



# Economic and Social Council

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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Fifty-fifth session

Geneva, 7 February 2013

Item 1 of the provisional agenda

#### Adoption of the agenda

### Annotated provisional agenda for the fifty-fifth session<sup>1, 2</sup>

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 7 February 2013

#### I. Provisional agenda

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

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<sup>1</sup> 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](mailto:wp.30@unece.org)). Documents may also be downloaded from the UNECE Border Crossing Facilitation website [www.unece.org/trans/bcf/welcome.html](http://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).

<sup>2</sup> 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](http://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](http://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](mailto: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](http://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) International TIR Data Bank and electronic tools of the TIR secretariat;
    - (iii) 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 2012;
    - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
  - (c) Election of members of the TIR Executive Board;
  - (d) Proposals to modify the format, representation and election procedure of the TIR Executive Board.
5. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
6. Authorization for concluding an agreement between UNECE and IRU.
7. Revision of the Convention:
  - (a) Amendments to the Convention with regard to transmitting data to the International TIR Data Bank;
  - (b) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
  - (c) Amendment proposals to Annex 3;
  - (d) Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1;
  - (e) Phase III of the TIR revision process – computerization of the TIR procedure.
8. Application of the Convention:
  - (a) Recommendation on the introduction of Harmonized System code in the TIR Carnet;
  - (b) Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board.
9. Best practices.
10. Other business:
  - (a) Date of next session;
  - (b) 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 its present session (ECE/TRANS/WP.30/AC.2/112). 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.2/112

### **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 2013.

### **3. Status of the TIR Convention, 1975**

At its previous session, the Committee took note that, on 10 July 2012, the Secretary-General of the United Nations had issued depositary notification C.N.358.2012.TREATIES-XI.A.16, informing of the submission of proposals to amend Article 6.2 bis and Annex 9 of the Convention. With regard to the said amendments, Articles 59 and 60 apply. In accordance with the Article 59, paragraph 3 of the Convention, the amendments would enter into force on 10 October 2013, unless the Secretary-General has received any objection to the proposed amendments not later than by 10 July 2013 (ECE/TRANS/WP.30/AC.2/111, para. 8).

The Committee will also be informed about any further 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 various Depositary Notifications is available on the TIR website.<sup>3</sup>

### **4. Activities and administration of the TIR Executive Board**

#### **(a) Activities of the TIR Executive Board**

##### **(i) Report by the Chair of 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 United Nations Economic Commission for Europe (UNECE) secretariat has reproduced the report of the TIR Executive Board (TIRExB) at its fiftieth session (May 2012) for information and endorsement by the Committee (ECE/TRANS/WP.30/AC.2/2013/1).

More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its fifty-second session (February 2013) will be provided orally by the Chair of the TIRExB.

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<sup>3</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html).

Furthermore, the Committee may wish to take note of Informal document No.3 (2013) containing an overview of the main accomplishments of TIRExB during its 2011-2012 term of office.

**Documentation**

ECE/TRANS/WP.30/AC.2/2013/1, Informal document No. 3 (2013)

**(ii) International TIR Data Bank and electronic tools of the TIR secretariat**

The Committee will be informed about the status of transmitting data to the International TIR Data Bank (ITDB) as well as about the progress made in implementing the ITDB online+ and other IT projects managed by the TIR secretariat.

**(iii) National and regional TIR workshops and seminars**

The Committee will be informed about 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 2012**

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 2012 by the time the Administrative Committee meets in February 2013, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2013 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 2013 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/111, para. 21). The Committee will be informed about the transfer of the required funds for the year 2012 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\$ 0.39, see ECE/TRANS/WP.30/AC.2/111, para. 22). 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

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(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 2012 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.2/111

#### **(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 the TIRExB shall be two years. Since the present members of the TIRExB were elected at the Committee's spring session in 2011, it must, at its present session, proceed with the election or re-election of the nine members of the TIRExB.

The Committee, at its previous session, confirmed that the criteria for the nomination of candidates and the procedure for the election of TIRExB members at the present session would be the same as for the previous election in 2011. The Committee, therefore, authorized the UNECE secretariat to solicit candidates in November – December 2012, to close the list of candidates on 14 December 2012 and, on the next working day, 17 December 2012 to issue the official list of candidates for distribution to all Contracting Parties (ECE/TRANS/WP.30/AC.2/111, paras. 26 and 27). The procedures for the nomination and election are contained in Informal document No. 1 (2013).

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 17 December 2012 (Informal document No. 2 (2013)), the Committee may wish to proceed with the election or re-election of the nine members of the TIRExB in accordance with established practice.

