

UNITED
NATIONS



**Economic and Social
Council**

Distr.
RESTRICTED

ECE/TRANS/WP.30/AC.2/2006/
Informal document No. 7 (2006)
6 September 2006

ENGLISH ONLY

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Administrative Committee for the TIR Convention, 1975

Forty-second session

Geneva, 28 September 2006

Item 3 (b) (iii) of the provisional agenda

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT
OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)

Activities and administration of the TIR Executive Board (TIRExB)

Note by the secretariat



NATIONS UNIES

ОБЪЕДИНЕННЫЕ НАЦИИ

UNITED NATIONS

COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

ECONOMIC COMMISSION
FOR EUROPE

Telephone : (+41 22) 917 3258 (direct)
(+41 22) 917 4030 (secretary)
Telefax : (+41 22) 917 0039
Email : Poul.Hansen@unece.org

Telegrams : UNATIONS, GENEVE
Telex : 41 29 62
Room : PN 401-3
Palais des Nations
CH-1211 GENEVE 10

Ref. No.: ECE/TRAN/E.B.8

Geneva, 31 August 2006

Dear Mr. Marmy,

Thank you for your letter dated 28 August 2006, which has received my full attention and which I have passed on to Mr. M. Belka, the UNECE Executive Secretary, as requested.

Without going into detail about all the statements made in your letter, I wish to make the following remarks.

- Reference to the decision of the TIR Administrative Committee at its forty-first session:
I thank you for drawing our attention to the mistaken reference which has been included in the report (ECE/WP.30/AC.2/83, para 19). I confirm that the sentence should read "...which it had granted at its fortieth session". The secretariat will issue a corrigendum to the report of the forty-first session of the TIR Administrative Committee. In this respect, I am today sending you a revised letter as requested.
- Allocation of an additional post to the UNECE Transport Division for work on trade and transport facilitation: This post has been allocated to the Division in order to deal with general issues pertaining to border crossing facilitation. The post has been redeployed to the Division with the incumbent who is an economist and not an expert on TIR matters. Therefore, the additional post cannot be seen as a replacement for any of the posts in the TIR secretariat.

Furthermore, let me point out that the TIR Convention does not stipulate that the TIR secretariat is to be financed by the IRU. In accordance with Annex 8, Article 13 "...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..".

Mr. Martin Marmy
Secretary General
International Road Transport Union (IRU)
3, rue de Varembe
1202 GENEVE

- Project personnel: The TIR Contracting Parties have not requested the secretariat to make any changes in the number of regular staff of the TIR secretariat or the tasks carried out by the secretariat compared to previous years. Therefore, the resource requirements for the year 2007 for the budget line "Project Personnel" includes the same number and categories of experts as in the past years.

In relation to eTIR, I wish to point out that the eTIR system is intended to replace neither existing national Customs IT systems nor the existing IT systems operated by the private industry, but rather to supplement and facilitate electronic messaging between existing Customs IT systems as well as strengthening the control and risk management functions of Customs, thereby exactly fulfilling the requirements and mandate of TIR Contracting Parties within the framework of the TIR Convention.

- Budget details: With regard to detailed information concerning the budget, this information is contained in document ECE/TRANS/WP.30/AC.2/2006/13:
<http://www.unece.org/trans/bcf/ac2/documents/ECE-TRANS-WP30-AC2-2006-11e.pdf>.
- Collection of the levy: In your letter you make reference to the issue of the collection of the levy. As you are aware, the issue of the levy is presently being discussed by the Contracting Parties. However, so far, the TIR Administrative Committee has not taken any decision in this respect. Therefore, the UNECE secretariat cannot make changes in this context.

You also mention that a solution for solving the issue of the levy had been agreed with the UNECE Acting Executive Secretary, the Director of the UNECE Transport Division, myself and the IRU at a meeting on 20 January 2006. I wish to point out that what was agreed at that meeting was that a proposal for the so-called lump-sum solution should be presented by the secretariat to the TIR Administrative Committee at its fortieth session in February 2006. As you may recall, the secretariat did so in Informal document No. 2 (2006). However, the TIR Administrative Committee, at its fortieth session, requested the UNECE secretariat to organize an extraordinary session to discuss the options at hand for solving the issue of the levy and to prepare a document for the session containing alternative proposals aimed at resolving the levy issue. The UNECE secretariat followed this mandate in document ECE/TRANS/WP.30/AC.2/2006/3.

With regard to the UN Board of Auditors, I wish to point out that, even though the final report has not been released, it is my understanding that, also due to the constructive approach and contribution of the secretariat, a number of recommendations have been dropped and a number of statements have been modified compared to the previous report. However, UNECE can neither influence nor be held responsible for the views of the Board of Auditors.

Taking the above into account, I can only regret that the IRU is of the view that the UNECE secretariat "deliberately has chosen to perpetuate the situation".

Summarizing, and at the same time replying to the final bullet points contained in your letter, I wish to point out the following:

- The UNECE secretariat has followed what was agreed with the IRU in January 2006 with the publication of Informal document No. 2 (2006). Subsequently the request made by the TIR Administrative Committee in February 2006 to provide alternative solutions for the issue of the levy has been included in document ECE/TRANS/WP.30/AC.2/2006/3. The UNECE secretariat has pursued its tasks and mandates in a transparent way.

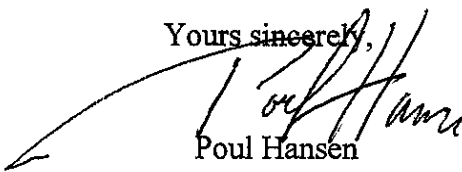
- Every year, the UNECE secretariat provides the TIR Administrative Committee with the information transmitted by the IRU concerning the number of TIR Carnets forecasted to be issued in the following year. The fact that it is a forecast should adequately indicate the provisional nature of these data. Over the years, the IRU has always been given the opportunity to explain to the TIR Administrative Committee this fact and as well as the difficulties in providing the forecasts many months in advance.
- The IRU has transmitted information to the UNECE secretariat concerning the revision of the 2006 forecast immediately before the session of the TIR Administrative Committee in February 2006. The UNECE secretariat requested the IRU to provide this information to the Committee, which it did.
- The UNECE secretariat cannot undertake any appropriate action concerning the provisions of the TIR Convention without a mandate from the TIR Contracting Parties. Furthermore, the statements made by the representative of the Board of Auditors at the session of the TIR Administrative Committee in February 2006 cannot be used as a basis for implementing any procedures in relation to the TIR Convention or the UNECE-IRU Agreement.
- The UNECE secretariat has only recently been provided with internal UN advice on the contents of the Engagement letter. Consequently, the IRU will receive this week our comments to this issue.

I believe that the above explanations should suffice for the IRU to reconsider its position and, thus to continue honoring the obligations of the international organization according to the relevant provisions of the TIR Convention and the UNECE-IRU Agreement.

The UNECE secretariat is ready to continue working with its partners in a true public-private partnership. This, however, requires good will and readiness from all parties. The UNECE secretariat continuously strives to find viable solutions to a number of difficult and sensitive questions, which will satisfy all parties involved in the TIR system.

The UNECE secretariat will, as requested, make your letter available to the TIR Contracting Parties together with this reply.

Yours sincerely,



Poul Hansen
TIR Secretary
