



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

TIR Executive Board (TIRExB)
(Nineteenth session, 22 September 2003,
agenda item 2)

ADOPTION OF THE REPORT OF THE EIGHTEENTH SESSION OF THE TIRExB

Comments on the draft report transmitted to the TIR secretariat

Note by the TIR secretariat

Note: Below the TIR secretariat has reproduced the draft report of the 18th session of the TIRExB with the inclusion of concrete proposals by TIRExB members and the IRU.

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**DRAFT REPORT OF THE EIGHTEENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(16, 17 and 19 June 2003)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its eighteenth session on 16, 17 and 19 June 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); Mrs. Y. Kasikçi (Turkey); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mrs. N. Rybkina (Russian Federation). Mr. R. Boxström (Finland) and Mr. O. Fedorov (Ukraine) were excused.
3. Mr. J. Capel Ferrer, Director, UNECE Transport Division, partially attended the session to inform the TIRExB about issues which were of interest to the Board.
4. 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.

OPENING STATEMENT

5. In opening the meeting, Mr. J. Capel Ferrer, Director, UNECE Transport Division, wished the TIRExB to hold a successful session. He informed the Board of the perspectives that, in the future, some Asian countries may accede to the TIR Convention and put the application of the TIR Convention on a global scale. In this context, Mr. J. Capel Ferrer (UNECE) underlined the importance of sustainability of the TIR system and suggested that the relevant issues be included into the programme of work of the TIRExB.
6. Mr. J. Capel Ferrer (UNECE) reiterated that the UNECE was committed to provide the TIRExB with the efficient secretarial services. He informed the TIRExB that the Executive Secretary of the UNECE had appointed Mr. P. Hansen as permanent TIR Secretary. Other staff members of the TIR secretariat would be granted contracts of the appropriate duration, as in the past (at least one year). In this context, the Board also took note that the European Commission transmitted a letter to the Executive Secretary of the UNECE with a request to ensure the efficient and uninterrupted functioning of the TIR secretariat.

7. The TIRExB congratulated Mr. P. Hansen (UNECE) on his appointment as TIR Secretary and expressed satisfaction with his qualifications and professional activities. At the same time, some TIRExB members enquired whether the newly appointed TIR Secretary would also be endorsed by the TIR Administrative Committee, as was done in the past. Mr. J. Capel Ferrer (UNECE) pointed out that, according to the UN rules, the appointment of staff was within the exclusive competence of the Executive Secretary of the UNECE and, thus, no additional endorsement would be required. Upon understanding that the UNECE secretariat would submit to the TIRExB a written statement by the UN legal services confirming this opinion, the Board decided not to raise this matter before the TIR Administrative Committee.

ADOPTION OF THE AGENDA

8. The TIRExB adopted the agenda of the session as prepared by the TIR secretariat (TIRExB/AGE/2003/17) with the inclusion of the following subjects:

Under agenda item 15 Application of the TIR Convention in Serbia and Montenegro

Under agenda item 15 Temporary admission procedures regarding road vehicles applicable in the Republic of Belarus

Under agenda item 15 IRU participation in TIRExB sessions

Under agenda item 15 Transport operations to and from Iraq.

ADOPTION OF THE REPORT OF THE SEVENTEENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2002/17draft, Informal document No.15 (2003).

9. The TIRExB adopted the report of its seventeenth session as prepared by the TIR secretariat (TIRExB/REP/2002/17draft), subject to the following modification:

Paragraph 35

Modify paragraph 35 to read as follows:

"35. In this context, the IRU pointed out that prevention of Customs fraud within the TIR system should be considered at various levels starting from the procedure of authorization of transport operators to utilize TIR Carnets (Annex 9, part II of the Convention), which, according to the IRU, considerably vary from one Contracting Party to another. The IRU felt that, to ensure the effective selection of TIR Carnet holders, weak points in the authorization procedure in some

countries should be identified and guidelines regarding the implementation of Annex 9, part II should be developed. Furthermore, examination of new trends of fraud, recommendations in terms of Risk assessment, are of extreme importance. Finally, a proper fraud prevention policy should include clear mechanisms to apply sanctions to infringers or fraudsters. In this framework, the TIR Convention provides for a basis: Articles 8.7, 6.4, 36 and 38, which are often not applied. An effort should be made without delay in that direction. The Board requested the IRU to transmit a document for the next session".

