



Economic and Social Council

Distr.: General
14 November 2013

Original: English

Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-seventh session

Geneva, 6 February 2014

Item 1 of the provisional agenda

Adoption of the agenda

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

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 6 February 2014

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: 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) Monitoring the prices of TIR Carnets;
 - (iii) International databases and electronic tools of the TIR secretariat;
 - (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 2013;
 - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
 - (c) Proposals to modify the format, representation and election procedure of the TIR Executive Board.
5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
6. Authorization for concluding an agreement between UNECE and IRU.
7. Revision of the Convention:
 - (a) Amendments to the Convention with regard to transmitting data to the International TIR Data Bank;
 - (b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (c) Amendment proposals to Annex 3;
 - (d) Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1;
 - (e) Phase III of the TIR revision process – Computerization of the TIR procedure.
8. Application of the Convention:
 - (a) Application of the TIR Convention in the Russian Federation;
 - (b) Recommendation on the introduction of Harmonized System code in the TIR Carnet;
 - (c) Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board.
9. Best practices.
10. Other business:
 - (a) Date of next session;
 - (b) Restriction on the distribution of documents.
11. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/116). The Committee will 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 States which are Contracting Parties to the Convention is sixty-seven.

Documentation

ECE/TRANS/WP.30/AC.2/116

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 2014.

3. Status of the TIR Convention, 1975

The Committee may wish to recall that the proposals to amend Article 6.2 bis and Annex 9 of the Convention entered into force on 10 October 2013 for all Contracting Parties (C.N.433.2013.TREATIES-XI.A.16). The Committee will also be informed about any further changes in the status of the Convention and in the number of Contracting Parties, if any. More detailed information on these issues as well as on various Depository 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 secretariat has reproduced the reports of the TIR Executive Board (TIRExB) at its fifty-third (June 2013), fifty-fourth (August 2013) and fifty-fifth (September–October 2013) sessions (respectively documents ECE/TRANS/WP.30/AC.2/2014/1, ECE/TRANS/WP.30/AC.2/2014/2 and ECE/TRANS/WP.30/AC.2/2014/1) for information and endorsement by the Committee.

More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its fifty-sixth (December 2013) and fifty-seventh (February 2014) sessions will be provided orally by the Chair of TIRExB.

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

Documentation

ECE/TRANS/WP.30/AC.2/2014/1, ECE/TRANS/WP.30/AC.2/2014/2,
ECE/TRANS/WP.30/AC.2/2014/3

(ii) Monitoring the prices of TIR Carnets

At its previous session, the Committee was informed that TIRExB discussed the submission of the prices of TIR Carnets, as required by amended Annex 9, Part I. Although TIRExB expressed its great satisfaction that almost all associations had complied with this new obligation, it was puzzled by the fact that some associations added a disclaimer that the information on the prices should not be disseminated beyond TIRExB and the TIR secretariat. In the view of TIRExB, information on prices belongs to the public domain and thus, TIRExB should be free to process and publish them. In this respect, the Committee noted a request by TIRExB to further clarify its function of monitoring the prices of TIR Carnets, including the right to make such data publicly available to the Committee. The Committee invited delegations to study this issue and decided to revert to it at the present (next) session (ECE/TRANS/WP.30/AC.2/115, paras. 10 and 27).

(iii) International databases and electronic tools of the TIR secretariat

The Committee will be informed about the status of transmitting data to the International TIR Data Bank (ITDB) (Informal document No. 1 (2014)) as well as about the progress made in implementing ITDB online+ and other IT projects managed by the TIR secretariat.

Under this agenda item, the Committee is also invited to consider and possibly endorse a proposal by TIRExB to launch (pursuant to TIRExB's Terms of Reference, item 8, sub-item (a)), an electronic database on Customs offices approved for TIR operations, including resource requirements, if any (ECE/TRANS/WP.30/AC.2/2014/4).

Documentation

ECE/TRANS/WP.30/AC.2/2014/4, Informal document No. 1 (2014)

(iv) National and regional TIR workshops and seminars

The Committee will 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 2013**

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 2013 by the time the Administrative Committee meets in February 2014, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2014 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 2014 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/115, para. 33). The Committee will be informed about the transfer of the required funds for the year 2014 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\$ 0.46, see ECE/TRANS/WP.30/AC.2/115,

para. 34). 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 will be informed of the audit certificate for the year 2013 and to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/115, ECE/TRANS/WP.30/AC.2/89

(c) Proposals to modify the format, representation and election procedure of the TIR Executive Board

The Committee, at its previous session, reconsidered the proposal by Iran (Islamic Republic of) to modify the number of members and geographical representation of TIRExB (ECE/TRANS/WP.30/AC.2/2013/2). No conclusion on this proposal was reached and the Committee agreed that issue should be discussed again in future sessions (ECE/TRANS/WP.30/AC.2/115, para. 35).

