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**ECONOMIC COMMISSION FOR EUROPE**

Administrative Committee for the TIR Convention, 1975  
(Twenty-seventh session, 21 and 22 October 1999,  
agenda item 3)

**ACTIVITIES OF THE TIR EXECUTIVE BOARD (TIRExB)**

**Report prepared by the TIR Secretary**

**A. BACKGROUND AND OBJECTIVES OF THE TIRExB**

1. In accordance with Article 58 ter of the TIR Convention the TIRExB was established in order to fulfil the tasks entrusted to it by the Convention and by the Administrative Committee. 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.

2. The Terms of Reference of the TIRExB were adopted by the Administrative Committee on its twenty-fourth session (26 and 27 February 1998) and contained in document TRANS/WP.30/AC.2/49, annex 3. At its first constitutive session, the TIRExB adopted its Rules of Procedure as prepared by the Administrative Committee with a few modifications as contained in document TRANS/WP.30/AC.2/1999/4.

## **B. MEMBERSHIP AND SESSIONS**

3. In accordance with Annex 8, Article 9, paragraph 2 of the Convention, the Administrative Committee on its twenty-sixth session (25-26 February 1999) elected the following nine members of the TIRExB: Mr. G. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mr. O. Fedorov (Ukraine); Mrs. Y. Kasikçi (Turkey); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia). In accordance with Annex 8, Article 11, paragraph 3 of the Convention, Mr. Rainer Ehmcke (Germany) was elected Chairman of the TIRExB.

4. In 1999 the TIRExB held two sessions on 25-26 March and 25 June in Geneva. The third session is scheduled to take place in Moscow on 22-23 September 1999.

5. The International Road Transport Union attended the sessions of the TIRExB as an observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention.

## **C. PROGRAMME OF WORK OF THE TIRExB**

6. On its first session (25-26 March 1999) the TIRExB decided on the following matters as priority items for consideration and resolution:

- Multi-user transport operations under the TIR regime
- National control measures
- Monitoring of the price of TIR Carnets
- Re-establishment of full guarantee coverage of TIR Carnets
- Establishment of a data bank of approved Customs offices for TIR operations
- Full application of the EDI control system for TIR Carnets
- Preparation of a Handbook on best practices in Contracting Parties
- Support for training activities on the application of the TIR procedure, mainly in new Contracting Parties to the Convention.

#### **D. ACTIVITIES OF THE TIR SECRETARIAT**

7. In accordance with the Terms of Reference of the TIRExB (TRANS/WP.30/AC.2/49, annex 3) 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.);
- (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.

### **I. Transmission of legally required documentation to the TIRExB and establishment of an international Governmental TIR Data Bank**

8. At present, 27 Contracting Parties to the TIR Convention have sent the legally required documents, in accordance with the provisions of the Convention. In most of the remaining Contracting Parties the ratification procedure for the amendments under phase I of the TIR revision process has not yet been completed. In this regard the TIRExB expressed concern about the long time required in some Contracting Parties to enshrine the provisions of the amended Convention into national law. It felt that the Administrative Committee should be informed about this problem with a view to considering a possible extension of the legal time period provided for in Article 59, paragraph 3 of the Convention.

9. At present data of around 26.000 authorised TIR Carnet users is stored in the International TIR Databank (ITDB) administered by the TIR Secretariat, as received by the TIRExB from competent authorities in accordance with Annex 9, Part II of the Convention.

### **II. New TIR Homepage on the Internet**

10. The TIRExB felt that it was necessary to reconstruct the already existing TIR homepage in order to be of more practical use. The structure of the TIR homepage has therefore been revised and will be permanently updated taking account of new developments and information requirements (TIR focal points, national associations, the IRU, transport operators, etc.). The TIR homepage can be accessed under [www.unece.org/trans/tir/welctir.htm](http://www.unece.org/trans/tir/welctir.htm).

