



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

TIR Executive Board (TIRExB)

**DRAFT REPORT OF THE ELEVENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(18, 19 and 22 October 2001)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its eleventh session on 18, 19 and 22 October 2001 in Geneva.
2. The following members of the TIRExB were present: Mr. M. Amelio (Italy), Mr. G.-H. Bauer (Switzerland); Mr. R. Ehmcke (Germany); Mrs. Y. Kasikçi (Turkey); Mr. D. Kulevski (The Former Yugoslav Republic of Macedonia); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mr. M. Olszewski (Poland); Mrs. N. Rybkina (Russian Federation).
3. The TIR Secretary attended the session in accordance with Annex 8, Article 9, paragraph 1 of the Convention.
4. The International Road Transport Union attended partially the session as observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head, TIR Policy and Customs Border Crossing Facilitation.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of the session as prepared by the TIR Secretary (TIRExB/AGE/2001/11) with the addition of the following items:

Agenda item 6 (d): Recent national control measures introduced in the Russian Federation

Agenda item 14: Budget proposal and cost plan for the TIRExB and the TIR secretariat for the year 2002

Agenda item 15: Monitoring of the price of TIR Carnets;

Monitoring of the functioning of the TIR guarantee system

ADOPTION OF THE REPORT OF THE TENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2001/10, Rev.1 and Rev.2.

7. The TIRExB adopted the report of its tenth session as prepared by the TIR Secretary (TIRExB/REP/2001/10/Rev.2), subject to the following modifications:

Paragraph 2

After the words "Mr. R. Ehmcke (Germany)" add the words in brackets "(from 14 to 17 May 2001 only)".

Paragraph 35

In the first sentence, after the words "different actors involved in the TIR regime" add the words in brackets "(TIR Carnet holders, national associations, Customs authorities)".

TRANSMISSION OF LEGALLY REQUIRED DOCUMENTATION TO THE TIRExB

Current situation

Documentation: Informal Document No. 19 (2001).

8. On the basis of Informal Document No. 19 (2001), the TIRExB concluded that the transmission to the Board of the legally required documentation had become quite satisfactory and that the deposition of the annually renewed insurance certificates seemed to be the only problem in

this area. To improve the situation, the Board felt that all Contracting Parties should regularly be reminded of the necessity to deposit the updated certificates.

Compliance with the provisions of the Convention. Example authorization and example agreement

Documentation: TIRExB/REP/2001/10/Rev.2, TRANS/WP.30/AC.2/2001/7-TRANS/WP.30/2001/14.

9. The TIRExB recalled that, at the previous session, it had adopted the example authorization and the example agreement (TRANS/WP.30/AC.2/2001/7-TRANS/WP.30/2001/14). The TIRExB was informed that, following its request (TIRExB/REP/2001/10/Rev.2, para.12), the TIR Secretary had distributed the two examples throughout Customs authorities of Contracting Parties utilizing the TIR procedure.

10. The TIRExB noted with satisfaction that, in general, the reaction of Contracting Parties to the examples had been positive and that several countries had already agreed to use them as a basis for their own agreements. Nevertheless, the Board reiterated that these examples were not legally binding and, thus, should be treated as guidelines only.

11. The Board noted that the TIR secretariat intended to give a personalized reaction to each and every agreement it would receive. However, instead of reacting retroactively to all agreements it had received over the last few years, it felt it would be more appropriate to react each time new agreements were deposited. Over the last few months comments had been sent to the Lithuanian and Romanian Customs authorities and extensive support had been supplied to the Yugoslav Customs authorities when in the process of concluding an agreement with their national association.

INSERTION OF AN IDENTIFICATION (ID) NUMBER OF THE HOLDER OF A TIR CARNET IN THE TIR CARNET AND USE OF THE TIR DATABANK

Documentation: TIRExB/REP/2001/10/Rev.2, TRANS/WP.30/AC.2/2001/13, Informal Document No. 20 (2001).

12. The TIRExB took note that, following the decisions taken place at the previous session (TIRExB/REP/2001/10/Rev.2, paras. 20 and 22), the TIR Secretary had provided off-line access to contact information (name of person(s)/enterprise, address, phone and fax numbers, name of contact point, etc.) for TIR Customs focal points. To this end, the TIR Secretary transmitted detailed information on the procedures for off-line access to the ITDB together with a standard enquiry form at the end of June 2001 (Informal Document No. 20 (2001)). Furthermore, the TIR Secretary submitted revised proposals on the step-by-step use of the ITDB to the October 2001 session of the TIR Administrative Committee for consideration and approval (TRANS/WP.30/AC.2/2001/13).

