

LIST OF DECISIONS

1. Adoption of the agenda

The Bureau adopted its agenda (TRANS/BUR.2003/3) without modification.

2. Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)

The Bureau

- noted that the Ad Hoc Meeting of Experts on CRTD during its 3rd session (7-9 July 2003) had made good progress and that a new Convention should be available by the end of this year after the 4th session, for consideration by the Committee at its February 2004 session;
- further noted, however, that despite the letters sent by the secretariat to all member States to designate a focal point for the CRTD, the third session of the Ad Hoc Meeting of Experts had been attended by five member States only and that this poor participation could be interpreted as a lack of political interest from member States for a revision of the CRTD. If this were the case, the Committee might wish to consider how to follow up, i.e. whether it could be relevant to adopt the text by consensus, or to refer it to a Diplomatic Conference, or to put it on ice pending expression of more significant interest from member States;
- requested the secretariat to send again, by the end of August 2003, a letter to member States, with a copy of the draft new Convention which will be discussed at the 4th session of the Ad Hoc Meeting of Experts, whereby member States would be asked to express, before the end of October 2003, their official position on the principle of adopting a new Convention;
- stressed that the letter should also explain the added value of the new Convention;
- noted that the Central Commission for Navigation on the Rhine was also preparing a new Convention on the subject but applicable to inland navigation only;
- recalled that the mandate of the Ad Hoc Working Group was to submit to the Committee a revised text of the CRTD;
- noted that the Ad Hoc Meeting of Experts in discussing the question of the scope of the Convention, was of the view that the Convention should continue to cover the three inland transport modes (TRANS/AC.8/2, para. 29).

3. **Border crossing facilitation**

The Bureau

- recognized the necessity of a well functioning public/private partnership based on the principles of trust, respect, mutual understanding and full transparency, in particular, in connection with financial arrangements;
- recalled its intention to provide guidance as to how to avoid the occurrence in the future of a crisis similar to the one that took place in 2002;
- reiterated its intention to consider the general principles of the problem and not to delve into detailed questions relating to the TIR Convention;
- stressed the objective of the TIR Convention to strike a balance between the facilitation of international cross border traffic, while at the same time ensuring the required Customs securities and guarantees;
- recalled that it is the competence of the Contracting Parties alone to decide on interpretations of the Convention;
- agreed to make an assessment of the weaknesses of the TIR procedure and referred in this connection inter alia to the following questions:

➤ Languages:

- The Bureau requested the secretariat to seek clarification from the United Nations Legal Office on the identical meaning of the terms mentioned in the items in TRANS/BUR.2003/4, para. 2.1, as raised by the IRU:
- The Bureau asked that the reply from the UN Legal Office to these questions should be transmitted to WP.30 with the instruction to take the findings into account with the aim to ensure the sustainability of the TIR Convention.
- noted that in the replies of the TIR Contracting Parties to the questionnaire (TRANS/BUR.2003/3), there is no mention of a causal connection between the recent crisis and the various official language versions of the TIR Convention;

➤ TIR Convention revision procedures / different Convention texts :

The Bureau

- took note of the view of the IRU, that it would have been preferable to have carried out phases I and II of the TIR Revision process according to Article 62 of the Convention (TRANS/BUR.2003/4, para. 2.2). The Bureau recognized that the revision procedure which had been chosen according to Article 59 had been decided upon in unanimity by Contracting Parties and with the consent of the IRU with a view to implementing the

amendments urgently. The Legal Office of the United Nations had accepted this procedure;

- on the basis of the preceding explanation, could not explicitly identify any causal connections to the recent crisis based on the explanations provided by IRU;
- with the aim to ensure a uniform implementation of the Convention in all Contracting Parties, requested the secretariat to inquire with Contracting Parties about the state of implementation of the various revisions of the Convention and problems encountered in this connection;
- also requested the IRU to provide information on the implementation of the various amendments to the TIR Convention.

