



## Economic and Social Council

Distr.

RESTRICTED

TRANS/WP.30/AC.2/45  
26 March 1997

Original: ENGLISH

---

### ECONOMIC COMMISSION FOR EUROPE

#### INLAND TRANSPORT COMMITTEE

#### Administrative Committee for the TIR Convention, 1975

### REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE TIR CONVENTION 1975 ON ITS TWENTY-SECOND SESSION (27 and 28 February 1997)

#### ATTENDANCE

1. The Administrative Committee held its twenty-second session at Geneva on 27 and 28 February 1997. The following representatives of the Contracting Parties attended: Austria; Azerbaijan; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Italy; Latvia; Netherlands; Poland; Romania; Russian Federation; Slovakia; Spain; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; United States of America; Uruguay; European Economic Community.
2. The following international organizations were represented as observers: United Nations Economic and Social Commission for Asia and the Pacific (ESCAP); International Road Transport Union (IRU).
3. The Administrative Committee noted that the required quorum according to Article 6 of Annex 8 of the Convention had been attained.

#### ADOPTION OF THE AGENDA

4. The Administrative Committee adopted the provisional agenda (TRANS/WP.30/AC.2/44) prepared by the secretariat of the United Nations Economic Commission for Europe (UN/ECE) with the addition of the following item:

Agenda item 2 bis: Adoption of the report on its twenty-first session.

#### ELECTION OF OFFICERS

5. In accordance with Annex 8, Article 3 of the Convention, the Administrative Committee elected Mrs. R. Birza (Netherlands) as Chairperson and Mr. O. Beginin (Russian Federation) as Vice-Chairperson of its twenty-second session.

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.

#### ADOPTION OF THE REPORT ON ITS TWENTY-FIRST SESSION

Documentation: TRANS/WP.30/AC.2/43.

7. In accordance with the decision taken at its twenty-first session (TRANS/WP.30/AC.2/43, para. 25), the Working Party considered the report on its twenty-first session (2-3 December 1996) as contained in document TRANS/WP.30/AC.2/43 and adopted it subject to the following modifications:

##### Paragraph 13

Replace the last two sentences of the paragraph by the following text:

"The Committee was of the view that in case this approach failed or would lead to a postponement of the establishment of the TIR Executive Board beyond 1997, the TIR Executive Board might be financed through a levy on TIR Carnets issued by authorized associations. Several Contracting Parties were also of the view that any such a levy should be regarded as a temporary measure until other financing arrangements had been secured."

##### Paragraph 14

Add at the end of the paragraph the following sentence:

"The Chairman of the Committee was requested to formally contact the ECE secretariat with a view to exploring the financial assistance that could possibly be provided by the United Nations in this regard."

##### Paragraph 20

Modify the indent (d) to read as follows: "(d) Suspension of the execution of payment claims against national guaranteeing associations by Customs authorities."

New paragraph 20 bis

Add a new paragraph 20 bis which reads as follows:

"20 bis The representative of the IRU read out a statement prepared by the President of the IRU which will be circulated among delegations by the secretariat following the session of the Administrative Committee."

8. The ECE secretariat was requested to issue a corrigendum to the report on its twenty-first session containing the modifications adopted at the present session of the Administrative Committee.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/44, annex 1.

9. The Administrative Committee was informed that the TIR Convention, 1975, currently had 59 Contracting Parties, including the European Economic Community. It noted that Tajikistan and Turkmenistan would become Contracting Parties on 11 March 1997 and 18 March 1997 respectively.

10. The Administrative Committee requested the secretariat to annex to the final report of its session a list of Contracting Parties to the TIR Convention, 1975 and a list of countries with which TIR transit operations could be established (see annex to this report).

STATUS OF AMENDMENTS TO THE TIR CONVENTION, 1975

Documentation: ECE/TRANS/17/Amendments 1 to 18.

11. The Committee was informed that no new amendment to the Convention had come into force.

REVISION OF THE CONVENTION

Proposals for amendments to the Convention

Documentation: Informal document transmitted by the ECE Working Party on Customs Questions affecting Transport (TRANS/WP.30/CRP.43/Add. 1-2); TRANS/WP.30/AC.2/R.28 (TRANS/WP.30/R.188); TRANS/WP.30/AC.2/R.27 (TRANS/WP.30/R.187); TRANS/WP.30/AC.2/43; TRANS/WP.30/172; TRANS/WP.30/170; TRANS/WP.30/168; TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170).