10. The revised text of the report of the seventeenth session of the Board is contained in document TIRExB/REP/2003/17.

11. Mr. J. Capel Ferrer (UNECE) recalled his opening statement at the sixteenth session of the TIRExB (3 February 2003) which had been reflected in para. 4 of the adopted report of that session (TIRExB/REP/2003/16). Mr. J. Capel Ferrer reiterated that this paragraph did not reflect his views. The TIRExB took note of this statement and decided that the report of the sixteenth session would remain unchanged.

ACTIVITIES OF UNECE BODIES OF INTEREST TO THE TIRExB

12. The TIRExB was informed of the status of the survey on the functioning of the TIR Convention undertaken by the UNECE secretariat following the request by the Bureau of the Inland Transport Committee (ITC) (TIRExB/REP/2003/17, paras. 13 and 14). So far, 40 Contracting Parties to the Convention had sent their replies to the questionnaire, which were processed by the secretariat. The results of the survey, together with a note by the IRU on various issues concerning the application of the Convention, would be considered at the forthcoming meeting of the ITC Bureau on 10 July 2003.

13. The Board also took note that, the UNECE secretariat, in cooperation with the IRU, was in the process of revising the UNECE-IRU agreement and that a new draft would soon be submitted via the Chairman on the UNECE Working Party on Customs Questions affecting Transport (WP.30) to the group of "Friends of the Chair" for consideration. The TIRExB was informed by the IRU that it would lift the reservation it had placed on the 2003 budget once a new agreement was signed.

FUNCTIONS AND ROLES OF THE TIRExB AND THE TIR SECRETARIAT. PROGRAMME OF WORK FOR 2003 AND 2004

Documentation: Informal document No.11 (2003), Informal document No.16 (2003), TIRExB/REP/2003/17.

14. The TIRExB welcomed Informal document No.16 (2003) prepared by the TIR secretariat 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 and the TIR secretariat in 1999-2003. The Board recalled that the list of main tasks to be fulfilled by the TIRExB, as contained in Article 10, Annex 8 to the TIR Convention, was also reproduced in the Terms of Reference of the Board, as established by the TIR Administrative Committee in 1998 (TRANS/WP.30/AC.2/49). Thus, any modification to the already existing functions of the Board would require not only a decision by the TIR Administrative Committee, but also a relevant amendment to the TIR Convention.

15. The Board noted that its activities in 1999-2003 had formally covered the whole range of tasks provided for in the TIR Convention. However, the Board felt that concentration of efforts in some key areas would be required in the future in order to meet challenges that the TIR system faced with and to ensure the sustainability of the TIR procedure. On the basis of Informal document No. 11 (2003) transmitted by Mr. J. Marques (European Community), Informal document No.16 (2003) and the list of priority issues adopted at its previous session (TIRExB/REP/2003/17, para.9), the Board developed a first draft programme of its work for 2003 - 2004 (annex). TIRExB members were invited to provide, as soon as possible, the TIR secretariat with their comments on the draft with a view to finalizing the programme and submitting it to the TIR Administrative Committee for endorsement in September 2003.

16. The TIRExB also touched upon the issue of restriction on the distribution of TIRExB documents. The Board decided to change its former policy and felt that normally, for the sake of transparency and cooperation with other TIR experts, all 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.

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

Documentation: Informal document No.1 (2003), Informal document No.17 (2003).