➤ Trade and criminal developments :

The Bureau

- took the view that the matter of fighting fraud and irregularities could basically be reduced to improving existing control measures and adopting additional measures;
- noted that the Administrative Committee of the TIR Convention will consider the inclusion of provisions concerning a control system for termination of TIR Carnets in the Convention in the near future;
- also took note that WP.30 is expected to consider other amendment proposals to the TIR Convention concerning its application in the near future;
- also noted that the TIRExB had included the issue of combating fraud as the top priority issue in the Programme of Work, in particular focusing on providing uniform access procedures for operators;
- stressed that issuing Associations had a primary responsibility in accepting only those Operators for the TIR Procedure, which meet all requirements set out in the Convention;

➤ Financial flows of the TIR guarantee system :

The Bureau

- appreciated the information provided by the IRU in relation to the financial flows (in Swiss francs) of the IRU in 2002 (according to the accounts of the IRU 2002 approved by the General Assembly of the IRU on 24 April 2003) :

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| - Overall revenue of which : | 133,842,240 |
| Contributions | 1,537,611 |
| - Total expenses of the Secretariat General of the IRU (Management of the network of Associations) | 6,308,655 |
| - Total expenses of the TIR department (Costs for the management of the TIR system and the international guarantee chain, including risk management) of which : | 127,826,264 |
| Insurance premium for the cover of the international financial guarantee | 35,854,000 |
- felt that these explanations did not illustrate the real risk exposure of the IRU in connection with the management of the guarantee system and particularly the risk covered by the insurers and requested the IRU to provide the Bureau with additional details in writing;
 - reiterated the decision of the TIR Administrative Committee that according to the existing text of the TIR Convention, it is the competence of the Contracting Parties to the Convention alone to decide on the budget of the TIRExB and on the size of the levy on the TIR Carnet to be collected. It stressed that the IRU only acts as an intermediary for the transfer of the necessary funds;
 - noted the statement of the representative of the IRU according to which the reservation made by his organization regarding the transfer of funds for the TIRExB budget 2003 had been made for political reasons and that the reservation would not have any practical impact on the funding of the TIRExB. In reply to a question from the floor, the Director pointed out that there was no relation between (i) the reservation of the IRU regarding the TIRExB budget and (ii) the reduced duration of the contracts of the TIR Secretariat's staff. It was felt that these two points may jeopardize the effective and continuous work related to the TIR Convention;
 - noted the confirmation by the representative of the IRU regarding an unimpeded funding of the TIRExB in the future;
 - noted further the confirmation of the secretariat that the total amount of the budget for 2003 had been transferred;
 - was informed by the secretariat that the process of revising the Agreement (transfer of funds, roles and responsibilities of the IRU) between the UNECE and the IRU had taken up more time than had been anticipated. It was expected that the Agreement would be submitted to the Chairman of WP.30 for review by the "Friends of the Chair" in the coming weeks;

- expressed its concern regarding the reservation and bearing in mind the confirmation by the representative of IRU not to amplify the situation, welcomed the readiness of the IRU to cooperate, henceforth, on the basis of improved transparency and mutual trust;
- asked the secretariat to transmit documents TRANS/BUR.2003/3, TRANS/BUR.2003/4 and TRANS/BUR.2003/4/Add.1 as well as the list of Decisions agreed upon by the Bureau at its meeting on 10 and 11 July 2003 (TRANS/BUR.2003/11) to WP.30 for further consideration.

4. Consideration of questions related to report writing

The Bureau

- noted the concerns expressed by the Russian Federation in document TRANS/BUR.2003/8 regarding the report of the Inland Transport Committee (ITC) (ECE/TRANS/152) and the TIR Administrative Committee (AC.2) (TRANS/WP.30/AC.2/69);
- recommended that AC.2 should reconsider its report (TRANS/WP.30/AC.2/69) at its next session and indicate whether any missing parts should be included;
- took also note of the concern of the Russian Federation regarding the formulation of paragraph 99 of the ITC report (ECE/TRANS/152) and felt that due to the availability of the Conference Room Paper only in the English language, difficulties may have occurred for the Russian speaking delegations to follow all aspects of the modifications proposed during the reading of the report;
- bearing in mind the situation outlined in the preceding paragraph and, in order to avoid a duplication with the content of the 5th sentence, noted that the 6th sentence of paragraph 99 of the Committee's report (ECE/TRANS/152) reading : " It pointed out that the objective of the TIR system was not to compensate for irregularities committed by organized crime and advocated the need for a full and effective application of the Convention" may be replaced and superseded by the following text : "It advocated the need for a full and effective application of the Convention." The Bureau advised the Committee to look again at the wording of paragraph 99, at its next session.
- in order to avoid any problems regarding the drafting of reports in future, the Bureau recommended to the Committee that :
 - i) draft reports be finalized during the meeting—if the bodies concerned so decide--even if only in the form of a list of decisions;
 - ii) draft reports prepared by the secretariat should be reviewed by the Chairperson before being translated and reproduced subsequently as Conference Room Papers (CRPs);

- iii) during the reading of the CRPs, all language versions should be available, to the extent possible;
 - iv) if amendments are introduced in the CRPs during the reading, they should be made available in writing to all delegations present;
 - v) the secretariat should check the final version of the report with the Chairperson before it is sent out to countries.
- The Bureau noted that it would be impossible to have all language versions of CRPs concerning the discussions of the last day of the meeting available at the reading due to a 24-hour time delay required by the translation services.