13. The TIRExB was informed of the first experience gained by the TIR secretariat in providing off-line access to the ITDB and, in particular, of the wish of some Customs administrations to grant access to the ITDB not only to TIR focal points, but also to representatives of law enforcement departments. The Board felt that, for the time being, off-line access should be granted to TIR Customs focal points only, but that the latter could share data obtained from the ITDB with their colleagues.

14. The TIRExB also noted with concern that in some Contracting Parties one ID-number had been used several times for transport operators with different names and that such practice had led to a number of misunderstandings during enquiry proceedings. Taking into account diverse national legislations in Contracting Parties, the Board requested the TIR Secretary to prepare proposals on how to tackle this problem at the international level.

APPLICATION OF THE TIR CONVENTION IN CASE THE FIRST PART OF A TRANSPORT OPERATION IS NOT MADE BY ROAD

Documentation: TIRExB/REP/2001/10/Rev.2, Informal Document No. 21 (2001).

15. The TIRExB recalled its earlier deliberations on the implementation of Article 2 of the Convention in case a part of a transport operation was not made by road (TIRExB/REP/1999/3, para.26 and TIRExB/REP/2001/10/Rev.2, paras. 24 and 25) and considered a draft comment on the issue prepared by the TIR Secretary (Informal Document No. 21 (2001)).

16. The Board noted that, in line with Article 26, paragraph 2 of the Convention, a TIR operation is usually suspended during a non-road leg when simpler Customs transit procedures exist. If such procedures are not available, nothing in the Convention prevents the holder from using a TIR Carnet for this part of the journey. However, if the holder wishes to use the TIR procedure, he should take into account the availability along the way of Customs offices (departure, destination and en route) approved for accomplishing TIR operations in line with Article 45 where the TIR Carnet could be given the treatment foreseen by the Convention.

17. The TIRExB decided to revert to the issue at the next session. In order to facilitate further discussions, the Board requested the TIR Secretary to prepare schemes of all possible practical situations involving a non-road leg in the course of a TIR transport.

NATIONAL CONTROL MEASURES

Article 47 of the Convention and additional Customs requirements

Documentation: Informal Document No. 22 (2001).

18. On the basis of Informal Document No. 22 (2001) prepared by the TIR Secretary, the TIRExB adopted and decided to transmit to the TIR Administrative Committee the following comment to Article 47 of the Convention:

"Application of restrictions and controls

The TIR Convention is a Customs Convention aimed at the Customs transit regime. The objective of Article 47 is to allow for application of additional restrictions and controls based on national regulations other than Customs. Therefore, it should not be used to justify supplementary Customs requirements."

Customs escorts

19. The TIRExB was informed of a number of complaints by transport operators about practical difficulties in the application of the TIR Convention in some countries of the Middle East and Eastern Europe due to obligatory Customs escorts and very high service fees (up to USD 3 per km).

20. The Board felt that, although escorts were an indispensable tool for the Customs authorities in exceptional cases (e.g. for transport of the so-called sensitive goods), in some Contracting Parties this control measure seemed to be abused in terms of service charges, border delays and the number of obligatory escorts. The TIRExB also noted that in some situations service fees covered by transport operators had not been in accordance with the official rates established on the basis of national law.

21. With a view to providing transparency in this area, the Board requested the TIR Secretary, in co-operation with the IRU, to survey the situation with Customs escorts among Contracting Parties and to report back to the TIRExB at one of its next sessions.

New orders by the State Customs Committee (SCC) of the Russian Federation

Documentation: Informal Document No. 23 (2001).

22. The TIRExB took note of Order No. 347 of 10.04.2001 which established a list of approved Customs offices and licensed Customs warehouses for the Customs clearance of certain goods (mainly electronics) imported into the Russian Federation by road and bound for consignees located

in St. Petersburg, Leningrad Region and in the area of the Central Regional Customs Office (Moscow, Moscow Region and 16 nearby regions of the Russian Federation). The Board considered the above order as being in compliance with the provisions of the TIR Convention.