#### **Documentation**

Informal document Nos. 1 and 2 (2013)

#### **(d) Proposals to modify the format, representation and election procedure of the TIR Executive Board**

At its previous session, the Committee considered Informal document No. 7 (2012) in which the Government of Iran (Islamic Republic of) proposed, in order to better reflect the global nature of the Convention, to increase the size of TIRExB from 9 to 15 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. The Committee

expressed its interest to further study the proposals by Iran (Islamic Republic of). To facilitate future considerations, in view of the availability of Informal document No. 7 (2012) in English only, the Committee requested the secretariat to re-issue it as an official document in all languages for the present session (ECE/TRANS/WP.30/AC.2/111, paras. 25 and 26). As requested, the secretariat has reproduced Informal document No. 7 (2012) as document ECE/TRANS/WP.30/AC.2/2013/2 for consideration by the Committee.

At its previous session, the Committee also considered proposals by TIRExB for a new Explanatory Note and amendment to the TIRExB Rules of Procedure with regard to the election of a replacement member and representation, as contained in document ECE/TRANS/WP.30/AC.2/2012/11. Following a preliminary exchange of views, the Committee noted that the amendment to the TIRExB Rules of Procedure on representation goes beyond the competence of TIRExB and should be upgraded to become a draft Explanatory Note. The secretariat was requested to issue a revised document for consideration at the present session (ECE/TRANS/WP.30/AC.2/111, para. 28). Against this background, the Committee is invited to consider a modified proposal by the secretariat, as contained in document ECE/TRANS/WP.30/AC.2/2012/11/Rev.1.

The Committee, at its previous session, also noted that TIRExB seems to function well and that any possible changes to its format, representation and/or election procedure should be considered from the angle of further improving the results and quality of its work, being the top priority (ECE/TRANS/WP.30/AC.2/111, para. 29).

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2013/2, ECE/TRANS/WP.30/AC.2/2012/11/Rev.1

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

At the previous 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 2011-2013 inclusive (ECE/TRANS/WP.30/AC.2/101, para. 19) and noted that a decision for the next period, including its duration, should be taken at the present session of the Committee (ECE/TRANS/WP.30/AC.2/111, para. 30).

### **6. Authorization for concluding an agreement between UNECE and IRU**

The Committee, at its previous session, noted that the present UNECE-IRU Agreement (ECE/TRANS/WP.30/AC.2/2007/14/Rev.1) expires at the end of 2013 and should be renewed. The Committee was also of the view that the text of the new agreement should be aligned with the recent amendment proposals to Article 6.2 bis and Annex 9 (ECE/TRANS/WP.30/AC.2/111, para. 31). Thus, the Committee is invited to consider and possibly approve a new draft agreement, as contained in document ECE/TRANS/WP.30/AC.2/2013/3, and to provide the secretariat with the mandate to conclude the new agreement with a view to continuing to finance the operation of the TIRExB and the TIR secretariat as of the year 2014.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2013/3

## **7. Revision of the Convention**

### **(a) Amendments to the Convention with regard to transmitting data to the International TIR Data Bank**

At its previous session, the Committee agreed with the secretariat's view that using ITDB online+ to transmit to ITDB the required data on authorized TIR operators makes submission of such data in any other form, for example, on paper or by e-mail, redundant. To clarify this principle in the text of the Convention, the Committee advocated the introduction of two new Explanatory Notes into Annex 9, part II, as proposed by the secretariat in Informal document No. 6 (2012). The secretariat was requested to submit this document as an official document in all working languages for consideration at the next session. The Committee also noted that, at some point in the future, the transmission of data into ITDB by electronic means could become mandatory. Finally, the Committee was of the view that provisionally, pending the entry into force of the two new Explanatory Notes, the legal provisions for data submission, as set out in paragraphs 4 and 5 are deemed to be fulfilled by the Contracting Parties which are already correctly using ITDB online+ (ECE/TRANS/WP.30/AC.2/111, para. 15). In line with the above request, the secretariat has prepared a new document ECE/TRANS/WP.30/AC.2/2013/4 in all UNECE languages for consideration by the Committee.

