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Administrative Committee for the TIR Convention, 1975

### Fifty-fourth session

Geneva, 11 October 2012

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

### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Attendance.....	1–4	3
II. Adoption of the agenda (agenda item 1) .....	5	3
III. Status of the TIR Convention, 1975 (agenda item 2).....	6–9	3
IV. Activities and administration of the TIR Executive Board (agenda item 3).....	10–29	4
A. Activities of the TIR Executive Board.....	10–17	4
1. Report by the Chair of the TIR Executive Board .....	10–12	4
2. Survey on Customs claims .....	13	5
3. International TIR Data Bank .....	14–15	5
4. National and regional TIR workshops and seminars .....	16–17	5
B. Administration of the TIR Executive Board and the TIR secretariat.....	18–23	6
1. Status report of the accounts for 2011 .....	18	6
2. Procedure for the financing of the operation of the TIR Executive Board and TIR secretariat .....	19–23	6
C. Election of members of the TIR Executive Board .....	24–29	7
V. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system (agenda item 4).....	30	8
VI. Authorization for concluding an agreement between UNECE and IRU (agenda item 5).....	31	8
VII. Revision of the Convention (agenda item 6).....	32–37	8

A.	Amendments to the Convention with regard to the authorization of an international organization .....	33	8
B.	Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet.....	34–35	8
C.	Amendment proposals to Annex 3.....	36	9
D.	Phase III of the TIR revision process – computerization of the TIR procedure.....	37	9
VIII.	Application of the Convention (agenda item 7) .....	38–39	9
A.	Recommendation on the introduction of the Harmonized System code in the TIR Carnet .....	38	9
B.	Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board.....	39	10
IX.	Best practices (agenda item 8).....	40–44	10
A.	Inquiry and recovery procedures .....	40	10
B.	Use of subcontractors .....	41	10
C.	Application of Article 38 .....	42	10
D.	Communication between national competent authorities and national guaranteeing associations .....	43	10
E.	Procedure prior to the suspension of the guarantee in the territory of a Contracting Party.....	44	10
IX.	Other business (agenda item 8) .....	45–49	11
A.	Date of next session .....	45	11
B.	Restriction on the distribution of documents .....	46–49	11
X.	Adoption of the report (agenda item 9) .....	50	11

## I. Attendance

1. The Committee (AC.2) held its fifty-fourth session on 11 October 2012 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Greece; Hungary; Iran (Islamic Republic of); Italy; Kazakhstan; Kyrgyzstan; Latvia; Netherlands; Poland; Romania; Russian Federation; Serbia; Slovakia; Spain; Sweden; Switzerland; Tajikistan; Turkey; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organization was represented as an observer: Eurasian Economic Commission. The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
4. The 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.2/110

5. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/110.

## III. Status of the TIR Convention, 1975 (agenda item 2)

6. The Committee noted that the Secretary-General of the United Nations in his capacity as depositary had issued depositary notification C.N.264.2012.TREATIES-XI.A.16, dated 30 May 2012, informing Contracting Parties of errors in the French text of proposals to amend Articles 1, 8, 10, 11 and Annex 6 of the Convention. Any objections to these corrections should have been communicated to the Secretary-General not later than on 28 August 2012.
7. With regard to the noted amendment proposals to Articles 1, 8, 10, 11 and Annex 6 of the Convention, as contained in depositary notification C.N.326.2011.TREATIES-2 (re-issued) of 2 August 2011, the Secretary-General of the United Nations issued depositary notification C.N.324.2012.TREATIES-XI.A.16 of 18 June 2012, informing that by 13 June 2012 none of the Contracting Parties to the TIR Convention, 1975 had communicated an objection to the proposals of amendments to Articles 1, 8, 10 and 11 and to Annex 6 of the Convention. Therefore, in accordance with Article 59, paragraph 3 of the Convention, the said amendments entered into force on 13 September 2012 for all Contracting Parties. In this context, the delegation of EU informed the Committee that the underlying amendments were already published in the Official Journal of the EU No. OJ L244 of 08.09.2012.<sup>1</sup>
8. The Committee was also informed that, on 10 July 2012, the Secretary-General of the United Nations issued depositary notification C.N.358.2012.TREATIES-XI.A.16, informing of the submission of proposals to amend Article 6.2 bis and Annex 9 of the

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:244:FULL:EN:PDF>

Convention. With regard to the said amendments, Articles 59 and 60 apply. In accordance with the Article 59, paragraph 3 of the Convention, the amendments will enter into force on 10 October 2013, unless the Secretary-General has received any objection to the proposed amendments not later than by 10 July 2013.

