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### **Economic Commission for Europe**

#### **Administrative Committee for the TIR Convention, 1975**

##### **Sixty-first session**

Geneva, 11 June 2015

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

##### **Activities and administration of the TIR Executive Board:**

##### **Administration of the TIR Executive Board and the TIR secretariat**

##### **Report by the Chair of the TIR Executive Board**

### **Main accomplishments of the TIR Executive Board during its 2013-2014 term of office**

#### **Note by the secretariat**

1. This document contains an overview of the main accomplishments of TIRExB during its 2013–2014 terms of office (Annex I), with a list of recommendations for future compositions of the TIR Executive Board (TIRExB) (Annex II).

## Annex I

### Activities of the TIREXB in 2013–2014

<i>Outputs expected in 2013 and 2014</i>	<i>Main accomplishments</i>
<p><b>A. Ongoing activities</b></p>	
<p><b>(1) Support the adaptation of the TIR procedure to modern business, logistics and transport requirements, including intermodal transport</b></p>	
<ul style="list-style-type: none"> <li>• Analyse the results of the survey on the intermodal application of the TIR procedure;</li> </ul>	<ul style="list-style-type: none"> <li>• At its fifty-third session, the Board took note of the results and conclusions of the survey on the intermodal aspects of the TIR procedure, in particular that the TIR procedure is already used for intermodal transport and that the most mentioned obstacles for a wider use of the TIR procedure for intermodal transport are the lack of information for transport companies and for competent authorities, as well as the fact that the TIR procedure is still paper based. TIRExB requested the secretariat to draft an example of best practice, with possible contributions from the IRU and the respondents to the survey that have indicated interest in contributing further. Such example of best practice should not only be included in the TIR Handbook, but also be actively distributed to the stakeholders that are taking part in intermodal transport. Finally, the outcome of the discussions in AC.2 on the issue of subcontractors, if any, should also be taken into account when drafting the example of best practice (ECE/TRANS/WP.30/AC.2/2014/1, paras 10 and 12).</li> </ul>
<ul style="list-style-type: none"> <li>• Prepare guidelines for approval by the TIR Administrative Committee on how to promote the intermodal use of the TIR Carnet, including the clarification of the use of subcontractors;</li> </ul>	
<ul style="list-style-type: none"> <li>• Study the possibility to introduce the concepts of authorized consignors and/or consignees in the TIR Convention, and if necessary, prepare proposals for the TIR Administrative Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• At its fifty-ninth session, the Board was informed of a recent meeting between the secretariat and IRU, with the aim to relaunching the Board's efforts to promote the use of the TIR Carnet for intermodal transports. The Board took note of information that, although there seems to be a familiarity among customs and trade with the use of the TIR Carnet in roll-on/roll-off (ro-ro) transport (see, for example, Chapter 7 of the TIR Handbook), little is known about the use of the TIR Carnet for containers, combined rail-road transports or transports involving inland waterways. TIRExB mandated the secretariat to continue its cooperation with IRU in the field of intermodal transport and to report back at regular intervals on issues of interest to the Board (such as, but not limited to, the use of subcontractors or the transfer of liability etc.).</li> </ul>
	<ul style="list-style-type: none"> <li>• At its sixtieth session, the Board was informed of the ongoing cooperation between the secretariat and IRU to facilitate the use of the TIR Carnet for intermodal transport. In particular, TIRExB took note of the efforts undertaken by IRU to obtain in-depth understanding of the current use of the TIR Carnet for intermodal transport, which seems to be mainly limited to ro-ro transports, as well as to identify where the TIR procedure could further enhance the global supply chain. TIRExB, noting that the future accession of China to the TIR Convention could have a great potential for the intermodal use of the TIR procedure, was of the view that this aspect of the TIR Convention should not be considered in isolation.</li> </ul>

The computerization of the TIR procedure, the use of subcontractors, the possibility to start and terminate the TIR procedure at the premises of authorized consignors and authorized consignees, respectively, seem to be key factors to ensure that the TIR procedure could appeal to the largest number of actors in the global supply chain. Indeed, the main challenges for the use of the TIR Carnet in intermodal transports lie in the opportunity of offering logistics operators uninterrupted door-to-door transports under cover of a single guarantee, thus, for example, bypassing existing bottlenecks in ports. TIRExB mandated the secretariat to continue its cooperation with IRU and, if required, to follow up on the outcome of the survey of 2013 by contacting those operators who had declared themselves available to share their experiences on the intermodal use of the TIR Carnet. The Board invited IRU to assist the secretariat in this work. TIRExB requested the secretariat to keep it informed of any progress, possibly by means of submission of a document for consideration at one of its future sessions (ECE/TRANS/WP.30/AC.2/2015/2, paras. 17–19).

- As of its fifty-third session, TIRExB extensively discussed the issue of authorized consignor in the TIR Convention: ECE/TRANS/WP.30/AC.2/2014/1, paras. 13–15; ECE/TRANS/WP.30/AC.2/2014/7, paras. 34–38; ECE/TRANS/WP.30/AC.2/2014/9, paras. 27–28; ECE/TRANS/WP.30/AC.2/2015/1, paras. 17–19; ECE/TRANS/WP.30/AC.2/2015/2, paras. 20–22; Informal document TIRExB/REP/2014/61final, paras. 25–28).

- At its sixty-first session, TIRExB, considered a proposal for a new Explanatory Note to Article 49 of the Convention. The Board generally supported the approach taken by the secretariat. As a step forward, TIRExB requested the secretariat to review the wording of the draft Explanatory Note in line with the Board's comments and to provide a detailed justification of the various aspects contained therein (see Informal document TIRExB/REP/2014/61final, paras 25–26).

- At its sixty-second session, the Board adopted to proposal for a new Explanatory Note to Article 49 of the Convention, subject to minor modifications to the accompanying text and requested the secretariat to transmit the amended proposal to AC.2 for further consideration (Informal document TIRExB/REP/2015/62draft, para. 14).

