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Administrative Committee for the TIR Convention, 1975

Sixty-second session

Geneva, 8 October 2015

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the sixty-second session^{1, 2}

to be held at the Palais des Nations, Geneva, starting at 10 a.m. on Thursday, 8 October 2015, Salle VII

I. Provisional agenda

1. Adoption of the agenda.
2. Status of the TIR Convention, 1975.
3. Activities and administration of the TIR Executive Board:
 - (a) Activities of the TIR Executive Board:

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, missing documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, official documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

² The full text of the TIR Convention, 1975, as well as a complete list of Contracting Parties to the Convention, is available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to register online at: www2.unece.org/uncdb/app/ext/meeting-registration?id=O9rCAP or to complete the registration form available from the Internet website of the UNECE Transport Division www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

- (i) Report by the Chair of the TIR Executive Board;
 - (ii) Survey on customs claims;
 - (iii) International databases and electronic tools managed by the TIR secretariat;
 - (iv) National and regional TIR workshops and seminars.
- (b) Administration of the TIR Executive Board and the TIR secretariat:
 - (i) Interim financial statement for the year 2015;
 - (ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat.
4. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system.
5. Authorization for concluding an agreement between the United Nations Economic Commission for Europe (UNECE) and the International Road Transport Union (IRU).
6. Revision of the Convention:
 - (a) Accepted amendment proposals to the Convention pending formal adoption;
 - (b) Amendment proposals to the Convention prepared by the TIR Executive Board;
 - (c) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet;
 - (d) Amendment proposals to the Convention: Audit requirements for an authorized international organization;
 - (e) Proposal to amend Article 1, paragraph (q), lines 1–2;
 - (f) Proposals transmitted by the Government of the Russian Federation;
 - (g) Proposal to amend Annex 9, Part I, paragraph 5;
 - (h) Phase III of the TIR revision process – Computerization of the TIR procedure.
7. Comments transmitted to the Committee for adoption.
8. Best practices.
9. Other business:
 - (a) Application of Article 45 of the Convention
 - (b) 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 TIR Executive Board;
 - (c) Date of next session;
 - (d) Restriction on the distribution of documents.
10. Adoption of the report.

II. Annotations

1. Adoption of the agenda

The Committee may wish to consider and adopt the agenda of its present session (ECE/TRANS/WP.30/AC.2/126). The Committee will be informed that, according to Annex 8, Article 6 of the TIR Convention, 1975, "a quorum consisting of not less than one-third of the States which are Contracting Parties is required for the purposes of taking decisions". The number of States which are Contracting Parties to the Convention is sixty-eight.

Documentation

ECE/TRANS/WP.30/AC.2/126

2. Status of the TIR Convention, 1975

The Committee will be informed about any changes in the status of the Convention and in the number of Contracting Parties, if any. More detailed information on these issues as well as on various Depository Notifications is available on the TIR website.³

3. Activities and administration of the TIR Executive Board

(a) Activities of the TIR Executive Board

(i) Report by the Chair of TIR Executive Board

In accordance with Annex 8, Article 11, paragraph 4 of the Convention and in line with the decision of the Committee (TRANS/WP.30/AC.2/55, paras. 14–15), the secretariat has reproduced the reports of the TIR Executive Board (TIRExB) at its sixty-second (February 2015) and sixty-third (April 2015) sessions for information and endorsement by the Committee. More information about the recent activities of TIRExB as well as about various considerations and decisions taken on its sixty-fourth (June 2015) and sixty-fifth (October 2015) sessions will be provided orally by the Chair of TIRExB.

Documentation

ECE/TRANS/WP.30/AC.2/2015/18, ECE/TRANS/WP.30/AC.2/2015/19

(ii) Survey on customs claims

The Committee may wish to recall that pursuant to its mandate to supervise, inter alia, the operation of the guarantee system (Annex 8, Article 10, paragraph (a)), TIRExB conducts a survey at regular intervals on the status of customs claims in all TIR Contracting Parties. At its previous session, the Committee took note of the results of the survey for the years 2009–2012, agreed with the considerations of the secretariat and TIRExB and urged all Contracting Parties to respond to future surveys. Furthermore, it mandated the secretariat to include in a revised document for the next session, the reply by Ukraine which had been received after the deadline to respond to the survey. Against this background, other Contracting Parties that had not responded to the survey were encouraged to send their

³ www.unece.org/tir/tir-depositary_notification.html.

replies before 31 July 2015 for inclusion in the revised document. The consolidated results of the survey are in document ECE/TRANS/WP.30/AC.2/2015/3/Rev.1, for consideration by the Committee.

