



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Eighteenth session, 16, 17 and 20 June 2003,
agenda item 5)

FUNCTIONS AND ROLES OF THE TIREXB AND THE TIR SECRETARIAT

Note by the TIR secretariat

A. BACKGROUND AND MANDATE

1. At its seventeenth session, the TIRExB considered it useful to review all the tasks performed by the Board since its establishment in 1999. To this end, the TIR secretariat was requested to prepare, for the present session, a consolidated document containing, on the one hand, all the functions of the TIRExB according to the provisions of the TIR Convention and its Terms of Reference, and, on the other hand, activities undertaken by the TIRExB in 1999-2003. On the basis of this document and the work programme for 2003, the TIR secretariat should prepare a two-year plan of activities by the TIRExB as well as, if necessary, proposals concerning adjustment of the Terms of Reference of the Board. The adopted plan and proposals should be submitted to the TIR Administrative Committee for approval (TIRExB/REP/2003/17draft, para.17).

**B. OVERVIEW OF ACTIVITIES UNDERTAKEN BY THE TIRExB
AND THE TIR SECRETARIAT IN 1999-2003**

2. A list of tasks to be fulfilled by the TIRExB is contained in Article 10, Annex 8 to the TIR Convention. They are also reproduced under para. 2 of the Terms of Reference of the Board, as established by the TIR Administrative Committee in 1998 (TRANS/WP.30/AC.2/49). In addition, there are few other references in the TIR Convention and the Terms of Reference providing further details on the functions of the TIRExB.

3. An overview of activities undertaken by the TIRExB and the TIR secretariat in 1999-2003 is given in Table 1.

Table 1. Activities by the TIRExB in 1999-2003

Reference	TIRExB functions	Overview of activities in 1999-2003
Comment to Article 26	Establish, on the basis of documentation deposited with the TIRExB by Contracting Parties pursuant to the provisions of Annex 9, Part I to the Convention, a list of Contracting Parties where no approved guaranteeing associations exist	A list of Contracting Parties utilizing the TIR procedure is prepared in cooperation with IRU and attached to AC.2 agendas and reports
Article 38.2 Annex 9, Part II, paragraphs 4 and 5	Keep a list of persons excluded from the TIR procedure in line with Article 38 of the TIR Convention Keep a list of persons authorized to utilize the TIR procedure	<p>1. ITDB has been established and is being maintained. The relevant software has been developed and distributed to Contracting Parties. The Recommendation on an ID-number and ITDB has been drafted by TIRExB and approved by AC.2. Access to ITDB is provided off-line for Customs focal points. On-line access is under development.</p> <p>2. Comments on the harmonized application of Article 38 and Annex 9 have been prepared by the TIRExB and adopted by AC.2.</p> <p>3. The requirement of the full implementation of Article 38 and Annex 9, Part I has been pointed out to a great number of countries.</p>
Article 42 bis	Examine the conformity of national control measures with the provisions of the Convention	National control measures are regularly monitored and examined. The Contracting Parties concerned are informed as soon as possible, if their measures are not in line with the Convention. Some measures have been cancelled
Article 58 ter	Fulfil the tasks entrusted to it by the Convention and by the Committee	<p>The TIRExB has fulfilled both the tasks listed in the TIR Convention and specific tasks assigned by AC.2. Example of specific requests by AC.2 are:</p> <ul style="list-style-type: none"> - to find a short-term solution to increase the number of loading/unloading places (under discussion); - to enhance the texts of the example agreement and authorization (done); - to prepare procedures on best practice for effective communications between Customs authorities and national guaranteeing associations (under discussion)
Annex 8, Article I bis	Supervise and provide support in the application of the Convention at the national and international levels	See below

Reference	TIRExB functions	Overview of activities in 1999-2003
Annex 8, Article 10 (a)	Supervise the application of the Convention, including the operation of the guarantee system, and fulfil the functions entrusted to it by the Administrative Committee	<ol style="list-style-type: none"> 1. Several surveys regarding national control measures, such as Customs escorts, have been conducted. Several countries have been addressed on the issue of excessive implementation of Customs escorts. 2. Other national control measures are regularly monitored and examined. The Contracting Parties concerned are informed as soon as possible if their measures are not in line with the Convention. In certain cases, measures have been cancelled. 3. To monitor the operation of the guarantee system, a survey on Customs claims has been conducted. 4. The TIRExB has acted as depository of written agreements between the associations and competent authorities, insurance contracts and insurance certificates. 5. Actions have been undertaken to ensure that Contracting Parties deposit all documents required under the TIR Convention with the TIRExB. 6. The TIRExB has analyzed agreements between national associations and competent authorities deposited with the TIRExB and identified a number of points which might lead to disputes and legal proceedings at the national level. On the basis of such an analysis, an example authorization and example agreement have been prepared by the TIRExB and approved by AC.2. 7. Several comments for the inclusion into the TIR Handbook have been drafted and eventually adopted by WP.30/AC.2. 8. The TIRExB has considered numerous issues concerning the application of the TIR Convention, including the operation of the guarantee system, raised by Contracting Parties, national guaranteeing associations and IRU
Annex 8, Article 10 (b)	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	<ol style="list-style-type: none"> 1. New layouts of the TIR Carnet have been checked in order to establish their conformity with Annex 1 of the Convention. 2. Customs focal points have been informed on new TIR Carnet layouts and their security features. 3. Data on annual numbers of TIR Carnets distributed by IRU to associations have been collected and

