



Economic and Social Council

Distr.: General
18 February 2010

Original: English

Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Report of the Administrative Committee for the TIR Convention 1975 on its forty-ninth session (4 February 2009)

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I. Attendance

1. The Committee held its forty-ninth session on 4 February 2010 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kyrgyzstan; Latvia; Lithuania; Republic of Moldova; Netherlands; Poland; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; Turkey; Ukraine; Uruguay. Representatives of the European Union (EU) were also present.
3. The following non-governmental organization was represented as observer: International Road Transport Union (IRU). A representative of the issuing and guaranteeing association of Norway participated in the session as observer.
4. The Administrative Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.

II. Adoption of the Agenda (Agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/100

5. The Administrative Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/100.

III. Election of Officers (Agenda item 2)

6. The Committee elected by acclamation Mr. M. Ciampi (Italy) as Chair and Ms. L. Harantova (Czech Republic) as Vice-Chair for its sessions in 2010.

IV. Status of the TIR Convention, 1975 (Agenda item 3)

7. The Committee welcomed the information that the Foreign Trade Chamber of Bosnia and Herzegovina, Association of International Road Hauliers (AIRH) had been designated issuing and guaranteeing body for TIR Carnets in Bosnia and Herzegovina and started issuing and guaranteeing TIR Carnets as of 1 January 2010. As a result, Bosnia and Herzegovina should be considered a country with which a TIR transit operation can be established as of that date. The Committee took note of the list of Contracting Parties, countries with which a TIR operation can be established and national associations issuing TIR Carnets (annex). It also noted the number of TIR Carnets distributed by IRU to various national associations in 2009, as contained in Informal document No.2 (2010).
8. The Committee was informed that more than five States which are Parties to the TIR Convention, 1975 (Armenia, Georgia, Iran (Islamic Republic of), Kyrgyzstan, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia and Turkey) had notified their objection to the proposed amendment to Annex 6, Explanatory Note 0.8.3 concerning the maximum guarantee amount per TIR Carnet (Depository Notification C.N.722.2009.TREATIES-10 (reissued) of 13 November 2009). Consequently, in accordance with the provisions of Article 59, paragraph 4 of the Convention, the amendment is deemed not to have been accepted and has no effect.

V. Activities and administration of the TIR Executive Board (TIRExB) (Agenda item 4)

A. Activities of the TIRExB

1. Report by the Chairperson of the TIRExB

Documentation: ECE/TRANS/WP.30/AC.2/2010/1

9. The Committee endorsed the report of the TIRExB on its fortieth session (June 2009) as contained in document ECE/TRANS/WP.30/AC.2/2010/1. Further, it was informed by the TIRExB Chairman of the outcome of the Board's forty-first session (October 2009) as well as of the considerations and decisions taken at its forty-second session (February 2010). The Committee noted with satisfaction that the Board had finalized its survey on the price of TIR Carnets and looked forward to being informed of the aggregate results. The Committee welcomed the initiative from the TIRExB to seek guidance from technical experts in the field of approval and inspection of TIR vehicles and took note of the Board's preliminary findings. The Committee thanked the TIRExB for addressing the problems encountered by TIR Carnet holders from various countries in the territory of the Russian Federation and requested the Board to continue its efforts to ensure that the Russian authorities apply the provisions of the TIR Convention in their territory at all times and keep the Committee informed. The Committee also took note of the TIRExB's decision to accept a request from the World Customs Organization (WCO) to review and amend, if appropriate, an e-learning course on TIR, which had been developed by WCO in cooperation with IRU, on the understanding that the Board's comments would actually be used to improve the course to fully meet the expectations of Customs officials taking the course to get acquainted with the principles of the TIR system. Finally, the Committee thanked the Board for the submission of various proposals for discussion by the Committee.

