



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.30/AC.2/77
25 February 2005

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 THIRTY-EIGHTH SESSION
(3 and 4 February 2005)**

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REPORT

ATTENDANCE

1. The Administrative Committee held its thirty-eighth session on 3 and 4 February 2005 in Geneva.
2. The session was attended by representatives of the following countries: Armenia; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Czech Republic; Cyprus; Denmark; Estonia; Finland; France; Germany; Georgia; Greece; Hungary; Ireland; Israel; Italy; Jordan; Latvia; Lebanon; Lithuania; Luxembourg; Malta; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Switzerland; Syria Arab Republic; The former Yugoslav Republic of Macedonia; Tunisia; Turkey; Ukraine; United Kingdom; United States of America; Uruguay; Uzbekistan. Representatives of the European Community (EC) were also present.
3. The following non-governmental organization was represented as observer: International Road Transport Union (IRU).
4. The Administrative Committee noted that the required quorum according to Annex 8, Article 6 of the Convention has been attained.

ADOPTION OF THE AGENDA

Documentation: TRANS/WP.30/AC.2/76; TRANS/WP.30/AC.2/76/Corr.1; TRANS/WP.30/AC.2/75/Corr.1; TRANS/WP.30/AC.2/69/Corr.2.

Mandate and background: TRANS/WP.30/AC.2/76, point 1.

5. The Administrative Committee adopted the agenda as prepared by the UNECE secretariat (TRANS/WP.30/AC.2/76 and Corr.1).
6. The Committee took note that a corrigendum (TRANS/WP.30/AC.2/75/Corr.1) had been issued to the report of the thirty-seventh session containing amendments to annex 2 of the report concerning the amendments to Annexes 2 and 7 of the Convention on the use of the fibre-optic cable.
7. The Committee considered document TRANS/WP.30/AC.2/69/Corr.2 containing an amendment to the report of its thirty-fourth session with regard to the point of the report concerning a statement of the Executive Secretary on the appointment of the TIR Secretary (TRANS/WP.30/AC.2/69, paras. 5-7). The German delegation regretted very much that the secretariat has not published the requested corrigendum to document TRANS/WP.30/AC.2/69

dated 26 February 2003 and strongly urged the secretariat to publish the said corrigendum as soon as possible. The Committee decided to revert to the question concerning the appointment of the TIR Secretary once the said corrigendum was available.

ELECTION OF OFFICERS

Mandate and background: TRANS/WP.30/AC.2/76, point 2.

8. In accordance with Annex 8, Article 3 of the Convention and in line with established practice, the Administrative Committee elected Ms. M. Ögren (Sweden) as Chairperson and Mr. S. Bagirov (Azerbaijan) as Vice-Chairperson.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/77, annex 1; Informal document No. 3 (2005).

Mandate and background: TRANS/WP.30/AC.2/76, point 3.

9. The Administrative Committee was informed of the situation concerning the geographical scope and the number of the Contracting Parties to the Convention. It noted that the Convention has 65 Contracting Parties and that, according to information provided by the IRU, TIR operations can be established in 55 of these Contracting Parties.

10. The Administrative Committee endorsed the list of Contracting Parties to the Convention, of countries with which a TIR transit operation can be established and of national associations issuing TIR Carnets and providing guarantee coverage as contained in annex 1 to this report.

11. Detailed information on the status and the functioning of the Convention, including all relevant Depository Notifications as well as the complete and permanently updated text of the Convention is available on the UNECE TIR web site (<http://tir.unece.org>).

12. The Administrative Committee took note of Informal document No. 3 (2005), transmitted by the IRU, containing an overview of the distribution of TIR Carnets from the IRU to its members associations in the period 1999-2004.

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)

(a) Activities of the TIRExB

(i) Report by the Chairman of the TIRExB

Documentation: TRANS/WP.30/AC.2/2005/2; Informal document No. 4 (2005).

Mandate and background: TRANS/WP.30/AC.2/76, point 4.

13. The Chairman of the TIRExB reported on the recent activities of the TIRExB and the TIR secretariat as well as on the outcome of the twenty-fifth session of the TIRExB (January 2005).

14. The Administrative Committee endorsed the report of the twenty-third session of the TIRExB (TRANS/WP.30/AC.2/2005/2) and approved the activities of the twenty-fourth session of the TIRExB (Informal document No. 4 (2005)). All adopted reports of the TIRExB are available on the UNECE TIR web site (<http://tir.unece.org>).

(ii) Access and use of the International TIR Data Bank (ITDB)

Documentation: TRANS/WP.30/AC.2/2005/3.

15. The Administrative Committee urged all Contracting Parties to respect the requirements for data transmission to the TIR secretariat for authorized persons to the TIR system as set out in Annex 9, Part II, paras. 4 and 5 of the Convention. The availability and reliability of these data was pointed out to be essential for the proper functioning and sustainability of the Convention. The ITDB will only become a value added tool if the data contained therein is up to date. The Committee requested the secretariat to continue to provide it with information on those Contracting Parties not yet respecting the requirements for data transmission. It also stressed that it is important that Contracting Parties, if at all possible, transmit data in electronic form with a view to ensuring efficient and timely transmission and processing of data.

