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Economic Commission for Europe**Administrative Committee for the TIR Convention, 1975****Sixty-ninth session**

Geneva, 7 February 2019

Item 4 (a) (i) of the provisional agenda

Activities and administration of the TIR Executive Board:**Activities of the TIR Executive Board:****Report by the Chair of the TIR Executive Board****Report of the seventy-seventh session of the TIR Executive Board (TIRExB)****I. Attendance**

1. The TIR Executive Board (TIRExB) held its seventy-seventh session on 11 June 2018 in Geneva.
2. The following members of TIRExB were present: Mr. G. Andrieu (France), Mr. M. Ayati (Iran (Islamic Republic of)), Ms. D. Dirlik Songür (Turkey), Ms. L. Jelínková (European Commission), Mr. S. Somka (Ukraine) and Ms. E. Takova (Bulgaria). Mr. S. Amelyanovich (Russian Federation), Mr. S. Fedorov (Belarus) and Ms. B. Gajda (Poland) were excused.
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 document TIRExB/AGE/2018/77

4. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2018/77, with the additions that TIRExB decided to discuss:

- (a) Under item 5 (Adaptation of the TIR procedure), Informal document No. 16 (2018) by IRU on the intermodal use of the TIR procedure;

- (b) Under item 6 (a) (Settlement of disputes), Informal document No. 15 (2018) by IRU on the exclusion of the Romanian Association for Road Transport (ARTRI) from IRU membership (new sub item (ii));

(c) Under item 14 (Other matters), Informal document No. 17 (2018) by IRU on a modification in the TIR Carnet layout (new paragraph a) and Informal document No. 18 (2018) by the Government of Uzbekistan on the proper use of the TIR Carnet (new paragraph b).

5. TIRExB further took note of two textual corrections in the draft agenda: (a) amending the phrase “seventy-fifth” in the title of agenda item 2 (Adoption of the report) with “seventy-sixth”, and (b) replacing, under agenda item 5 (Adaptation of the TIR procedure), references to Informal document No. 9 (2018) by Informal document No. 8 (2018).

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

Documentation: Informal document TIRExB/REP/2018/76draft with comments

6. TIRExB adopted the draft report of its seventy-sixth session (Informal document TIRExB/REP/2018/76draft with comments), subject to the following amendments:

Page 3, paragraph 12

Rephrase as below

Moreover, TIRExB took note that the management of UNECE had confirmed its willingness to host the eTIR international system subject to the right to outsource the hosting, the availability of the required funds and an exclusion of liability of UNECE.

Page 3, paragraph 16, third sentence

After “(Informal document No. 15 (2017))” *insert*

taking account of the discussions at the previous session (see TIRExB/REP/2017/75final, paras. 16-20).

Page 3, paragraph 17, first sentence

Replace the words “or ‘within 24 hours’” *by*

to reflect the requirement of immediate action and added that a reference to “within 24 hours” would also be acceptable for her.

Page 7, paragraph 37

After the first sentence *add*

In response to Mr. S. Fedorov’s (Belarus) questions, Mr. Ayati explained that Iran (Islamic Republic of) had used the TIR Carnet for the rail leg in Iran (Islamic Republic of) not only as a guarantee but also as a customs document with the subcontractor specified in box 11 of the TIR Carnet by its code.

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

Consideration of amendment proposals

Proposals to introduce more flexibility in the guarantee system

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

7. TIRExB reiterated its decision to commence considerations of the matter only subsequent to the deliberations of the Administrative Committee (AC.2) (TIRExB/REP/2017/75final, para. 7).

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

A. eTIR project and eTIR pilot projects

8. The Board noted that, further to the signature of the MoU between UNECE and IRU on 6 October 2017, UNECE and IRU had prepared standard conditions for new computerization projects to be launched under the framework of this MoU. The customs administrations of Azerbaijan, Georgia and Kazakhstan had already confirmed their willingness to take part in an intermodal eTIR project on the basis of the standard conditions. The Board noted that a meeting to discuss that project would be organized on 14 June 2018 and that a delegation from Ukraine would also participate. The Board also took note that, as a first step to a possible eTIR project between Turkey and Ukraine, Turkey had organized a study visit for a Ukrainian delegation to show how the eTIR pilot project between Iran and Turkey functions in practice. Representatives of the TIR secretariat and IRU also participated in the study visit. Furthermore, the Board noted that the recruitment process for the Information system officer (P3) had been finalized and that Mr. Sami Ghanmi had been selected for that position. The Board welcomed Mr. Ghanmi to the “TIR family”.

