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Administrative Committee for the TIR Convention, 1975

Sixtieth session

Geneva, 5 February 2015

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixtieth session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 5 February 2015, Salle VII

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) Survey on customs claims
 - (iii) Monitoring the prices of TIR Carnets;
 - (iv) International databases and electronic tools of the TIR secretariat;
 - (v) National and regional TIR workshops and seminars.
 - (b) Administration of the TIR Executive Board and the TIR secretariat:
 - (i) Status report on the accounts for 2014;
 - (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 proposals to the Convention prepared by the TIRExB;
 - (b) Proposals transmitted by the Government of the Russian Federation;
 - (c) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (d) Amendment proposals to the Convention: Annex 3;
 - (e) Amendment proposals to the Convention: Vehicles with sliding sheets;
 - (f) Phase III of the TIR revision process – Computerization of the TIR procedure;
 - (g) Report of the third meeting of an informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of TIRExB.
6. Application of the Convention:
- (a) Situation concerning the application of the TIR Convention in Contracting Parties:
 - (i) Ukraine;
 - (ii) Russian Federation.
 - (b) Possible new developments in other Contracting Parties;
 - (c) Comments endorsed by the Working Party on Customs Questions affecting Transport and the 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.2/122). 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.2/122

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 2015.

3. Status of the TIR Convention, 1975

The Committee may wish to recall that the proposals to amend Annex 1, Annex 6 as well as Annex 9 Part I, paragraph 3 (vi) of the Convention entered into force on 1 January 2015 for all Contracting Parties (C.N.426.2014.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 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 secretariat has reproduced the report of the TIR Executive Board (TIRExB) at its fifty-ninth (June 2014) and sixtieth (September 2014) sessions (respectively documents ECE/TRANS/WP.30/AC.2/2015/1 and ECE/TRANS/WP.30/AC.2/2015/2 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 sixty-first (December 2014) and sixty-second (February 2015) 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.2/2015/1, ECE/TRANS/WP.30/AC.2/2015/2

(ii) Survey on customs claims

Pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB, at regular intervals, conducts a survey on the status of customs claims in all TIR Contracting Parties. As part of its activities for the 2013–2014 term of office, TIRExB launched the survey for the years 2009–2012. The consolidated results of the survey are in document ECE/TRANS/WP.30/AC.2/2015/3, for consideration by the Committee. In particular, the Committee will be invited to provide guidance to TIRExB on the fact that various major TIR Contracting Parties did not respond to the survey, despite repeated requests, thus negatively impacting the relevance of the survey as a supervisory tool for TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2015/3

(iii) Monitoring the prices of TIR Carnets

The Committee, at its previous session, welcomed document ECE/TRANS/WP.30/AC.2/2014/10, transmitted by TIRExB on the pricing of each type of TIR Carnet issued by national associations. In the spirit of transparency, the Committee supported the publication of this information on the TIR website. Furthermore, the Committee was of the view that the function of TIRExB to monitor the price of TIR Carnets should go beyond the dissemination of these data. However, the Committee was not in a position to agree on the need for the publication of an analysis nor on any specific methodology allowing TIRExB to analyse the price information of TIR Carnets in detail. Consequently, the Committee requested Contracting Parties to send suggestions to the secretariat not later than by 15 November 2014. The secretariat was requested to prepare a document for consideration at its next session based on the suggestions received (see ECE/TRANS/WP.30/AC.2/121, para. 16).

Further to this request, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2015/4, containing an assessment by the secretariat and, possibly, the suggestions received from Contracting Parties on the need for an analysis or a specific methodology for TIRExB to analyse the price information of TIR Carnets in detail.

Documentation

ECE/TRANS/WP.30/AC.2/2015/4

(iv) 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 (2015)) as well as about the progress made in implementing ITDB online+ and other IT projects managed by the TIR secretariat.

Documentation

Informal document No. 1 (2015)

(v) 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 2014**

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 2014 by the time the Administrative Committee meets in February 2015, the report on the complete and final accounts will be transmitted, as in the past, to the next session of the Committee in 2015 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 2015 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/121, para. 21). The Committee will be informed about the transfer of the required funds for the year 2015 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\$ 0.60, see ECE/TRANS/WP.30/AC.2/122, para. 22). 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 2014 and to approve the appropriate action according to items 11 or 12 of the above procedure.

