



TIR EXECUTIVE BOARD (TIRExB)
COMMISSION DE CONTROLE TIR (TIRExB)
ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Seventy-fifth session

Geneva, 6 and 7 December 2017

Report of the seventy-fifth session of the TIR Executive Board (TIRExB)

I. Attendance

1. The TIR Executive Board (TIRExB) held its seventy-fifth session on 6 and 7 December 2017 in Geneva.
2. The following members of TIRExB were present: Mr. S. Amelyanovich (Russian Federation), Mr. G. Andrieu (France), Mr. M. Ayati (Iran (Islamic Republic of)), Ms. D. Dirlik Songür (Turkey), Mr. S. Fedorov (Belarus), Ms. B. Gajda (Poland), Ms. L. Jelínková (European Commission), Mr. S. Somka (Ukraine) and Ms. E. Takova (Bulgaria).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. Y. Guenkov.

II. Adoption of the agenda (agenda item 1)

Documentation: Informal documents TIRExB/AGE/2017/75, Nos. 34 and 35 (2017)

4. Mr. S. Amelyanovich (Russian Federation) proposed not to put Informal document No. 35 (2017) on the agenda of the current session, since its late submission did not leave time for preparation. The Chair explained that submitted documents had to be included in the agenda, but that TIRExB would only deal with it if time sufficed.
5. TIRExB then adopted the agenda (Informal document TIRExB/AGE/2017/75) with the addition of (a) Informal document No. 34 (2017) under agenda item 5 (“Adaptation of the TIR procedure to modern business, logistics and transport requirements”) and (b) Informal document No. 35 (2017) under agenda item 13 (“Other matters”).

III. Adoption of the report of the seventy-fourth session of TIRExB (agenda item 2)

Documentation: Informal document TIRExB/REP/2017/74draft

6. TIRExB adopted the draft report of its seventy-fourth session (Informal document TIRExB/REP/2017/74draft).

IV. Application of specific provisions of the TIR Convention (agenda item 3)

Proposals to introduce more flexibility in the guarantee system

Documentation: Informal documents Nos. 13 and 29 (2017)

7. TIRExB recalled that its previous composition had exhausted its assessment of increasing flexibility in the guarantee system and had transmitted its considerations to the TIR Administrative Committee (AC.2) for further discussion (TIRExB/REP/2017/71/final, paras. 8-11). TIRExB also recalled that the secretariat had distributed documents related to previous considerations on the matter pursuant to its request and had prepared a summary of those discussions (Informal document No. 13 (2017)). The Board reiterated its decision to commence consideration of the matter only subsequent to the deliberations of AC.2 (TIRExB/REP/2017/74final, para. 6).

8. Further, TIRExB noted that 20 Contracting Parties had raised the TIR guarantee limit to EUR 100,000, consisting of the 18 Contracting Parties in Informal document No. 29 (2017), Sweden (entry into force on 1 December 2017) and the Netherlands (entry into force on 14 June 2017) (see TIRExB/REP/2017/74final, para. 7).

V. Computerization of the TIR procedure (agenda item 4)

A. eTIR project and eTIR pilot projects

9. The Board took note that, further to the successful conduct of the eTIR pilot project between Iran and Turkey and taking into account the Joint Statement on the Computerization of the TIR procedure, adopted in June 2015 by AC.2, on 26 September 2017, the UNECE Executive Committee (EXCOM) accepted a five years eTIR project with a total budget of 1,511,275 USD. Subsequently, on 6 October 2017, UNECE and IRU signed a Memorandum of Understanding (MoU) on cooperation in the field of the computerization of the TIR procedure and a Contribution Agreement, which will ensure the provision of the necessary funds to finance, inter alia, an additional ICT expert working on the project as well as the hosting of the eTIR international system at UNOG data centre.

10. With regard to the eTIR pilot project between Georgia and Turkey, the Board took note that all technical issues had been resolved on the development environment of the Central Exchange Platform and both countries will be soon in a position to move to the production environment.

11. The Board also took note that it was intended to ultimately merge the two platforms used for the pilot projects and that the Board would be requested at one of its forthcoming sessions to allow all eTIR projects to automatically query the International TIR Data Bank (ITDB), as foreseen in the eTIR specifications.

