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Administrative Committee for the TIR Convention, 1975

Sixty-fifth session

Geneva, 15 and 16 February 2017

Item 1 of the provisional agenda

Adoption of the agenda

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

to be held at the Palais des Nations, Geneva, starting at 3.00 p.m. on Wednesday,
15 February 2017, 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 Sustainable 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, are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs.

Delegates are requested to register online at <https://www2.unece.org/uncdb/app/ext/meeting-registration?id=Fz5ZCK> or to complete the registration form available from the Internet website of the ECE Sustainable 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) Survey on customs claims;
 - (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 2016;
 - (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) Proposal to amend Annex 9, Part I, paragraph 5;
 - (b) Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (c) Amendment proposals to the Convention transmitted by the Working Party;
 - (d) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (e) Proposals transmitted by the Government of the Russian Federation;
 - (f) Accepted amendment proposals to the Convention pending formal adoption;
 - (g) Proposals to increase the membership and widen the geographical scope of the TIR Executive Board (TIRExB).
6. Phase III of the TIR revision process – Computerization of the TIR procedure.
7. Best practices.
8. Other business:
 - (a) Information from IRU;
 - (b) Audit requirements for an authorized international organization;
 - (c) Date of next session;
 - (d) 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 the session (ECE/TRANS/WP.30/AC.2/132). 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 seventy.

Documentation

ECE/TRANS/WP.30/AC.2/132

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 2017.

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 reports of the TIR Executive Board (TIRExB) at its sixty-eighth (May 2016) and sixty-ninth (October 2016) sessions 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 seventieth (December 2016) and seventy-first (February 2017) sessions will be provided orally by the Chair of TIRExB.

Furthermore, the Committee may wish to take note of Informal document WP.30/AC.2 (2017) No. 3, containing an overview of the main accomplishments of TIRExB during its 2015–2016 term of office.

Documentation

ECE/TRANS/WP.30/AC.2/2017/1, ECE/TRANS/WP.30/AC.2/2017/2, Informal document WP.30/AC.2 (2017) No. 3

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

(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, TIRExB launched the survey for the years 2011–2014, the results of which were briefly discussed at the previous session of the Committee. The final consolidated results of the survey are in document ECE/TRANS/WP.30/AC.2/2016/14/Rev.1, for consideration by the Committee.

Documentation

ECE/TRANS/WP.30/AC.2/2016/14/Rev.1

(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 2016

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 2016 by the time the Administrative Committee meets in February 2017, the report on the complete and final accounts will be transmitted, as in the past, to the next session of the Committee in 2017 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 2017 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/131, para. 28). The Committee will be informed about the transfer of the required funds for the year 2017 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 (SwF 0.88, see ECE/TRANS/WP.30/AC.2/131, para. 29).

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 2016 and will be invited to approve the appropriate action according to items 11 or 12 of the above procedure.

Documentation

ECE/TRANS/WP.30/AC.2/131, 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 2015, 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, decided to follow the established election procedure for the election at the next session in February 2017 on the basis of the following provisions:

(a) the comment adopted on 26 June 1998 to the Rules of Procedure of 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);

(b) the procedure for the election of members of TIRExB adopted on 26 February 2000 by the Committee (TRANS/WP.30/AC.2/53, paras. 31 and 34). However, the Committee decided, for the future, to continue applying Rule 42 of the Rules of Procedure of ECE, which stipulate that "all elections shall be decided by secret ballot, unless, in the absence of any objection, the Commission decides to proceed without taking a ballot on an agreed candidate or slate" rather than reverting to the possibility to elect by acclamation, in case the number of nominated candidates equals the number of available posts.

The Committee, therefore, authorized the UNECE secretariat to solicit candidates by November 2016, to close the list of candidates on 15 December 2016 and, on the next working day, 16 December 2016, to issue the official list of candidates for distribution to all Contracting Parties (see ECE/TRANS/WP.30/AC.2/131, para. 13).

The procedures for the nomination and election are in Informal document WP.30/AC.2 (2017) No. 1. 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 2016 (Informal document WP.30/AC.2 (2017) No. 2), the Committee may wish to proceed with the election or re-election of the nine members of TIRExB in accordance with established practice.

Documentation

Informal document WP.30/AC.2 (2017) No. 1, Informal document WP.30/AC.2 (2017) No. 2

5. Revision of the Convention

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

The Committee may wish to recall that it had referred this amendment proposal for further assessment to TIRExB. Due to a lack of time, this proposal was not discussed at the previous session. The Committee will be informed about the findings of TIRExB on this amendment proposal as contained in document ECE/TRANS/WP.30/AC.2/2016/20 and will be invited to resume its discussions in light of these findings.