17. The TIRExB recalled its earlier discussions on the example of a TIR Carnet duly filled-in as contained in Informal document No.1 (2003). The Board took note that TIRExB members had provided the TIR secretariat with concrete data elements for the finalization of the example. The

TIRExB also considered Informal document No.17 (2003), containing a number of introductory remarks which were drafted by the TIR secretariat for inclusion into the TIR Handbook in order to explain peculiarities of the underlying TIR transport and, in particular, the proper transmission of data to the SafeTIR system (TIRExB/REP/2003/17, para.26). The Board delivered a number of comments regarding the content of Informal document No.17 (2003) and requested the secretariat to finalize the underlying introductory remarks and the example of a TIR Carnet duly filled-in.

EXAMPLE PROCEDURE FOR EFFECTIVE COMMUNICATION BETWEEN CUSTOMS AUTHORITIES AND THE NATIONAL GUARANTEEING ASSOCIATION

Documentation: Informal document No. 14 (2003).

18. The TIRExB endorsed the general approach by the secretariat, as contained in Informal document No. 14 (2003), but still had a number of observations, which needed to be addressed, before the Board would be in a position to adopt the document. In particular the Board requested the secretariat to draft, for its next session, a new version of the document, in which it should review the introductory text of the Annex, provide more information on the pre-notification phase (as this concept, not being a legal obligation from the TIR Convention, was not applied by all Contracting Parties) and check the various recommended elements for their availability, because the Board had doubts whether all elements were available at the moment(s) indicated in the tables for effective communication.

MONITORING OF THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM

Customs claim statistics

19. The IRU informed the Board of the following updated figures on alleged TIR infringements:

Pending claims:

On 31 December 2002:	7984
On 31 May 2003:	8087

Closed payment requests for the period from 1 January to 31 May 2003:

Paid:	83
Closed without payment (administrative closure or a Court decision):	141

20. The IRU also informed that, for the period from 1 January to 31 May 2003, the number of TIR Carnets subject to pre-notifications and notifications transmitted by Customs Authorities to the IRU via national associations had reached 2266. According to the IRU, this figure demonstrated a severe increase in the number of irregularities reported through pre-notifications and notifications (for memory, 904 cases registered from 1 January to 31 March 2003), indicating the urgent need for concrete and strong action in the field of prevention of fraud and the urgent need to apply the sanctions foreseen by the TIR Convention.

21. The TIRExB also took note of the following SafeTIR statistics presented by the IRU:

On 31 March 2003:	2384 requests for reconciliation	921 replies
On 31 May 2003:	5096 requests for reconciliation	2748 replies

In view of the IRU, the above figures demonstrated that only 54 % of the requests had been replied, with an average delay of 33 days. There was therefore an urgent need for the full implementation of the SafeTIR system, including an efficient implementation of reconciliation procedures, in order to ensure its efficient role as a risk management tool beneficial for Customs authorities and the private sector.

22. Following a request by some TIRExB members, the IRU also provided brief information on the status of the arbitration procedure between the IRU and the old pool of insurers of the TIR guarantee chain. It was pointed out that the Arbitration Court only considers the issue of insurance coverage of the TIR guarantee chain and not the validity of Customs claims. A decision by the Arbitration Court was expected to arrive in September 2003. However, even it has been established by the Arbitration Court that the insurance coverage exists, the insurers will impose on the IRU to maintain its opposition to payment requests. Therefore, it is likely that a large number of cases will subsequently be the subject of court proceedings at national level.

23. The TIRExB took note that, in line with the request by the Board at its previous session (TIRExB/REP/2003/17, para.28), the TIR secretariat had contacted the Customs authorities of the Russian Federation and the Republic of Belarus in order to collect the latest data on Customs claims and infringements. Replies to this inquiry had not yet arrived.

PREVENTION OF CUSTOMS FRAUD WITHIN THE TIR SYSTEM

Documentation: Informal document No.18 (2003), Informal document No.19 (2003).