Documentation

ECE/TRANS/WP.30/AC.2/2015/3/Rev.1

(iii) International databases and electronic tools managed by the TIR secretariat

The Committee will be informed about developments related to the International TIR data bank (ITDB) and other information technology projects managed by the TIR secretariat, if any.

(iv) National and regional TIR workshops and seminars

The Committee will be informed about TIR workshops and seminars conducted and/or planned.

(b) Administration of the TIR Executive Board and the TIR secretariat

(i) Interim financial statement for the year 2015

At its previous session, the Committee approved the status report on the accounts for 2014, in accordance with Annex 8, Article 11, paragraph 4 of the Convention. In line with standing practice, the Committee at its current session may also wish to take note of the interim financial statement for 2015 as contained in document ECE/TRANS/WP.30/AC.2/2015/20.

Documentation

ECE/TRANS/WP.30/AC.2/2015/20

(ii) Procedure for financing the operation of the TIR Executive Board and TIR secretariat

The Committee may wish to recall the procedure for collecting and transferring 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 II) and, in particular, the following steps:

(a) The UNECE secretariat prepares a document comprised of the budget proposal established by TIRExB for approval by the Committee (September);

(b) The UNECE secretariat informs IRU of the budget proposal and the net amount to be transferred and requests IRU to provide an operational forecast of the number of TIR Carnets it expects to distribute in the forthcoming year (September);

(c) IRU provides the Committee with its forecast of the number of TIR Carnets it expects to distribute in the forthcoming year and its internal calculation concerning the amount per TIR Carnet (September–October);

(d) The Committee approves the budget and the net amount to be transferred by IRU, and takes note of the forecast established by IRU. The Committee also approves the amount per TIR Carnet, calculated by the secretariat on the basis of the forecast provided by IRU (September – October);

(e) IRU transfers the net amount approved by the Committee to the UNECE named bank account (mid-November).

The Committee will be informed about the activities of the UNECE secretariat and IRU under items (a) – (c). Under item (d), the Committee is invited to approve the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2016 as well as the net amount to be transferred by IRU (ECE/TRANS/WP.30/AC.2/2015/21). The Committee may also wish to be informed by IRU about the forecast of the number of TIR Carnets it expects to distribute in 2016 and of its internal calculation concerning the amount per TIR Carnet (Informal Document WP.30/AC.2 No. 8 (2015)). The Committee may wish to approve the amount per TIR Carnet, which will be expressed in Swiss francs following the transfer of the above net amount to the UNECE named bank according to the prevailing United States dollar – Swiss franc exchange rate on the day of the transfer.

Documentation

ECE/TRANS/WP.30/AC.2/2015/21, Informal Document WP.30/AC.2 No. 8 (2015)

4. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system

Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system is granted subject to the provisions of Article 6.2 bis, Annex 8, Article 10 (b) and Explanatory Notes 0.6.2 bis-2 and 8.10 (b). The Committee may wish to recall its previous decision to authorize IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2014–2016 inclusive (ECE/TRANS/WP.30/AC.2/115, para. 39) and that a decision for the next period should be taken at the session of the Committee in February 2016. Against this background, the Committee is invited to start discussing the renewal of the authorization as well as the period of validity of such a renewal of authorization.

5. Authorization for concluding an agreement between UNECE and IRU

The Committee may wish to recall that the present UNECE-IRU Agreement (ECE/TRANS/WP.30/AC.2/2013/3) expires at the end of 2016 and should be renewed. As in the past, at its session in February 2016, the Committee should approve a new draft agreement and provide the secretariat with the mandate to conclude the new agreement with a view to continuing to finance the operation of the TIRExB and the TIR secretariat as of the year 2017. The Committee is requested to mandate the secretariat to prepare, in consultation with IRU and the competent United Nations services, a new draft agreement covering, preferably, the same period of time as the authorization.

