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Administrative Committee for the TIR Convention, 1975

Sixty-first session

Geneva, 11 June 2015

### Report of the Administrative Committee for the TIR Convention 1975 on its sixty-first session

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## **I. Attendance**

1. The Committee (AC.2) held its sixty-first session on 11 June 2015 in Geneva.
2. The session was attended by representatives of the following countries: Azerbaijan; Belarus; Belgium; Bulgaria; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kazakhstan; Latvia; Lithuania; Netherlands; Poland; Republic of Moldova; Russian Federation; Serbia; Slovakia; Spain; Sweden; Switzerland; Turkey; Ukraine; Uzbekistan. Representatives of the European Union (EU) were also present.
3. The following intergovernmental organization was represented as an observer: Eurasian Economic Union (EEU). The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).
4. The Committee noted that the required quorum for the purposes of taking decisions —at least one-third of the States, which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.
5. Ms. Eva Molnar, Director, United Nations Economic Commission for Europe (UNECE) Transport Division, welcomed the Committee and delivered an opening statement in which she underlined the importance of making progress with the agenda and of addressing the multitude of pending amendment proposals and expressed the hope that the meeting would be fruitful and yield positive results on outstanding issues.

## **II. Adoption of the agenda (agenda item 1)**

6. The Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/124 and Corr. 1 and 2. The Committee agreed to address the agenda items in the following order: Agenda items 1, 2, 4, 3 (a) (b) (c) (d) (e) and (g) during the morning session, and to commence discussions on agenda items 3(f), 5, 6 and 7 during the afternoon session.

## **III. Status of the TIR Convention, 1975 (agenda item 2)**

7. The Committee was informed that the proposals to amend Annex 1, Annex 6 as well as Annex 9, Part I, paragraph 3 (vi) of the Convention entered into force on 1 January 2015 for all Contracting Parties (C.N.661.2014.TREATIES-XI.A.16). The Committee further noted that the number of Contracting Parties had not changed. Thus, the TIR Convention has, to date, 68 Contracting Parties (including the European Union) and is operational in 58 countries. More detailed information on these issues as well as on various Depositary Notifications are available on the TIR website.<sup>1</sup>

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<sup>1</sup> [www.unece.org/tir/tir-depositary\\_notification.html](http://www.unece.org/tir/tir-depositary_notification.html)

## **IV. Revision of the Convention (agenda item 3)**

### **A. Amendment proposals to the Convention prepared by the TIR Executive Board**

8. The Committee continued discussing the proposals in document ECE/TRANS/WP.30/AC.2/2014/5/Rev.1 (a) to amend Article 42 *bis* with an Explanatory Note to clarify the meaning of the term “immediately” in the text of the Article, together with guidelines for communicating and introducing new control measures; (b) to amend the first comment to Annex 4 on the approval certificate so that it would not only allow for the use of A3 format, but also A4, under the condition that the pages would be secured by means of stamps on every page or secure bindings

9. The Committee accepted the proposal to amend Article 42 *bis* with an Explanatory Note 0.42*bis*, subject to the following change: *for* in any case *substitute*, if possible,. The full text of the proposal is attached as Annex I to the report. The Committee further adopted the accompanying guidelines for communicating and introducing new control measures and requested the secretariat to include them in Chapter 5 of the TIR Handbook. Furthermore, the Committee adopted the proposal to amend the first comment to Annex 4 on the approval certificate. The EU informed the Committee that it has not concluded its internal approval procedure with regard to the proposed Explanatory Note. Therefore, the Committee decided to postpone the formal adoption of this proposal until its next session.

10. Finally, under this agenda item, the Committee briefly considered document ECE/TRANS/WP.30/AC.2/2015/11, transmitting a proposal by TIRExB to introduce a new Explanatory Note and accompanying comment to Article 49 of the Convention, so as to widen the scope of greater facilities that Contracting Parties may grant to transport operators. The secretariat explained, on behalf of the TIRExB, that this proposal reflects a growing demand by customs and industry for further facilitations under the TIR Convention, and that there are already a few successful examples of the concept of authorized consignor in various countries. The secretariat also explained that the proposed amendment represents the simplest avenue for adapting the legislative framework to the new concept, although several other elements could remain for further analysis and clarification. The Committee welcomed the initiative in principle, and acknowledged the necessity for the TIR Convention to adapt to modern needs and business practices. The Committee was of the view that further consideration and discussion was warranted prior to reaching a decision on the possible adoption of this proposal and decided, therefore, to revert to the issue at its next session.

### **B. Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet**

11. The Committee was informed by the Chair of TIRExB of its ongoing assessment of various options to amend the level of the guarantee and looked forward to receiving the final observations of the Board for consideration at its October 2015 session.

### **C. Proposals for a recommendation to Annex 3**

12. The Committee recalled that, at its fifty-sixth session (October 2013), it had welcomed a revised document ECE/TRANS/WP.30/AC.2/2012/12/Rev.1 on an improved and logically structured code system to report defects in the certificate of approval. Due to a lack of time, the Committee was unable to revert to this matter at previous sessions.