23. The TIRExB was also informed of Order No. 290 of 23.03.2001 introducing extensive Regulations (50 pages) on temporary storage of goods and vehicles under Customs control. Some of these Regulations concern Customs transit procedures and seem to have direct consequences for the application of the TIR regime in the Russian Federation. For example, by means of this order, SCC has drastically reduced the number of possible inland destinations where goods and road vehicles can be presented for control purposes.

24. Having considered the above Order, the Board came to the conclusion that their impact on the implementation of the TIR procedure was not clear. In particular, it remained unclear at which particular moment a TIR operation should be certified as terminated and the goods should be put under temporary storage. The Board felt that this issue could be of great importance to the functioning of the TIR regime. In view of the above, the TIRExB decided to continue its discussions on the subject at the next session on the basis of comments on practical consequences of Order No. 290 to the TIR procedure, to be supplied by Mrs. N. Rybkina (Russian Federation).

Recent national control measures introduced in the Russian Federation

25. The TIRExB was also informed that the Russian Customs authorities had lately introduced restrictive measures with regard to the transit of electronics goods, furniture and home appliances through the territory of the Russian Federation to adjacent CIS countries. The Board took note of the underlying reasons for these measures. Given the lack of official information on the issue, the TIRExB postponed discussions on the subject until the next session and invited Mrs. N. Rybkina (Russian Federation) to transmit to the Board a document for consideration.

POSSIBILITY OF GRANTING SPECIALLY AUTHORIZED CONSIGNORS AND CONSIGNEES PERMISSION TO OPEN AND TO TERMINATE TIR OPERATIONS AT THEIR PREMISES

Documentation: Informal Document No. 18 (2001).

26. The Board discussed Informal Document No. 18 (2001), which contained detailed information on the use of the concept of authorized consignee at the national level in Germany and Poland as well as giving an outline of the position of the IRU on the matter. In order not to further complicate its discussion, the Board decided to continue using the wording "authorized consignor/consignee" although the term as such is not used in the TIR Convention and to limit its discussion to the concept of authorized consignee, stressing that the concept of authorized consignor was not in line with the provisions and spirit of the TIR Convention.

27. From statements from various members of the Board it became clear that in one form or other the concept of authorized consignee does already exist in a number of countries, whereas other countries do not acknowledge its use on account of the fact that it might be in contradiction with the text or spirit of the TIR Convention. The Board felt therefore that it was its task to give uniform guidance to all Contracting Parties in this matter.

28. As a first step the Board acknowledged that a distinction should be made between two different situations. In the first situation goods and documents are delivered and unloaded directly at the consignee's premises in the presence of Customs. In the view of the Board, this type of situation is covered by Article 46 of the Convention, which provides for Customs attendance at other places than at the Customs office of destination (at the cost of the TIR Carnet holder). In the second situation goods and documents are delivered and unloaded directly at the consignee's premises without Customs officials being present. In the opinion of the Board, it is the latter situation which it has to address, as there is no clarity so far as to whether this is in line or not with the spirit and text of the TIR Convention.

29. The Board considered that the concept of authorized consignee was complicated by two factors. Firstly, the fact that it involves an actor (the consignee, the recipient of the goods) which is not yet recognized in the TIR Convention. Secondly, the possible repercussions it might have on the guarantee chain due to the fact that there is a close link between the authorized consignee and the proper termination of the TIR operation.

30. The Board decided to continue its discussion at its next session on the basis of a document to be prepared by the TIR secretariat, which would reflect the different opinions and the various positive and negative aspects of the concept.

RE-INTRODUCTION OF INSURANCE COVERAGE FOR SO-CALLED "SENSITIVE" GOODS ON THE TERRITORY OF THE EU

Documentation: Informal Document No. 26 (2001).

31. The TIRExB took note of Informal Document No. 26 (2001) containing an exchange of letters among different parties concerned (IRU, TIR Secretary, some national associations) with regard to the re-introduction of the guarantee coverage for "sensitive" goods on the territory of the European Community.

32. The Board recalled that the reason for the exclusion of sensitive goods from the TIR regime in 1996 had been the temporary suspension of the comprehensive guarantee for these goods in the Community/Common transit systems which was re-established in 2000. The TIRExB expressed its deep regret over the fact that, in spite of this circumstance as well as in spite of the establishment of

the SafeTIR system and the entry into force of Phase I of the TIR revision process introducing, inter alia, controlled access to the TIR procedure, the guarantee coverage for "sensitive" goods had not been re-introduced.