9. The Board further noted that eTIR transports continued to be carried out between Iran (Islamic Republic of) and Turkey (at the time of the session, 144 eTIR transport had been carried out successfully) and that data on TIR transports between Turkey and Georgia were now exchanged on the Central Exchange Platform production environment. The Board welcomed the success of both pilot projects and welcomed the interest of other contracting parties to engage in eTIR projects.

10. Finally, the Board recalled that the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) had transmitted the text of draft Annex 11 to the Working Party on Customs Questions affecting Transport (WP.30) and that substantial discussions on the Annex would continue at the 149th session, in particular on the mutual recognition of electronic signatures.

B. International TIR Data Bank

11. The secretariat informed TIRExB that the new module of the International TIR Data Bank (ITDB) on customs offices, prepared on the basis of document ECE/TRANS/WP.30/AC.2/2014/4, as considered by AC.2 at its February 2014 session, had been released in May 2018, for restricted use by customs authorities. Ms. Jelínková (European Commission) pointed out that the new module already comprised data from European Union countries due to the import of data by the secretariat from the existing

European Union data base. She further added that the European Union Member States had started analysing the data for verification purposes and had already found some discrepancies. Therefore, she proposed that reflections from contracting parties, either on the existing or on the required dataset be taken on board before releasing the data to the general public. The Board welcomed the proposal and decided to discuss the issue further at the next session. The Board requested the secretariat to prepare a document that would address data requirements for the customs office module as well as reflections from countries, if any. Finally, the Board concluded that the customs offices database should only be made public upon completion of the work.

12. With regard to the web services of the ITDB, the secretariat informed TIRExB that three countries had started using the web service to check the status of TIR Carnet holders in the course of TIR transports and that there were other countries already testing or interested in connecting to it. The secretariat pointed out that these developments increased the need to provide 24/7 technical support and that, as a consequence, hosting the ITDB servers at a United Nations data centre was under consideration. The Board took note that the secretariat, further to the request at its seventy-fifth session (TIRExB/REP/2017/75final, para. 20), prepared a guide on the ITDB web services for the customs authorities and that the guide was submitted to the 149th session of WP.30 in three official languages (see document ECE/TRANS/WP.30/2018/13). The secretariat also added that it planned to start developing the module on approval certificates after the infrastructure would have been enhanced and that the aim was to complete this work in 2019. TIRExB requested the secretariat to report on any further development at future sessions.

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

Documentation: Informal document Nos. 3 and 11 (2018)

13. TIRExB recalled that, at its previous session, it had generally agreed that (a) use of the ITDB should become mandatory, (b) legal amendments would best achieve that purpose, and (c) more attention should be paid to awareness-raising about the ITDB, before it was set as mandatory in the TIR Convention (see TIRExB/REP/2017/75final, paras. 16 and 20). Considering the time required for the adoption of legal amendments to the TIR Convention, TIRExB continued its considerations on proposals for legal amendments as contained in Informal document No.11 (2018).

14. The Board recalled its earlier discussions on the wording to be used for the deadline of data submission via the ITDB, and considered the options provided in the document. The Board took note of the fact that the TIR Convention only uses the term “without delay” (see Article 10, paragraph 1 and Article 28, paragraph 1) and that the same term is also used in the World Customs Organization (WCO) Revised Kyoto Convention (RKC) and World Trade Organization (WTO) Trade Facilitation Agreement (TFA) with regard to notifications and actions by customs authorities. The Board concluded that the term “without delay” would best cover the necessity to submit the data as soon as possible and that it provided enough flexibility to respond to the needs of all contracting parties whereas any alternative wording would cause practical constraints.

15. The Board further discussed draft amendments to Annex 9, Part II, paragraph 4. The Board paid special attention to the following two items in the list of information to be submitted to TIRExB, as contained in the Model Authorization Form (MAF):

“(b) Name(s) and address(es) of the person(s) or enterprise, for a business association, also the names of responsible managers;

(c)...

