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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee for the
TIR Convention

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR
THE TIR CONVENTION 1975 ON ITS TWENTY-FOURTH SESSION
(26 and 27 February 1998)**

ATTENDANCE

1. The Administrative Committee held its twenty-fourth session at Geneva on 26 and 27 February 1998. The following representatives of the Contracting Parties attended: Albania; Belgium; Bulgaria; Croatia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Hungary; Italy; Latvia; Lithuania; Netherlands; Poland; Republic of Moldova; Romania; Russian Federation; Slovakia; Slovenia; The former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; European Community (EC).
2. The following international organization was represented as observer: International Road Transport Union (IRU).
3. The Administrative Committee noted that the required quorum according to article 6 of annex 8 of the Convention had been attained.

ADOPTION OF THE AGENDA

4. The Administrative Committee adopted the provisional agenda (TRANS/WP.30/AC.2/48) prepared by the secretariat of the United Nations Economic Commission for Europe (UN/ECE).

ELECTION OF OFFICERS

5. In accordance with annex 8, article 3 of the Convention, the Administrative Committee elected Mr. O. Beginin (Russian Federation) as Chairperson and Mr. M. Amelio (Italy) as Vice-Chairperson.

6. The Committee reiterated that, in accordance with annex 8, article 1 of the Convention, competent administrations of States referred to in article 52, paragraph 1 of the Convention, which were not Contracting Parties to the Convention or representatives of international organizations, could participate as observers in its sessions.

STATUS OF THE TIR CONVENTION, 1975

Documentation: TRANS/WP.30/AC.2/49, annex 1.

7. The Administrative Committee was informed that the TIR Convention, 1975, had currently 62 Contracting Parties, including the European Economic Community. As of 25 May 1998 the Convention will also come into force in Lebanon.

8. The Administrative Committee requested the secretariat to annex to the final report of its session a list of Contracting Parties to the TIR Convention, 1975 and a list of countries with which TIR transit operations could be established (see annex 1 to this report).

REVISION OF THE CONVENTION

(a) Status of the revision process

Documentation: Depository Notification C.N.433.1997.TREATIES-1;
TRANS/WP.30/AC.2/47/Corr.1.

9. The Administrative Committee was informed that on 17 November 1997 the Legal Office of the United Nations in New York had issued depository notification C.N.433.1997.TREATIES-1 containing the amendment proposals adopted by the TIR Administrative Committee on 27 June 1997 under phase I of the TIR revision process. Copies of this depository notification in English, French and Russian may be obtained from the ECE secretariat.

10. As the Administrative Committee had decided that the amendment procedure in line with article 59 of the Convention should apply, all amendment proposals would, if no objections were raised, come into force 15 months following the date of communication of the proposed amendments by the Secretary-General of the United Nations through the above-mentioned Depository Notification, i.e. on 17 February 1999.

11. In this context, the Administrative Committee noted that the ECE secretariat has issued a corrigendum to the report of its twenty-third session (26 and 27 June 1997) containing in annex 2 the adopted amendment proposals (TRANS/WP.30/AC.2/47/Corr.1). This corrigendum, the content of which has not been reflected in the above Depositary Notification, rectifies two typing errors in the adopted amendment proposals.

(b) Revision procedure of phase I of the TIR revision process

Documentation: TRANS/WP.30/178; TRANS/WP.30/AC.2/47/Corr.1; TRANS/WP.30/AC.2/R.30-TRANS/WP.30/R.19.

12. The Administrative Committee recalled that, when adopting the amendment proposals on 27 June 1997, it had been of the view that, given the urgency of the implementation of these proposals, it might be necessary to allow for all or parts of them to come into force at an earlier stage than foreseen in article 59 of the Convention.

13. In accordance with an opinion expressed by the Legal Office of the United Nations in New York, pursuant to article 25 of the 1969 Vienna Convention on the Law of Treaties, which is generally considered as codifying international law in this regard, a treaty or a part of a treaty may be applied provisionally pending its entry into force if the treaty so provides, or the negotiating States have in some other manner so agreed. A decision to this effect by the Administrative Committee, in parallel or following the adoption of the amendment proposals, would give immediate binding force among the Contracting Parties to the provisions relating to, for example, the establishment and financing of the TIR Executive Board (TRANS/WP.30/AC.2/47, paras. 16-21).

