



Economic and Social Council

Distr.: General
20 March 2014

Original: English

Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Fifty-eighth session

Geneva, 12 June 2014

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the fifty-eighth session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 12 June 2014

I. Provisional agenda

1. Adoption of the agenda.
2. Election of replacement members of the TIR Executive Board.
3. Revision of the Convention:
 - (a) Amendment proposals to the Convention prepared by the TIR Executive Board;

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

- (b) Phase III of the TIR revision process – Computerization of the TIR procedure.
- 4. Application of the TIR Convention:
 - (a) Application of the TIR Convention in the Russian Federation;
 - (b) Improving transparency in the functioning of the TIR system.
- 5. Other business:
 - (a) Date of next session;
 - (b) Restriction on the distribution of documents.
- 6. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/118). 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". As of 20 April 2007, the number of States which are Contracting Parties to the Convention is sixty-seven.

Documentation

ECE/TRANS/WP.30/AC.2/118

2. Election of replacement members of the TIR Executive Board

At its fifty-seventh session (February 2014), the Committee was informed, inter alia, about the resignation of Mrs. A. Dubielak (Poland) and Mr. K. Syaskov (Russian Federation) from the Board and the nomination by the Russian Federation of Mr. Amelyanovich (Russian Federation) as a replacement member.

The Committee recalled its earlier statement that TIRExB members are elected in a personal capacity and, thus, cannot be automatically replaced by a representative of the same country. In case of by-election, the Committee was of the opinion that other countries should also be given the opportunity to nominate their candidates.

In order to give Contracting Parties sufficient time to nominate candidates and/or to coordinate the election process at the national level, the Committee mandated the secretariat to undertake the necessary steps to organize the by-election of two replacement members, including a deadline for the nomination of candidates and the publication of a list of all nominated candidates well in advance of the election.

The Committee agreed that the term of office on any by-elected member would expire simultaneously with the term of office of the other TIRExB members (i.e. at the beginning of 2015) (see ECE/TRANS/WP.30/AC.2/117, paras. 31–35).

As mandated by the Committee, the secretariat has addressed (by e-mail) the heads of national customs administrations of all sixty-eight Contracting Parties (with a copy to permanent missions), soliciting candidates for the post of two replacement members of TIRExB. Deadline for the nomination of candidates was set at 15 April 2014.

The procedures for the nomination and election are presented in Informal document No. 7 (2014).

In accordance with the approved election procedure and on the basis of the list of nominated candidates which has been circulated by the secretariat to all Contracting Parties on 16 April 2014 (Informal document No. 8 (2014)), the Committee may wish to proceed with the election of two replacement members of the TIRExB in accordance with established practice.

Documentation

Informal document WP.30/AC.2 (2014) No. 7;

Informal document WP.30/AC.2 (2014) No. 8

3. Revision of the Convention

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

At its fifty-sixth session (Rome, December 2013), the TIRExB finalized proposals to amend Article 42 bis with an Explanatory Note to clarify the meaning of the term “immediately” in the text of the Article, together with guidelines for communicating and introducing new control measures. At the same session, TIRExB agreed on proposals to amend the text of Annex 9, Part I, paragraph 3 (vi) by replacing the existing wording on the deadline of 1 March by an improved text. Finally, at its fifty-seventh session, TIRExB adopted a proposal to amend the first comment to Annex 4 on the approval certificate so that it would not only allow for the use of A3 format, but also A4, under the condition that the pages would be secured by means of stamps on every page or secure bindings. The Board requested the secretariat to transmit the proposal to AC.2 for further consideration (Informal document TIRExB/REP/2013/5/draft, para. 15).

The secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/5 for consideration and, possibly, adoption by the Committee. Considering that the legal proposals are available in the three languages of the Convention, the Committee is invited to consider if these proposals can still be included in the package of amendment proposals adopted at its February 2014 session (See ECE/TRANS/WP.30/AC.2/117, paras. 29, 38, 41 and Annex I), meaning that, in accordance with the provisions of Article 60, paragraph 1, these proposals will enter into force on 1 January 2015, unless at least five objections have been raised before 1 October 2014.

Documentation

ECE/TRANS/WP.30/AC.2/2014/5

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

Further to the decision of the Inland Transport Committee at its seventy-sixth session (February 2014) to urge Contracting Parties to accelerate efforts to complete and launch the computerization of the TIR procedure (eTIR) project (ECE/TRANS/240, para. 68), the Contracting Parties are invited to support the implementation of the eTIR project by signing a Joint Statement by heads of delegations. The main objective of the Joint Statement is to express a common vision of Contracting Parties towards computerization of the TIR procedure, as developed by the UNECE Group of Expert on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1). While, on the one hand, the eTIR Reference Model, prepared and maintained by the Expert Group, contains concrete technical details of the eTIR project and whereas, on the other hand, the work on the legal aspects of the introduction of eTIR is equally advancing, there is still a clear need for strong political support by Governments to accelerate the implementation of the eTIR project. The draft text of the Joint Statement is presented in document ECE/TRANS/WP.30/AC.2/2014/6.

Documentation

ECE/TRANS/WP.30/AC.2/2014/6

4. Application of the TIR Convention

(a) Application of the TIR Convention in the Russian Federation

On 5 July 2013, the Federal Customs Service (FCS) announced on its website that, starting 14 August 2013, carriers transporting goods in the territory of the Russian Federation under

cover of a TIR Carnet would be required to provide an additional guarantee, in accordance with provisions of the Customs Code of the EurAsEC Customs Union. On 8 August 2013, it was announced that the introduction of the measure was postponed until 14 September 2013.