13. The Committee continued its consideration of the amendment proposals to Annex 3 on the basis of a revised document ECE/TRANS/WP.30/AC.2/2012/2/Rev.2 prepared with the assistance of the Turkish customs administration that had provided a set of photos of defects which can be used to illustrate the code system and decided to adopt the Recommendation to Annex 3, attached as Annex III to the report. In line with previous practice, the Committee decided that the Recommendation will come into effect on 1 October 2015 and will be reviewed two years following that date together with the possibility converting the Recommendation into amendment proposals to Annex 3. The Committee also requested the secretariat to include it in the next revision of the TIR Handbook and post it on the TIR website.

#### **D. Amendment proposals to the Convention: Vehicles with sliding sheets**

14. The Committee considered document ECE/TRANS/WP.30/AC.2/2015/6, transmitted by the Working Party on Customs Questions affecting Transport (WP.30), containing amendment proposals for a new design of a vehicle and container to the TIR Convention. The proposals had been prepared by the secretariat, in close collaboration with the International Association of the Body and Trailer Building Industry (CLCCR), as well as the Government of Germany. The Committee welcomed this proposal and agreed to its adoption. The EU informed the Committee that it has not concluded its internal approval procedure with regard to this amendment. Therefore, the Committee agreed to postpone the formal adoption of this proposal until its next session.

#### **E. Amendment proposals to the Convention: Audit requirements for an authorized international organization**

15. The Committee considered document ECE/TRANS/WP.30/AC.2/2015/12, transmitted by the Working Party and containing the checklist of all documents submitted by the International Road Transport Union (IRU) to fulfil its obligations under Annex 9, Part III. The Committee welcomed the document and thanked the IRU for making such a comprehensive list of documents available. However, the Committee was of the view that the discussions on this issue would be difficult to conclude without having first studied the substance of the submitted documents. Several delegations were of the view that the fact that, at present, the submitted documentation is kept by the TIR secretariat, where it is available for consultation by Contracting Parties, appears to be impractical, particularly in view of the clarification of the secretariat that the current mandate does not allow the secretariat to distribute these documents upon request. Against this background, the Committee requested the secretariat and IRU to identify ways to make it possible for these documents to be distributed to interested Contracting Parties, while at the same time, safeguarding the applicable confidentiality requirements. Such ways could include for example, the possibility of distributing the documents upon request via official channels. The Committee also requested that these proposals be reflected in a working document for discussion at its next session.

16. The Committee also took note of and thanked IRU for its readiness to provide all the information and documentation, to flexibly accommodate the requests of Contracting Parties to study the documents on a bilateral basis and to provide experts to assist with the study and explanation of the documents.

## **F. Proposals transmitted by the Government of the Russian Federation**

17. Under this agenda item, the representative of the Federal Customs Service of the Russian Federation (FCS) informed the Committee that an agreement had been reached with the national guaranteeing association (ASMAP), on the continued validity of the guarantee agreement concluded in 2004, and that the competent bodies of the government of the Russian Federation are in the process of preparing a list of border crossing points that will be able to process TIR Carnets. The Committee thanked the Russian Federation for the information and requested that it be made aware of any further developments.

18. The Committee recalled that, at its previous session, it had not had the opportunity to discuss the proposals to amend various provisions of the body of the Convention as well as of Annex 9, tabled by the Government of the Russian Federation and contained in documents ECE/TRANS/WP.30/AC.2/2014/14 and ECE/TRANS/WP.30/2015/1–ECE/TRANS/WP.30/AC.2/2015/7. At its sixtieth session, in the short time available under this item, the Committee was of the view that some of these amendment proposals are in substance closely related to questions currently under discussion by TIRExB and that its expert opinion would substantively assist Contracting Parties in their deliberations. Thus, the Committee had mandated TIRExB to consider these proposals (see ECE/TRANS/WP.30/AC.2/123, para. 24).

19. The Committee was also informed that the secretariat had received further comments to these amendment proposals from various Contracting Parties and that these were consolidated in a revised document ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1. The Committee also noted that the Government of the Russian Federation had submitted additional justifications for its proposals, which were contained in document ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16.

20. In order to avoid duplication of work, the Committee recalled that a number of the submitted proposals were under detailed discussion at WP.30, and decided, therefore, not to address these proposals in parallel, but rather, to wait for the Working Party to transmit its findings. These proposals are:

- Proposals to harmonize terminology (Article 1 (q) and 3 (b));
- Proposal to amend Annex 9, Part I, paragraphs 3 (vii), 5 and 7.

21. Consequently, the Committee decided to address the remaining amendment proposals that had, as yet, not been discussed, starting with the proposals contained in document ECE/TRANS/WP.30/AC.2/2014/14 and comments thereto as contained in document ECE/TRANS/WP.30/2015/1/Rev.1 –ECE/TRANS/WP.30/AC.2/2015/7/Rev.1. The Committee addressed each proposal individually, as follows:

22. With reference to the proposals to amend Article 1 (o) so as to prevent unauthorized persons from being involved in the TIR procedure, by ensuring that the customs declaration and the presentation of the goods at the customs office of departure is done exclusively by the holder, the Committee was of the view that these proposals would most likely render the TIR procedure impractical for operators. Several delegations pointed out that the customs declaration can be submitted by a direct representative in several Contracting Parties. Some delegations also noted that, in practice, the presentation of the goods at the office of departure is done by the driver of the vehicle, who is a representative or employee of the holder, and that the holder is actually often a legal (company) rather than a natural person. The Russian Federation clarified its position by stating that this proposal aims to ensure that there are no complications in identifying the liable party, and more specifically by prohibiting the possibility of subcontracting. Several delegations were in agreement that even in such cases, the TIR Carnet holder remains the only liable party. Consequently, the

Committee concluded that there was not enough support for the acceptance of this amendment proposal and that it would not revisit this issue at future sessions.