24. The TIRExB was informed that, taking into consideration comments made by TIRExB members at the previous session, the TIR secretariat had revised and transmitted the draft letters to OLAF and WCO (Informal document No. 18 (2003)).

25. The IRU presented Informal document No.19 (2003) containing proposals on preventing and combating ¹ Customs fraud within the TIR system. According to the IRU, the most effective way to prevent abuses of the TIR system should involve a public/private partnership where all partners involved would act in a coordinated and open manner according to clear principles. To this end, clear instructions, guidelines and best practices should be defined, agreed and implemented by competent authorities, associations and transport operators engaged in TIR transports. The IRU had identified three major elements of prevention of Customs fraud within the TIR system:

- harmonizing the implementation of Annex 9, Part II of the TIR Convention to prevent access to the TIR procedure by undesirable operators;
- implementing principles of risk assessment, fraud prevention measures and examination of new trends of fraud to avoid abuses of the TIR system as much as possible;
- allowing the immediate identification and sanctioning of fraudsters and infringers to discourage attempts to abuse the TIR system.

26. The TIRExB welcomed Informal document No.19 (2003) and decided to lift its restrictive status. The TIRExB stressed that the issue of prevention of Customs fraud should be among priority items of its programme of work ². It was also indicated that the application of many measures proposed by the IRU is essentially based on the provisions of national legislation which may vary from one Contracting Party to another. The TIRExB decided to study Informal document No.19 (2003) in detail and requested Board members to transmit written comments on its content. With regard to the three elements of fraud prevention, as identified by the IRU, the Board was of the view that, respectively:

- a survey on the application of Annex 9, Part II of the TIR Convention at national level should be undertaken. The TIR secretariat was requested to prepare a draft questionnaire for consideration at future sessions of the TIRExB;
- the TIR secretariat, in cooperation with the IRU, should draft a document on risk assessment methods, including credibility checks and various tips for detection of Customs fraud, such as unusual itineraries, unusual loads, etc. At a later stage, this document may be distributed among TIR focal points for information;

¹ Modification by IRU

² Modifications by IRU

- the survey on the functioning of the TIR Convention undertaken by the ITC Bureau (see para.12 above) included a number of questions on the application of sanctions at national level. Thus, the Board decided first to await the outcome of the questionnaire.

NATIONAL CONTROL MEASURES

Special tax for Customs formalities in Romania

Documentation: Informal document No.20 (2003).

27. The TIRExB recalled its earlier decision that a tax collected by the Romanian Customs from some transport operators utilizing the TIR procedure did not comply with the provisions of Article 46, paragraph 1 of the TIR Convention (TIRExB/REP/2002/15, paras. 35-37). The TIRExB took note that, following some interventions by the TIR secretariat, the Romanian Customs authorities had initiated a procedure to abolish this measure.

FRAUDULENT ACCEPTANCE OF A TIR CARNET AT THE CUSTOMS OFFICE OF DEPARTURE

Documentation: Informal document No.5 (2003).

28. The TIRExB recalled its deliberations, at the fifteenth session, on the situation where a valid TIR Carnet at the Customs office of departure was falsified by using fake Customs stamps. It was pointed out that one of the five pillars of the TIR regime, namely mutual recognition of Customs control measures, was violated in this situation as the Customs office of departure had not been in a position to take necessary measures stipulated in Article 19 of the Convention. The Board also felt that in the underlying situation all controls carried out in the country of departure (and not only at the office of departure) had played a crucial role for countries en route and countries of destination (TIRExB/REP/2002/15, para. 41-43).