14. The Administrative Committee took note that, as already stated by the ECE Working Party on Customs Questions affecting Transport, at its eighty-ninth session (TRANS/WP.30/178, paras. 13-19), this legal procedure was not applicable in all Contracting Parties and thus could not be utilized. The Administrative Committee stressed however that all efforts had to be made by Contracting Parties, the ECE secretariat and the IRU to ensure that the TIR Executive Board and the TIR secretariat could become operational immediately following the coming into force of the amendment proposals. For that purpose certain administrative functions to be carried out by the TIR Executive Board would need to be initiated during the course of 1998.

15. In particular, the ECE secretariat was mandated to ensure that all required administrative arrangements in line with the regulations, rules and procedures of the United Nations, as outlined in document TRANS/WP.30/AC.2/R.30-TRANS/WP.30/R.19 dated 14 May 1997, would be taken in time to allow the Administrative Committee, at its session on 25 and 26 February 1999, to be in a position to approve the budget of the TIR Executive Board and the TIR secretariat for the year 1999. The budget proposal should be prepared by the ECE secretariat, in consultation with the IRU, on the basis of the adopted Terms of Reference of the TIR Executive Board (annex 3 to this report).

(c) National procedures for the implementation of the amendment proposals under phase I of the TIR revision process

16. The Administrative Committee, expecting that by 17 November 1998 no objection would have been raised to the amendment proposals adopted under phase I of the TIR revision process, requested all competent authorities of Contracting Parties, national associations and the IRU to implement in a cooperative spirit, at the latest as of 17 November 1998, all required new provisions, particularly those contained in new annex 9, Part I and Part II of the revised Convention (as contained in document TRANS/WP.30/AC.2/47, annex 2).

17. The ECE secretariat should be informed of progress made in the implementation of these provisions at the national and international levels.

(d) Implementation of phase I of the TIR revision process

- Implementation of new annex 9, Part I, paragraph 1 (f)(v) of the Convention

Documentation: TRANS/WP.30/180; TRANS/WP.30/AC.2/47, annex 2; TRANS/WP.30/R.195 and Corr.1.

18. The Administrative Committee noted that the ECE Working Party on Customs Questions affecting Transport had felt that the proposed provisions in the new annex 9, Part I, paragraph 1 (f)(v) of the Convention on the newly required insurance or financial guarantee contracts (TRANS/WP.30/AC.2/47, annex 2) would need to be studied in detail by Customs and insurance experts well before their coming into force.

19. The Administrative Committee also took account of the views expressed by an ECE expert group that had been of the view that the provisions in the new annex 9, Part I, paragraph 1 (f)(v) of the Convention required a modification of the present insurance contract(s) concluded between the IRU and the international insurers, possibly towards individual insurance contracts between national associations and international and/or national insurers (TRANS/WP.30/R.195, paras. 17-22).

20. The Administrative Committee stressed that a harmonized approach by Customs authorities in the application of the new provisions in Annex 9, Part I, paragraph (f)(v) was indispensable in order to ensure a stable and efficient international guarantee system under the TIR regime.

21. The Administrative Committee, on being informed of the results of the deliberations of the ECE Working Party on this matter (TRANS/WP.30/180, paras. 19-23), endorsed in principle a comment prepared by the Working Party on the application of annex 9, Part I, paragraph 1 (f)(v) of the Convention as

contained in annex 2 to this report.

- Establishment of the TIR Executive Board (TIRExB)

Documentation: TRANS/WP.30/AC.2/1998/1; TRANS/WP.30/R.190-TRANS/WP.30/AC.2/R.30; TRANS/WP.30/R.179.