12. The Administrative Committee recalled that the ECE Inland Transport Committee, at its fifty-seventh session in January 1995, had decided that work should be initiated on an urgent revision of the provisions of the TIR Convention to provide for stable long-term solutions in this field (ECE/TRANS/111, para. 96). Based on these decisions and detailed considerations in the ECE Working Party on Customs Questions affecting

Transport and in the TIR Contact Group, two informal ECE expert groups had prepared a first package of amendment proposals which were contained in document TRANS/WP.30/AC.2/R.23 (TRANS/WP.30/R.170).

13. At its eighty-fourth, eighty-fifth (special) and eighty-sixth sessions, the ECE Working Party had considered most of these amendment proposals in detail, taking into consideration the various comments and suggestions made by Contracting Parties, national associations and the IRU (TRANS/WP.30/172, paras. 10-12; TRANS/WP.30/170, paras. 6-12; TRANS/WP.30/168, paras. 57-63). The TIR Administrative Committee, at its twenty-first session (2-3 December 1996), had considered the remaining amendment proposals (TRANS/WP.30/AC.2/43, paras. 10-13).

14. The ECE Inland Transport Committee, at its fifty-ninth session (13-17 January 1997) had confirmed the key elements constituting a revised TIR procedure identified by the ECE Working Party and approved in principle the new and revised provisions of the TIR Convention considered so far. The Committee was of the view that, in particular, the urgent creation of the TIR Executive Board was of major importance in safeguarding the future functioning of the TIR system. As far as financing of the operation of the TIR Executive Board is concerned, the Inland Transport Committee felt that the budget required for its operation should preferably be provided by the United Nations. However, it also felt that if the funds were not available in the short and medium term, as was indicated by the ECE secretariat, a trust fund should be set up to be fed by a levy on TIR Carnets issued in the order of US\$ 0.22 per Carnet. To facilitate the discussions of the Inland Transport Committee, the secretariat has prepared, as requested by the Committee, a short document on this issue (TRANS/WP.30/AC.2/R.28

15. As requested by the Administrative Committee, the ECE secretariat had also prepared a new consolidated document containing all amendment proposals considered by the Working Party and the Administrative Committee. This document (TRANS/WP.30/AC.2/27 (TRANS/WP.30/R.187)) had been considered in detail by the ECE Working Party at its eighty-seventh session (24-28 February 1997) with the participation of 31 Contracting Parties to the Convention.

16. The Working Party transmitted the results of its consideration to the Committee as contained in an informal document (TRANS/WP.30/CRP.43 and Adds.1-2) available at the session in English, French and Russian.

17. Taking account of the proposals of the ECE Working Party, the Administrative Committee decided to adopt the amendment proposals contained in ECE document TRANS/WP.30/AC.2/28 (TRANS/WP.30/R.187) with the following modifications to be made to the legal text contained therein:

Article 1, new paragraph (m)

To be deleted.

Article 38, paragraph 2

(French text only)

Replace "autorités douanières" by: "autorités compétentes".

Annex 6, explanatory note 0.38.1

To be maintained.

Annex 6, explanatory note 0.38.2

To be deleted.

Article 60

The amendment proposals should provide for the special amendment procedure in line with article 60 to be applied also to the revised Annex 8. Therefore, the existing amendment proposals are to be replaced by the following:

Modify the end of the heading "... 6 and 7" to read as follows:

"... 6,7,8 and 9".

Modify the beginning of the article to read as follows:

"1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8 and 9 ...".

New Annex 9, Part I, paragraph 1

Delete the square brackets and retain the wording "and act as guarantor".

Annex 6, new explanatory note 9.I.1 (a)

Add a new explanatory note to new Annex 9, Part I, paragraph 1 (a) to read as follows:

"9.I.1 (a)           The provisions in annex 9, Part I, paragraph 1 (a) cover organizations involved in the international trade of goods, especially chambers of commerce".

New Annex 9, Part I, paragraph 1 (d)

Delete the square brackets and its content "or commercial law".

New Annex 9, Part I, paragraph 1 (e)

In the first sentence, delete the square brackets and replace its content "contract" by the following wording: "agreement or any other legal instrument".

Replace the second sentence by the following text: "A certified copy of the written agreement or any other legal instrument together, if necessary, with a certified translation into English, French or Russian, shall be deposited with the TIR Executive Board. Any changes to the written agreement or any other legal instrument shall be immediately brought to the attention of the TIR Executive Board."