- At its sixtieth session, the Board also considered two draft proposals for the introduction of an example of best practice on the use of authorized consignees in the European Union (EU). The Board was of the opinion that option (2), containing a simplified excerpt from the EU Transit Manual, provided the best basis for the example and should be included in the next revision of the TIR Handbook. TIRExB members from EU Member States informed the Board that, although the main principles will remain untouched, the applicable provisions are currently being redrafted and, therefore, requested the secretariat to delete any reference to specific articles of the EU Customs Code Implementing Provisions. The Board requested the secretariat to revise Informal document No. 29 (2014) accordingly and submit it to the Board for approval. Mrs. Jelinkova (European Commission) offered her assistance to the secretariat (ECE/TRANS/WP.30/AC.2/2015/2, para. 23).

- At its sixty-first session, the Board shortly touched upon an amended version of an example of best practice on authorized consignee in the EU. In view of the fact that the issue is currently under review in the EU as part of the preparation of the new Union Customs Code, the Board decided, for now, not to pursue the finalization of the example but to wait for the outcome of the EU review (Informal document TIRExB/REP/2014/61final, para. 28).

## (2) To facilitate the computerization of the TIR procedure

- Facilitate the computerization of the TIR procedure by means of supporting the activities undertaken by the Ad hoc Expert Group on Technical and Conceptual Aspects of the Computerization of the TIR Procedure (GE.1), including but not limited to, the:

- Finalization of the eTIR Reference Model;
- Recommendations on the financial aspects of the eTIR Project;
- Offer its good offices to achieve consensus among all stakeholders on the finalization of the eTIR Project.
- Contribute to the preparation of the legal framework for the computerization of the TIR procedure, possibly, by means of recommendations;
- Promote the eTIR Project as part of the Board's training and capacity building activities, including the promotion of the use of Electronic data interchange (EDI) standards;
- Encourage IT experts to participate, either as eTIR focal point or as national representatives, in the activities undertaken by the Ad hoc Expert Group on Technical and Conceptual Aspects of the computerization of the TIR procedure;
- Supervise and promote the ITDB and the ITDBonline+ web application as building blocks of the future eTIR system;
- Expand the scope of the ITDB to include data on Customs offices approved for TIR operations and, possibly, on certificates of approval of vehicles.

- At its fifty-third session, the Board took note of the Cost Benefit Analysis (CBA) of the eTIR Project, mandated and financed by the TIR Executive Board (ECE/TRANS/WP.30/AC.2/2014/1, para. 16).

- At its fifty-third session, the Board expressed its support towards continuing the computerization effort and, in particular the United Nations Development Account (UNDA) and eTIR pilot projects (ECE/TRANS/WP.30/AC.2/2014/1, para. 16).

- At its fifty-third session, TIRExB considered an assessment of the various options available for introducing the legal provisions required to enable a fully computerized TIR system. It discussed the pros and cons of the various options and, at first, preferred the idea of a protocol or amending the current Convention. Then it also stressed that a new convention could also bring additional opportunities to further modernize transit. Finally, TIRExB agreed that a more in-depth analysis was required to be in a position to recommend any of the options (ECE/TRANS/WP.30/AC.2/2014/1, para. 17).

- At its fifty-third session, TIRExB considered a proposal by the secretariat to launch (pursuant to TIRExB's Terms of Reference, item 8, subitem (a)), an electronic database on approved customs offices. TIRExB requested the secretariat to submit the proposal to AC.2 for endorsement, paying particular attention to data protection and including resource requirements, if any (ECE/TRANS/WP.30/AC.2/2014/3, para. 42).

- At its fifty-sixth session, the Board took note that the International TIR Data Bank Web Service (ITDBWS) had been launched successfully in Finland, at the beginning of December 2013. Finnish customs authorities had integrated the secure interface into their NCTS/TIR system, allowing them to automatically query TIR Carnet holders in the International TIR Data Bank (ITDB) (ECE/TRANS/WP.30/AC.2/2014/7, para. 45).

- At its fifty-ninth session, TIRExB welcomed the results and an assessment of the survey on the issuance and renewal procedures for certificates of approval at the national level. The Board noted that 40 per cent of Contacting Parties already have or are about to computerize the procedures related to the issuance and the renewal of certificates of approval. The results also showed that appropriate provisions would need to be included in the TIR Convention to avoid any conflict with data protection laws. Consequently, and taking into account both TIRExB's mandate, more specifically its Terms of Reference, item 8, subitem (a) and the secretariat's experiences in developing and maintaining the International TIR Data

Bank (ITDB), TIRExB mandated the secretariat to start working towards the development of an electronic database on certificates of approval and, at the same time, start preparing the legal amendments, ensuring an appropriate level of data protection and providing Contracting Parties the legal basis to transmit data to the central database (ECE/TRANS/WP.30/AC.2/2015/2, para. 15).

- At its fifty-ninth session, the Board took note of the secretariat's intentions to upgrade the underlying software of the UNECE Register of Customs Sealing Devices and Customs Stamps web application. This upgrade will, by no means, affect or change the web application contents or graphical interface. The secretariat further reported that, in the short term, it will initiate first steps towards the establishment of a central database on approved TIR customs offices by means of preparing the required functional specifications (ECE/TRANS/WP.30/AC.2/2015/1, para. 23).

- At its sixtieth session, TIRExB welcomed a proposal for a new Explanatory Note 3.0.3. to Annex 6 of the Convention, introducing the TIRExB maintained international database on Certificates of Approval (CoA). Subject to replacing, in the first line, the word "country" by "Contracting Party", TIRExB could agree with the proposed text and requested the secretariat, as a next step, to submit proposals for the procedure by which Contracting Parties should collect and transmit data to TIRExB, including a list of (minimally required) data elements and format, taking into account the required data protection aspects. TIRExB agreed that, for now, the electronic copy of the CoA would not replace the paper CoA, issued to the manufacturer, owner or operator of the vehicle and kept on the road vehicle (as stipulated by Annex 3, paragraph 3). The main purpose of the international database, maintained by TIRExB, will be to facilitate risk assessment by national competent authorities (ECE/TRANS/WP.30/AC.2/2015/2, para. 16).

- At its sixty-first session, TIRExB welcomed a proposal to integrate the central database for Certificates of Approval into the ITDB framework. TIRExB confirmed that, for now, the electronic copy of the CoA would not replace the paper CoA, issued to the manufacturer, owner or operator of the vehicle and kept on the road vehicle (as stipulated by Annex 3, paragraph 3 of the Convention) but stressed that the main purpose of such international database would be its contribution to the overall computerization of the TIR procedure (Informal document TIRExB/REP/2014/61final, paras. 20–21).