10. The Committee took note of Informal document No.1 (2010) which contained the consolidated results of the survey concerning the price of TIR Carnets at national level that had been undertaken by TIRExB at the end 2008. The survey had been replied to by 41 national associations which accounted for 90 per cent of all TIR Carnets issued in 2008. According to the results, although some associations charge a higher price to non-members than to members, the prices in all countries seem to vary within reasonable margins, without there being a single country charging an excessive price as compared to other countries. TIRExB expressed its gratitude to all associations which had contributed to the success of the questionnaire and, thus, to increasing the transparency of the TIR system. The Committee noted that TIRExB would pursue its function of monitoring all aspects of the price of TIR Carnets by repeating this exercise once every three years.

2. International TIR Data Bank

11. The Committee was informed of the status of transmission of documents and data to the International TIR Data Bank (ITDB) (Informal document No. 5 (2010)). The Committee also noted the activities of the secretariat aimed at the implementation of the "ITDBonline+ project". A first prototype of the "ITDBonline+ website" was developed and presented to the Committee. Some delegations proposed modifications that would be taken on board in the final implementation. The Committee noted that the secretariat expected to finalize the "ITDBonline+ project" by the end of 2010 and would also prepare the necessary documentation for the users.

3. Online UNECE register of Customs Sealing Devices and Customs Stamps

12. The Committee was reminded that, if needed and upon request of the TIR Customs Focal Points, Customs officials could receive access to the online UNECE Register of Customs Sealing Devices and Customs Stamps.

4. National and regional TIR workshops and seminars

13. The Committee noted that the secretariat had participated in a number of events where the TIR Convention had been promoted, in particular, in a seminar on international road transport agreements (Cairo, 25–26 October 2009) which was organized by the Arab Union of Land Transport, League of Arab States and IRU. The representative of Turkey invited all delegations to take part in a seminar on the implementation of NCTS-TIR that would take place in Istanbul in February 2010.

B. Administration of the TIRExB and the TIR secretariat

1. Status report on the accounts for 2009

14. The Committee noted that, as the competent Finance Services of the United Nations had not been able to formally finalize the accounts for 2009, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in September 2010 for formal approval.

2. Procedure for the financing of the operation of the TIRExB and TIR secretariat in 2010

Documentation: ECE/TRANS/WP.30/AC.2/89

15. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2010 had been approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/99, para. 16). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat in 2010 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2009. The Committee also noted that the amount per TIR Carnet approved by the Committee (US\$ 0.3333, see *ibid*) had been expressed in Swiss francs according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer and was equal to CHF 0.34.

16. The Committee was informed that, in line with 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), on 11 January 2010 the external auditor of IRU had produced an audit certificate reflecting the amount transferred by IRU and the total amount actually invoiced by IRU when distributing the TIR Carnets. According to the certificate, in 2009 there was a deficit (i.e. less was received than initially transferred) of CHF 250,787.40, due to the lower number of TIR Carnets distributed in 2009 than had originally been forecast.

17. In line with the above Procedure and on the basis of a proposal of IRU, the Committee approved a recalculation of the amount per TIR Carnet, as contained in Informal document No.3 (2010). Thus, the amount per TIR Carnet will represent CHF 0.46, effective retroactively as of 1 January 2010.

3. Audit by the Office of Internal Oversight Services

18. The Committee noted that the only outstanding recommendation by the Office of Internal Oversight Services (OIOS) concerned the introduction of a new part III to Annex 9

of the Convention on the conditions and requirements for the authorization of an international organization and that this issue was still under discussion by the Working Party on Customs Questions affecting Transport (WP.30). The Committee also took note that the United Nations Board of Auditors (BoA) would conduct in 2010 an audit of UNECE, including activities covered by the Trust Funds.

VI. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system (Agenda item 5)

19. In accordance with Article 6.2 bis of the Convention, the Committee authorized IRU to centrally print and distribute TIR Carnets and to organize the effective functioning of the guarantee system for the period 2011–2013.