B. International TIR Data Bank

12. TIRExB heard a presentation about a prototype of the customs offices database by the secretariat.

C. Mandatory submission of data using the International TIR Data Bank

Documentation: Informal documents Nos. 15 and 16/rev.1 (2017)

Statistical information on the use of the International TIR Data Bank

13. TIRExB continued its consideration on the mandatory data submission to TIRExB via the ITDB (see also TIRExB/REP/2017/74final, paras. 16-19) on the basis of statistical information on the current use of the ITDB (Informal document No.

16/rev.1 (2017)). The secretariat informed that in addition to the Contracting Parties in Informal document No.16/rev.1 (2017), the Czech Republic had recently connected to and Hungary had announced that it would start connecting to the ITDB in early 2018. TIRExB found the statistical information in Informal document No. 16/rev.1 (2017) very interesting noting a need for more awareness raising on the ITDB.

14. The secretariat explained that Informal document No.16/rev.1 (2017) only reflected the Contracting Parties that submitted the annual lists. Contracting Parties, which regularly used the ITDB, did not need to submit annual lists to update information, a point also addressed in Informal document No. 15 (2017).

15. TIRExB requested the secretariat to revise the statistical information on the submission of annual lists for 2017 to have more updated information for the next session.

Draft proposals to achieve mandatory use of the International TIR Data Bank

16. TIRExB then considered proposals for legal amendments and comments to the TIR Convention to achieve mandatory use of the ITDB for data submission to TIRExB (Informal document No. 15 (2017)). TIRExB generally agreed that (a) the use of the ITDB should be mandatory and (b) legal amendments would best achieve that purpose.

17. Ms. B. Gajda (Poland) said that it was important to have accurate data in the ITDB and that the current relatively low use of the ITDB highlighted the need for awareness raising before imposing an obligation on its use. In addition, she expressed her concerns on the proposal to make data submission via the ITDB mandatory for other provisions in the TIR Convention (see Informal document No. 15 (2017), para. 27), since it would create new obligations under the TIR Convention.

18. Ms. L. Jelínková (European Commission) commented: (a) whether the deadline of one week under Article 38, paragraph 2 and Annex 9, Part II, paragraph 4 should be shortened for data submission via the ITDB, (b) whether there should be a reference, possibly by a comment, to the special format, in which the individual and unique identification (ID) number for TIR Carnet holders should be submitted, (c) the Explanatory Note to Annex 9, Part II, paragraph 5 should also include the obligation for the national association to use the ITDB, and (d) there was no need for a transitional period, since discussions would take time, needing the promotion of the ITDB to the TIR Focal Points, AC.2 and the national associations.

19. In response to comment (b) above, the secretariat clarified that only the title to the “Comment to the Model Authorization Form (MAF)” was proposed to be modified, so that the explanation on the special format of an ID number would remain (see Informal document No. 15 (2017), para. 23). In response to comment (c) above, the secretariat clarified that the new proposed wording for Annex 9, Part II, paragraph 5 together with its Explanatory Note already contained the obligation for national associations to use the ITDB (see Informal document No. 15 (2017), para. 21).

20. Noting the limited use of the ITDB by Contracting Parties, TIRExB concluded that more attention should be paid to awareness raising about the ITDB, before it was set as mandatory in the TIR Convention. In response to the possible organization of a seminar in the margin of the WP.30 and AC.2 sessions, doubts were expressed whether AC.2, WP.30 and the TIR Focal Points were the adequate forum to raise awareness, since they might not represent the actual users of the ITDB. Mr. S. Fedorov (Belarus) stated that Information Technology (IT) had an impact on the legal basis that regulated the TIR procedure and that there was a need to look at mechanisms how to use the ITDB, providing explanation on its use. To that end, TIRExB welcomed a proposal by the secretariat to update the ITDB guides and to organize a seminar in 2018 to further assist the non-IT customs departments in increasing their national awareness. Highlighting the importance of awareness raising at the national and international level, Mr. G. Andrieu (France) shared the experience of the French customs authorities which had drafted a user guide on the ITDB in French and organized explanatory meetings with the national association. Furthermore, TIRExB welcomed a proposal by Mr. S.