### **III. New TIR Handbook**

11. Due to the new amendments to the TIR Convention that came into force on 17 February 1999, it was necessary to update the TIR Handbook. At the moment a new version of the Handbook is available in English, French and Spanish on the TIR Homepage. It is expected that during the forthcoming session of the Administrative Committee the new TIR Handbook will be available on paper. To be more flexible for future amendments, the new TIR Handbook will be issued in a loose-leaf form.

12. The updated version of the TIR Handbook will include a new example of a TIR Carnet duly filled-in, drawn up for the better understanding of the functioning of a TIR operation, since the present example no longer meets the actual requirements under the Convention. In order to be as practical as possible, a fictitious TIR transport operation has been chosen starting with a partial loading in Austria, continuing via Hungary and Ukraine and ending in the Russian Federation.

#### **IV. Provision of information on the application of the TIR procedure and interpretation of the Convention**

13. Following a number of requests received from competent authorities, national guaranteeing associations and transport operators from different Contracting Parties, the TIR secretariat has provided them with interpretation of certain provisions of the TIR Convention and with information on the application of the TIR regime in some countries.

### **E. ACTIVITIES OF THE TIRExB**

#### **I. National control measures**

14. In accordance with Article 42 bis of the TIR Convention competent authorities may take appropriate national control measures to ensure the proper use of TIR Carnets. Such measures shall be communicated immediately to the TIRExB which will examine their conformity with the provisions of the Convention. In order to facilitate the exchange of information between competent authorities of Contracting Parties, associations and international organizations and in accordance with Annex 8, Article 10 of the Convention, the TIRExB has distributed to those countries which utilize the TIR procedure a questionnaire on national control measures taken by Contracting Parties within the framework of the TIR regime.

15. At present, 36 Contracting Parties have filled in the questionnaire and sent it to the TIR secretariat. Two main conclusions from this survey are worth notice:

- only a few countries are implementing Customs convoys in the TIR regime, but with a wide range of service charges from free service to US\$ 1.3 per km;
- a majority of countries do not seem to allow the TIR operation to be carried out by a person other than the TIR Carnet holder.

16. Answering the question on what problems within the TIR regime could make Customs authorities introduce new control measures, some countries have mentioned the following issues:
- an increasing number of infringements combined with problems in obtaining compensation for revenue losses;
  - use of the falsified TIR Carnets;
  - possible re-introduction of insurance coverage for the "Tobacco and Alcohol" TIR Carnet;
  - ineffectiveness and lack of standardization of Customs sealing devices;
  - lack of knowledge in the application of the TIR Convention demonstrated by some transport operators.
17. The TIRExB has considered also national control measures that have been introduced recently in Lithuania and Romania.

## **II. Multi-user transport operations under the TIR regime**

18. The TIRExB noted that it was a matter of great priority for modern multi-user transport operations to allow for the possibility that TIR operations could also be undertaken by other persons than the TIR Carnet holder. The TIRExB took note that the practical problems in this field were due to differences in national Customs legislation in various Contracting Parties and diverse interpretations of the TIR Convention rather than due to lack of relevant provisions in the Convention.

19. The TIRExB stressed that it was important to arrive at short-term solutions in this matter with a view to resolving some of the international transport problems arising from such differences in legislation and interpretation. The TIRExB was of the view that a Memorandum of Understanding (MoU) might be a possible solution for all parties concerned. The objective of such a MoU is not to modify the provisions of the Convention, but to arrive at a common interpretation of the Convention in those countries in which multi-user TIR operations are carried out. Competent authorities, national associations and other interested parties might be invited to sign this MoU. A first draft of this MoU being prepared at present is expected to be finalized by October 1999.

## **III. Application of the TIR regime on the external border of the European Community**

20. On the invitation of the German Customs authorities, in cooperation with the Polish Central Board of Customs, a technical visit was paid to the joint German/Polish border station at Frankfurt/Oder - Swiecko (7 and 8 June 1999). On the invitation of the Finnish Customs authorities a technical visit was undertaken to the Finnish/Russian border posts at Vaalimaa and Nuijamaa

(1 and 2 July 1999). The results of the visits are to be discussed at the forthcoming session of the TIRExB (22-23 September 1999).

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