VII. Authorization for the conclusion of an agreement between UNECE and IRU (Agenda item 6)

20. The Committee was informed of ongoing consultations between UNECE and IRU with regard to a new UNECE-IRU agreement which should be concluded pursuant to the authorization granted under para. 19 above. The Committee requested the secretariat and IRU to speed up this activity with a view to presenting a draft new agreement for approval at its next session.

VIII. Revision of the Convention (Agenda item 7)

A. Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet

21. The Committee reverted to the rejected amendment proposal to increase to EUR 60,000 the recommended maximum level of guarantee per TIR Carnet (refer to para. 8 above), in order to analyse why the Committee, when considering and taking a decision on this proposal, had not been in a position to take into account the concerns of those Contracting Parties which later had raised their objections. The Committee noted that, apart from the delegation of Turkey which had openly and consistently opposed the amendment proposal, other objecting countries had either not participated in the relevant sessions of the Committee or had not indicated that they would oppose to the proposed amendment. To better understand their views, the Committee invited the delegations of those countries, who were present, to clarify the rationale behind the submitted objections. These representatives pointed out that the competent authorities of their countries had considered the proposed amendment not to be in line with the national interests. The representative of the Syrian Arab Republic added that the absence of convincing arguments in favour of the necessity of this amendment proposal had contributed to the objection raised by his Government. No particular arguments on this issue were provided.

22. The Committee stressed that the freedom of objection is an inherent part of the amendment mechanism of the TIR Convention which stipulates that amendment proposals are discussed and adopted by those delegations which are present at a particular session of the Committee. Under these circumstances, the negotiation process within the Committee is an indispensable tool to establish the widest possible consensus on an amendment proposal before its formal adoption by the Committee and transmission by the Depository to all

Contracting Parties for their review. However, the Committee realized that, for various reasons, not all Contracting Parties are in a position to participate in its sessions or, prior to the adoption of an amendment proposal, are aware of the opposition which might be raised later during national approval/ratification procedures. To overcome these difficulties and facilitate the negotiation of amendments, the Committee identified the following measures:

(a) as early as possible, the representatives of Contracting Parties in the Committee should carefully review the amendment proposal, undertake the necessary consultations at the national level and inform the Committee of their comments or possible disagreement;

(b) prior to the adoption of an amendment proposal by the Committee, efforts should be undertaken to solicit the views of countries which do not regularly participate in the Committee's sessions;

(c) each amendment proposal, when officially circulated by the Depository to the Contracting Parties, should be accompanied with an executive summary to explain the motivation behind the proposed amendment and its possible implications.

23. The delegations of the Republic of Belarus and Ukraine drew the attention of the Committee to the long negotiation process within WP.30 and AC.2 which had preceded the adoption of the underlying amendment proposal. They pointed out that the proposed increase of the recommended maximum guarantee level per TIR Carnet to EUR 60,000 would by no means deny the right of Contracting Parties to maintain a lower guarantee level, if they so wish. These countries also stressed their continued need of the EUR 60,000 TIR guarantee for further transport facilitation and wondered whether the underlying amendment proposal, possibly in a modified form, could be reconsidered by the Committee at a later stage. The secretariat explained that the TIR Convention contained no provisions that would prevent any amendment proposal, once rejected, from being re-submitted.

B. Other proposals for amendments to the Convention

Documentation: ECE/TRANS/WP.30/AC.2/2010/3, ECE/TRANS/WP.30/AC.2/2010/4

24. Having recalled its earlier considerations (ECE/TRANS/WP.30/AC.2/99, para. 21), the Committee considered the updated amendment proposals as contained in document ECE/TRANS/WP.30/AC.2/2010/3 and delivered some remarks, both substantial and linguistic, on its content. The Committee noted that some delegations had not yet completed their national approval procedures and were not in a position to formally adopt the proposals. Therefore, the Committee decided to revert to this issue at its next session upon understanding that those countries would complete their national coordination by that time. Meanwhile, the secretariat was requested to take on board the suggested modifications by means of issuing a corrigendum to the above document.