22. The Administrative Committee recalled that, at its twenty-third session, it had decided to consider in detail arrangements to be made to implement the provisions of the adopted amendment proposals, including the Terms of Reference and the budget of the TIR Executive Board (TIRExB) (TRANS/WP.30/AC.2/47, para. 21). In line with this decision and following a request by a number of Contracting Parties, represented at the eighty-ninth session of the ECE Working Party on Customs Questions affecting Transport (TRANS/WP.30/178, para. 21), the ECE secretariat convened a special meeting which considered operational and administrative questions related to the establishment of the TIRExB and the TIR secretariat.

23. The Administrative Committee considered the report of this special meeting (TRANS/WP.30/AC.2/1998/1) and adopted provisionally, i.e. until annex 8, article 9, paragraph 2 of the revised Convention had come into force, the Terms of Reference of the TIRExB as contained therein with the following modifications:

Paragraph 7: Add the following phrase at the end of the paragraph:

“Particular attention should be given to a cost-effective operation of the TIRExB and the TIR secretariat.”

Paragraph 8 (a): Delete the text in square brackets and add at the end of the paragraph the following text:

“Other data may also be compiled, for example on approved, falsified and stolen Customs stamps, if feasible. Particular attention should be given to data protection. This includes the establishment of effective rules to avoid unauthorized access to the protected data files.”

Paragraph 8 (d): Modify the paragraph to read as follows:

“(d)Provide administrative support to facilitate the settlement of disputes between Contracting Parties, national guaranteeing associations, insurance companies and international organizations.”

Paragraph 8 (e): Modify the first indent as follows:

“- written agreement or any other legal instrument between associations and competent authorities (...),”

Paragraph 8 (f): Add at the end of the sentence the following wording:

"... in particular for countries that have only recently acceded to the Convention, in the establishment of administrative procedures."

Paragraph 9: To be transferred to the Rules of Procedure.

Paragraphs 10 and 11: To be re-numbered.

24. The complete text of the Terms of Reference of the TIRExB as adopted provisionally by the Administrative Committee is contained in annex 3 to this report.

25. The Administrative Committee also endorsed draft Rules of Procedure of the TIRExB as contained in the report of the special meeting with the following modifications:

Sessions: At the end of the section, insert paragraph 9 of the Terms of Reference.

Languages: Replace the second sentence by the following:

"Speeches made in any of the working languages will be interpreted into the other working languages, as required."

26. The complete text of the Rules of Procedure of the TIRExB as endorsed by the Administrative Committee are contained in annex 4 to this report.

27. With regard to the proposed comment or "gentleman's agreement" on the procedures to be followed for the initial election of members of the TIRExB, the Administrative Committee could only agree to replace the headings of the proposed country groupings by consecutive numbers, i.e. Group 1, Group 2, etc. No consensus could be reached on the number of groups and the composition of the groups.

28. As the Administrative Committee was of the view that an agreement on these procedures was extremely useful for the initial elections of the members of the TIRExB before the Administrative Committee proceeded, possibly at its February 1999 session, with their election, it decided to re-convene the Administrative Committee for a half-day session on 26 June 1998, in conjunction with the session of the ad hoc group of experts on phase II of the TIR revision process to be held from 24 to 26 June 1998. The comment as prepared by the special meeting should serve as a basis for discussion at this February 1999 session of the

Administrative Committee. Delegations were invited to transmit written proposals to the ECE secretariat in case they wished to propose modifications to this comment as contained in document TRANS/WP.30/AC.2/1998/1.

29. In line with annex 8, article 12 and article 13, paragraph 1 of the revised

Convention, the ECE secretariat was requested to establish, on the basis of the provisionally adopted Terms of Reference of the TIRExB, a budget proposal and a cost plan for the operation of the TIRExB and the TIR secretariat for final adoption at the February 1999 session of the Administrative Committee - in case the required amendment proposals had come into force.

30. The Administrative Committee also reviewed possible administrative arrangements for the collection of a levy on TIR Carnets as described in document TRANS/WP.30/R.190-TRANS/WP.30/AC.2/R.30, paras. 8-18. In particular, the Administrative Committee endorsed the proposals therein relating to the establishment of a Trust Fund in accordance with the regulations, rules and procedures of the United Nations (paras. 10 and 11), the procedures envisaged for the adoption of the budget of the TIRExB (para. 12) and the provisions on the transfer of funds by the international organization (paras. 15 and 17).