9. Finally, the Committee noted that often the Russian and French texts of amendment proposals adopted by the Committee are not in line with the original English version, thus leading to the need to issue not only corrigenda to AC.2 reports, but also in some instances new depository notifications. To avoid such situations in the future, Russian and French speaking delegations were invited, in cooperation with the secretariat, to thoroughly check the authenticity of all amendment proposals before their formal adoption by AC.2.

## **IV. Activities and administration of the TIR Executive Board (TIRExB) (agenda item 3)**

### **A. Activities of the TIR Executive Board**

#### **1. Report by the Chair of the TIR Executive Board**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/5, ECE/TRANS/WP.30/AC.2/2012/6

10. The Committee endorsed the reports of TIRExB at its forty-eighth (October 2011) and forty-ninth session (February 2012), contained in documents ECE/TRANS/WP.30/AC.2/2012/5 and ECE/TRANS/WP.30/AC.2/2012/6, respectively.

11. The Committee took note of the oral briefing by the Chair of TIRExB (Mrs. Metaxa Mariatou, Greece) on the main findings of TIRExB at its fiftieth (May 2012) and fifty-first (October 2012) sessions. In particular, the Committee noted with satisfaction that TIRExB had elaborated four new or updated examples of best practice, which it had submitted to the Committee for consideration. The Committee was further briefed on the finalization of the TIRExB survey on the status of Customs claims over the years 2007-2010, which it would also consider in the course of its current session as well as proposals by TIRExB to better organize the election of a replacement member in case a TIRExB member resigns, and amendments to TIRExB's Rules of Procedure with regard to the professional qualifications of TIRExB members. Furthermore, the Committee was informed that TIRExB was in the process of revisiting Article 4 of the Convention with the particular aim to further enhance its application, possibly by elevating the existing comment to become an Explanatory Note. Finally, the Committee was informed that TIRExB was dealing with an increasing number of problems in the application of the TIR system in various countries, based upon requests from Customs administrations or national associations.

12. The Chair of TIRExB informed the Committee that, with the resignation of Mr. Luhovets (Ukraine) before the end of his term of office, the newly elected replacement member, Mr. Bondar (Ukraine) had not once participated in a TIRExB session; nor had another member Mrs. Korshunova (Russian Federation) taken part in the last two TIRExB sessions. In both cases, TIRExB had not received any official communication, informing of the absences. TIRExB will address a letter to both governments, expressing its dissatisfaction with this situation, which seriously impacts the well-functioning of this important intergovernmental body. The Committee took note of the suggestion by the Chair of TIRExB to provide clear instructions to governments, wishing to nominate a candidate, about the obligations and commitments which go with the membership of TIRExB.

## 2. Survey on Customs claims

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/7

13. The Board considered the outcome of the survey on Customs claims (ECE/TRANS/WP.30/AC.2/2012/7) and appreciated the secretariat and IRU cooperating to clarify various discrepancies between the data gathered by the survey and the IRU statistics. Moreover, the Committee took note of the evolution of the real value of the recommended guarantee amount of US\$ 50,000 since 1975 for a number of countries. Furthermore, the Committee also welcomed the idea of including in future surveys, two questions about pending claims, with the aim to clarify their origin, and noted that the questionnaire would be conducted every two years, at the beginning of each new term of office of TIRExB. Finally, it also supported all follow-up actions planned by TIRExB with regard to the results of the survey.

## 3. International TIR Data Bank

14. The Committee took note of a presentation about the current status of using IT tools provided by the TIR secretariat, namely the ITDB online+ website and the UNECE Register of Register of Customs Sealing Devices and Customs Stamps. The ITDB online+ website functions as a collaboration tool between Customs authorities and national associations and provides several options to amend data on approved TIR operators in the International TIR Data Bank (ITDB). Over 1,250 registered users have access to ITDB online+ and a total of 7,040 amendments were introduced by means of the ITDB online+ website between 1st March 2012 and 30 September 2012. The Committee was informed that 56 per cent of the amendments in ITDB were introduced by the TIR secretariat, 32 per cent by Customs authorities following proposals submitted by national associations and 12 per cent directly by Customs Authorities. The UNECE Register of Customs Sealing Devices and Customs Stamps is also accessed by more than 1,250 users who had consulted 4,823 pages with sealing devices and stamps of Contracting Parties between 1 March 2009 and 30 September 2012. The Committee encouraged countries to take advantage of the above IT tools and noted that the TIR secretariat will focus on raising the awareness of the benefits of these tools, as well as reach out to Russian-speaking countries by producing manuals in Russian.