25. The Committee took note that WP.30 had finalized its considerations of the amendment proposals to Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3–ECE/TRANS/WP.30/AC.2/2010/4. The Committee generally supported these proposals, but decided to postpone a final decision to the next session, thus allowing countries to complete their domestic approval procedures.

C. Phase III of the TIR revision process – computerization of the TIR procedure

26. The Committee was informed of the latest developments in the area of the eTIR project and the work of the Informal Ad hoc Expert Group on Conceptual and Technical

aspects of Computerization of the TIR Procedure (GE.1). It also welcomed the organization of the seventeenth session of GE.1, which will take place in Helsinki on 8–9 March 2010, at the kind invitation of the Finnish Customs authorities. This meeting would not only focus on Chapters 3 and 4 of the Reference Model of the TIR procedure, but would also consider the latest national and international developments in the field of Information Communication Technologies (ICT) and their possible impact on the eTIR project, in particular with regard to national and international tools to facilitate the electronic submission of declarations. The Committee supported the secretariat's call to all Contracting Parties to participate in the work of GE.1 as well as the proposal to organize activities of the GE.1 at long distance by means of a network of focal points for eTIR, which should also include representatives from Contracting Parties who are not able to attend GE.1 sessions.

IX. Application of the Convention (Agenda item 8)

A. Recommendation on the introduction of the Harmonized Commodity Description and Coding System code in the TIR Carnet

Documentation: ECE/TRANS/WP.30/AC.2/93, Annex II

27. The Committee considered and approved a draft survey concerning the implementation of the underlying Recommendation, as prepared by the secretariat (Informal document No.2 (2010)). The survey included two different questionnaires, one for Customs administrations and one for national guaranteeing associations. The Committee agreed that the respondents should be given three months to reply to the survey.

B. Comments endorsed by the Working Party on Customs Questions affecting Transport and TIRExB

28. The Committee took note that no new comments had been endorsed by WP.30 and TIRExB.

X. Best practices (Agenda item 9)

Documentation: ECE/TRANS/WP.30/AC.2/2010/6, ECE/TRANS/WP.30/AC.2/2010/7

29. The Committee welcomed and approved the example of best practice concerning the implementation of Annex 10 to the Convention at the national level, as prepared by TIRExB (ECE/TRANS/WP.30/AC.2/2010/6), subject to minor modifications.

30. The Committee extensively discussed document ECE/TRANS/WP.30/AC.2/2010/7, containing a proposal by the secretariat for the introduction of a new comment to Article 1 (o) of the Convention and addressing the use of the TIR Carnet by other persons than the TIR Carnet holder, the so-called "subcontractors". Several delegations felt that it was premature to agree on the wording of a comment or any other format as long as the aspect of liability of the TIR Carnet holder or the subcontractor had not been duly addressed and settled. Other delegations pointed out that for many years TIR Carnet holders had made use of subcontractors to fulfil their commercial obligations with the full knowledge that this does not affect the liability of the TIR Carnet holder as set out in the provisions of the TIR Convention. In the absence of consensus, the Committee decided to revert to the issue at its next session. In the meantime, Contracting Parties were requested to carefully consider the proposal at national level and to submit any concerns in writing to the secretariat which

would take care of their dissemination among all Contracting Parties. In order to facilitate future discussions, the Committee also requested the secretariat to reproduce Informal document No.4 (2009) from its forty-seventh session, containing the summary outcome of a TIRExB survey on the use of subcontractors at the national level, as an official document for consideration at its next session.

XI. Other business (Agenda item 10)

A. Date of next session

31. The Committee decided to hold its fiftieth session on 30 September 2010, in conjunction with the 126th session of WP.30.

B. Restriction on the distribution of documents

32. The Committee decided that the distribution of Informal document No.1 (2010) should be restricted.

XII. Adoption of the report (Agenda item 11)

33. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Committee adopted the report on its forty-ninth session. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages.