The Committee may wish to recall that, at its previous session, it provisionally approved the request by the secretariat to allow, exceptionally, for the transfer by IRU of additional funds to the TIR Trust Fund to cover the costs of hiring an IT expert as well as purchasing infrastructure under the joint UNECE/IRU eTIR Pilot Project, subject to the confirmation of the exact amount of the transfer (see ECE/TRANS/WP.30/AC.2/121, para. 23).

The secretariat prepared document ECE/TRANS/WP.30/AC.2/2015/5, providing details of the exceptional transfer by IRU of additional funds to the TIR Trust Fund.

Documentation

ECE/TRANS/WP.30/AC.2/2015/5, ECE/TRANS/WP.30/AC.2/122,
ECE/TRANS/WP.30/AC.2/89

(c) Election of members of the TIR Executive Board

The Committee may wish to recall 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 were elected at its session in February 2013, the Committee must, at its present session, proceed with the election or re-election of the nine members of TIRExB.

The Committee, at its previous session, confirmed that the criteria for the nomination of candidates and the procedure for the election of TIRExB members at the present session would be the same as for the previous election in 2013. However, the Committee decided, for the future, to continue applying Rule 42 of the Rules of Procedure of ECE. The Committee, therefore, authorized the UNECE secretariat to solicit candidates in November 2014, to close the list of candidates on 15 December 2014 and, on the next working day, 16 December 2014 to issue the official list of candidates for distribution to all Contracting Parties (see ECE/TRANS/WP.30/AC.2/121, paras. 24–26).

The procedures for the nomination and election are in Informal document No. 2 (2015). In accordance with the approved election procedure and on the basis of the list of nominated candidates which will be circulated by the secretariat to all Contracting Parties on 16 December 2014 (Informal document No. 3 (2015)), the Committee may wish to proceed with the election or re-election of the nine members of the TIRExB in accordance with established practice.

Documentation

Informal documents No. 2 and 3 (2015)

5. Revision of the Convention

(a) Amendment proposals to the Convention prepared by the TIRExB

At its fifty-eighth session, the Committee considered document ECE/TRANS/WP.30/AC.2/2014/5, transmitting, inter alia, proposals by TIRExB: (a) to amend Article 42 bis with an Explanatory Note to clarify the meaning of the term “immediately” in the text of the Article, together with guidelines for communicating and introducing new control measures; (b) to amend the first comment to Annex 4 on the approval certificate so that it would not only allow for the use of A3 format, but also A4, under the condition that the pages would be secured by means of stamps on every page or secure bindings. The Committee decided to continue discussing the proposals in document ECE/TRANS/WP.30/AC.2/2014/5 and, to that end, requested the secretariat to prepare a revised document for consideration at its next session (see ECE/TRANS/WP.30/AC.2/119, para. 18).

Due to a lack of time, the Committee had could not discuss the proposals at its fifty–ninth session. Therefore, the Committee is, once more, invited to consider and, possibly, adopt the proposals in document ECE/TRANS/WP.30/AC.2/2014/5/Rev.1.

Documentation

ECE/TRANS/WP.30/AC.2/2014/5/Rev.1

(b) Proposals transmitted by the Government of the Russian Federation

The Government of the Russian Federation has submitted proposals to amend various provisions of the body of the Convention as well as of Annex 9. The proposals are in document ECE/TRANS/WP.30/AC.2/2014/14, prepared by the secretariat for consideration by the Committee at its fifty–ninth session, but not discussed due to a lack of time. The Committee is invited to discuss these proposals.

Documentation

ECE/TRANS/WP.30/AC.2/2014/14

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

The Committee may wish to recall its considerations at its fifty–fifth session (February 2013) (ECE/TRANS/WP.30/AC.2/113, para. 32). Due to a lack of time, the issue could not be discussed during previous meetings. Committee decided to revert to this matter at the next session or at the present session.

(d) Amendment proposals to the Convention: Annex 3

At its fifty–sixth session (October 2013), 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 was invited to consider. So far, due to a lack of time, the Committee had not opportunity to revert to this matter.

