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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee for the
TIR Convention

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION 1975
ON ITS TWENTY-SEVENTH SESSION
(21-22 October 1999)**

ATTENDANCE

1. The Administrative Committee held its twenty-seventh session at Geneva on 21 and 22 October 1999. The following representatives of the Contracting Parties attended: Albania; Austria; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Jordan; Latvia; Lithuania; Netherlands; Norway; Poland; Romania; Russian Federation; Slovakia; Slovenia; Spain; Sweden; Switzerland; the Former Yugoslav Republic of Macedonia; Turkey; United Kingdom; European Community (EC).
2. The following international organization was represented as observer: International Road Transport Union (IRU).
3. 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.2/54.

4. The Administrative Committee adopted the agenda prepared by the UN/ECE secretariat (TRANS/WP.30/AC.2/54).
5. The Committee reiterated that, in accordance with annex 8, Article 1 of the Convention, competent administrations of States referred to in Article 52, paragraph 1 of the Convention which were not Contracting Parties to the Convention or representatives of international organizations could participate as observers in its sessions.

STATUS OF THE TIR CONVENTION, 1975

Documentation: Informal document No. 8 (UN/ECE secretariat); TRANS/WP.30/AC.2/54, annex 1; ECE/TRANS/17/Amend.19/Rev.1.

6. The Administrative Committee was informed that the Convention had currently 64 Contracting Parties, including the European Economic Community. As of 11 July 1999 the Convention was in force in the Syrian Arab Republic.
7. The Administrative Committee requested the secretariat to annex to the final report of its session a complete list of Contracting Parties to the Convention and a list of countries with which TIR transit operations could be established (see the annex to this report).
8. The complete text of the amendments to the Convention that entered into force on 17 February 1999 (Phase I of the TIR revision process) is contained in document ECE/TRANS/17/Amend.19/Rev.1 and is available in English, French, Russian and Spanish. This text also includes the corrigendum to Depositary Notification C.N.433.1997.TREATIES-1 of 17 November 1997 that has been issued by the Legal Office of the United Nations as Depositary Notification C.N.336.1999.TREATIES-1 of 26 May 1999 to which no objection has been lodged (refer also to Depositary Notification C.N. 693.1999.TREATIES-2 dated 3 August 1999).

ACTIVITIES OF THE TIR EXECUTIVE BOARD (TIRExB)**Report by the Chairman of the TIRExB**

Documentation: TRANS/WP.30/AC.2/1999/3; TRANS/WP.30/AC.2/1999/7; Informal documents No. 5 and 10.

9. In accordance with Annex 8, Article 11, paragraph 4 of the Convention, the Chairman of the TIRExB, Mr. R. Ehmcke provided a detailed report on the activities of the TIRExB during the course of the year, supplemented by information given by the TIR Secretary. Detailed information on these activities is also contained in document TRANS/WP.30/AC.2/1999/3 as well as in informal documents No. 5 and 10.

10. The Administrative Committee approved these reports.

11. The Administrative Committee also took note of a draft Recommendation on the validity of multi-user TIR operations which has been prepared by the TIR and the UN/ECE secretariats at the request of the TIRExB in order to provide for the possibility that, under certain conditions, TIR operations could also be undertaken by other persons than the TIR Carnet holder who, however, remained responsible for the proper application of the Convention. The objective of the draft Recommendation was to accommodate different interpretations by Contracting Parties on the validity of multi-user TIR operations and had the objective of providing, as a temporary short-term measure, for transparency in the application of the Convention in all Contracting Parties, realizing that harmonization of relevant national legislation and of different interpretations relating to the responsibility of the TIR Carnet holder to be inserted into the Convention might not be achieved in the foreseeable future. In particular, the draft Recommendation was designed to overcome a number of practical problems for the transport industry which had arisen as a result of the interdiction of multi-user TIR operations.

12. The Administrative Committee requested the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) to reconsider this issue at its next session with a view to providing guidance to the Administrative Committee.

ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIREXB)

(a) Rules of Procedure of the TIRExB

Documentation: TRANS/WP.30/AC.2/1999/4; TRANS/WP.30/AC.2/53;
TRANS/WP.30/AC.2/49.