16. The Committee took note of information provided by the secretariat that, in line with its decision at its thirty-seventh session, the launch of the ITDBOnline application for access by TIR Customs Focal points has been prepared. The ITDBOnline has, however, not been finally launched as it has been necessary to modify the application in line with the decision taken by the Committee at the present session to introduce slashes in the presentation of the Identification (ID) Number of the TIR Carnet Holder. In this connection, both the central ITDB database with the UNECE and the ITDB programs distributed to Customs authorities and associations need to be modified.

17. The Committee considered document TRANS/WP.30/AC.2/2005/3, prepared by the secretariat, containing proposals for (a) opening up the access to the ITDB to Customs officials other than the TIR Customs Focal Points and (b) providing additional information contained in the ITDB, such as information on exclusions and withdrawals. The Committee, after in-depth discussions, decided, for the time being to continue to restrict the access to TIR Customs Focal Points. The Committee, furthermore, decided to provide additional information on the status of authorizations, except exclusions, of TIR Carnet Holders in addition to the contact information already provided. Bearing in mind the issue of data protection, which is applicable in many countries, in particular in relation to establishing “black lists”, the Committee requested the secretariat to study in further detail the issue of providing information to TIR Customs Focal Points concerning exclusion of TIR Carnet Holders from the TIR procedure. Contracting Parties were requested to inform the secretariat of specific concerns that they may have in this context.

18. Finally, the Committee took note of the analysis and pilot project for ITDBOnline+, an application, which would make it possible for Customs authorities to make online updates of data on TIR Carnet Holders in the ITDB. The Committee will be informed about the developments in this field at its next session.

(iii) TIR Workshops and Seminars

19. The Administrative Committee took note that the UNECE TIR secretariat, together with the IRU, took part in a TIR Seminar, sponsored by the World Bank, on the accession to and functioning of the TIR Convention to authorities and industry of Pakistan in Karachi (Pakistan) on 1 and 2 December 2004. In this context, the Committee was informed that Pakistan would soon transmit its instrument for accession to the Convention. The secretariat has also participated in a Seminar on Road Transport Facilitation in the Central Asian region organized in Almaty (Kazakhstan) in October 2004. Finally, the Administrative Committee took note that a regional TIR Seminar for China and Central Asian countries, planned together with UNESCAP, is tentatively planned to take place in September 2005 in Beijing (China).

(b) Administration of the TIRExB

(i) Approval (in principle) of the final accounts for the year 2004

Documentation: TRANS/WP.30/AC.2/2004/12.

20. The Administrative Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB should submit audited accounts to the Administrative Committee at least once a year or at the request of the Administrative Committee.

21. The Administrative Committee was informed by the secretariat that the final accounts for the year 2004 were not yet available from the UN administration. Nevertheless, the Committee took note of the preliminary total expenditures of the TIRExB accounts for the year 2004 amounting to approximately US\$ 716,000.00, including 13% of programme support costs.

22. The Committee decided to postpone the approval of the accounts to its thirty-ninth session in October 2005.

23. The Committee noted information provided by the secretariat that the UNECE accounts, including the TIRExB account, had recently been the object of an audit by the United Nations Board of Auditors. It was expected that a number of recommendations relating to the TIRExB account could transpire as a result of the audit. The secretariat, will to the extent possible, inform the Committee on such recommendations at its next session.

(ii) Budget and cost plan for the year 2005

Documentation: TRANS/WP.30/AC.2/2004/13.

24. The Administrative Committee recalled that the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2005 had been approved by the Administrative Committee, at its thirty-seventh session, on the basis of a proposal made by the TIR Secretary.

25. The Administrative Committee was informed by the secretariat that the full required funds for the operation of the TIRExB and the TIR secretariat for the year 2005 had been transmitted by the IRU to the TIR Trust Fund on 10 November 2004.

26. The Turkish delegation drew the attention of the Committee to the fact, that the term “funds to be transferred by the IRU” used in document TRANS/WP.30/AC.2/2004/13 in connection with the estimated budget and cost plan of the TIRExB and TIR secretariat for the year 2005 lacked a legal basis and that, therefore, the use of this term in connection with the establishment of future budgets should be followed by an addition to read as follows “according to Annex 8, Article 13 of the Convention”.

27. The Dutch delegation made a remark concerning the considerable difference between the estimated and actual number of TIR Carnets distributed by the IRU in 2004. In view of the fact that the TIR Administrative Committee has calculated and approved the amount of the levy for 2005 relying on the estimates provided by the IRU, the Dutch delegation recommended to reconsider the amount of the levy for 2005 and agreed to prepare a document on this subject for consideration at the next session of the Committee.

