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Fifty-second session

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Report of the Administrative Committee for the TIR Convention 1975 on its fifty-second session

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I. Attendance

1. The Committee held its fifty-second session on 6 October 2011 in Geneva with Mr. G-H. Bauer (Switzerland), as Chair.
2. The session was attended by representatives of the following countries: Armenia; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iran (Islamic Republic of); Italy; Kazakhstan; Kyrgyzstan; Latvia; Republic of Moldova; Norway; Poland; 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 observer: Economic Cooperation Organization (ECO). The following non-governmental organization was represented as observer: International Road Transport Union (IRU). Representatives of the issuing and guaranteeing associations of Croatia and Romania participated in the session as observers.
4. The Administrative Committee noted that the required quorum for the purposes of taking decisions — of at least one-third of the States which are Contracting Parties (according to Annex 8 Article 6 of the Convention) — was attained.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.30/AC.2/106

5. The Administrative Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/106.

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

6. The Committee was informed that on 13 June 2011 (reissued for technical reasons on 3 August 2011), the Secretary-General of the United Nations had issued Depositary Notification C.N.321.2011.TREATIES-1, regarding proposals to amend Annex 6 and Annex 9, Part I, as contained in document ECE/TRANS/WP.30/2010/3/Rev.1–ECE/TRANS/WP.30/AC.2/2010/4/Rev.1 and Corrigendum 1 (English only) and Corrigendum 2 (French only) thereto. These amendments will enter into force on 1 January 2012, considering that no objections seemed to have been received by the Secretary-General by 1 October 2011. Furthermore, the Committee was informed of the issuance on 13 June 2011 (reissued for technical reasons on 2 August 2011) of Depositary Notification C.N.326.2011.TREATIES-2, regarding proposals to amend Articles 1, 8, 10, 11 and Annex 6 of the Convention, as contained in document ECE/TRANS/WP.30/AC.2/2010/3/Rev.1 and Corrigendum 1 (English only) thereto. These proposals will enter into force on 13 September 2012, unless, by 13 June 2012 any Contracting Party to the Convention has notified the Secretary-General of the United Nations of its objection.
7. The Committee also endorsed the list of Contracting Parties, countries with which a TIR operation can be established and of national associations issuing TIR Carnets (annex).

IV. Activities and administration of the TIR Executive Board (agenda item 3)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

8. The Committee endorsed the reports of the TIR Executive Board (TIRExB) on its forty-fourth (September 2010), forty-fifth (January 2011) and forty-sixth sessions (April 2011) (documents ECE/TRANS/WP.30/AC.2/2011/6, ECE/TRANS/WP.30/AC.2/2011/7 and ECE/TRANS/WP.30/AC.2/2011/8, respectively). The Committee, furthermore, took note of the oral report by the Chair of TIRExB of the main findings of the Board's forty-seventh session (June 2011). With regard to the participation of TIRExB members in the sessions, the Committee reminded Contracting Parties, having members from their countries elected on the Board, of their commitment to, at all times, facilitate and finance the participation of the particular expert in the sessions and activities of TIRExB. The Committee took note of a survey on Customs claims over the years 2007–2010, which TIRExB is currently undertaking and strongly invited all Contracting Parties to the Convention, where the TIR system is active to submit a response to TIRExB as soon as possible, even in cases where countries have no claims to report.

2. TIR Executive Board programme of work for the years 2011–2012

9. The Committee approved the Programme of Work of the TIRExB for the years 2011–2012 (ECE/TRANS/WP.30/AC.2/2011/9).

3. International TIR Data Bank

10. The Committee was informed about the status of transmission of documents and data to the International TIR Data Bank (ITDB). The Committee also took note of progress made in the implementation of the ITDBonline+ project. The ITDBonline+ website had successfully been audited and was ready to be launched. Contracting Parties were requested to check the list of their authorized Customs officers and, if possible, to send an updated list of authorized TIR Carnet holders in order to enable the secretariat to reconcile data contained in the ITDBonline.