31. With a view to allowing for a timely start of the operation of the TIRExB and the TIR secretariat, i.e. on 1 January 1999 for the latter, the Administrative Committee in its capacity as supervisory organ of the TIRExB (article 58 ter of the revised Convention refers) and under the assumption that by 17 November 1998 no objection would have been lodged against the adopted amendment proposals, authorized:

- (i) the International Road Transport Union (IRU) to centrally print and distribute TIR Carnets in 1999 in accordance with annex 8, article 10 (b) of the revised Convention;
- (ii) the ECE secretariat, on its behalf, to negotiate and arrange with the IRU the required arrangements for the transfer of funds, in accordance with annex 8, article 13 of the revised Convention, on the basis of a budget proposal to be prepared by the ECE secretariat for the operation of the TIRExB in 1999.

32. With regard to the establishment of an international data bank on Customs stamps used for the TIR Customs transit regime as well as on falsified stamps, the representative of the European Community felt that such data banks could be very useful. He also reported on the operation of such a data bank for the Community/Common Transit System administered by the European Commission in Bruxelles.

(e) Proposals for amendments to the Convention under phase II of the TIR revision process

33. The Administrative Committee decided to add to the list of elements for consideration as part of phase II of the TIR revision process the following item: Possible reduction in the notification periods for Customs claims in accordance with article 11 of the Convention.

34. The Administrative Committee also decided that priority should be accorded, at the first (informal) session of the ad hoc group of experts on phase II of the TIR revision process (2 and 3 April 1998), to all issues related to a revised guarantee system, to the status and functions of international organizations, to harmonized discharge procedures for TIR Carnets, to a definition of responsibilities for all parties in the TIR procedure and to a revision of the TIR Carnet (in substance and in format).

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

35. The Administrative Committee noted that no other proposals for amendments to the Convention have been received.

APPLICATION OF THE CONVENTION

- (a) EDI control system for TIR Carnets: Implementation of the Recommendation adopted on 20 October 1995

Documentation: Informal document No.1 (1998) transmitted by the IRU.

36. Due to lack of time, the Administrative Committee was not in a position to consider this item and decided to take it up at its forthcoming session in June 1998.

- (b) TIR Handbook: Comments adopted by the ECE Working Party on Customs Questions affecting Transport

Documentation: TRANS/WP.30/178; www.unece.org.trans.

37. The Committee noted that Turkey still reserved its position on a comment to article 3 of the Convention that had been approved in principle by the ECE Working Party on Customs Questions affecting Transport at its eighty-ninth session (TRANS/WP.30/178, paras. 53 and 54).

38. The Administrative Committee therefore requested the ECE Working Party to consider this comment once more.

39. The 1995 TIR Handbook, a comprehensive reference book on the functioning and interpretation of the TIR system, prepared by the ECE secretariat, may be ordered in English, French or Russian from selected national booksellers or from UN Publications, Palais des Nations, CH-1211 Geneva 10, Switzerland; Telefax: +41-22-917-0027. The permanently updated text of the TIR Handbook (for the moment in English, French and Czech) is also available on the INTERNET Home Page of the ECE Transport Division (www.unece.org.trans).

- (c) International directory of TIR focal points

Documentation: Informal ECE document (restricted).

40. In accordance with resolution No. 49, the ECE secretariat has established an international directory of focal points that could be addressed in case of inquiries in relation to the TIR procedure. A first version of the directory has been made available at the session for restricted use by Customs authorities, national associations and the IRU.

(d) International register on Customs sealing devices

Documentation: ECE publication (restricted).

41. As requested by the ECE Working Party, the ECE secretariat maintains an international register on Customs sealing devices approved by national Customs authorities for TIR transit operations (TRANS/WP.30/159, para. 29). This register, available in English, French and Russian, covers at present more than 40 countries. The Administrative Committee requested Customs authorities to transmit updated information to the ECE secretariat on a permanent basis.