33. The TIRExB reiterated that the present situation had led to unequal Customs treatment of goods in different countries and jeopardized the functioning of the TIR system on a global scale. It was noted, however, that additional control measures are taken for sensitive goods in the EU in the framework of the Community and Common Transit System. Thus, the Board urged the IRU to find, in cooperation with the European Commission, ways and means to re-establish the TIR guarantee for "sensitive" goods as soon as possible. The TIRExB also felt that the international insurers should be contacted directly in order to find out why "sensitive" goods were still considered as such and why a proper risk assessment was not possible.

FULL IMPLEMENTATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS (SAFETIR)

Documentation: Informal Document No. 24 (2001).

34. The Board was informed that in July 2001 the TIR secretariat sent a questionnaire to the TIR Customs focal points of the 45 countries with which a TIR operation can be established and for which SafeTIR data were available on the use and appreciation of the SafeTIR system at the national level (Informal Document No. 24 (2001)). So far, the secretariat had received 36 replies. But, as it was the intention to receive a reaction from all 45 countries, reminder letters had been sent in September and October 2001. A so-called "SafeTIR Taskforce" had been established, in which representatives from the TIR secretariat and the IRU participate, which aim it was to analyze the responses and to propose further actions how to improve the use of the SafeTIR system.

PREPARATION OF AN EXAMPLE OF A TIR CARNET DULY FILLED-IN

35. The issue was not discussed due to lack of time.

PREPARATION OF A MODEL FORM TO BE USED BY CUSTOMS AUTHORITIES FOR NOTIFICATIONS TO GUARANTEEING ASSOCIATIONS AND FOR PAYMENT REQUESTS

36. The issue was not discussed due to lack of time.

**LEGAL PROCEEDINGS IN GERMANY BETWEEN THE CUSTOMS
ADMINISTRATION AND THE NATIONAL GUARANTEEING ASSOCIATION
(REQUEST FOR A DECISION OF THE EUROPEAN COURT OF JUSTICE)**

37. The issue was not discussed due to lack of time.

ACTIVITIES OF THE TIR SECRETARIAT

38. The TIRExB was informed of the following national and regional TIR workshops and seminars organized by the TIR secretariat:

- a national TIR training workshop for Customs officials of Yugoslavia at Belgrade on 25 and 26 July 2001 (in cooperation with the Federal Customs Administration of Yugoslavia);
- a Regional Seminar for the countries of Central Asia, the Transcaucasus and the Black Sea region in Baku (Azerbaijan) on 2 and 3 October 2001 (in cooperation with the State Customs Committee of Azerbaijan).

**BUDGET PROPOSAL AND COST PLAN FOR THE TIRExB AND THE TIR
SECRETARIAT FOR THE YEAR 2002**

Documentation: TRANS/WP.30/AC.2/2001/10, TRANS/WP.30/AC.2/2001/11 and Corr.1.

39. Having taken note of the financial report prepared by the TIR Secretary covering the period 1 January 2001 to 31 July 2001 (TRANS/WP.30/AC.2/2001/10), the TIRExB approved the budget proposal and the cost plan for its operation in the year 2002 as prepared by the TIR Secretary (TRANS/WP.30/AC.2/2001/11 and Corr.1). Both documents were transmitted to the TIR Administrative Committee at its October 2001 session.

OTHER MATTERS

Monitoring of the price of TIR Carnets

40. The TIRExB recalled that, according to Article 10 of Annex 8 to the Convention, monitoring of the price of TIR Carnets was one of the main functions of the Board and that the TIRExB, at its third session (22 and 23 September 1999), once considered this issue on the basis of information provided by the IRU (TIRExB/REP/1999/3/Rev.1, paras. 9-12). In this context, the IRU informed the Board that the prices of TIR Carnets had not changed since that time. Nevertheless, given the new composition of the TIRExB, the IRU was requested to supply again the Board with the data on the price of TIR Carnets.

Monitoring of the functioning of the TIR guarantee system

41. The TIRExB recalled that this item was included into its programme of work for the year 2001 and had not been touched upon so far. As a first step, the Board requested the IRU to submit statistical data on the number and total amount of claims lodged by the Customs administrations in all Contracting Parties indicating also payments effected by the TIR guarantee chain.

DATE AND PLACE OF NEXT SESSIONS

42. The TIRExB decided to hold its twelfth session on 10 and 11 January 2002 in Geneva. The thirteenth session of the Board was scheduled to take place from 10 to 12 April 2002 in Trieste (Italy).