At the previous session, the secretariat also introduced document ECE/TRANS/WP.30/AC.2/2012/11/Rev.2, which proposed two new Explanatory Notes to Annex 8, Article 9 of the TIR Convention, as well including the text of the proposed Explanatory Notes in the Rules of Procedure of the TIRExB so as to ensure uniformity of the applicable rules. The delegation of Iran (Islamic Republic of), expressed concerns as to which body (if any) would be competent to assess the professional qualifications of TIRExB candidates and/or members. The Committee was of the view that the general

obligation to assess this remains with the government which nominates a particular person or with AC.2 which would cast its votes on the basis of the candidates' expertise/qualifications. The delegations of the Russian Federation, Switzerland and Ukraine also pointed out linguistic inaccuracies in the French and Russian versions of the document. The Committee decided to refer the issue for further discussion to the next session and requested the secretariat to prepare a revised document, addressing the concerns raised by Iran (Islamic Republic of) and correcting the French and Russian text (ECE/TRANS/WP.30/AC.2/115, paras. 36-38). In line with this request, the secretariat has prepared a revised proposal ECE/TRANS/WP.30/AC.2/2012/11/Rev.3.

Documentation

ECE/TRANS/WP.30/AC.2/2013/2, ECE/TRANS/WP.30/AC.2/2012/11/Rev.2,
ECE/TRANS/WP.30/AC.2/2012/11/Rev.3

5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system

The Committee, at its fifty-fifth session in February 2013, decided to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2014–2016 inclusive (ECE/TRANS/WP.30/AC.2/113, para. 28).

On 10 October 2013, the new part III of Annex 9 came into force stipulating the conditions and requirements for such authorization, in particular the annual submission of consolidated financial statements duly audited by internationally recognized independent auditors. The delegation of EU considered this provision to be a first step towards achieving full transparency of the financial aspects of the functioning of the TIR system that should be followed by extended audits of the authorized international organization as are currently under consideration by the Working Party on Customs Questions affecting Transport (WP.30). The EU recalled that IRU had recently fallen victim to a defamation campaign (ECE/TRANS/WP.30/268, para. 10) and was of the view that full transparency is required to avoid such incidents in the future. In reply, IRU pointed out that it would duly fulfil all requirements of the new part III of Annex 9 and is ready to cooperate with UNECE and Contracting Parties with a view to finding consensus on the wording for the extended audit provisions (ECE/TRANS/WP.30/AC.2/115, paras. 41 and 42). The Committee will be informed about the progress achieved by WP.30 in this area.

6. Authorization for concluding an agreement between UNECE and IRU

The Committee will be informed that, following its approval of the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2014, UNECE and IRU signed a new agreement, based on the mandate given by the Committee at its fifty-fifth session (ECE/TRANS/WP.30/AC.2/113, para. 29).

Documentation

ECE/TRANS/WP.30/AC.2/2013/3

7. Revision of the Convention

(a) Amendments to the Convention with regard to transmitting data to the International TIR Data Bank

The Committee may wish to recall that, at its previous sessions, it provisionally adopted new Explanatory Notes to Annex 9, Part II as well as paragraph 2 of Article 38 on the transmission of data to TIRExB. The Committee decided not to fix deadlines, as provided for in Article 60 of the TIR Convention, but to await other amendment proposals in order to first consolidate a larger package, before determining the deadlines for the whole package and sending it to the Depositary for processing and issuing a Depositary Notification (ECE/TRANS/WP.30/AC.2/113, paras. 30 and 31; ECE/TRANS/WP.30/AC.2/115, paras. 43 and 44). Apart from the noted Explanatory Notes, this larger package should include the amendment proposals as referred to in item 7 (d) below.

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

At its previous meeting, the Committee recalled a number of developments in this area (ECE/TRANS/WP.30/AC.2/113, para. 32) and noted that the delegation of Kyrgyzstan would soon inform the Committee about its position on this issue. Finally, the Committee decided to revert to this matter at the present session (ECE/TRANS/WP.30/AC.2/115, para. 45).

(c) Amendment proposals to Annex 3

At its previous session, the Committee welcomed a revised document ECE/TRANS/WP.30/AC.2/2012/Rev.1 on an improved and logically structured code system to report defects in the certificate of approval. The Committee took note that the Turkish Customs administration had forwarded, to the secretariat, a set of photos of defects which can be used to illustrate the code system. Delegations were invited to liaise with their national technical experts in order to assess the validity and completeness of the proposed code system. The delegation of Belarus expressed its concerns on the added value of codes which refer to "other issues not mentioned". In view of the absence of the Russian and French translations of the document, the Committee decided to postpone discussion of this issue (ECE/TRANS/WP.30/AC.2/115, para. 46). Following the session, the secretariat, with assistance of the Turkish Customs, made some improvements in the list of defects and issued a revised document ECE/TRANS/WP.30/AC.2/2012/12/Rev.2 which the Committee is invited to consider.

