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Administrative Committee for the TIR Convention, 1975

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION 1975 ON ITS FORTY-SEVENTH SESSION
(5 February 2009)**

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. ATTENDANCE.....	1-4	3
II. ADOPTION OF THE AGENDA (Agenda item 1)	5	3
III. ELECTION OF OFFICERS (Agenda item 2)	6	3
IV. STATUS OF THE TIR CONVENTION, 1975 (Agenda item 3).....	7	3
V. ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB) (Agenda item 4)	8-18	4
A. Activities of the TIRExB	8-11	4
1. Report by the Chairperson of the TIRExB.....	8	4
2. International TIR Data Bank (ITDB).....	9	4
3. On-line register of Customs Sealing Devices and Customs Stamps	10	4
4. National and regional TIR workshops and seminars	11	5
B. Financial administration of the TIRExB and the TIR secretariat....	12-17	5
1. Status report on the accounts for 2008.....	12	5
2. Procedure for the financing of the operation of the TIRExB and TIR secretariat	13-16	5
3. Audit by the Office of Internal Oversight Services (OIOS) ..	17	6
C. Election of members of the TIRExB	18-21	6

CONTENTS (continued)		<u>Paragraphs</u>	<u>Page</u>
VI.	REVISION OF THE CONVENTION	22-27	7
	A. Amendment(s) to the Convention with regard to the maximum level of guarantee per TIR Carnet.....	22	7
	B. Other proposals for amendments to the Convention	23-24	7
	C. Phase III of the TIR revision process – computerization of the TIR procedure	25	7
VII.	APPLICATION OF THE CONVENTION.....	26-28	8
	A. Recommendation on the introduction of HS code in the TIR Carnet	26	8
	B. Comments adopted by WP.30	27-28	8
VIII.	BEST PRACTICES.....	29-30	9
	A. Application of Articles 39 and 40 of the Convention.....	29	9
	B. Best practices with regard to the use of the TIR Carnet	30	9
IX.	OTHER BUSINESS.....	31-32	9
	A. Date of next session	31	9
	B. Restriction on the distribution of documents.....	32	9
X.	ADOPTION OF THE REPORT	33	9

Annex

Status of the TIR Convention, 1975	10
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I. ATTENDANCE

1. The Committee held its forty-seventh session on 5 February 2009 in Geneva.
2. The session was attended by representatives of the following countries: Afghanistan; Albania; Algeria; Austria; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Indonesia; Iran (Islamic Republic of); Ireland; Israel; Italy; Jordan; Kazakhstan; Kyrgyzstan; Latvia; Lithuania; Luxembourg; Mongolia; Montenegro; Morocco; Netherlands; Norway; Poland; Portugal; Republic of Korea; Republic of Moldova; Romania; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; The former Yugoslav Republic of Macedonia; Tunisia; Turkey; Ukraine; United Kingdom of Great Britain and Northern Ireland; United States of America; Uzbekistan. Representatives of the European Community (EC) were also present.
3. The United Nations Conference on Trade and Development (UNCTAD) was represented. The following intergovernmental organization was represented as observer: Economic Cooperation Organization (ECO). The following non-governmental organizations were represented as observers: International Road Transport Union (IRU) and International Container Bureau (IBC).
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)

5. The Administrative Committee adopted the agenda as contained in ECE/TRANS/WP.30/AC.2/96.

III. ELECTION OF OFFICERS (Agenda item 2)

6. The Committee elected by acclamation Mr. C. Trofaia (Republic of Moldova) as Chairperson and Mr. I. Makhovikov (Belarus) as Vice-Chairperson for its sessions in 2009.