Somka (Ukraine) to hold training sessions via video conferencing for IT experts as a complementary step. Further, the Board requested the secretariat to submit the ITDB guide to WP.30 as official document to ensure its availability in the three official languages of the TIR Convention.

D. Activities of the Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure

21. TIRExB took note that the twenty-seventh session of Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) took place in Geneva on 4 and 5 December 2017. It further noted that GE.1 discussed a number of amendments to the eTIR specifications resulting from the pilot projects and from the outcome of the work of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2).

E. Activities of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure

22. TIRExB noted that the fifth and last session of GE.2 took place in Geneva on 30 and 31 October 2017 and that GE.2 submitted the eTIR legal framework to WP.30 for further consideration (see ECE/TRANS/WP.30/2018/3, ECE/TRANS/WP.30/2018/4, ECE/TRANS/WP.30/GE.2/10, paras. 26 and 30).

VI. Adaptation of the TIR procedure to modern business, logistics and transport requirements (agenda item 6)

Documentation: Informal document No. 34 (2017)

23. The secretariat informed that it met with the Intergovernmental Organisation for International Carriage by Rail (OTIF) as a first step towards cooperation on the intermodal aspect of the TIR Convention. TIRExB then considered a draft report of an intermodal TIR transport covering three different modes of transports between Slovenia and Iran (Islamic Republic of) (Informal document No. 34 (2017)), submitted by IRU.

24. The Board raised the following questions on the draft report: (a) who was the responsible TIR Carnet holder for the rail leg performed, (b) whether the use of the IRU TIR Electronic Pre-Declaration (EPD) was mandatory for such transport, (c) how EPD was used for risk assessment, (d) how the boxes in the TIR Carnet were filled out, (e) how the TIR Carnet was reactivated after being deactivated during the sea leg, (f) why the TIR Carnet was not used during the rail leg in Turkey, (g) regarding responsibility, whether the Iranian TIR Carnet holders were sub-contractors, and (h) whether the TIR Carnet contained information on the change from rail to road.

25. Mr. Y. Guenkov (IRU) said that the draft report would need to be further elaborated to answer all questions. However, he already responded that (a) the responsibility for the whole TIR transport was with the Slovenian TIR Carnet holder, (b) the transport operators agreed to suspend the use of TIR for the territory of Turkey to facilitate the pilot project, and (c) TIR EPD went to all customs authorities involved for their risk analysis. He further mentioned that all the above information should be confirmed and documented accordingly as soon as the TIR Carnets were returned and additional information were made available by the stakeholders to complete the document. Mr. M. Ayati (Iran (Islamic Republic of)) added that (a) all information was sent via EPD and the national system noted with a comment the change in mode of transport, (b) the Iranian national association had requested and received permission for the Iranian partner operator to act as subcontractor for that pilot project, (c) for TIR transports between India and Iran, intermodal transport would be attractive, and (d) the main question was whether there was a legal framework for subcontractors.

26. TIRExB took note of the example of an intermodal transport as very promising, but noted that many questions remained open. Therefore, TIRExB decided to keep the

example on its agenda for the next session and to request IRU for more information, in particular on the TIR Carnets concerned and the benefits of the example.

VII. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations (agenda item 5)

A. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations

Documentation: Informal documents Nos. 10, 18-20, 22-24, 26-28, 30 and 31 (2017)

Unredacted certified copy of the global guarantee contract

27. TIRExB recalled that the Romanian Association for Road Transport (ARTRI) had brought the matter to its attention by claiming non-receipt of the full global guarantee contract, i.e. missing of certain annexes. In response, TIRExB had requested IRU to submit the full guarantee contract for its consideration at its seventy-fourth session. At that session, TIRExB noted that the certified copy received from IRU contained certain redacted figures and requested IRU to submit the certified copy without any redactions (TIRExB/REP/2017/74final, paras. 21-22).