(iii) Alternative sources of funding for the TIRExB and the TIR secretariat

Documentation: TRANS/WP.30/AC.2/2004/18.

28. The Administrative Committee took note of information provided by the secretariat that the UNECE had been instructed by the United Nations Office of Programme Planning, Budget and Accounts in New York to operate under a zero growth budget for the budget cycle 2006-2007. Therefore, it was not possible for the UNECE to establish new posts. In addition, it had not been possible to transfer resources presently allocated to other activities in the UNECE secretariat to the posts of the TIR secretariat. As a consequence, the UNECE had not included the TIR secretariat posts in the 2006-2007 budget cycle proposal that had been sent to the UN in New York. It was noted that the Group of Experts on the Programme of Work of the UNECE (GEPW), consisting of permanent missions in Geneva, apparently had not raised the issue of the TIR secretariat posts in its review of the budget for 2006-2007.

(iv) Election of members of the TIRExB

Documentation: Informal document No. 1 and 2 (2005).

29. The Administrative Committee recalled that, in accordance with Annex 8, Article 9, paragraph 2 of the Convention, the term of office of each member of the TIRExB shall be two years. Since the present members of the TIRExB had been elected at its spring session in 2003, the Administrative Committee must, at its present session, proceed with the election or re-election of the nine members of the TIRExB.

30. In this context, the Administrative Committee recalled that, in accordance with Annex 8, Article 9 of the Convention, the TIRExB shall be composed of nine members, each from different Contracting Parties to the Convention. They shall be elected by the Administrative Committee by a majority of Contracting States present and voting. The Administrative Committee reconfirmed that the Board members should be competent and experienced in the application of the TIR procedure both at the national and international levels. They should represent the interests of all Contracting Parties to the Convention and not the specific interests of any one individual Government or organization (TRANS/WP.30/AC.2/51, annex).

31. The Administrative Committee also recalled that, at its thirty-seventh session, it had confirmed that the criteria for the nomination of candidates for the election of TIRExB members at the present session would be the same as for the previous election in 2003. It also confirmed that the procedure for the election of candidates for the TIRExB would be the same as for the election in 2003 (TRANS/WP.30/AC.2/75, paras. 31-32). The criteria and procedures are contained in Informal document No. 1 (2005).

32. In accordance with the approved election procedure and on the basis of the list of nominated candidates contained in Informal document No. 2 (2005), which had been circulated by the secretariat to all Contracting Parties to the Convention on 17 December 2004, the Administrative Committee proceeded with a secret ballot. The following results were obtained and confirmed by the TIR Secretary:

Registered votes: 46

Valid votes: 46

Invalid votes: 0

Blank votes: 0.

33. The following nominated nine persons who obtained a majority of votes of the Contracting States present and voting and have received the highest numbers of votes were elected as members of the TIRExB for a term of office for a two year period (in English alphabetical order of their last names):

Boxström, Rolf (Finland)

Grigorov, Georgi (Bulgaria)

Habekh, Abdalla (Jordan)

Marques, Joaquim (European Commission)

Metaxa-Mariatou, Helen (Greece)

Rybkina, Natalia (Russian Federation)

Rynkevich, Natalia (Belarus)

Şen, Recai (Turkey)

Smidl, Radovan (Czech Republic).

AUTHORIZATION FOR PRINTING AND DISTRIBUTION OF TIR CARNETS AND THE ORGANIZATION AND FUNCTIONING OF THE GUARANTEE SYSTEM

Documentation: TRANS/WP.30/AC.2/75.

Mandate and background: TRANS/WP.30/AC.2/76, point 5.

34. The Administrative Committee endorsed its decision, taken at its thirty-seventh session, confirming the authorization that had been granted to the IRU for the year 2005 (TRANS/WP.30/AC.2/75, paras. 35-36), bearing in mind that the IRU had complied with the conditions to transfer the required amount for the funding of the TIRExB for the year 2005.

35. The Committee also endorsed its decision, taken at its thirty-seventh session, granting the IRU authorization for the organization and functioning of the TIR guarantee system in 2005 (TRANS/WP.30/AC.2/75, paras. 37-38), bearing in mind the above-mentioned transfer of funds in mind.

36. The Administrative Committee recalled that, at its thirty-seventh session, it had considered that, since the UNECE Working Party on Customs Questions affecting Transport had embarked on a revision process that could lead to amendments to substantive provisions of the Convention, which could have an impact on the Agreement between the UNECE and the IRU, it was premature to substantially amend the Agreement and that it would be preferable instead to prolong the Agreement. The Committee had expressed the view that the prolongation could be provided for a new period of 5 years.

37. The Committee, in view of its adoption of the revised Agreement between the UNECE and the IRU according to paras. 38-40 of this report, authorized the IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 included.

AUTHORIZATION FOR THE CONCLUSION OF AN AGREEMENT BETWEEN THE UNECE AND THE IRU

Documentation: TRANS/WP.30/AC.2/2005/4.

