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ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE
Administrative Committee for the TIR Convention

REPORT OF THE ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION
ON ITS TWENTY-FIFTH SESSION
(26 June 1998)

ATTENDANCE

1. The Administrative Committee held its twenty-fifth session on 26 June 1998 in Geneva under the chairmanship of Mr. O. Beginin (Russian Federation).
2. The following representatives of Contracting Parties to the Convention attended: Austria; Belarus; Belgium; Croatia; Cyprus; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Italy; Netherlands; Norway; Poland; Republic of Moldova; Russian Federation; Slovakia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; European Community (EC).
3. The following international organizations were represented as observers: World Customs Organization (WCO); International Road Transport Union (IRU).
4. The Administrative Committee noted that the required quorum according to annex 8, article 6 of the Convention had been attained.

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ADOPTION OF THE AGENDA

5. The Administrative Committee adopted the provisional agenda (TRANS/WP.30/AC.2/50) as prepared by the secretariat of the United Nations Economic Commission for Europe (ECE) with the addition of the following items:

Agenda item 3 (c): First indicative cost plan for the TIR Executive Board (TIRExB)

Agenda item 6: Insertion of bar-codes on TIR Carnets

6. The Committee reiterated that, in accordance with annex 8, article 1 of the Convention, competent administrations of States referred to in article 52, paragraph 1 of the Convention, which were not Contracting Parties to the Convention or representatives of international organizations, could participate as observers in its sessions.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/49, annex 1.

7. The Administrative Committee was informed that the TIR Convention, 1975, had currently 63 Contracting Parties, including the European Economic Community. As of 2 October 1998 the Convention will also come into force in Kyrgyzstan.

REVISION OF THE CONVENTION

(a) Status of the revision process

Documentation: Depository Notification C.N.433.1997.TREATIES-1; TRANS/WP.30/AC.2/47, Corr.1 and Corr.2.

8. The Administrative Committee recalled that on 17 November 1997 the Legal Office of the United Nations in New York had issued depository notification C.N.433.1997.TREATIES-1 containing the amendment proposals adopted by the Administrative Committee on 27 June 1997 under phase I of the TIR revision process (TRANS/WP.30/AC.2/47). Copies of this depository notification in English, French and Russian may be obtained from the ECE secretariat.

9. As the Administrative Committee had decided that the amendment procedure in line with article 59 of the Convention should apply, all amendment proposals would, if no objections were raised until 17 November 1998, come into force 15 months following the date of communication of the proposed amendments by the Secretary-General of the United Nations through the above-mentioned depositary notification, i.e. on 17 February 1999.

10. In this context, the Administrative Committee noted that the ECE secretariat has issued two corrigenda to the report of its twenty-third session (26 and 27 June 1997) containing in annex 2 the adopted amendment proposals (TRANS/WP.30/AC.2/47/Corr.1 and Corr.2). These corrigenda, the content of which has not yet been reflected in the above Depositary Notification, rectify three typing errors in the adopted amendment proposals.

(b) National procedures for the implementation of the amendment proposals under phase I of the TIR revision process

11. The Administrative Committee, expecting that by 17 November 1998 no objection would have been raised to the amendment proposals adopted under phase I of the TIR revision process, had requested, at its twenty-fourth session, all competent authorities of Contracting Parties, national associations and the IRU to implement in a cooperative spirit, at the latest as of 17 November 1998, all required new provisions, particularly those contained in new annex 9, Part I and Part II of the revised Convention as contained in document TRANS/WP.30/AC.2/47, annex 2 (TRANS/WP.30/AC.2/49, paras. 16 and 17).

12. So far, the Administrative Committee has not been made aware of any specific problems which countries and associations might envisage in the implementation of the above amendment proposals. The Administrative Committee reiterated its view that preparations would need to be made already now to be in a position to apply the new provisions of the Convention upon their coming into force.

13. In this context, the Administrative Committee welcomed the proposal of Turkey to host a session of the TIR Contact Group in Istanbul in autumn 1998 in order to discuss all practical aspects related to the application of the new provisions of the Convention (see also paragraph 31 below).

(c) **Implementation of phase I of the TIR revision process**

- **Implementation of new annex 9, Part I, paragraph 1 (f)(v) of the Convention**

Documentation: TRANS/WP.30/AC.2/49; TRANS/WP.30/180.