(d) Commercial registration number or international transport license number or other (if available).”

16. Several Board members challenged the relevance or the applicability of these items, in particular item (d). Mr. Guenkov (IRU), pointing at possible discrepancies between the unique identification (ID) number and additional registration numbers, expressed concern about the requirement imposed in item (d). He further added that the ID number should be sufficient to process the TIR Carnet. The Board concluded that AC.2 would be a more appropriate platform to further discuss this issue, taking into account its practical implications, and decided, for now, not to remove the items from the list as they already are part of the Convention.

17. Regarding the draft proposal for Article 38, paragraph 2, the Board concluded that it would be appropriate to align the deadlines for all notifications to be submitted according to this paragraph (to competent authorities, association(s) and TIRExB), thus eliminating the “one week” deadline and introducing the term “without delay” in the draft text. The Board deemed it necessary to underline that, irrespective of the alignment of notification deadlines in the paragraph, the use of the ITDB is limited to the notification to TIRExB only, as stipulated by the accompanying Explanatory Note. The Board further added that, as already indicated in the comment to Article 38, the notification to competent authorities of the contracting party on whose territory the person concerned is established or resident should contain as many details as possible and that this could be best achieved through official correspondence, not using the ITDB.

18. TIRExB finalized its discussions on the mandatory use of the ITDB and decided on the draft amendment proposals as contained in annex I to this report. The Board requested the secretariat to submit the proposals to AC.2 for consideration and, possibly, adoption. Furthermore, the Board reiterated its conclusion that there was no need for a transitional period, since discussions on the amendment proposals would take time. Under this agenda item, the Board welcomed the seminar to be held on 14 June 2018 by the secretariat aimed at awareness-raising of the ITDB.

VI. Adaptation of the TIR procedure to modern business, logistics and transport requirements (agenda item 5)

Implementation of the intermodal aspects of the TIR procedure

Documentation: Informal documents Nos. 8 and 16 (2018)

19. Due to a lack of time, TIRExB decided to discuss the issue at its next session.

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

A. Settlement of disputes between contracting parties, associations, insurance companies and international organizations

Documentation: Informal documents Nos. 10, 12, and 15 (2018)

1. Relation with the Moldovian Association for International Road Transport

20. TIRExB took note of information provided by IRU in its letter dated 23 February 2018 (Informal document No.10 (2018)) that IRU's Presidential Executive had decided to recall its decision on the exclusion of the Moldavian Association for International Road Transport (AITA) from IRU and on the termination of the Deeds of Engagements. Mr. Guenkov (IRU) confirmed that AITA will maintain its status as the national guaranteeing association for the Republic of Moldova.

2. Relation with Romanian Association for Road Transport

21. TIRExB considered Informal document No.15 (2018) on the exclusion of the Romanian Association for Road Transport (ARTRI) from IRU membership. Mr. Guenkov (IRU) stated that the letter dated 8 May 2018 was sent further to the decision of the IRU General Assembly on 4 May 2018 to uphold the decision of IRU's Presidential Executive to exclude ARTRI. Consequently, ARTRI was no longer a member of IRU and had no contractual affiliation via the Deeds of Engagement, which terminated on 31 January 2018. He added that all due measures had been taken to ensure the uninterrupted and proper functioning of the TIR system in Romania. Ms. Jélinková (European Commission), recalling previous discussions on the use of TIR Carnets issued by ARTRI prior to exclusion and its possible consequences, requested further clarification about the liability of ARTRI for those TIR Carnets and any possible claims procedure. Mr. Guenkov (IRU) clarified that all business relations set out in the Deeds of Engagement between IRU and ARTRI remained intact, which meant that the responsibility of ARTRI for the use of TIR Carnets vis-a-vis the guarantee chain and the responsibility of the guarantee chain for the guarantee coverage for these TIR Carnets remained valid. He added that all measures had been taken regarding the validity of the TIR Carnets, and that TIR Carnets issued before 31 January 2018 had full guarantee coverage. He also mentioned that transporters had already started registering with the National Union of Road Hauliers from Romania (UNTRR), but that such registration was completely left to their discretion.

