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Sixty-seventh session

Geneva, 8 February 2018

Report of the Administrative Committee for the TIR Convention 1975 on its sixty-seventh session

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I. Attendance

1. The Committee (AC.2) held its sixty-seventh session on 8 February 2018 in Geneva.
2. The session was attended by representatives of the following countries: Azerbaijan; Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Russian Federation, Serbia, State of Palestine, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uzbekistan. Representatives of the European Union were also present.
3. The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
4. The Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/136 and Corr.1

5. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.2/136 and Corr.1) and noted the availability of additional informal documents.

III. Election of officers (agenda item 2)

6. In accordance with the Committee's rules of procedure and established practice, the Committee elected Mr. F. Valiyev (Azerbaijan) as Chair and Mr. H. R. Mayer (Austria) as Vice-Chair for its sessions in 2018. The delegation of the Russian Federation questioned whether the Rules of Procedure allowed officers to be elected despite their absence from the session. The secretariat replied that, to the best of its knowledge, the rules were silent on this issue. In response to a proposal from the delegation of the European Union to postpone the election of the Vice-Chair to the next session, in case anybody felt awkward about the current situation, the delegation of the Russian Federation stated its full confidence in Mr. Mayer and agreed to his election as Vice-Chair for 2018.

IV. Status of the TIR Convention, 1975 (agenda item 3)

7. The Committee was informed that on 3 November 2017, the Secretary-General of the United Nations, acting in his capacity as depositary, issued the following depositary notifications: (a) C.N.698.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend the body of the TIR Convention, 1975. In accordance with the provisions of Article 59 (3) of the Convention, the amendments shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; (b) C.N.699.2017.TREATIES-XI.A.16, informing of the submission of a proposal to amend Article 2 of the TIR Convention, 1975. In accordance with the provisions of Article 59 (3) of the Convention, the amendment shall enter into force on 3 February 2019, unless an objection has been communicated to the Secretary-General not later than by 3 November 2018; (c) C.N.700.2017.TREATIES-XI.A.16, informing of the submission of various proposals to amend Annexes 6, 8 and 9 of the TIR Convention, 1975. In accordance with the provisions of article 60 (1) of the Convention, the Administrative Committee decided, at its sixty-sixth session (12 October 2017), that the

amendments should enter into force on 1 July 2018, unless, no later than 30 March 2018, five States which are Contracting Party would have notified the Secretary-General of their objection; (d) C.N.801.2017.TREATIES-XIA.16), informing that on 29 December 2017 the State of Palestine has deposited its instruments of accession to the TIR Convention, 1975. In accordance with its Article 53, paragraph 2, the Convention would enter into force for the State of Palestine on 29 June 2018 and (e) C.N.52.2018.TREATIES-XI.A.16, informing that on 26 January 2018 Qatar has deposited its instruments of accession to the TIR Convention, 1975. In accordance with its Article 53, paragraph 2, the Convention would enter into force for Qatar on 25 July 2018. With the accession of Qatar, the TIR Convention now has seventy-three Contracting Parties. Further, the Committee welcomed the news that, on 28 November 2017, the TIR system had become active for the United Arab Emirates. With this latest addition, the number of TIR operational countries was brought to 59. The competent authorities authorized the Automobile & Touring Club of the United Arab Emirates (ATCUAE) to act as TIR issuing and guaranteeing association for the United Arab Emirates. More detailed information on this issue as well as on depositary notifications is available on the TIR website.¹ At the request of the delegation of the Russian Federation the secretariat clarified that, as a rule, the Secretary-General of the United Nation issues depositary notifications whenever there is an objection to an amendment proposal or, alternatively, when no objections have been received, about the date of entry into force of such amendment proposal.

V. Activities and administration of the TIR Executive Board (agenda item 4)

A. Activities of the TIR Executive Board

1. Report by the Chair of TIR Executive Board

Documentation: ECE/TRANS/WP.30/AC.2/2018/1, ECE/TRANS/WP.30/AC.2/2018/2

8. The Committee endorsed the reports of the TIR Executive Board (TIRExB) at its seventy-third (June 2017) and seventy-fourth (October 2017) sessions (ECE/TRANS/WP30/AC.2/2018/1 and ECE/TRANS/WP30/AC.2/2018/2). In addition, the Committee was orally briefed by the Chair of TIRExB about the major considerations and decisions taken at its seventy-fifth (December 2017) and seventy-sixth (February 2018) sessions.