IV. STATUS OF THE TIR CONVENTION, 1975 (Agenda item 3)

7. The Committee endorsed the list of Contracting Parties, countries with which a TIR operation can be established and of national associations issuing TIR Carnets (annex). The Committee was informed that the amendments to paragraphs 1 and 2 of Article 13 of Annex 8 to the Convention, together with the introduction of new Explanatory Notes 8.13.1-3 and 8.13-2 to Annex 6, came into force on 1 January 2009. The Committee was also informed of the status of the amendment proposal introducing a new Explanatory Note to Article 3 (a) (ECE/TRANS/WP.30/AC.2/95, paras. 24-25). On 2 February 2009, this amendment proposal was communicated to the Contracting Parties by means of Depositary Notification C.N.48.2009.TREATIES-1. It will enter into force on 1 October 2009, unless at least five objections are received before 1 July 2009.

V. ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB) (Agenda item 4)

A. Activities of the TIRExB (Agenda item 4 (a))

1. Report by the Chairperson of the TIRExB (Agenda item 4 (a) (i))

8. The Committee endorsed the reports of the TIRExB at its thirty-sixth and thirty-seventh sessions, as contained in ECE/TRANS/WP.30/AC.2/2009/1 and ECE/TRANS/WP.30/2009/2 respectively. Further, it took note of the oral report by the acting TIRExB Chairman of the thirty-eighth session of the Board. The Committee also welcomed Informal document No. 4 (2009), containing an executive summary of the outcome of a questionnaire, conducted by the TIRExB, on the use of so-called subcontractors at the national level. The Committee shared the opinion of the TIRExB that, in view of the fact that a majority of countries had indicated that the use of subcontractors had not led to any legal or practical problem so far, it did not seem required to propose legal changes to the Convention. Finally, the Committee took note of Informal document No. 3 (2009), containing an overview of the activities and accomplishments of TIRExB over the years 2007 and 2008. The Committee thanked the members of TIRExB, and in particular the chairpersons, for their input and achievements during the Board's present mandate.

2. International TIR Data Bank (ITDB) (Agenda item 4 (a) (ii))

9. The Committee was informed of the status of transmission of documents and data to ITDB (Informal document No. 6 (2009)). The Committee also took note of progress made in the implementation of the "ITDBonline+ project" which consists of two parts: web services and a website. The TIR secretariat had developed software for a prototype for the web services with functionalities that interact in a secure mode with the ITDB database and in December 2008 had successfully tested it on a framework kindly provided by the Finnish National Board of Customs. Messages were exchanged between Helsinki and Geneva allowing a direct interaction with the ITDB database. The confidentiality and integrity of the messages were achieved by using cryptography and digital signatures. The use of different languages (Russian, French, Finnish, Turkish and Arabic) were also successfully tested. The TIR secretariat will continue to develop and complete the functionalities of the ITDBonline+ Web services that will be outlined in a technical specification: Application Programming Interface Guide (SOAP Guide). At the same time, the TIR secretariat will start the second part of the project, namely the development of the ITDBonline+ Website.

3. Online register of Customs Sealing Devices and Customs Stamps (Agenda item 4 (a) (iii))

10. The Committee recalled that, in 2007, the TIR secretariat had launched the online UNECE Register of Customs Sealing Devices and Customs Stamps project with the aim of making available online the information which exists in the paper-based register. At the end of 2008, the TIR secretariat finished the above mentioned project and mandated an independent company to audit the online register and to certify that all the necessary security measures had been correctly implemented. The result of the audit was very positive. Therefore, the TIR secretariat deployed the online UNECE Register of Customs Sealing Devices and Customs Stamps, made it available for online consultation by TIR Customs focal points and Customs officers in the field and published the user guide (Informal document No. 7 (2009)). The Committee welcomed this information.

4. National and regional TIR workshops and seminars (Agenda item 4 (a) (vi))

11. The Committee was informed of seminars planned for the first half of 2009, such as regional TIR Seminars in Tunisia (April 2009) and Iran (April 2009, in cooperation with ECO) and national TIR seminars organized in ECO Member Countries: Afghanistan, Pakistan and Tajikistan.

B. Financial administration of the TIRExB and the TIR secretariat

1. Status report on the accounts for 2008

12. The Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. As the competent Finance Services of the United Nations had not yet been in a position to formally finalize the accounts for 2008, the report on the complete and final accounts will be transmitted, as in the past, to the session of the Committee in October 2009 for formal approval.