22. Ms. Jélinková (European Commission) informed that, to her knowledge, the Romanian customs authorities were in the process of revoking the authorization of ARTRI. At the same time, they preferred continuing to communicate with ARTRI on claims and other problems arising from TIR Carnets that had been issued by this association, whereas IRU recommended that such claims should be cleared with UNTRR. Mr. Guenkov (IRU) stated that, in the view of IRU, the legitimate association to communicate with in such cases should be the association authorized by the competent authorities, which, at this moment, is UNTRR. However, in case the Romanian customs authorities preferred to continue addressing the association that had issued the TIR Carnets, this would be acceptable as well, as long as it was ensured that the guarantee chain was informed in a timely manner.

3. Draft new Explanatory Note to Article 6, paragraph 2 of the TIR Convention

23. The Board held a first round of discussions on the issue on the basis of Informal document No. 12 (2018), in which the secretariat provided background information on the history of Explanatory Note 0.6.2 bis 1 and elaborated on the connection between, on the one hand, the agreement between customs authorities and the national associations which is governed by public law and, on the other hand, the contractual relationship that exists between the international organization and its member associations, which is governed by private law (IRU Constitution and Deeds of Engagement). The Board, although conscious that the matter was sensitive, recalled the mandate that it had received from AC.2 "to assess whether and to which extent it would be possible to include provisions on the relation between the international organization and its national associations in the text of the TIR

Convention and to report back to the Committee at one of its future sessions” (see ECE/TRANS/WP.30/AC.2/137, paras. 16 and 39).

24. The Board agreed that, indeed, the recent events in Romania had led to an unprecedented situation. However, this should not prevent the Board or, eventually, contracting parties from drawing lessons from it which could provide guidance for any (similar or other) future complication in the public-private partnership. As a first step, the Board decided to analyse the current provisions in the TIR Convention, viz, Article 6, paragraph 2, Explanatory Note 0.6.2. bis 1 and the provisions of Annex 9, Part I. As a next step, the Board could then address the question whether it would be possible to establish a link between the agreement concluded between national competent authorities and national guaranteeing associations and the affiliation of national associations to one and the same international organization or whether the latter was purely a matter of private law. The Board decided to revert to this matter at its next session.

B. IRU external audit report

25. TIRExB recalled that AC.2, at its sixty-sixth session (October 2017), had reiterated the importance of having the opportunity to thoroughly review the full audit report and decided to maintain the item on the agenda for future discussions, and also that the European Union had put forward a proposal at that session, namely whether it would be possible to mandate TIRExB to engage, on the basis of its budget provisions, an expert or consultant to review the full report on behalf of AC.2. TIRExB further recalled the mandate given at the sixty-seventh session of AC.2 (February 2018) to further look into the IRU external audit report and assess the situation.

26. Against this background, TIRExB held a first round of discussions on the matter. First of all, it was highlighted that the members of the Board themselves did not have the expertise to analyse such a report. Questions such as the added value of hiring another external auditor to audit this report, funding mechanisms, possible implications of such an activity and access to the full report were raised. The Board decided to revert to this matter at its next session.

VIII. Price of TIR Carnets (agenda item 7)

A. Analysis of the prices of TIR Carnets

Documentation: Informal document No. 13 (2018)

27. TIRExB noted that, to date, thirty-seven associations had responded to the online survey and that eight more associations had sent prices directly to the secretariat. The Board regretted that only forty-five associations had provided the 2018 TIR Carnet prices and, for the sake of comparability with previous analyses, requested the secretariat to send reminders (with the assistance of the IRU) to gather additional data prior to conducting the analysis of the 2018 TIR Carnet prices. The Board also noted that the survey did neither allow to calculate harmonized comparable TIR Carnet prices (i.e. allowing an unbiased comparison of the prices between the various countries) nor ensure that all prices are the actual final prices paid by the transport operators (i.e. inclusive of all taxes and fees). Consequently, the Board instructed the secretariat to prepare a revised version of the questionnaire for its next question. The IRU offered its assistance to revise the questionnaire.

28. Finally, the Board also requested the TIR secretariat to already publish on the TIR website the 2018 prices presented in Annex VII of Informal document No.13 (2018).