Mandate and background: TRANS/WP.30/AC.2/76, point 6.

38. The Committee, taking into account the authorization of the IRU under point 5 above, considered the text for a revised draft Agreement between the UNECE and the IRU as contained in document TRANS/WP.30/AC.2/2005/4, prepared by the secretariat in cooperation with the IRU and approved by the United Nations Office of Legal Affairs.

39. In this context, the Committee:

- defined the concept of “competent body(ies)” mentioned under (2.) of the Agreement as being principally the TIR Administrative Committee as well as the TIRExB and the Working Party on Customs Questions affecting Transport (WP.30),
- deleted the reference to “international Customs document” mentioned under (2.) the ninth bullet point.

40. The Committee approved the revised draft agreement and mandated the secretariat to conclude the final agreement.

FUNCTIONS AND ROLES OF THE TIREXB, THE TIR SECRETARIAT AND THE IRU

Documentation: TRANS/WP.30/AC.2/2004/19.

Mandate and background: TRANS/WP.30/AC.2/76, point 7.

41. The Administrative Committee considered document TRANS/WP.30/AC.2/2004/19, prepared by the secretariat, containing a proposal for a new paragraph 2bis to the Terms of Reference of the TIRExB.

42. Some Contracting Parties, as during previous sessions, were of the view that the proposed amendment was superfluous and that it would only add confusion concerning the competences of various competent bodies. Therefore, the Contracting Parties in question did not support the proposal, at present. As a result, the Administrative Committee decided to refer the question to the TIRExB for further discussion and requested the TIRExB to report its findings at one of the future sessions of the Committee.

REVISION OF THE CONVENTION

Mandate and background: TRANS/WP.30/AC.2/76, point 8.

(a) Implementation of Phase I of the TIR revision process

Documentation: ECE/TRANS/17/Amend.19/Rev.1; TRANS/WP.30/AC.2/2000/5.

43. The Administrative Committee reiterated that Contracting Parties were expected to fully comply with the provisions of the Convention, also with regard to the transmission to the TIRExB, within the stipulated time frames, of the information required in Annex 9, Part II with a view to ensuring the proper application of the Convention.

(b) Implementation of Phase II of the TIR revision process

Documentation: TRANS/WP.30/AC.2/2005/5.

44. The Administrative Committee took note of the state of implementation of Phase II of the TIR revision process as contained in document TRANS/WP.30/AC.2/2005/5, prepared by the secretariat. Contracting Parties were invited to provide the secretariat with information on the implementation of the provisions of the Convention at the national level with a view to establishing a clear and transparent picture of the level of implementation of the Convention in all Contracting Parties.

(c) Preparation of Phase III of the TIR revision process

Documentation: TRANS/WP.30/204.

45. The Administrative Committee was informed by the Chairman of the Working Party on Customs Questions affecting Transport (WP.30) about the status of work of the Ad hoc Expert Group on Phase III of the TIR revision process and the follow-up of the Working Party. In particular, the Chairman mentioned the adoption in February 2005 by the Working Party of a new Explanatory Note to Article 6.2**bis** concerning the responsibility of the international organization, which will be transmitted to the Committee for adoption in October 2005. In general, the Chairman referred to the report of the second session of the Ad hoc Expert Group (TRANS/WP.30/2004/38) and the report of the one-hundred-and-ninth session of the Working Party (TRANS/WP.30/218).

46. The Working Party was also informed by the secretariat about the activities of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure. The report of the last session is contained in document TRANS/WP.30/2005/11. The Expert Group has validated the major part of the description of the functioning of the actual TIR Procedure, the so-called “as-is” situation. The outstanding issues to be dealt with relate to the stakeholders’ requirements and the stakeholders’ constraints. In this context, a questionnaire on needs and constraints of the Contracting Parties will shortly be sent to Director Generals of Customs Administrations with a copy to TIR Customs Focal Points. The Expert Group also held an extensive discussion on the next phase of the work; the high-level description of the eTIR system based on document ExG/COMP/2004/23, prepared by the secretariat, containing a description of the future system. Contracting Parties to the Convention were encouraged to study and comment on the document. The next meeting of the Expert Group is scheduled for 26-27 May 2005. The Committee endorsed the work of the Expert Group and underlined the importance of the TIR computerization project. Furthermore, it encouraged Contracting Parties to actively take part in the work concerning the computerization project, and for a Chairperson to be elected to chair the meetings of the Expert Group with a view to providing an additional impetus to the process.

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

Mandate and background: TRANS/WP.30/AC.2/76, point 9.

(a) Draft amendments on a control system for TIR Carnets

Documentation: TRANS/WP.30/AC.2/2004/6; TRANS/WP.30/2003/5;
TRANS/WP.30/AC.2/67; TRANS/WP.30/AC.2/37.