14. The Administrative Committee recalled that, at its twenty-fourth session, on being informed of the results of the deliberations of the ECE Working Party on Customs Questions affecting Transport (WP.30) on this matter (TRANS/WP.30/180, paras. 19-23), it had endorsed in principle a comment prepared earlier by the Working Party on the application of annex 9, Part I, paragraph 1 (f)(v) of the Convention as contained in annex 2 to the report of its twenty-fourth session (TRANS/WP.30/AC.2/49, annex 2). This comment should ensure a harmonized approach by Customs authorities in the application of the new provisions in Annex 9, Part I, paragraph (f)(v) of the Convention on coverage of liability by national associations which was indispensable in order to ensure a stable and efficient international guarantee system under the TIR regime.

15. The Administrative Committee was informed that the ECE ad hoc group of experts on Phase II of the TIR revision process, examining the new draft global insurance contract providing the backbone of the international guarantee system under the revised Convention (TRANS/WP.30/1998/7), had noted that national legislation in a number of Central and Eastern European countries did not allow, at present, for national associations to become parties to an international insurance contract. Furthermore, national legislation in a number of Contracting Parties to the Convention prohibited insurance cover against intentional damages. For these reasons, it has been proposed by insurance experts that the international insurance contract should be signed by the international insurance company (ies) and the IRU only, the latter acting for itself as well as on behalf of its associations. With a view to complying with the provisions of the revised Convention, it has also been proposed to provide national associations with a true and certified copy of the global insurance contract and with a certificate of insurance made out by the international insurers, stating the name(s) of the insurance company(ies) and the name of the beneficiary (the national association).

16. In order not to jeopardize the acceptance of the global insurance contract by some Contracting Parties once the amended Convention had come into force, the ECE group of experts had proposed to the Administrative Committee to amend its comment to take account of these difficulties (TRANS/WP.30/1998/11, paras. 28-33).

17. The Administrative Committee agreed with the conclusions of the ECE group of experts and decided to amend its earlier adopted comment, as contained in document TRANS/W.30/AC.2/49, annex 2, as follows:

Document TRANS/WP.30/AC.2/49, annex 2

Add the following sentence at the end of paragraph (a) of the comment:

“As long as national legislation in one of the Contracting Parties to the Convention prohibits signature by national associations as insured parties of the global insurance contract, it is exceptionally admissible, for a temporary period, that the global insurance contract may be concluded and signed by representatives of the IRU, acting on its own behalf, on behalf of its member associations and third parties, and by representatives of the international insurers only. This temporary provision does not change the responsibilities of the guaranteeing associations as stipulated in the Convention.”

18. The Administrative Committee pointed out that this amendment would allow for the signature of the global insurance contract in line with national legislation either bilaterally for a temporary period (between the international insurers and the IRU) or trilaterally (between the international insurers, IRU and the national associations).

19. The Administrative Committee also considered the specific time period to give notice for the termination of the global insurance contract to be included into paragraph (d) of the comment (see also TRANS/WP.30/180, para. 22) and decided to amend paragraph (d) of the comment, as contained in document TRANS/W.30/AC.2/49, annex 2, as follows:

Document TRANS/WP.30/AC.2/49, annex 2

Amend paragraph (d) of the comment to read as follows:

“(d) The time to give notice for the termination of the global insurance contract mentioned under (a) shall be six (6) months.”

- **Procedures for the initial election of members of the TIR Executive Board**

Documentation: Informal document No.8 transmitted by Croatia; TRANS/WP.30/AC.2/49; TRANS/WP.30/AC.2/1998/1.

20. The Administrative Committee recalled that, at its twenty-fourth session, it had adopted provisionally, i.e until annex 8, article 9, paragraph 2 of the revised Convention would come into force, the Terms of Reference of the TIR Executive Board (TIRExB) which were contained in annex 3 to its report (TRANS/WP.30/AC.2/49, annex 3). It had also endorsed Rules of Procedure of the TIRExB as contained in annex 4 to its report (TRANS/WP.30/AC.2/49, annex 4).