- At its sixty-second session, TIRExB requested the secretariat to include the approval process for containers in its proposal to integrate the central database for CoA into the current ITDB. Furthermore, the Board requested the secretariat to include in the next revision the possibility to upload images (which are usually annexed to the paper CoA) as well as further details on the different roles competent authorities will play in respect to this database (Informal document TIRExB/REP/2015/62draft, para. 12)

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**(3) To supervise the functioning of the TIR international guarantee system**

- Monitor constantly the settlement of Customs claims, on the basis of information provided by national Customs authorities and the International Road Transport Union (IRU);
- Conduct a survey on Customs claims and the TIR guarantee level covering the years 2009–2012.
- At its fifty–third session, approved the survey with those questions, but to add a footnote indicating that replies to questions 5 and 6 are subject to the availability of relevant data at the national level. TIRExB noted that, as in the past, the approved survey would be conducted online before the end of 2013 (ECE/TRANS/WP.30/AC.2/2014/1, para. 18).
- At its fifty–eighth session, TIRExB took note a legal analysis discussing the de facto and de jure possibility of ASMAP to issue TIR Carnets and to act as guarantor under the provisions of Annex 9, Part I, in light of the situation as it stands in the Russian Federation. The main findings of the analysis were that ASMAP ought to fulfil its obligations in accordance with the Convention and in accordance with the terms of its guarantee agreement with FCS. Even though ASMAP continues to be authorized and its agreement with FCS is still valid, the restrictions placed by FCS negatively impact ASMAP to perform its duties under its agreement with FCS and, by extension, also under the provisions of the Convention. This impossibility of performance, according to this analysis, should objectively result in the termination of the agreement and the withdrawal of authorization to issue TIR Carnets and to act as guarantor by the competent authorities of the Russian Federation, in accordance with Annex 9, Part I, Article 5. The Board thanked Mr. Somka (Ukraine) for his contribution to the overall legal assessment of the situation in the Russian Federation. Although the Board was of the opinion that the assessment did not address all provisions which might be at stake to provide a full legal analysis, it agreed that, in general terms, as long as the authorization and agreement are intact, customs authorities of other Contracting Parties should respect their international commitments under the Convention and accept the TIR Carnets issued by ASMAP, despite the fact that it is objectively unable to fully carry out its functions in the current circumstances (ECE/TRANS/WP.30/AC.2/2014/9, para. 15).
- At its fifty–eighth session, TIRExB considered the intention of the Portuguese national association, ANTRAM (Associação Nacional de Transportadores Públicos Rodaviários de Mercadoras), to terminate the guaranteeing agreement with the Portuguese customs administration, due to the fact that it was no longer a member of IRU, nor did it issue TIR Carnets anymore. The secretariat informed TIRExB that, despite no longer being member of IRU since October 2012, the international guarantee chain had issued insurance certificates for ANTRAM for the year 2013 as well as for 2014. In reply to a request for clarification, Mr Retelski (IRU) informed the Board that, despite the fact that ANTRAM is no longer a member of the IRU, it had been decided not to terminate the so-called “Deed of Engagement”, which contractually ensures that ANTRAM can act as guaranteeing association in Portugal on behalf of the international guarantee chain managed by IRU. This had been decided on an exceptional basis in order to ensure uninterrupted guarantee coverage for the entire customs territory of the European Union, which would have been at risk, if there would no longer have been guarantee coverage on the territory of Portugal. TIRExB requested the secretariat to address a letter to the Portuguese customs authorities (copy to the European

Commission and IRU) clarifying that TIRExB fully supports the assessment by the TIR Secretary in his letter of 20 March 2013 to the same authorities, including the suggestion that the Spanish national association could also provide guarantee coverage for the territory of Portugal (similar to the situation in Belgium and Luxembourg, where the Belgian national association, FEBETRA (Fédération Royale Belge des transporteurs et des prestataires de services logistiques), by means of separate certificates, provides guarantee coverage for the territory of both Belgium and Luxembourg). TIRExB decided not to revert to this issue, unless it would receive further requests for assistance from the Portuguese customs authorities (ECE/TRANS/WP.30/AC.2/2014/9, paras 30–32).

- At its fifty–ninth session, the Board took note of an exchange of letters between the TIR Secretary (further to instructions from TIRExB at its fifty–eighth session (see ECE/TRANS/WP.30/AC.2/2014/9, paras. 30–32) and the customs authorities of Portugal. The Board noted, with delight, that the agreement between Portuguese customs and the national association (ANTRAM) was still in force, that Portuguese customs had no intention to terminate the agreement and that, thus, uninterrupted guarantee coverage for the complete territory of EU still was ensured. TIRExB decided not to revert to this issue in the future (ECE/TRANS/WP.30/AC.2/2015/1, para. 21).

- At its sixtieth session, the Board welcomed an updated assessment of the results of the survey on customs claims for the period 2009–2012. The Board regretted that important users of the TIR system, e.g. Iran (Islamic Republic of), Russian Federation and Ukraine, had failed to submit their data (despite repeated requests), making it hard, if not impossible, for the Board to judge the outcome of the survey or to compare data with previous surveys. Considering that supervision of the operation of the guarantee system is one of its principle tasks, TIRExB urged the Chair to include in his report to the TIR Administrative Committee (AC.2) the request to Contracting Parties to reply to duly justified requests for data and any other information, thus allowing the Board to fulfil its functions as entrusted by the Convention. As concerns future surveys, the Board requested the secretariat to present the results without making a difference between EU and non-EU countries and to include the full and complete replies per individual country in Annex. The Board also noted that the two questions of the survey, dedicated to identifying the origin of pending claims as reported by IRU, did not seem to provide the desired result, due to the fact that the great majority of respondents was not in a position to reply to them. Consequently, the Board decided to remove those questions from future surveys (ECE/TRANS/WP.30/AC.2/2015/2, paras. 24–25).