4. Online United Nations Economic Commission for Europe Register of Customs Sealing Devices and Customs Stamps

11. The Committee was informed that, at the moment, more than 800 Customs officials have access to the online UNECE Register of Customs Sealing Devices and Customs Stamps. Contracting Parties were reminded to inform the secretariat of modifications of their Customs sealing devices and Customs stamps.

5. National and regional TIR workshops and seminars

12. The Committee was informed about the outcome of the regional TIR seminar in Bosnia and Herzegovina (Sarajevo, 29 and 30 March 2011). The delegation of Kyrgyzstan expressed its interest to host a regional TIR seminar in summer 2012.

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

1. Status report on the accounts for 2010 and 2011

13. The Administrative Committee approved the report on the complete and final accounts for 2010 (ECE/TRANS/WP.30/AC.2/2011/10). The Committee also took note of interim financial statements for the period from 1 January to 31 July 2011 (ECE/TRANS/WP.30/AC.2/2011/11) and noted a possible calculation mistake in the 'Status report' table. The secretariat will verify the figures and issue a corrigendum.

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

14. The Committee was informed that IRU transferred the excess of CHF 342,384.60 to the UNECE named bank account (ECE/TRANS/WP.30/AC.2/105, para. 17) on 10 March 2011. This amount is reflected in the UNECE TIR account to be taken into account for the 2012 budget year.

15. The Committee considered the budget proposal and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2012 (ECE/TRANS/WP.30/AC.2/2011/12). The Committee noted that the proposed cost plan for 2012 estimated at US\$ 1,638,500 reflected an increase of US\$ 163,700 (11 per cent) over the approved budget and cost plan for the TIRExB and the TIR secretariat for 2011 (US\$ 1,474,800). The increase related mainly to the increased costs of the budget lines 'Project Personnel' and 'Administrative Support Personnel' due to the weak US dollar compared to the Swiss franc. The budget line 'Travel on official business' was also proposed to be increased in order to cover more capacity-building and training activities which are planned by the TIR secretariat in 2012.

16. The Committee was also informed about the letter of the IRU Secretary-General dated 28 September 2011 containing several observations on the budget proposal and cost plan for the year 2011, as well as about the replies of the UNECE secretariat (Informal document No. 7 (2011)). Some additional explanations were also provided by the secretariat during the session.

17. Having recalled the Procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex 2), the Administrative Committee approved the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2011 as well as the net amount to be transferred by IRU to the TIR Trust Fund, as contained in document ECE/TRANS/WP.30/AC.2/2011/12.

18. The Committee noted that IRU expects to distribute 2,8 million TIR Carnets in 2012 (Informal document No. 7 (2011)). On the basis of this forecast and calculations by the secretariat, the Committee approved the amount of US\$ 0.405 per TIR Carnet that will be required to generate the income necessary to cover the additional funds of US\$ 1,134,000 needed for the operation of TIRExB and TIR secretariat in 2011. This amount will be expressed in Swiss francs following the transfer of the above net amount to a UNECE named bank according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer.

19. The Committee recalled its request to Contracting Parties and the UNECE secretariat to undertake the necessary steps at all levels with a view to including the operation of the TIRExB and the TIR secretariat into the regular UN budget (ECE/TRANS/WP.30/AC.2/103, para. 23). The secretariat informed the Committee about its proposal for such an inclusion made during the ongoing review of the UNECE reform and urged all Contracting Parties to support this proposal through diplomatic channels, in

particular at the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ).

20. One delegation pointed out the need to conduct an analysis with a view to identifying ways how to cut down the costs and increase the efficiency of the TIR secretariat. In this context, the secretariat informed the Committee that the UNECE Transport Division had already started internal considerations on how to raise the quality and efficiency of its work. The Committee will be informed of the outcome of this initiative in due course.