28. Mr. Y. Guenkov (IRU) informed that the redacted figures in the global guarantee contract concerned business intelligence information being also accessible through the E&Y audit report. However, Mr. Y. Guenkov brought a certified copy of the global guarantee contract to the current session, which TIRExB could examine in his presence and without any pictures taken. Mr. Amelyanovich (Russian Federation) considered that procedure as not complying with the requirement in Annex 9, Part III, Article 2 (a) of the TIR Convention. In his view, (a) the Contracting Parties had not received the full certified copy of the global guarantee contract with all figures, (b) the situation was not in compliance with Annex 9, Part III, Article 2 (a), and (c) TIRExB should insist that the provision be complied with in the future, in particular since the figures could be of interest to ministries of finance.

29. In the view of Mr. S. Somka (Ukraine), IRU had complied with the request by TIRExB. Mr. S. Somka explained that the exact figures had no importance to him, since they had no relevance for the functioning of the TIR guarantee system and were part of the private relationship between IRU and its member associations. He added that Annex 9, Part III, Article 2 (a) did not reflect the mechanism of how the information should be provided nor referred to any annexes. Ms. L. Jelínková (European Commission) said that IRU had complied with the request of TIRExB, but that it was another question whether national associations had seen the full guarantee contract or not. Mr. S. Fedorov (Belarus) noted that Contracting Parties seemingly had not complained about the form in which they had received the global guarantee contract until to-date.

30. In conclusion, TIRExB noted that Annex 9, Part III, Article 2 (a) was a provision providing Contracting Parties with certified copies of the global guarantee contract and proof of coverage. TIRExB also noted that the TIR Convention did not define a mechanism on the manner and form in which the contract should be provided. According to the assessment by TIRExB, in practice, the international organization through the national associations had not provided Contracting Parties with the full certified copy, i.e. with the figures in the annexes. Therefore, TIRExB decided to bring the matter to the attention of AC.2. TIRExB recognized, however, that it had not raised any concerns before. Further, TIRExB called on IRU to intensify the cooperation with its national associations, so that matters concerning their relationship would not escalate to the level of TIRExB. TIRExB noted that IRU cooperated with the request to provide the full global guarantee contract to the Board. Nonetheless, Mr. S. Amelyanovich requested his concerns to be fully reflected in the report (see para. 28 above).

Draft response to letter by Romanian customs authorities

31. TIRExB reiterated that the request for guidance by the Romanian customs administration (Informal document No. (2017)) merited further consideration and a response. TIRExB noted that AC.2 was informed at its sixty-sixth session (October 2017) of the points that needed further consideration of the Contracting Parties, i.e. no reference in the TIR Convention to the agreement between the international organization and its national association except for the Explanatory Note 0.6.2 bis-1 and concerns that IRU could exclude a national association when the respective customs authorities viewed the national association to meet all its obligations (ECE/TRANS/WP.30/AC.2/135, paras. 18-20). In view of the submissions received (Informal documents Nos. 30 and 31 (2017)), TIRExB sought clarification about the current status of the case.

32. Mr. Y. Guenkov (IRU) informed that (a) the deed of engagement with ARTRI was terminated with entry into effect on 31 January 2018, (b) ARTRI could still appeal against the termination of its membership at the IRU General Assembly (May 2018), and (c) the National Union of Road Hauliers from Romania (UNTRR) had agreed to take on the responsibilities of ARTRI. Further, Mr. Guenkov clarified that the Romanian customs authorities had been notified of the termination of the deeds of engagement. In response, TIRExB regretted the deterioration of the situation.

33. Mr. S. Amelyanovich (Russian Federation) observed that, though Romania had a second national association ensuring the continuation of the TIR guarantee chain, the case presented a bad precedence.

34. In response to the question by Mr. S. Amelyanovich (Russian Federation) which contractual provisions ARTRI violated, Mr. Y. Guenkov (IRU) made reference to the reasons laid out in Informal document No. 30 (2017) and explained that (a) the deeds of engagement could be terminated with or without cause by either party and (b) ARTRI had harmed the reputation of IRU through repeated serious, defamatory allegations, putting the role and operation of IRU, including the international guarantee coverage, at serious risk, thus violating the IRU constitution to which ARTRI had agreed.

