



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

TIR Executive Board (TIRExB)

**REPORT OF THE NINETEENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(22 September 2003)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its nineteenth session on 22 September 2003 in Geneva.
2. The following members of the TIRExB were present: Mr. M. Amelio (Italy); Mr. S. Bagirov (Azerbaijan); Mr. G.-H. Bauer (Switzerland); Mr. R. Boxström (Finland); Mrs. Y. Kasikçi (Turkey); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mrs. N. Rybkina (Russian Federation). Mr. O. Fedorov (Ukraine) was absent.
3. The International Road Transport Union (IRU) attended the session as observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention and was represented by Mr. J. Acri, Head, TIR System.
4. The TIRExB noted with concern that Mr. O. Fedorov (Ukraine) had not participated in two Board sessions in a row. In both cases, no written information was provided about reasons for his absence. The TIRExB requested the TIR secretariat to contact Mr. O. Fedorov and the Ukrainian competent authorities in order to find out whether or not Mr. O. Fedorov would be in a position to participate in future sessions and, thus, continue as TIRExB member. To insure the efficient work of the TIRExB, the Board felt that a TIRExB member, who can no longer fulfil his (her) duties, should resign and thus allow another candidate to be elected as TIRExB member.

ADOPTION OF THE AGENDA

5. The TIRExB adopted the agenda of the session as prepared by the TIR secretariat (TIRExB/AGE/2003/19) with the inclusion of the following subject:

Under agenda item 5 Regional TIR Seminar in Moscow.

ADOPTION OF THE REPORT OF THE EIGHTEENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2003/18draft, Informal document No.21 (2003).

6. The TIRExB adopted the report of its eighteenth session as prepared by the TIR secretariat (TIRExB/REP/2003/18draft), subject to the following modifications:

Paragraph 16

Modify the second sentence to read as follows:

"The Board decided to change its former policy and felt that, for the sake of transparency and cooperation with other TIR experts, all future TIRExB documents should be unrestricted, unless they contain confidential information and a special decision is taken by the Board at the end of each session."

Paragraph 25

Modify the first sentence to read as follows:

"The IRU presented Informal document No.19 (2003) containing proposals on preventing and combating Customs fraud within the TIR system."

Paragraph 36

Modify the paragraph to read as follows:

"36. The TIRExB adopted Informal document No. 6 (2003), prepared by the secretariat, on a harmonized interpretation of the terminology used in the TIR Convention and the ITDB. The TIRExB also stressed that, according to para. 6, part II, Annex 9 to the Convention, the authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations."

Paragraph 41

Modify the two last sentences to read as follows:

"Until information of the contrary, it should be noted that there is, as yet, not a denunciation of the existing guarantee, and the IRU declared that all issued Carnets are valid and that the list of Customs offices assigned for TIR remains unchanged."

New paragraph 41 bis

Add new paragraph 41 bis to read as follows:

"41 bis. Some members of the Board declared that there was no list of Customs offices assigned for TIR operations in the area of Serbia and Montenegro which had been communicated to the Customs authorities of the Contracting Parties. Those members indicated that it is dangerous as there could be a TIR transport where the Customs office of destination is one established in Montenegro where, for the time being, there are no Customs offices approved for TIR operations, so the goods may be transported without any guarantee."

Paragraph 44

Modify the two last sentences to read as follows:

"The IRU had been in touch with several neighbouring associations (in particular, in Lebanon, Syria, Jordan and Kuwait) to set up a strategy for the region. The IRU would cooperate with the UNECE on all activities regarding the implementation of the TIR system in the region."

Paragraph 45

Modify the paragraph to read as follows:

"45. The IRU reported on a severe crisis which could have affected the continuity of the use of TIR Carnets in the territory of Ukraine, because, by violent means, a number of members had taken over the control of the association. After two days the situation had fortunately returned to normal. IRU's main concern had been a stock of 20,000 TIR Carnets at the association's premises and the TIR Carnets issued during the two critical days. The previous situation had been restored due to involvement and support from the Ukrainian authorities and it seems, for the time being, that no infringements have taken place in relation to TIR Carnets issued during the period in question."

7. The revised text of the report of the eighteenth session of the Board is contained in document TIRExB/REP/2003/18.

8. The TIRExB also recalled its earlier discussions regarding the appointment of the TIR Secretary (TIRExB/REP/2003/18, para.7). Given the fact that no written statement on the issue had yet been issued by the UN legal services, the Board felt that this matter should be brought to the attention of the TIR Administrative Committee.

PROGRAMME OF WORK FOR 2003 AND 2004

Documentation: Informal document No.21 (2003), Informal document No.22 (2003).

