



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.30/AC.2/84
4 August 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

Forty-second session
Geneva, 28 September 2006

**ANNOTATED PROVISIONAL AGENDA
FOR THE FORTY-SECOND SESSION**

to be held at the Palais des Nations, Geneva,
starting at 10.00 hours on Thursday, 28 September 2006 * **

* The UNECE Transport Division has submitted the present document after the official documentation deadline.

** 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 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: Poul.Hansen@unece.org). Agenda, documents and reports may also be downloaded from the Internet web site of the UNECE Transport Division (<http://tir.unece.org>). During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, 3rd floor, Palais des Nations). Documents mentioned in bold in the documentation overview under each agenda item of this the agenda are newly issued documents.

New accreditation procedures have been introduced for all delegates attending meetings held at the Palais des Nations. Delegates are therefore requested to complete the attached registration form also available from the Internet Web site of the UNECE Transport Division (<http://www.unece.org/trans/welcome.html>) and to transmit it to the UNECE secretariat, at the latest two weeks prior to the session, either by fax (+41-22-917-0039) or by e-mail (Poul.Hansen@unece.org). Prior to the session, delegates that do not hold a long term access badge are requested to present themselves at the Pass and Identification Unit of the UNOG Security and Safety Section Pregny Gate Entrance (a map is attached) for the issuance of an identification badge. In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 74030).

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Annex 1 – Conference registration form

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II. EXPLANATORY NOTES

The UNECE Working Party on Customs Questions affecting Transport (WP.30) will hold its one-hundred-and-fourteenth session in conjunction with the present session of the Administrative Committee from 26 to 29 September 2006. The agenda for the meeting is contained in document ECE/TRANS/WP.30/227 and may be obtained directly from the UNECE secretariat or from the UNECE TIR web site (<http://tir.unece.org>). Representatives of Contracting Parties to the TIR Convention, 1975, are strongly recommended to participate also in the sessions of the Working Party.

It is recalled 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 1 December 2005 the number of Contracting Parties to the Convention is sixty-six.

III. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 Adoption of the Agenda

Documentation: **ECE/TRANS/WP.30/AC.2/84**

1. The Administrative Committee may wish to consider and adopt the agenda of its present session as prepared by the UNECE secretariat (ECE/TRANS/WP.30/AC.2/84).

Item 2 Status of the TIR Convention, 1975

Documentation: **ECE/TRANS/WP.30/AC.2/83; ECE/TRANS/WP.30/AC.2/2006/14**

2. The Committee will be informed of the situation concerning the geographical scope and the number of Contracting Parties to the TIR Convention, 1975. A list of Contracting Parties to the Convention as well as of countries in which a TIR transit operation can be established is contained in the annex to the report of the forty-first session of the Committee and is also available on the UNECE TIR web site (<http://tir.unece.org>). Contracting Parties may wish to verify these listings. The annex also contains a list of national associations issuing and guaranteeing TIR Carnets. Detailed information on the status of the Convention as well as on the various Depositary Notifications is available on the UNECE TIR web site (<http://tir.unece.org>).

3. The Administrative Committee may wish to consider the state of implementation of Phases I and II of the TIR revision process. Document ECE/TRANS/WP.30/AC.2/2006/14, prepared by the secretariat, contains an overview of the state of implementation. Contracting Parties to the Convention may wish to comment on the information provided.

Item 3 Activities and administration of the TIR Executive Board (TIRExB)

(a) Activities of the TIRExB

(i) Report by the Chairperson of the TIRExB

Documentation: **ECE/TRANS/WP.30/AC.2/2006/16; ECE/TRANS/WP.30/2006/17-
ECE/TRANS/WP.30/AC.2/2006/17; ECE/TRANS/WP.30/AC.2/2006/5**

4. In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Administrative Committee (TRANS/WP.30/AC.2/55, paras. 14-15), the UNECE secretariat has reproduced the reports of the TIRExB at twenty-seventh and twenty-eighth sessions held in October 2005 and January 2006 respectively for information and endorsement by the Administrative Committee (ECE/TRANS/WP.30/AC.2/2006/5 and ECE/TRANS/WP.30/AC.2/2006/16).

5. Further information on recent activities of the TIRExB and the TIR secretariat as well as on the considerations and decisions taken at the twenty-ninth session (May 2006) and thirtieth session (September 2006) of the TIRExB will be provided by the Chairman of the TIRExB during the session.
6. The Administrative Committee may wish to consider these reports and the supplementary information and provide guidance on future activities and priorities of work of the TIRExB.
7. The Committee may also wish to consider document ECE/TRANS/WP.30/2006/17-ECE/TRANS/WP.30/AC.2/2006/17, prepared by the secretariat, containing a proposal for an example of a best practice developed by the TIRExB with regard to the application of Article 38 of the Convention. The Committee may wish to endorse the example of best practice.

