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Administrative Committee for the TIR Convention, 1975

Sixty-third session

Geneva, 10–11 February 2016

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixty-third session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 3 p.m. on Wednesday,
10 February 2015, Room XII

I. Provisional agenda

1. Adoption of the agenda.
2. Election of officers.
3. Status of the TIR Convention, 1975.

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 ECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the ECE 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 register online at: www2.unece.org/uncdb/app/ext/meeting-registration?id=zEwDxH or to complete the registration form available from the Internet website of the ECE Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the ECE 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 ECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

4. Activities and administration of the TIR Executive Board:
 - (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 managed by 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 the year 2015;
 - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
6. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU).
7. Revision of the Convention:
 - (a) Accepted amendment proposals to the Convention pending formal adoption;
 - (b) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (c) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (d) Amendment proposals to the Convention: Audit requirements for an authorized international organization;
 - (e) Proposals transmitted by the Government of the Russian Federation;
 - (f) Proposal to amend Annex 9, Part I, paragraph 5;
 - (g) Phase III of the TIR revision process – Computerization of the TIR procedure.
 - (h) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)
8. Comments transmitted to the Committee for adoption.
9. Best practices.
10. Other business:
 - (a) Application of Article 45 of the Convention;
 - (b) Date of next session;
 - (c) 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 the session (ECE/TRANS/WP.30/AC.2/128). 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". The number of States which are Contracting Parties to the Convention is sixty-nine.

Documentation

ECE/TRANS/WP.30/AC.2/128

2. Election of officers

In accordance with the rules of procedure of the Committee and established practice, the Committee should elect a Chair and possibly a Vice-Chair for its sessions in 2016.

3. Status of the TIR Convention, 1975

The Committee will be informed about any 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 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 the 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 sixty-fourth (June 2015) session for information and endorsement by the Committee. More information about the recent activities of TIRExB as well as about various considerations and decisions taken at its sixty–sixth (February 2016) session will be provided orally by the Chair of TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2016/1

(ii) Monitoring the prices of TIR Carnets

The Committee, at its fifty-ninth session, supported the publication of TIR Carnet prices on the TIR website. The Committee may wish to take note that the 2015 prices have been published on the TIR website.

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

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. At its fifty-first session, the Committee welcomed document ECE/TRANS/WP.30/AC.2/2015/4, containing an assessment by the secretariat and the suggestions received from Contracting Parties (Belarus, Switzerland, Turkey and European Union), on the need for an analysis or a specific methodology for TIRExB to analyse the price information of TIR Carnets in detail. The Committee was of the view that the methodology proposed by the secretariat could be used for a first pilot analysis by TIRExB, which at first would be kept restricted and could later be repeated annually if proven conclusive. Consequently, the Committee requested TIRExB, with the assistance of the secretariat, to work on the pilot analysis and to report to the Committee at one of its future sessions.

At its sixty-fifth session, TIRExB welcomed the preliminary analysis prepared by the secretariat and requested the secretariat to submit it to AC.2 for consideration. The latest price information and the analysis are in ECE/TRANS/WP.30/AC.2/2016/2.

Documentation

ECE/TRANS/WP.30/AC.2/2016/2

(iii) International databases and electronic tools managed by the TIR secretariat

The Committee will be informed about developments related to the International TIR data bank (ITDB) and other information technology projects managed by the TIR secretariat, if any.

(iv) National and regional TIR workshops and seminars

The Committee will be informed about TIR 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 the year 2015

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 Financial Services of the United Nations will not be able to formally finalize the accounts for 2015 by the time the Committee meets in February 2016, the report on the complete and final accounts will be transmitted, as in the past, to the October 2016 session of the Committee for formal approval.

(ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat

The budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2016 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/127, para. 19). The Committee will be informed about the transfer of the required funds for the year 2016 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\$ 0.87, see ECE/TRANS/WP.30/AC.2/127, para. 20). 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 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 Committee, at its spring session, will be informed and 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 Committee, at its spring session, and on the proposal of 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, paragraph 1, or

(b) the deficit will be recorded in the IRU account referred to above and shall, on the basis of a proposal from IRU as endorsed by the Committee, be subsequently adjusted."

In view of the above, the Committee will be informed of the audit certificate for the year 2015 and, on the proposal of IRU, to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/127, ECE/TRANS/WP.30/AC.2/89

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

At its sixty-second session, the Committee recalled its previous decision 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.2/115, para. 39) and noted that a decision for the years 2017–2019 inclusive, should be taken at the sixty-third session of the Committee (ECE/TRANS/WP.30/AC.2/127, para. 23).

6. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU)

The Committee, at its previous session, noted that the present UNECE–IRU Agreement (ECE/TRANS/WP.30/AC.2/2013/3) expires at the end of 2016 and should be renewed. Against this background, the secretariat was requested to prepare a new draft agreement covering, preferably, the same period as the authorization (tentatively the years 2017–2019 inclusive), for consideration at its current session (see ECE/TRANS/WP.30/AC.2/127,

para. 24). Thus, the Committee is invited to consider and approve a new draft agreement (ECE/TRANS/WP.30/AC.2/2016/3) and to provide the secretariat with the mandate to conclude the new agreement with a view to continue financing the operation of TIRExB and the TIR secretariat as of the year 2017.

Documentation

ECE/TRANS/WP.30/AC.2/2016/3

7. Revision of the Convention

(a) Accepted amendment proposals to the Convention pending formal adoption

At its sixty-second session, the Committee decided to postpone the formal adoption of the proposal to amend Article 42 bis with an Explanatory Note 0.42 bis (ECE/TRANS/WP.30/AC.2/125, para. 9 and Annex I), as well as the proposal for a new design of a vehicle and container to the TIR Convention (ECE/TRANS/WP.30/AC.2/125, para. 14) as contained in document ECE/TRANS/WP.30/AC.2/2015/22. Furthermore, the Committee requested the secretariat to ensure that the various linguistic inconsistencies identified between the Russian and English text of the amendments be fully aligned in a revised document for the next session (ECE/TRANS/WP.30/AC.2/127, para. 25). The Committee is invited to consider and adopt the proposals as contained in document ECE/TRANS/WP.30/AC.2/2015/22/Rev.1.

The Committee at its previous session, in light of the many amendments under discussion, had instructed the secretariat to prepare a document consolidating provisionally accepted proposals, which would be expanded as the discussions progress, until the Committee would be ready to formally adopt them as a package (see ECE/TRANS/WP.30/AC.2/127, para.34). Against this background, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2016/4 containing the provisionally accepted proposals to amend:

- (a) Article 1, paragraph (q), on the definition of a “guaranteeing association”;
- (b) Article 2 to specify that the word “frontier” refers to a customs frontier;
- (c) Article 11, paragraph 3, on reducing the earliest moment at which a claim to an association can be made.

The Committee is invited to take note of document ECE/TRANS/WP.30/AC.2/2016/4 and instruct the secretariat to periodically issue revised versions of this document every time there are new provisionally accepted amendment proposals to be added.

Documentation

ECE/TRANS/WP.30/AC.2/2015/22/Rev.1, ECE/TRANS/WP.30/AC.2/2016/4

(b) Amendment proposals to the Convention prepared by the TIR Executive Board

At its previous session, the Committee continued consideration of document ECE/TRANS/WP.30/AC.2/2015/11, transmitting a TIRExB proposal to introduce a new Explanatory Note and accompanying comment to Article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators. The Committee may wish to recall that this proposal reflects a growing demand by customs and industry for further facilitations under the TIR Convention, and that the secretariat had explained that the proposed amendment represents the simplest avenue for adapting the legislative framework to the new concept, although several other elements

could remain for further analysis and clarification. The Committee at its previous session had raised the issues of (see ECE/TRANS/WP.30/AC.2/127, paras. 26–29):

- (a) the relationship between the proposed Explanatory Note and the existing provisions of the TIR Convention, including the possibility of introducing contradictions in the application of the Convention;
- (b) the impact of the acceptance of the concept of authorized consignor on the general principle of mutual recognition of customs controls;
- (c) the treatment of TIR Carnets for TIR transports started at the premises of authorized consignors in countries en route and destination;
- (d) the relationship between authorized TIR Carnet holders and authorized consignors under the TIR Convention;
- (e) the justification that such important issue could be addressed by an Explanatory Note to an existing provision rather than requiring the drafting of (a) new provision(s);
- (f) the risk increase for customs authorities, as a consequence of the fact that TIR transports would start directly from the premises of an authorized consignor rather than from a customs office of departure;
- (g) the alignment of the proposed text with the coverage of the concept of authorized consignor in other legal instruments, such as the Revised Kyoto Convention, or the World Customs Organization SAFE Framework of Standards.

Further to the request of the Committee, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2016/5, elaborating its assessment of the raised questions as well as containing the additional questions and positions of Contracting Parties as submitted to the secretariat by the deadline of 16 November 2015. Furthermore, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2016/6, outlining the discussions of TIRExB in preparation for the proposed Explanatory Note and accompanying comment, as per the request of the Committee at its previous session. The Committee is invited to continue its discussions on the proposed amendment, in light of the additional information provided in the afore-mentioned documents.