2. Procedure for the financing of the operation of the TIRExB and TIR secretariat

13. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2009 had been approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/95, para. 12). The Committee was informed that the required funds for the operation of TIRExB and the TIR secretariat in 2008 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2008.

14. The Committee took note that, in line with the Procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of the TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and annex 2), on 14 January 2009 the external auditor of IRU had produced an audit certificate reflecting the amount transferred by IRU and the total amount actually invoiced by IRU when distributing the TIR Carnets. According to the certificate, in 2008 there was an excess (i.e. more was received than initially transferred) of CHF 17,021.72. The IRU will transfer this excess to the UNECE named bank account before 15 March 2009. This amount will be reflected in the UNECE TIR account to be taken into account for the next budget year.

15. The Committee also recalled the amount per TIR Carnet (US\$ 0.4246) approved at its previous session (ECE/TRANS/WP.30/AC.2/95, para. 12). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to CHF 0.4998 and, thus, the individual amount to invoice per TIR Carnet distributed in 2009 would be CHF 0.50 (rounded).

16. In this context, the Committee took note of a request by IRU to reduce the forecast of the number of TIR Carnets to be distributed in 2009 from 3 million to 2.7 million, due to the global economic and financial crisis, and to revise the amount per TIR Carnet accordingly (Informal document No. 5 (2009)). The Committee was informed by various delegations about a 20-40 per cent decrease in the issuance of TIR Carnets in January 2009, compared to January 2008, and that this trend would most probably continue through the year of 2009. The Committee pointed out that, under these circumstances, the use of the previously approved amount per TIR Carnet would lead to an unjustified deficit of the IRU accounts by the end of 2009, which should be

corrected by a substantive increase in the underlying amount for 2010. To avoid these negative consequences, the Committee agreed with the request of IRU to revise the forecast of the number of TIR Carnets to be distributed in 2009 from 3 million to 2.7 million and decided, on an exceptional basis, to retroactively adjust the amount per TIR Carnet to be equal to CHF 0.56 as of 1 January 2009.

3. Audit by Office of Internal Oversight Services (OIOS)

17. The Committee noted that the only outstanding recommendation by OIOS concerned the introduction of a new part III to Annex 9 of the Convention on the conditions and requirements for the authorization of an international organization and that this issue was still under discussion by WP.30.

C. Election of members of the TIRExB

18. The Committee recalled that, at its previous session, it had authorized the UNECE secretariat to solicit candidates in October - November 2008, to close the list of candidates on 8 December 2008 and, after two working days, on 11 December 2008 to issue the official list of candidates for distribution to all Contracting Parties. The procedures for the nomination and election were contained in Informal document No. 1 (2009). The Committee noted that the secretariat had proceeded accordingly and that the names of the candidates had been circulated by the secretariat on 11 December 2008.

19. In accordance with the approved election procedure and on the basis of the list of nominated candidates (Informal document No. 2 (2009)), the Committee proceeded with secret ballot. The following results were obtained and confirmed by the TIR Secretary:

Registered votes: 57

Valid votes: 57

Invalid votes: 0

Blank votes: 0.

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

BAGHIROV, Shahin (Azerbaijan)

DUBIELAK, Anna (Poland)

KÖSEOĞLU, Hasan (Turkey)

LINDSTRÖM, Henrik (Finland)

LUHOVETS, Valeriy (Ukraine)

MAKHOVIKOV, Igor (Belarus)

METAXA-MARIATOU, Helen (Greece)

MILOŠEVIĆ, Veselin (Serbia)

POPIOLEK, Joanna (European Commission)

21. The Committee stressed that the members of the TIRExB were elected in their personal capacity, with the mandate to work towards the sustainability of the TIR procedure.