47. The Administrative Committee considered document TRANS/WP.30/AC.2/2004/6, prepared by the secretariat, containing a detailed proposal for inclusion of a control system for TIR Carnets in the Convention. The Committee unanimously adopted the amendment, with some minor modifications in the Russian language version, as contained in annex 2 of this report, agreeing that the title to the new Annex 10 of the Convention should read as follows: “Information to be provided by Contracting Parties to authorized associations (under Article 42ter) and an international organization (under Article 6.2bis)”.

48. The Administrative Committee took note of the requirement according to Article 59 of the Convention concerning adoptions and amendments to provisions to the body of the Convention, meaning that the proposal will come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General by a State which is a Contracting Party. In practice, this means that the amendment will come into force around June 2006 unless any objections are launched.

(b) Other amendment proposals

Documentation: TRANS/WP.30/AC.2/75.

49. The Administrative Committee took note that the amendments to Annexes 2 and 7 of the Convention concerning the use of fibre optic cables, which it had adopted at its thirty-seventh session (TRANS/WP.30/AC.2/75, paras. 54-55), would only be transmitted to the Treaty Section of the United Nations for depositary action once the report of the session was available in all three official languages of the UNECE. As it had been decided at the thirty-seventh session of the Committee, the amendments to Article 1 (b) of the Convention would be transmitted for treaty action together with the above-mentioned amendments. It was recalled that the date of entry into force of the amendments had been fixed as 1 October 2005 with a deadline for objections set for 1 July 2005.

(c) **Draft amendment proposals on the introduction of the ID-number of the authorized TIR Carnet holder**

Documentation: TRANS/WP.30/AC.2/2005/1.

50. The Administrative Committee considered document TRANS/WP.30/AC.2/2005/1, prepared by the secretariat, containing a proposal for the incorporation of the provision of the use of the ID-number of the authorized TIR Carnet holder, presently contained in a Recommendation by the Working Party, into the body of the Convention. The amendment had been adopted by the Working Party at its one-hundred-and-ninth session in February 2005.

51. The Committee adopted the proposed text to Annexes 1 and 9 of the Convention as contained in annex 2 to this report. The Committee took note that the Russian version of the proposal did not contain separators in the form of slashes as well as some minor linguistic modifications. Both issues will be rectified in the final text as contained in annex 2 to this report.

52. The Committee decided, in accordance with the provisions of Article 60 of the Convention, that the proposal should come into force on 1 April 2006, unless by 31 December 2005 five of the States which are Contracting Parties would have notified the Secretary-General of the United Nations of their objection to the amendment.

53. The Committee took note that the amendments adopted under para. 51 above would require a change in the lay-out of the TIR Carnet and that it, therefore, would be necessary to introduce a new version of the TIR Carnet. With a view to avoiding the return and destruction of already printed and distributed TIR Carnets, it was decided that, during a period of 18 months from the possible coming into force of the amendment, i.e. from 1 April 2006 until 1 October 2007, both TIR Carnet versions with and without the modifications, which are contained in the amendment should be accepted by Customs authorities. Nevertheless, the requirement for TIR Carnet Holders to indicate the ID number in the relevant boxes of the TIR Carnet shall be mandatory from the date of the entry into force of the amendment.

APPLICATION OF THE CONVENTION

Mandate and background: TRANS/WP.30/AC.2/76, point 10.

(a) Comments adopted by the UNECE Working Party on Customs Questions affecting Transport (WP.30)

54. The Administrative Committee endorsed the comments to the provisions of the Convention that have been prepared and adopted by the UNECE Working Party (WP.30) at its one-hundred-and-eighth session as contained in annex 3 to this report. The comments related to (a) Article 19 (and 22), concerning specifications for Customs seals and (b) Article 47 concerning accompanying documentation. In relation to the latter, the delegation of Turkey considered that the mentioning in the second sentence of the comment referring to accompanying documentation in the TIR Carnet could lead to difficulties rather than facilitation.

(b) Comments adopted by the TIR Executive Board (TIRExB)

55. No comments had been transmitted by the TIRExB for endorsement by the Administrative Committee.

INTERNATIONAL DIRECTORY OF TIR FOCAL POINTS

Mandate and background: TRANS/WP.30/AC.2/76, point 11.

56. In accordance with resolution No. 49, the secretariat has established and maintains an international directory of TIR focal points that could be addressed in case of inquiries in relation to the TIR procedure. The Committee encouraged all Contracting Parties and associations affiliated to the IRU to ensure that the information contained in the directory are up-to-date and to inform the UNECE TIR secretariat of any changes. The distribution of the directory is restricted to Customs authorities, national associations and the TIR Department of the IRU.

57. The permanently updated directory of TIR Focal Points may be consulted on the UNECE TIR web site (<http://tir.unece.org>). The required password for access to these restricted web pages may be obtained from the secretariat.

TIR HANDBOOK

Mandate and background: TRANS/WP.30/AC.2/76, point 12.