23. As concerns the proposal to amend Article 2, as to specify that the word “frontier”, refers to a customs frontier, the Committee recalled previous discussions on a similar issue of whether the TIR procedure can be used within a Customs Union. The European Union could accept the proposal, as this would not contradict the practice of the use of TIR within the EU single customs territory. The delegation of Turkey was of the view that while in Turkey customs and political frontiers coincide, the amendment could be of significance for Contracting Parties that are part of a Customs Union. Nonetheless, the delegation of Turkey expressed the view that the question of customs or political frontiers should be settled by the customs legislation in force within Customs Unions, and recalling previous discussions on this issue, did not consider such an amendment imminently necessary, but was prepared to accept the proposal if the Committee so decided. In conclusion, the Committee accepted the proposed text of the amendment, and decided to formally adopt the proposal at a future session, after first consolidating a larger package of proposals. The EU made a reservation, concerning the completion of its internal approval procedure once the final text of the proposal is made available.

24. Concerning the proposal to amend Article 8, paragraphs 1 and 3, pertaining to the possibility to claim the full amount of duties and taxes at stake in the event that no maximum amount is set by the Contracting Party, the Committee recalled that this proposal entailed exemption of Contracting Parties from the obligation to set a maximum amount for which payment may be claimed from the association per TIR Carnet. In this respect, the Committee also recalled the preliminary discussions of TIRExB on this issue whereby several scenarios with their corresponding pros and cons had been identified. The Committee thanked TIRExB for the information provided and agreed that the issue is far too complex to be decided upon at the present session. The Committee agreed that a more detailed analysis by TIRExB and the secretariat, with the necessary inputs from IRU, is required and looked forward to receiving a written assessment by the Board for consideration at its next session.

25. In its considerations of the proposal to amend Article 11 paragraph 3, so as to reduce the earliest moment at which a claim to the association can be made, the Committee was of the general view that the deadlines prescribed in the Convention provide adequate time to first seek payment from the directly liable party. While some delegations recognized that the proposed deadline of one month could potentially be sufficient, the Committee agreed that it would be necessary to assess the statistical information available on this issue before taking a decision. To this end, the Committee welcomed the offer of IRU to provide data for discussion at its next session. The Committee also noted that the European Union would be prepared to revisit its position on this amendment proposal following discussions on the basis of the information to be further provided. IRU informed the Committee that it would be ready to accept any solution concerning earliest time at which a claim can be made against an association and that this would not operationally affect the functioning of the guarantee chain.

26. With reference to the proposal to amend Article 11, paragraph 4 with an additional phrase that would provide for the possibility to recover the amount by direct debit in the event that payment is not made by the association within the prescribed deadlines, the Committee was of the overall view that the means of recovery of sums is an element that should most appropriately remain outside the international regulatory framework and, instead, be addressed under national legislation. Therefore the Committee decided that there was not sufficient support for this proposal and to not revert to it at future sessions.

27. Due to a lack of time, the Committee decided to revert to the remainder of the amendment proposals contained in document ECE/TRANS/WP.30/AC.2/2014/14 and

ECE/TRANS/WP.30/2015/1/Rev.1 -ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, at its next session.

## **G. Phase III of the TIR revision process – Computerization of the TIR procedure**

28. With regard to the latest developments in the computerization of the TIR procedure and related projects, the Committee took note of the support provided by WP.30 to the eTIR Reference Model and, for further details on the matter, decided to refer to the information provided in the WP.30 report (see ECE/TRANS/WP.30/280, paras 9–14).

29. The Committee also recalled that, at its fifty–eighth session, it had considered the draft joint statement on the computerization of the TIR procedure, contained in document ECE/TRANS/WP.30/AC.2/2014/6, prepared by the secretariat for endorsement by Contracting Parties. Although not principally opposed, the Committee could not reach consensus regarding certain parts of the statement and requested the secretariat to prepare a new draft for endorsement at the October 2014 session (see ECE/TRANS/WP.30/AC.2/119, paras. 20–25). Further to this request, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2014/6/Rev.1 for consideration and, possibly, endorsement by the Committee. Due to a lack of time, the Committee could not consider the joint statement at previous sessions. The Committee considered and adopted the revised statement as presented in Annex II to the report. The delegation of the EU recalled however that the ongoing priorities of the EU related to the new Union Customs Code is likely to prevent immediate actions towards implementing eTIR on the territory of the EU.