(ii) **International TIR Data Bank (ITDB)**

Documentation: **ECE/TRANS/WP.30/AC.2/2006/12; ECE/TRANS/WP.30/AC.2/2006/15**

8. The Administrative Committee will be informed by the TIR Secretary on the current operation of the ITDB and on progress made in providing on-line access to authorized Customs TIR Focal Points for inquiry procedures.
9. The ITDB contains at present more than 40,000 records with persons/companies authorized by national Customs authorities to utilize the TIR procedure. It also contains information on persons excluded from the TIR procedure in accordance with Article 38 of the Convention. The requested data are provided, for the time being, only to Customs TIR Focal Points furnishing their personal user code.
10. The Administrative Committee may wish to recall, that at its previous sessions, it had urged all Contracting Parties to respect the provisions of Annex 9, Part II, paras. 4 and 5 of the Convention concerning transmission of ITDB data with a view that the ITDB becomes a value added tool for Customs authorities (TRANS/WP.30/AC.2/77, para. 15). In this context, the Committee may wish to be informed of the status of the transmission of data to the ITDB and to consider document ECE/TRANS/WP.30/AC.2/2006/15, prepared by the secretariat providing an overview of the status of transmission of documents and data to the ITDB.
11. The Committee may wish to recall that, at its fortieth session, it had considered proposals for (a) opening up the access to the ITDB to Customs officials other than the TIR Customs Focal Points and (b) providing additional information contained in the ITDB, such as information on exclusions and withdrawals (document TRANS/WP.30/AC.2/2005/3). With a view to ensure the reliability of the data contained in the ITDB the Committee requested all Contracting Parties to test and verify the ITDB data in the ITDB Online and to report any problems to the TIR secretariat. The Committee requested the secretariat to prepare a document for its next session providing more information about the functioning of the ITDB, including problems encountered in the data collection and capture, as well as information on reported problems from Contracting Parties. The secretariat was also requested to include, in the document, proposals for solutions to the various issues identified and to propose a plan for implementation of the solutions with a view to widening the access to the ITDB as soon as possible.

12. The secretariat has not received any comments on this issue from Contracting Parties. The secretariat experience with the data collection and management can briefly be summarized as follows: data are often transmitted to the secretariat not respecting the deadlines set of in Annex 9 of the Convention. In this context, it should be pointed out that it should be possible to shorten the deadlines provided in Annex 9 once electronic transmission is introduced. A few Contracting Parties are still transmitting paper files, a fact which contributes to delaying the updating of the ITDB and increases the risk for errors. Electronic files transmitted that are not in conformity with the layout of ITDB2001 must be manually checked which leads to delays. Finally, the competent authorities of some Contracting Parties do not themselves send the required data to the secretariat. In such cases the secretariat is obliged to return data to the authorities with request for verification. This procedure leads to delays.

13. It should be pointed out that although the ITDB has been created to assist in facilitating and securing the TIR procedure, the issues identified above can create problems for both competent authorities and operators in the operation of the TIR procedure leading to both unnecessary and unjustified delays as well as undermining the sustainability of the procedure.

14. In the view of the secretariat the ultimate solution for solving the problems with data capture of the ITDB data would be if Contracting Parties directly and immediately updated the electronic files for their national TIR Carnet Holders in the ITDB, i.e. ITDB Online+. Until such a solution is fully implemented, in the interim, an improvement of the data capture and reliability will only happen if competent authorities respect the requirements set out in Annex 9 of the Convention and use the electronic means for data transfer that are already available today. To this end the secretariat is ready to assist countries that today do not transmit the data electronically.

15. Bearing in mind the above, the Committee may, nevertheless, wish to decide on to open the access to the ITDB to other Customs officials than TIR Customs Focal points and also to provide access to all relevant information in the ITDB, including exclusions etc. In this context the Committee may wish to take note that Contracting Parties in a similar way are using data from the IRU SAFETIR system even though there is no guarantee that the data provided, not due to the fault or mistake of the IRU, is up-to-date, complete or correct.

16. The Committee may also wish to consider the issue of the issue of including exclusions in accordance with Article 38 of the Convention in the information contained in the ITDB (ECE/TRANS/WP.30/AC.2/81, para. 19).