42. Updates of the register have been made available at the session for restricted use by Customs authorities. Copies or excerpts of the register may be obtained from the ECE secretariat by the Customs authorities concerned.

(e) Prices of TIR Carnets distributed by the IRU to national issuing associations

43. The Administrative Committee recalled that it had decided earlier to include in the agenda of its sessions an item on the prices for the various TIR Carnets distributed by the IRU. The IRU had been requested to provide the necessary information to the ECE secretariat (TRANS/WP.30/AC.2/43, para. 16).

44. The Administrative Committee regretted that the IRU had not provided any more detailed information than that on prices of various types of TIR Carnets transmitted to the twenty-second session (TRANS/WP.30/AC.2/45, paras. 19 and 20).

45. The Administrative Committee felt that possible requests for the provision of more substantive information on the production, distribution and administration of TIR Carnets, including insurance premiums, could be considered at its February 1999 session.

OTHER BUSINESS

(a) Non-availability of documents in French and Russian

46. The Administrative Committee was faced with an - to this extent - unprecedented situation. None of the parts of its draft report prepared by the ECE secretariat were available for adoption. Upon request, the ECE secretariat made available the report in the English language only and reported that the relevant services of the United Nations Office at Geneva had refused to process the draft report for translation and distribution without any further information.

47. The Administrative Committee pointed out that the non-availability of the draft report constituted a breach in the obligation of the Secretary-General of the United Nations to provide the Committee with secretariat services as stipulated in annex 8, articles 2 and 8 of the TIR Convention, 1975 and in the terms of reference of the ECE. In particular, it was incomprehensible why no advance warning was given to the Committee or the ECE secretariat.

48. The ECE secretariat was requested to rectify this unacceptable situation which might include the employment of outside translators on a temporary basis, if adequate in-house know-how (in terms of proper documentation management) or resources (in terms of adequate staff) was not available.

49. The Administrative Committee decided to review this matter at its forthcoming session, including alternative possibilities for convening its meetings.

(b) Dates of next sessions

50. The Administrative Committee decided to convene its next twenty-fifth session on 26 June 1998, in conjunction with the second session of the ad hoc group of experts on phase II of the TIR revision process. The twenty-sixth session was scheduled to be held on 25 and 26 February 1999 and might be able to elect the members of the TIRExB and adopt the budget of the TIRExB and the TIR secretariat for 1999.

51. The ad hoc group of experts on phase II of the TIR revision process will hold the following sessions in 1998:

First (informal) session:	2 and 3 April 1998 (upon invitation only)
Second session:	24 to 26 June 1998
Third session:	19 and 20 October 1998 (in conjunction with the ninety-first session (21-23 October 1998) of the ECE Working Party on Customs Questions affecting Transport).

(c) Restriction on the distribution of documents

52. The Administrative Committee decided that no restriction should be placed on the distribution of documents for the current session, with the exception of the international register on Customs sealing devices and the international directory of TIR focal points.

ADOPTION OF THE REPORT

53. In accordance with annex 8, article 7 of the TIR Convention, 1975, the Administrative Committee adopted, exceptionally, given the urgency of finalizing the Terms of Reference of the TIRExB, the report on its twenty-fourth session on the basis of the English text read out for interpretation into French and Russian by the ECE secretariat.

Annex 1

<u>Contracting Parties</u>	<u>Countries with which a TIR transit operation can be established</u>
Afghanistan	-
Albania	Albania
Algeria	-
Armenia	-
Austria	Austria
Azerbaijan	Azerbaijan
Belarus	Belarus
Belgium	Belgium
Bosnia and Herzegovina	-
Bulgaria	Bulgaria
Canada	-
Chile	-
Croatia	Croatia
Cyprus	Cyprus
Czech Republic	Czech Republic
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Georgia	Georgia
Germany	Germany
Greece	Greece
Hungary	Hungary
Indonesia	-
Iran (Islamic Republic of)	Iran (Islamic Republic of)
Ireland	Ireland
Israel	Israel
Italy	Italy
Jordan	Jordan
Kazakhstan	Kazakhstan
Kuwait	Kuwait
Latvia	Latvia
Lebanon (as of 25 May 1998)	-
Lichtenstein	Lichtenstein
Lithuania	Lithuania
Luxembourg	Luxembourg
Malta	-
Morocco	Morocco
Netherlands	Netherlands
Norway	Norway
Poland	Poland
Portugal	Portugal
Republic of Korea	-