Annex

Status of the TIR Convention, 1975

<i>Contracting Parties</i>	<i>Countries with which a TIR transit operation can be established*</i>	<i>National associations**</i>	<i>Country code (ISO 3166, A3)</i>
Afghanistan	-	-	AFG
Albania	✓	ANALTIR	ALB
Algeria	-	-	DZA
Armenia	✓	AIRCA	ARM
Austria	✓	AISÖ	AUT
Azerbaijan	✓	ABADA	AZE
Belarus	✓	BAMAP	BLR
Belgium	✓	FEBETRA	BEL
Bosnia and Herzegovina	-	AIRH	BIH
Bulgaria	✓	AEBTRI	BGR
Canada	-	-	CAN
Chile	-	-	CHL
Croatia	✓	TRANSPORTKOMERC	HRV
Cyprus	✓	TDA	CYP
Czech Republic	✓	CESMAD BOHEMIA	CZE
Denmark	✓	DTL	DNK
Estonia	✓	ERAA	EST
Finland	✓	SKAL	FIN
France	✓	AFTRI	FRA
Georgia	✓	GIRCA	GEO
Germany	✓	BGL; AIST	DEU
Greece	✓	OFAE	GRC
Hungary	✓	ATRH	HUN
Indonesia	-	-	IDN
Iran (Islamic Republic of)	✓	ICCIM	IRN
Ireland	✓	IRHA	IRL

<i>Contracting Parties</i>	<i>Countries with which a TIR transit operation can be established*</i>	<i>National associations**</i>	<i>Country code (ISO 3166, A3)</i>
Israel	✓	IRTB	ISR
Italy	✓	UICCIAA	ITA
Jordan	✓	RACJ	JOR
Kazakhstan	✓	KAZATO	KAZ
Kuwait	✓	KATC	KWT
Kyrgyzstan	✓	KYRGYZ AIA	KGZ
Latvia	✓	LA	LVA
Lebanon	✓	CCIAB	LBN
Liberia	-	-	LBR
Lithuania	✓	LINAVA	LTU
Luxembourg	✓	FEBETRA	LUX
Malta	✓	ATTO	MLT
Republic of Moldova	✓	AITA	MDA
Mongolia	✓	NARTAM	MNG
Montenegro	✓	PKCG	MNE
Morocco	✓	AMTRI	MAR
Netherlands	✓	TLN; KNV; EVO	NLD
Norway	✓	NLF	NOR
Poland	✓	ZMPD	POL
Portugal	✓	ANTRAM	PRT
Republic of Korea	-	-	KOR
Romania	✓	UNTRR; ARTRI	ROU
Russian Federation	✓	ASMAP	RUS
Serbia	✓	SCC-ATT	SRB
Slovakia	✓	CESMAD SLOVAKIA	SVK
Slovenia	✓	GIZ INTERTRANSPORT	SVN
Spain	✓	ASTIC	ESP
Sweden	✓	SA	SWE
Switzerland	✓	ASTAG	CHE

<i>Contracting Parties</i>	<i>Countries with which a TIR transit operation can be established*</i>	<i>National associations**</i>	<i>Country code (ISO 3166, A3)</i>
Syrian Arab Republic	✓	SNC ICC	SYR
Tajikistan	✓	ABBAT	TJK
The former Yugoslav Republic of Macedonia	✓	AMERIT	MKD
Tunisia	✓	CCIT	TUN
Turkey	✓	TOBB	TUR
Turkmenistan	✓	THADA	TKM
Ukraine	✓	ASMAP UA	UKR
United Arab Emirates	-	-	ARE
United Kingdom	✓	RHA; FTA	GBR
United States of America	-	-	USA
Uruguay	-	-	URY
Uzbekistan	✓	AIRCUZ	UZB
European Community			

* Based on information provided by the IRU.

** For details, refer to the International Directory of TIR Focal Points administered by the UNECE secretariat <<http://www.unece.org/trans/bcf/tir/focal/tirfocalpoints.htm>>. The access to the website is restricted and only open for TIR Focal Points.