13. On the basis of a document prepared by the TIRExB, the Administrative Committee considered amendments to the Terms of Reference of the TIRExB as adopted and proposed by it at its first constitutive session (TRANS/WP.30/AC.2/1999/4).

14. The Administrative Committee was of the view that the TIRExB should report regularly on its activities, possibly at each session of the Committee. Furthermore, efforts should be made to make, at least, the reports of the sessions of the TIRExB available to all Contracting Parties, possibly in the three working languages of the Administrative Committee (English, French and Russian).

15. The UN/ECE secretariat was requested to study the implications of such a request and to report on the results at the next session of the Administrative Committee.

16. Under these provisions the Administrative Committee endorsed the amendment proposals of the TIRExB as contained in document TRANS/WP.30/AC.2/1999/4.

(b) Budget of the TIRExB and the TIR secretariat for the year 1999

Documentation: TRANS/WP.30/AC.2/1999/5; TRANS/WP.30/1999/2; TRANS/WP.30/AC.2/49.

17. The Administrative Committee took note 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. Furthermore, the agreement concluded between the IRU and the UN/ECE for the year 1999 on the transfer of funds to the TIR Trust Fund, established by the UN/ECE in accordance with a decision of the Administrative Committee (TRANS/WP.30/AC.2/49, paras. 30 and 31), provides for the submission of an annual report to the IRU (TRANS/WP.30/AC.2/1999/2).

18. The Administrative Committee noted that since the budget year will only be completed on 31 December 1999, financial statements showing the funds received and expended for the TIRExB in 1999, in line with the internal and external auditing procedures of the United Nations, were not yet available. Therefore, the Administrative Committee welcomed the information provided by the TIR secretariat in document TRANS/WP.30/AC.2/1999/5, providing an overview of the financial

situation of the TIRExB and the TIR secretariat as of 31 July 1999 together with an estimate on expenses foreseen for the remainder of 1999. It noted that the complete and final accounts for 1999 are planned to be submitted for approval by the Administrative Committee at its next session.

(c) Budget proposal and cost plan for the TIRExB and the TIR secretariat for the year 2000

Documentation: TRANS/WP.30/AC.2/1999/6; TRANS/WP.30/AC.2/1999/1.

19. The Administrative Committee took note of the budget proposal and cost plan providing for its operation in the year 2000 which had been prepared and adopted by the TIRExB in accordance with Annex 8, Article 13 of the Convention (TRANS/WP.30/AC.2/1999/6).

20. The Administrative Committee noted that the budget proposal and cost plan for the year 2000 does not differ substantially from the approved budget and cost plan of the TIRExB and the TIR secretariat for the year 1999 as contained in document TRANS/WP.30/AC.2/1999/1. A slight increase in the proposed budget and cost plan was due to the provision of administrative support personnel and an increase in the budgeted cost for project personnel as stipulated in the standard salary costs of the United Nations applicable for the year 2000 for Geneva.

21. The amount of the resulting levy on each TIR Carnet (depending on the size of the budget of the TIRExB and the number of TIR Carnets issued) and the procedure for its collection would be contained in the agreement between the UN/ECE and the IRU which will be submitted to the Administrative Committee for endorsement at its forthcoming session.

22. Finally, the Administrative Committee approved the budget proposal and the cost plan for the TIRExB and the TIR secretariat for the year 2000 as contained in document TRANS/WP.30/AC.2/1999/6.

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

23. The Administrative Committee recalled that in accordance with Annex 8, Article 13, paragraph 1 and Annex 6, Explanatory Note 8.13.1-1 of the Convention, following an initial period of two years, the Contracting Parties to the Convention envisage the operation of the TIRExB and the TIR secretariat to be financed through the Regular Budget of the United Nations. This does not preclude a prolongation of the initial funding arrangements should financing from the United Nations or alternative sources not be forthcoming. The above provisions would provide for an inclusion of the operating cost of the TIRExB and the TIR secretariat into the Regular Budget of the UN/ECE as of 2001.

24. The UN/ECE secretariat informed the Administrative Committee of the internal United Nations procedures required in order to allow for the operation of the TIR Executive Board and the TIR secretariat to be financed through the Regular Budget of the United Nations.

