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Administrative Committee for the TIR Convention, 1975

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION, 1975 ON ITS FORTIETH SESSION
(2 February 2006)**

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Annex : Status of the TIR Convention, 1975

REPORT

ATTENDANCE

1. The Administrative Committee held its fortieth session on 2 February 2006 in Geneva.
2. The session was attended by representatives of the following countries: Albania; Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Jordan; Kazakhstan; Latvia; Lithuania; Netherlands; Norway; Poland; Romania; Russian Federation; Serbia and Montenegro; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom. Representatives of the European Community (EC) were also present.
3. The following non-governmental organization was represented as observer: International Road Transport Union (IRU). A representative of issuing and guaranteeing association of Iran (Islamic Republic of) participated in the session as observer.
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: ECE/TRANS/WP.30/AC.2/80 and Corr.1.

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 1.

5. The Administrative Committee adopted the agenda of its present session as prepared by the UNECE secretariat (ECE/TRANS/WP.30/AC.2/80 and Corr.1).

ELECTION OF OFFICERS

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 2.

6. The Administrative Committee elected Ms. M. Ögren (Sweden) as Chairperson and Mr. S. Bagirov (Azerbaijan) as Vice-Chairperson for its present session.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/79.

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 3.

7. 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 66 Contracting Parties and that, according to information provided by the IRU, TIR operations can be established in 55 of these Contracting Parties.
8. The Administrative Committee endorsed the list of Contracting Parties to the Convention, of countries with which a TIR operation can be established and of national associations issuing TIR Carnets and providing guarantee coverage as contained in the annex to this report.

9. Detailed information on the status of the Convention as well as on the various Depositary Notifications is available on the UNECE TIR web site (<http://tir.unece.org/>).

10. The Committee took note that the following amendment to the Convention will enter into force on 1 April 2006:

- Amendments to Annexes 1 and 9 of the Convention adopted by the TIR Administrative Committee on 4 February 2005 (Depositary Notification C.N.1350.2005.TREATIES-6).

11. The Committee also took note of the following amendment proposals to the Convention:

- Addition of two new Explanatory Notes to Article 6.2bis and Annex 8, Article 10 (b) of the Convention adopted by the TIR Administrative Committee on 7 October 2005 (Depositary Notification C.N.99.2006.TREATIES-1). The amendments will enter into force on 12 August 2006 unless a sufficient number of objections are raised not later than 12 May 2006.

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 4.

(a) Activities of the TIRExB

(i) Report by the Chairman of the TIRExB

Documentation: ECE/TRANS/WP.30/AC.2/2006/1.

12. The Chairperson of the TIRExB reported on the recent activities of the TIRExB and the TIR secretariat as well as on the outcome of the twenty-seventh (October 2005) and twenty-eighth (January 2006) sessions of the TIRExB.

13. The Administrative Committee endorsed the report of the twenty-sixth session of the TIRExB (ECE/TRANS/WP.30/AC.2/2006/1). All adopted reports of the TIRExB are available on the UNECE TIR web site (<http://tir.unece.org/>).

14. The Committee took note that the TIRExB had developed the so-called Fraud Report Form (FRF), with the aim of facilitating, as an early warning, the dissemination of fraud-related information among authorized TIR Customs Focal Points as well as with other dedicated recipients. The FRF will be submitted to the AC.2 for endorsement at its next session. However, the Committee agreed that already now a letter will be sent to Director-Generals of Customs, with a copy to authorized TIR Customs Focal Points, providing background and further explanation of the FRF as well as promoting its use.

(ii) Identification (ID) number of the TIR Carnet holder and access to the International TIR Data Bank (ITDB)

Documentation: TRANS/WP.30/AC.2/2005/3; TRANS/WP.30/AC.2/2005/9;
ECE/TRANS/WP.30/AC.2/2006/2.

15. The Administrative Committee noted that the ITDB contains the records of almost 40,000 persons/companies authorized by national Customs authorities to utilize the TIR procedure.