New Annex 9, Part I, paragraph 1 (f)

In the opening sentence, delete the square brackets and replace its content "contract" by the following wording: "written agreement or any other legal instrument".

New Annex 9, Part I, paragraph 1 (f)(ii) (Russian text only)

Replace "maximum sum" by: "maximum guarantee sum" in line with article 8, paragraph 3 of the Convention.

New Annex 9, Part I, paragraph 1 (f)(iii)

Replace "minimum reliability criteria" by: "minimum conditions and requirements".

New Annex 9, Part I, paragraph 1 (f)(iv)

Delete the square brackets and retain its wording. Modify the beginning of the sentence to read as follows: "shall provide its guarantee..."

New Annex 9, Part I, paragraph 1 (f)(v)

Replace the existing text options by the following new text:

"(v) shall cover its liabilities to the satisfaction of the competent authorities of the Contracting Parties in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated.

The time to give notice for the termination of the insurance or financial guarantee contract(s) shall be not less than the time to give notice for the termination of the written agreement or any other legal instrument under (e). A certified copy of the insurance or financial guarantee contract(s) as well as all subsequent modifications thereto shall be deposited with the TIR Executive Board, including a certified translation, if necessary, into English, French or Russian."

New Annex 9, Part I, paragraph 5

To be deleted. The provisions of this paragraph should be reflected in Annex 8, new article 1 bis.

New Annex 9, Part II, paragraph 1 (a)

To be deleted.

The Administrative Committee decided to prepare at a later stage new amendment proposals aiming at a clear-cut definition for the holder of TIR Carnets as well as on the required time period of existence for companies wishing to have access to the TIR procedure.

Renumber the following sub-paragraphs.

New Annex 9, Part II, (old) paragraph 1 (e)

Delete the square brackets and its content "or commercial law".

[New Annex 9, Part II, (old) paragraph 1 (f)(iii)

**Modify the subparagraph to read as follows:**

**"(iii) as far as national legislation permits, competent authorities may allow associations to verify information on the above minimum conditions and requirements."]**

New Annex 9, Part II, paragraph 2

Modify the paragraph to read as follows:

"2. Additional and more restrictive conditions and requirements for access to the TIR procedure may be introduced by the competent authorities and by the associations themselves unless the competent authorities decide otherwise."

New Annex 9, Part II, paragraph 3

Replace the wording "conditions and requirements" by: "minimum conditions and requirements".

New Annex 9, Part II, paragraph 4

To be deleted and to be replaced by a new explanatory note 9.II.3 of Annex 6 to the Convention which reads as follows:

"9.II.3 It is recommended to establish national authorization committees comprising representatives of the competent authorities, national associations and other organizations concerned."

New Annex 9, Part II, paragraphs 5 and 6

Paragraphs 5 and 6 are to be deleted and replaced by the following paragraphs 4 and 5:

"New Annex 9, Part II, paragraph 4

4. The competent authorities shall transmit within one week from the date of authorization or withdrawal of authorization to use TIR Carnets, the particulars of each person to the TIR Executive Board in conformity with the specimen authorization attached (MAF).

New Annex 9, Part II, paragraph 5

5. The association shall transmit annually an updated list as per 31 December of all authorized persons as well as of persons whose authorization has been withdrawn. This list shall be transmitted one week following the 31 December to the competent authorities. The competent authorities shall forward a copy thereof to the TIR Executive Board."

New Annex 9, Part II, paragraphs 6

Former paragraph 7 will become paragraph 6 and reads as follows:

"6. The authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations."



Modify the heading of Annex 8 to read as follows: (French text only)

"COMPOSITION, FONCTIONS ET REGLEMENTS INTERIEURS....."

Annex 8, new article 1 bis, paragraph 3

Modify paragraph 3 to read as follows:

"3. The Committee, through the TIR Executive Board, shall supervise and provide support in the application of the Convention at the national and international levels."

Annex 8, new article 9

Delete the square brackets around the word "nine" and retain the word "nine".

Annex 8, article 10 (a)

Delete article 10 (a) and replace it by the following two paragraphs to be placed in square brackets:

**[(a) supervise the application of the Convention, including the operation of the guarantee system, and fulfil the functions entrusted to it by the Administrative Committee;**

**(b) supervise the centralized printing and distribution to the associations of TIR Carnets which may be performed by an agreed international organization as referred to in Article 6;]**

Renumber the following paragraphs of article 10.