VI. REVISION OF THE CONVENTION

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

22. The Committee approved the following amendment proposal to Annex 6, Explanatory Note 0.8.3: replace \$US 50,000 by EUR 60,000. In accordance with paragraph 1 of Article 60, the Committee decided that this proposal would enter into force on 1 January 2010, unless at least five objections had been received before 1 October 2009. In this regard, the delegation of Turkey reiterated its reservation made at the previous session (ECE/TRANS/WP.30/AC.2/95, para. 22).

B. Other proposals for amendments to the Convention

23. The Committee took note that WP.30 had finalized its deliberations on an extensive package of amendment proposals as contained in document ECE/TRANS/WP.30/2009/4-ECE/TRANS/WP.30/AC.2/2009/3, subject to few modifications (ECE/TRANS/WP.30/242, para. 30).

24. The Committee approved in principle these amendment proposals. As the European Community was not in a position to formally accept them, the Committee decided to revert to this issue at its next session, thus allowing the Community to conclude its internal approval procedures. In the interim, the Committee requested the secretariat, in cooperation with French and Russian speaking delegations, to check the consistency between the three language versions.

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

25. The Committee was informed that the fifteenth session of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR Procedure (GE.1) had taken place on 16 and 17 October 2008 in Geneva. The Committee endorsed the report of the meeting, contained in document ECE/TRANS/WP.30/GE.1/2008/5. At the session, GE.1 had made considerable progress in drafting Chapter 3 of the eTIR Reference Model, dedicated to the analysis of the business requirements of the eTIR Project. In view of the fact that the finalization of Chapter 3 required specific expert input, GE.1 had mandated the secretariat to organize a special drafting group to work on the outstanding issues of Chapter 3, with particular focus on UML diagrams, message design, fall-back scenarios and the use of code lists for the eTIR Project. At the kind invitation of the Serbian Customs authorities, this meeting had taken place on 28 and 29 January 2009 in Belgrade. Based on the constructive work by the drafting group, the secretariat will now be able to prepare an amended text of the draft Chapter 3, which will be submitted to GE.1 for discussion at its forthcoming session. The Committee took note that the Working Party had mandated the secretariat to start working on a first draft of proposals for

amendments to the legal text of the TIR Convention in order to accommodate the introduction of eTIR. IRU informed the Committee that it did not subscribe to Chapter 2 and, consequently, Chapter 3 of the eTIR Reference Model because it believed that it was not in line with the principles of the TIR Convention. The Administrative Committee took note of this statement.

VII. APPLICATION OF THE CONVENTION

A. Recommendation on the introduction of HS code in the TIR Carnet

26. The Committee was informed that, so far, no difficulties seemed to have arisen with regard to the implementation of the Recommendation on the use of the HS Code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/93, para. 28 and Annex II). The Committee noted, however, that national practices in this area varied a lot from country to country and decided to continue its monitoring function with a view to ensuring a harmonized application of the Recommendation at the national level.

B. Comments adopted by WP.30

27. The Committee endorsed the following comment to Article 23:

“Escort of road vehicles

Article 23 implies that escort may be prescribed under exceptional circumstances only when compliance with Customs law cannot be ensured by other means. A decision regarding escort should be based on risk analysis. In particular, Customs authorities should analyze the risk that the transport operator will not present the road vehicle(s) together with the goods to the Customs office of destination or exit (en route) and that the goods may illegally be put into free circulation. When doing so, Customs authorities are recommended to assess, among others, the following factors (in no particular order):

- information on Customs infringements committed by the TIR Carnet holder as well as on his previous withdrawals or exclusions from the TIR procedure;
- information on the reputation of the transport operator;
- the amount of import or export duties and taxes at risk;
- the origin of the goods and their itinerary.

In the case of escorts and in particular if no other written proof is provided to the carrier, Customs authorities are recommended, at the request of the carrier, to insert into the counterfoil No. 1 of the TIR Carnet under item 5 “Miscellaneous” the word “Escort”, followed by a short indication of the reasons which have led to the requirement for the escort.

According to Explanatory Note 0.1 (f), escort fees should be limited in amount to the approximate cost of the services rendered and should not represent an indirect protection to domestic products or a tax on imports or exports for fiscal purposes.”