- At its sixtieth session, the Board took note a checklist of documents (to be) submitted by IRU in order to fulfil the requirements as stipulated by Annex 9, Part III of the Convention. The Board requested the secretariat to transmit the checklist to AC.2 for consideration and, possibly, approval. In this context, TIRExB also referred to a previous request to the secretariat to, in consultation with IRU, see if the possible new provisions (o), (p) and (q) could be included in the checklist in order to avoid, if adopted, confusion as to

what they entail, as well as to avoid a potential risk of duplication. Finally, TIRExB requested the secretariat to seek the advice of the Office of Internal Oversight Services (OIOS) or other UN competent bodies, experienced with issues of accountancy and auditing, in order to determine if the required documents reflect the legal provisions of Annex 9, Part III, including, possibly, the new provisions (o), (p) and (q). Concerning the submitted documentation, the Board was of the view that the documents should be kept by the TIR secretariat, where they would be available, upon appointment, for consultation by Contracting Parties (ECE/TRANS/WP.30/AC.2/2015/2, paras. 26–27).

- At its sixty-first session, the secretariat reported to the Board on its latest activities with regard to the application of Annex 9, Part III of the Convention. The secretariat had contacted OIOS, which had clarified that it will only audit IRU accounts based on its own criteria, viz. when(ever), based on its mandate, OIOS sees fit to do so. As a consequence, OIOS is not available to serve as regular auditor of IRU as authorized international organization pursuant to the provisions of Annex 9, Part III. OIOS confirmed that the audited accounts, submitted by IRU, seem, at face value, to be in conformity with the provisions of Annex 9, Part III (ECE/TRANS/WP.30/AC.2/2015/13, para. 32).

**(4) To support training activities on the application of the TIR Convention, mainly in Contracting Parties where difficulties are experienced or might be expected in this area.**

- Organize, possibly in cooperation with the IRU, and substantially contribute to regional and national workshops and seminars on the application of the TIR Convention, where possible with particular focus on technical issues such as the approval of vehicles;
- Update and distribute the TIR Handbook in the official United Nations languages;
- Prepare and distribute, also via Internet, training material on the application of the TIR Convention;
- Preparation and dissemination to Customs Officials of training material (possibly a handbook) regarding the approval of road vehicles.

- A number of regional and national workshops and seminars on the application of the TIR Convention, including its geographical expansion, have been conducted in the course of the current mandate:

5th International Scientific and Practical Conference on “e-Government”, Gabala (Azerbaijan), 6–7 May 2013 ; WCO IT Conference and Exhibition, Dubai, 14–16 May 2013; Technical seminar dedicated to the application of the technical provisions of Annex 2 and 7, Helsinki, 18–19 June 2013 (see also activity No. 13); XIV International Road Transport Conference, Yalta, Ukraine, 5–6 September 2013; 5th Asia-Pacific Trade Facilitation Forum, Beijing; 10–12 September 2013; National seminar on the TIR Convention and Harmonization Convention, Tunis, 13–14 November 2013; Third Regional Transport and Trade Facilitation Workshop on Enhancing Regional Trade and Transport Facilitation" Amman, 15–16 April 2014; WCO IT Conference and Exhibition, Brisbane, 5–7 May 2014; Euro-Mediterranean Partnership (EUROMED) workshop, Marrakesh, 6–7 May 2014; EUROMED workshop, Brussels, 18–19 June 2014; High Level International Conference on the Role of Transport and Transit Corridors in Ensuring International Cooperation, Stability and Sustainable Development, Ashgabat, 3–4 September 2014; national TIR seminar for Turkmen customs officials, Ashgabat, 5 September 2014; Euro-Mediterranean Partnership (EUROMED) workshop, Rabat, 17–18 September 2014; the third ECO/IRU Regional Conference on Facilitation of Transit on Road and TIR Convention, Tehran, 26 October 2014; second United Nations Conference on Landlocked Developing Countries (LLDCs), Vienna, 3–5 November (including

a side event on the use of TIR Carnets and Carnet de Passage en Douane (CPD) Carnets on 4 November 2014);

- The TIR secretariat lectured at various occasions at the OSCE Border Management Staff College (25–27 February 2013, 13–15 February 2014, 12–15 May 2014).

- At the sixty–first session of the Board, the secretariat informed of the plans to organize, from 18 to 22 May 2015, at the Organization for Security and Cooperation in Europe (OSCE) Border Management Staff College in Dushanbe a regional TIR seminar for customs officials from, in particular, Afghanistan, Pakistan and Tajikistan, to which TIRExB members would be invited (ECE/TRANS/WP.30/AC.2/2015/13, para. 32).

**(5) To promote the geographical expansion of the TIR system**

- Promote the TIR Convention at regional and national workshops, seminars and conferences on transit, trade and transport facilitation or related issues;

- Provide technical assistance and advice to interested parties.

- At its fifty–seventh session, the Board was informed that, on 23 and 24 September 2013, a third technical meeting of the Corridor project had taken place in Ankara, with the participation of various interested countries, as well as the secretariat of the Economic Customs Organization (ECO), IRU and the Union of Chambers and Commodity Exchanges of Turkey (TOBB). A test run of the first trucks pilot is expected to be launched in March 2014 (ECE/TRANS/WP.30/AC.2/2014/8, para. 23).

- At the fifty–seventh session of the Board, IRU reported that, after having received a letter from the competent authorities confirming China’s intention to accede to the TIR Convention in August 2013, it was now awaiting further instructions with regard to the organization of an expert meeting dealing with technical issues (ECE/TRANS/WP.30/AC.2/2014/8, para. 24).

- At its fifty–ninth session, TIRExB took note of IRU’s ongoing activities in assisting China to accede to the TIR Convention, including the appointment of a local representative and the translation of TIR related information in Chinese. At a later stage, around the time of accession, IRU would welcome the participation of TIRExB in a TIR dedicated seminar. The TIR secretariat informed that it had contracted a Chinese intern to update and revise the Chinese version of the TIR Handbook (ECE/TRANS/WP.30/AC.2/2015/1, para. 31).

- At its sixtieth session, the secretariat informed the Board about ongoing efforts towards the accession of Pakistan to the Convention as well as the latest developments in China. The Board took note that the tenth revised edition of the TIR Handbook will soon be available. The TIR secretariat has closely worked together to prepare this major update. The text is currently being revised by the official Chinese translation section of the United Nations. In the context of accession of China to the TIR Convention, Mrs. Dirlik (Turkey) informed the Board that, at the invitation of the Turkish Ministry of Customs and Trade and IRU, a delegation from Chinese customs will visit Turkey in the course of October 2014 (ECE/TRANS/WP.30/AC.2/2015/2, para. 32).