9. At its seventy-fifth session, TIRExB continued consideration of the global guarantee contract after the Asociația Română Pentru Transporturi Rutiere Internaționale (ARTRI) claimed receipt without certain annexes. In conclusion, TIRExB noted that Annex 9, Part III, Article 2 (a) of the TIR Convention did not define a mechanism on the manner or form in which the contract should be provided. According to the assessment by TIRExB, in practice, the international organization, through the national associations, had not provided Contracting Parties with the full certified copy, i.e. with the figures in the annexes. Therefore, TIRExB decided to bring the matter to the attention of AC.2. TIRExB recognized, however, that it had not raised any concerns before. Further, TIRExB called on IRU to intensify cooperation with its national associations, so that matters concerning their relationship would not escalate to the level of TIRExB. TIRExB noted that IRU had cooperated with the request to provide the full global guarantee contract to the Board.

¹ www.unece.org/tir/tir-depositary_notification.html

10. Moreover, TIRExB finalized its reply to the request of the Romanian customs authorities for guidance on the case of ARTRI, in which TIRExB reiterated its concerns and findings reported to AC.2 (see ECE/TRANS/WP.30/AC.2/135, paras. 18–20). Among other, TIRExB urged Romanian customs authorities, IRU and all relevant parties to sustain efforts for the uninterrupted continuation of the international guarantee chain.

11. TIRExB concluded its analysis of the TIR Carnet prices for 2017, which led to the same conclusions as those undertaken in previous years. Consequently, TIRExB requested the secretariat to submit the data and analysis to AC.2. In addition, TIRExB conducted a study to update the example agreement between the competent authorities and the national association in Chapter 6.2 of the TIR Handbook.

12. At its seventy-sixth session, TIRExB confirmed the conclusions reached at its previous session that (a) legal amendments would best achieve mandatory data transmission to the International TIR Data Bank (ITDB) by electronic means and (b) more awareness-raising should be paid to the ITDB before it was set as mandatory in the TIR Convention. Considering the time required for adoption, TIRExB requested the secretariat to revise the proposed draft legal amendments with the aim to adopt them at its next session.

13. TIRExB took note that UNECE had sent a letter to the European Commission, requesting guidance on the application of the European Union General Data Protection Regulation (2016/679) (the “GDPR”) (entry into force on 25 May 2018), since it might impact the transmission of data, such as the name or contact details of TIR Carnet holders, by European Union member States to the ITDB.

14. Further, TIRExB continued considerations from its previous session of an example provided by IRU, which concerned a very promising intermodal TIR transport with three different modes of transports (road, sea and rail) between Iran (Islamic Republic of) and Slovenia. In view of questions raised, TIRExB invited IRU to provide further information on the example and to set out the benefits experienced.

15. IRU informed TIRExB on the continued guarantee coverage in Romania, specifically that ARTRI had obligations towards the Romanian authorities and remained responsible for all TIR Carnets issued by ARTRI up to and including 31 January 2018. In addition, IRU assured that the international guarantee chain would take the responsibility for all claims. In view of many questions raised on the details of the guarantee coverage and the transition between ARTRI and the National Union of Road Hauliers from Romania (UNTRR), TIRExB requested IRU to provide further information, including example cases with dates on the guarantee coverage for better comprehension of the situation.

16. TIRExB reminded AC.2 of its findings that the TIR Convention was silent on the agreement between the international organization and its national associations except for the reference in the Explanatory Note 0.6.2 bis-1. TIRExB further informed the Committee that it considered a proposal by the Romanian customs authorities to clarify the reasons for termination of the written agreements between the international organization and its national associations in a new Explanatory Note to Article 6. TIRExB decided to urge Contracting Parties to pay more attention to the grey area noted on the matter in the TIR Convention and to provide guidance to TIRExB.

17. In addition, TIRExB finalized its response to a request by ARTRI for further reaction on the case: TIRExB would bring the matter to the attention of AC.2, and expressed its regrets about the deterioration of the situation.

18. Pursuant to a request by AC.2, TIRExB continued considerations from previous sessions of the concerns of the Russian customs authorities on the accuracy of the current practice where the exemption of import duties and taxes was based on the IRU distribution

price rather than on the production price (see ECE/TRAN/WP.30/AC.2/133, paras. 21-22 and Annex III). TIRExB decided to continue its deliberations at its next session.

19. The delegation of IRU highlighted that, at the seventy-sixth session of TIRExB, it had expressed concerns about the information sharing through the ITDB of all Contracting Parties on the exclusion of TIR Carnet holders pursuant to Article 38 of the TIR Convention.