Documentation

ECE/TRANS/WP.30/AC.2/2012/Rev.1, ECE/TRANS/WP.30/AC.2/2012/12/Rev.2

(d) Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1

The Committee will recall that, at its fifty-fifth meeting, it provisionally adopted amendment proposals to Annexes 1 and 6 and decided to include these into a larger package of amendment proposals to be sent to the Depositary at a later stage (ECE/TRANS/WP.30/AC.2/113, para. 35).

Documentation

ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

(e) **Phase III of the TIR revision process – Computerization of the TIR procedure**

As at previous sessions, the Committee will be informed about the latest developments in the computerization of the TIR procedure and related projects.

8. Application of the Convention

(a) **Application of the TIR Convention in the Russian Federation**

The Committee may wish to recall its extensive discussions, at the previous session, regarding the measures introduced by the Russian Customs that affected the implementation of the TIR procedure (ECE/TRANS/WP.30/AC.2/115, paras. 11-26).

In summary, in July 2013, the Federal Customs Service of the Russian Federation (FCS) announced that TIR operators transporting goods in the territory of the Russian Federation would be required to provide other guarantees prescribed by the Customs Code of the EurAsEC Customs Union. The introduction of this measure, originally scheduled for 14 August, had been postponed until 14 September 2013. As of that date, FCS started a step-by-step implementation of the envisaged measure with the objective to completely phase out the TIR by 1 December 2013 – the date when the TIR guarantee agreement signed between FCS and the national guaranteeing association ASMAP would be terminated, at the initiative of FCS.

The Committee, except for the delegation of the Russian Federation, considered that these steps by FCS are in breach of the TIR Convention and are contrary to the commitments of the Russian Federation under the TIR Convention. The majority of delegations called for the withdrawal of the FCS measure, pointed out the negative impact of the TIR crisis in the Russian Federation on transport and trade and urged all stakeholders in the Russian Federation and IRU to find solutions that would ensure an uninterrupted application of the TIR procedure in the Russian Federation. Several delegations offered their good offices in finding a solution.

The Committee will be informed about new developments on this issue and, on that basis, may wish to continue its considerations of this issue.

Documentation

ECE/TRANS/WP.30/AC.2/115

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

At its previous session, the representative of the Russian Federation pointed out the need to indicate the HS code on the TIR Carnet, in particular, for also raising transparency in the relations between the competent authorities and national guaranteeing association. He stressed that such a requirement had already been introduced for the advance electronic declaration in the Russian Federation and other member States of the Customs Union and did not seem to lead to any difficulties for transport operators. Nevertheless, the Committee maintained its position that indication of the HS code should remain optional, as provided for in the existing Recommendation (ECE/TRANS/WP.30/AC.2/115, para. 49).

At its fifty-third session, the Committee decided to consider additional national data and documentary requirements in the course of a TIR transport (ECE/TRANS/WP.30/AC.2/109, paras. 29 and 30). At the fifty-fourth session, the secretariat drew the attention of AC.2 to a survey on this subject which was conducted at the end of 2001, whose results might still be relevant (TRANS/WP.30/2002/15) (ECE/TRANS/WP.30/AC.2/113, para. 37). Taking into consideration the above, the Committee is invited to continue its considerations.

Documentation

ECE/TRANS/WP.30/AC.2/2011/3, TRANS/WP.30/2002/15

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

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

9. Best practices**Use of subcontractors**

At its previous session, the Committee considered document ECE/TRANS/WP.30/AC.2/2013/13 which provides an overview of all considerations by TIRExB and the Committee on the issue of subcontractors since 2005 as well as proposing two alternative comments on the issue: one prepared by the secretariat and the other one drafted by the Republic of Belarus. Whereas a majority of countries were willing to support the comment by the secretariat, various delegations expressed their concerns about the concept of subcontractor in the TIR Convention in general and the liability of the TIR Carnet holder, in particular, as well as the application of Article 38 in case a subcontractor is involved. They were also interested to know more about the role of the guarantee chain in accepting liability for TIR Carnets used by subcontractors. In particular, the question was raised if a national association would assume liability for a TIR Carnet issued to one of its holders but used by a subcontractor from another country. Due to lack of time, the Committee decided to continue its discussions at the present session.

In addition, the delegation of Belarus clarified that the main differences between its proposal and the one of the secretariat were the approach to the use of TIR carnets by a subcontractor who has no access to the TIR procedure as well as the application of Article 38 and of other provisions concerning the liability. According to the delegation of Belarus, granting the right to use TIR Carnets to a transport operator who does not have access to the TIR procedure would not conform to one of the pillars of the TIR Convention, namely the controlled access of carriers to the TIR procedure (Annex 9, part II). The delegation also raised the issue if the TIR guarantee chain would cover TIR operations performed by a subcontractor who has not been authorized to use TIR. Due to lack of time, no reply was given to this question (ECE/TRANS/WP.30/AC.2/115, paras. 51 and 52).

Against this background, the Committee is invited to continue its discussion.

Documentation

ECE/TRANS/WP.30/AC.2/2012/13

10. Other business**(a) Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the fifty-eighth session of the Committee on 9 October 2014. 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 on the distribution of documents issued in connection with its current session.

11. Adoption of the report

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