17. The Committee may wish to consider whether exclusions in accordance with Article 38 of the Convention fall under Article 8 (a), last indent of the Terms of Reference of the TIRExB and (ii) would inclusion and publication in the ITDB of data concerning exclusions in accordance with Article 38 be in line with national data protection laws. Furthermore, the Committee may wish to consider document ECE/TRANS/WP.30/AC.2/2006/12, prepared by the secretariat containing a proposal for a disclaimer for ITDB.

(iii) Fraud Report Form (FRF)

18. The Administrative Committee may wish to recall that, at its fortieth session, it had considered and tentatively approved the Fraud Report Form (FRF) prepared by the TIRExB, with a view to improve the knowledge sharing concerning fraud related activities penetrating the TIR system and possibly other related transit systems.

19. The Committee may wish to finally approved the FRF as contained in document ECE/TRAN/WP.30/AC.2/2006/6 as well as approve the dissemination of data etc.

(iv) National and regional TIR workshops and seminars

20. The Administrative Committee will be informed about seminars conducted and about planned seminars.

(b) Financial administration of the TIRExB and the TIR secretariat

(i) Approval of the final accounts for the year 2005

Documentation: **ECE/TRANS/WP.30/AC.2/2006/7**

21. The Administrative Committee, at its spring session, took note that the final accounts of the TIRExB for the year 2005 were not yet available and decided to approve the accounts at the present session (ECE/TRANS/WP.30/AC.2/81, para. 24).

22. The Administrative Committee may wish to approve the final accounts of the TIRExB for the year 2005 as contained in document ECE/TRANS/WP.30/AC.2/2006/7.

(ii) Status report on the accounts for the year 2006

Documentation: **ECE/TRANS/WP.30/AC.2/2006/8**

23. In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Administrative Committee at least once a year or at the request of the Administrative Committee. Since the budget year will only be completed on 31 December 2006, financial statements showing the funds received and expended for the TIRExB in 2005, in line with the internal and external auditing procedures of the United Nations, are not yet available. However, in order to provide transparency about the functioning and financing of the TIRExB and the TIR secretariat, document ECE/TRANS/WP.30/AC.2/2006/8 provides an overview of the financial situation of the TIRExB and the TIR secretariat as of 30 June 2006.

24. The complete and final accounts for 2006 will be submitted for approval by the Administrative Committee at one of its sessions in 2007.

(iii) Budget proposal and cost plan for the year 2007

Documentation: **ECE/TRANS/WP.30/AC.2/2006/11**

25. In accordance with Annex 8, Article 13 of the Convention, the TIRExB has prepared a budget proposal and a cost plan providing for its operation in the year 2007. The budget proposal and cost plan, as contained in document ECE/TRANS/WP.30/AC.2/2006/11, is expected to be finalized and approved by the TIRExB at its session in conjunction with the present meeting in September 2006. Modifications, if any, decided upon by the TIRExB at this session, will be reflected in a corrigendum to this document.

26. The Committee may wish to approve the budget as contained in document ECE/TRANS/WP.30/AC.2/2006/11.

(iv) **Audit by the UN Board of Auditors**

Documentation: ECE/TRANS/WP.30/AC.2/2006/9

27. The Committee may wish to recall that, at its forty-first session, it had received information about the status of audits carried out by the UN Board of Auditors (BOA) and the UN Office of Internal Oversight (OIOS).

28. The Committee may wish to be informed of any further developments in relation to the above-mentioned audits. In particular, the Committee may wish to take note of the report of the BOA to the UN General Assembly, paras. 374-384 as reproduced in document ECE/TRANS/WP.30/AC.2/2006/9, annex 1.

29. The Committee may also wish to take note of the extract of the report of the OIOS to the UNECE Executive Secretary, which is contained in document ECE/TRANS/WP.30/AC.2/2006/9, annex 2.

30. The Committee may wish to consider the reports and to take the findings into consideration during the discussion of agenda item 5 of this agenda, as deemed appropriate.

(c) **Election of members for the TIRExB**

31. In accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of the TIRExB shall be two years. Since the present members of the TIRExB had been elected at its spring session in 2005, the Administrative Committee must, at its forthcoming session in spring 2007, proceed with the election or re-election of the nine members of the TIRExB.

32. In order to ensure an efficient voting procedure at its forthcoming spring session, the Administrative Committee may wish to confirm the decisions taken earlier in this respect, in particular:

- 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);

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

33. In addition, the Administrative Committee may wish to authorize the UNECE secretariat to issue in November 2006 a document recalling the approved election procedures and soliciting candidates willing to stand for election as members of the TIRExB for the term 2007-2008. The deadline by which nominations would need to be received by the UNECE secretariat is 8 December 2006. No further candidates may be nominated following expiry of this deadline. On 11 December 2006, 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.