2. Survey on customs claims

20. The secretariat informed the Committee about the survey on customs claims for the years 2013-2016, conducted, at regular intervals, by TIRExB pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)). The Committee noted that the original deadline for responding to the survey on customs claims was set at 30 November 2017. It further noted that TIRExB, at its seventy-fifth session on 6 and 7 December 2017, regretted that only 36 Contracting Parties had replied to the survey and requested the secretariat to send reminders to the remaining TIR focal points, urging a response before 15 January 2018. At its seventy-sixth session, due to lack of time, TIRExB could not be informed that only four additional countries had replied to the reminder on 28 December 2017. The Committee, recalling the importance that all Contracting Parties duly reply to requests for information from TIRExB, urged the customs administrations of those Contracting Parties that had not yet responded to ensure that their reply to the questionnaire would be sent before 15 March 2017.

3. International databases and electronic tools managed by the TIR secretariat

21. The secretariat informed the Committee about the progress of the new ITDB module on customs offices. The module was expected to be released in March 2018. The secretariat also informed the Committee about the organization of a seminar on the ITDB that would take place during the next WP.30 session in June 2018.

4. National and regional TIR workshops and seminars

22. The Committee was informed that the TIR secretariat had participated in the eighth World Customs Organization (WCO) Trade Facilitation Agreement Working Group (TFAWG) (Brussels, 16-18 October 2017) and an Asian Development Bank/United Nations Economic and Social Commission for Asia and the Pacific (ADB/UNESCAP) workshop on cross-border and transit transport facilitation (Bangkok, 11-12 December 2017).

B. Administration of the TIR Executive Board and the TIR secretariat

1. Status report on the accounts for the year 2017

23. 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. The Committee was informed that the competent Finance Services of the United Nations were not able to formally finalize the accounts for 2017 by February 2018, and, therefore, the report on the complete and final accounts would be transmitted, as in the past, to the next session of the Committee for formal approval. The Committee was further informed that a preliminary review of the accounts of TIRExB by the competent services of UNECE had demonstrated that its reserves were sufficient to close its accounts for 2017.

24. Under this agenda item, the Committee was also informed by the secretariat about the follow-up to the decision taken at its sixty-fourth session to request the United Nations Office of Internal Oversight Services (OIOS), to audit the accounts of TIRExB and the TIR

secretariat. Now that the new Director of the Sustainable Transport Division had assumed duty in February 2018, the secretariat would commence discussions with OIOS on initiating an audit.

2. Procedure for financing the operation of the TIR Executive Board and TIR secretariat

Documentation: ECE/TRANS/WP.30/AC.2/135, ECE/TRANS/WP.30/AC.2/89

25. The Committee recalled that, at its previous session, it approved the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2018 (ECE/TRANS/WP.30/AC.2/135, para. 34). The Committee was informed about the transfer of the required funds for the year 2018 by the International Road Transport Union (IRU) to the TIR Trust Fund. The Committee also approved at that session the amount per TIR Carnet (\$ 1.43 (rounded), see ECE/TRANS/WP.30/AC.2/135, para. 35).

26. The Committee was informed that, in line with the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and Annex 2), on 11 January 2018, the external auditor of IRU had produced an audit certificate reflecting the amount transferred by IRU and the amount actually invoiced by IRU when distributing the TIR Carnets in the year 2017. According to the certificate, for the years 2015 and 2017 there was a total deficit (i.e. less was received than initially transferred) of SwF 260,256.79 due to the lower number of TIR Carnets distributed in 2017 than had originally been forecasted. On the subject matter, the Committee took note of the letter of IRU (See Informal document WP.30/AC.2 (2018) No.1) in which it proposed that the deficits be recorded in its accounts and subsequently adjusted, in line with Article 12(b) of the UNECE-IRU Agreement.

27. Several delegations raised their concern with regard to accumulating amount of the deficits and requested IRU to clarify possible consequences thereof. Furthermore, they raised concern about the results of charging Swf 0.88 per TIR Carnet instead of the amount approved by the Committee at its sixty-sixth session for the year 2018, as indicated in Informal document WP.30/AC.2 (2018) No.1. The representative of IRU informed that, in line with the recommendations of the auditors and pursuant to Annex 4 of the UNECE-IRU agreement, IRU proposes that the Committee agree that the deficit is recorded in their accounts to be subsequently adjusted considering the difficult financial environment in which the transport industry is operating.