C. Election of members of the TIR Executive Board

21. The delegation of Ukraine informed the Committee that Mr. V. Luhovets, who was elected as TIRExB member for the 2011–2012 term of office (ECE/TRANS/WP.30/AC.2/105, paras. 19–22), was assigned new duties and, as a result, would no longer be in a position to continue as TIRExB member. To replace him, a new candidate from Ukraine was proposed.

22. The Committee stressed that TIRExB members are elected in their personal capacity and, thus, cannot be automatically replaced by a representative of the same country. In case of by-election, other countries should also be given an ample opportunity to nominate their candidates. The Committee also noted that, although not having been used so far, the TIRExB Rules of Procedure contain a provision stipulating that "in case one of the members of the TIRExB resigns before the completion of his/her mandated term of office, a replacement member shall be elected by the TIR Administrative Committee as soon as possible".

23. Following an extensive discussion, the Committee agreed that, in order to invoke the above provision, a formal letter of resignation would be required from Mr. Luhovets. Once this pre-condition has been fulfilled, the established procedure for election of TIRExB members should be followed, as described in Informal document WP.30/AC.2 No. 1 (2011), with a view to soliciting candidates and organizing by-election of one TIRExB member at the next session of the Committee on 9 February 2012. On the condition that a resignation letter had been received from Mr. Luhovets, the secretariat was mandated to undertake the necessary steps, including setting up a deadline for the nomination of candidates and the publication of a list of all nominated candidates well in advance before the election. The Committee also agreed that the term of office of the by-elected member would expire simultaneously with the term of office of the other eight TIRExB members (i.e. at the beginning of 2013).

24. Some delegations felt that the established TIRExB Rules of Procedure and election procedure of TIRExB members might need to be adjusted to take into account the underlying or similar contingencies, in particular, to avoid as far as possible by-elections for the sake of efficiency. One delegation expressed its concern on the composition of TIRExB and requested that the principle of equitable geographical distribution be applied to this body. The Committee decided to discuss these issues in detail at its next session.

V. Authorization for printing and distribution of TIR Carnets and the organization and functioning of the guarantee system (agenda item 4)

25. Considering that Contracting Parties had concluded their national consultations and in the absence of any further comment or reservation, the Committee approved document

ECE/TRANS/WP.30/AC.2/2011/2 and supported the conclusions by the secretariat as reflected in paragraphs 9–11 of the document.

26. The Chair of TIRExB informed the Committee about the Board's findings with regard to the new global insurance contract, concluded between IRU and AXA Assurances S.A. on 18 November 2010. Although, at first glance, the new contract bears many similarities with the previous one, concluded between IRU and Zurich Assurances, TIRExB had raised various questions which had been adequately replied to by IRU. For the future, TIRExB had expressed the wish that, in case of prolongation of the contract, it would appreciate if the draft text could be presented to TIRExB at an appropriate moment, when there would still be room for its considerations to be taken into account. At the request of the Committee, the list of beneficiary associations of the global insurance contract will be attached to the final report of the session. IRU clarified that any changes to this listing can only be introduced with the consent of the global insurer.

VI. Revision of the Convention (agenda item 5)

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

27. The Committee noted that no changes had taken place in the positions of various countries on the underlying amendment proposal. One delegation pointed out that, according to the Convention, raising an objection is a sovereign right of any Contracting Party and that countries are under no legal obligation to clarify the rationale behind their objections. Therefore, keeping this agenda item makes unjustified pressure on such countries. This delegation requested that the technical nature of AC.2 be maintained and proposed to delete this agenda item. The delegations of the Russian Federation and Ukraine stressed the importance of this amendment proposal to their countries and requested that this item be kept on the agenda. The delegation of the Russian Federation also pointed out that understanding the arguments of delegations, which are opposing to this amendment, is indispensable for conducting a constructive dialogue within AC.2. The delegation of the Republic of Belarus informed the Committee that the Customs administration of Belarus would conduct additional consultations on this issue.