25. The Administrative Committee requested the UN/ECE secretariat to keep it informed of any new developments in this regard.

AUTHORIZATION FOR PRINTING AND DISTRIBUTION OF TIR CARNETS IN THE YEAR 2000

Documentation: TRANS/WP.30/AC.2/53; TRANS/WP.30/AC.2/52.

26. The Administrative Committee recalled that in accordance with Annex 8, Article 10 (b) of the Convention, the TIRExB shall supervise the centralized printing and distribution to the associations of TIR Carnets which may be performed by an agreed international organization as referred to in Article 6 of the Convention.

27. Based on a proposal made by the secretariat (TRANS/WP.30/AC.2/52), the Administrative Committee, at its twenty-sixth session, decided that, at its annual spring sessions, it would authorize an international organization to centrally print and distribute TIR Carnets for the following year in accordance with Annex 8, Article 10 (b) of the Convention under the condition that:

(a) the concerned international organization declares in writing its acceptance of this authorization within 30 days following the decision of the Administrative Committee;

(b) on the basis of the relevant decisions of the Administrative Committee at its annual autumn session (adoption of the budget for the TIRExB and the TIR secretariat, etc.), the required transfer of funds, in accordance with Annex 8, Article 13 of the Convention, will have been effected by the authorized international organization by 15 November each year for the operation of the TIRExB and the TIR secretariat during the following year (TRANS/WP.30/AC.2/53, para. 20).

28. In line with the above decision, the Administrative Committee, at its spring session in 1999 had authorized the International Road Transport Union (IRU) to centrally print and distribute TIR Carnets in the year 2000 (TRANS/WP.30/AC.2/53, para. 21).

29. The Administrative Committee was informed of a communication received by the UN/ECE secretariat from the Secretary-General of the IRU dated 5 March 1999 in which the IRU declared its acceptance of the authorization by the Administrative Committee to centrally print and distribute TIR Carnets in the year 2000.

30. The Administrative Committee took note of this information.

AUTHORIZATION FOR THE CONCLUSION OF AN AGREEMENT BETWEEN THE UN/ECE AND THE IRU

Documentation: TRANS/WP.30/AC.2/53; TRANS/WP.30/AC.2/49.

31. In line with its decision taken at its twenty-fourth session on the procedure for the collection of a levy on TIR Carnets for the financing of the operation of the TIRExB and the TIR secretariat (TRANS/WP.30/AC.2/49, para. 31 (ii)), the Administrative Committee authorized the UN/ECE secretariat to negotiate and arrange with the IRU the required arrangements for the transfer of funds (a) in accordance with Annex 8, Article 13 of the Convention; (b) on the basis of the approved budget for the TIRExB and the TIR secretariat for the year 2000 (TRANS/WP.30/AC.2/1999/6) and (c) in line with the above-mentioned requirements for authorization of an international organization to centrally print and distribute TIR Carnets in the year 2000 (TRANS/WP.30/AC.2/53, para. 21).

32. The Administrative Committee noted that the relevant UN/ECE-IRU Agreement will be transmitted for endorsement to its next session.

REVISION OF THE CONVENTION

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

Documentation: Informal document No. 10; ECE/TRANS/17/Amend.19/Rev.1; TRANS/WP.30/AC.2/1999/3 and Corr.1; TRANS/WP.30/AC.2/51.

33. The Administrative Committee was informed of the status of implementation and of difficulties that have arisen during implementation of Phase I of the TIR revision process which had come into force on 17 February 1999.

34. The Administrative Committee stressed once more that it was very important, in line with Article 38, paragraph 2 and Article 42 bis of the Convention, that Contracting Parties informed the TIRExB immediately of any exclusions from the operation of the Convention and immediately of any national control measures planned to be taken by competent national authorities.

(b) Progress made under Phase II of the TIR revision process

Documentation: TRANS/WP.30/186; TRANS/WP.30/1999/9; TRANS/WP.30/1999/7.

35. The Administrative Committee was informed by the Chairman of the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) about progress made under phase II of the TIR revision process.

