The Committee thanked the Czech Customs administration for its kind offer to host the twentieth session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) in Prague on 19 and 20 April 2012. Contracting Parties were reminded that, if they cannot attend GE.1 meetings, they can nevertheless contribute to discussions through their eTIR focal points and, therefore, stressed the importance for all Contracting Parties to nominate eTIR focal points. With regard to other information related to the eTIR project, the Committee referred to the information presented at the 130th session of WP.30 (ECE/TRANS/WP.30/260, paras. 25–30). In reply to a question of the Kyrgyzstan delegation on the financing of the eTIR cost-benefit analysis, the secretariat explained that this activity was financed from the TIRExB budget, in accordance with the mandate of TIRExB. More details would be presented at the June 2012 session of WP.30.

VII. Application of the Convention (agenda item 6)

A. Recommendation on the introduction of Harmonized System code in the TIR Carnet

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

29. Having recalled the findings of the survey on implementing the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/2011/3), the Committee had an extensive exchange of views on whether the TIR Convention should be amended to include the mandatory indication of the HS code. Some delegations spoke in favour of such an amendment, because, in their view, the indication of the HS code would facilitate risk assessment and electronic data processing and would speed up Customs procedures at borders, to the benefit of TIR Carnet holders. Some other countries pointed out that, very often, the holder is not in a position to

indicate the HS code himself and has to rely on information provided by third parties, such as the consignor, forwarding agents, etc. Therefore, the holder should be released from liability for the absence of or inaccuracies in the HS code. This view was challenged by several delegations who pointed out that the TIR Carnet holder (principal) remains the only person responsible vis-à-vis Customs for the accuracy of data on the TIR Carnet, being a Customs transit declaration. Finally, the Committee noted that some countries seemed to have introduced further requirements, for example, the mandatory indication of the code according to the national nomenclature which consists of more than six digits or submission of documents other than the TIR Carnet.

30. The Committee was of the view that, at this stage, amending the Convention with the mandatory indication of the HS code seems premature and that such indication should remain optional, as provided for in the existing Recommendation. At the same time, AC.2 decided to continue its discussions on this matter and, in particular, to consider additional national data and documentary requirements in the course of a TIR transport.

B. Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board

31. The Committee noted that no new comments had been endorsed by WP.30 or TIRExB.

VIII. Best practices (agenda item 7)

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

32. The Committee generally supported document ECE/TRANS/WP.30/AC.2/2012/4, containing an updated version of Chapter 5.4. of the TIR Handbook on the inquiry and recovery procedure in the European Union and the Russian Federation, prepared by TIRExB. Due to the absence of the French version of the document, the Committee decided to postpone its formal endorsement until the next session.

33. The Committee had a preliminary exchange of views on the issue of subcontractors, based on document ECE/TRANS/WP.30/AC.2/2010/7, prepared by the secretariat and document ECE/TRANS/WP.30/AC.2/2012/3 as well as Informal document WP.30/AC.2 No.5 (2012), submitted by the State Customs Committee of Belarus. In order to get a clear picture of all issues at stake, the Committee requested the secretariat to prepare, for consideration at its next session, a consolidated document, containing background information together with all outstanding proposals for comments to the Convention, introducing the concept of subcontractor in the framework of the Convention. Delegations were invited to discuss the various proposals and provide the secretariat with written comments, if any.

IX. Other business (agenda item 8)

A. Date of next session

34. The Committee decided to hold its fifty-fourth session on 11 October 2012.

B. Restriction on the distribution of documents

35. The Committee decided that the distribution of Informal document No.4 (2012) would be restricted.

X. Adoption of the report (agenda item 9)

36. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its fifty-third session. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages.

Annex

Amendment proposals for adoption by the Administrative Committee for the TIR Convention

The Administrative Committee,

Recognizing the vital role played in the application of the TIR Convention by the international organization which is authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system;

Stressing the need to unequivocally define, in the legal text of the TIR Convention, the roles and responsibilities of all players in the TIR system, in particular for the sake of transparency in its management;

Being convinced that the introduction of a new 9, part III on the conditions and requirements to be complied with by an international organization will complement the purpose of Annex 9 which addresses access to the TIR procedure by the private sector and which already deals with the authorization of national associations as well as natural and legal persons;

Recalling that the introduction of the below conditions and requirements in the legal text of the Convention will simplify the text of the written agreement between UNECE and the international organization in accordance with Explanatory Note 0.6.2 bis-2;

Has adopted the following amendments in accordance with the provisions of Article 59 of the Convention:

Article 6, paragraph 2bis

Modify paragraph 2bis to read:

2.bis An international organization shall be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system. The authorization shall be granted as long as the organization fulfils the conditions and requirements laid down in Annex 9, Part III. The Administrative Committee may revoke the authorization if these conditions and requirements are no longer fulfilled.