28. Some delegations stated that the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of the TIRExB and the TIR secretariat, which had been adopted at the forty-third session of the Committee, might be reconsidered in order to avoid future deficits. The secretariat requested the delegates to take into account the fact that the current procedure had been introduced at the recommendation of the UN Board of Auditors in its audit of UNECE-IRU Agreement (See document ECE/TRANS/WP.30/AC.2/2006/9/Rev.1). Also, various delegates, pointing out the connection between the deficits and the operational forecast of IRU on the number of TIR Carnets to be distributed, invited IRU to be more conservative in its future forecasts. Some delegations drew attention to the consecutive decrease in the number of distributed TIR Carnets over the last couple of years, and proposed to consider if a revision of the budget for the operation of TIRExB and the TIR secretariat might also contribute to reducing deficits. Against this background, the Committee decided to postpone a decision on this matter to its next session.

VI. Revision of the Convention (agenda item 5)

A. Amendment proposals to the Convention with regard to the maximum level of guarantee per TIR Carnet

29. The Committee recalled that, at its previous session, it agreed to amend Explanatory Note 0.8.3. to refer to 100,000 euros rather than \$50,000 (See C.N.700.2017.TREATIES-XI.A.16 of 3 November 2017). The Committee was also informed that the ongoing considerations at WP.30 on the guarantee for carriage of tobacco and alcohol products seemed to have come to a standstill, pending the availability of further results from an IRU survey among Contracting Parties on the national levels of customs duties and taxes of tobacco and alcohol products. The delegation of the Russian Federation reconfirmed the view that the possibility of full guarantee coverage for TIR transports should be discussed again. Noting this position, the Committee decided to revert to the issue at a future session, once the findings of the Working Party were available (see ECE/TRANS/WP.30/AC.2/135, para. 36).

B. Amendment proposals to the Convention transmitted by the Working Party

Documentation: ECE/TRANS/WP.30/AC.2/2018/3

30. The Committee recalled that, at its previous session, it considered the consolidated comments by Contracting Parties to the proposal by the delegation of the Russian Federation for Article 18. The Committee noted that the received comments appear to indicate that the proposal as submitted would not solicit the support required for its adoption. Furthermore, the Committee noted that TIRExB had completed its work on an Explanatory Note to Article 18, to accompany the original proposal as submitted by the delegation of Turkey. The delegation of the Russian Federation was of the view that further consideration of its proposal would be warranted, and that, should consensus not be reached on the proposal, the Russian Federation would then be prepared to consider the Explanatory Note prepared by TIRExB. Against this background the Committee decided to consider both proposals together at the current session (see ECE/TRANS/WP.30/AC.2/135, paragraph 37 (b)).

31. The Committee considered document ECE/TRANS/WP.30/AC.2/2018/3, containing both the Russian and TIRExB proposals, together with the considerations of the Board. Unable to find consensus on the Russian proposal, the Committee moved to the proposal by TIRExB. However, the Committee also felt that the TIRExB proposal contained certain flaws which prevented it from adopting the text. In a constructive attempt to find a compromise, the Committee finally agreed that the provisional text of the new Article 18 should be amended with the first paragraph of the intended E.N. 0.18-3 slightly reworded, including the text in the square brackets. Paragraph 2 of draft E.N. 0.18-3 would be renumbered to become paragraph 1, whereas the term “Contracting Parties” would be replaced by “customs authorities”. At the request of the Committee, the secretariat agreed to prepare an informal document for the forthcoming session of WP.30 in the three languages, where Contracting Parties would have an opportunity to informally discuss the proposal, which could then subsequently be put forward to the October 2018 session of the Committee.

C. Amendment proposals to the Convention prepared by the TIR Executive Board

32. The issue was not discussed, due to the absence of any amendment proposal to the Convention, other than that of Article 18.

D. Accepted amendment proposals to the Convention pending formal adoption

33. Under this agenda item, the Committee recalled that, so far, it had accepted proposals to amend Article 6, paragraph 1, Explanatory Note 0.6.2 and Annex 9, Part I, paragraph 1, adjusting the existing wording to include the term “customs authorities or other competent authorities” but had agreed to only transmit these accepted amendments to the depositary at a later stage when a new package of amendments was formed.

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

34. The Committee recalled that, at its previous session, it proposed to the delegation of Iran (Islamic Republic of) to submit a comprehensive proposal on equitable geographical representation in TIRExB for consideration at a next session.