## **V. Activities and administration of the TIR Executive Board (agenda item 4)**

### **A. Activities of the TIR Executive Board**

#### **1. Report by the Chair of TIR Executive Board**

30. The Committee endorsed the reports of the TIR Executive Board (TIRExB) at its fifty-ninth (June 2014), sixtieth (September 2014) and sixty-first (December 2014) sessions (ECE/TRANS/WP.30/AC.2/2015/1, ECE/TRANS/WP.30/AC.2/2015/2 and ECE/TRANS/WP.30/AC.2/2015/13, respectively) and was orally briefed by the Chair of TIRExB about the major decisions and considerations at the sixty-second (February 2015), sixty-third (April 2015) and sixty-fourth (June 2015) sessions.

31. At its sixty-second session, TIRExB (February 2015), *inter alia*, finalized the discussion on the introduction of Explanatory Note 0.49 and corresponding comments to Article 49, which had been transmitted to the Committee for discussion at its current session. TIRExB further finalized the overview of its activities and main achievements during its 2013–2014 term of office, including recommendations for the future composition of the Board, contained in document ECE/TRANS/WP.30/AC.2/2015/14.

32. At its sixty-third session (April 2015), TIRExB spent considerable time discussing the issue of bringing more flexibility to the TIR guarantee system in combination with the various proposals to that extent from the Russian Federation, which AC.2 had transferred to TIRExB for further assessment. At the session, IRU provided a preliminary analysis on the level of the guarantee, which had shown that in no more than 10–15 per cent of studied cases a guarantee of more than 60,000 euros was required. In a first assessment, various



TIRExB members established that the introduction of full guarantee coverage would provide the TIR system with maximum facility for customs. On the other hand, it might lead to a substantial increase in the price of TIR Carnets. Furthermore, the Board recalled that the role of the TIR Carnet holder should not be forgotten or understated in the discussions. In conclusion, the Board decided to continue its discussions, based on an assessment (pros and cons) of the following options:

- (a) Each country determines individually the maximum amount in that country;
- (b) The introduction of various guarantee levels;
- (c) Unlimited guarantee coverage;
- (d) General increase in the recommended maximum amount.
- (e) The use of additional guarantees in the context of IRU's TIR+ voucher system.

33. At its sixty-fourth session, TIRExB continued its assessment of the above-mentioned options to bring more flexibility to the TIR guarantee system. Having made an inventory of all aspects for each of the options, the Board requested the secretariat to transmit its findings to the Committee for discussion at its next session. Finally, the Board started preparations for the TIRExB survey on customs claims. In this regard, the Committee acknowledged that TIRExB could only fulfil the functions entrusted to it by the Convention or the Administrative Committee if Contracting Parties duly respond to justified requests from TIRExB.

34. The Committee took note of document ECE/TRANS/WP.30/AC.2/2015/14 containing an overview of the main accomplishments of TIRExB during its 2013–2014 term of office, including recommendations for the new composition of the Board.

## **2. Programme of work of the TIR Executive Board for 2015–2016**

35. In line with the established practice, the Committee approved the programme of work of TIRExB for 2015–2016 and endorsed the planned activities and priorities of work of TIRExB, contained in Informal document WP.30/AC.2 No. 7 (2015). The Committee took, in particular, note that (a) the overall aim of the role of TIRExB had been clarified as dedicated to strengthening good governance by Contracting Parties; (b) the work by TIRExB towards further facilitating the intermodal use of the TIR procedure would be conducted in collaboration with WP.24; (c) collaboration with the newly established Expert Group on Legal Aspects of Computerization (GE.3) was added and (d) a review of the functionalities of the International TIR Databank (ITDB) would be conducted.

## **3. Survey on customs claims**

36. The Committee recalled that, pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB, at regular intervals, conducts a survey on the status of customs claims in all TIR Contracting Parties. As part of its activities for the 2013–2014 term of office, TIRExB launched the survey for the years 2009–2012. The Committee welcomed the consolidated results of the survey as contained in document ECE/TRANS/WP.30/AC.2/2015/3 and noted, with regret, that not all Contracting Parties had responded to the survey, including some of the major users of the TIR system. It noted that the reply to the survey provided in May 2015 by Ukraine was not contained in the document. The Committee requested the secretariat to prepare a revision of the document for its next session and invited those countries that had not yet replied to do so before 31 July 2015, so that their data could also be included in the final results of the survey. The Committee recalled the importance of the survey results as a basis for the TIRExB discussions on the introduction of various guarantee levels and the use of

additional guarantees. The Committee agreed with the considerations of the secretariat and TIRExB and urged all Contracting Parties to respond to future surveys.

#### **4. Monitoring the prices of TIR Carnets**

37. The Committee recalled that, at its fifty-ninth session, it had welcomed document ECE/TRANS/WP.30/AC.2/2014/10, transmitted by TIRExB on the pricing of each type of TIR Carnet issued by national associations. In the spirit of transparency, the Committee supported the publication of this information on the TIR website. Furthermore, the Committee was of the view that the function of TIRExB to monitor the price of TIR Carnets should go beyond the dissemination of these data. However, the Committee was not in a position to agree on the need for the publication of an analysis or on any specific methodology that would allow TIRExB to analyse the price information of TIR Carnets in detail. Consequently, the Committee requested Contracting Parties to send suggestions to the secretariat not later than by 15 November 2014. Upon the request of the Committee (see ECE/TRANS/WP.30/AC.2/121, para. 16), the secretariat prepared document ECE/TRANS/WP.30/AC.2/2015/4.