15. The Committee agreed with the secretariat's view that using ITDB online+ to transmit to ITDB the required data on authorized TIR operators makes submission of such data in any other form, for example, on paper or by e-mail, redundant. To clarify this principle in the text of the Convention, the Committee advocated the introduction of two new Explanatory Notes into Annex 9, part II, as proposed by the secretariat in Informal document No. 6 (2012). The secretariat was requested to submit this document as an official document in all working languages for consideration at the next session. The Committee also noted that, at some point in the future, the transmission of data into ITDB by electronic means could become mandatory. Finally, the Committee was of the view that provisionally, pending the entry into force of the provisions of the two new Explanatory Notes, the legal provisions for data submission, as set out in paragraphs 4 and 5 are deemed to be fulfilled by the Contracting Parties which are already correctly using ITDB online+.

## 4. National and regional TIR workshops and seminars

16. The Committee was informed about the outcome of the Regional TIR seminar that took place on 25 and 26 July in Kyrgyzstan, at the kind invitation of the Kyrgyz Customs Administration. The Seminar was attended by some 60 experts from 10 countries and several international organizations and addressed, apart from other topics, opportunities and challenges for the application of the TIR procedure in Central Asia.

17. Various delegations pointed out the importance of TIR seminars and workshops, both national and regional, for training and capacity-building of Customs officials as well as of transport operators and informed the Committee about various events, either recently conducted or planned.

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

### **1. Status report on the accounts for 2011**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/8, ECE/TRANS/WP.30/AC.2/2012/9

18. The Committee approved the report on the complete and final accounts for 2011 (ECE/TRANS/WP.30/AC.2/2012/8) and took note of an interim financial statement for the period from 1 January to 31 July 2012 (ECE/TRANS/WP.30/AC.2/2012/9).

### **2. Procedure for the financing of the operation of the TIR Executive Board and TIR secretariat**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/10

19. The Committee was informed that IRU transferred the excess of SwF 92,027 (ECE/TRANS/WP.30/AC.2/109, para. 17) to the UNECE named bank account on 10 March 2012. This amount will be taken into account for the 2013 budget year.

20. The Committee considered the budget proposal and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2013 (ECE/TRANS/WP.30/AC.2/2012/10). The proposed cost plan for 2013 (estimated at US\$ 1,589,910 inclusive of programme support cost), reflects a decrease of US \$ 48,590 over the approved budget and cost plan for the TIRExB and the TIR secretariat for 2012 (US\$ 1,638,500 inclusive of programme support cost). This decrease relates to the reduced costs of Project Personnel and Administrative Support Personnel, due to the strengthening of the United States dollar compared to the Swiss franc.

21. Having recalled the Procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex 2), the Administrative Committee approved the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2013 as well as the net amount to be transferred by IRU to the TIR Trust Fund, as contained in document ECE/TRANS/WP.30/AC.2/2012/10.

22. The Committee noted that IRU expects to distribute 2,4 million TIR Carnets in 2013 (Informal document No. 8 (2012)). On the basis of this forecast and calculations by the secretariat, the Committee approved the amount of US\$ 0.39 per TIR Carnet that will be required to generate the income necessary to cover the additional funds of US\$ 934,100 needed for the operation of TIRExB and TIR secretariat in 2013. This amount will be expressed in Swiss francs following the transfer of the above net amount to a UNECE named bank according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer.

23. The Committee also recalled that, at its previous session, various delegations spoke in favour of including the operation of the TIRExB and the TIR secretariat into the regular United Nations budget (ECE/TRANS/WP.30/AC.2/109, para. 18) and took note that Contracting Parties need to support this proposal in the course of the ongoing review of the 2005 UNECE reform.

## C. Election of members of the TIR Executive Board

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/11

24. The Committee noted that, in accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of TIRExB shall be two years. Since the present members of TIRExB had been elected at its session in February 2011, the Committee must, at its next session in February 2013, proceed with the election or re-election of the nine members of TIRExB.

25. Prior to taking a decision on the election procedure, the Committee considered Informal document No. 7 (2012) in which the Government of Iran (Islamic Republic of) proposed, in order to better reflect the global nature of the Convention, to increase the size of TIRExB from 9 to 15 members as well as to apply to the composition of the Board new criteria of geographical representation which would combine the principles of equitable geographical distribution among various regions and the degree of participation of countries in the TIR Convention.