58. The TIR Handbook contains the text of the Convention and its annexes, including the amendments to the Convention and Explanatory Notes, as well as all relevant comments adopted by the Working Party, the Administrative Committee and the TIRExB.

59. The Committee took note that an update of the Handbook has been finalized, taking into account all amendments up until 19 September 2004 (ECE/TRANS/TIR/6, Rev.1). The updated edition is available on the UNECE TIR web site in the English, French and Russian language versions (<http://tir.unece.org>). Hardcopy versions of these three language versions will be available shortly after the present session. The secretariat has also initiated an update of the TIR Handbook in the Arabic, Chinese and Spanish languages, which will be made available in both electronic and hardcopy versions during 2005. Older versions of the Handbook in these languages are available on the UNECE TIR web site and in hardcopy from the secretariat.

60. The Committee invited Contracting Parties to the TIR Convention to provide the UNECE secretariat with copies of national translations of the TIR Convention, and to inform the secretariat of links to national translations of the Handbook available in electronic format on the Internet, with a view that the secretariat can make these links available on the UNECE TIR web site.

UNECE AND TIR WEB SITE

Mandate and background: TRANS/WP.30/AC.2/76, point 13.

61. The web site address is: <http://tir.unece.org>. In addition to numerous language versions of the TIR Handbook, the TIR web site provides up-to-date information on the administration and application of the TIR Convention. It contains the latest information on legal interpretations of the TIR Convention, on Depositary Notifications and national and international control measures introduced by Customs authorities, the TIR Administrative Committee and the TIRExB. Furthermore, the TIR web site provides detailed information on all TIR Focal Points who may be contacted regarding questions on the application of the Convention at the national level. The UNECE Border Crossing Facilitation web site (<http://border.unece.org>) also contains all documents and reports issued in connection with the sessions of the Administrative Committee and the UNECE Working Party (WP.30). These documents may be viewed and downloaded (PDF format) in English, French and Russian.

62. The Committee took note that the layout of the Border Crossing facilitation web site had been changed and that the TIR web site layout would also be changed in the same manner in the near future.

63. The Committee encouraged delegations to use the web sites to keep abreast of the latest status of documents and new developments in TIR and border crossing facilitation matters as they related to the Conventions managed by the UNECE. Delegations were also encouraged to inform the UNECE TIR secretariat about proposals for enhancement of the web sites.

OTHER BUSINESS

Mandate and background: TRANS/WP.30/AC.2/76, point 14.

(a) Date of next session

64. The Committee decided tentatively to hold its thirty-ninth session on 13 and 14 October 2005. The Committee took note that the secretariat may seek to reschedule the session for the first week of October with a view to having more equilibrated intervals between the sessions. Deadline for submission of official documentation to be translated in the three official languages of the UNECE is 28 July 2005.

(b) Restriction on the distribution of documents

65. The Administrative Committee decided that Informal document No. 2 (2005) and the International Directory of TIR Focal Points should be restricted.

ADOPTION OF THE REPORT

Mandate and background: TRANS/WP.30/AC.2/76, point 15.

66. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Administrative Committee adopted the report on its thirty-eighth 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 1**STATUS OF THE TIR CONVENTION, 1975**

<u>Contracting Parties</u>	<u>Countries with which a TIR transit operation can be established *</u>	<u>National associations **</u>
Afghanistan	-	-
Albania	Albania	ANALTIR
Algeria	-	-
Armenia	Armenia	AIRCA
Austria	Austria	AISÖ
Azerbaijan	Azerbaijan	ABADA
Belarus	Belarus	BAIRC
Belgium	Belgium	FEBETRA
Bosnia and Herzegovina	-	-
Bulgaria	Bulgaria	AEBTRI
Canada	-	-
Chile	-	-
Croatia	Croatia	TRANSPORTKOMERC
Cyprus	Cyprus	TDA
Czech Republic	Czech Republic	CESMAD BOHEMIA
Denmark	Denmark	DTL
Estonia	Estonia	ERAA
Finland	Finland	SKAL
France	France	AFTRI
Georgia	Georgia	GIRCA
Germany	Germany	BGL; AIST
Greece	Greece	OFAE
Hungary	Hungary	ATRH
Indonesia	-	-
Iran (Islamic Republic of)	Iran (Islamic Republic of)	ICCIM
Ireland	Ireland	IRHA
Israel	Israel	IRTB
Italy	Italy	UICCIAA
Jordan	Jordan	RACJ
Kazakhstan	Kazakhstan	KAZATO
Kuwait	Kuwait	KATC
Kyrgyzstan	Kyrgyzstan	KYRGYZ AIA
Latvia	Latvia	LA
Lebanon	Lebanon	CCIAB
Lithuania	Lithuania	LINAVA
Luxembourg	Luxembourg	FEBETRA

* 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 web site is restricted and only open for TIR Focal Points.