38. The Committee welcomed document ECE/TRANS/WP.30/AC.2/2015/4, containing an assessment by the secretariat and the suggestions received from Contracting Parties (Belarus, EU, Switzerland and Turkey), on the need for an analysis or a specific methodology for TIRExB to analyse the price information of TIR Carnets in detail. The Committee was of the view that the methodology proposed by the secretariat could be used to conduct a first pilot analysis by TIRExB, which at first would be kept restricted and could later be repeated annually if proved conclusive. Consequently, the Committee requested TIRExB, with the assistance of the secretariat, to work on the pilot analysis and report back to the Committee at one of its future sessions.

#### **5. International databases and electronic tools of the TIR secretariat**

39. The Committee was informed about the status of transmitting data to the International TIR Data Bank (ITDB) at its February 2015 session. No new developments were reported.

#### **6. National and regional TIR workshops and seminars**

40. The Committee was informed about the regional TIR seminar, which was organized by TIRExB and the TIR secretariat and held in Dushanbe from 19–22 May 2015, in cooperation with the OSCE Border Management Staff College and the Customs Service under the Government of the Republic of Tajikistan. The Committee noted that the conclusions and recommendations of the seminar, together with the presentations and all other relevant materials are available on the TIR website.<sup>2</sup>

41. The Committee also noted that the UNECE Executive Secretary participated as a keynote speaker in the Connectivity and Win-Win Development Forum for Heads of Customs Administrations along One Belt & One Road, which took place in Xi'an (China) on 27–28 May 2015. It welcomed that the Forum initiative makes an explicit reference to the United Nations as an important organization that manages instruments and tools relevant to further facilitate transport and trade between countries along the Belt and Road. Furthermore, the Committee welcomed the news that China is getting closer to submitting its instruments of accession to the TIR Convention.

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<sup>2</sup> [www.unece.org/tir/seminar/dushanbe-tajikistan/sem-tajikistan-english.html](http://www.unece.org/tir/seminar/dushanbe-tajikistan/sem-tajikistan-english.html)

42. The Committee was further informed that the TIR secretariat had participated in a border crossing facilitation event held in Cairo, in the framework of the EUROMED Project, where the TIR Convention was presented and promoted.

43. The secretariat responded to a query relating to the criteria used and process followed, including the decision-making process, in organizing such events, and noted that TIR national or regional workshops are demand-driven and a new call was raised to the Contracting Parties to indicate an interest in hosting a national or regional TIR seminar.

## **B. Administration of the TIR Executive Board and the TIR secretariat**

### **1. Status report on the accounts for 2014**

44. The Committee recalled that, 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. The Committee was informed that the competent Finance Services of the United Nations have formally finalized the accounts for 2014 and that the status report on the accounts is contained in document ECE/TRANS/WP.30/AC.2/2015/15 which, due to its late clearance from the competent financial services of the United Nations, was made available in three languages only two weeks before the session. The Committee approved the status report on the accounts for 2014 as contained in document ECE/TRANS/WP.30/AC.2/2015/15.

### **2. Procedure for financing the operation of the TIR Executive Board and TIR secretariat**

45. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2015 were approved by the Committee at its fifty-ninth session (ECE/TRANS/WP.30/AC.2/121, para. 21). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat for the year 2015 had been transmitted in full by IRU to the TIR Trust Fund before the deadline of 15 November 2014.

46. The Committee also recalled the amount per TIR Carnet (United States dollars 0.60) approved at its fifty-ninth session (ECE/TRANS/WP.30/AC.2/115, para. 22). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to SWF 0.5836 and, thus, the amount to be invoiced per TIR Carnet distributed in 2015 would be SWF 0.58 (rounded).

47. The Committee noted 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 15 January 2015, 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 2014, there was an excess (i.e. more was received than initially transferred) of SWF 11,481 (rounded). IRU has transferred this excess to the UNECE account before 15 March 2015. This amount will be reflected in the UNECE TIR account to be taken into consideration for the next budget year.

48. The Committee also recalled that, at its fifty-ninth session, it provisionally approved the request by the secretariat to allow, exceptionally, for the transfer by IRU of additional funds to the TIR Trust Fund to cover the costs of hiring an IT expert as well as purchasing infrastructure under the joint UNECE/IRU eTIR Pilot Project, subject to the confirmation of the exact amount of the transfer (see ECE/TRANS/WP.30/AC.2/121, para. 23).

49. The Committee took note that, further to the signature of the Memorandum of Understanding (MoU) between UNECE and IRU on 24 March 2015<sup>3</sup> and due to changes in administrative instructions, the funds have been transferred to a separate trust fund, solely dedicated to the activities of the UNECE-IRU eTIR pilot project. As mentioned in the MoU, the total amount transferred is 290,000 US\$.

## **VI. Comments endorsed by the Working Party on Customs Questions affecting Transport and the TIR Executive Board (agenda item 5)**

50. The Committee considered document ECE/TRANS/WP.30/AC.2/2015/16 and its Corr. 1, elaborating other options than escorts to ensure the safe journey of transported goods, prepared by TIRExB. The representative of the Russian Federation informed the Committee that, in his view, the proposed Global Positioning System (GPS) as an element for customs authorities to include in their assessment prior to taking a decision whether or not to prescribe a customs escort was inconclusive, considering that GPS does not allow to register any tampering with the vehicle while en route. For this reason, his delegation could not support the proposal to amend the comment to Article 23. The Committee decided to revisit this issue at its next session.

