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ENGLISH ONLY

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

TIR Executive Board (TIRExB)

**REPORT OF THE THIRTY-SEVENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(6 October 2008)

I. ATTENDANCE

1. The TIR Executive Board (TIRExB) held its thirty-seventh session on 6 October 2008 in Geneva.
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) and Mr. R. Šmidl (Czech Republic) were excused.
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. J. Acri.

II. ADOPTION OF THE AGENDA

4. The TIRExB adopted the agenda of the session as prepared by the secretariat (TIRExB/AGE/2007/37). However, in view of the absence of Mrs. Rybkina (Russian Federation), the Board decided to add to the agenda the item “Election of a Chairman”.

III. ELECTION OF A CHAIRMAN

5. In accordance with its Rules of Procedure, the Board elected Mr. V. Luhovets (Ukraine) to chair its present session. The Board expressed its regret that due to official need Mrs. Rybkina (Russian Federation) was unable to attend the session.

IV. ADOPTION OF THE REPORT OF THE THIRTY-SIXTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2008/36draft

6. The TIRExB adopted the report of its thirty-sixth session (TIRExB/REP/2008/36draft), subject to the following modifications:

Paragraph 10

At the end of the paragraph add “The IRU confirmed that it would not oppose its member associations to reply to the questionnaire.”

7. The revised text of the report of the thirty-sixth session of the Board is contained in document TIRExB/REP/2008/36.

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

8. The TIRExB noted, with satisfaction, that a great majority of Customs administrations and national associations had put considerable effort into replying to the questionnaire on subcontractors. In the view of the Board, this underlines the importance attached by all parties to addressing the issue of subcontractors. Because of the high reply rate, the TIRExB decided that it would not be necessary to send reminders and requested the secretariat to start its analysis of the outcome and submit a document for discussion at the Board’s next session.

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

Documentation: Informal document No. 9 (2008)

9. The TIRExB welcomed Informal document No. 9 (2008), prepared by the secretariat and containing its preliminary considerations on two additional issues regarding the use of the TIR Carnet, identified by the Board at its thirty-fifth 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.

10. Concerning the use of the TIR Carnet in the course of multi-modal transport operations, the Board was of the opinion that, in view of the limited experience with the issue, it could agree with the findings of the secretariat. On the other hand, the Board felt that with regard to the issue of refusal of a TIR transport to enter a country, a more profound analysis seemed appropriate, which would clearly distinguish between situations where no, one or several border-crossings were involved before the refusal took place. In addition, the Board felt that the proposed Explanatory Note was too general to provide sufficient guidance to Customs authorities how to act in case a TIR transport would be refused entry. Finally, the Board was of the opinion that the

issue should not be limited to the situation where the refusal was a consequence of the fact that importation of the goods was prohibited.

11. Thus, the Board, requested the secretariat to revise the document, taking account of the indicated findings of the Board. To assist the secretariat, the members of the Board were invited to transmit their comments/proposals or contributions before 3 November 2008, for inclusion into the revised document.

VII. MONITORING THE PRICE OF TIR CARNETS

12. The TIRExB was informed by the secretariat that, so far, only a limited number of associations had replied to the questionnaire on the price of TIR Carnets at the national level (the so-called “ex-national association price”). The TIRExB requested the secretariat to send out a reminder, encouraging associations to reply as soon as possible, thus allowing the TIRExB to fulfil its mandate.

VIII. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

13. Pending a reaction from the Belarusian authorities on the preliminary conclusions by the Board (TIRExB/REP/2007/35, paras. 19-21), the TIRExB decided to revert to this issue at one of its future sessions.

IX. CURRENT STATUS OF THE eTIR PROJECT

14. The TIRExB was informed that the fifteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) would take place on 16 and 17 October 2008 in Geneva. Stressing the importance of the work of the GE.1 for the future of the TIR system, the TIRExB encouraged Contracting Parties to ensure that Information and Communication Technology (ICT) experts from both Customs and transport industry would participate in and actively contribute to its discussions.

X. APPLICATION OF ARTICLES 39 AND 40 OF THE CONVENTION

Documentation: Informal document No. 6 (2008)

15. The TIRExB welcomed Informal document No. 6 (2008), containing modifications to situation 4 of the example of best practice on the application of Articles 39 and 40 of the Convention. The Board agreed that both proposals for situation 4 were useful, because they reflect actual decisions taken by national Customs authorities. However, some members were of the opinion that it would be prudent not to use situation 4a, because it could give raise to additional questions which would undermine its value as example of best practice. As conclusion, the TIRExB requested the secretariat to delete situation 4a and submit the document to AC.2 for discussion and, possibly, adoption at its forthcoming session.

XI. BUDGET PROPOSAL AND COST PLAN OF THE TIREXB AND THE TIR SECRETARIAT FOR THE YEAR 2009

Documentation: ECE/TRANS/WP.30/AC.2/2008/5, ECE/TRANS/WP.30/AC.2/2008/6, ECE/TRANS/WP.30/AC.2/2008/7/Rev.1

16. The TIRExB endorsed document ECE/TRANS/WP.30/AC.2/2008/7/Rev.1, containing the budget proposal and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2009 without further comments and took note of documents ECE/TRANS/WP.30/AC.2/2008/5 and ECE/TRANS/WP.30/AC.2/2008/6, containing the report of the complete and final accounts for 2007 of the TIRExB and the TIR secretariat and the interim financial statement for 2008, respectively.

