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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

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Item 5 (f) of the provisional agenda

Revision of the Convention:

Accepted amendment proposals to the Convention

pending formal adoption

List of amendment proposals and their status

Note by the secretariat

I. Background

1. At its previous session, the Committee requested the secretariat to prepare a document providing information that would allow the Committee to keep track of the decision making process of all proposals under discussion or accepted pending formal adoption (see ECE/TRANS/WP.30/AC.2/131, para. 34).

2. In line with this request, the present document provides information on the amendment proposals that have entered into force, accepted pending formal adoption and still under discussion. In the interest of providing a more comprehensive picture, the document takes stock of the years 2014, 2015 and 2016.

II. Terminology and practice

3. The Committee may wish to recall that its standing practice has been to collect a number of proposals into a single consolidated document for final adoption. That is to say that each proposal is discussed; it is then either agreed upon or rejected. Those rejected are no longer discussed, while those agreed upon are, usually, put aside until a larger package is formed. The number of amendments per package is decided upon by the Committee on an ad hoc basis. Usually, the amendments in a package are somehow connected to each other or are part of a set of proposals submitted by a Contracting Party. Some packages include only two amendments, while others may contain ten or more amendments. Examples of packages in recent years are the following:

(i) Amendments to Article 6.2. bis and Annex 9: the package was annexed to the report of AC.2 at its fifty-third session (ECE/TRANS/WP.30/AC.2/109) and introduced the new Annex 9, Part III. The amendment to article 6.2. bis was related to Annex 9, Part III, as it made reference to it. The Committee did not send each paragraph of Annex 9, Part III to

the depositary separately every time there was agreement on one of them but, conversely, decided to wait to agree on all paragraphs to send them as a package. The Committee may wish to recall that paragraphs (o), (p) and (q) were excluded from the package as they were still under discussion.

(ii) Amendments to Annex 2, Annex 6 and Annex 7: these amendments were all contained in document ECE/TRANS/WP.30/2016/10 and were adopted as a package by the Committee at its sixty-third session. The amendments to Annexes 2 and 7 refer to vehicles with sliding sheets and, thus, are connected. The amendment to Annex 6, namely the Explanatory Note to article 42 *bis* is not related to vehicles with sliding sheets but was, nonetheless, included in the same package. More specifically, the two issues i.e. vehicles with sliding sheets and E.N. 0.42 *bis*, had been discussed separately, as separate documents and separate agenda items for several sessions. Once the Committee reached agreement on them separately, it was decided to adopt them as a package and send them together to the depositary.

4. An amendment proposal is “accepted” when discussions have taken place and the Committee has decided that the said proposal is acceptable in a specific wording. Once a proposal is accepted it is, either, adopted immediately and sent to the depositary, or it is put aside until a larger package is formed. If it is put aside, then it is “accepted pending formal adoption”. When a proposal is accepted pending formal adoption, normally there is no need to discuss it further in substance. A decision has been taken and only the formality of adoption and, possibly, the time-frames for objection and entry into force are postponed.

5. In the current agenda of the Committee, the accepted amendment proposals pending formal adoption are contained in document ECE/TRANS/WP.30/AC.2/2016/4 and its revisions. Every new accepted proposal is added to this document (hence the issuance of revisions), until the Committee decides to formally adopt them. Therefore, document ECE/TRANS/WP.30/AC.2/2016/4/Rev.2 is the current package pending formal adoption.

III. List of proposals and their status

A. Amendments that have entered into force in the period 2014-2016

Annex 1, page 11, point (5) (HS code)

Annex 6, Explanatory Note 0.8.3, point (5) (HS code)

Annex 6, new Explanatory Note 0.38.2

Annex 6, New Explanatory Notes 8.9.1

Annex 6, New Explanatory Note 8.9.2

Annex 6, New Explanatory Note 9.II.4

Annex 6, New Explanatory Note 9.II.5

Annex 9, Part I, paragraph 3 (vi)

Reference: ECE/TRANS/17/Amend.32 (package)

Annex 2, Article 4, paragraph 2, (i)

Annex 2, Article 4, paragraph 2, (iii)

Annex 2, new Article 5

Annex 2, Sketch No. 9

Annex 2, new Sketch No. 10

Annex 6, New Explanatory Note 0.42 bis

Annex 7, Part I, Article 5, paragraph 2, (i)

Annex 7, Part I, Article 5, paragraph 2, (iii)

Annex 7, Part I, new Article 6

Annex 7, Part I, Sketch No. 9

Annex 7, Part I, new Sketch No. 10

Reference: ECE/TRANS/WP.30/2016/10 (package) (ECE/TRANS/17/Amend.32 (under preparation)).

B. Amendments that have been accepted pending formal adoption in the period 2014-2016*

(i) Article 1, paragraph (q), on the definition of a “guaranteeing association”

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2015/24, ECE/TRANS/WP.30/AC.2/127, para. 32

(ii) Article 2 to specify that the word “frontier” refers to a customs frontier

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/AC.2/127, para. 34(a) and ECE/TRANS/WP.30/AC.2/131 paras 32-33**

(iii) Article 11, paragraph 3, on reducing the earliest moment at which a claim to an association can be made

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/AC.2/127, para. 34(c)

(iv) Article 38, in order to include reference to repeated customs offences as grounds for exclusion

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/AC.2/129, para. 36(c)

(v) Article 3 paragraph (b) to replace the term “approved” by “authorized”,

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/129 para. 38

(vi) Article 6, paragraph 2 to replace the term “approved” by “authorized”

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/129 para. 38

(vii) Annex 9, Part II to replace the term “approved” by “authorized”

* These proposals comprise the current package as contained in ECE/TRANS/WP.30/AC.2/2016/4/Rev.2

** See report of the sixty-fourth session for additional decisions pertaining to this amendment

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/129 para. 38

(viii) Annex 9, Part I, paragraph 7 to replace “Contracting Parties” by “each Contracting Party”

Transmitted by WP.30 (**originally** proposed by the Russian Federation)

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/129 para. 38

C. Amendments that are still under discussion

(i) Article 18, to increase the number of places of loading and unloading from four to eight.

Transmitted by WP.30 (**originally** proposed by Turkey)

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/131 paras. 35-36

(ii) Annex 8, Article 1 bis new paragraphs 4-6

Transmitted by WP.30 (**originally** proposed by the Russian Federation)

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/131 para. 40

Annex 9, Part III, paragraph 2, points (o), (p) and (q)

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/131 para. 41

(iv) Article 6, paragraph 1, Annex 6, Explanatory Note to Article 6, paragraph 2, Annex 9, Part I, paragraph 1

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2016/18, ECE/TRANS/WP.30/AC.2/131 para. 39

(v) Annex 6, new Explanatory Note 0.49 (authorized consignor)

Transmitted by TIRExB

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

(vi) Annex 6, Explanatory Note 0.8.3

Transmitted by WP.30

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

(vii) Article 11, new paragraph 4 bis

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/AC.2/131 para. 45(a)

(viii) Article 21

Submitted by the Russian Federation

References: ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/AC.2/131 para. 45(b)

(ix) Annex 9, Part I, paragraph 5

Transmitted by WP.30 (**originally** proposed by the Russian Federation)

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

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

Submitted by Iran (Islamic Republic of)

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

(xi) Annex 9, Part I, subtitle and paragraph 1, to insert the word ‘minimum’ before ‘conditions and requirements’

Transmitted by WP.30

References: ECE/TRANS/WP.30/AC.2/2017/5