Contracting Parties

Countries with which a TIR transit
operation can be established

Republic of Moldova	Republic of Moldova
Romania	Romania
Russian Federation	Russian Federation
Slovakia	Slovakia
Slovenia	Slovenia
Spain	Spain
Sweden	Sweden
Switzerland	Switzerland
Tajikistan	-
The former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia
Tunisia	Tunisia
Turkey	Turkey
Turkmenistan	-
Ukraine	Ukraine
United Kingdom	United Kingdom
United States of America	-
Uruguay	-
Uzbekistan	Uzbekistan
Yugoslavia	-
European Community	

Annex 2

COMMENT

Insert the following comment in the TIR Handbook:

"Comment to annex 9, Part I, paragraph 1 (f)(v)

(a) In the context of the international insurance system administered by the International Road Transport Union (IRU) for its member associations, as outlined in ECE document TRANS/WP.30/R.195, each association is required to submit to the competent authorities of each Contracting Party a true and certified copy of the full and integral text of the global insurance contract concluded between the international global insurers (layer three) on the one hand and each of the member associations of the IRU as beneficiaries on the other hand. This contract, to be signed by the representative(s) of the international insurers, the associations and the IRU, shall cover the totality of the liabilities of the associations to the satisfaction of the competent authorities and shall include all insurance conditions, deadlines and possible reasons for resiliation of the insurance contract. This global insurance contract is identical for all national associations participating under the TIR regime.

(b) Certified and approved copies of the global insurance contract mentioned under (a) shall be immediately transmitted to the TIR Executive Board by the competent authorities of each Contracting Party, together with certified copies of the approved written agreement or any other legal instrument concluded between the association and the competent authorities of the Contracting Party, as required in accordance with Annex 9, Part I, paragraph 1 (e) of the Convention.

(c) Any modification in the global contract mentioned under (a) must be brought immediately to the attention of the competent authorities of each Contracting Party and to the TIR Executive Board by the associations and the IRU.

(d) The time to give notice for the termination of the global insurance contract mentioned under (a) shall be ... days."

The specific time to give notice will be determined by the Working Party at its October 1998 session, on the basis of information to be collected by the secretariat on national practices and legal requirements prevailing in the Contracting Parties to the Convention.)

Annex 3

TERMS OF REFERENCE OF THE TIR EXECUTIVE BOARD

established by the Administrative Committee for the TIR Convention, 1975

in accordance with annex 8, article 9, paragraph 2
of the TIR Convention, 1975

1. The TIR Executive Board (TIRExB), acting within the legal and administrative framework established by the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (hereafter: "the Convention") shall fulfil the tasks entrusted to it by the Convention and the TIR Administrative Committee. It shall supervise and provide support in the application of the Convention at the national and international levels and shall meet its obligations in accordance with the provisions and the spirit of the Convention (article 58 ter and annex 8, article 1 bis, paragraph 3).

2. In particular, the TIRExB in accordance with annex 8, article 10 of the Convention shall:

(a) supervise the application of the Convention, including the operation of the guarantee system, and fulfil the functions entrusted to it by the Administrative Committee, specifically those provided for in article 38, paragraph 2; article 42 bis, annex 8; annex 9, Part I, paragraphs 1 (e); annex 9, Part I, paragraph 1 (f)(v) and annex 9, Part II, paragraphs 4 and 5);

(b) supervise the centralized printing and distribution to the associations of TIR Carnets which may be performed by an agreed international organization as referred to in article 6 of the Convention;

(c) coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties;

(d) coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations;

(e) facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to article 57 of the Convention on the settlement of disputes;

(f) support the training of personnel of Customs authorities and other interested parties concerned with the TIR procedure;

(g) maintain a central record for the dissemination to Contracting Parties of information to be provided by the international organizations as referred to in article 6 of the Convention, 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 of the Convention;

(h) monitor the price of TIR Carnets.