Annex 8, (old) article 10 (d)

Add at the end of paragraph (d) the following wording:

"... without prejudice to article 57 on the settlement of disputes;"

Annex 8, (old) article 10 (e)

Modify paragraph (e) to read as follows:

"(e) support the training of personnel of Customs authorities and other interested parties concerned with the TIR procedure."

Annex 8, (old) article 10 (h)

Add a new paragraph (h) in square brackets:

**[(h) be informed by the international organisation as referred to in article 6 of all rules and procedures prescribed for the issuance of TIR Carnets by associations as far as they relate to the minimum conditions and requirements laid down in annex 9;]**"

New article 11 (b)

Delete the square brackets around the word "five" and retain the word "five".

New article 11 (c)

Modify paragraph (c) as follows:

"(c) The Board will elect a Chairman [**and shall adopt its own rules of procedure**]."

18. The Administrative Committee requested the ECE secretariat to prepare, if possible already for the summer session of the ECE Working Party, a first draft of the Terms of Reference for the TIR Executive Board for further consideration and adoption by the Administrative Committee as well as a document on possible modalities for the recovery of a levy on TIR Carnets.

APPLICATION OF THE CONVENTION

Prices of TIR Carnets distributed by the IRU to national issuing associations

Documentation: Informal document transmitted by the IRU.

19. The Working Party took note of information provided by the IRU on the prices of the various TIR Carnets it distributes to its national associations.

20. Due to lack of time, the Administrative Committee was not in a position to consider the remaining agenda items.

OTHER BUSINESS

(a) Application of the Convention in the Russian Federation

21. The representative of Hungary reported on a number of difficulties in the application of the Convention in the Russian Federation and questioned whether some of the regulations in the Russian Customs Code complied with the provisions and the spirit of the Convention. The Committee was of the view that her statement should be distributed in writing by the ECE secretariat for consideration by the ECE Working Party on Customs Questions affecting Transport at its next session. The representative of the Russian Federation declared his readiness to inform the ECE Working Party about the evolving situation in his country in the field of Customs and in particular on the application of the Convention in the framework of the Customs Union between Belarus, Kazakstan and the Russian Federation.

(b) Date of next session

22. The Administrative Committee decided to convene its next twenty-third session on 26 and 27 June 1997.

(c) Restriction on the distribution of documents

23. The Administrative Committee decided that no restriction should be placed on the distribution of documents for the current session, with the exception of the International Register on Customs Sealing Devices prepared by the ECE secretariat.

ADOPTION OF THE REPORT

24. The Administrative Committee decided to adopt the report on its twenty-second session at its forthcoming twenty-third session in accordance with annex 8, article 7 of the TIR Convention, 1975.

---

Annex

Contracting Parties

Countries with which a TIR transit  
operation can be established

Afghanistan	-
Albania	Albania
Algeria	-
Armenia	-
Austria	Austria
Azerbaijan	-
Belarus	Belarus
Belgium	Belgium
Bosnia and Herzegovina	-
Bulgaria	Bulgaria
Canada	Canada
Chile	-
Croatia	Croatia
Czech Republic	Czech Republic
Cyprus	Cyprus
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Georgia	Georgia
Germany	Germany
Greece	Greece
Hungary	Hungary
Indonesia	-
Iran (Islamic Republic of)	Iran (Islamic Republic of)
Ireland	Ireland
Israel	Israel
Italy	Italy
Jordan	Jordan
Kazakstan	Kazakstan
Kuwait	Kuwait
Latvia	Latvia
Lithuania	Lithuania
Luxembourg	Luxembourg
Malta	Malta
Morocco	Morocco
Netherlands	Netherlands
Norway	Norway
Poland	Poland
Portugal	Portugal
Republic of Korea	-
Republic of Molodova	Republic of Moldova
Romania	Romania
Russian Federation	Russian Federation
Slovakia	Slovakia

Contracting Parties (cont'd)

Slovenia  
Spain  
Sweden  
Switzerland  
Tajikistan (as of 11.03.1997)  
The former Yugoslav Republic  
of Macedonia  
Tunisia  
Turkey  
Turkmenistan (as of 18.03.1997)  
Ukraine  
United Kingdom  
United States of America  
Uruguay  
Uzbekistan  
Yugoslavia  
  
European Economic Community

Countries with which a TIR transit  
operation can be established (cont'd)

Slovenia  
Spain  
Sweden  
Switzerland  
-  
The former Yugoslav Republic  
of Macedonia  
Tunisia  
Turkey  
-  
Ukraine  
United Kingdom  
-  
-  
Uzbekistan  
-

---