B. Distribution prices

Documentation: Informal documents Nos. 9 (2017), 1 and 2 (2018)

29. Due to a lack of time, TIRExB decided to discuss the issue at its next session.

IX. Example agreement (agenda item 8)

Documentation: Informal document No. 4 (2018)

30. TIRExB recalled that, at its seventy-fifth session, it had considered a revised draft of the example agreement for inclusion in Chapter 6.2 of the TIR Handbook (see Informal document No. 5 (2017)) and had requested the secretariat to prepare an updated version pursuant to the comments made. The Board continued discussions on the draft example agreement as contained in Informal document No. 4 (2018).

31. With regard to determining the exchange rate applicable for claims, which was regulated under Section D “Maximum guarantee per TIR Carnet” of the draft agreement, several members mentioned the necessity of leaving the basis for the conversion rate to national legislation, as there are different methods in use for such calculations. Thus, the Board decided to continue with the current text of the example agreement on this issue.

32. TIRExB also exchanged views on the settlement of disputes arising from the improper use of TIR Carnets. The Board concluded that it would be beneficial both for competent authorities and national associations to accept a procedure for the efficient settling of disputes which may result in a reduced number of disputes taken to courts. Therefore, it was decided to keep a reference to this issue in Section A “Undertaking” of the example agreement, with the addition of the wording “if possible without recourse to courts”. The Board also referred to the example of best practice on the inquiry and recovery procedures in Chapter 5.4 of the TIR Handbook as a useful tool for existing procedures, and decided to insert a reference thereto under Section A of the example agreement.

33. TIRExB concluded its discussions on the draft example agreement and finalized the text as contained in annex II of this report. The Board requested the secretariat to transmit the amended example of best practice to AC.2 for endorsement and subsequent inclusion in the next version of the TIR Handbook. The Board recommended contracting parties to make use of the example agreement when establishing or renewing their agreement with the national association(s).

X. Claims exceeding the maximum amount of the TIR guarantee per TIR Carnet (agenda item 9)

Documentation: Informal document No. 21 (2017)

34. TIRExB continued its considerations of claims for payment exceeding the maximum amount of the TIR guarantee. The Board recalled that most of the claims referred to in Informal document No. 21 (2017) had been settled. Ms. Takova (Bulgaria) stated that the Legal Department of the National Customs Agency had changed its opinion of the interpretation of the provision of Art. 8 (1) of the TIR Convention and considered that the amount to be claimed from the guarantee chain should not exceed the maximum guaranteed amount specified in the contract between the national guaranteeing association and the customs authorities. In this respect, the two cases regarding TIR claims reported by IRU in Informal document No. 21 (2017) were now closed.

35. On that note, TIRExB concluded its considerations of the matter and recalled that claims should not exceed the maximum guarantee amount pursuant to Article 8, paragraph 1 of the TIR Convention.

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)

36. 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)

37. TIRExB continued its considerations of problems of Kyrgyz transporters at the Kazakh border, reported by the Kyrgyz Republic (Informal document No. 32 (2017)). TIRExB recalled that the secretariat, in order to collect further information on the issue, had contacted the Permanent Mission of Kazakhstan, the Kazakh TIR Customs Focal Point and the adviser to the Eurasian Economic Commission (EEC) (Informal document No. 33 (2017)). The Board also recalled that it had only received information from the EEC adviser, who had referred to a high-level meeting between the two countries where an action plan seemed to have been concluded.

38. Considering the limited information available on the issue, TIRExB decided to finalize its considerations of the matter for the moment and requested the secretariat to send a letter to the Kyrgyz customs administration summarizing the discussions and putting forth its readiness to analyse the issue further if the problems persisted and subject to being provided with more and detailed information.

XIII. Problems with acceptance of TIR Carnets in the Russian Federation (agenda item 12)

Documentation: Informal document No. 35 (2017)

39. TIRExB recalled that, at its seventy-fifth session, the IRU representative had informed the Board that the problems reported by some of its national associations, as contained in Informal document No. 35 (2017), had recently stopped. Mr. Guenkov (IRU) confirmed that IRU had not received further complaints from the parties which had raised the original problems. However, he pointed out that the number of customs offices approved for accomplishing TIR operations on the territory of the Russian Federation had decreased over time and that particularly the ports were left out. He added that the statistics also revealed a drastic decrease in the number of TIR operations in the Russian Federation on account of the use of the national transit system. He stated that such practices limited the scope of application of the TIR Convention.