29. The Board felt that Contracting Parties should be informed of the existence of such malpractices and should also be reminded of their obligations in accordance with the provisions of the TIR Convention by means of the following new comment to Article 19 of the TIR Convention, which would be submitted to the TIR Administrative Committee for approval:

"Falsified acceptance of a TIR Carnet at the Customs office of departure

With a view to avoiding strict controls at the Customs office of departure, fraudsters may attempt to falsify the acceptance of a genuine TIR Carnet at the Customs office of departure by using false Customs stamps and seals. Such malpractices are very

dangerous as, according to the provisions of the TIR Convention, the Customs authorities of countries in transit and of countries of destination normally rely on checks carried out at the Customs office of departure. Therefore, the Customs office(s) of exit, located in the country(ies) of departure, play(s) a crucial role in revealing such fraudulent activities and should check the authenticity of the seals affixed, the TIR Carnet and other accompanying documents (e.g., goods export declaration, CMR consignment note, etc.) which are usually verified by the Customs office of departure. If necessary, the said Customs office(s) of exit should carry out all other Customs procedures required in connection with a TIR operation in the country(ies) of departure."

COMMUNICATIONS TRANSMITTED BY THE YUGOSLAV* CUSTOMS

Documentation: Informal document No.30 (2002).

30. At the request of the Yugoslav* Customs authorities, the TIRExB considered Informal document No. 30 (2002) describing some practical problems in the application of the TIR Convention, in particular, the use of the TIR procedure in the following situation. Passenger cars are transported as heavy or bulky goods on open (non-sealed) load platforms. At the same time, trunks (load compartments) of passenger cars contain household appliances, such as washing machines, refrigerators, etc.

31. The Board was of the view that, according to the relevant definition in Article 1 of the Convention, home appliances may not be considered as heavy or bulky goods. Thus, they should be transported under Customs seal and cannot be transported under a TIR Carnet bearing the inscription "heavy or bulky goods". This means that, in order to apply the TIR procedure to household appliances, trunks (load compartments) of passenger cars have to be approved for transport under Customs seal and sealed. Also an additional TIR Carnet has to be used to cover these goods.

32. As the solution described in para.31 above is not feasible in practice (passenger cars are not designed for transport of goods under Customs seal), the Board felt that a national transit regime, rather than the TIR procedure, should apply to home appliances in such cases.

* As of 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

INTERPRETATION AT TIRExB SESSIONS HELD IN GENEVA

Documentation: Informal document No.13 (2003).

33. Mr. J. Capel Ferrer (UNECE) informed the TIRExB about the intention of the UNECE to provide in 2004 full simultaneous interpretation at all TIRExB sessions held in Geneva, both in conjunction and not in conjunction with sessions of WP.30 and the TIR Administrative Committee. In order to make it possible, the TIRExB would have to prepare a plan of its meetings for 2004 and submit it to the UNECE before the end of 2003. Should interpretation facilities be not available for certain dates, the Board may wish to be flexible and convene a session on other dates.

34. The TIRExB expressed its appreciation to the UNECE secretariat for the proposed solution. At the same time, the TIRExB pointed out that there might be a need to hold an emergency meeting of the Board at a time when interpretation facilities could not be provided by the UNECE. Under these circumstances, the TIRExB mandated the TIR secretariat to use unallotted resources of the TIRExB budget to cover interpretation expenses.

35. In this context, the TIRExB recalled that a budget proposal and a cost plan of the TIRExB and the TIR secretariat for the year 2004 should be prepared immediately following the present session, in order to be officially submitted to the forthcoming session of the TIR Administrative Committee in September 2003. The TIRExB felt that, pending results of the discussions within WP.30 and the TIR Administrative Committee concerning the functions and roles of the TIRExB, TIR secretariat and the IRU, the budget of the TIRExB should remain unchanged in 2004 compared to 2003.

ACTIVITIES BY THE TIR SECRETARIAT

Use of the International TIR Databank (ITDB)

Documentation: Informal document No.6 (2003).