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- In the context of this activity item, please also refer to the list of regional and national workshops and seminars on the application of the TIR Convention, including its geographical expansion, which have been conducted under the current mandate (activity No. 4).

**(6) To facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to Article 57**

- Analyse and monitor disputes referred to the Board and make recommendations (if necessary) to facilitate their settlement.
- As of its fifty-fourth session, TIRExB extensively discussed the decision of the Russian Federal Customs Service (FCS) affecting the functioning of the TIR system, at times, in the presence of invited experts and organizations (ECE/TRANS/WP.30/AC.2/2014/2, paras. 3–31); ECE/TRANS/WP.30/AC.2/2014/3, paras. 11–19); ECE/TRANS/WP.30/AC.2/2014/7, paras. 12–18); ECE/TRANS/WP.30/AC.2/2014/8, paras. 9–14); ECE/TRANS/WP.30/AC.2/2014/9, paras. 9–15); ECE/TRANS/WP.30/AC.2/2015/1, paras. 6–8; ECE/TRANS/WP.30/AC.2/2015/2, paras. 7–10; Informal document TIRExB/REP/2014/61final, paras. 8–16; Informal document TIRExB/REP/2015/62draft, paras. 7–9)).
- After its fifty-fourth, fifty-sixth and fifty-ninth session, TIRExB issued statements reflecting its considerations of the decision of FCS (ECE/TRANS/WP.30/AC.2/2014/2, Annex; ECE/TRANS/WP.30/AC.2/2014/7, Annex; ECE/TRANS/WP.30/AC.2/2015/1, Annex).
- At its fifty-fourth session, TIRExB concluded, inter alia, that, should the FCS decision [to require an additional guarantee for transports under cover of a TIR Carnet in the territory of the Russian Federation] come into force, it would not comply with the various provisions of the TIR Convention, in particular its Articles 3, 4, 6, 42 bis and 49. Therefore, the Board called upon FCS to properly apply the TIR Convention and to abandon the introduction of the announced measure (ECE/TRANS/WP.30/AC.2/2014/2, para. 25 and Annex, para. 8).
- At its fifty-fifth session, TIRExB, in conclusion of the agenda item, confirmed its conclusions of the fifty-fourth session, stipulating that the Board:
  - (a) was of the view that the FCS decision would be in breach of the TIR Convention;
  - (b) urged FCS to properly apply the TIR Convention and to abandon the introduction of the announced measure;
  - (c) called upon the parties concerned to accelerate the negotiations and find solutions which would remove the concerns raised by FCS;
  - (d) declared its readiness to further assist the Russian Federation in finding ways and means to ensure the smooth functioning of the TIR procedure in Russia, in line with modern Customs and business requirements (ECE/TRANS/WP.30/AC.2/2014/3, para. 14).
- At its fifty-sixth session, TIRExB welcomed the involvement of the government of

the Russian Federation leading to the decision by FCS to postpone the deadline for the termination of the existing guarantee agreement between FCS and ASMAP until 1 July 2014. At the same time, TIRExB noted, with regret, that the FCS continued to impose severe restrictions on the use of TIR Carnets in all regions and almost all Customs offices of the Russian Federation. TIRExB recalled that all intergovernmental bodies of the TIR Convention, including the TIR Administrative Committee, had come to the conclusion that the FCS measures contradict the provisions of the TIR Convention and called for their immediate withdrawal. TIRExB appealed to the Russian Government to ensure that these restrictions are abolished and the principles of international law are respected. TIRExB called for the immediate restoration of the proper functioning of the TIR system on the whole territory of the Russian Federation, as it was before 14 September 2013 (ECE/TRANS/WP.30/AC.2/2014/7, para. 16 and Annex).

- At its fifty-seventh session, TIRExB, in the absence of any serious development in the crisis, was of the view that, at this point in time, a further statement did not seem the most appropriate way to proceed with the issue. At the same time, the Board felt that, due to the continued absence of information on the nature of the measure or the intentions of FCS, it seemed relevant to formulate a set of questions, which would be addressed to the representatives of FCS attending the meetings of WP.30 and AC.2. In case representatives would be unable to answer all (aspects of the) questions during the session, they should be forwarded by mail to FCS for reply in writing, preferably before the next session of TIRExB (8–9 April 2014) (ECE/TRANS/WP.30/AC.2/2014/8 para. 12 and Annex).

- At its fifty-eight session, TIRExB, *inter alia*, regretted that, as yet, FCS had not replied in writing to a set of questions, formulated by TIRExB at its fifty-seventh session and which had been partly addressed at the fifty-seventh session of AC.2 (see ECE/TRANS/WP.30/AC.2/117, paras. 43-57). TIRExB took note that, as requested, the UNECE secretariat had forwarded the questions by mail to FCS for their full and in-depth reply. TIRExB further took note that Mr. Amelyanovich (Russian Federation) declined the invitation by the Chair of TIRExB (expressed orally at the fifty-seventh session of AC.2 – see ECE/TRANS/WP.30/AC.2/117, para 57 – as well as in writing) to attend the fifty-eighth session of the Board as observer, because, in the words of the informal translation of the letter, such status would not allow to fully reflect the Russian position in the sessions and final reports of TIRExB. TIRExB requested the secretariat to resend the list of questions to the Head of FCS for timely reply before the next session of AC.2 (12 June 2014). The letter should also clarify the roles and responsibilities entrusted to the TIR Contracting Parties to TIRExB, refer to various statements by all TIR intergovernmental bodies and ITC with regard to the application of the TIR system on the territory of the Russian Federation, address the invitation to Mr. Almelyanovich (Russian Federation) to attend the fifty-eighth session of TIRExB as observer and reiterate the availability of the Board to assist FCS in exploring and finding possible solutions for the crisis (ECE/TRANS/WP.30/AC.2/2014/9, paras. 9–11).