STATUS OF THE TIR CONVENTION, 1975 (CONT'D)

<u>Contracting Parties</u>	<u>Countries with which a TIR transit operation can be established *</u>	<u>National associations **</u>
Malta	Malta	ATTO
Mongolia	Mongolia	NARTAM
Morocco	Morocco	AMTRI
Netherlands	Netherlands	SCT/TLN; KNV; EVO/SIEV
Norway	Norway	NLF
Poland	Poland	ZMPD
Portugal	Portugal	ANTRAM
Republic of Korea	-	-
Republic of Moldova	Republic of Moldova	AITA
Romania	Romania	UNTRR; ARTRI
Russian Federation	Russian Federation	ASMAD
Serbia and Montenegro	Serbia and Montenegro	CCIS-ATT
Slovakia	Slovakia	CESMAD SLOVAKIA
Slovenia	Slovenia	GIZ INTERTRANSPORT
Spain	Spain	ASTIC
Sweden	Sweden	SA
Switzerland	Switzerland	ASTAG
Syrian Arab Republic	Syrian Arab Republic	SNC ICC
Tajikistan	Tajikistan	ABBAT
The former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	AMERIT
Tunisia	Tunisia	CCIT
Turkey	Turkey	UC CET
Turkmenistan	Turkmenistan	THADA
Ukraine	Ukraine	AIRCU
United Kingdom	United Kingdom	RHA; FTA
United States of America	-	-
Uruguay	-	-
Uzbekistan	Uzbekistan	AIRCUZ
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 web site is restricted and only open for TIR Focal Points.

Annex 2

AMENDMENT PROPOSALS TO THE TIR CONVENTION, 1975¹

Adopted by the TIR Administrative Committee on 4 February 2005

Add a new Article 42ter to read as follows:

“Article 42ter

The competent authorities of the Contracting Parties shall, as appropriate, provide authorized associations with information that they require to fulfil the undertaking given in accordance with Annex 9, Part I, Article 1 (f) (iii).

Annex 10 sets out the information to be provided in particular cases.”

Amend the heading of Article 60 as well as paragraph 1, to read as follows:

“Article 60

Special procedure for amending Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10

1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force on a date to be determined by the Administrative Committee at the time of its adoption, unless by a prior date determined by the Administrative Committee at the same time, one-fifth or five of the States which are Contracting Parties, whichever number is less, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.”

Add a new Annex 10 to the Convention to read as follows:

¹ The comment contained in annex 3 to this report will enter into force simultaneously with the amendments to Annexes 1 and 9 in this annex.

“Annex 10

**INFORMATION TO BE PROVIDED BY CONTRACTING PARTIES TO
AUTHORIZED ASSOCIATIONS (UNDER ARTICLE 42TER) AND AN
INTERNATIONAL ORGANIZATION (UNDER ARTICLE 6.2BIS)**

By virtue of Article 6, paragraph 1 and Annex 9, Part I, paragraph 1 (f) (iii) of this Convention, authorized associations are required to give an undertaking that they shall verify continuously that persons authorized to have access to the TIR procedure fulfil the minimum conditions and requirements as laid down in Annex 9, Part II of the Convention.

On behalf of its member associations and in fulfilment of its responsibilities as an international organization authorized under Article 6, paragraph 2bis, an international organization shall establish a control system for TIR Carnets to hold data, transmitted by Customs authorities and accessible by the associations and Customs administrations, about the termination of TIR operations at offices of destination. To enable the associations to fulfil their undertaking effectively, Contracting Parties shall provide information to the control system in accordance with the following procedure:

- (1) Customs authorities shall transmit to an international organization or to the national guaranteeing associations, if possible via central or regional offices, by the fastest available means of communication (fax, electronic mail, etc.) and if possible on a daily basis, at least the following information in a standard format in respect of all TIR Carnets presented at Customs offices of destination, as defined in Article 1 (l) of the Convention:
 - (a) TIR Carnet reference number;
 - (b) Date and record number in the Customs ledger;
 - (c) Name or number of Customs office of destination;
 - (d) Date and reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination (if different from (b));
 - (e) Partial or final termination;
 - (f) Termination of the TIR operation certified with or without reservation at the Customs office of destination without prejudice to Articles 8 and 11 of the Convention;
 - (g) Other information or documents (optional);
 - (h) Page number.

- (2) The Model Reconciliation Form (MRF) contained in the Appendix may be addressed to Customs authorities by national associations or by an international organization:
 - (a) in case of discrepancies between the data transmitted and those on the counterfoils in the used TIR Carnet; or
 - (b) in case no data have been transmitted whereas the used TIR Carnet has been returned to the national association.

Customs authorities shall reply to the reconciliation requests if possible by returning the duly filled-in MRF as soon as possible.

- (3) Customs authorities and national guaranteeing associations shall conclude an agreement, in line with national law, covering the above data exchange.
- (4) An international organization shall give Customs authorities access to the database of terminated TIR Carnets and to the database of invalidated TIR Carnets.