40. Regarding customs offices available for accomplishing TIR operations in the Russian Federation, Mr. Somka (Ukraine) referred to the Decree of the Ministry of Finance of the Russian Federation of 24.10.2017, No. 159n "On the movement of goods in accordance with the Customs Convention on the International Transport of Goods with the TIR Carnet",

which had come into force in May 2018, containing a list of border crossing points (BCPs) authorized to process TIR Carnets. With reference to prior discussions on the BCPs between the Russian Federation and Ukraine, he raised concern about possible negative effects of this Decree, since the requirement in Article 45 of the TIR Convention of consultations between neighbouring countries to agree on corresponding border offices, had been ignored. He stated that at following four BCPs listed in the Decree, Ukrainian authorities temporarily do not exercise their powers: Novoshakhtinsk- Dolzhansky, Donetsk- Izvarino, Matveyev Kurgan-Uspenka, Veselo- Voznesenka-Novozovsk. He underlined the fact that, in view of the above, any movement of goods, vehicles or people through these checkpoints would be a direct violation of Ukrainian legislation and entail appropriate sanctions. He also stated that four BCPs, namely Tetkino- Ryzhovka, Kolotilovka- Pokrovka, Logachevka- Peski, Lomakovka- Mykolaivka, were classified as interstate, which meant that only Ukrainian and Russian operators could transport goods through them. Finally, he underlined that, for the proper functioning of the TIR system, it was important to comply with the provision of Article 45 of the TIR Convention.

41. TIRExB took note of the information and having noted the absence of further complaints about the issues raised in Informal document No. 35, concluded its discussions on the matter.

XIV. Activities of the secretariat (agenda item 13)

A. General activities of the secretariat

42. Due to a lack of time, TIRExB decided to discuss the issue at its next session.

B. Update on the status of the survey claims (2013–2016)

Documentation: Informal document No. 14 (2018)

43. While the Board did not have time to consider the preliminary results of the survey on the TIR guarantee level and on the functioning of the TIR guarantee system for the period 2013–2016, it noted that Contracting Parties using a significant number of TIR Carnets had not responded to the survey and requested the secretariat to send official letters to the heads of the customs administrations of those contracting parties, requesting their assistance to ensure that their administrations would reply to the questionnaire before 1 September 2018.

XV. Other matters (agenda item 14)

A. Modification in the TIR Carnet layout

Documentation: Informal document No. 17 (2018)

44. Mr. Guenkov (IRU) informed TIRExB about a modification in the TIR Carnet layout as a consequence of having started printing TIR Carnets in Belgium. He stated that, as TIR Carnets would now be printed both in Belgium and Switzerland, it was necessary to delete the reference to the country of production from the TIR Carnets. TIRExB took note of the information provided.

B. Proper use of the TIR Carnet

Documentation: Informal document No. 18 (2018)

45. TIRExB considered Informal document No.18 (2018) which covered two letters submitted by the State Customs Committee of Republic of Uzbekistan. In its letters, Uzbek authorities referred to 692 TIR Carnets presented at customs offices in the first quarter of 2018 with an improper goods description in box 10. The letters also mentioned that such malpractice had caused irregularities, such as the removal of goods by replacing attached documents. TIRExB also took note of a letter sent by IRU to the Uzbek authorities on the issue offering assistance to further analyse the matter while recommending the use of IRU TIR Electronic Pre-Declaration (EPD) application.

46. TIRExB recalled its discussions on similar incidents encountered in the past (see ECE/TRANS/WP.30/AC.2/2007/7, paragraphs 19–25) and the example of best practice on the proper filling-in and use of the TIR Carnet contained in Part 7 of the TIR Handbook.

47. TIRExB requested the secretariat to submit the case for the attention of the competent authorities at the forthcoming session of WP.30 on 12–14 June 2018. The Board pointed out the responsibilities of the customs offices of departure pursuant to Article 19 and its accompanying Explanatory Note, and recommended the use of best practices in Part 7 of the TIR Handbook to ensure the accuracy of the goods manifest in the TIR Carnet.