35. Mr. S. Amelyanovich (Russian Federation) was of the opinion that IRU terminated the deeds of engagement without any violation thereof by ARTRI and that the IRU constitution was irrelevant as not mentioned in the TIR Convention. Mr. S. Somka (Ukraine), however, pointed out that the TIR Convention required the affiliation of the national association with the international organization. He also stated that he had reviewed the IRU constitution forming a solid basis thereof. He added that the IRU constitution clearly described the procedure for affiliation with IRU and the IRU management had duly followed the procedure for exclusion.

36. In the response to the letter by the Romanian customs authorities (Informal document No. 24 (2017)), TIRExB decided to call on the customs authorities, IRU and all parties involved to sustain the operability of the guarantee chain. TIRExB agreed to reiterate (a) the concerns that IRU could exclude a national association when the respective customs authorities viewed the national association to meet all its obligations and (b) its findings that the TIR Convention was silent on the agreement between the international organization and its national association except for the reference in the Explanatory Note 0.6.2 bis-1 as already brought to the attention of AC.2 (ECE/TRANS/WP.30/AC.2/135, paras. 18-20). TIRExB agreed to remind the Romanian customs authorities that a (new) national association would need to comply with the minimum conditions and requirements pursuant to Annex 9, Part I of the TIR Convention, to avoid that there was no TIR guarantee coverage for Romania.

37. TIRExB agreed to include in the letter a paragraph drawing the attention of the Romanian customs authorities to Article 6, paragraph 2 of the TIR Convention which required that the national association should be affiliated with the international organization and that the duties of the national association were also stipulated in Annex

9, Part I, paragraph 3 (v) requiring the affiliation of the national association to the international organization. Thus, TIRExB finalized its response to the Romanian customs authorities and requested the secretariat to transmit its letter following the session. TIRExB urged Romanian customs authorities, IRU and all relevant parties to sustain efforts for the uninterrupted continuation of the international guarantee chain.

B. The IRU external audit report

38. Noting that WP.30 had kept the item on its agenda, TIRExB also decided to retain the agenda item and to monitor any new development at WP.30 (TIRExB/REP/2017/74draft, para. 27, ECE/TRANS/WP.30/292, paras. 31-35).

VIII. Prices of TIR Carnets (agenda item 7)

Documentation: Informal documents Nos. 8, 9 and 17 (2017)

A. Analysis of the prices of TIR Carnets

39. The Board took note that 50 associations had provided the TIR Carnet prices for 2017 and thanked IRU for their efforts to ensure that associations comply with their obligation to provide the prices of the types of TIR Carnets they issue. The Board requested the secretariat to publish the 2017 prices on the TIRExB website.

40. The Board regretted that only one association had replied to the price survey, which had been launched with the aim to provide more transparency and comparability between the prices. The Board acknowledged that Annex 9, Part I, paragraph 3 (vi) of the TIR Convention did not provide an obligation for associations to respond to the survey in 2017 but stressed that it had approved the questionnaire and requested its circulation at its seventy-first session. The Board further stressed that the report of its seventy-first session was endorsed by the Contracting Parties of the TIR Convention at the sixty-sixth session of AC.2. Therefore, considering the provision of Annex 9, Part I, paragraph 3 (x) and the approval of the survey that was endorsed by AC.2, the Board decided that it could now request national associations to reply to the survey in 2018. Consequently, in order to fulfil its obligations to monitor TIR Carnet prices (Annex 8, Art. 10, para. (h)), the Board requested the secretariat to send a letter to the heads of associations requesting them to respond to the online price survey and recalling on which basis the request was made. The Board requested the letter to be sent before the end of the year and with email copies to associations TIR Focal Points and customs TIR Focal Points. The Board also requested assistance of IRU, if necessary, to obtain contact information of the heads of national associations.

41. While supporting the compliance by national associations with all their obligations resulting from the TIR Convention, Mr. Y Guenkov (IRU) expressed concerns with regard to the detailed nature of the survey, which, in his view, went beyond the requirements set forth in Annex 9, Part I, paragraph 3 (vi).