- At its fifty-ninth session, TIRExB issued a statement, that it took note of the decision

of 30 June 2014 by FCS of the Russian Federation to, once more, prolong the existing guarantee agreement between FCS and ASMAP until 30 November 2014. At the same time, TIRExB reiterated, with regret, that FCS continues to implement measures that contradict the provisions of the TIR Convention and that lead to severe restrictions on the use of TIR Carnets in all regions and almost all customs offices of the Russian Federation. These restrictions negatively affect TIR Carnet holders conducting TIR transports with the Russian Federation and, ultimately, have serious consequences for international transport and trade as a whole. TIRExB appealed to the Russian government to restore the proper functioning of the TIR system on the whole territory of the Russian Federation by lifting, without further delay, the restrictions imposed on TIR Carnet holders (ECE/TRANS/WP.30/AC.2/2015/1, para. 7 and Annex).

- At its sixtieth session, TIRExB Mr. Somka (Ukraine) informed the Board that the Ukrainian government is considering the adoption of a decision to no longer accept TIR Carnets issued by the Association of International Road Transport Carriers (ASMAR) from the Russian Federation. The main justification for this course of action lies in the view that ASMAR no longer fulfils the criteria set by the TIR Convention and, thus, can no longer deliver internationally valid guarantees. Ukrainian customs authorities will continue to accept TIR Carnets, but only as customs declarations. Russian carriers will additionally need to acquire a guarantee to cover the transit of the territory of Ukraine. Mr. Somka promised to keep the Board informed, in particular, but not limited to, about the date of entry into force of such a measure. In reply to a question from the secretariat and IRU, Mrs. Jelinkova (European Commission) informed the Board that the European Commission is, indeed, preparing a proposal for a Council decision on a possible suspension of TIR operations between the EU and the Russian Federation and has discussed this possibility with its member States and with traders. Mrs. Jelinkova stressed that the proposal is still under consideration. In case of any decision by the Council, the European Commission will keep Contracting Parties as well as UNECE informed (ECE/TRANS/WP.30/AC.2/2015/2, paras 8 and 10).

- At its sixty-first session, TIRExB, inter alia, expressed the view that the measure introduced by the competent authorities of Ukraine is in contradiction with the provisions of Articles 3, paragraph (b), 4 and 6 of the Convention. At the same time, while taking note that the Ukrainian authorities founded the measure on the application of the Vienna Convention on the Law of Treaties (VCLT), and, in particular, its Articles 60 and 62, TIRExB was of the opinion that any assessment to that extent would exceed the mandate of the Board. Mr. Somka (Ukraine) disagreed with the conclusion of the Board, emphasizing that, in the view of the Ukrainian authorities, the examination by TIRExB should not be based on the application of the TIR Convention only but should also include other relevant international treaties, such as, but not limited to the VCLT (TIRExB/REP/2014/61final, paras. 14–15)

- At the sixty-first session, TIRExB also took note of the communication of 25 November 2014 by FCS to ASMAP of the Russian Federation, informing of the extension of the existing guarantee agreement until 28 February 2015. While welcoming this information,

TIRExB reiterated that FCS continues to implement measures that contradict the provisions of the TIR Convention and that lead to severe restrictions on the use of TIR Carnets in all regions and almost all customs offices of the Russian Federation (see for more details ECE/TRANS/WP.30/AC.2/2014/2, ECE/TRANS/WP.30/AC.2/2014/3, ECE/TRANS/WP.30/AC.2/2014/7, ECE/TRANS/EP.30/AC.2/2014/8, ECE/TRANS/WP.30/AC.2/2014/9, ECE/TRANS/WP.30/AC.2/2015/1 and ECE/TRANS/WP.30/AC.2/2015/2). TIRExB reiterated its appeal to the Russian government to restore the proper functioning of the TIR system on the whole territory of the Russian Federation by lifting, without further delay, the restrictions imposed on TIR Carnet holders. In this context, TIRExB recalled the, as yet unfulfilled, commitment of FCS, made at the 138th session of the Working Party on Customs Questions affecting Transport (WP.30), to provide, by 15 November 2014, more information on the actual situation, for distribution to Contracting Parties to the TIR Convention. The Board noted, with regret, that an invitation to FCS to participate in the current session of the Board had remained unanswered (Informal document TIRExB/REP/2014/61final, para. 13).

- At its sixty– second session, TIRExB recalled that the measures implemented in the Russian Federation and in Ukraine are in contradiction with provisions of the TIR Convention and called for the restoration of the proper functioning of the TIR system in both Contracting Parties. Finally, after having reached agreement on the final text of the report of its sixty-first session, the Board reiterated the request to the secretariat to publish the part of the report related to this agenda item on the TIRExB website as well as to send it to the customs administrations of the Russian Federation and Ukraine. Furthermore, it requested the secretariat to issue this excerpt as an informal document for the consideration of WP.30 and AC.2 (ECE/TRANS/WP.30/AC.2/2015/13, para. 9).

**(7) To study specific measures (both legal and practical) to combat fraud resulting from the misuse of the TIR procedure**

- Identify possible weaknesses in the legal basis of the TIR Convention which could make it prone to fraud and recommend appropriate solutions.

**(8) To facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, IRU and other Governmental and non-governmental organizations. To coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties**

- Elaborate adequate instruments and find measures to improve international cooperation among Contracting Parties to the TIR Convention and their national associations, and the international organization in order to prevent and combat fraud;
- Taking into account the views of other
- At its fifty–ninth session, TIRExB took note of the information that the national association of Ukraine had proposed to IRU to print the slogan “Stop corruption” on each TIR Carnet. TIRExB considered that the issue as such did not fall under its competence. At the same time, TIRExB advised IRU to be cautious in honouring a proposal to print this or any other slogan on TIR Carnets, as, on the one hand, it might not be well received by authorities in some countries, whereas, on the other hand, it might create a precedent to abuse the TIR Carnet for many other purposes than for which it has been designed

international governmental and non-governmental bodies, and in consultation with the IRU, identify fraud prevention measures, including risk analysis tools;

- On the basis of information provided by the TIR international guarantee chain, study the situation with regard to the new trends of fraud, the notifications of non-discharge and TIR infringements as a contribution to an "early-warning system" for identification and prevention of fraud.