21. With regard to the proposed "gentleman's agreement" on the procedures to be followed for the selection of candidates for the initial election of members of the TIRExB, as had been considered by a special meeting (TRANS/WP.30/AC.2/1998/1), the Administrative Committee reaffirmed its earlier view that such an agreement among Contracting Parties would be extremely useful (TRANS/WP.30/AC.2/49, paras. 27 and 28).

22. Taking account of various proposals on the number of groups of Contracting Parties and the number of candidates representing each group, the Administrative Committee adopted a comment to the Rules of Procedures of the TIR Executive Board on "representation", that had been adopted already at its twenty-fourth session. The adopted comment is contained in the annex to this report.

- **First indicative cost plan for the TIR Executive Board (TIRExB)**

Documentation: Informal document No.10 (1998) prepared by the ECE secretariat.

23. The Administrative Committee took note of a first indicative cost plan for the TIR Executive Board (TIRExB) and of provisional job descriptions for the members of the TIR secretariat, as had been requested by the Administrative Committee at its special meeting (25 and 26 November 1997) (TRANS/WP.30/AC.2/1998/1, para. 10).

24. The Administrative Committee also noted that the cost plan and the job descriptions had been prepared by the ECE Transport Division for information of the Committee only with a view to providing a first overview of the cost elements and of the human resources required for the operation of the TIRExB in 1999. The cost plan and the job descriptions have not yet been finalized by the ECE Transport Division and have not yet been reviewed and approved by the competent administrative, finance and personnel services of the United Nations. Thus, they do not reflect an official position of the United Nations secretariat.

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

25. The Administrative Committee noted that no other proposal for amendments to the Convention have been received.

APPLICATION OF THE CONVENTION**EDI control system for TIR Carnets: Implementation of the Recommendation adopted on 20 October 1995**

Documentation: TRANS/WP.30/AC.2/37, annex 4.

26. The Administrative Committee was informed about the status of implementation of its recommendation adopted on 20 October 1995 on the introduction of an international EDI control system for TIR Carnets (TRANS/WP.30/AC.2/37, annex 4).

27. The representative of the IRU informed the Administrative Committee that the quality of the data received was satisfactory, but that the quantity of data elements transmitted as well as the time period for transmission was not yet fully in line with the recommendation. He also stressed that the often necessary reconciliation procedures resulting from incompatible data obtained from the returned TIR Carnets on the one hand and the electronic messages on the other, were often hampered by inadequate cooperation from Customs authorities.

28. The representative of the IRU also informed the Administrative Committee that, as of 15 August 1998, access to the IRU database on discharged, stolen, falsified or otherwise "invalid" TIR Carnets would be available on-line via the Internet. This facility would improve inquiry procedures by Customs authorities to obtain precise information about the place and the time of discharge of TIR Carnets (see also TRANS/WP.30/178, paras. 41-45).

29. The Administrative Committee stressed again that, in order to be effective, the EDI control system had to cover all finally discharged TIR Carnets, required a high frequency in the transmission of data from Customs authorities and demanded a very low error rate.

30. With a view to making concrete proposals to the Administrative Committee on improvements in the EDI control system, the ECE secretariat was invited to convene an informal group of experts (a) to prepare a user manual on the accessibility of the IRU data base for Customs authorities, (b) to consider present and improved data reconciliation procedures, (c) to prepare an opinion on the insertion of additional data elements, such as the page number of the TIR Carnet and/or location codes for Customs offices and (d) to resolve possible problems of the EDI control system resulting from the introduction of the new alpha-numeric codes on TIR Carnets as announced by the IRU (see paragraph 31 below).

OTHER BUSINESS

(a) Insertion of bar-codes on TIR Carnets

Documentation: Informal document No.9 (1998) transmitted by the IRU.

31. The Administrative Committee was informed by the representative of the IRU that, as of 1 July 1998, TIR Carnets would gradually be introduced that bear bar-codes in addition to new alpha-numeric codes. These new alpha-numeric codes (numbers) are being placed at slightly different locations on the vouchers and the counterfoils of the TIR Carnets as compared to the previous numeric codes (numbers).