Documentation

ECE/TRANS/WP.30/AC.2/2016/20

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

The Committee may wish to recall that, at its previous session, TIRExB had reported its findings namely that it could not unequivocally recommend any change to the current system other than raising the recommended maximum guarantee amount from 60,000 to 100,000 euros. Against this background, the Committee will be invited to consider document ECE/TRANS/WP.30/AC.2/2017/3, transmitted by the Working Party and containing a proposal to amend Explanatory Note 0.8.3. to refer to 100,000 euros rather than 50,000 United States dollars. At the same time, and pursuant to a request by the Working Party to this effect (see ECE/TRANS/WP.30/288, para. 10), the Committee will be invited to separately consider document ECE/TRANS/WP.30/AC.2/2017/4 on a proposal to amend the recommended guarantee amount for Tobacco/Alcohol TIR Carnets from \$US 200,000 to 400,000 in the same Explanatory Note 0.8.3.

Documentation

ECE/TRANS/WP.30/AC.2/2017/3, ECE/TRANS/WP.30/AC.2/2017/4

(c) Amendment proposals to the Convention transmitted by the Working Party

At its previous session, the Committee commenced its consideration of amendment proposals transmitted by the Working Party (ECE/TRANS/WP.30/AC.2/2016/18 and Corr.1 (French only)). Further to substantive discussions (see ECE/TRANS/WP.30/AC.2/131, paras. 35–42), the Committee will be invited to continue its discussions on these proposals. The Committee may wish to consider the proposals as follows:

(i) Proposals to amend Annex 8, Article 1 bis with new paragraphs 4–6 and to amend Annex 9, Part III, paragraph 2 with new items (o), (p) and (q) (see ECE/TRANS/WP.30/AC.2/2016/18, Annex I, section A): At its previous session, several delegations were of the view that the financial requirements of additional examinations should be provided for in the TIRExB budget. In addition, several delegations proposed the deletion of the proposed comment to Explanatory Note 8.1 bis.6. No objections or observations were made with regard to the proposed items o, p and q to Annex 9, Part III,

paragraph 2. In light of the fact that some delegations were not in a position to express their view, due to ongoing internal consultations, the Committee will be invited to resume its discussions on these proposals.

(ii) Amendment of Article 6, paragraph 1, Explanatory Note 0.6.2. and Annex 9, Part I, paragraph 1 (see ECE/TRANS/WP.30/AC.2/2016/18, Annex I, section B): The Committee may wish to recall that, due to ongoing internal consultations, several delegations were not in a position to discuss this proposal. The Committee may wish to continue its considerations in the event that all delegations are prepared to do so.

(iii) Replacement of the term “approved” by “authorized” in Article 3, paragraph (b), Article 6, paragraph 2 and in Annex 9, Part II (see ECE/TRANS/WP.30/AC.2/2016/18, Annex I, section C): At the previous session, these proposals met a high level of general consensus and the Committee decided they could be provisionally included in the package of accepted amendment proposals pending formal adoption. In light of the fact that, due to ongoing internal consultations, some delegations were not in a position to discuss this proposal, the Committee may wish to revisit and confirm its decision at the current session.

(iv) Amendment of Annex 9, Part I, paragraph 7 in accordance with the proposal to replace “Contracting Parties” by “each Contracting Party” (see ECE/TRANS/WP.30/AC.2/2016/18, Annex I, section D): At the previous session, this proposal met a high level of general consensus and the Committee decided it could be provisionally included in the package of accepted amendment proposals pending formal adoption. In light of the fact that, due to ongoing internal consultations, some delegations were not in a position to discuss this proposal, the Committee may wish to revisit and confirm its decision at the current session.

(v) Amendment of Article 18, to increase the number of places of loading and unloading from four to eight (see ECE/TRANS/WP.30/AC.2/2016/18, Annex I, section E): At its previous session, the Committee noted that the delegation of the Russian Federation intended to submit, for consideration of the Committee, an alternative proposal on the amendment of Article 18, partly on the basis of the proposal of the delegation of Iran (Islamic Republic of) namely that the increased number of places of loading and unloading should be formulated in the provision as optional. On this basis, the Committee will be invited to consider, in addition to the proposal transmitted by the Working Party, the proposal submitted by the delegation of the Russian Federation, contained in document ECE/TRANS/WP.30/AC.2/2017/7.

(vi) Amendment of Annex 9, Part I, subtitle and paragraph 1, to insert the word ‘minimum’ before ‘conditions and requirements’ (ECE/TRANS/WP.30/AC.2/2017/5): The Committee may wish to consider and, possibly, accept this proposal, as prepared by the Working Party at its 144th session (see also ECE/TRANS/WP.30/288, para. 13 and Annex 1).