Documentation

ECE/TRANS/WP.30/AC.2/2015/11, ECE/TRANS/WP.30/AC.2/2016/5,
ECE/TRANS/WP.30/AC.2/2016/6

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

The Committee may wish to note that TIRExB completed its assessment of various options to amend the level of the guarantee at its sixty-fifth session and has transmitted its final observations for the consideration of the Committee (ECE/TRANS/WP.30/AC.2/2016/7). The Committee may wish to consider this document in conjunction with the amendment proposal transmitted by the Russian Federation on the level of the guarantee per TIR Carnet, under agenda item 7 (e).

Documentation

ECE/TRANS/WP.30/AC.2/2016/7

(d) Amendment proposals to the Convention: Audit requirements for an authorized international organization

The Committee may wish to recall its considerations of document ECE/TRANS/WP.30/AC.2/2015/12 containing the checklist of all documents submitted by IRU to fulfil its obligations under Annex 9, Part III, as well as of document ECE/TRANS/WP.30/AC.2/2015/23 containing various ways by which these documents could be distributed to interested Contracting Parties, while at the same time, safeguarding the applicable confidentiality requirements. At its previous session, the Committee was of the view that:

(a) The distribution of the documents should only take place via the ECE secretariat rather than IRU;

(b) It should be possible to transmit requests for the documents both electronically as well as by hard-copy;

(c) If such requests are transmitted to the secretariat via official channels, it would suffice to indicate the name of the requesting governmental authority, while the name of the individual recipient and any justification of the request would not be a necessary requirement;

(d) Requesting authorities should not be required to make any statement of confidentiality but, rather, the secretariat could dispatch the documents with a note that these are to be treated as confidential (see ECE/TRANS/WP.30/AC.2/127, para. 31).

Furthermore, additional questions were raised on whether or not a notification could be sent to IRU whenever documents are distributed and the extent to which, if any, the secretariat could disclose information on requests and distributions. In conclusion, the Committee requested the secretariat to prepare a revised document, reflecting the comments received, as well as outlining the procedural guidelines, for consideration and final decision at the current session. The Committee is invited to continue, and conclude, its discussions under this agenda item on the basis of ECE/TRANS/WP.30/AC.2/2015/23/Rev.1.

Documentation

ECE/TRANS/WP.30/AC.2/2015/12, ECE/TRANS/WP.30/AC.2/2015/23/Rev.1

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

The Government of the Russian Federation 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 for consideration by the Committee. The Committee may wish to recall that comments to these proposals from Contracting Parties have been consolidated in ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, and that additional justifications have been submitted by the Russian Federation, contained in document ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16.

At its sixty-first session, the Committee decided not to address those proposals that were currently under parallel discussion at WP.30, to avoid duplication of work and, rather, to wait for the Working Party to transmit its findings (ECE/TRANS/WP.30/AC.2/125, para.20).

For ease of reference, the Committee may wish to note that at its sixty-first and sixty-second sessions, it decided that it would not continue discussing the proposals to amend Article 1(o), Article 11, paragraph 4 (with an additional phrase), Article 19 and its Explanatory Note 0.19 (See ECE/TRANS/WP.30/AC.2/125 paras. 22 and 26; ECE/TRANS/WP.30/AC.2/127, para. 34(f)).

The Committee is, therefore, invited to continue its consideration of the amendment proposals as contained in ECE/TRANS/WP.30/AC.2/2014/14 and comments thereto in ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, as follows:

(a) Amendment of Article 8, paragraphs 1 and 3, pertaining to the possibility to claim the full amount of duties and taxes at stake in the event that no maximum amount is set by a Contracting Party: the Committee may wish to consider the assessment of TIRExB as contained in document ECE/TRANS/WP.30/AC.2/2016/6. The Committee may recall the information provided by IRU at the previous session namely that, pursuant to deliberations with the relevant institutions, the guarantee chain would be able to raise the maximum guarantee coverage to 100,000 euros per TIR Carnet, as of 1 July 2016. The questions raised in this regard by various Contracting Parties, were, among others (see ECE/TRANS/WP.30/AC.2/127, para. 34(b)):

- (i) the possible need to amend Explanatory Note 0.8.3;
- (ii) whether the increase will affect the costs and the distribution price of TIR Carnets; and
- (iii) if it will have an impact on national associations that issue a low number of TIR Carnets but have a large number of TIR transports terminating in their territory.

The Committee may also wish to take note of the additional information provided by IRU on these issues.

(b) Amendment of Article 11 with a new paragraph 4 bis, stipulating that claims for payment can be sought through court proceedings within deadlines prescribed in the national guarantee agreement: the Committee may wish to recall that, after extensive discussions, it had agreed that Explanatory Note 0.11.4 could not be seen in isolation from the rest of article 11. As such, in light of this amendment proposal, the Committee concluded that it would be advisable for all Contracting Parties to review Article 11 in conjunction with their current practices and legislation, as well as to revisit Chapter 5.4 of the TIR Handbook on enquiry and recovery procedures (see ECE/TRANS/WP.30/AC.2/127, para. 34(d)). Against this background, the Committee is invited to continue its discussions on this amendment proposal.