6. Revision of the Convention

(a) Accepted amendment proposals to the Convention pending formal adoption

At its sixty-first session, the Committee accepted the proposal to amend Article 42 bis with an Explanatory Note 0.42 bis (ECE/TRANS/WP.30/AC.2/125, para. 9 and Annex I), as well as the proposal for a new design of a vehicle and container to the TIR Convention (ECE/TRANS/WP.30/AC.2/125, para.14). The European Union (EU) had informed the Committee that it had not yet concluded its internal approval procedure with regard to the proposed amendments. Therefore, the Committee decided to postpone the formal adoption of these proposals until its current session. For ease of reference, the secretariat has consolidated the proposals into a single package (ECE/TRANS/WP.30/AC.2/2015/22). The Committee is invited to formally adopt the proposals and to provide guidance to the

secretariat as to whether they can be transmitted to the depositary immediately or as a part of a larger package of amendments, at a date to be determined by the Committee.

Documentation

ECE/TRANS/WP.30/AC.2/2015/22

(b) Amendment proposals to the Convention prepared by the TIR Executive Board

At its previous session, 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 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 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 current session. The Committee may wish to continue its consideration of the proposal as contained in document ECE/TRANS/WP.30/AC.2/2015/11.

Documentation

ECE/TRANS/WP.30/AC.2/2015/11

(c) Amendment to the Convention with regard to the maximum level of guarantee per TIR Carnet

The Committee may wish to note that TIRExB completed its assessment of various options to amend the level of the guarantee at its sixty-third session on 5 October 2015 and has transmitted its final observations for the consideration of the Committee, contained in Informal document WP.30/AC.2 No. 9 (2015). The Committee may wish to consider this document in conjunction with the amendment proposal transmitted by the Russian Federation regarding the level of the guarantee per TIR Carnet, under agenda item 6 (f).

Documentation

Informal Document WP.30/AC.2 No. 9 (2015)

(d) Amendment proposals to the Convention: Audit requirements for an authorized international organization

The Committee may wish to recall its consideration of document ECE/TRANS/WP.30/AC.2/2015/12, transmitted by the Working Party and containing the checklist of all documents submitted by IRU to fulfil its obligations under Annex 9, Part III. At its previous session, 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. 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. In line with this request, the secretariat, together with IRU, has prepared document ECE/TRANS/WP.30/AC.2/2015/23, for the consideration of the Committee. The Committee may wish, on the basis of this document, to provide a mandate to the secretariat on the preferred dissemination method.

Documentation

ECE/TRANS/WP.30/AC.2/2015/12, ECE/TRANS/WP.30/AC.2/2015/23

(e) Proposal to amend Article 1, paragraph (q), lines 1–2

The Committee is invited to consider the amendment proposal as contained in document ECE/TRANS/WP.30/AC.2/2015/24, pertaining to the definition of the term “guaranteeing association”. The proposal was originally tabled by the Russian Federation, and is transmitted to the Committee by the Working Party for final decision. For ease of reference, the secretariat has summarized the discussions and conclusions of the Working Party, together with the final wording of the amendment proposal. The Committee is invited to decide on the provisional adoption of this proposal

Documentation

ECE/TRANS/WP.30/AC.2/2015/24

(f) Proposals transmitted by the Government of the Russian Federation

The Government of the Russian Federation has submitted proposals to amend various provisions of the body of the Convention as well as of Annex 9. The proposals are in document ECE/TRANS/WP.30/AC.2/2014/14, prepared by the secretariat for consideration by the Committee at its fifty-ninth session. The Committee may wish to recall that comments to these proposals, submitted by various Contracting Parties, have been consolidated by the secretariat in document ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, and that additional justifications have been submitted by the Russian Federation, contained in document ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16.

At its sixty-first session, the Committee decided not to address those proposals that are currently under parallel discussion at WP.30, to avoid duplication of work and, rather, to wait for the Working Party to transmit its findings. The Committee had commenced its consideration of the amendment proposals as 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 individually, as follows:

(a) As concerns the proposal to amend Article 2, as to specify that the word “frontier” refers to a customs frontier, 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 Committee may wish to instruct the secretariat to start preparing a package document that will consolidate provisionally accepted proposals, for consideration at one of its future sessions.

(b) 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 may wish to consider the assessment of TIRExB (Informal document WP.30/AC.2 No. 9 (2015)) on this issue whereby several scenarios with their corresponding pros and cons have been identified.