XII. MONITORING THE APPLICATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS

Documentation: Informal document No. 7 (2008)

17. The TIRExB considered Informal document No. 7 (2008), prepared jointly by the secretariat and the IRU and providing a first assessment of the implementation of Annex 10 at national level, together with considerations on how to improve its functioning. In particular, the Board took note that the implementation of Annex 10 would greatly benefit from the direct transmission from the Customs offices of destination to the central Customs point without intermediate transmission points as well as from the direct transmission from the central Customs point to the SafeTIR database by means of the establishment of Virtual Private Networks (VPN) or through the Internet. Mr. Luhovets (Ukraine) informed that on 6 September 2008 the Ukrainian Customs administration and the IRU had signed a Memorandum of Understanding aimed at improving the transmission of Annex 10 data. Mrs. Dubielak (Poland) informed that as a consequence of the introduction of the NCTS/TIR Regulation in the EU, the situation for her country should improve as of 1 January 2009, considering that the Annex 10 data would then not only be registered directly in the NCTS but would also be automatically sent to the IRU SafeTIR database. As a further step towards full implementation of Annex 10, the TIRExB decided to look into the establishment of an example of best practice on the efficient organization of data transmission between Customs and the IRU SafeTIR database, based on the experience of one or more Contracting Parties where transmission seems to be working well, such as Serbia. The TIRExB accepted Mr. Milošević (Serbia) kind offer to prepare an informal document on the issue for discussion at its next session.

XIII. REVIEW OF THE WORK PROGRAMME OF THE TIREXB

18. The Board decided that it would review its programme of work for 2007 and 2008 at its next session, based on an informal document to be prepared by the secretariat. Mrs. Popiolek (European Commission) offered, with the assistance of the secretariat, to provide a first draft informal document under issue 7 of the programme of work, aimed at clarifying the procedures prior to suspension of the guarantee on the territory of a Contracting Party.

XIV. NATIONAL CONTROL MEASURES

Documentation: Informal document No. 8 (2008)

19. The TIRExB considered Informal document No. 8 (2008), submitted by the secretariat and reproducing an exchange of letters between the UNECE secretariat and the European Commission on the application of Article 42**bis** of the TIR Convention. The secretariat explained that the main aim of its letter had been to draw the attention of the European Community to the provision of Article 42**bis** of the Convention, which stipulates that any national control measures taken in the context of the proper use of TIR Carnets should be communicated immediately to the TIRExB which will examine their conformity with the provisions of the Convention. In its reply, the Commission had stated that it was of the opinion that it respected this obligation, but that it did not agree with the secretariat as to which issues or regulations fall under the scope of the Article 42**bis** and which under Article 47. Various TIRExB members expressed the view that all Contracting Parties should provide the TIRExB with information on any measure impacting the TIR system, thus allowing the TIRExB, first of all, to determine if such measure falls within the scope of Article 42**bis** and, secondly, to transmit detailed information to all parties concerned. With regard to the specific issues at stake, the TIRExB invited the European Commission to provide, at the earliest convenience, information on the NCTS/TIR Regulation, as well as on the forthcoming Regulations 648/05, 1875/06 and the Economic Operators Registration and Identification number (EORI) legislation. On behalf of the European Commission, Mrs. Popiolek (European Commission) accepted this invitation, but stressed that any such information, other than on measures aimed at the proper use of TIR Carnets, would be provided to the TIRExB on a voluntary basis and for information purposes only, considering that the Commission regarded the WP.30 as the proper forum for the dissemination of such information. Mrs. Popiolek (European Commission) reminded the Board that, on several occasions, the Commission had already informed WP.30 about the new Community legislation which will enter into force in 2009. Finally, at the request of the European Commission, the TIRExB decided that the restricted status of Informal document No. 8 (2008) would be maintained.

XV. ACTIVITIES OF THE TIR SECRETARIAT

ITDB and other IT projects managed by the secretariat

20. The TIRExB was informed about progress in the implementation of the "ITDBonline+ project" which consists of two parts: web services and a website. The TIR secretariat was advancing with the software development of a web services prototype and was looking for a country to test it. The TIRExB welcomed the information that Finland had kindly agreed to provide a framework for these tests which would be carried out not later than in January 2009.

On line register of Customs Sealing Devices and Customs Stamps

21. The TIRExB was informed that the TIR secretariat had completed the software implementation phase of the on-line UNECE Register of Customs Sealing Devices and Customs Stamps website. The available information from Contracting Parties was translated into English, French and Russian, where required, and introduced in an electronic form on this website. As a next step, the United Nations competent services were requested to appoint a company to perform an IT security audit of the website. The audit was expected to take place before the end of 2008, so that the on line UNECE Register of Customs Sealing Devices and Customs Stamps could become operational at the beginning of 2009.

TIR training seminars

22. The TIRExB was informed about the outcome of a Regional TIR Seminar for the ECO Member Countries in Baku (Azerbaijan) on 21-23 May 2008.

XVI. OTHER MATTERS

Temporary importation of foreign semi-trailers into Ukraine

23. Mr. V. Luhovets (Ukraine) informed the TIRExB that, after long negotiations between all parties concerned, agreement had been reached that semi-trailers registered in foreign countries and driven by drivers who are Ukrainian citizens could not benefit from any exemption under temporary importation regulations but need to be declared for importation and are subject to the payment of Customs duties and taxes, even when they temporarily enter the territory of Ukraine under cover of a TIR Carnet. The Ukrainian government had issued Decision 514/2008 on the Customs control of vehicles, which clearly stipulates conditions and requirements.

XVII. RESTRICTION ON THE DISTRIBUTION OF DOCUMENTS

24. The TIRExB decided that the distribution of the following document, issued in connection with its present session, should be restricted: Informal document No. 8 (2008).

XVIII. DATE AND PLACE OF NEXT SESSIONS

25. The TIRExB decided to hold its thirty-eighth session on 3 and 4 December 2008 in Geneva.