Reference	TIRExB functions	Overview of activities in 1999-2003
		published on the TIR web site and in the TIR Handbook
Annex 8, Article 10 (c)	Coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties	<ol style="list-style-type: none"> 1. An international register on Customs sealing devices has been established and is maintained in the three working languages in a hard copy version. 2. Access to ITDB is provided off-line for Customs focal points. On-line access is under development. 3. Upon request of Contracting Parties, legal analyses have been given to some fraud patterns. A draft comment to the Convention under preparation. 4. Activities are under way to obtain more information from Contracting Parties, OLAF, WCO, etc. on recently applied fraud patterns. 5. Problems of combating fraud have been discussed at regional and national TIR seminars
Annex 8, Article 10 (d)	Coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations	<ol style="list-style-type: none"> 1. An international Directory on TIR focal points has been established and is maintained both in a hard copy version and on the TIR web site (accessible to authorized users). 2. The TIR web site containing a wide range of information on the status and application of the TIR Convention has been established and is maintained. 3. A web page containing links to national lists of approved Customs offices for accomplishing TIR operations has been established. 4. TIR-related news, in particular, concerning new national control measures, is regularly published on the TIR web site. 5. Important information from IRU (e.g., on new layouts of the TIR Carnet) is circulated among the Customs authorities. 6. Following inquiries by some national associations, Customs administrations of several countries have been contacted with a view to clarifying the reasons for some actions performed (e.g., detention of trucks). 7. The IRU-TIR secretariat SafeTIR Taskforce has been established and has undertaken various actions in order to improve the implementation of the SafeTIR system at the national level. Negotiations between the competent authorities and national associations of some countries with regard to

Reference	TIRExB functions	Overview of activities in 1999-2003
		<p>SafeTIR have been facilitated.</p> <p>8. Assistance and technical expertise have been given regarding computerization of the TIR procedure.</p> <p>9. The TIR Handbook has regularly been updated in several languages and made available to both Customs and transport industry</p>
Annex 8, Article 10 (e)	Facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to Article 57 on the settlement of disputes	<p>1. The TIRExB has considered various disputes, for example, the application of Customs escorts against all Lithuanian transport operators in Belarus. A clear-cut interpretation of the relevant provisions of the TIR Convention has been given. The above measure has eventually been lifted.</p> <p>2. The TIRExB has stressed on several occasions that it has no mandate to discuss the issue of direct settlement of Customs claims.</p>
Annex 8, Article 10 (f)	Support the training of personnel of Customs authorities and other interested parties concerned with the TIR procedure	<p>1. Various national and regional TIR seminars has been organized:</p> <ul style="list-style-type: none"> - national TIR seminar in Almaty (Kazakhstan); - regional TIR seminar for Western Asia (Jordan); - national TIR seminar in Tashkent (Uzbekistan); - national TIR seminar in Belgrade (Yugoslavia); - regional TIR seminar for Central Asia, Black Sea and Transcaucases (Azerbaijan); - regional TIR seminar for the Baltic States (Latvia). <p>2. The TIR Handbook is regularly updated in several languages and made available to Contracting Parties. The TIR website is maintained.</p>
Annex 8, Article 10 (g)	Maintain a central record for the dissemination to Contracting Parties of information to be provided by the international organizations as referred to in Article 6, on all rules and procedures prescribed for the issue of TIR Carnets by associations, as far as they relate to the minimum conditions and requirements laid down in Annex 9	No relevant information has been provided by IRU