Documentation

ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/2017/5,
ECE/TRANS/WP.30/AC.2/2017/7

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

The Committee will be invited to consider document ECE/TRANS/WP.30/AC.2/2017/6, transmitted by TIRExB and containing a revised proposal for a new Explanatory Note to Article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators.

Documentation

ECE/TRANS/WP.30/AC.2/2017/6

(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 are 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.

The Committee is invited to continue its consideration of the remaining two 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 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, at its previous session, the Committee had taken note of document ECE/TRANS/WP.30/AC.2/2016/19, as well as had considered the elaborate explanations provided by the delegation of the Russian Federation on the rationale of this proposal (see ECE/TRANS/WP.30/AC.2/131, para. 45(a)). The Committee is invited to resume its discussions on this amendment proposal.

(b) 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, will be invited to continue its considerations of this amendment proposal.

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.2/2016/19

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

At its previous session, the Committee took note of document ECE/TRANS/WP.30/AC.2/2016/4/Rev.1 containing a list of accepted proposals and decided to postpone the formal adoption of these proposals until a larger package is formed. The Committee also instructed the secretariat to, periodically, issue revised versions of this document every time there are new proposals to be added.

The Committee will be informed that proposals to replace the term “approved” by “authorized” in Article 3 paragraph (b), Article 6, paragraph 2 and in Annex 9, Part II, as well as the proposal to amend Annex 9, Part I, paragraph 7 to replace “Contracting Parties” by “each Contracting Party” have been provisionally included as Annex in a revised document ECE/TRANS/WP.30/AC.2/2016/4/Rev.2. The Committee may wish to recall that, at its previous session, several delegations were of the view that the proposal, met a high level of general consensus among Contracting Parties and therefore could be provisionally included in the package of accepted amendment proposals pending formal adoption. The provisional nature of this inclusion is attributed to the positions expressed, at the previous session, by the delegations of Turkey and Ukraine namely that, due to ongoing consultations at the national level, neither delegation would be in a position to express a view or to support the proposals for the time being.

In this context, the Committee may also wish to recall that, at its previous session, following extensive discussions, it had decided that no adopted proposals would be transmitted to the Secretary-General until after its current session. Furthermore, the Committee agreed that the proposal on Article 2 would be transmitted in a separate document from the rest of the package, providing the opportunity to any Contracting Party

to exercise its right to object under Article 59 without, at the same time, jeopardizing the entry into force of the other amendments that have met consensus. Finally, the delegation of Kazakhstan requested that its objection be reflected in the final report and noted that, in its view, the considerations raised by the delegation of Kazakhstan had not been duly taken into account in the decision-making processes of the Committee (see ECE/TRANS/13, para. 33).

Documentation

ECE/TRANS/WP.30/AC.2/2016/4/Rev.2

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

The Committee may wish to recall the information provided by the delegation of Iran (Islamic Republic of) about its intention to submit proposals to amend the TIR Convention so as to increase TIRExB from nine to twelve 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. In this context, the Committee will be invited to consider the proposals submitted by Iran (Islamic Republic of), as contained in document ECE/TRANS/WP.30/AC.2/2016/22, which was not discussed at the previous session due to a lack of time.

Documentation

ECE/TRANS/WP.30/AC.2/2016/22

6. Phase III of the TIR revision process – Computerization of the TIR procedure

The Committee will be informed about the latest developments in the field of computerization of the TIR procedure. In particular:

(a) the ECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey as pilot countries; and

(b) the outcome of the third session of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2), which took place on 12–13 December 2016 in Geneva.

7. Best practices

Use of subcontractors

Due to a lack of time, the Committee did not discuss this item at previous sessions. The Committee will be invited to revert to this issue at its current session, taking into account document ECE/TRANS/WP.30/AC.2/2012/13.

Documentation

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

8. Other business

(a) Information from IRU

The Committee may wish to invite IRU to provide information on various matters of interest for AC.2.

(b) Audit requirements for an authorized international organization

The Committee may wish to recall that, at its sixty-third session, it had adopted the procedure for the distribution of the documents transmitted by IRU under Annex 9, Part III, to the Contracting Parties of the TIR Convention (ECE/TRANS/WP.30/AC.2/129, Annex). Under this agenda item, the Committee will be informed on any follow-up actions pursuant to the adoption of this procedure.

(d) Date of next session

The ECE secretariat has made the necessary arrangements to hold the sixty-sixth session of the Committee on 12 October 2017. The Committee may wish to confirm this date.

(d) 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 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.