26. The Committee expressed its interest to further study the proposals by Iran (Islamic Republic of). To facilitate future considerations, in view of the availability of Informal document No. 7 in English only, the Committee requested the secretariat to re-issue it as an official document in all languages for the next session. At the same time, the Committee realized that the outcome of these considerations can be taken into account for the 2015 elections of TIRExB, at the earliest. With regard to the forthcoming election at the next session in February 2013, the Committee decided to follow the established election procedure which is based on the following provisions:

(a) the comment adopted on 26 June 1998 to the Rules of Procedure of the TIRExB on “representation”, with the exception of paragraph (c) as its provisions relate only to the initial election of Board members and are thus no longer appropriate (TRANS/WP.30/AC.2/51, annex and Corr.1);

(b) the procedure for the election of members of the TIRExB adopted on 26 February 2000 by the Committee (TRANS/WP.30/AC.2/53, paras. 31 and 34).

27. The Committee authorized the UNECE secretariat to issue, in November 2012, a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2013-2014. The deadline by which nominations would need to be received by the UNECE secretariat was set at 14 December 2012. No further candidates may be nominated following expiry of this deadline. On the next working day, 17 December 2012, the UNECE secretariat will circulate a list of candidates who have been nominated by their respective Governments or organizations, being Contracting Parties to the Convention.

28. The Committee considered proposals by TIRExB for a new Explanatory Note and amendment to the TIRExB Rules of Procedure with regard to the election of a replacement member and representation, as contained in document ECE/TRANS/WP.30/AC.2/2012/11. Following a preliminary exchange of views, the Committee noted that the amendment to the TIRExB Rules of Procedure on representation goes beyond the competence of TIRExB and should be upgraded to become a draft Explanatory Note. The secretariat was requested to issue a revised document for consideration at the next session.

29. The Committee also noted that, at present, TIRExB seems to function well and that any possible changes to its format, representation and/or election procedure should be considered from the angle of further improving the results and quality of its work, being the top priority.

## **V. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system (agenda item 4)**

30. The Committee recalled its previous decision to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2011-2013 inclusive (ECE/TRANS/WP.30/AC.2/101, para. 19) and noted that a decision for the next period, including its duration, should be taken at the session of the Committee in February 2013.

## **VI. Authorization for concluding an agreement between UNECE and IRU (agenda item 5)**

31. The Committee recalled that the present UNECE-IRU Agreement (ECE/TRANS/WP.30/AC.2/2007/14/Rev.1) expires at the end of 2013 and should be renewed. As in the past, at its session in February 2013, the Committee will be invited to approve a new draft agreement and to 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 2014. The Committee was of the view that the text of the new agreement should be aligned with the amendment proposals to Article 6.2 bis and Annex 9 which were adopted at the previous session (see para. 8 above).

## **VII. Revision of the Convention (agenda item 6)**

*Documentation:* ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17

32. The Committee was informed that the Working Party on Customs Questions affecting Transport (WP.30), at its 132nd session, noted the recent amendments to HS code 24.03.10 and the corresponding need to amend the lists of HS codes as appear in Explanatory Note 0.8.3 and Annex 1 of the TIR Convention. WP.30 delivered a number of remarks and suggestions concerning the secretariat's proposals in document ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17 and requested the secretariat to issue a revised document for the next sessions of WP.30 and AC.2.

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

*Documentation:* ECE/TRANS/WP.30/AC.2/109 and Corrs.2-4

33. The Committee noted that this issue was addressed under agenda item 2 (paras. 8 and 9 of the present report).

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

34. Taking into account the outcome of the survey on Customs claims (ECE/TRANS/WP.30/AC.2/2012/7 and para. 13 above), the Committee continued its considerations with regard to the recommended level of guarantee per TIR Carnet. The Committee noted that this issue is closely linked to managing the financial risks involved in TIR operations, both for Customs authorities and the TIR guarantee chain. While the



guarantee chain considers a global increase in the TIR guarantee level to Euro 60,000 not to be justified by the average Customs claim, the Customs authorities wish to protect the revenues against possible infringements with high-value goods when the amount of Customs duties and taxes at stake goes beyond the guarantee level. Sometimes, this even leads to requirements to submit additional guarantees which are not foreseen in the Convention. To make progress on this issue, the Committee invited delegations to identify which goods, excepting alcohol and tobacco products, pose a major risk for Customs. As a next step, Contracting Parties and IRU may wish to study how the guarantee level can be increased for transports of those specific goods.