3. The TIRExB shall report on its activities, including the submission of audited accounts, to the TIR Administrative Committee at least once a year or at the request of the Administrative Committee. The Board will be represented in the Administrative Committee by its Chairman (annex 8, article 11, paragraph 4).

4. The TIRExB shall consider any information and queries transmitted to it by the Administrative Committee, Contracting Parties, the TIR Secretary, national associations and international organizations referred to in article 6 of the Convention. These international organizations shall have the right to attend the sessions of the TIRExB as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer at the invitation of the Chairman (annex 8, article 11, paragraph 5).

5. The TIRExB shall take measures to ensure that the necessary liaison is maintained with competent organs of the United Nations, particularly its Regional Commissions, and with specialized governmental and non-governmental organizations.

6. The TIRExB shall elect a Chairman and shall adopt any additional rules of procedures which are not provided for in the Convention (annex 8, article 11, paragraph 3).

7. The operation of the TIRExB and the TIR secretariat shall be financed, until such time as alternative sources of funding are obtained, through a levy on each TIR Carnet distributed by the international organization as referred to in article 6 of the Convention (annex 8, article 13, paragraph 2). Particular attention should be given to a cost-effective operation of the TIRExB and the TIR secretariat.

8. The TIR secretariat, under the direction of the TIR Secretary, shall undertake the following tasks:

- (a) Establishment and maintenance of an international Governmental TIR data bank accessible to all Contracting Parties on:
- approved and excluded transport operators
(annex 9, Part II, paragraphs 4 and 5)
 - stolen and falsified TIR Carnets
 - approved Customs sealing devices

- approved Customs offices for accomplishing TIR operations (article 45)
- contact points (Customs, enforcement agencies, national associations, etc.);

Other data may also be compiled, for example on approved, falsified and stolen Customs stamps, if feasible. Particular attention should be given to data protection. This includes the establishment of effective rules to avoid unauthorized access to the protected data files;

- (b) Preparation and servicing of the sessions of the TIREXB;
- (c) Exchange of information between competent authorities of Contracting Parties, national associations, insurance companies and international organizations concerned;
- (d) Provide administrative support to facilitate the settlement of disputes between Contracting Parties, national guaranteeing associations, insurance companies and the IRU;
- (e) Depositary of the
 - written agreement or any other legal instrument between associations and competent authorities (annex 9, Part I, paragraph 1 (e) of the Convention),
 - insurance contracts between national associations, and national and international insurers (annex 9, Part I, paragraph 1(f)(v));
- (f) Provision of information, interpretation and support for training on the application of the TIR procedure, in particular for countries that have only recently acceded to the Convention, in the establishment of administrative procedures.

9. The first session of the TIRExB shall be convened by the TIR Secretary immediately following its establishment by the Administrative Committee. Further sessions of the Board shall be convened by the TIR Secretary at the request of the Administrative Committee or by at least three members of the Board (annex 8, article 11, paragraph 1).

10. Any of these Terms of Reference may be amended or suspended by the Administrative Committee (annex 8, article 9, paragraph 2).

Annex 4

RULES OF PROCEDURE OF THE TIR EXECUTIVE BOARD

Sessions

A session of the TIR Executive Board (TIRExB) shall be convened by the TIR Secretary at the request of:

- (a) the TIR Administrative Committee; or
- (b) at least three members of the TIRExB (annex 8, article 11, paragraph 1).

A session of the TIRExB shall be held:

- (a) on dates fixed by the TIRExB, after consultation with the TIR Secretary, at previous sessions;
- (b) within thirty days of a request to that effect by the Administrative Committee, unless it has fixed a specific date;
- (c) at the request of at least three members of the TIRExB, after consultation with the TIR Secretary.