34. The Administrative Committee may wish to approve the election procedure which had been used for the election of members of the TIRExB in 2005 as well as the amendment of the procedure agreed above.

Item 4 Computerization of the TIR Procedure

Documentation: ECE/TRANS/WP.30/AC.2/2006/13

35. The Committee will recall that, at its previous sessions, it has been informed about the progress of the computerization of the TIR procedure, the so-called eTIR, in accordance with the relevant decisions of the Working Party (WP.30) and the Committee with a view to create a Customs-to-Customs system

36. With a view to providing the Contracting Parties with all the relevant information concerning the progress and with a view to advancing the project as fast as possible, the Committee may wish to consider document ECE/TRANS/WP.30/AC.2/2006/13, prepared by the secretariat containing the relevant and up-to-date information about the project.

37. The Committee may wish to be provided with any other relevant up-dates in this context and confirm the mandates and plans for the eTIR as already decided by the Working Party (WP.30).

Item 5 Proposals for Amendments to the Convention with regard to the operation of the TIRExB and the TIR secretariat

Documentation: **ECE/TRANS/WP.30/AC.2/2006/3; ECE/TRANS/WP.30/AC.2/2006/4; ECE/TRANS/WP.30/AC.2/81**

38. The Committee, at its forty first session considered document ECE/TRANS/WP.30/AC.2/2006/3, prepared by the secretariat in consultation with the relevant UN bodies in line with relevant UN regulations, providing proposals for resolving the issue of the financing of the operation of the TIRExB and TIR secretariat.

39. The Committee also considered document ECE/TRANS/WP.30/AC.2/2006/4, transmitted by the IRU, providing a proposal on the same issue.

40. The Committee, bearing in mind that the reports of the BOA and OIOS on the audits of the UNECE-IRU agreement were not yet available decided to postpone its decision on the issue to its present session.

41. The Committee, bearing in mind the reports of the BOA and OIOS contained in document ECE/TRANS/WP.30/AC.2/2006/9, may wish to consider and decide on the issue.

Item 6 Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system

Documentation: **ECE/TRANS/WP.30/AC.2/83**

42. The Committee may wish to recall that, at its forty-first session, it had, for the time being, decided to confirm the authorization of the IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 inclusive (ECE/TRANS/WP.30/AC.2/83, para. 19).

Item 7 Authorization for the conclusion of an agreement between the UNECE and the IRU

Documentation: **ECE/TRANS/WP.30/AC.2/83**

43. The Committee, at its forty-first session, based on the decision referred to under agenda item 6 above, decided to mandate the secretariat to make the necessary preparations for the continuation of the UNECE-IRU Agreement with a view to receiving the transfer of an amount from the IRU for the funding of the operation of the TIRExB and the TIR secretariat for the year 2007 (ECE/TRANS/WP.30/AC.2/83, para. 20).

44. The Committee may wish to be informed about the proceedings, so far, and in particular provide the secretariat with guidance concerning any relevant recommendations that may be contained in the reports of the BOA and the OIOS.

Item 8 Other proposals for Amendments to the Convention

Proposals by the TIRExB

45. The Committee may wish to consider the proposal by the TIRExB for a new Explanatory Note to the Convention prohibiting passenger cars from traveling on their own under cover of a TIR Carnet. The TIRExB proposes to adopt the following Explanatory Note to Article 3 (a) of the Convention:

“0.3 (a) (iii)

The provisions of Article 3 (a) (iii) do not cover passenger cars (HS-codes 8702 and 8703) traveling by their own means”

46. The Committee may wish to consider whether it is relevant to exclude vehicles classified under HS-code 8702 from traveling under cover of TIR Carnets. Such vehicles are defined as: “Motor vehicles for the transport of 10 or more persons, including the driver”.

Item 9 Other business

(a) Date of next session

47. The UNECE secretariat has made the necessary arrangements to hold the forty-third session of the Administrative Committee on 1 February 2007.

48. The Administrative Committee may wish to confirm the date of this forty-third session.

(b) Restriction on the distribution of documents

49. The Administrative Committee may wish to decide on whether there should be any restriction with respect to the distribution of documents issued in connection with its current session.

Item 10 Adoption of the Report *

50. In accordance with Annex 8, Article 7 of the Convention, the Administrative Committee will adopt the report on its forty-second session on the basis of a draft prepared by the UNECE secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available at the end of the session for adoption in all working languages.

* The reading of the report will take place on the 29 September 2006.

Annex 1 - Conference Registration Form

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Date

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Participant

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First Name

Mr. Mrs. Ms

Date of birth

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Annex 2 – Map of the United Nations Office at Geneva