Upon its entry into force on 14 September 2013, the requirement to provide an additional guarantee was limited to the Siberian and Far Eastern customs regions. On 24 September 2013, the measure was first extended, to also include the Ural region.

Despite a judgement of the Supreme Arbitration Court of the Russian Federation dated 14 October 2013 (case number BAC-11682/2013), which confirmed that the FCS decision of 4 July 2013 was invalid, FCS continued to further extend the measure.

By 3 December 2013, the measure was applicable in the North Caucasian, Central, Southern, Far Eastern, Ural and Volga customs regions, the customs offices of Pskov, Sebezh, Kingisepp and Kaliningrad of the north-western Customs district, as well as the Domodedovo, Sheremetyevo and Vnukovo airport customs.

As of 20 March 2014, TIR carnets will no longer be accepted at the customs office of Torfyanovka in the North-West region at the Finnish-Russian border, leaving the customs offices of Karelia and Murmansk in the North-western customs region as the last two offices out of a total of 503 in the Russian Federation to accept, in principle, TIR Carnets (provided they are customs offices authorized for TIR).

On 28 August 2013, FCS informed the Association of International Road Carriers (ASMAR) of its intention to terminate the guarantee agreement between both parties per 1 December 2013. On 29 November 2013, FCS officially notified ASMAR about the extension of the FCS-ASMAR agreement until 1 July 2014.

At its previous session (February 2014), delegations present at the meeting of the Committee, except for the delegation of the Russian Federation, reiterated that the steps undertaken by FCS are in breach of the TIR Convention and are contrary to the commitments of the Russian Federation under the TIR Convention (ECE/TRANS/WP.30/AC.2/115, para. 21). The Committee requested the Russian Federation to abandon the measures put in place since 14 September 2013 and ensure the uninterrupted TIR guarantee coverage until and after 1 July 2014. Finally, the Committee urged the authorities of the Russian Federation to timely inform all stakeholders of any future steps (see ECE/TRANS/WP.30/AC.2/117, paras. 43–57).

The Committee is invited to discuss the situation in the Russian Federation in as far as it negatively affects the functioning of the international TIR system and provide guidance on how to pursue the international TIR system after 1 July 2014.

(b) Improving transparency in the functioning of the TIR system

In February 2012, the Committee adopted the text of new Annex 9, Part III of the TIR Convention introducing conditions and requirements for the authorization of an international organization, as referred to in Article 6, to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets (see ECE/TRANS/WP.30/AC.2/109, para. 25). The text of the new Annex 9, Part III does not include audit clauses, (so-called provisions (o), (p) and (q)).³ In this regard, the secretariat stated that it would accept any decision taken by Contracting Parties with regard to the inclusion or deletion of audit clauses, but pointed out that good

³ For easy reference, the secretariat reproduces the text of the provisions (o), (p) and (q) in Annex to the agenda.

governance and transparency in the TIR system would be impossible to ensure without the proper monitoring tools provided for in the underlying audit provisions. Without security provided by audit clauses, the UNECE secretariat cannot accept any responsibility for the risk of any irregularity in the implementation of the authorization, and this responsibility will remain with Contracting Parties (see ECE/TRANS/WP.30/258, para. 26.).

Aware of the importance to ensure full transparency of the functioning of the TIR system, the Working Party on Customs Questions affecting Transport (WP.30), at its 133rd session, decided to resume its considerations on audit requirements for an authorized international organization, which had previously been extensively discussed (in 2010–2011) but had not been included into the package of adopted amendment proposals. Several delegations and the International Road Transport Union (IRU) were not in favour of this proposal and pointed out that any new argument put forward would require careful consideration at the national level prior to its discussion by the Working Party (see ECE/TRANS/WP.30/269, agenda item 7 (d) (iv)). However, due to lack of time, the Working Party has not yet been able to revert to this issue.

The Committee is invited to express its opinion on the necessity to amend Annex 9, Part III with audit clauses as well as on any other further measure aimed at improving transparency in the functioning of the TIR system. In this context, the Committee may wish to take account of document ECE/TRANS/WP.30/2011/6 by the secretariat, containing considerations by various Contracting Parties on the necessity to introduce audit clauses, together with preliminary observations by the secretariat.

Documentation

ECE/TRANS/WP.30/2011/6

5. Other business

(a) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the fifty-ninth session of the Committee on Wednesday, 8 October 2014. The Committee may wish to confirm this date.

(b) 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.

6. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report of its fifty-eighth session on the basis of a draft prepared by the UNECE 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.

Annex

For easy reference, the secretariat reproduces below the text of paragraphs (o), (p) and (q) as contained in proposals to introduce a new Part III to Annex 9 of the Convention (ECE/TRANS/WP.30/2010/4/Rev.2), but not included in the package adopted by the Committee at its fifty-third session (ECE/TRANS/WP.30/AC.2/109, Annex).

“(o) maintain separate records and accounts containing information and documentation which pertain to the organization and functioning of an international guarantee system and the printing and distribution of TIR Carnets;

(p) allow access to the above records and accounts to the United Nations Office of Internal Oversight Services (OIOS), the United Nations Board of Auditors (BOA) or other persons duly authorized by the United Nations and at all times facilitate inspections and audits performed by them;

(q) engage an independent external auditor to conduct annual audits of the above records and accounts. Guidelines and terms of reference for the external audit shall be adopted by the Administrative Committee. The external audit shall be performed in accordance with International Standards on Auditing (ISA) and shall result in an annual audit report and a management letter, issued by the independent external auditor to the Administrative Committee, with copies sent directly to the Executive Secretary of the United Nations Economic Commission for Europe and the international organization concerned.”