Appendix

Model Reconciliation Form (MRF)							
<i>To be filled-in by the initiator of the request for reconciliation</i>							
Destination:							
Regional Customs office (optional):				Customs office of destination:			
Name:				Name:			
Received on:				Received on:			
Date:				Date:			
Stamp				Stamp			
Data to be confirmed							
Data source: <input type="checkbox"/> TIR Carnet <input type="checkbox"/> Control system data							
<u>TIR Carnet</u> <u>Reference</u> <u>Number</u>	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Attachments: <input type="checkbox"/> Copy of TIR Carnet counterfoils Other: _____							
Response from Customs office of destination							
<input type="checkbox"/> Confirmation <input type="checkbox"/> Correction <input type="checkbox"/> No reference found (please insert the corrections below) on the termination of the TIR operation							
<u>TIR Carnet</u> <u>Reference</u> <u>Number</u>	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Comments:							
Date:				Stamp and signature of Customs office of destination:			
<i>Central Customs office (optional)</i>							
Comments:							
Date:				Stamp and/or signature			

* Please note that these data refer to the Customs office of Destination where the TIR movement terminated.”

Amend Annex 1, Model of the TIR Carnet: VERSION 1 and VERSION 2

- Page 1 of cover, box 3 (nom, adresse, pays/name, address, country) to read as follows:
"(numéro d'identification, nom, adresse, pays/identification number, name, address, country)"
- Voucher No.1 and voucher No.2, box 4 (name, address and country) to read as follows:
"(identification number, name, address and country)"
- Certified report, box 5 (Holder of the carnet) to read as follows:
"Holder of the carnet (identification number, name, address and country)"

Amend Annex 9, Part II, Model Authorization Form (MAF), second paragraph, first indent below the table to read as follows:

- "- Individual and unique identification (ID) number assigned to the person by the guaranteeing association (in cooperation with the international organization to which it is affiliated) in accordance with a harmonized format. The format of an ID-number shall be determined by the Administrative Committee."
-

Annex 3

**COMMENTS FOR INCLUSION INTO THE TIR HANDBOOK,
prepared and adopted by the UNECE Working Party on
Customs Questions affecting Transport (WP.30)**

Endorsed by the TIR Administrative Committee on 4 February 2005

Add a new comment to Article 19 to read as follows:

“Specifications for Customs seals

The TIR Convention does not address the issue of standards and requirements for Customs seals. It only stipulates that, as a general rule, Contracting Parties must accept Customs seals affixed by other Contracting Parties. Thus, the specification of Customs seals is left to the discretion of national Customs authorities. With a view to ensuring the effectiveness of Customs sealing, it is desirable that Customs administrations use seals which conform to the latest international requirements in this field. In this context, the attention of the Customs authorities is drawn to the minimum requirements laid down in Specific Annex E, Chapter 1 of the International Convention on the Simplification and Harmonisation of Customs procedures (revised Kyoto Convention). In addition, reference could be made to the guidelines to Chapter 6 of the General Annex to the said Convention, as elaborated under the auspices of the World Customs Organisation (WCO).

{TRANS/WP.30/216, para. 67 and Corr.1}“

Add the same comment to Article 22.

* * *

Add a new comment to Article 47 to read as follows:

“Accompanying documentation

Documentation required under international Conventions (such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973) should always accompany the goods concerned. In such cases a reference to this documentation on the TIR Carnet could facilitate Customs controls.

{TRANS/WP.30/216, paragraph 72}“

* * *

Add a new comment to Annex 9, Part II, Model Authorization Form²:

"Format of an individual and unique identification (ID) number

The Administrative Committee has established the following format of an ID-number for TIR Carnet holders being persons who have been authorized to utilize TIR Carnets in accordance with Annex 9, Part II of the TIR Convention:

"AAA/BBB/XX...X",

whereby "AAA" represents a 3-letter code of the country where the person utilizing TIR Carnets has been authorized, in line with the classification system of the International Organization for Standardization (ISO). A full list of country codes of the Contracting Parties to the TIR Convention is regularly published as an annex to the agendas and official reports of the Administrative Committee,

whereby "BBB" represents a 3-digit code of the national association through which the holder of the TIR Carnet has been authorized, in accordance with the classification system established by the relevant international organization to which the association is affiliated, allowing for unequivocal identification of each national association. A full list of country codes of the national associations is regularly published as an annex to the agendas and official reports of the Administrative Committee,

whereby "XX...X" represents consecutive numbers (maximum 10 digits), identifying the person authorized to utilize TIR Carnets in accordance with Annex 9, Part II of the TIR Convention. Once an ID-number has been assigned, it cannot be used again, even if the person to whom it has been given has ceased to be a TIR Carnet holder.

{TRANS/WP.30/218, paragraph 36}"

² The comment will enter into force simultaneously with the amendments to Annexes 1 and 9 contained in annex 2 to this report.