16. The Administrative Committee noted, with satisfaction, that the ITDB Online had been launched in October 2005 and that, in the interim period, more than 500 inquiries had been made to the ITDB Online.

17. 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. In this context, all delegations were invited to verify that they had transmitted data on authorized TIR Carnet holders as of 31 December 2005 to the secretariat. If not done already, delegations were urged to do so before 10 February 2006. The availability and reliability of these data is essential for the proper functioning and sustainability of the Convention, both for Competent authorities and for operators, in particular with the introduction of the ITDB Online.

18. The Administrative Committee recalled that, at its thirty-eighth session, it had 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 reconsidered the document. Some delegations were in favour of enlarging the access to the ITDB to other Customs officers than TIR Customs Focal points only with a view to stimulating input and making full use of the data base, whereas other delegations were of the view that this was premature considering the issue of reliability of the data contained in the ITDB. The Committee requested all Contracting Parties to test and verify the ITDB data in the ITDB Online and to report any problems to the TIR secretariat. The Committee requested the secretariat to prepare a document for its next session providing more information about the functioning of the ITDB, including problems encountered in the data collection and capture, as well as information on reported problems from Contracting Parties. The secretariat was also requested to include, in the document, proposals for solutions to the various issues identified and to propose a plan for implementation of the solutions with a view to widening the access to the ITDB as soon as possible.

19. The Committee considered document ECE/TRANS/WP.30/AC.2/2006/2, prepared by the secretariat, containing the views of the United Nations Office of Legal Affairs on the issue of including exclusions in accordance with Article 38 of the Convention in the information contained in the ITDB. The Committee was of the view that Contracting Parties should study the question in further detail before its next session, in particular taking into account the following questions: (i) do exclusions in accordance with Article 38 of the Convention fall under Article 8 (a), last indent of the Terms of Reference of the Convention and (ii) would inclusion and publication in the ITDB of data concerning exclusions in accordance with Article 38 be in line with national data protection laws? The Committee decided to revert to these questions at its next session. Finally, the Committee requested the secretariat to prepare a proposal for a disclaimer for the ITDB based on a combination of the four alternatives contained in document ECE/TRANS/WP.30/AC.2/2006/2.

20. The Administrative Committee considered document TRANS/WP.30/AC.2/2005/9, prepared by the secretariat containing a business analysis of the possibilities to enable Customs authorities to update their "own" data online in ITDB. The Committee mandated the secretariat to start the development of ITDB Online+ and, in this context, also to consider the issue raised by the IRU that the transfer of data to the ITDB is the responsibility of Customs, even in cases where associations assist in the registration and transmission of data.

(iii) National and regional TIR workshops and seminars

21. The Administrative Committee took note that the TIR secretariat, in November 200, had conducted a national TIR seminar in Almaty (Kazakhstan).

22. The Committee also took note that the secretariat, so far, is planning the following seminars during 2006:

- Regional TIR seminar for the countries in the Balkan region, 11-12 May 2006, Sofia (Bulgaria);
- Regional TIR seminar for the countries in the Middle East region, autumn 2006;
- National TIR seminar for Uzbekistan and Tajikistan in spring 2006;
- National TIR seminar for Iran in June 2006.

(b) Financial administration of the TIRExB and the TIR secretariat

(i) Information on the final accounts for the year 2005

23. 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.

24. The Administrative Committee was informed by the secretariat that the final accounts for the year 2005 were not yet available from the UN administration. The Committee decided to postpone the approval of the accounts to its forty-second session in September 2006.

(ii) Budget and cost plan for the year 2006

25. The Administrative Committee recalled that the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2006 had been approved by the Administrative Committee, at its thirty-ninth session, on the basis of a proposal made by the TIR Secretary.

26. The Administrative Committee was informed by the secretariat that the full required funds for the operation of the TIRExB and the TIR secretariat, according to Annex 8 Article 13 of the Convention, for the year 2006 had been transmitted by the IRU to the TIR Trust Fund on 9 December 2005.