36. The TIRExB adopted Informal document No. 6 (2003), prepared by the secretariat, **with a slight amendment proposed by the IRU. It consisted in adding at the end of the document the following text: “ It should be reminded 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”.** The TIRExB decided to lift the restrictive status of the document³, so that the information on a harmonized interpretation of the

³ Modifications by IRU

terminology used in the TIR Convention and the ITDB could be disseminated under all parties concerned.

(b) Computerization of the TIR regime

37. The Board was informed that the next session of the Informal Ad Hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR procedure was scheduled for 1 and 2 September 2003. At the kind invitation of the Hungarian Customs authorities, the meeting would be held in Budapest.

(c) TIR-related meetings

38. The Board was informed of a two-day seminar which would be held in Moscow, at the invitation of the Russian authorities, in the week of 29 September – 3 October 2003. Exact date and programme were not yet known, but would be transmitted to the members of the Board as soon as available. The secretariat took note of the Board's proposal to take up the subject of the Customs unions, existing between the Russian Federation and various neighbouring countries, as an issue for discussion at the seminar.

OTHER MATTERS

Application of the TIR Convention in Serbia and Montenegro

39. As of 4 February 2003, the Federal Republic of Yugoslavia has changed its name into "Serbia and Montenegro". This name change was not supposed to influence the position of the country. However, recently, the secretariat was informed that the Federal Parliament had adopted a split of competences between the two parts of the country and that in future two separate Customs authorities would operate. At the same time, the Federal Chamber of Commerce, acting as national association, had been dismantled and would be split up into separate Serbian and Montenegro Chambers of Commerce. As a consequence of these developments, questions had been raised with regard to the Customs competence over the territory of the country as a whole and the liability of the national association(s).

40. According to information received from the Serbian Customs authorities, the practical situation concerning the use of TIR Carnets in Serbia and Montenegro had not changed. As in the past, no TIR Carnets can or will be issued or used in Montenegro (same applies to Kosovo) as there are no Customs offices approved for TIR operations. Problems could possibly arise once both parts of Serbia and Montenegro would wish to apply the TIR Convention and to accept their respective national associations, each assuming liability for a part of the territory only.

41. At the request of the TIRExB, the secretariat will get in touch with the Legal Office and with the Serbian and Montenegro authorities (probably at the level of the Ministry of Foreign Affairs or even the Prime-Minister) to ask clarification of the situation and in order to receive official information, pursuant to Article 42 bis of the TIR Convention. Until information of the contrary, it should be noted that there is, as yet, not a denunciation of the existing guarantee and⁴ [the IRU declared]⁵ that all issued Carnets are valid and that the list of Customs offices assigned for TIR remains unchanged.

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 which IRU does not recognize as assigned, so the goods may be transported without any guarantee.⁶

Temporary admission procedures regarding road vehicles applicable in the Republic of Belarus

42. IRU reported on problems in Belarus, where, according to a number of its members, temporary admission procedures are applied to Belarus operators, trucking foreign registered trailers or semi-trailers, once the TIR transport has been terminated. The IRU would appreciate the TIRExB involvement in this issue in the hope to get clarification of the situation and the procedures to be applied in order to avoid that the trailers or semi-trailers are seized and later sold by Customs. The TIRExB requested the secretariat to get in touch with the Byelorussian authorities, outlining that in case it turns out that the measures taken should be considered as national control measures, the TIRExB needs to be informed, in line with the provisions of Article 42 bis of the TIR Convention.

IRU participation in TIRExB sessions

43. The TIRExB accepted the request by the IRU, to allow its representative at times to be either replaced or accompanied by another colleague. In both situations, however, the IRU should address themselves, prior to the meeting, to the Chairman, who, in turn, would inform the members of the Board accordingly. Although the TIRExB recognized the importance of the fact that the representative of the IRU, from time to time, be accompanied by a colleague, being an

⁴ Modification by IRU

⁵ Modification by Mrs. H. Metaxa-Mariatou (Greece) supported by Mrs. Y. Kasikçi (Turkey)

⁶ Modification by Mrs. H. Metaxa-Mariatou (Greece) supported by Mrs. Y. Kasikçi (Turkey)

expert in a specific field, it also stressed that, at all times, there could only be one speaker on behalf of the IRU, contributing to the discussions in the TIRExB.