**(9) To supervise the national/regional customs control measures introduced in the framework of the TIR Convention**

- Identify national/regional Customs control measures introduced in Contracting Parties to the TIR Convention and check their conformity with the provisions of the TIR Convention;

- Address the respective national authorities in order to modify or abolish measures which are in contradiction to the TIR Convention;

- Consider the need to clarify the use of the TIR procedure in Customs and Economic Unions, and prepare a proposal for the TIR Administrative Committee, if appropriate.

(ECE/TRANS/WP.30/AC.2/2015/1, para. 30).

- At its fifty-fifth session, TIRExB discussed a communication by the Uzbek customs authorities, informing of new requirements for all transports transiting the territory of Uzbekistan as of 1 April 2013, including, inter alia, the obligation to provide customs with value and Harmonized System (HS) code of the imported goods. According to explanations received, the new requirements are in line with modern international customs standards and, actually, stem from similar provisions in the customs Code of the Russian Federation. However, most likely due to poor translation, it now seems that such data also need be included in the TIR Carnet, whereas, in fact, it is sufficient if they appear in any other document, accompanying the goods (such as consignment note of the Convention on the Contract for the International Carriage of Goods by Road (CMR) or invoice). Taking note thereof, TIRExB stated that, in accordance with the Recommendation adopted by AC.2 on 31 January 2008, TIR Carnet holders are recommended "to indicate the HS code of the goods under box 10 of the goods manifest on the voucher not for Customs use (yellow page) of the TIR Carnet" whereas the absence of the HS code in the TIR Carnet "shall not lead to delays during a TIR transport and shall not be an obstacle to the acceptance of TIR Carnets. The absence of the HS code shall not be considered as an infringement of the Convention and shall not lead to any liabilities of the TIR Carnet holder". With regard to the indication of the value of the goods, TIRExB referred to a comment to Annex 1 of the Convention stipulating that "the fact that there is no declaration of the value of goods on the TIR Carnet gives no ground for detention of the goods by Customs administrations" (ECE/TRANS/WP.30/AC.2/2014/3, paras. 30–32).

- At its fifty-sixth session, TIRExB considered a proposal to clarify the word "immediately" in Article 42 *bis* by means of an Explanatory Note as well as a proposal to introduce new guidelines or an example of best practice on communicating and introducing new control measures. The Board adopted the proposals and requested the secretariat to transmit the proposals to AC.2 for consideration (ECE/TRANS/WP.30/AC.2/2014/7, para. 9).

**(10) To supervise the centralised printing and distribution of the TIR Carnets, including the monitoring of the price of TIR Carnets**

- Monitor the annual numbers of TIR Carnets distributed to various Contracting Parties, broken down by type (i.e. 4-, 6-, 14- or 20-voucher TIR Carnets);
- Monitor the price of TIR Carnets at international level (i.e., ex-IRU price) on the basis of information to be reported by IRU annually or when modified;
- Analyse the data on prices of TIR Carnets at the national level, as provided by National Associations in line with to Annex 9 Part I, paragraph 3 (vi), and decide how to make the best use of these data.

- At its fifty-third session, TIRExB expressed great satisfaction with the fact that almost all associations issuing TIR Carnets complied with this new obligation. TIRExB pointed out that the disclaimers, included in the communications of some issuing association requesting that the information would not be disseminated beyond TIRExB and the TIR secretariat, had no validity since communicating the information on prices is an obligation for the associations and it is up to Contracting Parties to decide on what can be done with those data. Some members were of the view that there was no need to limit the dissemination of data on TIR Carnet prices, due to the fact that the prices were already available to the public, whereas others raised some concerns. Therefore, though TIRExB was of the view that an analysis of the prices would be required to understand the large differences in the prices, it decided that, before undertaking an analysis or dissemination of the prices in any form, it would ask AC.2 to clarify TIRExB's function of monitoring the prices of TIR Carnets (ECE/TRANS/WP.30/AC.2/2014/1, para. 20).

- At its fifty-sixth session, the Board a proposal to amend the text of Annex 9, Part I, paragraph 3 (vi) so that the wording, in all languages, would unequivocally express that, each year, national associations are accorded a period of three months, between the first of January and the first of March, in which to provide TIRExB with the price of each TIR Carnet they issue. TIRExB requested the secretariat to submit the proposal to AC.2 for consideration and, possibly, adoption (ECE/TRANS/WP.30/AC.2/2014/7, para 44).

- At its fifty-eighth session, the Board took note of the 2014 prices of each type of TIR Carnet issued by national associations, transmitted in accordance with the provisions of Annex 9, Part I, Article 3 (vi) of the Convention. TIRExB requested the secretariat to send a letter to those associations, which had not provided any data, informing them that absence thereof constitutes a breach of the provisions of the Convention. In addition, TIRExB requested the secretariat to transmit the document with the prices to AC.2 for consideration at its October session and to await AC.2 guidance on whether the TIRExB's monitoring function should go beyond the collection and the dissemination if the prices, before undertaking any economic analysis (ECE/TRANS/WP.30/AC.2/2014/9, para. 36).

- At its fifty-ninth session, TIRExB took note of a letter by IRU, informing of the TIR Carnet distribution prices per 1 May 2014. TIRExB welcomed IRU's approval to post the information at the general TIRExB website (ECE/TRANS/WP.30/AC.2/2015/1, para. 34).

- At its sixty-second session, Mr. Retelski (IRU) informed the Board that, as a consequence of the sudden change in the value of the Swiss Franc, IRU had notified TIR issuing associations that, for a period of ninety days, starting retroactively on 15 January 2015, IRU had reduced the price of all types of TIR Carnet by 10 per cent (Informal document TIRExB/REP/2015/62draft, para. 22)

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**(11) To monitor the application of the EDI control system for TIR Carnets**

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- Continue activities, in cooperation with IRU, towards the full implementation of an international EDI control system for TIR Carnets, as foreseen by Annex 10 to the TIR Convention;
- Monitor performance and give feedback to the Contracting Parties;
- Study, with the support of IRU, how the EDI control system for TIR Carnets is being used by the national issuing associations and Customs authorities for the purposes of fraud prevention.

**(12) To maintain the central record for dissemination to Contracting Parties of information 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**

Input to be provided by the IRU in case of changes.