42. With regard to the analysis of the 2017 prices, the Board took note that the analysis led to the same conclusions as those undertaken in previous years, i.e. while the principle of economies of scale is respected, the analysis does not show any relation between the TIR Carnet prices and the variables used as proxies for the operational costs of associations. The Board requested the secretariat to submit the data and the analysis to AC.2.

B. Distribution prices

43. Pursuant to a request by AC.2 (see ECE/TRAN/WP.30/AC.2/133, paras. 21-22 and Annex III), TIRExB continued its consideration of the concerns of the Russian customs authorities on the accuracy of the current practice where the exemption of

import duties and taxes was based on the IRU distribution price rather than on the production price (see Informal document No. 9 (2017), TIRExB/REP/2017/71final, para. 24, TIRExB/REP/2017/73final, paras. 32-34), noting that discussions had not taken place at its seventy-second and seventy-fourth sessions due to a lack of time (see TIRExB/REP/2017/72final, para. 35, TIRExB/REP/2017/74final, para. 28).

44. Mr. S. Amelyanovich (Russian Federation) reiterated the proposals by the Russian Federation (Informal document 9 (2017)) to (a) provide a separate indication in the invoice for the TIR Carnet price, the value of the form as well as the cost of other expenses and services, (b) submit to AC.2, or TIRExB, the elements of the cost of TIR Carnets, precisely on each type of TIR Carnet issued pursuant to Annex 9, Part III, paragraph 2 (f) of the TIR Convention, and (c) make available to the customs authorities of the Russian Federation, or TIRExB, the export declarations for the TIR Carnets processed by Swiss customs that were sent by IRU to the Russian Federation covering the period starting from 2013 up until the present moment.

45. TIRExB recalled that it had requested IRU to share the legal opinion referred to by Mr. Y. Guenkov (IRU) at its seventy-third session. However, only the statement made by Mr. Y. Guenkov had been circulated via email due to internal restrictions of IRU. TIRExB requested the secretariat to include the statement in an Informal document for its next session.

46. TIRExB recalled that IRU had informed about its agreement with the Swiss customs authorities to have the amount corresponding to the invoice value stated in the export documents to accommodate the request of the Russian Federation (see TIRExB/REP/2017/73final, para. 33). TIRExB requested the secretariat to include the copies of the export documents, which Mr. Y. Guenkov (IRU) provided at the current session, in an Informal document for its next session.

47. TIRExB decided to first continue its assessment of the matter at its next session on the basis of the two newly requested Informal documents before deciding on the two remaining proposals (see para. 44 above).

IX. Example agreement (agenda item 8)

Documentation: Informal document No. 5 (2017)

48. TIRExB recalled that it requested the secretariat to prepare a revised draft of the example agreement for inclusion in Chapter 6.2 of the TIR Handbook (see Informal document No. 5 (2017), TIRExB/REP/2016/70final, para. 24). In response to a question concerning the mandate for the example agreement, the secretariat clarified that AC.2 had endorsed the work on the example agreement in 2001 (see ECE/TRANS/WP.30/AC.2/63, para. 20).

49. TIRExB noted that the example agreement was used in practice as a helpful tool. TIRExB also noted the following comments on the draft updated example agreement: (a) the TIR guarantee amount should reflect the TIR guarantee raise to EUR 100,000 in square brackets, (b) the reason for modifying paragraph 7 on page 4 was not clear, (c) paragraph 1 (d) of Part A should be drafted in a general way to also correspond to the mandatory use of the ITDB when achieved in the future, and (d) the example of best practice on the inquiry and recovery procedures in Chapter 5.4 of the TIR Handbook provided sufficient information on existing procedures and a reference thereto could be included in the updated example agreement.

50. TIRExB also noted that the secretariat had prepared the updated example agreement (see Informal document No. 5 (2017), Annex I), whereas IRU had submitted the procedure for settling disputes pursuant to its proposal at the seventieth session of TIRExB (see Informal document No. 5 (2017), Annex II, TIRExB/REP/2016/70final, para. 24). Some members of the Board challenged the conformity of the procedure for

settling disputes in Annex II, submitted by IRU, with the TIR Convention and national legislation.