Annex 9, new part III

Insert a new part III to read:

Authorization of an international organization, as referred to in Article 6, to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets

Conditions and requirements

1. The conditions and requirements to be complied with by an international organization in order to be authorized, in accordance with Article 6.2 bis of the Convention, by the Administrative Committee to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets are:

(a) Proof of sound professional competence and financial standing for the effective organization and functioning of an international guarantee system and the

organizational capabilities to fulfil its obligations under the Convention by means of annual submissions of consolidated financial statements duly audited by internationally recognized independent auditors;

(b) Absence of serious or repeated offences against Customs or tax legislation.

2. Pursuant to the authorization, the international organization shall:

(a) provide the Contracting Parties of the TIR Convention via the national associations affiliated to the international organization with certified copies of the global guarantee contract and proof of guarantee coverage;

(b) provide the competent bodies of the TIR Convention with information on the rules and procedures set out for the issue of TIR Carnets by national associations;

(c) provide the competent bodies of the TIR Convention, on a yearly basis, with data on claims lodged, pending, paid or settled without payment;

(d) provide the competent bodies of the TIR Convention with full and complete information on the functioning of the TIR system, in particular, but not limited to timely and well founded information on trends in the number of non-terminated TIR operations, claims lodged, pending, paid or settled without payment that might give rise to concerns with regard to the proper functioning of the TIR system or that could lead to difficulties for the continued operation of its international guarantee system;

(e) provide the competent bodies of the TIR Convention with statistical data on the number of TIR Carnets distributed to each Contracting Party, broken down by type;

(f) provide the TIR Executive Board with details of the distribution price by the international organization of each type of TIR Carnet;

(g) take all possible steps to reduce the risk of counterfeiting TIR Carnets;

(h) take the appropriate corrective action in cases where faults or deficiencies with the TIR Carnet have been detected and report these to the TIR Executive Board;

(j) fully participate in cases where the TIR Executive Board is called upon to facilitate the settlement of disputes;

(k) ensure that any problem involving fraudulent activities or other difficulties with regard to the application of the TIR Convention is immediately brought to the attention of the TIR Executive Board;

(l) manage the control system for TIR Carnets, provided for in Annex 10 of the Convention, together with national guaranteeing associations affiliated to the international organization and the Customs authorities and to inform the Contracting Parties and the competent bodies of the Convention of problems encountered in the system;

(m) provide the competent bodies of the TIR Convention with statistics and data on the performance of Contracting Parties with regard to the control system provided for in Annex 10;

(n) conclude, not less than two months before the provisional date of entry into force or renewal of the authorization granted in accordance with Article 6.2bis of the Convention, a written agreement with the United Nations Economic Commission for Europe secretariat, mandated by and acting on behalf of the Administrative Committee, which shall include the acceptance by the international organization of its duties set out in this paragraph.

3. When the international organization is informed by a guaranteeing association of a claim for payment, it shall, within a period of three (3) months inform the guaranteeing association of its position concerning the claim.
4. All information acquired, directly or indirectly, by the international organization under the Convention, which is by nature confidential or which is provided on a confidential basis, shall be covered by the obligation of professional secrecy and shall not be used or processed neither for any commercial purpose nor for any other purpose than for which it has been provided or disclosed to any third party without the express permission of the person or authority that provided it. Such information may, however, be disclosed without permission to competent authorities of Contracting Parties to this Convention, where there is an authorization or obligation to do so pursuant to provisions of national or international law or in connection with legal proceedings. The disclosure or communication of information shall take place in full compliance with data-protection provisions in force.
5. The Administrative Committee shall have the right to revoke the authorization granted in accordance with Article 6.2bis in case of non-compliance with the above provisions. Should the Administrative Committee decide to revoke the authorization, the decision will become effective at the earliest six (6) months after the date of revocation.
6. The authorization of an international organization under the terms set out above shall be without prejudice to that organization's responsibilities and liabilities under the Convention.