35. Turkey reported that the level of guarantee of Euro 60,000 had been in principle agreed with the national association and that it will keep the Committee informed of any further developments.

### **C. Amendment proposals to Annex 3**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/12

36. The Committee discussed document ECE/TRANS/WP.30/AC.2/2012/12 by the secretariat as well as Informal document No. 9 (2012) by Turkey, containing proposals for introducing a code system to report defects in load compartments of vehicles approved for the TIR procedure. The Committee noted that the list of codes, as appear in part C of the annex to document ECE/TRANS/WP.30/AC.2/2012/12, needs to be improved in terms of logic, terminology and ease of understanding. It was suggested that every defect on the list be accompanied either by reference to a specific technical provision of Annex 2 or by a picture demonstrating the vehicle part where such a defect could occur. Delegations and the secretariat were invited to make efforts in that direction.

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

37. The Committee thanked the Czech and Slovak Customs administrations for their kindly hosting of the twentieth and, respectively, twenty-first session of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1) in Prague (19 and 20 April 2012) and Bratislava ( 26 and 27 September 2012). With regard to issues discussed during those meetings and other information related to the eTIR project, the Committee referred to the information presented at the 132th session of the Working Party on Customs Questions affecting Transport (WP.30) (ECE/TRANS/WP.30/264, paras. 25–28).

## **VIII. Application of the Convention (agenda item 7)**

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

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

38. This issue was not considered due to lack of time.

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

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

**IX. Best practices (agenda item 8)**

**A. Inquiry and recovery procedures**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/4

40. The Committee approved the amended example of best practices (ECE/TRANS/WP.30/AC.2/2012/4) and requested the secretariat to update the text of the TIR Handbook accordingly.

**B. Use of subcontractors**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/13

41. This issue was postponed until the next session.

**C. Application of Article 38**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/14

42. The Committee approved the amended example of best practices (ECE/TRANS/WP.30/AC.2/2012/14) and requested the secretariat to update the text of the TIR Handbook accordingly.

**D. Communication between national competent authorities and national guaranteeing associations**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/15

43. The Committee approved the amended example of best practices (ECE/TRANS/WP.30/AC.2/2012/15) and requested the secretariat to update the text of the TIR Handbook accordingly.

**E. Procedure prior to the suspension of the guarantee in the territory of a Contracting Party**

*Documentation:* ECE/TRANS/WP.30/AC.2/2012/16

44. The Committee approved the proposed procedure (ECE/TRANS/WP.30/AC.2/2012/16), as established after extensive discussions by TIRExB, in close collaboration with IRU, and requested the secretariat to insert the text into the next version of the TIR Handbook.

## **X. Other business (agenda item 9)**

### **A. Date of next session**

45. The Committee decided to hold its fifty-fifth session on 7 February 2013.

### **B. Restriction on the distribution of documents**

46. The Committee decided that there were no restrictions on the distribution of documents issued in connection with the present session.

47. In view of various amendments to the TIR Convention and new examples of best practices that had been adopted since the latest edition of the TIR Handbook in 2010, the Committee mandated the secretariat to prepare and publish a revised edition of the TIR Handbook.

48. The delegation of the Russian Federation recalled the intervention of Georgia at the 132nd session of WP.30 (ECE/TRANS/WP.30/264, para. 41) regarding the list of Customs offices authorized to deal with TIR operations and could not agree that the Customs points of Gantiadi and Roki were mentioned as being located in occupied Georgian territories. According to the Russian delegation, they were situated in sovereign Abkhazia and South Ossetia, respectively. Therefore, the Russian delegation considers the claims by Georgia to exercise its sovereign right over the above-mentioned Customs points as groundless and unacceptable. In addition, the Russian delegation argued against submitting political issues concerning the status of Abkhazia and South Ossetia for consideration by WP.30 and/or by AC.2.

49. The delegation of Georgia stated that Russia continues occupation of the above Georgia's two regions. It also pointed out that each Convention, including TIR, has its territorial applicability and that the United Nations and the international community recognized and continue to recognize Georgia's territorial integrity within its internationally recognized borders, including the Customs crossing points of Gantiadi and Roki. Therefore, it is a sovereign right of Georgia to decide which Customs crossing points are open or closed for TIR operations. According to the TIR Convention, a TIR operation may be terminated or discharged only by a designated Customs office of the country of destination or departure. Hence, according to the Georgian delegation, entering into the Customs territory of Georgia via Customs points of Gantiadi and Roki will be an illegal TIR operation.

## **XI. Adoption of the report (agenda item 10)**

50. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its fifty-fourth 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.

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