(c) With reference to 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 agreed at its sixty-first session that it would be necessary to assess the statistical information available on this issue before taking a decision. Against this background, the Committee may wish to continue its discussion on the basis of Informal document WP.30/AC.2 No. 10 (2015), transmitted by IRU and containing statistical information on this issue.

The Committee may wish to continue its consideration of the remaining amendment proposals as 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.

Documentation

ECE/TRANS/WP.30/AC.2/2014/14, ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/AC.2/2015/17–ECE/TRANS/WP.30/2015/16 and Informal document WP.30/AC.2 No. 10 (2015)

(g) Proposal to amend Annex 9, Part I, paragraph 5

The Committee will be informed that the Working Party has considered the proposal submitted by the Russian Federation on amending Annex 9, Part I, paragraph 5, to expressly specify that non-compliance with the duties of the association under paragraph 3 of Annex 9, Part I constitute grounds for termination of the agreement between the national association and the customs authorities. The Working Party was of the view that such an amendment is not warranted, due to sufficient clarity of the existing text. However, at the request of the Russian Federation, the Working Party has transmitted this proposal to AC.2 with the recommendation that the Committee provides a mandate to TIRExB to further consider this proposal. The Committee may wish to consider this recommendation by the Working Party. For ease of reference, the text of the proposal can be found in document ECE/TRANS/WP.30/2015/1/Rev.1 -ECE/TRANS/WP.30/AC.2/2015/7/Rev.1

(h) Phase III of the TIR revision process – Computerization of the TIR procedure

Recalling the Joint Statement on the computerization of the TIR procedure endorsed at its fifty-first session, the Committee may wish to be informed about the latest developments in the computerization of the TIR procedure and related pilot projects.

7. Comments transmitted to the Committee for adoption

At its sixty-first session, the Committee considered document ECE/TRANS/WP.30/AC.2/2015/16 and its Corr. 1, elaborating a new comment to Article 23 of the Convention, providing for other options than escorts to ensure the safe journey of transported goods, prepared by TIRExB. The Committee was unable to conclude its discussions at its previous session, and decided to revisit this issue at its current session. The Committee is invited to continue its discussions on the proposed comment and to decide on its possible endorsement and inclusion in the next revised edition of the TIR Handbook.

Documentation

ECE/TRANS/WP.30/AC.2/2015/16 and Corr.1

8. Best practices

Use of subcontractors

At its fifty-sixth session (October 2013), the Committee considered document ECE/TRANS/WP.30/AC.2/2013/13 which provides an overview of all considerations by TIRExB and the Committee on the issue of subcontractors since 2005, as well as proposing two alternative comments on the issue: one prepared by the secretariat and the other one drafted by the Republic of Belarus. Various delegations expressed their concerns about the

concept of subcontractor in the TIR Convention in general and the liability of the TIR Carnet holder in particular, as well as the application of Article 38 in case a subcontractor is involved. They were also interested to know more about the role of the guarantee chain in accepting liability for TIR Carnets used by subcontractors. In particular, the question was raised if a national association would assume liability for a TIR Carnet issued to one of its holders, but used by a subcontractor from another country. Due to lack of time, the Committee has not been able to continue its discussions on this issue. The Committee is invited to revert to its discussion on the issue.

Documentation

ECE/TRANS/WP.30/AC.2/2013/13

9. Other business

(a) Application of Article 45 of the Convention

Under this agenda item, the Committee may wish to consider a letter by the Government of Ukraine (Informal document WP.30/AC.2 No. 11 (2015)), on the application of Article 45 of the TIR Convention on the territory of the Russian Federation.

Documentation

Informal document WP.30/AC.2 No. 11 (2015)

(b) 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

The Committee may wish to be informed by the Chair of the informal group about the results of its third and fourth meetings, which took place during the sessions of WP.30 and prior to the sessions of the Committee in February and June 2015, respectively.

(c) Date of next session

The UNECE secretariat has made the necessary arrangements to hold the sixty-third session of the Committee on 11 February 2016. The Committee may wish to confirm this date.

(d) Restriction on the distribution of documents

The Committee may wish to decide whether there should be any restriction on the distribution of documents issued in connection with its current session.

10. Adoption of the report

In accordance with Annex 8, Article 7 of the Convention, the Committee will adopt the report of its sixtieth session on the basis of a draft prepared by the UNECE secretariat. Given the present resource restrictions with regard to translation facilities, parts of the final report may not be available at the end of the session for adoption in all working languages.