Transport operations to and from Iraq

44. The Board took note of the information that various neighbouring countries of Iraq have a keen interest to start transports to and from Iraq. The IRU informed the Board of the fact that it had also been contacted by several associations in the region on how to proceed with transports to and from Iraq, as a great number of transports are expected to take place in the near future. 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. IRU and UNECE will inform each other and coordinate activities⁷ planned in this respect.

Situation around the national guaranteeing association in Ukraine

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..⁸ 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.

Restriction on the distribution of documents

46. The TIRExB decided that there should be no restrictions with respect to the distribution of documents issued in connection with its present session.

DATE AND PLACE OF NEXT SESSIONS

47. The TIRExB decided to hold its short nineteenth session on 22 September 2003 in Geneva, in conjunction with the 105th session of WP.30 and the 35th session of the TIR Administrative Committee. The TIRExB also requested Mr. S. Bagirov (Azerbaijan), who had invited the Board to hold its autumn session in Baku, to make inquiries whether it would be possible to organize the this meeting in the week of 13-17 October 2003. At the request of the

⁷ Modification by IRU

⁸ Modifications by IRU

Board, the secretariat would be involved in choosing the right date for the meeting, taking account of the limited availability of flights to Baku and the costs involved.

Annex

Programme of work of the TIR Executive Board (TIRExB) for the years 2003 and 2004

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)

Work to be undertaken: The TIRExB will pursue the following activities:

CONTINUING ACTIVITIES

(a) Study of and decision on specific legal and practical measures to combat customs fraud resulting from the abusive (intended mis-) use of the TIR procedure. Facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, IRU and other Governmental and non-governmental organizations in order to define early warning systems aiming at preventing and combating such fraud⁹. Coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties. Facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to Article 57. Priority: 1

Output expected in 2003 and 2004:

Identification of possible weaknesses in the legal basis and implementation of the TIR Convention which could make it prone to Customs fraud.

Launching of 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), being one of the most important tools to prevent fraud and implicitly to reinforce security. The survey should have as main results the definition of Best Practices to harmonize amongst Contracting Parties the implementation of this Annex.¹⁰ Convening selected workshops if so required.

Elaboration of adequate instruments and undertaking¹¹ measures to improve international cooperation among Contracting Parties to the TIR Convention, 1975 and concerned national and international organizations to prevent fraud.

⁹ Modification by IRU

¹⁰ Modification by IRU

¹¹ Modification by IRU

- (b) Supervision of national Customs control measures introduced in the framework of the TIR Convention. Priority: 1

Output expected in 2003 and 2004:

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

- (c) Supervision of and support to¹² the functioning of the TIR international guarantee system. Priority: 1

Output expected in 2003 and 2004:

Monitoring constantly, in cooperation with the IRU, of the settlement of Customs claims. Study of the current 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 against¹³ Customs fraud.

- (d) Contribution to computerization of the TIR procedure. Priority: 1

Output expected in 2003 and 2004:

Monitoring of activities undertaken within ad hoc expert groups on computerization of the TIR procedure. Promotion of ITDB as one of future e-TIR components. Development of on-line access to ITDB.

- (e) Support for training activities on the application of the TIR procedure, mainly in Contracting Parties where difficulties are experienced or expected (predictable, fraud-targeted)¹⁴ in this area.

Priority: 1

Output expected in 2003 and 2004:

Organizing, in cooperation with the IRU, and substantially contributing to regional and national workshops and seminars on the proper application (implementation, use)¹⁵ of the TIR procedure.

Update and distribution of the TIR Handbook in several languages. Maintenance and update¹⁶ of the TIR website.