Reference	TIRExB functions	Overview of activities in 1999-2003
Annex 8, Article 10 (h)	Monitor the price of TIR Carnets	The price of TIR Carnets at the IRU's level is regularly monitored. Explanations are requested in case of changes
Annex 8, Article 11.4	Report on its activities, including the submission of audited accounts, to the Administrative Committee at least once a year or at the request of the Administrative Committee	At each AC.2 session the TIRExB reports on its activities. Accounts are submitted twice a year
Annex 8, Article 11.5	Consider any information and queries transmitted to it by the Administrative Committee, Contracting Parties, the TIR Secretary, national associations and international organizations referred to in Article 6 of the Convention	Numerous issues raised by Contracting Parties, national associations and IRU have been considered (see also above)
Annex 9, Part I, paragraph 1 (e)	Act as depositary of the written agreement or any other legal instrument between the associations and competent authorities	Such agreements are filed and analysed. If necessary, Contracting Parties are requested to submit missing documents.
Annex 9, Part I, paragraph 1(f)(v)	Act as depositary of the insurance contracts between national associations and national and international insurers	Insurance contracts and insurance certificates are filed. If necessary, Contracting Parties are requested to submit missing documents
Terms of Reference, paragraph 5	Take measures to ensure that the necessary liaison is maintained with competent organs of the United Nations, particularly its Regional Commissions, and with specialized governmental and non-governmental organizations	The TIRExB and its secretariat work in close co-operation with the UNECE, UN ESCAP, IRU and other organizations

4. The TIRExB may wish to consider the above table with a view to determining whether its Terms of Reference need adjusting. It should be noted, however, that any modification to the already existing functions of the Board would not require only a decision by the TIR Administrative Committee, but also a relevant amendment to the TIR Convention (see para.2 above).

C. OVERVIEW OF FUNCTIONS NOT PERFORMED TO THE FULL EXTENT BY THE TIR SECRETARIAT IN 1999-2003

5. According to para. 8 of the Terms of Reference of the TIRExB, the TIR secretariat has been assigned with certain tasks most of which correspond to the relevant functions of the TIRExB (see Table 1 above). However, there are few secretariat's tasks which are not specifically mentioned in the TIR Convention and are not directly attributed to the TIRExB. Not all these tasks have been fulfilled in 1999-2003, due to a number of reasons (see Table 2 below).

Table 2. Some tasks of the TIR secretariat

Tasks according to the Terms of Reference	Actions taken and results achieved	Comments
Establishment and maintenance of an international Governmental TIR databank accessible to all Contracting Parties on stolen and falsified TIR Carnets	The relevant databank has not yet been created	<p>1. The TIR secretariat has received information on only few falsified TIR Carnets.</p> <p>2. The IRU has established the so-called "CUTE-WISE" application that allows on-line access by Customs authorities to a database on stolen TIR Carnets. As TIR Carnets can only be stolen during the process of printing, distribution, issuance and return of TIR Carnets (otherwise it would result in their non-discharge), reduplicating this database does not seem to have any added value</p>
Establishment and maintenance of an international Governmental TIR databank accessible to all Contracting Parties on approved Customs offices for accomplishing TIR operations (Article 45)	A survey of Contracting Parties has been made in order to determine the availability of such listings at the national level and their delivery platforms. A web page containing links to national lists of approved Customs offices for accomplishing TIR operations has been established	<p>1. According to Article 45, publication of such lists is an obligation of Contracting Parties.</p> <p>2. Due to numerous differences in the contents and layouts of national listings, it does not seem feasible to establish one consolidated database without considerable resources from the secretariat and Contracting Parties</p>
Other data may also be compiled, for example on approved, falsified and stolen Customs stamps, if feasible. Particular	Data on specimens of Customs stamps are compiled and included into the Register on Customs sealing devices. No particular effort has been made	1. The usefulness of such a databank and the resources required to maintain it with the necessary quality and security measures should be analysed and decided

Tasks according to the Terms of Reference	Actions taken and results achieved	Comments
attention should be given to data protection. This includes the establishment of effective rules to avoid unauthorized access to the protected data files.	to compile information on concrete approved, falsified and stolen Customs stamps for countries using the TIR procedure.	upon by the TIRExB. 2. Such databases should be available at national level

6. As indicated in Table 2, the main reasons why these tasks have not been carried out in full are as follows:

- the relevant functions are already performed or should be performed by others players in the TIR procedure, such as the IRU and/or Contracting Parties;
- according to para.7 of the Terms of Reference, particular attention should be given to the cost-effective operation of the TIRExB and the TIR secretariat. Therefore, the full implementation of the above tasks should be measured against this provision.

7. The TIRExB may wish to provide guidance to the TIR secretariat regarding the establishment of a work plan for the years 2004-2005 and proposals, if any, for necessary modifications of the Terms of Reference.