28. The Committee was of the view that, for the sake of making progress on the issue, informal bilateral consultations among the delegations concerned might be more productive than public discussions at AC.2 sessions, and expressed the hope such consultations would be conducted before the next meeting. The secretariat was also requested to find a more neutral wording for this item in the provisional agenda.

B. Amendment proposals to Annex 3

29. The Committee took note that the UNECE Working Party on Customs Questions affecting Transport (WP.30) considered proposals by the European Union to amend the TIR Convention, 1975 with a code system to report defects in load compartments of vehicles used for the TIR procedure (ECE/TRANS/WP.30/2010/12). As a result, the secretariat was requested to prepare an example of best practice for consideration by AC.2, together with proposals how on to amend the legal text of the Convention (ECE/TRANS/WP.30/256, para. 28). The secretariat reported that, due to resource constraints, it had not been in a position to liaise with the European Commission or technical experts in order to prepare a complete code list to report defects in load compartments of vehicles used for the TIR

procedure but that it would prepare the requested example of best practice at the earliest opportunity.

C. Other proposals for amendments to the Convention

30. The Committee recalled the information on the status of two packages of amendment proposals reported by the secretariat (see para. 6 above). Regarding Depositary Notification C.N.326.2011.TREATIES-2, one delegation wondered why a 12-month period for raising objections to the underlying amendment proposals had started on the date of the original notification (13 June 2011) and not on the date of its reissuance for technical reasons (2 August 2011). The secretariat replied that, because the Depositary Notification had been re-issued for technical reasons only, the original date, i.e. 13 June 2011, remains applicable.

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

31. The Committee was informed of WP.30's considerations on this issue (ECE/TRANS/WP.30/258, paras. 18–23), in particular, the results of the nineteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) that took place in Belgrade (Serbia) on 13 and 14 September 2011 at the kind invitation of the Serbian Customs Administration as well as of the acceptance by WP.30 of version 3.0 of the eTIR Reference Model as a basis for its work. The Committee also took note that the legal (including governance) and financial aspects of the eTIR project are still under consideration by WP.30 and, respectively, GE.1.

VII. Application of the Convention (agenda item 6)

A. Recommendation on the introduction of Harmonized System code in the TIR Carnet

32. The Committee recalled the findings of the survey concerning the implementation of the Recommendation on the introduction of the Harmonized System (HS) code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/2011/3). Several delegations were of the view that the TIR Convention could be amended to include the mandatory indication of the HS code, but, before doing so, the concerns raised by the delegation of Turkey (ECE/TRANS/WP.30/234, paras. 28–30) should be considered. The Committee noted that the position of Turkey had remained the same and decided to study this issue in detail at its next session.

B. Comments endorsed by the Working Party on Customs Questions affecting Transport and TIR Executive Board

33. The Committee noted that no new comments had been endorsed by WP.30 and TIRExB.

VIII. Best practices (agenda item 7)

34. The Committee considered document ECE/TRANS/WP.30/AC.2/2010/7, prepared by the secretariat and containing the findings of TIRExB on the issue of subcontractors, formulated after extensive discussions, together with a proposal for a new comment to Article 1 (o). The Committee also took note of Informal document WP.30/AC.2 No. 9 (2010), transmitted by the State Customs Committee of the Republic of Belarus, introducing various reservations on introducing the draft comment. Due to time constraints, the Committee decided to revert to this issue at its next session. In order to facilitate due preparation by delegations, the Committee requested the secretariat to submit Informal document WP.30/AC.2 No. 9 (2010) as an official document for consideration.

IX. Other business (agenda item 8)

A. Date of next session

35. The Committee decided to hold its fifty-third session on 9 February 2012, in conjunction with the 130th session of WP.30.

B. Restriction on the distribution of documents

36. The Committee decided that there were no restrictions with respect to the distribution of documents issued in connection with the current session.

X. Adoption of the report (agenda item 9)

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

Annex

Status of the TIR Convention, 1975

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

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

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

* Based on information provided by the IRU.

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

*** Beneficiary associations of the global insurance contract