XVI. Restriction in the distribution of documents (agenda item 15)

48. TIRExB decided that documents issued for the current session should remain restricted except Informal document No. 18 (2018).

XVII. Date and place of next session (agenda item 16)

49. The Board decided to conduct its seventy-eighth session on 15 October 2018 in Geneva. The Board, tentatively, decided to organize its seventy-ninth session on 3 December 2018 in Geneva and requested the secretariat to make the appropriate arrangements.

Annex I

Amendments to the TIR Convention on the mandatory use of ITDB

1. Amend Article 38, paragraph 2 as follows:
 - “2. This exclusion shall be notified without delay to the competent authorities of the Contracting Party on whose territory the person concerned is established or resident, to the association(s) in the country or Customs territory where the offence has been committed and to the TIR Executive Board.”
2. Amend Explanatory Note to Article 38, paragraph 2 as follows:

“0.38.2 The legal requirement to notify the TIR Executive Board that a person has been temporarily or permanently excluded from the operation of the Convention shall be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.”
3. Amend Annex 9, Part II, paragraph 4 as follows:
 - “4. The competent authorities shall transmit without delay from the date of authorization or withdrawal of authorization to use TIR Carnets, the particulars of each person to the TIR Executive Board including:
 - (a) Individual and unique identification (ID) number assigned to the person by the guaranteeing association, in cooperation with the international organization to which it is affiliated, in accordance with the harmonized format determined by the Administrative Committee;
 - (b) Name(s) and address(es) of the person(s) or enterprise, for a business association, also the names of responsible managers;
 - (c) Contact person with complete contact information; and
 - (d) Commercial registration number or international transport licence number or other (if available).”
4. Amend Explanatory Note to Annex 9, Part II, paragraph 4 as follows:

“9.II.4 Data, as set out in paragraph 4, shall be transmitted by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.”
5. Amend Annex 9, Part II, paragraph 5 as follows:
 - “5. The associations shall transmit any change in the particulars of authorized persons without delay from the moment they become aware of it to the competent authorities and the TIR Executive Board.”
6. Remove MAF attached to Annex 9 Part II and the accompanying text.
7. Amend the title of the Comment to Model Authorization Form (MAF) as follows:

“Comment to Part II, paragraph 4
Individual and unique identification (ID) number”

Annex II

Example Agreement* **Guarantee agreement between the (name of competent authorities) of (name of country) and the (full name of association and abbreviated form)**

In accordance with Annex 9, Part I, paragraph 1 (d) of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) done at Geneva on 14 November 1975, as later amended (hereafter referred to as TIR Convention) the ... (name of competent authorities) ... of ... (name of country/Customs or Economic Union) ... and the ... (name of association) ... hereby agree as follows:

A. Undertaking

1. By accepting this agreement in the appropriate form, in accordance with national legislation and administrative practice, the ... (name of association) ... undertakes, in accordance with Annex 9, Part I of the TIR Convention, to:

(a) comply with the obligations laid down in Article 8 of the TIR Convention, particularly those contained in Section B below;

(b) accept the maximum sum per TIR Carnet determined by ... (name of country/Customs or Economic Union) ... which may be claimed from ... (name of association) ... in accordance with Article 8, paragraph 3 of the TIR Convention, as indicated in detail in Section D below;

(c) verify continuously and, in particular, before requesting authorization for access of persons to the TIR procedure, the fulfilment of the minimum conditions and requirements by such persons as laid down in Part II of Annex 9 of the TIR Convention;

(d) comply with its obligation on data submission under Annex 9, Part II of the TIR Convention;

(e) provide its guarantee for all liabilities incurred in ... (name of country/Customs or Economic Union) ... in which it is established in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated;

(f) cover its liabilities to the satisfaction of the competent authorities of ... (name of country/Customs or Economic Union) ... in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated. As documentary evidence on a yearly basis ... (name of association) ... shall produce a certificate of insurance (or other appropriate document);

(g) provide TIRExB, annually, before 1 March, with the price of each type of TIR Carnet it issues;

* Or any other legal instrument in accordance with Annex 9, Part I, paragraph 1(d)