28. The Committee also endorsed the following comment to Article 4:

“Relief from the payment or additional security of import or export duties and taxes

The basic principle of Customs transit is relief from the payment of import or export duties and taxes for goods in transit, provided that any security required has been furnished. As the goods carried under the TIR procedure are at any moment covered by the guarantee, as referred to in Article 3 (b), in the course of a TIR transport neither payment of import or export duties and taxes nor security in any other form shall be required in any Contracting Party involved in the TIR transport.”

VIII. BEST PRACTICES

A. Application of Articles 39 and 40 of the Convention

29. The Committee adopted a revised example of best practices with regard to the application of Articles 39 and 40 that had been prepared by TIRExB (ECE/TRANS/WP.30/AC.2/2007/9/Rev.1), for inclusion into the TIR Handbook.

B. Best practices with regard to the use of the TIR Carnet

30. The Committee adopted the example of best practices with regard to the use of the TIR Carnet (ECE/TRANS/WP.30/AC.2/2008/8), subject to the following modification in para. 30: after “Customs authorities are recommended” add “, at the request of the carrier,”. The Committee also considered that, instead of ISO Alpha 3 country codes (Annex I to the document), it would be more appropriate to use a generic reference to country name or code. Finally, the Committee requested the secretariat to include the example into the TIR Handbook.

IX. OTHER BUSINESS

A. Date of next session

31. The Committee decided to hold its forty-eighth session on 1 October 2009, in conjunction with the 123rd session of WP.30.

B. Restriction on the distribution of documents

32. The Committee decided that Informal document No. 2 (2009) should be restricted.

X. ADOPTION OF THE REPORT

33. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Administrative Committee adopted the report on its forty-seventh 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>	<u>Country code (ISO 3166, A3)</u>
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	-	-	BIH
Bulgaria	✓	AEBTRI	BGR
Canada	-	-	CAN
Chile	-	-	CHL
Croatia	✓	TRANSPORTKOMERC	HRV
Cyprus	✓	TDA	CYP
Czech Republic	✓	CESMAD BOHEMIA	CZE
Denmark	✓	DTL	DNK
Estonia	✓	ERA	EST
Finland	✓	SKAL	FIN
France	✓	AFTRI	FRA
Georgia	✓	GIRCA	GEO
Germany	✓	BGL; AIST	DEU
Greece	✓	OFAE	GRC
Hungary	✓	ATRH	HUN
Indonesia	-	-	IDN
Iran (Islamic Republic of)	✓	ICCIM	IRN
Ireland	✓	IRHA	IRL
Israel	✓	IRTB	ISR
Italy	✓	UICCIAA	ITA
Jordan	✓	RACJ	JOR
Kazakhstan	✓	KAZATO	KAZ
Kuwait	✓	KATC	KWT
Kyrgyzstan	✓	KYRGYZ AIA	KGZ
Latvia	✓	LA	LVA

* 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 website 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> **	<u>Country code (ISO 3166, A3)</u>
Lebanon	✓	CCIAB	LBN
Liberia	-	-	LBR
Lithuania	✓	LINAVA	LTU
Luxembourg	✓	FEBETRA	LUX
Malta	✓	ATTO	MLT
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
Republic of Moldova	✓	AITA	MDA
Romania	✓	UNTRR; ARTRI	ROU
Russian Federation	✓	ASMAP	RUS
Serbia	✓	SCC-ATT	SCG
Slovakia	✓	CESMAD SLOVAKIA	SVK
Slovenia	✓	GIZ INTERTRANSPORT	SVN
Spain	✓	ASTIC	ESP
Sweden	✓	SA	SWE
Switzerland	✓	ASTAG	CHE
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	✓	AIRCU	UKR
United Arab Emirates	-	-	ARE
United Kingdom	✓	RHA; FTA	GBR
United States of America	-	-	USA
Uruguay	-	-	URY
Uzbekistan	✓	AIRCUZ	UZB
European Community			

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* Based on information provided by the IRU.

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