(iii) Audit of the UN Board of Auditors

Documentation: Informal document No. 2 (2006); Informal document No. 4 (2006).

27. The Administrative Committee took note of information provided by the secretariat concerning the background and status of the audit carried out by the external auditors of the United Nations in spring 2005 (Informal document No. 2 (2006)), the findings of which are contained in a Management Letter, issued on 5 May 2005 to the UNECE Executive Secretary and which has been transmitted to all Contracting Parties to the Convention.

28. The Committee also took note of information provided by a representative of the UN Board of Auditors on the background for the audit and the findings of the auditors, as well as the further process foreseen for publications of the final findings of the auditors. The Committee invited the UN Board of auditors in its final report to take into account the importance of the TIR system, including all comments provided by the parties involved and to issue clear and

operational recommendations which can guide the Contracting Parties in their further considerations on these issues.

29. The Committee, furthermore, noted that the secretariat had started to implement these recommendations in close consultation with the Auditors in following negotiations with the IRU (Informal document No. 2 (2006)). In particular, the Committee took note that the IRU has agreed, on an annual basis, to provide audit certificates on the amounts it transfers and collects for the financing of the TIRExB and the TIR secretariat.

30. The Committee, after an in-depth discussion of the issues at stake, requested the secretariat to organize an extraordinary session of the TIR Administrative Committee on 1 June 2006 in conjunction with the forthcoming session of the Working Party with a view to discussing the options at hand for solving the inconsistency which exists between, on the one hand, the legal provision for the collection of the levy contained in Annex 8, Article 13 of the Convention and, on the other hand, the transfer and collection by the IRU of the amounts required for covering the operation of the TIRExB and the TIR secretariat. Furthermore, the Committee requested the secretariat to prepare a document for the session containing proposals, including the proposal mentioned in Informal document No. 2 (2006), aimed at resolving the inconsistencies mentioned above. The Committee pointed out that the proposals should be developed in consultation with the UN auditors, the UN Office of Legal Affairs and other relevant regulations in the UN. Bearing this in mind, the Committee recognized that the secretariat should have sufficient flexibility with regard to the preparation of the proposals.

31. The Spanish delegation expressed doubts as to the appropriateness, at national level, of using the levy for financial purposes in the context of the TIR Convention.

32. The Committee also took note of comments provided by the IRU explaining the background and procedure for the transfer and collection of amounts by the IRU for covering the operation of the TIRExB and the TIR secretariat in accordance with the UNECE-IRU Agreement. In this context, the Committee also took note of Informal document No. 4 (2006), transmitted by the IRU.

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

33. The Administrative Committee took note that, for the time being, it did not seem possible to include the operation of the TIR secretariat in the Regular Budget of the UNECE. Nevertheless, the Committee requested the UNECE to continue to achieve this ultimate aim.

34. The Committee also took note of the outcome of the reform and review of the UNECE, which had resulted in (a) the publication in May 2005 of a report by a group of consultants on the state of the UNECE and (b) the adoption by UNECE Member States in December 2005 of a work plan on the UNECE reform. In this context, the Committee noted, with satisfaction, the emphasis in the work plan on border crossing and TIR issues. The Committee took note that an additional three staff posts have been allocated to the UNECE Transport Division.

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

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 5.

35. The Administrative Committee, taking into account its decisions concerning the follow-up to the audit of the UN Board of auditors, decided, for the time being, to confirm the authorization of the IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 inclusive.

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

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 6.

36. The Committee, based on its decision, for the time being, to confirm the authorization of the IRU for the period 2006-2010 inclusive, decided to mandate the secretariat to make the necessary preparations for the continuation of the UNECE-IRU Agreement with a view to receiving the transfer of an amount from the IRU for the funding of the operation of the TIRExB and the TIR secretariat for the year 2007.

REVISION OF THE CONVENTION

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 7.

