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ENGLISH ONLY

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

TIR Executive Board (TIRExB)

**REPORT OF THE THIRTY-SIXTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(14 and 15 May 2008)

I. ATTENDANCE

1. The TIR Executive Board (TIRExB) held its thirty-sixth session on 14 and 15 May 2008 in Kiev.
2. The following members of the TIRExB were present: Mr. S. Baghirov (Azerbaijan), Mrs. A. Dubielak (Poland), Mr. H. Köseoğlu (Turkey), Mr. H. Lindström (Finland), Mr. V. Luhovets (Ukraine), Mr. V. Milošević (Serbia), Mrs. J. Popiolek (European Commission), Mrs. N. Rybkina (Russian Federation), Mr. R. Šmidl (Czech Republic).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. C. Piaget.

II. ADOPTION OF THE AGENDA

4. The TIRExB adopted the agenda of the session as prepared by the secretariat (TIRExB/AGE/2007/36), with the addition of the following issue under agenda item 11 "Other business": "Temporary importation of foreign semi-trailers into Ukraine".

III. ADOPTION OF THE REPORT OF THE THIRTY-THIRD SESSION OF THE TIRExB

Documentation: TIRExB/REP/2008/35draft

5. The TIRExB adopted the report of its thirty-fifth session (TIRExB/REP/2008/35draft), subject to the following modifications:

Paragraph 9

In the last sentence, delete "with the aim to stress that such a procedure could be applied in exceptional situations only".

Paragraph 10

Modify the second bullet to read as follows:

"- use of the TIR Carnet in case a Customs office of entry (en route) refuses the TIR transport to enter its country if the goods are prohibited for importation and, therefore, should be returned to the previous country."

Paragraph 13

Modify the last sentence to read as follows:

"In this context, the IRU stated that it would officially communicate to the TIRExB the price of TIR Carnets at international level and would not oppose that its member associations reply to the survey envisaged by the TIRExB, as the national prices of TIR Carnets were in the public domain."

Paragraph 16

Modify the last sentence to read as follows:

"In this regard, Mrs. N. Rybkina (Russian Federation) pointed out that these figures referred to the TIR operations carried out before 2004 and that, since then, the situation in her country had greatly improved and remained sustainable up to now."

Paragraph 20

At the beginning of the last sentence, replace "from the point of view of Customs" by "for the liability of the guaranteeing association".

Paragraph 21

Delete the first sentence.

6. The revised text of the report of the thirty-fifth session of the Board is contained in document TIRExB/REP/2008/35.

IV. POSSIBILITY OF UNDERTAKING A TIR TRANSPORT WHEN A TRACTOR UNIT DOES NOT BELONG TO THE TIR CARNET HOLDER

7. The TIRExB was informed about the efforts by the secretariat to translate and distribute the questionnaire regarding the use of so-called subcontractors at national level, in line with the previous decision by the Board (TIRExB/REP/2008/35, para. 8).

V. BEST PRACTICES WITH REGARD TO THE USE OF THE TIR CARNET

Documentation: Informal document No. 5 (2007)/Rev.4

8. The TIRExB considered a modified example of best practices (Informal document No.5 (2007)/Rev.4) and decided to submit the document to the October 2008 session of the TIR Administrative Committee for consideration so that all the Contracting Parties will have an opportunity to comment on the example of best practices before it is published in the next edition of the TIR Handbook. The Board also recalled that, pending the publication, it would tackle two additional issues identified at the previous session (TIRExB/REP/2008/35, para. 10):

- use of the TIR Carnet in the course of multimodal transport operations;
- use of the TIR Carnet in case a Customs office of entry (en route) refuses the TIR transport to enter its country if the goods are prohibited for importation and, therefore, should be returned to the previous country.

VI. MONITORING THE PRICE OF TIR CARNETS

Documentation: Informal document No. 3 (2008), Informal document No. 4 (2008)

9. The TIRExB welcomed a study on the issue undertaken by the legal services of the European Commission (Informal document No. 3 (2008)). According to its findings, the TIRExB is empowered under the provisions of the TIR Convention to collect information regarding the national association prices of TIR Carnets and the international organization is obliged to provide this information, at the request of the TIRExB.

10. The TIRExB considered a draft survey concerning the price of TIR Carnets at national level (Informal document No. 4 (2008)) and introduced some minor changes in the document. The Board also addressed the issue whether the survey should be sent immediately to the national TIR associations or first to the Customs administrations. The TIRExB pointed out that, in general, the Customs authorities are not aware of the national prices of TIR Carnets and, to obtain such information, will have to contact their national association. To avoid delays in obtaining the data, the Board decided to address directly the national associations and to rely on

their cooperation in filling-in the questionnaire. Should this approach bring no result, the Customs administrations will be requested to assist the TIRExB. The IRU confirmed that it would not oppose its member associations to reply to the questionnaire.

11. The IRU informed the TIRExB that the ex-IRU prices had remained unchanged since 2002.

VII. SURVEY ON CUSTOMS CLAIMS AND ON THE TIR GUARANTEE LEVEL

Documentation: Informal document No. 11 (2007)/Rev.2

12. The TIRExB took note of updated results of the survey (Informal document No.11 (2007)/Rev.2), which did not substantially differ from those previously reported (Informal document No.11 (2007)/Rev.1), and decided to report on the consolidated findings to the TIR Administrative Committee.