9. On the basis of the first draft programme and extensive comments submitted by some TIRExB members and the IRU (Informal document No.21 (2003), Informal document No.22 (2003)), the Board adopted the programme of its work for 2003 and 2004 (annex). The TIRExB decided to present this work programme for the two-year period of its mandate to the TIR Administrative Committee for endorsement with the aim of improving transparency among different TIR-related bodies. The TIRExB would report to the TIR Administrative Committee the results of the work programme and its activities. The Board also felt that this approach should be adopted by future TIRExBs.

ACTIVITIES OF UNECE BODIES OF INTEREST TO THE TIRExB

ITC Bureau questionnaire

Documentation: TRANS/BUR.2003/3, TRANS/BUR.2003/4, TRANS/BUR.2003/11.

10. The TIRExB was informed that the Bureau of the Inland Transport Committee (ITC), at its July 2003 meeting, considered the results of the survey on the functioning of the TIR Convention undertaken by the UNECE secretariat (TRANS/BUR.2003/3) as well as a note by the IRU on the functioning of the TIR Convention (TRANS/BUR.2003/4). The ITC Bureau took a number of decisions on the issue (TRANS/BUR.2003/11). In particular, it decided to transmit the above documents to the UNECE Working Party on Customs Questions affecting Transport (WP.30) for further consideration.

11. The TIRExB felt that the Board should also make a contribution to the consideration of the underlying ITC Bureau documents. To this end, the TIRExB decided to ask WP.30 and the TIR Administrative Committee for an official mandate to undertake such an activity.

UNECE-IRU Agreement

12. The TIRExB took note that, following the second session of the group of “Friends of the WP.30 Chairman” in August 2003 in the Hague (The Netherlands) and in line with the mandate given by the TIR Administrative Committee, the UNECE secretariat and the IRU had signed a new Agreement. In particular, the new UNECE-IRU Agreement differs from the old one in the following respect:

- it contains a special paragraph on roles and responsibilities of the IRU;
- it comprises a termination clause;

- it includes provisions on settlement of disputes between the signatory parties.

13. The TIRExB was also informed that, due to the introduction of the termination clause, the UNECE had to increase the TIRExB budget by US\$ 305,000 for the year 2004 in order to fully cover all possible staff costs and related staff entitlements for the TIR Secretariat provided for under the UN rules and regulations in case of an exceptional early termination of the UNECE-IRU Agreement or upon its expiration. The IRU had accepted this increase.

BUDGET PROPOSAL AND COST PLAN FOR THE TIRExB AND THE TIR SECRETARIAT FOR THE YEAR 2004

Documentation: TRANS/WP.30/AC.2/2003/8/Rev.1, TRANS/WP.30/AC.2/2003/7.

14. The TIRExB was informed that, following its opinion that the budget of the TIRExB should remain unchanged in 2004 compared to 2003 (TIRExB/REP/2003/18, para. 35), the secretariat had prepared a budget proposal and a cost plan for the TIRExB operation in the year 2004. However, in the light of the new UNECE-IRU Agreement as mentioned in paras. 11 and 12 above, it had been necessary to increase the budget of the TIRExB with US\$ 305,000 (TRANS/WP.30/AC.2/2003/8/Rev.1). The Board approved the budget proposal and cost plan for 2004. The TIRExB also took note of a financial report prepared by the TIR secretariat covering the period from 1 January 2003 to 30 June 2003 (TRANS/WP.30/AC.2/2003/7). Both documents were transmitted to the TIR Administrative Committee at its September 2003 session for consideration.

OTHER MATTERS

Regional TIR Seminar in Moscow

15. The TIRExB took note that a Regional training TIR Seminar would be organized in Moscow on 2 and 3 October 2003, in close cooperation with the Ministry of Transport and the State Customs Committee of the Russian Federation.

DATE AND PLACE OF NEXT SESSIONS

16. The TIRExB decided to hold its twentieth session on 19 and 20 November 2003 in Baku, at the invitation of Mr. S. Bagirov (Azerbaijan).

Annex

PROGRAMME OF WORK OF THE TIR EXECUTIVE BOARD (TIREXB) FOR THE YEARS 2003 AND 2004

1. Introduction

The TIRExB, having analysed and reviewed its functions, decided to present this work programme for the two-year period of its mandate to the AC.2 for endorsement with the aim of improving transparency with regard to its relationships with the TIR bodies and partners. The TIRExB will ensure that it reports to the AC.2 the results of the work programme and its activities.

The programme below is not exhaustive, the TIRExB is sufficiently flexible to enable itself to consider any unforeseen issue that might arise. Furthermore, it does not include some ongoing activities carried out by the TIR secretariat, which do not require the direct involvement of the Board (e.g. maintenance of the ITDB, etc).