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

37. The Administrative Committee reiterated that it was essential, for the proper application of the Convention, that Contracting Parties transmitted information about the implementation of the Convention and amendments thereto to the secretariat. This issue had also been stressed, in general terms, in the context of the UNECE reform.

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

38. The Administrative Committee took note that Switzerland had recently provided information concerning implementation of phases I and II.

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

Documentation: ECE/TRANS/WP.30/224; Informal document No. 1 (2006).

39. The Chairman of Working Party WP.30 reported on the recent activities of the Working Party and on the activities of its ad hoc Group of Experts on the Computerization of the TIR procedure, as well as on its ad hoc Expert Group on Revision of the Convention. Information on the issues can be found in the report of the one-hundred-and-twelfth session of the Working Party (ECE/TRANS/WP.30/224). The Committee took note of the report.

40. The Committee considered the Recommendation, contained in annex 2 of document ECE/TRANS/WP.30/AC.2/80, on the use of the HS Code in the TIR Carnet, which the Working Party, at its one-hundred-and-eleventh session, had agreed to transmit for consideration by the Committee. The Turkish delegation expressed its reservation about the applicability of the Recommendation and the negative effects that it might have for the transport industry on facilitation under the TIR system (Informal document No. 1 (2006)). This view was supported by the IRU. Other delegations expressed their support for the adoption of the Recommendation. The Committee decided to revert to the issue at its next session and invited Contracting Parties, in the meantime, to undertake bilateral consultations with a view to clarifying their respective views and come to a common position.

APPLICATION OF THE CONVENTION

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 8.

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

41. No comments were transmitted for adoption by the Administrative Committee.

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

42. No comments were transmitted by the TIRExB for endorsement by the Administrative Committee.

CONSOLIDATED TEXT OF THE TIR CONVENTION

Documentation: TRANS/WP.30/AC.2/79; TRANS/WP.30/AC.2/2005/16 and Corr. 1.

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 9.

43. The Administrative Committee took note of information provided by the representative of the European Community that a common position on the adoption of the document had not yet been reached in the Community. The Committee decided to revert to the document at its next session (TRANS/WP.30/AC.2/79, para. 45).

TIR HANDBOOK

Documentation: TIR Handbook 2005.

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 10.

44. 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.

45. The Handbook in the Arabic, Chinese, English, French, Russian and Spanish language versions have been updated in 2005 and are available both in hard copy and in electronic version.

46. The last version of the TIR Handbook in Arabic, Chinese, English, French, Russian and Spanish can be viewed and downloaded from the UNECE TIR web site in these languages (<http://tir.unece.org>).

OTHER BUSINESS

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 11.

(a) Date of next session

47. The Committee decided tentatively to hold its forty-first session on 1 June 2006. The deadline for submission of official documentation to be translated in the three official languages of the UNECE is 13 March 2006.

48. The UNECE secretariat has made the necessary arrangements to hold the forty-second session of the Administrative Committee on 28 September 2006.

(b) Restriction on the distribution of documents

49. The Administrative Committee decided that the informal documents issued for the present session should be restricted.

ADOPTION OF THE REPORT

Mandate and background: ECE/TRANS/WP.30/AC.2/80, point 12.

50. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Administrative Committee adopted the report on its fortieth 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

<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
Libe ria	-	-

* 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>
Lithuania	Lithuania	LINAVA
Luxembourg	Luxembourg	FEBETRA
Malta	Malta	ATTO
Mongolia	Mongolia	NARTAM
Morocco	Morocco	AMTRI
Netherlands	Netherlands	TLN; KNV; EVO
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	ASMAP
Serbia and Montenegro	Serbia and Montenegro	SCC-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	TOBB
Turkmenistan	Turkmenistan	THADA
Ukraine	Ukraine	AIRCU
United Kingdom	United Kingdom	RHA; FTA
United States of America	-	-
Uruguay	-	-
Uzbekistan	Uzbekistan	AIRCUZ
European Community		

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* 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.