

# TIR amendment procedure

Geneva, 2018



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# Legal provisions on amendment

## TIR Convention

### Procedure and adoption

Article 59, para. 1 and 2 apply to the main body and annexes of the Convention

“1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

2. Any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.”

# Legal provisions on amendment

## TIR Convention

### Entry into force

- Article 59, para. 3 applies to the main body of the Convention

**“...three months after the expiry of a period of twelve months following the date of communication** of the proposed amendment during which period no objection to the proposed amendment has been communicated...”
- Article 60, para. 1 applies to the annexes (note that Explanatory Notes are contained in Annex 6, thus subject to this Article)

**“...on a date to be determined by the Administrative Committee at the time of its adoption...”**

# **Legal provisions on amendment**

## **Terms of Reference of WP.30**

### **Amendment proposals**

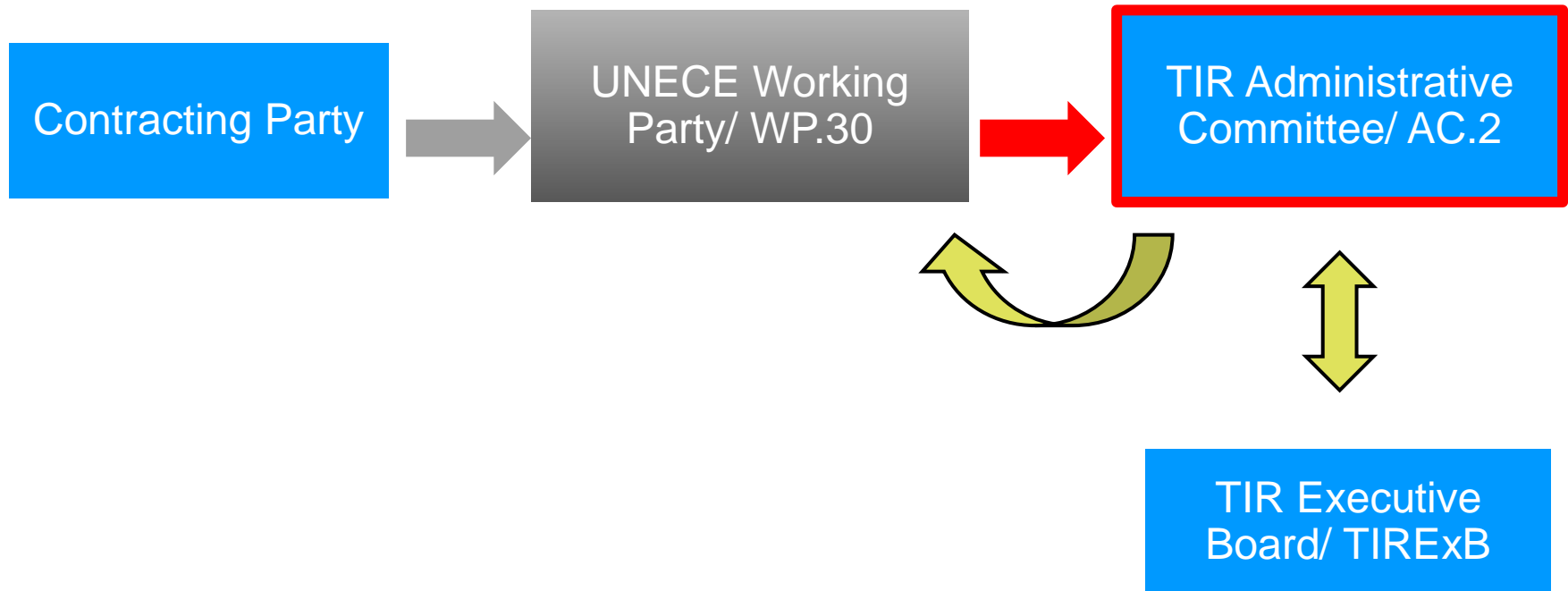
- WP.30 may endorse amendment proposals to the TIR Convention, subject to the formal adoption of AC.2, according to Article 1 (e) of its ToR.

### **Comments**

- WP.30 may also adopt comments with regard to the implementation of the TIR Convention, again subject to the approval of AC.2, according to Article 1 (f) of its ToR. Comments are valid starting from the date of approval by AC.2.
  - \* Note that comments are not legally binding.