Unless it decides otherwise, the TIRExB shall normally meet at the seat of the European Office of the United Nations where the TIR secretariat is located.

Agenda

The provisional agenda for each session shall be drawn up by the TIR Secretary in consultation with the Chairman of the TIRExB.

The provisional agenda for any session shall include:

- (a) Items arising from previous sessions of the TIRExB;
- (b) Items proposed by the Administrative Committee;
- (c) Items proposed by any Contracting Party;
- (d) Items proposed by any member of the TIRExB;
- (e) Items proposed by the TIR Secretary;
- (f) Items proposed by national associations and international organizations referred to in article 6 of the Convention;
- (g) Any other item which the Chairman sees fit to include.

The first item on the provisional agenda for each session shall be the adoption of the agenda.

The TIRExB may amend the agenda at any time.

Representation

The TIRExB shall be composed of nine members, each from different Contracting Parties to the Convention. The TIR Secretary will attend the sessions of the Board (annex 8, article 9, paragraph 1).

The members of the TIRExB shall be elected by the Administrative Committee by a majority of those present and voting (annex 9, article 9, paragraph 2).

The term of office of each member of the TIRExB shall be two years. The members of the TIRExB may be re-elected (annex 9, article 9, paragraph 2).

Officers

The TIRExB shall, at its first meeting each year, elect from among its members a Chairman, who shall hold office until its successor is elected. He/she shall be eligible for re-election. The TIRExB may, however, decide to elect its Chairman for its next session at its last meeting (annex 8, article 11, paragraph 3).

If the Chairman is absent from a session, or any part thereof, the TIRExB shall designate one of its members present to preside over this session, or any part thereof. This designated member of the TIRExB shall have the same powers and duties as the Chairman.

Conduct of business

A quorum of five members of the TIRExB is required for the purposes of taking decisions.

Voting

Each member of the TIRExB shall have one vote.

The TIRExB shall strive to take decisions by consensus. If no consensus can be reached, decisions shall be put to vote and shall be taken by a majority of those present and voting (annex 8, article 11, paragraph 2).

Languages

English, French and Russian shall be the working language of the TIRExB.

Speeches made in any of the working languages will be interpreted into the other working languages, as required.

Reports

The TIRExB shall report on its activities, including the submission of audited accounts, to the Administrative Committee at least once a year or at the request of the Administrative Committee (annex 8, article 11, paragraph 4).

Relations with other organizations

International organizations referred to in article 6 of the Convention shall have the right to attend the sessions of the TIRExB as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer at the invitation of the Chairman (annex 8, article 11, paragraph 5 of the Convention).

Settlement of disputes

Without prejudice to article 57 and in accordance with annex 8, article 10, paragraph (e) of the Convention, the TIRExB may wish to prepare rules and procedures for the settlement of disputes between Contracting Parties, national associations, insurance companies and international organizations referred to in article 6 of the Convention, in case such settlement has been requested and is accepted by all parties concerned.

TIR Secretary

The TIR Secretary will attend the sessions of the TIRExB. He/she may appoint other members of the TIR secretariat to take his/her place at any session (annex 8, article 9, paragraph 1).

The TIR Secretary shall be responsible for the necessary arrangements being made for meetings.

The TIR Secretary shall be a member of the secretariat of the United Nations Economic Commission for Europe and shall execute the decisions of the TIRExB within the Terms of Reference of the Board. The TIR Secretary will be assisted by a TIR secretariat, the size of which shall be determined by the Administrative Committee (annex 8, article 12).

Amendments and suspensions

Any of these rules of procedure may be amended or suspended by the TIRExB provided that the proposed amendments and suspensions do not attempt to set aside the provisions contained thereon in the Convention or the Terms of Reference laid down by the Administrative Committee.

Other provisions

In the absence of relevant provisions in the Rules of Procedure of the TIRExB, the rules of procedure of the United Nations Economic Commission for Europe shall be applicable, except for Rule 36, unless the TIRExB decides otherwise.