**(13) To provide support in the application of specific provisions of the TIR Convention**

- When required, draft recommendations and/or examples of best practice on the application of specific provisions of the TIR Convention.
- As of its fifty-fifth session, TIRExB discussed the use of additional guarantees (ECE/TRANS/WP.30/AC.2/2014/3, paras. 33–35; ECE/TRANS/WP.30/AC.2/2014/7, paras. 21–22; ECE/TRANS/WP.30/AC.2/2014/9, paras. 15–19; ECE/TRANS/WP.30/AC.2/2015/1, paras. 9–11); ECE/TRANS/WP.30/AC.2/2015/2, paras. 11–14); Informal document TIRExB/REP/2014/61final, paras 17–19; Informal document TIRExB/REP/2015/62draft, para. 10)
- At its fifty-sixth session, the Board considered an issue raised by Danish customs, reporting on the state of vehicles presented for issuance or renewal of the Certificate of Approval. The Board was of the opinion that there was no need for TIRExB to get involved in the issue, considering that it is a matter of national competence for authorities to refuse vehicles which it considers, for whatever reason, not to be fit for inspection. TIRExB decided not to revert to this issue in the future (ECE/TRANS/WP.30/AC.2/2014/7, paras. 26–27).
- At its fifty-sixth session, TIRExB took note of the proceedings, conclusions and recommendations of the technical seminar dedicated to the application of the technical provisions of Annexes 2 and 7, organized by the Finnish customs authorities with the assistance of the TIR. TIRExB recognized the importance of the issues brought forward by the seminar and stressed that it was already considering some of the issues, i.e. the development of an international database for the certificates of approval and the need to further secure the certificate of approval when it is printed on separate pages. TIRExB noted that the seminar had underlined the importance of the use of approval reports for different types of vehicles and that they should be further promoted, including the publication of editable versions thereof. TIRExB recalled that the reports are available as official document

ECE/TRANS/WP.30/2007/21 (in English, French and Russian, in PDF) and that they have also been posted at the training section of the TIRExB website. The Board requested the secretariat to look into ways to further promoting the approval reports and to publishing them in an editable format. With regard to the technical issues related to Annexes 2 and 7, TIRExB repeated that it did not have the required technical expertise to deal with them. The same held true for the TIR secretariat, which was also lacking human and financial resources to support any activity of the Board in this field. The Board reconfirmed the statement made at its forty-first session, stipulating that “TIRExB reiterated that it is not part of its mandate, nor do its members dispose of the required expertise, to provide concrete guidance on matters of a technical nature, such as the approval of specific types of vehicle construction. Any competence in this field lies with the national authorities, authorized to issue the Approval Certificate in accordance with the provisions of Article 12 of the Convention. At the same time, within its general mandate to supervise the application of the TIR Convention, TIRExB can decide, of its own accord or upon request, to seek guidance from experts in the field, in case diverging opinions between different competent authorities could impede the smooth application of the TIR system” (ECE/TRANS/WP.30/AC.2/2010/8, para. 20). The Board encouraged national experts, experienced in the application of the technical provisions of Annexes 2 and 7, to propose any necessary amendment to WP.30 or AC.2. If deemed required, TIRExB could also use consultancy funds to assist in reviewing amendment proposals and/or preparing examples of best practice. In addition, the Board invited WP.30 to discuss the establishment of an Expert Group to deal with technical issues related to the provisions and application of the TIR Convention, subject to approval by the Inland Transport Committee (ITC) and consecutive endorsement by the UNECE Executive Commission (EXCOM). Finally, TIRExB confirmed its availability to organize or co-organize, upon request, national or regional seminars on technical issues (ECE/TRANS/WP.30/AC.2/2014/7, paras. 28–29).

- At its fifty–seventh session, TIRExB discussed a proposal to amend the first comment to Annex 4 on the approval certificate so that it would not only allow for the use of A3 format, but also A4, under the condition that the pages be secured by means of stamps on every page or secure bindings. The Board requested the secretariat to transmit the proposal to AC.2 for further consideration (ECE/TRANS/WP.30/AC.2/2014/8, para. 16).

- At its sixty–first session, the Board was informed by IRU about problems faced by transporters from the Republic of Moldova when transiting the territory of Ukraine with wine-making materials and unbottled wine, with HS codes 22.04, 22.05 and 22.06. According to the TIR Convention, such goods can be transported under cover of a TIR Carnet. However, SFS of Ukraine requires the use of national guarantee for such transports. The measure seems to be based on newly adopted provisions of the Customs Code of Ukraine. SFS has been repeatedly addressed about the issue, but, so far, without success. TIRExB requested the secretariat to transmit the issue via Mr. Somka (Ukraine) to SFS, trusting that his intervention

would facilitate finding a solution (ECE/TRANS/WP.30/AC.2/2015/13, paras. 34–35).

**(14) Self-evaluation**

- Prepare a quantitative and qualitative assessment of the Board's achievements during its 2013–2014 term of office in relation with its programme of work and mandate for endorsement by the TIR Administrative Committee.
- Number of meetings: 10
- Number of participants: 75
- Number of meeting days: 17,5
- Number of Informal documents (including revisions): 31 (2013), 37 (2014), 4(2015)
- Number of Explanatory notes adopted: 3
- Number of comments adopted: 2
- Number of recommendations adopted: 2
- Number of best practices adopted: 2
- Number of national control measures analysed: 2
- Number of surveys conducted: 3
- Number of seminars organized or attended: 20
- Number of authorized TIR Carnet holders registered with the International TIR Data Bank (ITDB): 34,609 (March 2015)
- The Board prepared this self-evaluation report for endorsement by AC.2.

## Annex II

### **List of recommendations:**

- Closer collaboration with relevant stakeholders (GE.1, GE.2, IRU, countries involved in pilot projects) in the field of computerization;
  - Geographical expansion of the TIR Convention;
  - Intermodal use of the TIR Carnet;
  - Continued study of new mechanisms to modernize and strengthen the TIR system (taking into account the needs of the business sector), such as, but not limited to, authorized consignor/consignee, the role of subcontractors;
  - Flexibility in the guarantee system;
  - Ensuring proper application of the TIR Convention in all Contracting Parties;
  - Continued efforts to consider all issues on the programme of work of TIRExB.
-