The Committee is invited to continue its consideration of the amendment proposals to Annex 3 on the basis of document ECE/TRANS/WP.30/AC.2/2012/2/Rev.2.

Documentation

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

(e) Amendment proposals to the Convention: Vehicles with sliding sheets

The Committee is invited to consider document ECE/TRANS/WP.30/2015/6, transmitted by the Working Party, containing amendment proposals for a new design of a vehicle and container to the TIR Convention. The proposals have been prepared by the secretariat, in close collaboration with the International Association of the Body and Trailer Building Industry (CLCCR) as well as the government of Germany.

Documentation

ECE/TRANS/WP.30/AC.2/2015/6

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

The Committee may wish to be informed about the latest developments in the computerization of the TIR procedure and related projects.

The Committee may wish to recall that, at its fifty–eighth session, it had considered the draft joint statement on the computerization of the TIR procedure, contained in document ECE/TRANS/WP.30/AC.2/2014/6, prepared by the secretariat for endorsement by Contracting Parties. Although not principally opposed, the Committee could not reach consensus regarding certain parts of the statement and requested the secretariat to prepare a new draft for endorsement at the October 2014 session (see ECE/TRANS/WP.30/AC.2/119, paras. 20–25). Further to this request, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/6/Rev.1 for consideration and, possibly, endorsement by the Committee. Due to a lack of time, the Committee could not consider this issue at that session. Therefore, the Committee is invited to consider and, possibly, endorse the joint statement at the present session.

Documentation

ECE/TRANS/WP.30/AC.2/2014/6/Rev.1

(g) Report of the third meeting of an informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of TIRExB

The Committee may wish to be informed by the Chair of the informal group about the results of its third meeting. This informal meeting is scheduled to take place during the forthcoming session of WP.30 (4 February 2015) and prior to the session of the Committee on 5 February 2015.

6. Application of the Convention

(a) Situation concerning the application of the TIR Convention in Contracting Parties

(i) Ukraine

The Committee may wish to recall that at its previous session, the representative of Ukraine informed the Committee that Ukrainian competent authorities had completed a national legal assessment and had concluded that currently the Russian national association was no longer able to fulfil the minimum conditions and requirements of Article 6 and Annex 9, Part I of the Convention and had, de facto, ceased to exist. As a consequence, the State Fiscal Service of Ukraine pursuant to the instructions of the Cabinet of Ministers of Ukraine and a decision of the Interdepartmental Commission under the Ministry of Economic Development and Trade of Ukraine, no longer accepted TIR Carnets issued by the Association of International Road Carriers (ASMAP) of the Russian Federation. Ukraine would transmit additional information on this decision and implementing procedure to TIRExB for examination (see ECE/TRANS/WP.30/AC.2/121, para. 28).

The Committee may wish to note of additional information on this decision, provided by Ukraine (Informal document No. 4 (2015) and be informed its examination by TIRExB.

(ii) Russian Federation

The Committee may wish to recall that, at its previous session, the delegation of the Russian Federation informed the Committee that ASMAP continues to function as approved national association, in full compliance with the provisions of the TIR Convention. At the session, various delegations asked the delegation of the Russian Federation for clarification of the situation concerning the application of the TIR Convention on its territory, in particular with regard to the date of 30 November 2014, tentative date for the finalization of the tender procedure to select and approve a new guaranteeing association. The Russian delegation was unable to full present the developments in implementing the Convention at the national level due to a lack of time (See ECE/TRANS/WP30/AC.2/121, paras 30–32).

The Committee may wish to be informed of further development in this situation by the delegation of the Russian Federation as well by the Chair of TIRExB.

(b) Possible new developments in other Contracting Parties

The Committee may wish to be informed about any further developments in the application of the TIR Convention in other Contracting Parties. In this context, the Committee may, in particular, but not limited to, wish to be informed by the delegation of the European Union about proposals to suspend the TIR between EU and the Russian Federation.

(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.

7. Best practices**Use of subcontractors**

At its fifty–sixth session (October 2013), 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).

The issue has not been discussed by the Committee since, due to a lack of time. The Committee is invited to revert to its discussion of the issue.

Documentation

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

8. Other business

(a) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the sixty-first session of the Committee on 8 October 2015. 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.

9. Adoption of the report

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