13. The Board also held an extensive discussion whether such studies should be continued in the future and, if so, how often. The TIRExB pointed out that they bring valuable information, but, on the other hand, are time-consuming exercises both for national Customs administrations and the secretariat. Therefore, the Board was of the view that these surveys should be conducted not more frequently than every 2-3 years. Given this timeframe, the TIRExB felt that a complementing mechanism of prompt monitoring of the situation with regard to Customs claims should be established in cooperation with the IRU.

VIII. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

14. The TIRExB was informed that the Belarusian authorities were considering the preliminary conclusions by the Board (TIRExB/REP/2007/35, paras. 19-21). The TIRExB decided to revert to this issue once comments from Belarus had been received.

IX. CURRENT STATUS OF THE eTIR PROJECT

15. The TIRExB was informed about the outcome of the fourteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held on 10 and 11 April 2008, in particular about the envisaged survey concerning financial implications of the eTIR project. The Board also noted that the fifteenth session of the GE.1 would take place on 16 and 17 October 2008 in Geneva.

X. APPLICATION OF ARTICLES 39 AND 40 OF THE CONVENTION

Documentation: Informal document No. 5 (2008)/Rev.1

16. The TIRExB was informed that the TIR Administrative Committee, at its February 2008 meeting, had taken note of comments by the European Community on the example of best

practice with regard to discrepancies between the particulars on the goods manifest of the TIR Carnet and the actual content of the load compartment (ECE/TRANS/WP.30/AC.2/2007/9). The Committee requested the TIRExB, on the basis of proposals by the European Community, to reconsider the example of best practice and to report back to the Committee (ECE/TRANS/WP.30/AC.2/93, para. 31).

17. Against this background, the TIRExB held a first exchange of views concerning Informal document No. 5 (2008)/Rev.1 by the European Community, proposing modifications to the example of best practice. In particular, the Board felt that situation No.4 should be replaced by an alternative example rather than be simply deleted from the text. The members of the Board were invited to transmit their comments and/or proposals before 15 July 2008 and, on that basis, the secretariat was requested to prepare a revised example of best practice for consideration at the next session.

XI. ACTIVITIES OF THE TIR SECRETARIAT

ITDB and other IT projects managed by the secretariat

18. The TIRExB was informed about the current status of the transmission of data to the ITDB. The Board also noted that the TIR secretariat is developing a prototype of secured web services, to be used by Customs Authorities, of the "ITDBonline+ project", which would be tested over a period of several months with the assistance of one Contracting Party. The TIRExB was briefed on the implementation of the on-line UNECE Register of Customs Sealing Devices and Customs Stamps as well.

TIR training seminars

19. The TIRExB was informed about the outcome of a national TIR Training Seminar held on 15 and 16 April 2008 in Montenegro as well as about the planned Regional TIR Seminar for the ECO Member Countries in Baku (Azerbaijan) on 21-23 May 2008.

XII. OTHER MATTERS

Temporary importation of foreign semi-trailers into Ukraine

20. The IRU informed the TIRExB that semi-trailers registered in foreign countries and driven by drivers who are Ukrainian citizens, when they temporarily enter the territory of Ukraine under cover of a TIR Carnet are subject to the payment of Customs duties and taxes of around Euro 4'000, according to a decree recently issued by the Ukrainian Customs Administration. According to the IRU, this practice is in clear contradiction to Article 15 of the TIR Convention and, thus, should be stopped.

21. In reply, Mr. V. Luhovets (Ukraine) pointed out that this problem is not linked to the TIR Convention, but to the national regulations governing temporary admission of road vehicles. The TIRExB took note of this information and invited the Ukrainian Customs to provide the IRU and transport operators with clarifications concerning the application of the underlying regulations.

Indication of the HS code on TIR Carnets

22. The TIRExB recalled that, according to a recommendation adopted recently by the TIR Administrative Committee, TIR Carnet holders are advised, as of 1 May 2008, to indicate the HS code of the goods in box 10 of the yellow voucher not for Customs use, in addition to a plain language description of the goods. This measure pursues the double objective of improving risk management by Customs and of facilitating international transport of goods. According to the recommendation, the absence of the HS code in the TIR Carnet shall not lead to delays during the TIR transport and shall not be an obstacle to the acceptance of TIR Carnets. Nor shall the absence of the HS code be considered as an infringement. The TIR Administrative Committee will review the application of the recommendation in 12 months, i.e. as of 1 May 2009.

XIII. RESTRICTION ON THE DISTRIBUTION OF DOCUMENTS

23. The TIRExB decided that the distribution of the following document, issued in connection with its present session, should be restricted: Informal document No. 11 (2007)/Rev.2.

XIV. DATE AND PLACE OF NEXT SESSIONS

24. The TIRExB expressed its deep appreciation to the State Customs Service of Ukraine for the excellent organization of the present session and the hospitality extended to all participants.

25. The TIRExB provisionally decided to hold its thirty-seventh session on 2 and 3 October 2008 in Geneva, in conjunction with the 120th session of WP.30 and the forty-sixth session of the TIR Administrative Committee.