36. It noted that the Working Party, at its ninety-third session, had reviewed in detail all amendment proposals prepared by an UN/ECE Ad Hoc Group of Experts as contained in UN/ECE secretariat document TRANS/WP.30/1999/9. The following issues were addressed in this respect:

- Definition of the holder of TIR Carnets
- Status and functions of the international organization(s)
- Definition of termination and discharge procedures
- Recommended procedures for the termination of a TIR operation
- Recommended procedures for the discharge of a TIR operation
- Recommended inquiry procedures
- Alternative forms of evidence.

37. The detailed considerations and decisions of the UN/ECE Working Party are contained in document TRANS/WP.30/186.

(c) Phase III of the TIR revision process

Documentation: TRANS/WP.30/186; TRANS/WP.30/AC.2/53; TRANS/WP.30/184.

38. The Administrative Committee was informed by the Chairman of the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) about the activities foreseen under phase III of the TIR revision process. The Working Party had agreed on the following elements for inclusion into phase III of the TIR revision process:

- Revision of the TIR Carnet, including the insertion of additional data elements (ID. number, HS code, value of goods, etc.);
- Use of new technologies in TIR operations also with a view to reducing the delay in notifications of non-discharge;
- Increase in the number of places for loading and unloading under Customs seal.

39. The Administrative Committee concurred with this decision and as well as with the view of the Working Party that Phase III of the TIR revision process should start in the year 2000, following the conclusion of Phase II foreseen at the next session of the Working Party in February 2000. The Administrative Committee also invited the UN/ECE Inland Transport Committee to prolong the mandate of the group of experts on the revision of the TIR Convention for the year 2000.

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

40. The Administrative Committee noted that no other proposals for amendments to the Convention have been submitted.

TIR HANDBOOK

Documentation: United Nations Publication (available at the session in English, French, Russian and Spanish); www.unece.org/trans/new_tir/welctir.htm.

41. The Administrative Committee noted that a revised version of the TIR Handbook has been issued by the UN/ECE and the TIR secretariat. This 1999 version of the TIR Handbook contained the latest amendments to the Convention as well as all relevant comments adopted by the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) and the Administrative Committee.

OTHER BUSINESS

(a) Date of next session

42. The Administrative Committee decided to hold its next session on 24 and 25 February 2000, in conjunction with the ninety-fourth session of the UN/ECE Working Party on Customs Questions affecting Transport (21-25 February 1999).

(b) Restriction on the distribution of documents

43. The Administrative Committee decided that there should be no restriction with respect to the distribution of documents issued in connection with its current session, with the exception of the International Register on Customs Sealing Devices.

ADOPTION OF THE REPORT

44. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Administrative Committee adopted the report on its twenty-seventh session on the basis of a draft prepared by the UN/ECE secretariat.

AnnexContracting PartiesCountries with which a TIR transit operation can be established

Afghanistan	-
Albania	-
Algeria	-
Armenia	-
Austria	Austria
Azerbaijan	Azerbaijan
Belarus	Belarus
Belgium	Belgium
Bosnia and Herzegovina	-
Bulgaria	Bulgaria
Canada	-
Chile	-
Croatia	Croatia
Cyprus	Cyprus
Czech Republic	Czech Republic
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Georgia	Georgia
Germany	Germany
Greece	Greece
Hungary	Hungary
Indonesia	-
Iran (Islamic Republic of)	Iran (Islamic Republic of)
Ireland	Ireland
Israel	-
Italy	Italy
Jordan	Jordan
Kazakhstan	Kazakhstan
Kuwait	Kuwait
Kyrgyzstan	-
Latvia	Latvia
Lebanon	-

Contracting Parties

(continued)

Lithuania
Luxembourg
Malta
Morocco
Netherlands
Norway
Poland
Portugal
Republic of Korea
Republic of Moldova
Romania
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Syrian Arab Republic
Tajikistan
The former Yugoslav Republic
of Macedonia
Tunisia
Turkey
Turkmenistan
Ukraine
United Kingdom
United States of America
Uruguay
Uzbekistan
Yugoslavia

European Community

Countries with which a TIR transitoperation can be established (continued)

Lithuania
Luxembourg
-
Morocco
Netherlands
Norway
Poland
Portugal
-
Republic of Moldova
Romania
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
-
-
The former Yugoslav Republic
of Macedonia
Tunisia
Turkey
-
Ukraine
United Kingdom
-
-
Uzbekistan
-