#### **Documentation**

ECE/TRANS/WP.30/AC.2/2013/4

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

At the previous meeting, taking into account the outcome of the survey on Customs claims (ECE/TRANS/WP.30/AC.2/2012/7 and para. 13 above), the Committee continued its considerations with regard to the recommended level of guarantee per TIR Carnet. The Committee noted that this issue is closely linked to managing the financial risks involved in TIR operations, both for Customs authorities and the TIR guarantee chain. While the guarantee chain considers a global increase in the TIR guarantee level to Euro 60,000 not to be justified by the average Customs claim, the Customs authorities wish to protect the revenues against possible infringements with high-value goods when the amount of Customs duties and taxes at stake goes beyond the guarantee level. Sometimes, this even leads to requirements to submit additional guarantees which are not foreseen in the Convention. To make progress on this issue, the Committee invited delegations to identify which goods, excepting alcohol and tobacco products, pose a major risk for Customs. As a next step, Contracting Parties and IRU may wish to study how the guarantee level can be increased for transports of those specific goods. Under this agenda item, Turkey also reported that the level of guarantee of Euro 60,000 had been, in principle, agreed with the national association and that it would keep the Committee informed of any further developments (ECE/TRANS/WP.30/AC.2/111, paras. 34 and 35). Against this background, the Committee may wish to continue its discussion of this matter.

### **(c) Amendment proposals to Annex 3**

At its previous session, the Committee discussed document ECE/TRANS/WP.30/AC.2/2012/12 by the secretariat as well as Informal document No. 9 (2012) by Turkey, containing proposals for introducing a code system to report defects in load compartments of vehicles approved for the TIR procedure. The Committee noted that the list of codes, as appear in part C of the annex to document ECE/TRANS/WP.30/AC.2/2012/12, needs to be improved in terms of logic, terminology and ease of understanding. It was suggested that every defect on the list be accompanied

either by reference to a specific technical provision of Annex 2 or by a picture demonstrating the vehicle part where such a defect could occur. Delegations and the secretariat were invited to make efforts in that direction (ECE/TRANS/WP.30/AC.2/111, para. 36). The Committee will be informed of any progress made.

**Documentation**

ECE/TRANS/WP.30/AC.2/2012/12

**(d) Adjusting the Harmonized System codes in Explanatory Note 0.8.3 and Annex 1**

At its previous session, the Committee was informed that the Working Party on Customs Questions affecting Transport (WP.30) noted the recent amendments to HS code 24.03.10 and the corresponding need to amend the lists of HS codes as appear in Explanatory Note 0.8.3 and Annex 1 of the TIR Convention. WP.30 delivered a number of remarks and suggestions concerning the secretariat's proposals in document ECE/TRANS/WP.30/2012/10 – ECE/TRANS/WP.30/AC.2/2012/17 and requested the secretariat to issue a revised document for the next sessions of WP.30 and AC.2 (ECE/TRANS/WP.30/AC.2/111, para. 32). On this basis, the Committee is invited to consider a revised document ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1.

**Documentation**

ECE/TRANS/WP.30/2012/10/Rev.1 – ECE/TRANS/WP.30/AC.2/2012/17/Rev.1

**(e) Phase III of the TIR revision process – computerization of the TIR procedure**

As in the past, the Committee will be informed of the latest developments with regard to the computerization of the TIR procedure and related projects.

## **8. Application of the Convention**

**(a) Recommendation on the introduction of Harmonized System code in the TIR Carnet**

At its fifty-third session, the Committee recalled the findings of the survey on implementing the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/2011/3) and had an extensive exchange of views on whether the TIR Convention should be amended to include the mandatory indication of the HS code. As a result, the Committee was of the view that, at this stage, amending the Convention seemed premature and that such indication should remain optional, as provided for in the existing Recommendation. At the same time, AC.2 decided to continue its discussions on this matter and, in particular, to consider additional national data and documentary requirements in the course of a TIR transport (ECE/TRANS/WP.30/AC.2/109, paras. 29 and 30).

**Documentation**

ECE/TRANS/WP.30/AC.2/2011/3

**(b) Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board**

The Committee will be informed of new comments endorsed by WP.30 and TIRExB, if any.

## **9. Best practices**

### **Use of subcontractors**

The Committee, at its fifty-third session, had a preliminary exchange of views on the issue of subcontractors, based on documents ECE/TRANS/WP.30/AC.2/2010/7, ECE/TRANS/WP.30/AC.2/2012/3 and Informal document WP.30/AC.2 No.5 (2012). In order to get a clear picture of all issues at stake, the Committee requested the secretariat to prepare, for consideration at its next session, a consolidated document, containing background information together with all outstanding proposals for comments to the Convention, introducing the concept of subcontractor in the framework of the Convention. Delegations were invited to discuss the various proposals and provide the secretariat with written comments, if any (ECE/TRANS/WP.30/AC.2/109, para. 33). Following this request, the secretariat has prepared document ECE/TRANS/WP.30/AC.2/2012/13 for consideration by the Committee.

### **Documentation**

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

## **10. Other business**

### **(a) Date of next session**

The UNECE secretariat has made the necessary arrangements to hold the fifty-sixth session of the Committee on 3 October 2013. 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 with respect to 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 on its fifty-fifth 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.