51. In conclusion, TIRExB decided to continue its work on the draft example agreement as contained in Informal document No. 5 (2017), but without the procedure for settling disputes proposed by IRU in Annex II thereof, and in due consideration of the comments made.

X. Issues regarding the consecutive use of two TIR Carnets for a single TIR transport (agenda item 9)

Documentation: Informal document No. 30 (2016)

52. TIRExB recalled that it had concluded its assessment of the case submitted by Germany (see Informal document No. 30 (2016), TIRExB/REP/2017/73final, paras. 36-37). TIRExB noted that Germany had received a response accordingly.

53. TIRExB recalled that Mr. Y. Guenkov (IRU) had pointed out the possibility of cases with a trailer and a semi-trailer, in which the issuance of subsequent TIR Carnets might bring some difficulties. Further, TIRExB recalled that, from its preliminary exchange of views, the case did not present common practice (see TIRExB/REP/2017/73final, para. 38). Therefore, and considering that there was no formal submission received, TIRExB decided to close the matter.

XI. Problems reported by transport companies from the Republic of Moldova in Ukraine (agenda item 10)

Documentation: Informal documents Nos. 37 (2014) and 8 (2015)

54. TIRExB noted that there was no new information on the agenda item.

XII. Problems of Kyrgyz TIR transporters at the Kazakh border reported by the State Customs Service of the Kyrgyz Republic (agenda item 11)

Documentation: Informal documents Nos. 32 and 33 (2017)

55. TIRExB considered the problems of Kyrgyz TIR transporters at the Kazakh border reported by the Kyrgyz Republic (Informal document No. 32 (2017)). TIRExB noted that the secretariat had contacted the Permanent Mission of Kazakhstan, the Kazakh TIR Focal Point and the adviser to the Eurasian Economic Commission, for further information on the situation (Informal document No. 33 (2017)). Noting the shortage of information to assess the situation thoroughly, TIRExB requested the secretariat to send a letter to the Kazakh customs administration asking for information on the case, transmitting the same letter (a) directly to the Kazakh customs administration and (b) through diplomatic channels with a reminder to the Permanent Mission of its outstanding response. Further, TIRExB requested the secretariat to transmit via email copies of TIRExB correspondence sent.

XIII. Activities of the secretariat (agenda item 12)

A. Participation of the TIR secretariat in events

56. The Board took note that, since its seventy-third session, the TIR secretariat had participated in the following events: (a) Regional Awareness Raising Workshop on the Main UN Road Transport Legal Instruments and on Intelligent Transport Systems (ITS)

(Brussels, 4 July 2017), (b) World Customs Organization (WCO) Global Conference on Transit (Brussels, 10-11 July 2017), (c) Meeting with OTIF on the intermodal aspects of the TIR Convention (Bern, 25 September 2017), (d) Fifteenth meeting of the Inter-agency Consultative Group on the Least Developed Countries (LDCs) (IACG) on the Implementation of the Istanbul Programme of Action for LDCs for the Decade 2011-2020 (New York, 3 October 2017), (e) Fifth meeting of the IACG on the Follow-up and Implementation of the Vienna Programme of Action for the LDCs for the Decade 2014-2024 (New York, 4 October 2017), (f) Expert Group Meeting on Financing Infrastructure Development for Enhanced Integration of the LDCs into Global Trade (New York, 4-5 October 2017), and (g) Eighth WCO Trade Facilitation Agreement Working Group (TFAWG) (Brussels, 16-18 October 2017).

B. Organization of TIR related events

57. The secretariat informed that the preparations for a national TIR seminar on the Control of Road Vehicles to be held in Tashkent for Uzbek customs officers, referred to at previous sessions (see TIRExB/REP/2017/73final, para. 40, TIRExB/REP/2017/72final, para. 42), still continued. The secretariat expressed the hope that it would be soon defined whether the seminar could be realized in the planned location. The secretariat also informed about its work carried out to improve e-learning tools on the TIR Convention. In that regard, the Board took note of preparations for the redesign and new content of the training page, and the need for translation into other official languages.