5. Consideration of matters arising from the 2003 annual session of the Economic Commission for Europe

The Bureau

- took note of a list of substantive issues concerning the follow-up to the 2003 annual session at the level of PSBs (TRANS/BUR.2003/5), which contained no prioritization of items and no decisions;
- underlined the fact that the transport sector has special needs particularly in terms of the frequency and length of the meetings;
- stressed the desirability of exercising a certain flexibility in implementing the requirements mentioned in the list (see also ECE/TRANS/152, para. 8);
- noted that usually, "sunset clauses" were not applicable in the transport sector because of the nature of the questions dealt with.

6. Draft Strategic Objectives of the Committee

The Bureau

- took note of a new draft of the Strategic Objectives of the Committee taking into account proposals made by the Bureau and the Committee (TRANS/BUR.2003/1, para.9);
- noted the comments made by a number of its members regarding the modifications proposed;
- agreed that Mr. Courtois, in cooperation with the secretariat, would ensure the consistent incorporation of those modifications in the text of the draft paper on Strategic Objectives of the Committee, which would be sent to all members of the Bureau for additional comments;
- agreed that the final version of the paper on Draft Strategic Objectives of the Committee should be adopted at the December session of the Bureau (3-4 December 2003);

- welcomed the readiness of Mr. Courtois to prepare a supplementary paper outlining the extent to which activities are already included in existing and proposed strategies.

7. UNECE Legal Instruments on transport which are important for non-acceding Countries

The Bureau agreed to consider this item at its next session to be held on 3-4 December 2003.

8. Cooperation with the ECMT

The Bureau

- considered the ECMT documents "Report on Future directions for ECMT : From Visions to Decisions" (CEMT/CM(2003)13/FINAL) and "Future Direction of ECMT : Declaration (ECMT/CM/(2003)12/FINAL), adopted at the 87th session of the ECMT Council of Ministers (Brussels, 23 – 24 April 2003);
- was informed that the Seminar on Transport Infrastructure Development for a Wider Europe, which will be jointly organized by ECMT, the EC, UNECE and EIB, (27 – 29 November 2003) will comprise the following sessions: (i) planning infrastructure development, (ii) financing the infrastructure, and (iii) towards a new policy;
- pointed out that when convening joint meetings of ECE and ECMT, the different nature of the work carried out in both organizations had to be taken into account, with ECE focussing on technical and legal and ECMT on political questions;
- was not in favour of merging ECE and ECMT bodies.

9. Transport, Environment and Health

The Bureau

- noted that the first meeting of the Steering Committee of the Transport, Health and Environment Pan-European Programme (THE PEP) held on 10 and 11 April 2003 (ECE/AC.21/2003/6), considered the following project proposals: (i) clearing house on transport, environment and health, (ii) urban plans for transport sustainable for health and environment, (iii) transport related health impacts and their costs, (iv) establishment of a set of indicators to monitor the integration of environmental and health aspects in transport policies and the impact of these policies on health and the environment;
- welcomed the institutional arrangements made including the Bureau ensuring equal representation of the three sectors concerned and two subgroups.

10. Document survey and Transport Division website

The Bureau

- noting the information concerning document surveys carried out at the 65th session of the Inland Transport Committee (18-20 February 2003) and the 41st session of the Working Party on Road Traffic Safety (31 March – 3 April 2003) (TRANS/BUR.2003/9), asked the other subsidiary bodies of the ITC to also carry out such a document survey.

11. Other business

a. Organization of a Round Table at the sixty-sixth session of the Committee

The Bureau

- was informed about the status of preparations for the Round Table on Intelligent Transport Systems and noted, in this connection, a first draft of the programme of the Round Table (TRANS/BUR.2003/10);
- pointed out, that the Round Table should be widely publicized.

b. Other items

The Bureau

- noted that at its next session, it will discuss inter alia, (i) UNECE Legal Instruments on transport which are important for non-acceding Countries and (ii) the annual document which reviews the transport situation in ECE member Countries and emerging development trends.

12. Date of next meeting

The Bureau may note that its next meeting is scheduled to be held on:

- 3 – 4 December 2003.
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