(b) Convening of a session of the TIR Contact Group

32. On the invitation of Turkey, the Administrative Committee agreed to convene a session of the TIR Contact Group in Istanbul in autumn 1998 with a view to discussing all practical aspects related to the application of the revised provisions of the Convention. In accordance with the Terms of Reference and Rules of Procedure of the TIR Contact Group (TRANS/WP.30/162, annex 3), the ECE secretariat was requested to cooperate with the Turkish authorities in the preparation of the Contact Group meeting and to provide the necessary secretariat services.

33. The Administrative Committee recalled that the TIR Contact Group had been established by the ECE Working Party on Customs Questions affecting Transport (WP.30) in 1994 to provide for a consultative mechanism among ECE member Governments, Contracting Parties to the Convention and non-governmental organizations concerned permitting to react quickly to new emerging problems in the application of the TIR transit regime and to provide for an internationally harmonized approach in the implementation of the Convention at national levels (TRANS/WP.30/R.152, paras. 18 and 19; TRANS/WP.30/162, annex 3).

(c) **Date of next session**

34. The Administrative Committee confirmed that its forthcoming twenty-sixth session would be held on 25 and 26 February 1999 and might be able to elect the members and formally adopt the budget of the TIRExB and the TIR secretariat for 1999, in case the adopted amendments (phase I) to the Convention would come into force on 17 February 1999.

35. The Administrative Committee noted that the ninety-second session of the ECE Working Party on Customs Questions affecting Transport (WP.30) was scheduled to be held from 22 to 26 February 1999, in conjunction with the above session of the Administrative Committee

(d) **Restriction on the distribution of documents**

36. The Administrative Committee decided that no restriction should be placed on the distribution of documents for the current session, with the exception of document TRANS/WP.30/1998/7 containing the draft global international insurance contract.

ADOPTION OF THE REPORT

37. The Administrative Committee decided to formally close the present session following the adoption of the report of its present session at the forthcoming session in February 1999 on the basis of the present document prepared by the ECE secretariat. Any comments or proposals for amendment to the present document should be transmitted to the ECE secretariat as soon as possible and by 1 September 1998 at the latest.

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Annex

Comment

adopted on 26 June 1998
by the Administrative Committee for the TIR Convention, 1975
to the Rules of Procedures of the TIR Executive Board (TIRExB)
on "representation" (TRANS/WP.30/AC.2/49, annex 4)

Comment on "representation"

1. With a view to facilitating the election of members of the TIR Executive Board (TIRExB) by the Administrative Committee, the following criteria may be utilized informally to nominate candidates for election by the Administrative Committee:

(a) Board members should be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels.

(b) Board members should be nominated by their respective Governments or organizations being Contracting Parties to the Convention. They should represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization.

(c) The composition of the TIRExB should, to the extent possible, reflect the geographical coverage of the TIR procedure and its impact on the Contracting Parties, being important countries of origin, transit or destination for TIR operations. As a very rough indicator that may guide the Administrative Committee for the initial election of Board members, it is proposed that Board members are nominated from the following six groups of Contracting Parties utilizing, at present, the TIR procedure (TRANS/WP.30/AC.2/1998/49, annex 1):

Group 1 **1 candidate for initial membership**

Estonia

Latvia

Lithuania

Norway

Group 2 **2 candidates for initial membership**

Contracting Parties,

member countries of the European Community

European Community

Group 3 **2 candidates for initial membership**

Czech Republic

Hungary

Liechtenstein

Poland

Slovakia

Slovenia
Switzerland

Group 4

2 candidates for initial membership

Azerbaijan
Belarus
Georgia
Kazakhstan
Kyrgyzstan
Republic of Moldova
Russian Federation
Ukraine
Uzbekistan

Group 5

1 candidate for initial membership

Albania
Bulgaria
Croatia
Cyprus
Romania
The former Yugoslav Republic of Macedonia

Group 6

1 candidate for initial membership

Iran (Islamic Republic of)
Israel
Jordan
Kuwait
Lebanon
Morocco
Tunisia
Turkey

2. Representatives of these groups of Contracting Parties may wish to nominate the above proposed number of candidates before the opening of the session of the Administrative Committee during which the members of the TIRExB are elected for the first time, in accordance with annex 8, article 9, paragraph 2 of the Convention. To successfully complete such nomination procedures, informal meetings of the above groups could be held in Geneva the day before the opening of the session of the Administrative Committee.