## **VII. Best practices (agenda item 6)**

### **Use of subcontractors**

51. This item was not discussed due to a lack of time.

## **VIII. Other business (agenda item 7)**

### **A. Report of the third meeting of an informal group of countries discussing in detail the various aspects of an increased number and a wider geographical representation of membership of the TIR Executive Board**

52. This item was not discussed due to a lack of time.

### **B. Date of next session**

53. The UNECE secretariat has made the necessary arrangements to hold the sixty-second session of the Committee on 8 October 2015. The Committee confirmed this date.

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<sup>3</sup> [www.unece.org/fileadmin/DAM/MOU/60\\_MoU\\_between\\_UNECE\\_and\\_IRU\\_International\\_Road\\_Transport\\_Union\\_24-03-2015.pdf](http://www.unece.org/fileadmin/DAM/MOU/60_MoU_between_UNECE_and_IRU_International_Road_Transport_Union_24-03-2015.pdf)

**C. Restriction on the distribution of documents**

54. The Committee decided that there would be no restriction on the distribution of documents issued in connection with its current session.

**D. Tribute to Mr. G.H. Bauer**

55. The Committee took note that Mr. G.H. Bauer from Switzerland, who, since 1989 had represented his country in the TIR governing bodies and who had, inter alia, served as Chair of the Committee and as member of TIRExB, would no longer attend the sessions. The Committee thanked Mr. Bauer for his many contributions and for sharing his longstanding experience and expertise with the many colleagues who had had the pleasure to meet with him over the years.

**IX. Adoption of the report (agenda item 8)**

56. In accordance with Annex 8, Article 7 of the Convention, the Committee adopted the report of its sixtieth session on the basis of a draft prepared by the UNECE secretariat. 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 I

### Legal amendments to the text of the Convention

#### Annex 6, new Explanatory Note 0.42 bis

Add a new Explanatory Note to Article 42 bis to read as follows:

“0.42 bis The term “immediately” in Article 42 bis is understood to mean that national measures that may affect the application of the TIR Convention and/or functioning of the TIR system, ought to be communicated in writing to the TIRExB as soon as possible and, if possible, prior to its entry into force so as to allow the TIRExB to efficiently discharge its supervisory functions and fulfil its responsibility to examine the measure as to its conformity with the TIR Convention in accordance with Article 42 bis and its Terms of Reference as laid down in Annex 8 of the TIR Convention.”

## Annex II

### Joint Statement on the computerization of the TIR procedure

#### Endorsed in Geneva, on 11 June 2015,

*We, the representatives of the Contracting Parties at the session of the Administrative Committee for the TIR Convention, 1975, on 11 June 2015,*

*Recognizing* the significance of economic globalization and the role of transport and border crossing facilitation as a prerequisite for more efficient international trade and competitiveness,

*Aware* of the essential need for modern, efficient, and coordinated functions of both customs and transport operations at border crossings,

*Conscious* of the need to foster transport and border crossing facilitation by further enhancing of the existing legal framework offered by the TIR Convention,

*Noting* the decision of the ECE Inland Transport Committee of February 2014 to urge Contracting Parties to the TIR Convention to accelerate efforts to complete and launch the computerization of the TIR procedure,

*Welcoming* the progress made towards the finalization of the electronic TIR (eTIR) Reference Model,

*Aware* of the need to develop an appropriate legal framework that will allow the TIR procedure to function electronically,

*Dedicated* to further facilitate legitimate trade and transport, protect government revenues,

*Emphasizing* the importance of a systematic electronic exchange of information between customs administrations to further improve management and controls,

*Considering* the need to allow a step-by-step introduction of a computerized TIR procedure,

*Convinced* that the computerization will not only improve the TIR system but also allow it to expand beyond its current frontiers,

*Recognizing* that, in times where customs administrations have or are in the process to computerize all customs procedure, the TIR Convention would become even more attractive if computerized,

1. *Invite* all Contracting Parties to the TIR Convention, 1975 to support the computerization of the TIR system by:

(a) Constructively contributing to the development of a legal framework that would enable progressive implementation of a computerized TIR procedure;

(b) Considering the eTIR Reference Model and all relevant international standards when computerizing the management of TIR operation at the national level;

(c) Actively taking part in the finalization and implementation of the eTIR by means of an integrated approach, taking into account all technical, legal, administrative and financial aspects and, thus,

(d) Providing, to the extent possible, support to those Contracting Parties that wish to implement computerization by means of exchange of information and technical know-how.

2. *Invite* other United Nations Member States to join and implement the TIR Convention and in this way support customs transit facilitation, ensuring that the TIR Convention remains an effective, efficient transport and border crossing facilitation tool.