¹² Modification by IRU

¹³ Modification by IRU

¹⁴ Modification by IRU

¹⁵ Modification by IRU

¹⁶ Modification by IRU

- (f) Monitoring of application of the EDI control system for TIR Carnets. Priority: 2

Output expected in 2003 and 2004:

Activities, in cooperation 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.

- (g) Supervise the centralized printing and distribution of the TIR Carnets. Monitoring of the price of TIR Carnets. Priority: 2

Output expected in 2003 and 2004:

Regular monitoring of the price of TIR Carnets as reported by IRU. Request for explanations in case of changes. Approving any modifications to the TIR Carnet in advance of its distribution.

- (g bis) Maintenance of 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 2003-2004:

Information to be provided by IRU, identification of all the rules and procedures prescribed for the issue of TIR Carnets by associations.¹⁷

ACTIVITIES OF A LIMITED DURATION

- (h) Preparation of an example of a TIR Carnet duly filled-in. Priority: 1

Output 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.

Note: The above list 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

¹⁷ Modification by Mrs. H. Metaxa-Mariatou (Greece)

activities carried out by the TIR secretariat which do not require the direct involvement of the Board (e.g. maintenance of the ITDB, TIR Handbook, TIR website, etc) .

New annex¹⁸

PROGRAMME OF WORK OF THE TIR EXECUTIVE BOARD (TIRExB): 2003 and 2004

OVERALL AIM

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)

SPECIFIC ACTIVITIES

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

Outputs expected in 2003 and 2004:

- 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 Customs 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), being one of the most important tools to prevent fraud. Convening selected workshops if so required.
- Preparation of adequate instruments and initiate measures to improve international co-operation among Contracting Parties to the TIR Convention, 1975 and concerned national and international organisations to prevent fraud.

2. To facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, IRU and other Governmental and non-governmental organisations with a view to combating and preventing such fraud. 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

- Taking into account the views of the WCO and OLAF, and in consultation with the IRU, develop and disseminate guidelines concerning the use of risk analysis, and the identification of fraud prevention measures

¹⁸ This version of the TIRExB programme of work has been proposed by Mr. J. Marques (European Community). Due to major changes in the layout, it did not seem feasible to incorporate these modifications into the draft programme of work on pages 15-18 above.

3. *The supervision of national Customs control measures introduced in the framework of the TIR Convention.* Priority: 1

Output expected in 2003 and 2004:

- Identification of national Customs control measures introduced in Contracting Parties to the TIR Convention and checking 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 supervision of the functioning of the TIR international guarantee system.* Priority: 1

Outputs expected in 2003 and 2004:

- Monitor constantly, in co-operation with the IRU, of the situation with regard to Customs claims, including the settlement of such claims.
- Study the situation with regard to notifications of non-discharge and TIR infringements as an early-warning system for Customs fraud.

5. *To contribute to the project to computerise the TIR procedure.* Priority: 1

Outputs expected in 2003 and 2004:

- Monitor the activities undertaken by the 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 procedure, mainly in Contracting Parties where difficulties are experienced or expected in this area.* Priority: 1

Outputs expected in 2003 and 2004:

- Organise and contribute to regional and national workshops and seminars on the application of the TIR procedure.
- Distribution of the updated TIR Handbook in several languages.
- Maintenance of the TIR website.

7. *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

- Monitor and analyse disputes referred to the Board and make recommendations (if necessary) for improving the settlement of these cases

8. *Monitoring of application of the EDI control system for TIR Carnets.* Priority: 2

Outputs expected in 2003 and 2004:

- In co-operation with IRU, actively encourage 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. *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.
- Request for explanations in case of significant changes.
- Approving any modifications to the TIR Carnet in advance of its distribution.

10 *Preparation of an example of a TIR Carnet duly filled-in.* Priority: 2

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.

Note: The above list 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, TIR Handbook, TIR website, etc).