# Case illustrations\*

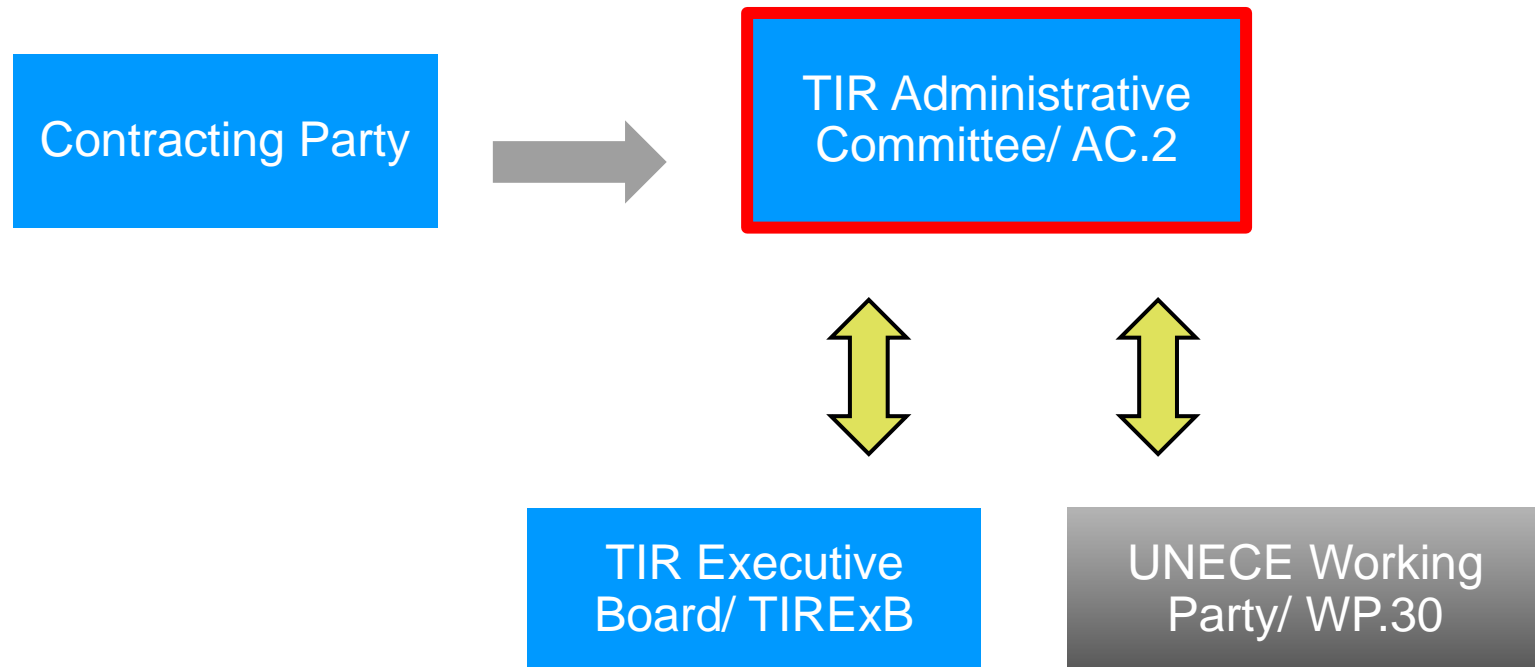
Case 1: A country proposal to WP.30



\* Case illustrations reflect the current practice at TIR bodies and have informative purposes only.

# Case illustrations

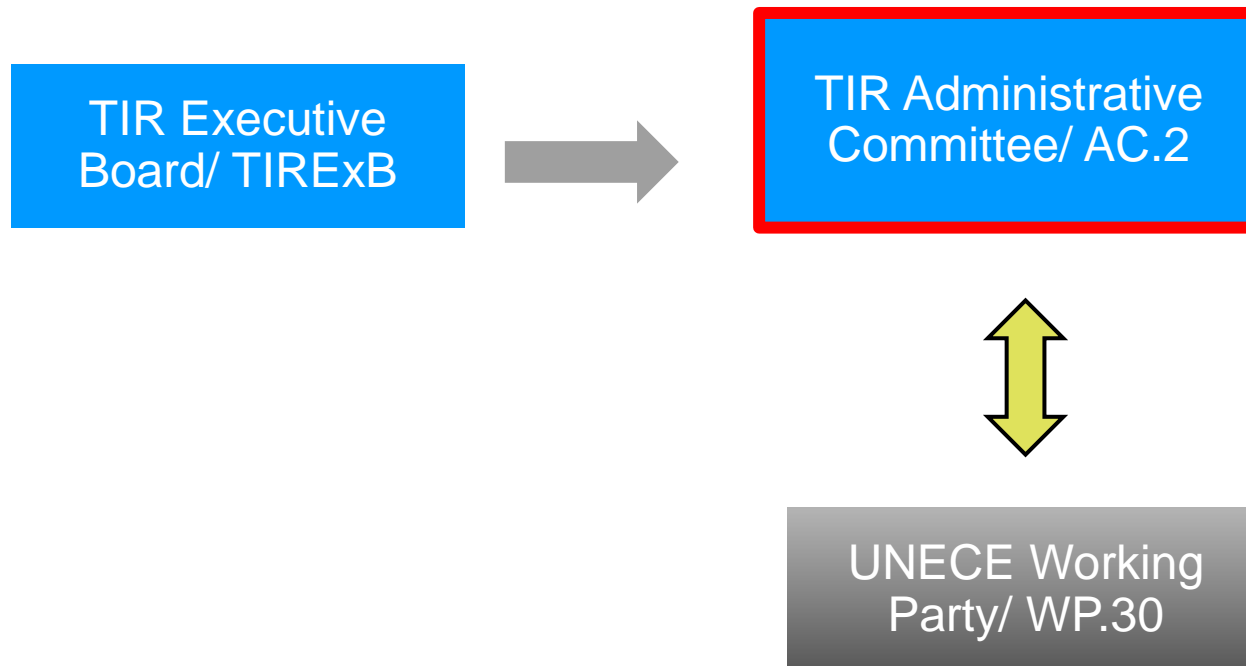
Case 2: A country proposal to AC.2\*



\* This method is time consuming in practice, as AC.2 usually sends a proposal to WP.30 for further consideration.

# Case illustrations

Case 3: TIRExB proposal to AC.2





# Objection to an amendment

- According to Article 59, para. 4 of the Convention, if an objection to the proposed amendment has been communicated in accordance with paragraph 3 of the same Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.
- An objection to an amendment can be made:
  - On the main body of the Convention, **within twelve months following the date of communication** of the proposed amendment and by **minimum one State** Contracting Party of the Convention (Article 59/3)
  - On the annexes, **by a date determined by AC.2** at the time of adoption of the amendment and by **minimum five State** Contracting Parties (Article 60/1)

# Objection to an amendment

- The objection shall be done by a letter to the Secretary General of the United Nations (New York). There is no official form used for objections.
- The authority shall have full powers to send the objection on behalf of its State
  - \* This authority is most likely the Ministry of Foreign Affairs.

**THANK YOU**