## Annex III

### **Introduction of a code system to report defect remarks in the Certificate of Approval**

#### **Recommendation adopted by the Administrative Committee for the TIR Convention, 1975, on 11 June 2015**

*The Administrative Committee,*

*Stressing* the need for the harmonized and standardized application of the provisions of the TIR Convention;

*Convinced* that the introduction of a code system facilitates and standardizes the process of informing carriers, Customs authorities in different Contracting Parties and other bodies involved in the TIR system of defects in the load compartments of vehicles approved for the TIR procedure;

*Recognizing* the importance of providing a clear and unambiguous description of defects in the load compartments of vehicles approved for the TIR procedure;

*Conscious* of the fact that, often, a noted defect is illegible, due to the personal handwriting, national language or script used by the Customs authorities endorsing item No. 10 of the Certificate of Approval and, thus, of limited use to the authorities in charge of endorsing its rectification upon repair;

(1) *Decides* to recommend competent authorities to supplement handwritten defects with a code system indicating the place and type of any defect that has been recorded in the Certificate of Approval;

(2) *Urges* competent authorities to promote the use of this Recommendation and check, where possible, that the codes indicated in item No. 10 of the Certificate of Approval tally with the codes of this Recommendation.

The absence of any code in item No. 10 of the Certificate of Approval shall not be an obstacle to the acceptance of a Certificate of Approval, as long as the provisions of Annex 3 are fulfilled.

The practical application of this Recommendation shall be reviewed [two] years following the date of entry into effect, with a view to ensuring that it meets its objectives.

The present Recommendation will come into effect on 1 October 2015.

## Code system to report defect remarks in the Certificate of Approval

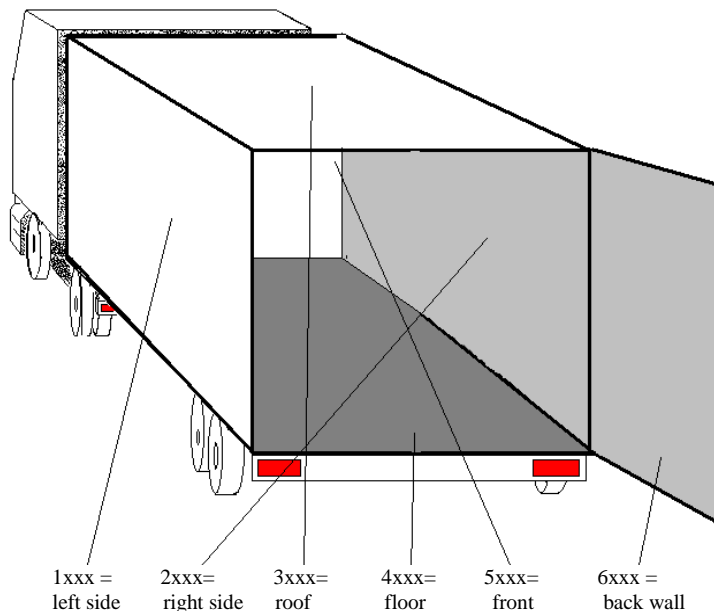
The uniform system consists of four (4) digits code.

The code divides the load compartment into six separate sections: left side, right side, floor, roof, front wall and back wall. In addition, the load compartment is divided into three separate parts longitudinally (direction of motion): front, centre, back. No further subdivision of the front and back wall is given, since the areas to be examined are quite small.

### A. First number

The first number indicates the part in question of the load compartment:

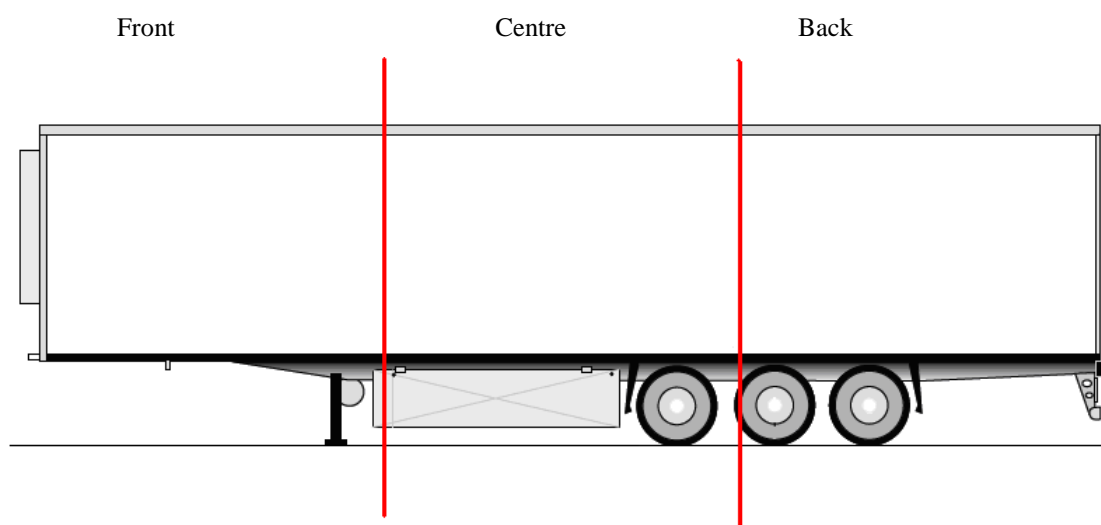
- 1xxx Left side (seen from the rear side of the vehicle)
- 2xxx Right side (seen from the rear side of the vehicle)
- 3xxx Roof
- 4xxx Floor
- 5xxx Front wall
- 6xxx Back wall
- 7xxx Defect in question concerns the load compartment as a whole
- 8xxx Defect relates to the TIR rope
- 9xxx Issues with the Certificate of Approval
- 0xxx Other issues not mentioned