2. Overall aims

Supervision of and support in the application of the TIR Convention at the national and international levels (Article 1 bis of Annex 8 to the Convention)

2.1. Ongoing activities

- (1) To study specific measures (both legal and practical) to combat fraud resulting from the misuse of the TIR procedure. Priority: 1**

Outputs expected in 2003 and 2004:

- Identification of possible weaknesses in the legal basis of the TIR Convention which could make it prone to fraud.
- Analyse the results of the ITC questionnaire in order to identify possible weaknesses in the legal basis and implementation of the TIR Convention which could make it prone to fraud.
- Develop a mechanism aimed at the early identification of fraud in order to define the appropriate responses to prevent and combat such fraud.
- Issue a survey among Contracting Parties to the TIR Convention with regard to the implementation of controlled access to the TIR procedure (Annex 9, part II of the Convention); this being one of the most important tools to prevent fraud. Convene selected workshops if so required.

- (2) **To facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, IRU and other Governmental and non-governmental organisations. To co-ordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties.** **Priority: 1**

Outputs expected in 2003 and 2004

- Elaborate adequate instruments and undertake to find measures to improve international co-operation among Contracting Parties to the TIR Convention and their national associations, and the international organization in order to prevent and combat fraud.
- Taking into account the views of other international governmental and non-governmental bodies, and in consultation with the IRU, develop and disseminate guidelines concerning the use of risk analysis, and the identification of fraud prevention measures.

- (3) **To supervise the national Customs control measures introduced in the framework of the TIR Convention.** **Priority: 1**

Outputs expected in 2003 and 2004:

- Identification of national Customs control measures introduced in Contracting Parties to the TIR Convention and to check their conformity with the provisions of the TIR Convention.
- Co-operation with the respective national authorities in order to modify or abolish measures which are in contradiction to the TIR Convention.

- (4) **To supervise the functioning of the TIR international guarantee system.** **Priority: 1**

Outputs expected in 2003 and 2004:

- Monitor constantly the settlement of Customs claims, on the basis of information to be provided by national Customs authorities and the IRU.
- Study the situation with regard to the new trends of fraud, the notifications of non-discharge and TIR infringements as a contribution to an "early-warning system" for identification and prevention of fraud.

- (5) **To contribute to the computerization of the TIR procedure.** **Priority: 1**

Outputs expected in 2003 and 2004:

- Monitor the activities undertaken within ad-hoc expert groups on the computerisation of the TIR procedure.
- Promotion of ITDB as one of future e-TIR components.

- Development of on-line access to ITDB.

(6) To support training activities on the application of the TIR Convention, mainly in Contracting Parties where difficulties are experienced or might be expected in this area. Priority: 1

Outputs expected in 2003 and 2004:

- Organize, possibly in co-operation with the IRU, and substantially contribute to regional and national workshops and seminars on the application of the TIR Convention.
- Update and distribution of the TIR Handbook in several languages.
- Maintenance of the TIR website.

(7) To facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organisations without prejudice to Article 57. Priority: 1

Output expected in 2003 and 2004:

- Analyse and monitor disputes referred to the Board and make recommendations (if necessary) to facilitate their settlement.

(8) To monitor the application of the EDI control system for TIR Carnets. Priority: 2

Outputs expected in 2003 and 2004:

- Activities, in co-operation with IRU, towards the full implementation of the Recommendation on an international EDI control system for TIR Carnets adopted by the TIR Administrative Committee on 20 October 1995.
- Monitor performance and give feedback to the Contracting Parties.

(9) To supervise the centralised printing and distribution of the TIR Carnets, including the monitoring of the price of TIR Carnets. Priority: 2

Outputs expected in 2003 and 2004:

- Regular monitoring of the price of TIR Carnets as reported by IRU.
- Approving any proposed modifications to the TIR Carnet in advance of its introduction and distribution.

(10) To maintain the central record for dissemination to Contracting Parties of information 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.

Priority: 2

Output expected in 2003 and 2004:

- Information to be provided by IRU, identifying the common rules and procedures prescribed for the issue of TIR Carnets by associations.

2.2. Activities of a limited duration

(11) Preparation of an example of a TIR Carnet duly filled-in.

Priority: 1

Outputs expected in 2003:

- Finalization of an example of a TIR Carnet duly filled-in for the inclusion into the TIR Handbook.
- Preparation of introductory remarks explaining the peculiarities of the example.

(12) Preparation of best practices on effective communication between Customs authorities and national guaranteeing associations.

Priority: 1

Outputs expected in 2003:

- Finalization of an example of best practices on effective communication between Customs authorities and national guaranteeing associations for the inclusion into the TIR Handbook.
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