35. Due to the need for further consideration by the legal department with regard to an official document outlining revised and more comprehensive proposals expressed by the delegation of Iran (Islamic Republic of), the Committee decided to revert to the issue at a future session.

VII. Phase III of the TIR revision process - Computerization of the TIR procedure (agenda item 6)

36. Due to time constraints, the Committee agreed to refer to the information in the relevant paragraphs of the report of WP.30 at its 148th session, for information on developments in the computerization of the TIR procedure.

VIII. Other business (agenda item 7)

A. IRU external audit report and related matters

37. Pending further developments, the Committee agreed to keep this item on its agenda. The Committee mandated TIRExB (which also has the issue on its agenda) to continue looking into this matter and to assess the situation.

B. Exclusion of Romanian national association ARTRI

38. The Committee referred to the extensive discussions by WP.30 at its 148th session about this issue.

39. With reference to Informal document AC.2 (2018) No. 4, the delegation of the European Union recalled the request from the Romanian customs authorities that TIRExB

study E.N. 0.6.2 bis to assess whether or to which extent it would be possible to include provisions on the relations between IRU and its national associations in the text of the TIR Convention. Various delegations expressed their support for the request and the Committee mandated the TIRExB to proceed with such assessment and to report back to the Committee at one of its future sessions.

40. Under this agenda item, the delegation of the Russian Federation, recalled that IRU had not sent ARTRI the full set of the global guarantee contract, including its annexes, and requested IRU to provide the Russian authorities with a full, unredacted set. The Chair of TIRExB recalled the efforts of TIRExB to be granted full access and reported that, at its seventy-fifth session, IRU had provided members of the Board the opportunity to have a look at the global guarantee contract in its entirety. Although recognizing that, so far, the unavailability of an unredacted version of the global guarantee contract had never led to any problem, but taking into account the provision of Annex 9, Part III, Article 2 (a), TIRExB decided to bring this matter to the attention of the Committee (see also paragraph 9 above).

41. In an extensive exchange of views, the delegations of the Russian Federation and IRU, expressed divergent opinions about how to interpret the text of Annex 9, Part III, Article 2, (a). Whereas the delegation of the Russian Federation argued that a redacted version did not fulfil the requirement of being a certified copy of the global guarantee contract and, therefore, constituted a violation of the TIR Convention, IRU argued that it had fulfilled its obligation by providing Contracting Parties with a certified copy of the global guarantee contract and proof of guarantee coverage. IRU further recalled that a full unredacted version of the global guarantee contract could be consulted at, inter alia, its Moscow office, as an integral part of the audit report.

C. Date of next session

42. The Committee noted that its sixty-eighth session would take place on 18 October 2018.

D. Restriction on the distribution of documents

43. The Committee decided that there would not be any restriction on the distribution of documents issued in connection with its current session.

E. List of decisions

44. The Committee recalled that a list of decisions will be attached to the final report.

IX. Adoption of the report (agenda item 8)

45. In accordance with Annex 8, Article 7 of the Convention, the Committee adopted the report of its sixty-seventh session on the basis of a draft prepared by the secretariat. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages and underscored the importance of ensuring that the report be made available in all three working languages in advance of the next session in October 2018.

Annex

List of decisions taken at the sixty-seventh session of the Administrative Committee

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>
8	Decision to endorse the reports of the TIR Executive Board at its seventy-third and seventy-fourth sessions.
20	Decision to urge customs administrations to reply to the claims survey 2013-2016 no later than 15 March 2018.
24	Decision to mandate the secretariat to commence discussions with OIOS.
28	Decision to postpone a decision on the 2017 deficit to the October 2018 session.
29	Decision to revert to the issue of the maximum level of guarantee at a future session, taking into account the findings of the Working Party
31	Decision to provisionally agree on a new proposal for Article 18 and its E.N. 0.18.3, requesting the secretariat to prepare an Informal document for the June 2018 session of WP.30 for informal discussions.
33	Decision to accept the amendment of Article 6, para. 1, E.N. 0.6.2 and Annex 9, part I, para. 1 on the basis of a common understanding, and to keep amendments aside for future adoption as part of a new package
35	Decision to maintain the item on expansion of TIRExB membership on the agenda, to be discussed at a future session when a revised official submission from the delegation of Iran (Islamic Republic of) is received.
37	Decision to resume discussion on the issue of the IRU external audit report at the next session and to mandate TIRExB to continue looking into the matter and assess the situation.
45	Decision to adopt the report