## B. Second number

The second number indicates the part in question longitudinally:

- x0xx Not applicable (e.g. issues regarding the certificate of approval)
- x1xx Front (e.g. 11xx = left side, front)
- x2xx Centre
- x3xx Back
- x4xx The whole surface is concerned



## C. Last two numbers

The last two numbers indicate the defect itself. The following are the most common defects detected in practice:

### 1. Issues related to the floor

- 11 Floor fastening is not made from inside
- 12 Floor is not secured by self-drilling or self-tapping screws or rivets
- 13 Opening between floorboards
- 19 Issue not mentioned

### 2. Issues related to doors and other closing systems (including stopcocks, manhole-covers, flanges, etc.)

- 21 Hinge fastening insufficient or not secure
- 22 Locking device insufficient or not secure
- 23 Device on which Customs seals can be affixed is not secured or the design enables the door to be opened without breaking the Customs seal
- 24 Curve/crease, creating an opening

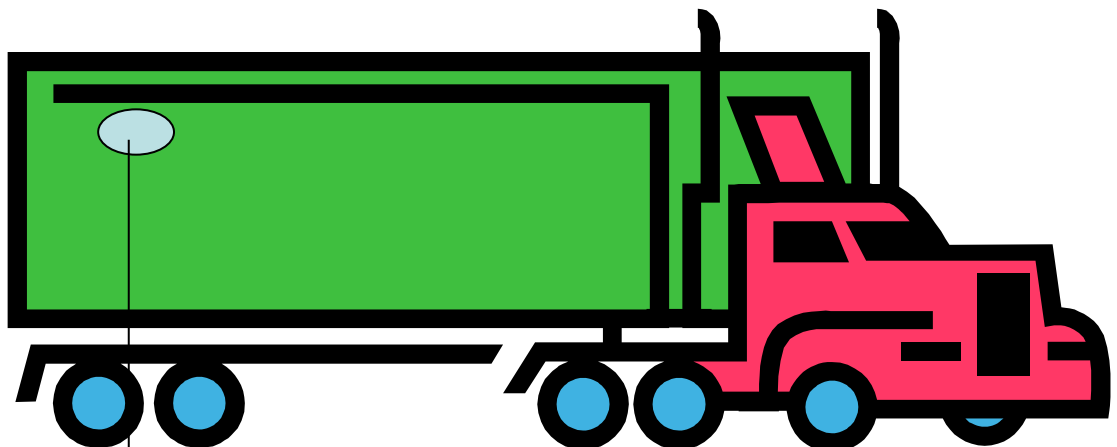
- 25 Hinges damaged/broken/plucked
- 26 Doors or other closing systems do not fit
- 29 Issue not mentioned
- 3. Issues related to solid siders, tankers, ... (metal shell)
- 31 Joining devices are neither self-drilling nor self-tapping screws nor rivets nor welded
- 32 Joining devices are broken
- 33 Curve/crease in the shell, creating an opening
- 34 Hole
- 39 Issue not mentioned
- 4. Issues related to load compartments with sheets
- 41 Metal/Securing ring/eyelet missing or defective
- 42 Incorrect eyelet model
- 43 Incorrect repair (seams too small, improper material used for the repair, ...)
- 44 Overlapping of the sheets insufficient
- 45 Tear/hole in the sheet
- 46 Sheet of improper material
- 49 Issue not mentioned
- 5. Issues related to sliding sheets siders
- 51 Curve in the metal supports of the sliding sheets may create openings
- 52 Incorrect repair of the sliding sheets (seams too small, improper material used for the repair, ...)
- 53 Sliding sheets made of improper material
- 54 Tear/hole in the sliding sheets
- 55 Horizontal openings between the sliding sheets and the solid parts are bigger than 10 mm
- 59 Issue not mentioned
- 6. Issues related to the sliding roof
- Reserved for the future
- 7. Issues related to tension devices, sheet locking system and sheet fastenings
- 71 Improper tension devices
- 72 Improper sheet fastenings
- 73 Improper sheet locking system
- 74 Tension devices, sheet locking systems and sheet fastenings are not sufficiently secured by the TIR rope
- 75 Thong missing, too loose, defective or made of improper material.
- 76 Issue not mentioned

8. Issues related to the fastening rope (TIR rope)

- 81 The (whole) fastening rope defective
- 82 End-piece of the fastening rope defective
- 83 Fastening rope is made of improper material (can be stretched)
- 84 Fastening rope is too long
- 85 Fastening rope is made of two (or more pieces)
- 89 Issue not mentioned

9. Issues related to the Certificate of Approval

- 91 Certificate of Approval unusable (i.e. certificate is ripped, torn or the text/print is not readable, ...)
- 92 Certificate of Approval is expired
- 93 Vehicle cannot be identified from the Certificate of Approval (i.e. photos, number plate or chassis number do not correspond with the vehicle presented)
- 99 Issue not mentioned



2334 = Hole in the metal sidewall – back section of the right side of a semi-trailer