C. Update on the status of the survey claims (2013-2016)

58. The Board noted that the deadline for replying to the survey (30 November 2017) had passed and regretted that only 36 Contracting Parties had replied to the survey. The Board requested the secretariat to send reminders to TIR Focal Points of Contracting Parties that had not yet responded urging them to respond to the survey before 15 January 2018.

XIV. Other matters (agenda item 13)

A. Claims exceeding maximum amount of TIR guarantee per TIR Carnet

Documentation: Informal document No. 21 (2017)

59. IRU informed about 13 claims for payment exceeding the maximum amount of the TIR guarantee since January 2017 (Informal document No. 21 (2017)). TIRExB noted that eight of the Turkish cases had been closed in the meantime by further actions, and that the two remaining cases were currently before court for other aspects. TIRExB also noted that it was beneficial for the settlement of disputes to bring such matters to the attention of the customs administration concerned.

60. Mr. S. Amelyanovich (Russian Federation) asked whether IRU had any proposals to ensure that Contracting Parties were not missing out on payments in case the customs duties exceeded the TIR guarantee. TIRExB noted that the Convention was clear in its reference to the maximum amount. Mr. Y. Guenkov (IRU) added that customs authorities always had the right to address the person directly liable for the amount due and pointed to the WCO guidelines, which facilitated trade and transport. TIRExB also noted that it had proven helpful in the national experience if customs authorities made a protocol with the national associations, since many cases could be settled in good will before going to court.

61. Ms. E. Takova (Bulgaria) explained that the Bulgarian cases remained open, though the amount initially due had been fully paid, but not the interests exceeding the maximum amount of the TIR guarantee. Mr. Y. Guenkov (IRU) said that the case would thus remain open with the interests growing and asked for clarification that the case

would remain open under customs laws of the country, but only to the person directly liable and not to the guarantee chain.

62. TIRExB noted that it might be preferable if IRU informed about certain cases without pointing to specific countries and figures. TIRExB was of the general view that claims should not exceed the maximum guarantee amount pursuant to Article 8, paragraph 1 of the TIR Convention and that the first liable person should be the TIR Carnet holder. However, TIRExB noted that the matter needed further consideration and agreed to revert to the matter at its next session.

B. Update on the printing companies for TIR Carnets

Documentation: Informal document No. 25 (2017)

63. Recalling previous information by IRU (TIRExB/REP/2016/67final, para. 21), TIRExB noted that IRU was finalizing the selection procedure of a second printing company for TIR Carnets (Informal document No. 25 (2017)).

C. Problems with acceptance of TIR Carnets in the Russian Federation

Documentation: Informal document No. 35 (2017)

64. Mr. Y. Guenkov (IRU) informed that the problems reported by some of its national associations (Informal document No. 35 (2017)) had recently stopped. In addition, Mr. Y. Guenkov informed about a draft decree or instructions which might further limit the implementation of the TIR Convention in the Russian Federation, notably by referring only to import goods without any reference to export goods or offices open for that procedure. Mr. Y. Guenkov also made an appeal for the computerization of the TIR procedure to happen soon to accommodate national procedures of Contracting Parties which made electronic transit declarations on their territories obligatory, and posed the question whether such requirement would be compatible with the TIR Convention. TIRExB noted that it was not examining the issue at the current session further in view of the late submission of Informal document No. 35 (2017), providing Mr. S. Fedorov (Belarus) also the possibility to look into the practice of the Eurasian Customs Union on electronic transit declarations.

65. Mr. S. Amelyanovich (Russian Federation) said that there were no limitations in the application of the TIR Convention by the Russian Federation. In addition, he appealed to IRU to choose its submissions more thoroughly to avoid spending time on matters that had been resolved and were, in his view, unfounded.

66. TIRExB decided to consider the matter at its next session, if necessary.

XV. Restriction in the distribution of documents (agenda item 14)

67. TIRExB decided that documents issued for the current session should remain restricted.

XVI. Date and place of next session (agenda item 14)

68. The Board decided to have its next session on Monday, 5 February 2018, in Geneva.