(h) allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;

(j) accept a procedure for settling efficiently disputes arising from the improper or fraudulent use of TIR Carnets, if possible without recourse to Courts;*

(k) agree that any serious or repeated non-compliance with the minimum conditions and requirements, pursuant to Article 6 of the TIR Convention and as expressly stipulated in Annex 9, Part I of the TIR Convention, shall lead to the revocation of the authorization to issue TIR Carnets;

(l) comply strictly with the decisions of the competent authorities of ... (name of country/Customs or Economic Union) ... in which it is established concerning the exclusion of persons in line with Article 38 and Annex 9, Part II of the TIR Convention;

(m) agree to implement faithfully all decisions adopted by the TIR Administrative Committee and TIRExB in as much as the competent authorities of ... (name of country/Customs or Economic Union) ... in which the association is established have accepted them.

B. Obligations of the (name of competent authorities)

2. The ... (name of competent authorities) ..., undertakes to fulfil its obligations as stipulated in the TIR Convention, 1975, namely:

(a) notify the TIR Carnet holder and the association in cases of non-discharge within the deadlines prescribed in Article 11, paragraph 1 of the TIR Convention;

(b) require payment of sums due, so far as possible, from the person(s) directly liable before making a claim against ... (name of association) ...;

(c) comply with the deadlines for claims as stipulated in Article 11, paragraph 3 of the TIR Convention;

(d) reimburse the sums paid by the ... (name of association) ... in cases falling under Article 11, paragraph 5 of the TIR Convention.

C. Liability

(see Section A, paragraph 1 (a))

3. The ... (name of association) ... undertakes to pay import /or export duties and taxes, together with any default interest, due under the customs laws and regulations of ... (name of country/Customs or Economic Union) ... if an irregularity has been noted in connection with a TIR operation. Without prejudice to Article 11, paragraph 2 of the TIR Convention and in line with Section B, paragraph 2(b) of the present agreement, the ... (name of association) ... shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

4. The liability of the association follows from the provisions of the TIR Convention. In particular, the liability of the association shall commence at the times specified in Article 8, paragraph 4 of the TIR Convention.

* May be annexed to the agreement. See also the Inquiry and Recovery Procedure in Chapter 5.4 of the TIR Handbook, which provides information on existing procedures.

D. Maximum guarantee per TIR Carnet

(see Section A, paragraph 1 (b))

5. The maximum amount that may be claimed by the competent authorities of ... (name of country/Customs or Economic Union) ... from ... (name of association) ... shall be limited to a sum equal to [€100,000 – (one hundred-thousand)] per TIR Carnet.

6. In the case of transport of alcohol and tobacco, details of which are given in Annex 6, Explanatory Note 0.8.3 of the TIR Convention and which exceeds the threshold levels mentioned therein, the maximum amount that may be claimed by the competent authorities of ... (name of country/Customs or Economic Union) ... from ... (name of association) ... shall be limited to a sum equal to \$US 200,000 – (two hundred-thousand) per "Alcohol/Tobacco" TIR Carnet.

7. The value of the above amounts in national currency shall be determined ... (daily/monthly/annually) ... on the basis of ... (conversion rate)

E. Entry into force

8. This agreement shall enter into force on ... (date) ... (month) ... (year) ... on condition that documentary evidence for coverage of all liabilities incurred in ... (name of country/Customs or Economic Union) ... by ... (name of association) ... as referred to in Section A paragraph 1 (f) above is produced. In case documentary evidence is not provided by this date, the agreement shall enter into force on the date at which such documentary evidence is provided.

F. Termination

9. The present agreement can be terminated unilaterally at any time if the association or the competent authorities so decide, provided that a notice period of (length of notice period to be agreed by the parties or applicable national law) is given.

10. The termination of this agreement shall be without prejudice to the responsibilities and liabilities of the ... (name of association) ... under the TIR Convention. This means that termination of the agreement shall not affect the liabilities incurred by the ... (name of association) ... in ... (name of country/Customs or Economic Union) ... in connection with operations under cover of TIR Carnets accepted by the ... (name of competent authorities) ... before the date of termination of this agreement and issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated.

11. Date and signature of competent authorities and association.