(c) Amendment of Article 38 in order to, unequivocally, entitle a Contracting Party to assess whether a customs offence is serious enough to constitute grounds for exclusion: the Committee may recall its preliminary findings that provision of additional interpretative guidance on the exact scope of entitlements and competencies of Contracting Parties under Article 38 may merit consideration (ECE/TRANS/WP.30/AC.2/127, para. 34(e)). The Committee decided to revert to this issue at its present session, on the basis of document ECE/TRANS/WP.30/AC.2/2016/8 on the prior considerations by the Committee and TIRExB on this issue.

(d) Proposal to amend Article 21 to make the presentation of the vehicle, the load and the TIR Carnet by the TIR Carnet holder a mandatory requirement en route: the Committee briefly considered the proposed text but, due to a lack of time, decided to revert to this issue at its current session.

Documentation

ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16, ECE/TRANS/WP.30/AC.2/2016/8

(f) Proposal to amend Annex 9, Part I, paragraph 5

The Committee will be informed that the Working Party had considered the proposal submitted by the Russian Federation on amending Annex 9, Part I, paragraph 5, to expressly specify that non-compliance with the duties of the association under paragraph 3 of Annex 9, Part I constitute grounds for termination of the agreement between the national association and the customs authorities. The Working Party was of the view that such an amendment is not warranted, due to sufficient clarity of the existing text. However, at the request of the Russian Federation, the Working Party has transmitted this proposal to AC.2 for further consideration. For ease of reference, the text of the proposal can be found in document ECE/TRANS/WP.30/2015/1/Rev.1 -ECE/TRANS/WP.30/AC.2/2015/7/Rev.1.

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

Recalling the Joint Statement on the computerization of the TIR procedure endorsed at its sixty-first session, the Committee will be informed about the latest developments in the computerization of the TIR procedure and related pilot projects.

(h) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB)

The Committee may wish to recall that, at its fifty-fourth session, Iran (Islamic Republic of) had submitted proposals to increase the TIRExB from nine to fifteen members as well as to apply, to the composition of the Board, new criteria of geographical representation which would combine the principles of equitable geographical distribution among various regions and the degree of participation of countries in the TIR Convention. After several discussions, the Committee decided, at its fifty-seventh session, that it would be preferable that the countries most interested in these proposals should meet as an informal group to discuss further development of these proposals (ECE/TRANS/WP.30/AC.2/117, para. 28). The informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of TIRExB met in June 2014, October 2014, February 2015 and June 2015. At its previous session, the Committee had accepted the request of Iran (Islamic Republic of) to include this issue as a separate agenda item for the next session. The Committee may wish to take note of any information provided by Iran (Islamic Republic of) under this agenda item and to resume its discussions on this issue.

8. Comments transmitted to the Committee for adoption

At its sixty-second session, the Committee considered document ECE/TRANS/WP.30/AC.2/2015/16 and Corr. 1 on a new comment to Article 23 of the Convention, providing for other options than escorts, such as Global Positioning System (GPS) tracking devices or the use of e-sealing in order to enhance security of goods transported under the TIR procedure. The Committee was of the view that GPS was not the only available satellite system and requested the secretariat to revise the document to either accommodate all possible systems or to refer to systems with a generic all-encompassing term for consideration at its current session. The Committee is invited to consider the revised document and to decide on the possible endorsement and inclusion of the proposed comment in the next revised edition of the TIR Handbook.

Documentation

ECE/TRANS/WP.30/AC.2/2015/16/Rev.1

9. 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 from the secretariat and the other one from the Republic of Belarus. 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 a lack of time, the Committee had not been able to conclude its discussions on this issue. The Committee is invited to revert to its discussion on the issue.

Documentation

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

10. Other business

(a) Application of Article 45 of the Convention

Under this agenda item, the Committee may wish to consider a letter by the Government of Ukraine (Informal document WP.30/AC.2 No. 11 (2015)), which had been transmitted for consideration at its sixty-second session, on the application of Article 45 of the TIR Convention on the territory of the Russian Federation. This item was not discussed at the previous session, due to a lack of time.

Documentation

Informal document WP.30/AC.2 No. 11 (2015)

(b) Date of next session

The ECE secretariat has made the necessary arrangements to hold the sixty-fourth session of the Committee on 13 October 2016. The Committee may wish to confirm this date.

(c) 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 sixty-third session on the basis of a draft prepared by the ECE 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.